

state had only been erected by overruling great areas of denominational feeling in society. Ward became both reluctant agent and target of these unresolved tensions, which rose to their climax during the First World War. In a sense, the secular state both made his career and helped to destroy it.

Bassett's book is well illustrated, but it is frustrating that so many photos are simply rows of faces without names. The illustration on p.127 has special significance in 1993: in the centre of its unidentified figures, next to Ward, stands Ethel Benjamin, the first New Zealand woman lawyer.

Like Keith Sinclair's *Nash* and Raewyn Dalziel's *Vogel*, Bassett's book lacks a proper conclusion. Yet scattered through the text, there are penetrating comments and comparisons that might have been put together to help round off the work. However, like an experienced politician (rather than an historian), Bassett has preferred to make his thrusts where they hit hardest: in the heat of debate. He does not gather them up in a kind of post-session address.

In reviewing Dalziel's book (*New Zealand Journal of History*, 20, 2 (October 1986), p.191), Colin Davis argued that political biography can not expand from its present pragmatic form until we have an [agreed?] 'historical political sociology'. That seems too tall an order. However, as a step forward, future political biographers should be encouraged to make comparative reflections on what has made their subject and other leaders seek power, how they gain it, how they use, abuse and lose it. Bassett has shown the way.

W. J. GARDNER

Christchurch

The Chapman Legal Family. By Peter Spiller. Victoria University Press, Wellington, 1992. 282 pp., illus. NZ price: \$34.95.

PERHAPS Chief Justice Eichelbaum, in his preface to this volume, has said it all: 'It is a valuable contribution to New Zealand legal history, offering insights into the early development of New Zealand law, so heavily dependent on inherited English tradition but demonstrating from the outset the ability to shape itself to the needs of the new land.' Yet there may be some merit in assessing how well Dr Spiller has incorporated his other aim, a valid picture of the times in which his three leading characters lived.

The origins of the family receive scant attention. Henry Chapman's father is shown as a Barrack-Master, which actually places him in the Ordnance Department of the Army. But Dr Spiller's 'one of four' such ranks isn't very helpful — there were in fact four classes with equivalent ranks ranging from Lieutenant to Major with a consequent significant range in pay. The important thing is that Henry's father was determined that Henry should get a good education, which meant school from the ages of eight to 16 years. (The name of the school has to be found in Scholfield.) Then clerical experience in London and Amsterdam, then in 1823, aged 20 years, the important move to Canada as a commission agent. Here he began to flourish as an advanced liberal acquainted with leading radicals Louis Papineau and A.J. Roebuck. On visits to England he met John Stuart Mill and he began North America's first daily newspaper to discover that wealthy advertisers did not like liberal ideas. Chapman read for the Canadian Bar. By 1832 he was

writing his ideas on colonization to the Colonial Office, later pamphlets showing that he saw the colonies as a safety-valve for the great increases in urban population. So, yes, when he returned to London in 1835, he was soon caught up in the affairs of the New Zealand Association/Company, launching its *New Zealand Journal* in 1840, the year in which he was called to the Bar. It seems a natural progression that in 1843 he should be appointed a puisne judge in New Zealand, to share the Bench with Chief Justice Martin.

Henry Chapman's significant contribution in his first period in New Zealand, 1843-52, is shown to be his major contribution to the provision of rules to regulate the procedure of the Supreme Court, rules which were applicable until 1882. Chapman also, inevitably, made an important body of case law concerning land. His work on the Bench and his close association with Chief Justice Martin are clearly shown, but much of the rest is only hinted at. For instance, a three-hour conversation with Governor Grey on the legal position of martial law and, on a new organization for the police force; but what *was* Chapman's view? Did he actually show Grey a way to force reluctant regimental officers to carry on with courts martial and predetermined sentences for the infamous Porirua trials? Did he agree that the Armed Constabulary, limited by neither the Militia Act nor Queen's Regulations nor, initially, by legislative act, was legally constituted? We have only the information in footnote 20 that Grey acknowledged Chapman's essential service in clearing up all points of difficulty.

Attracted by a 50% increase in salary Chapman accepted the position of Colonial Secretary in Van Dieman's Land, where an early disagreement with Lieutenant Governor Denison over the continuation of the penal colony and the introduction of representative government limited his tenure to little over a year. For the next decade Chapman lived in Melbourne, as barrister, a member of the Legislative Assembly, Attorney-General, lecturer in law, acting Judge. His amazing capacity for work gave him a respected position and a generous income. His aim, a permanent position on the Bench, was not realized in Victoria but in New Zealand, to which he returned in 1863. Here one can readily agree with Dr Spiller's finding that it would be difficult to find a man in terms of professional capacity or personal qualities better suited to be a High Court Judge in a developing colony.

