

# Theophilus Owolabi Shobowale Benson and the Making of Modern Nigeria

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This article highlights the contributions of Theophilus Owolabi Shobowale Benson to the making of Modern Nigeria. We argue that Benson joined hands with other nationalists to decolonise Nigeria and struggled for the establishment of a just, egalitarian, constitutional and prosperous nation. We conclude that Benson, unlike the present crop of Nigerian politicians, did not play ethnic politics neither did he see politics as ‘pot of soup’ for exclusive personal consumption or a ladder for egocentric aggrandizement and enrichment. An ultraist per excellence with unquenchable passion for purposeful nation building and all-facet national development, Benson’s motto throughout his sojourn on Nigeria’s political scene, was “service to fatherland”. Data for the study was obtained from primary and documentary sources and subjected to internal and external criticisms as well as textual and contextual analysis.

[Theophilus Owolabi Shobowale Benson; Nigeria; Politics; Nation Building; National Development; Ethnicity]

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## Introduction

Theophilus Owolabi Shobowale Benson, popularly known as TOS Benson, a prince from the Lasunwon Royal Family of Ikorodu, was one of the architects of modern Nigeria. A spirited nationalist, a pan-Nigerian nation builder, an inveterate antagonist of ethnic jingoism and a relentless crusader for the under-dog and the less privileged; TOS Benson made imperishable contributions to the growth and development of Nigerian politics and judiciary (law). This paper assesses the contribution of TOS Benson to the making of the Nigerian state right from September 1947

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when he returned to the country from London where he had gone to read law. It points out that TOS Benson was a solid political bridgehead that held the ethnic groups in the country together and that, at the risk of incarceration and other forms of intimidation and harassment, he stood up against the colonial administration and certain policies and antics of the military junta following the incursion of the military into Nigerian politics. The paper concludes that the history of the making of modern Nigeria that does not give a prime of place to the contribution of TOS Benson will be riddled with noticeable gaps and embarrassing vacuum and that his sharing the February 13 death-date with General Murtala Ramat Mohammed – who, but for B. S. Dimka’s bullets, could have been Nigeria’s renaissance – is probably not a mere coincidence of history but a testimony of his imperishable contribution to the making of Nigeria.

### **Benson: Politics of Nation Building**

On 10 June 1944, the Nigerian Union of Students (NUS) convened a mass meeting in the Glover Memorial Hall, Lagos, to consider the following, among other things: the possibility of raising funds for the establishment of a national school and the immediate formation of a representative national committee.<sup>3</sup> Herbert Macaulay<sup>4</sup> presided at the meeting and resolutions favouring the formation of a National Council were passed. Consequently, the NUS issued a “call from the youth” inviting all patriotic associations to attend the inaugural meeting of the National Council of Nigeria. The meeting, which was held on 26 August 1944, was attended by more than forty organisations, including political associations, tribal unions, trade unions, literary associations, professional associations, etc.

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<sup>3</sup> *West African Pilot*, June 7, 1944.

<sup>4</sup> Herbert Samuel Heelas Macaulay was a civil engineer by training, surveyor by occupation and journalist and politician by inclination. He was born in Lagos in 1864 to Reverend Thomas Babington Macaulay, founder of the CMS Grammar School, Lagos and maternal grandson of the Right Rev. Samuel Ajayi Crowder, first African Bishop of the Niger Territory. His party, the Nigerian National Democratic Party, NNDP, bestrode Lagos politics like a colossus between 1923 and 1933, although he did not contest election either into the Legislative Council or Lagos Town Council because of a legal disability. He was not eligible for public office because of what *West Africa* referred to as ‘two criminal convictions’ – first, for an alleged misappropriation of trust funds and second, for a criminal libel alleging a plan to assassinate the exiled *Oba* of Lagos, Eshugbayi Eleko. See *West Africa*, August 28, September 22, 1928 and R. SKLAR, *Nigerian Political Parties. Power in an Emergent African Nation*, New York, Enugu 1963, p. 46.

A resolution expressing the determination of the National Council “to work in unity for the realisation of our ultimate goal of self-government within the British Empire” was adopted.<sup>5</sup> The chairman of the inaugural meeting of the National Council was Duse Mohammed Ali, an Egyptian, the founder and editor of the influential *Lagos Comet*. At the inaugural meeting, Herbert Macaulay and Nnamdi Azikiwe were elected President and General Secretary respectively while Dr. Akinola Maja and Oluwole Alakija declined the subordinate offices of Vice President and Legal Adviser, respectively. By January 1945, the National Council comprised more than 87 member unions including three Cameroonian groups, hence the change of name to National Council of Nigeria and the Cameroon (NCNC).

The NCNC was pan-Nigeria in its objectives, outlook, and orientation. The party sought a broad national base for the struggle against colonialism and the eventual attainment of self-rule for Nigeria. Upon his return to Nigeria in 1947, TOS Benson joined the NCNC and joined other notable nationalists in the struggle for Nigeria’s independence. It should be stressed that TOS Benson’s struggle against British colonial administration was not limited to Nigeria. In December 1952, he was in Accra to “see for himself the extent of progress that has been made in the Gold Coast towards political freedom”.<sup>6</sup> He urged nationalists across the Gold Coast to battle colonialism until freedom was attained and urged opposition parties in the Gold Coast to join hands with Kwame Nkrumah’s Convention People’s Party<sup>7</sup> so as to hasten the demise of political slavery and attainment of independence for the Gold Coast.<sup>8</sup> Thus, TOS Benson carried his nationalist activities far beyond the shores of Nigeria.

Although, right from the time he returned to Nigeria and joined his co-compatriots in the anti-colonial struggles, Benson had begun to contribute to the shaping and making of modern Nigeria; however, 1950 marked a watershed in both his fledging political career and contribution to the making of the Nigerian state. In that year, he contested election to

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<sup>5</sup> *West Africa*, August 28, 1944.

<sup>6</sup> See *Nigerian Calls for Co-Operation*, *Daily Graphic* (Accra), December 9, 1952.

<sup>7</sup> Following a schism that occurred among the leaders of the J. B. Danquah-led United Gold Coast Convention, (UGCC), in June 1949, Nkrumah formed the CPP, a mass-based party that committed itself to a programme of immediate self-government for the Gold Coast. In January 1950, Nkrumah initiated a campaign of “positive action,” involving non-violent protests, strikes, and noncooperation with the British colonial authorities.

<sup>8</sup> *Daily Graphic*, December 9, 1952.

the Lagos Town Council on the platform of the NCNC and won. He did not only win the election; he emerged as the first and only Deputy Mayor of the City of Lagos (Dr. Ibiyinka Olorun-Nimbe being Mayor), a post he held for two years before the Mayoral system of local government was abolished.<sup>9</sup> In 1951, TOS Benson did not only join some prominent leaders of Ibadan to found the Ibadan People's Party; he was elected into the Legislative Council as the representative of Lagos in the Western House of Assembly. It should be noted that although all the five Lagos NCNC candidates won their elections,<sup>10</sup> Benson's constituency was unique in the sense that it was Igbo dominated. A critic might argue that there was nothing unusual about TOS Benson's victory since he contested on the platform of the NCNC which many people always associate with the Igbo. However, an objective assessment of the status of the major political parties in Nigeria would reveal that by 1951, the NCNC was clearly the most national political party in Nigeria. Right from inception, the party had taken on a pan-Nigeria in orientation and outlook as it sought a broad national base for the struggle against colonialism. It is therefore not surprising that John Umolu, a Bini, won elections several times in Port Harcourt while a Fulani, Umoru Altine, became a very prominent politician in Enugu, winning elections there.<sup>11</sup> As shall be pointed out as this chapter progresses, one of the reasons TOS Benson never joined the Action Group (AG) was the regional and ethnic tendencies of the party. No doubt, in response to Nigeria's cloudy political atmosphere and climate in later years; the NCNC also answered the call to ethnic politics. By 1953, Benson had climbed further in his parliamentary career and contribution to Nigeria as he was elevated to the post of the Leader of Opposition in the Western House of Assembly, upon Dr. Nnamdi

<sup>9</sup> C. McCLAIR, End of an Era: Life and Times of Otunba T.O.S. Benson, in: *Newswire Press Release*, February 22, 2008, p. 1.

<sup>10</sup> The others were Dr. Nnamdi Azikiwe, Adeleke Adedoyin, A. B. Olorunnimbe and H. P. Adebola. SKLAR, p. 115.

<sup>11</sup> E. O. AWA, *Federal Government in Nigeria*, Berkley, Los Angeles 1964, p. 128. Ubazulike Amachi, First Republic Minister of Aviation, captured the above thus: "Our party policy in the NCNC, was never to discriminate [against] anybody. Our slogan was 'One Nigeria'. NPC's slogan was 'One North' and Action Group's policy and slogan was 'West for Westerners, East for Easterners, Nigeria for all'. The NCNC only preached one Nigeria and we reflected that in all we did. For example, we had elected to the Eastern House of Assembly. John Umoru, from Itshako, Edo State, Umaru Altine, who was in prison with me in 1952, was elected Mayor of Enugu, the capital of Eastern Region for two terms, and others. In the northern party, that never happened." Quoted from *Saturday Sun*, October 3, 2011.

Azikiwe's return to the East to become the Premier of the Eastern Region.<sup>12</sup>

In a proclamation issued on 28 October 1959, Governor-General Robertson announced the dissolution of the 184-member Federal House of Representatives and the termination of the all-Party National Government<sup>13</sup> with effect from 1 November thus paving the way for the "independence election". The 12 December 1959 election, conducted by the Mr. R. M. Wraith-led Electoral Commission,<sup>14</sup> saw 954 candidates contesting for the 312 seats in the Federal House of Representatives: the AG fielded 282 candidates; NPC 172; NCNC 143; Northern Elements Progressive Union, 160 and Democratic Party of Nigeria and the Cameroons (a splinter of the NCNC) 24 candidates. Other small parties like the United Middle Belt Congress (an ally of the AG); the Niger Delta Congress (NDC) an ally of the Northern People's Congress (NPC) and the National Emancipation League (NEL) also fielded candidates.<sup>15</sup> TOS Benson was one of the three Lagos NCNC candidates. He won in his constituency and emerged as the representative of Lagos in the Federal Parliament thereby earning another decisive political victory. This victory did not only catapult him to higher political ladder; it positioned and empowered him to contribute more to the making and shaping of modern Nigeria.

At the end of the election, the NPC and its allies won 148 seats in the Federal House of Representatives while the NCNC/NEPU Alliance and AG and its allies won 89 and 75, respectively. On 16 December 1959, Nigeria's last colonial Governor-General, Sir James Robertson, called on Alhaji Tafawa Balewa to form a government but the NPC alone could not form the government because it did not have what Dr. Okpara called "*the magical fifty-one percent*" that is enough parliamentary seats to form the government alone. The overall majority was 157 seats therefore the NPC's

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<sup>12</sup> *Ibid.*, p. 2.

<sup>13</sup> An all Party National Government was formed on 30 August 1957 with ministers from the NPC, NCNC, AG and the KNC (Kamerun National Congress). For details, see E. O. OJO, *The Nigerian Democratic Process: Ethnicity and Alliances of Political Parties, 1951–1983*, Ph.D. Thesis, Ekiti State University, Ado-Ekiti, 2012, p. 106.

<sup>14</sup> Mr. Wraith was a Senior Lecturer in Public Administration at the University College, Ibadan. Other members of the Electoral Commission were Alhaji Mohammed Bello (North); Mr. Anthony Aniagolu (East); Prof. Oritsejomi Thomas (West) and Mr. M. A. Shosilva (Lagos). Southern Cameroon was represented by Mr. K. A. de Bohn while Mr. J. J. Warren served as Secretary. See *ibid.*, pp. 121–155.

<sup>15</sup> *Daily Times*, December 11, 1959. For the names of candidates fielded by all the political parties, see *ibid.*, November 26, 1959.

148 seats was 9 short of the overall majority required to form the government alone. Thus, on 16 December, Sir Ahmadu Bello and Alhaji Abubakar Balewa held talks with Drs. Azikiwe and Okpara on the possibility and terms of a coalition government between the NPC and the NCNC. Consequently, on 20 December, they informed Robertson that they had agreed to form a coalition government. Thereafter, Robertson approved a sixteen-member cabinet proposed by Alhaji Tafawa Balewa.<sup>16</sup> Benson emerged as a member of what is popularly called Balewa's second Cabinet<sup>17</sup> as Nigeria's first Federal Minister of Information, Culture and Broadcasting. As a veteran nationalist, Benson took active part in the Nigerian Constitutional Conference Sessions held in London in 1953, 1957, 1958 and 1960 which heralded the country's independence. Indeed, he accompanied Prime Minister Abubakar Tafawa Balewa to the 15<sup>th</sup> Regular Session of the United Nations General Assembly in New York during which Nigeria was admitted as the 99<sup>th</sup> member of the Organisation on 7 October 1960.<sup>18</sup> Indeed, Benson became progressively resourceful and useful, both to his party, the NCNC, and the Nigeria nation. In 1959, he was re-elected to the Federal Legislature although his victory became a subject of litigation by his AG rival, S. A. Onitiri. The latter approached and prayed the Lagos High Court to nullify Benson's election on the grounds that Benson did not properly resign his office under the Crown before contesting the election.<sup>19</sup> Benson's election was subsequently nullified and he thereafter appealed to the Supreme Court which, satisfied that Benson actually properly resigned his office under the Crown, over-turned the verdict of the lower court and turned down Onitiri's application for permission to file an appeal to the Privy Council.<sup>20</sup> In quick succession and sometimes simultaneously, Benson made landmark contributions to the making of the Nigerian state by serving as the National Financial Secretary and a member of the NCNC Strategic

<sup>16</sup> *Daily Service*, December 21, 1959. Balewa oversaw foreign policy before the appointment of Jaja Wachukwu as Foreign Affairs Minister in 1961.

<sup>17</sup> The first Cabinet was the 1957–1959 National Government while the third was his 1964–1966 “Broad Based Government” formed after the pervasive political and constitutional crisis that trailed the 1964 federal elections.

<sup>18</sup> For the full text of Prime Minister Tafawa Balewa's Speech to the UN, see Sir Abubakar Tafawa Balewa, *Maiden General Assembly Statement at the United Nations*, New York, October 7, 1960, retrieved from <http://nigeriaunmission.org/maiden-speech-at-the-un> on October 27, 2017.

<sup>19</sup> AWA, p. 186.

<sup>20</sup> *Ibid.*

Committee; Chief Whip in the Federal House of Representatives as well as Chairman of the Lagos Branch and the Western Working Committee of the NCNC.<sup>21</sup>

As Minister of Information, Culture and Broadcasting in a newly independent state, the three-in-one portfolio imposed enormous responsibility on TOS Benson and positioned him to make imperishable and outstanding contribution to the making of modern Nigeria. As the “image maker” of a newly independent state that was bedevilled with ethno-regional and other centrifugal pulls; Benson took the bull by the horns by ensuring that his Ministry did not only inform for national integration and development; but made conscious and sustained efforts at encouraging horizontal and centripetal pulls for the purposes of building a strong, united nation well on its way to taking its rightful place in the comity of nations. Naturally, rumour and speculation are always rife among a poorly informed citizenry. To prevent this and its fatal consequences, TOS Benson’s ministry started the publication of the *Nigerian Handbook* and *Nigerian Magazine* which did not only serve the immediate purposes of informing, educating, uniting, and building bridges across ethno-regional divides; till date, these publications constitute a mine of information to students of Nigerian and African history. Closely related to the above is the establishment of *Voice of Nigeria* (VON) in 1961.<sup>22</sup> While the *Nigerian Handbook* and *Magazine* were intended to produce internal cohesion and raise a well-informed citizenry; the VON was conceived as the voice of Nigeria and Nigerians, particularly in the international arena. Through these channels, the Federal Government of Nigeria was able to disseminate information to appropriate quarters nationally and internationally and was thus able to douse tension, smoothen the rough edges of inter-ethnic relations, mobilise for national growth and earned international recognition and respect.

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<sup>21</sup> SKLAR, pp. 148, 220 and 318.

<sup>22</sup> For detailed examination of the history of Voice of Nigeria, see A.-W. SOLANKE, *Strategic Leadership and Operational Management of Public Service Broadcasting: A Case Study of Governance in Voice of Nigeria*, Paper presented at the Asian Media Information and Communication Centre Annual General Conference, Yogyakarta, Indonesia, July 4–7, 2013; E. NDUKWE, *Translating for the Radio: A Case Study of Voice of Nigeria (VON)*, a Keynote Address delivered at the 11<sup>th</sup> Nigerian Institute of Translators and Interpreters (NITI) Congress held in the Conference Hall, Ray Field Hotels, Asokoro, Abuja, November 28–29, 2013; Q. SHITTU, *History of Broadcasting in Nigeria*, retrieved from [https://www.academic.edu/13529553/history\\_of\\_broadcasting\\_in\\_Nigeria](https://www.academic.edu/13529553/history_of_broadcasting_in_Nigeria) on 27 October 2017.



As pointed out above, at the conclusion of the 1959 federal elections, the NPC and the NCNC formed the federal government. It must be conceded however that the alliance was not a product of ideological compatibility. Consequently, throughout all its turbulent life, it was a thoroughly unhappy one. However, in 1964 the political table had turned: the census controversy over the 1963/64 census figures which ended in favour of the NPC did not please the NCNC and given the fact that acrimony and rancour were the hallmarks of the NPC/NCNC alliance; the latter thought it should not contemplate the idea of another round of alliance with the NPC; yet the NCNC could not, on its own, win a federal election given the lopsided geographical and demographical configuration of Nigeria. Thus, politically, the NCNC had its back to the wall. On the other hand, the situation with the AG was grave and extremely desperate. By 1964, the AG was a sinking party. With at least 13 of its 75 members elected to the Federal House of Representatives in 1959 now in other political parties;<sup>23</sup> its high-ranking leaders behind bars; the defection of many of its members to other political parties and a devastating exclusion from the system of reward since 1962; the AG was a political beggar with little or no choice. There was therefore a double coincidence of political want, the outcome of which was the formation of the United Progressive Grand Alliance, UPGA. The desire to capture power at the federal level, rather than the glue of ideology, led to the formation of this alliance of last resort. The point being stressed here is that the NCNC engaged in an unprincipled search for a short-term ally with which to bolster its dwindling political fortunes. TOS Benson stood and spoke against this unprincipled political adventure; but since the majority will almost always have their way in a democracy, the UPGA was formed and Benson, willingly or willy-nilly, became a member of UPGA and, as will show later, even attempted to contest the 1964 federal elections on its platform.

Perhaps, the most prominent consideration that often evokes the critique of Benson's political career and role in the making of Nigeria is the fact that he was never a member of either the Action Group party or its precursor, the *Egbẹ Ọmọ Oduduwa*. Both Awolowo and Benson were foundation members of the *Egbẹ Ọmọ Yoruba* which was formed while the duo was in London.<sup>24</sup> On returning to Nigeria, Chief Awolowo

<sup>23</sup> SKLAR, p. 266.

<sup>24</sup> For a detailed history of the *Egbẹ Ọmọ Oduduwa/Yoruba*, see S. O. ARIFALO, *The Egbe Omo Oduduwa: A Study in Ethnic and Cultural Nationalism*, Akure 2001.



launched the *Egbe Omo Yoruba. Oduduwa* which metamorphosed to the Action Group, following the launch of the latter in Owo, Ondo State. According to AG leaders, the party was formed for the following, among other reasons: one, to avert the danger of enthroning ignorant and unprincipled demagogues peddling nationalism for the sake of their stomachs; two, to arrest the purposelessness which ensured that the country drifted on aimlessly; three, to create an atmosphere in which honest and descent citizens and the brains in the country could come forward and work towards the installation of a democratic federal system of government in Nigeria; four, to achieve national progress and liberate the country from foreign yoke; and five, to develop and modernise the educational and social services in the country.<sup>25</sup> The foundation members of the AG were Obafemi Awolowo, Abiodun Akerele, S. O. Shonibare, Ade Akinsanya, J. O. Adigun, Olatunji Docemo, B. A Akinsanya and S. T Oredein.

While the goals for which the AG was launched were no doubt desirable for national growth and development; it was launched as a regional party. It announced itself as a “western regional political organization”; consequently, before the AG began to spread its tentacles to other regions, its two hundred branches and twenty thousand members were all in the Western Region.<sup>26</sup> According to Benson, this regional tendency prevented him from joining the AG even though Chief Awolowo persuaded him to. Benson pointed out that “[...] when I left school, I worked as Custom Officer in Port-Harcourt, Calabar, Degema, Bonny, Opobo, Warri, Akasa, Yenegoa, Southern Cameroon and Kano, hence I traversed Nigeria [...]. This was why I could not join a tribal party for I believe in One Nigeria, One Constitution and One Destiny while Awo believed in Yorubanism”.<sup>27</sup>

According to Benson, Chief Awolowo had, in his maiden book, *Path to Nigerian Freedom* (1945), asserted that “the Yorubas are the most knowledgeable and advanced people in Nigeria while the rest are lagging behind”.<sup>28</sup> The above, which Benson termed “Awo’s political idea” prevented the duo from working on the same political wavelengths and within the same political camp and organisation throughout their stay on the Nigerian political

<sup>25</sup> *Forward to Freedom, Action Group Manifesto for the First Federal Elections under the Amended [1951] Constitution*, Chapters I, II, pp. 2–3.

<sup>26</sup> K. W. J. POST, *The Nigerian Federal Elections of 1959*, London 1963, p. 36.

<sup>27</sup> T. O. S. BENSON, *History: Zik and Awolowo*, retrieved from <http://www.google.com/url> on 30 October 2017.

<sup>28</sup> *Ibid.*

scene. This probably informed Jegede's description of TOS Benson as Chief Awolowo's "*political enemy*".<sup>29</sup> However, the fact that two political figures shared the same region of birth but held different political philosophies and ideologies did not necessarily turn them into political adversaries to each other. Neither of the duo was a political charlatan – they were men of principle, conviction, and integrity. Since ideology is what makes a political leader or party thick and positioned for meaningful contribution to national growth and development; one of the reasons for the fluidity of Nigeria's political system and the consequent lack of marked development is the absence of political ideology.<sup>30</sup> Be that as it may, a few instances might suffice to show that while they may have differed in their political ideologies and persuasions; Chief Awolowo and TOS Benson were not necessarily inferable political foes as being postulated in some accounts.

While in London, TOS Benson advanced Chief Awolowo with £12 when the former accompanied the latter "*on a shopping spree to make up his shopping expenses*".<sup>31</sup> In other to fulfil a promise he had earlier made when he paid Chief Awolowo a visit in his Ikenne home; Benson presented a "*4-Wheel LADA Jeep to him [Chief Awolowo] as a Birthday gift in 1982*".<sup>32</sup> Indeed, in 1979, against all odds mounted by his party (the Nigerian National Party, NPP), TOS Benson made determined efforts to get the NNP to adopt Chief Awolowo as its presidential candidate. Benson facilitated several meetings between Chief Awolowo (UPN presidential candidate), Dr. Azikiwe (NPP presidential candidate), Adeniran Ogunsanya (NPP national Chairman), among others. The arrangement, which fatally failed, was that the NPP would support Chief Awolowo to become the President of Nigeria while Dr. Azikiwe would become the Chairman of Council of States before the so-called 'table thumbing' by Ogunsanya, Nwobodo, Mbakwe and others began.<sup>33</sup> It is indeed interesting to note that a similar arrangement which

<sup>29</sup> J. JEGEDE, *Tribune Publisher, Oluwole Awolowo, dies in London at 70, Premium Times*, March 27, 2013.

<sup>30</sup> For a detailed examination of the ideology of some Nigerian political parties, see A. A. AYOADE, *Party and Ideology in Nigeria: A Case Study of the Action Group*, in: *Journal of Black Studies*, December 1985, pp. 169–188; and S. J. OMOTOLA, *Nigerian Parties and Political Ideology*, in: *Journal of Alternative Perspectives in the Social Sciences*, 1, 3, 2009, pp. 612–634.

<sup>31</sup> BENSON, *History: Zik and Awolowo*, retrieved from <http://www.google.com/url> on 30 October 2017.

<sup>32</sup> *Ibid.*

<sup>33</sup> *Ibid.*

would have led to the formation of the Progressive Parties Alliance (PPA) on the eve of the 1983 general elections also fell through.

In 1983, in the confident expectation that the NPP, the Unity Party of Nigeria and the Great Nigerian People's Party were going to form a three-party alliance that would pitch Chief Awolowo as presidential candidate against Alhaji Sheu Shagari, incumbent president and candidate of the National Party of Nigeria produced some semblance of rapprochement between Chief Awolowo and Dr. Azikiwe. In a letter to the former, the latter recounted how political vagaries and gulf of trust had consistently set them against each other and stressed the gains of working together irrespective of their ethnic, political, or ideological leanings. Azikiwe pleaded with Awolowo "to forget the vagaries of the past, and [...] face the future with optimism with a heart for any fact".<sup>34</sup> In his response, Chief Awolowo recounted how he had always respected the contributions of Dr. Azikiwe to nation building which "politics and inter-ethnic suspicions have, over the years, inhibited from articulation".<sup>35</sup> Furthermore, Chief Awolowo said since grudges and vindictiveness were injurious to the mental well-being of whoever engaged in them, he said he had forgiven the past.<sup>36</sup> After this fence mending, Awolowo then went on to articulate the differing roles he felt the two men should play in Nigerian politics. According to him: "Fortunately for us, we could both claim to know, from private hints all over the place. That the burning, indeed the all-consuming united desire of the vast majority of our people is that you and I should go into a partnership in which you will be the NATION'S GUIDE, PHILOSOPHER AND FRIEND, and I, its CHIEF SERVANT. The details can be satisfactorily worked out, and effectively implemented under our constitution. All of us know the honours which you richly deserve, and these will be assured by appropriate legislation."<sup>37</sup>

However, because of deep-seated distrust among the members of the political class; the rapprochement failed, and the plan fell through.

One or two more point to buttress the argument that TOS Benson was not necessarily Chief Awolowo's political adversary. The former was physically present at the 12 August 1966 ceremony where the latter emerged as the leader of the Yoruba. It would be recalled that Chief Awolowo emerged the leader of the Yoruba two weeks after the Yakubu

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<sup>34</sup> *Sunday Concord*, March 7, 1982

<sup>35</sup> *Ibid.*

<sup>36</sup> *Ibid.*

<sup>37</sup> *Ibid.*

Gowon regime released him from prison.<sup>38</sup> Some of Chief Awolowo's answers to the questions put to him by journalists after his emergence as Yoruba Leader clearly indicated that he knew the political divide between him and Benson in the pre-independence and pre-military eras might not fizzle out in the post-military political dispensation. Chief Awolowo said he would only remain the leader of the Yoruba during the military interregnum because, according to him, the Yoruba race was "so intelligent and sophisticated that under no circumstance in a political dispensation will the Yoruba follow same political ideology".<sup>39</sup> He said he decided to limit the honour bestowed on him as Yoruba Leader to the period when the common interest of the Yoruba was threatened. With direct reference to members of the Yoruba political elite who held different political ideologies from his own and belonged to different political camps, Chief Awolowo said "the day the bell for the commencement of partisan politics is rung [...] Chief Majekodunmi, Otegbeye and T.O.S. Benson [...] will return to their political tents".<sup>40</sup> Of course, "when the bell for the commencement of partisan politics" was rung; Benson once again joined Dr. Azikiwe's 'political tent' – in essence, Benson was politically reliable and predictable. This, to this author, is a virtue rather than a vice. Thus, rather than dismissing Benson as Awolowo's political adversary, he should be seen as one of the few Yoruba political elites who promoted national politics and who "did not hide his disgust for politics of tribalism and sectionalism".<sup>41</sup> Indeed, the politics of the pre-independence era and that of the First Republic would probably have been more regional than it was but for Benson and a few others who insisted on national politics as opposed to regional, ethnic or tribal politics.

As Chief Awolowo rightly pointed out in his 28 March 1966 letter to the Head of State, Major General Aguiyi Ironsi, "one of the monsters which menaced the public life of this country [...] is [political] opportunism with its attendant evils of jobbery, venality, corruption, and unabashed self-interest".<sup>42</sup> Today,

<sup>38</sup> See A. O. ADESOJI, *The Oduduwa Myth and the Farce of Yoruba Unity*, Brunel University, n.d., p. 56; *How Yoruba Chose Awo as their Leader*, *Vanguard*, August 12, 2015; *How we freed Awolowo from prison to join Gowon's Government*, *Vanguard*, July 14, 2014.

<sup>39</sup> *Vanguard*, August 12, 2015.

<sup>40</sup> *Ibid.*

<sup>41</sup> McCLAIR, p. 20.

<sup>42</sup> O. AWOLOWO, *Obafemi Awolowo's Letter from Prison to Major General Aguiyi Ironsi*, retrieved from [http://www.waado.org/NigerDelta/Nigeria\\_Facts/MilitaryRule/awolowo/awolowo\\_ironsi.htm](http://www.waado.org/NigerDelta/Nigeria_Facts/MilitaryRule/awolowo/awolowo_ironsi.htm) on 1 November 2017.

the major plank of attraction to politics in Nigeria is its gain rather than its pain. Since fair-weather political gladiators have no personal conviction and are ready to swing pendulum to the comfort zone so as to continually be in the good book of their leaders and belong to the structural frame, remain in the corridor of power and benefit from the reward system; they do not always suffer the pain or scale the huddle an otherwise ideologically firm political actor stands to experience or scale. Because of his firm political conviction irrespective of prevailing circumstances, TOS Benson, like Chief Awolowo, suffered a great deal of political vicissitudes. After the formation of the UPGA by the NCNC and the rump of the AG in 1964, one of the political grand designs was that UPGA would press for the release of Chief Awolowo from prison and be voted in as Prime Minister in much the same way as was the case with Dr. Nkrumah of Ghana. However, this informal agreement notwithstanding, Dr. M. O. Okpara, the NCNC Leader, expressed interest in becoming the Prime Minister but TOS Benson insisted that the UPGA's arrangement and agreement must stand.<sup>43</sup> For daring to stand in the way of his ambition, Dr. Okpara blacklisted Benson politically – it cost him his nomination as an MP candidate of the UPGA for the 1964 election. According to Benson, “because of [...] my objection to his ambition of becoming prime minister in 1964, he [Okpara] led a campaign for the party to substitute me with Maduagwu Morontu, an Oba man from the East, who was one of my constituency secretaries, as candidate for my Yaba federal seat”<sup>44</sup>

Eventually, Morontu emerged as UPGA's candidate for Yaba Federal Constituency. Benson thereafter resigned his membership of the NCNC, and to demonstrate that he was “the battery on which the party moved in Yaba and Lagos”,<sup>45</sup> he contested as independent candidate and won.<sup>46</sup> Benson's exit from the NCNC, as Larry Diamond has pointed out, “deprived it of its most important remaining link to the Yoruba people”.<sup>47</sup> The NCNC subjected Benson to a barrage of criticism for the above incidence. Part of the

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<sup>43</sup> *Vanguard*, November 14, 2003.

<sup>44</sup> *Ibid.*

<sup>45</sup> BENSON, *History: Zik and Awolowo*, retrieved from <http://www.google.com/url> on 30 October 2017.

<sup>46</sup> A. AKINSANYA, The Office of the Nigerian President – Dignified or What? The Experience of the 1964–65 Constitutional Crisis, in: *Journal of the Indian Law Institute*, 19, 2, 1977, p. 148.

<sup>47</sup> L. J. DIAMOND, *Class, Ethnicity and Democracy in Nigeria: The Failure of the First Republic*, London 1988, p. 212.

criticism was that Benson ensured that election held in his Lagos North Federal Constituency despite the call for a boycott by the UPGA resulting in his winning with just 569 votes out of 70,185 eligible voters.<sup>48</sup> However, as Dr. Azikiwe later pointed out in one of his broadcasts during the constitutional crises that trailed the elections, UPGA's boycott of the election was "a tactical error" as it made it possible for candidates who would have ordinarily lost elections to "win by default".<sup>49</sup> Be that as it may, the above account rubbishes the thesis that TOS Benson was Awolowo's political adversary because, just as a section of the Yoruba accused him (Benson) of not supporting "Yorubanism"; a section of the Igbo also criticised him for not promoting "Igbonism". Thus, subjected to tirades on both sides of the divide, TOS Benson said he was "neither Igbo-phobia nor Igbo-phobist".<sup>50</sup> Indeed, for all intents and purposes, he was neither *Your-phobia* nor *Igbo-phobist*. In its Editorial Opinion of 22 July 2007, the *Daily Champion* summarised the contributions of Benson to the making of Nigeria thus: "Independent Nigeria's first Minister of Information and Broadcasting, the man who set up Voice of Nigeria and who had made a name ten years earlier defending the Zikist radicals, Otunba TOS Benson, turns 90 tomorrow, the 23rd, and with that we approach another milestone in the saga of the founding fathers of modern Nigeria. For one thing, he could tell the story of all the founding fathers as if they were still all around and maneuvering. He could do this, being a direct eyewitness and participant in most of these, an ally to some, a rival to others, a source for many as we contemplate the 21st century and the future of a nation that has to march on. Of these Fathers (and Mothers), among them many of the delegates to the almost non-stop series of annual constitutional conferences from 1956 through 1959, mostly at Lancaster House, London, presided over by the Secretary of State for the Colonies."<sup>51</sup>

At age 89, TOS Benson was still very deeply concerned with the Nigerian project he and his co-compatriots built with their resources and talents. For example, at the height of the Obasanjo-Atiku faceoff,<sup>52</sup>

<sup>48</sup> AKINSANYA, p. 148, footnote 54.

<sup>49</sup> E. O. OJO, *Alliance without Ideology – A Case Study of the United Progressive Grand Alliance*, forthcoming.

<sup>50</sup> BENSON, *History: Zik and Awolowo*, retrieved from <http://www.google.com/url> on 30 October 2017.

<sup>51</sup> *Daily Champion*, July 22, 2007.

<sup>52</sup> This was a devastating schism between the two highest holders of Nigeria's structural frame, President Olusegun Obasanjo and his Vice, Alhaji Atiku Abubakar. Many Nigerians hold the view that the face-off was a fall out of Atiku's sunstained opposition to Obasanjo's "third term agenda". That is, the latter's attempt to contest the 2007 presidential elections and serve a third term contrary to Nigeria's Constitution which

as the only surviving nationalist and politician of the First Republic in the entire south-west, Benson admonished the country's two highest political office holders not to toy with the labours of the country's heroes past; urged them to return to "status quo ante bellum" and put the interest of the Nigerian nation above petty self-interests. He called on the "*National Council of States (which is composed of former heads of State, former Presidents of Senate, former Chief Justices of the Federation, eminent traditional rulers and senior citizens and elder statesmen)* to, as a matter of urgent national rescue mission, call a halt to the imbroglio between President Obasanjo and Vice President Atiku Abubakar".<sup>53</sup> He ended his appeal by saying "I will like to take a good report to Sir Abubakar Tafawa Balewa, The Rt. Hon. Dr. Nnamdi Azikiwe, Sir Ahmadu Bello, Chief Obafemi Awolowo and the host of others when I get to the other planet".<sup>54</sup> Thus, constantly and consistently, Benson watched over and jealously guided the ship of the Nigerian state which he had joined others to put afloat so as to prevent it from capsizing.

### **Benson: Practice of Law for Emancipation and National Development**

TOS Benson was called to the English Bar at the Lincoln's Inn, London on 27 January 1947 and was subsequently enrolled as a Barrister and Solicitor of the Supreme Court on his return to Nigeria in September 1947. Throughout his stay on the Nigerian law stage; he practised law to for emancipation and national development. Benson's first famous legal battle was in connection with the 1948 "Positive Action" or "Call for Revolution" by the Zikist Movement.<sup>55</sup> On 27 October of that year,

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prescribes a maximum of two terms of four years each for the President. Dr. Umar Ardo opines that the face-off started long before the "third term agenda" dispute. See *Obasanjo's strained relationship with Atiku started long before third term debacle*, *Daily Post*, December 17, 2016. See also *The Story of Olusegun Obasanjo and Atiku Abubakar*, *Vanguard*, August 18, 2013.

<sup>53</sup> *Vanguard*, September 24, 2006.

<sup>54</sup> *Ibid.*

<sup>55</sup> This was a radical political Movement formed in February 1946 to espouse and promote Dr. Azikiwe's political ideology. For its history – origins, aims, objectives, activities, etc, see N. OBI-ANI – P. OBI-ANI, *Zikist Movement: 1946–1950: A Reappraisal*, Paper presented at the 54<sup>th</sup> Annual Congress of the Historical Society of Nigeria, Nasarawa State University, Keffi, March 3, 2010; E. E. G. IWERIEBOR, *Radical Politics in Nigeria, 1945–1950: The Significance of the Zikist Movement*, Zaria 1996; G. O. OLUSANYA, *The Zikist Movement – A Study in Political Radicalism, 1946–50*, in: *The Journal of Modern African Studies*, 4, 3, 1966, pp. 323–333.



Osita Agwuna, the Deputy President of the Movement had delivered an address admonishing Nigerian nationalist to be prepared for torture, political persecution, incineration and even death, in the struggle against British imperialism and advocated a progressive revolution beginning with civil disobedience without violence. The Movement proclaimed the NCNC as the new People's Provisional Government and demanded that taxes be paid to it.<sup>56</sup> This was followed by a mass meeting attended by many members of the NCNC. At the meeting, Malam Habib Abdullah, President of the Movement, declared himself a free citizen of Nigeria with no allegiance to any foreign government and bound by no law other than Nigerian native laws and the law of nations. He also reiterated Agwuna's position and insisted that taxes should no longer be paid to the British Government because the taxes would be used to perpetuate Britain's domination, exploitation and brutalisation of Nigeria and Nigerians. Abdullah said: *"We have passed the age of petition. We have passed the age of resolution. This is the age of action – plain, blunt, and positive action [...]. This ubiquitous British Government is determined to keep us slaves forever and the only way out as I see it and as I know it, is for every one of us to declare himself free and independent and be resolved to stand by that declaration and damn the consequences [...]. I hate the Crown of Britain with all my heart because [...] it is a symbol of oppression, a symbol of persecution and in short, a material manifestation of iniquity [...]. I hate the Union Jack because, save in Britain, far from uniting, it creates a division. It feeds and flourishes on confusion and dissention. We must therefore have no place for it in our hearts – this ugly representation of that satanic institution – colonialism."*<sup>57</sup>

Osita Agwuna and several other Zikists were subsequently arrested by the British colonial authorities. Ironically, Dr. Nnamdi Azikiwe did not support the "positive action". Indeed, he did not only disassociate himself from them; he dismissed their conduct as irresponsible. While his *West African Pilot* defended the right of the Movement to freedom of expression, it criticised it for the "irresponsible way" it went about its call for revolution.<sup>58</sup> At the Second Annual Convention of the NCNC in April 1949, Dr. Azikiwe made several critical remarks on the conduct of the Movement. In turn, the Zikist-controlled *African Echo* attacked Azikiwe for

<sup>56</sup> O. C. AGWUNA, *A Call for Revolution*. For the full text of the address, see *West African Pilot*, October 28, 1948.

<sup>57</sup> Quoted from *West African Pilot*, February 10, 1949.

<sup>58</sup> *Ibid.*, February 13, 1949.

antagonising and criticising a Movement whose primary objective was to promote and actualize Dr. Azikiwe's political ideology.<sup>59</sup> Indeed, R. A. B. Okafor, Parliamentary Secretary in the Eastern Region's Ministry of Justice resigned from the Zikist Movement saying that "*our great philosophy developed cold feet*".<sup>60</sup> But, the Secretary General of the Movement pointed out that what failed was not Zikism, but the mortal form (Azikiwe) on which Zikism was hung.<sup>61</sup> TOS Benson stood with the Zikists at this very trying and turbulent moment and fought a sustained legal battle that ended in the victory for the Zikist Movement. As Carolyn has pointed out "*Lagos at that time could boast of outstanding lawyers, but in this particular case none of them would stick out their neck to appear in defense of the arrested nationalists. The few who showed interest in the case asked for skyrocketing legal fees, which was beyond the reach of the arrested men. T.O.S. Benson, the young and brilliant lawyer stood out to be counted on the side of the young nationalists at this point in the nation's political history. He triumphed in the epic legal battle winning the case and securing the release of the detained nationalists in the landmark judgment that shot him into national prominence in the field of politics and law. The legal feat not only buoyed Benson's popularity but also earned him the title 'Seditious Benson'*".<sup>62</sup>

Adejare has pointed out yet another landmark legal battle fought and won by TOS Benson for national progress and development. It would be recalled that a pervasive controversy followed a paragraph in General Abdulsalam Abubakar's New Year address to the Nation on 1 January 1999. In the address, the Head of State had extended the retirement age of High Court judges from 65 to 70 years by fiat. The view in some quarters was that the "smoking gun" had been planted into the Head of State's speech by "*an unknown printer's devil*".<sup>63</sup> Intentioned or inadvertent, TOS Benson faulted this unconstitutionality, rose in the defence of the sanctity of the judiciary and filed a suit praying for the nullification of the "offending paragraph".<sup>64</sup> A legal battle ensued up to the Court of Appeal with Chief Benson insisting on compliance with the constitution especially since neither the Head of State nor anybody else would own up to the authorship of the paragraph. Eventually, the Head of State, through Muhammed

<sup>59</sup> *African Echo*, several issues, February–April 1949.

<sup>60</sup> *Daily Times*, January 8, 1965.

<sup>61</sup> *Nigerian Outlook*, January 11, 1965.

<sup>62</sup> Quoted from McCLAIR.

<sup>63</sup> A ADEJARE, *A Night Out with TOS Benson*, April 16, 2008, retrieved from <https://www.inigerian.com/a-night-out-with-tos-benson> on 15 October 2017.

<sup>64</sup> *Ibid.*

Haruna, his Press Officer, reversed the verbal ‘constitutional amendment’ and the case was settled. Thus, neither the colonial authorities nor military junta could intimidate or gag Benson in his determination and resolve to see to the creation of a Nigeria wherein the fundamental rights of citizens are inviolable, nor constitutionality is upheld.

One trait of any exemplary nationalist and nation builder that worth his salt is the fact that, apart from deploying his expertise, talents, and resources to the service of his fatherland as exemplified above, he must possess the ability and wiliness to “replicate” himself. Benson did this to the fullest by developing and mentoring a large array of lawyers who passed through his Chambers. Adejare has summarised Benson’s unparalleled contribution to the making of Nigeria in this regard thus: *“His Chambers flourished till the end and produced many excellent lawyers and judges among who was Chief Kehinde Sofola [...]. Hon Justice Akinsanya who became an epitome of judicial excellence on the Lagos State Judiciary as well as retired Judges like Justice Oshodi who preferred to spend their retirement in TOS Benson’s Chambers. In my days at the Nigerian Law School in the late 70’s students had to struggle for an internship space in TOS BENSON’s Chambers and as many as eighteen of my classmates did. Many left his Chambers to prosper elsewhere as is the case with Sofola and Dolapo Akinsanya mentioned above. It is an indication of Benson’s great amiability and generosity that streams of lawyers pass through his chambers from generation to generation [...]. He was also an active member (and giver) to the Nigerian Bar Association both Lagos and Federal.”*<sup>65</sup>

Thus, TOS Benson made imperishable contribution to knowledge production and distribution in Nigeria. He reached the zenith of his law practice when, on 16 July 1990, he was appointed Senior Advocate of Nigeria.<sup>66</sup>

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<sup>65</sup> Ibid.

<sup>66</sup> Senior Advocate of Nigeria (SAN) is a title that is conferred on legal practitioners in Nigeria who have distinguished themselves in the legal profession. To be considered, a lawyer must have been in legal practice or academics for not less than ten years. The conferment is made in accordance with the Legal Practitioners Act 207 Section 5 (1) by the Legal Practitioners’ Privileges Committee, headed by the Chief Justice (as Chairman), and consist of the Attorney-General, one Justice of the Supreme Court, President of the Court of Appeal, five of the Chief Judges of the States, Chief Judge of the Federal High Court and five legal practitioners who are Senior Advocates of Nigeria. See *List of Senior Advocates (S.A.N) in Nigeria 1975–2017*, retrieved from <http://www.lawyard.ng/list-of-senior-advocates-s-a-n-in-nigeria> on 2 November 2017 and *Names: Do you know all Nigerian 429 Senior Advocates?*, *The Nigeria Lawyer*, November 11, 2015.

## Conclusion

This paper outlines the contribution of TOS Benson to the making of Nigeria, beginning from the 1930s when he joined the Nigeria Custom Service and particularly from 1947 when he returned from the United Kingdom where he had gone to study Law. Between the latter date and 1960; he held several party and public offices and joined other nationalists to battle British colonialism in their attempt to obtain independence for Nigeria. A thoroughly detribalised Nigerian, he served as the first Federal Minister of Information, Culture and Broadcasting and Nigeria's "image maker", and made unprecedented contribution to the development of the country not only by discharging his ministerial duties efficiently and diligently; anchoring a number of publications that gave up-to-date information on the nascent nation for the purposes of building bridges and centripetal forces in the place of pervasive centrifugal pulls; the *Voice of Nigeria* was established under him.

Ohia has observed that "*one intriguing thing about Nigerian politics before this dour dispensation was that it featured great showmen who added style and colour to the business: men who lit up the scene by the magnetism of their personality, the lyricism of their oratory, or even the audacity of their deportment*".<sup>67</sup> Ohia described Benson as a "titan"; "impresario extraordinaire"; and "an incurable nationalist" who "*pro bono legal services*";<sup>68</sup> and concludes that "*the story of TOS Benson reads like the storyline of a great movie: a man that set the pace in glitz and razzmatazz but remained an unwavering democrat and a committed nationalist*".<sup>69</sup> To Ideh, what qualifies Benson most as a nation builder per excellence is his refrain that "*I believe in the greatness of this Republic; we can only rise to the challenge of citizenship of this great country if we can do our duty conscientiously, upholding the equality of man regardless of tribe and clan; by the recognition of services based on the fundamental principles of our constitution and respect for rights based, not on tribal affiliation, but on merit*".<sup>70</sup>

<sup>67</sup> U. OHIA, *TOS Benson: Showmen Never Die!*, March 7, 2008, retrieved from <https://uchebush.wordpress.com/2008/03/07/tos-benson-showmen-never-die> on 4 November 2017.

<sup>68</sup> Ibid.

<sup>69</sup> Ibid.

<sup>70</sup> P. IDEH, *TOS Benson: The Memory Lives On*, February 12, 2010, retrieved from [http://www.abujacity.com/abuja\\_and\\_beyond/2010/02/tos-benson-the-memory-lives-on](http://www.abujacity.com/abuja_and_beyond/2010/02/tos-benson-the-memory-lives-on), 5 November 2017.

Benson, according to a former Lagos State Governor, Babatunde Fashola, “*put his professional expertise at the disposal of the country*”.<sup>71</sup> Indeed, upon his death, an erstwhile Speaker of Nigeria’s Federal House of Representatives, Dimeji Bankole, said Nigeria would greatly miss Benson “*in the quest for nation building*”.<sup>72</sup> For all intents and purposes, Chief Theophilus Owolabi Shobowale Benson was a pan-Nigerian nationalist; a dependable and predictable political ally; a rugged antagonist to ethnicity and tribalism; an erudite lawyer and unwavering defender of the rule of law; a voice of the voiceless and a bastion of hope for the hopeless. For about six decades, he did not only deploy his expertise and all he was endowed with to the building of a better Nigeria; he relentlessly fixed his eyes and hands on the ship of the Nigerian state to prevent it from drifting or sinking. It is probably not an accident of history that TOS Benson shared the same death date – 13 February – with General Murtala Mohammed, who, but for Dimka’s bullets, could have been Nigeria’s renaissance.

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<sup>71</sup> *Punch*, February 14, 2008.

<sup>72</sup> *Ibid.*