

The weekly letters between Fred and Fanny reveal some interesting concerns. Both were deeply religious, Fanny committed to Presbyterianism, Fred prepared to shop around. Their religion was the basis of a code of life that shunned alcohol, slang, excessive profit (Fred explains to Fanny that the profit on candles is minimal—while achieving a return of 151 per cent on capital over six months). These proscriptions were much dearer to Fanny than Fred, mixing in the fleshpots of Melbourne. Just as well. It was Fred who worried about whether or not he could afford marriage and drew up a fascinating account of 'EXPENSES re setting up house and Marriage' ranging from the fare to Invercargill to the small shovel for the kitchen.

Fred's life is straight from Samuel Smiles, whose essays on *Thrift* and *Character* he was reading. It was a compound of stock-taking, ledgers, business competition, listening to sermons, visiting the sights of Melbourne, and writing to Fanny. Her life is one of the classroom, church, a warm circle of family and friends, other suitors (she remains steadfast but confesses all), attending the lectures of visiting notables to Invercargill, worrying about Fred and trying to understand him. The three years of waiting are put to good use—by the end they are as locked into one another's lives as if they had run off together at the outset.

There are many trivia in all this; gossip about mutual friends; a shared dislike of the headmaster of Central School; who wore what where; maintaining the secrecy of their engagement. There is also love. Fred sends the 'best love' he can; Fanny sends 'the very warmest sweetest love', then apologizes in a postscript for her 'rather foolish love letter'. The sense of it all seems to be that Fred had found 'a true good woman' and Fanny had found 'her own dear Fred'.

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*Lawfully Occupied: The Centennial History of the Otago District Law Society.* By M.J. Cullen. Otago District Law Society, Dunedin, 1979. 229pp. No price given.

IN RECENT YEARS New Zealand institutions (bank, university, local authority, and the like) have increasingly looked to professional historians to recount their past. This has given a spur to scholarship and a chance to tap records hitherto inaccessible. However, commissioned institutional history has its problems. For one thing: who are the audience, and what do they look for? Instinctively members of an institution may see their history in terms of progress, looking for eulogy and edification. In the words of the President of the Otago District Law Society, which commissioned this book, 'we have endeavoured to honour the past, but at the same time, give some guidance for the future'. Through training and outlook the professional historian has a different perspective. He (or she) looks over his shoulder at a wider audience—not just at his colleagues, but also, as Dr Cullen puts it, at 'those who hope for a work of exposure and denunciation'. Historians of institutions may thus be caught between the competing demands of celebratory and critical history.

Ostensibly Michael Cullen ignores the pressures. In five chronological chapters he looks at the legal profession in Otago before the coming of corporate organization, and then at the origins and operations of the District Law Society. Two more chapters examine the development of legal education and the recruitment of the profession in Otago, and the ways in which the society applied discipline to its members.

This is no celebratory history. What emerges is a conservative, inward-looking profession concerned more with the problems of business than with the ethos of service, before the 1960s at least. The earliest lawyers were Anglican Englishmen from affluent families. From the mid-1960s the profession came to be recruited mainly from those trained in the province. A number of 'legal dynasties' were established. The character and competition of 'pommies-come-lately' heightened concern amongst local lawyers for public reputation and profit. With the failure to establish a New Zealand Law Society, the Otago District Law Society was founded in 1879 essentially to control entry into the profession, to establish its monopoly, and to regulate competition within it. Concern with discipline and legal education also reflected sensitivity to standing and influence in the community.

Yet the society's success was qualified. It failed to exclude rival professions and the Public Trust Office from business which lawyers regarded as theirs alone. By the later 1950s there was a 'less assertive attitude' towards rivals; but Dr Cullen does not consider whether this might reflect the extension of legal business into new and more profitable areas. Otago lawyers, unlike the doctors, also failed to use access to legal education (increasingly university-based from the 1880s) as a means to restrict competition. The reasons for this are not fully explored, but Dr Cullen does show that the provision of legal education in Otago left much to be desired before the late 1950s. For this 'dismal record' the university was mainly to blame, though many Otago practitioners had equivocal attitudes towards improvements.

So far as discipline is concerned, Dr Cullen is less critical. He concludes that the society's disciplinary mechanisms did not operate as a 'professional protection racket'. Serious misconduct was brought to book. Until about 1940, however, overcharging (the second most common category of complaint) was not normally seen as professional misconduct—though *under*-charging was. Furthermore the society often advised complainants to seek further legal advice. Perhaps understandably then, growing concern about the profession's image surfaced in the inter-war years. However, this point is not made by Dr Cullen who concludes instead that the society's discipline did much to promote the reputation of the profession.

In this conclusion we may see the expectations of the author's main audience exerting a subtle influence. Certainly this influence can be seen in the structure and scope of the book. It is after all a history of a regional institution, not of the profession in its broadest sense. And so questions regarding the changing nature of legal business and the lawyers' relationship with society remain largely unexplored. (There is a survey, based on a questionnaire, of the community activities of the present-day members of the profession.) Within the chronological structure a range of interesting issues are only glimpsed at: the role and image of the profession, lawyers and politics, the society's attitude to specific pieces of legislation. The profession is defined in terms of those in private practice. Accordingly there are very useful appendices giving brief histories of the existing local firms

and statistics of their changing size and distribution. There are statistics of the number of principals in each firm, but not of the employees. There is nothing on the number and distribution of qualified lawyers in salaried employment—surely an important trend since the 1950s. And, as with all institutional histories, there is the problem of the recent past. Personalities a hundred years ago seem more heroic. Indeed Dr Cullen concludes that, from the 1920s, Otago produced 'fewer practitioners of supreme ability compared with the earlier periods'. How can we measure this?

These are to some extent carping comments. This is a fine work within its compass, and certainly the most valuable we have on the New Zealand legal profession. Indeed social historians will find much that throws light on larger themes of regional and national history. In particular the theme of centralisation—the shift in the balance of power from Otago to the north—is encapsulated in the evolving relationship between the regional society and the reborn New Zealand Law Society. Also valuable is the analysis of patterns of recruitment to the profession in Otago. Those who see the last thirty years as a time of increased social mobility may find here grist for their mill.

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*Rich and Poor in New Zealand. A Critique of Class, Politics and Ideology.* By David Bedggood. George Allen and Unwin, Auckland, 1980. 178pp. N.Z. price: \$8.95; *Social Policy and the Welfare State in New Zealand.* By Brian Easton. George Allen and Unwin, Auckland, 1980. 182pp. N.Z. price: \$8.95.

DAVID BEDGGOOD regards Marxism as a 'science of society'; his aim, in this book is to demonstrate its validity in the case of New Zealand. He also aims to 'explain, within a Marxist framework, the causes of class inequality in New Zealand society'. The reader is in for a heavy dose of Marx and Marcuse, with endless Marxist and sociological jargon. Bedggood argues from the secondary sources; he has not, it seems, done any research into poverty. This is in no sense a scholarly book; it is fiercely dogmatic and assertive. It reads more like a work of religion than of research. He tries manfully to shove our history and society into a Marxist mould which proves Procrustean. Our small farmers become the 'peasantry' so that our society may resemble those Marx knew: the word 'peasant' has a quite different meaning here. We learn that poverty is endemic in the welfare state, indeed, we now have 'mass poverty'. This is because of 'cuts in social spending'. Although there was in the past an undisputed rise in real wages and living conditions, nevertheless, because of 'relative impoverishment' (i.e. the rich grew richer faster), the workers have experienced a growing 'immiseration'. The result of National cuts in social services has been a growing gap between rich and poor and 'the rediscovery of poverty'. The class war is in full swing and has embraced the Maoris: 'The actual process called juvenile offending is a euphemism for class struggle. This is because Maori youth are actively criminalised by the capitalist