A reasonable regret would be that there is little about the man beyond his unquestionable integrity and professional worth. He bought a sheep run somewhere in Otago, mainly for two of his sons, but we know only that it eventually gave him financial independence. What little 'life' there is beyond his profession is tucked away in notes at the end of the book.

Of Martin Chapman we learn that he was a brilliant schoolboy and a thoughtful dutiful son who in early manhood acted as secretary to his father, Chapman J. Reading for the bar in London left ample time for travel in Europe and the successful study of French and German and, as an accomplished pianist, further studies in music. Declining promising openings in Dunedin, Martin began a solo practice in Wellington which later became the firm that has survived as Chapman Tripp Sheffield and Young. There is a very adequate survey of a successful legal career, but despite the deposit of information in the end notes, little of the life and the times. Auxiliary sources not in the various Chapman papers have not been consulted.

Frederick Chapman left a great deal more written material so is given six times the space of Martin. Perhaps relying too much on Frederick's daughter Gytha's assessment that Martin was more intellectually gifted, Dr Spiller may have confused intellectual quickness with intellectual capacity. The account of Frederick, elevated to the Bench in 1903, gives a remarkable picture of the role that could be played, in law, by a broadly educated, widely travelled public spirited man of blameless character. Believing that

statutes (and treaties?) had to be construed as they were understood by the legislature at the time of their passage, F. Chapman, were he alive, could make an interesting contribution to the current Waitangi industry.

Frederick Chapman was a member of most organizations devoted to the advancement of knowledge, a keen collector of Maori artifacts and, as vice-president of the Australasian Association for the Advancement of Science, initiated the move to name the area of the Pacific Ocean between Australia and New Zealand the Tasman Sea. As a judge he is shown to have a direct and down-to-earth approach, making use of his working knowledge of many languages and his knowledge of both English and Australian law.

The book is well printed by the Victoria University Press, and is well illustrated, but has the annoying feature of far too much interesting information being tucked away in reference notes at the end of the book. There is no bibliography and the index yields only page numbers. What Dr Spiller has done is to picture for us three veritable giants in the realm of New Zealand law and, more particularly in the case of Frederick, to give an interesting, narrowly focused, single-sex, glimpse of times now gone and of life styles no longer possible. The broader picture will require wider research.

IAN WARDS

Wellington

Independence and Foreign Policy. New Zealand in the world since 1935. By Malcolm McKinnon. Auckland University Press, Auckland, 1993. xiv, 329 pp. NZ price: \$34.95.

MALCOLM MCKINNON'S *Independence and Foreign Policy* is an example of historical writing at its best: stylish, thoughtful, ideologically unblinkered, generously drawing from a range of studies, unostentatiously displaying extensive exploration of the literature and some hard slog in primary sources. With some 300 pages of text and nearly 30 pages of bibliography, appendix and index, it is a substantial work. It is avowedly, and necessarily, a survey volume. McKinnon does not seek to write revisionist history, although he is determined to look coolly and carefully at the record of over half a century, not merely to chorus approval for each time New Zealand steps out of line.

Reflections and observations upon concepts of 'independence' provide the study with a loose coherence. McKinnon sees New Zealand's pursuit of independence in terms of an interplay of loyal dissent and vigorous defence of interest — 'speaking up' — within a wider framework, an accepted distribution of power. And by the end, while continuing to seek and to find continuities, at a time when the Commonwealth had ceased to be central to New Zealand views of the world, he boldly discerns a catalyst in the ANZUS crisis, leading to a 'nationalist phenomenon . . . different in kind and not just degree from the ideas of independence' of the past: 'power now informs the notion of independence'.

McKinnon presents a thoughtful examination of how New Zealand, through its official spokespeople, expressed and pursued 'independent' policy, and their differing approaches to independence over the decades as the framework or context changed. He shows no sign of ever falling into the error of perceiving history as the product of Great Men: his study is not an attempt to find how New Zealand's officials and politicians came to adopt particular stances — it is conclusions, not discussion, that interest McKinnon. Nor is there a comparative dimension. The result is what might be deemed a 'clean' text: