

NOTES

- 1 Elsie Locke, *The Runaway Settlers: An Historical Novel for Children*, London and Hamilton, 1965.
- 2 Jock Phillips, 'Whatever Happened to the Female Intellectuals?', *Comment*, No. 15, April, 1982, p.15.
- 3 Christine Cole Catley, *Bright Star: Beatrice Hill Tinsley, Astronomer*; Auckland, 2006.
- 4 *New Zealand Official Year Books, 1920–1933*.
- 5 James McNeish, *Dance of the Peacocks: New Zealanders in Exile in the Time of Hitler and Mao Tse-tung*, Auckland, 2003.

In the Footsteps of Ethel Benjamin: New Zealand's First Woman Lawyer. By Janet November. Victoria University Press for the Law Foundation of New Zealand, Wellington, 2009. 260pp. NZ price: \$50.00. ISBN 978-0-86473-607-9.

BEFORE SHE WAS TWENTY-TWO Ethel Benjamin had chalked up an impressive tally of 'firsts': first woman in Australasia to graduate in law; first graduand to speak at a graduation ceremony in New Zealand; first woman to speak officially at the University of Otago; first woman to practise law — and to make a respectable living out of it, too. Janet November recovers a considerable amount of the context in which Ethel developed, identifying the motivations and qualities that produced this diminutive, determined, intelligent, Jewish woman and shaped her into the excellent, successful citizen she became.

Ethel was born in Dunedin in 1875, the eldest of the ten children of a substantial 'money-broker'. From childhood she was fascinated by deeds and legal documents, and her father encouraged her in her ambition to become a lawyer. Teachers at Otago Girls' High School (OGHS) provided a curriculum that gave a firm foundation for university study; many of its students had graduated from university by the time Ethel came along. She was the first to study law, however, and the habits of study formed at home and the excellent language tuition of OGHS were invaluable because her legal tuition was fairly exiguous. Roman Law, in which she topped the examinations for New Zealand, was only one of the subjects she had to read without formal teaching, and in the teeth of resistance by the Otago District Law Society to her using its library except under special conditions. She had to read in the Judge's chamber room. Ethel thanked them for allowing her to 'consult your many valuable Books even though apart from the Library and the Profession'. Ethel's excellent marks removed any argument that women should not be permitted to practise because of inferior brains, and the Female Law Practitioners Act was passed in 1896, the year before she graduated.

Legal practice was not simple to set up for Ethel. She was not asked, and maybe never intended, to join a firm or become a clerk to acquire experience. Offices were rented near to Dunedin's best hotel and Ethel advertised her services and tended her growing practice herself. From the beginning she combined business and agency work with law. Clients were hoteliers negotiating the increasingly complicated licensing laws, creditors chasing debtors, wives chasing delinquent husbands, workers chasing unpaid wages; the common currency of legal practice in a barely settled society. November makes effective use of a treasure trove of Ethel's business letters to show her navigating this sea of troubles with aplomb. Dorothy Page in her foreword to the book rightly calls these letters 'a special delight'. Their freshness and directness brings to life the environment of settler Otago, for Ethel's clientele extended well beyond Dunedin. I suspect the letters owe more to the fine teaching of Ethel's teachers at OGHS than to anything she learned at the university. They are clear, direct and eminently sensible. Short of fleeing the province, the recipients would have been wise to take her advice.

From 1899 to 1906 Ethel was one of three honorary legal counsel for the Society for the Protection of Women and Children. This chapter, one of the most interesting in the book, shows a sympathetic, level-headed professional woman active in a field that has been fairly thoroughly tilled by social and feminist historians. November increases our understanding of what it was like for participants and victims.

By 1904 one feels that Ethel's business was becoming at least as interesting, and lucrative, as the law. She probably learned the principles of risk management at her father's elbow and discovered a flair for the hospitality business first expressed in advising her hotelier clients; later she invested in hotels. She insisted on high standards but understood the need to control costs. She soon realized that she could manage this balance herself. In 1906 she left her Dunedin practice in the care of her two clerks, to take personal charge of her considerable investment in the Cherry Tea Rooms at the Christchurch Exhibition. There she met the Wellington sharebroker Alfred De Costa, whom she married in the Wellington synagogue in 1907. After briefly practising in Wellington, Ethel accompanied Alf to England. She could not practise law there, and little is known of her life in England except that it was relatively comfortable. The De Costas spent time in Italy and the South of France for the sake of Alf's health. November speculates that Ethel carried on business under the shelter of Alf's identity, and this is possible. For a time she managed a branch of the Midland Bank in Sheffield.

Janet November tells the story well. Some readers may be exasperated by the fairly long digressions, on the growth of Dunedin and the state of matrimonial law in Ethel's time, for example, and the methods used to fill out the context of Ethel's life where no direct evidence is available. I feel these were used judiciously. Ethel was no shrinking violet; she explained her decision to study law in her graduation speech and in a later interview for the *Press*. As a first-wave feminist she is less satisfactory to later feminists, maybe, than her more combative contemporary, Emily Siedeberg. Ethel was not afraid to be assertive, but her approach was that women should not be denied rights rather than being an energetic seeker of new rights.

This biography invites comparison with Alex Frame's biography of Sir John Salmond. *Salmond* is a more erudite biography, as it should be, but it captures the personality of its subject and his milieu less effectively than November does in her slighter book. I would have liked more discussion of Ethel's Jewishness and how it might have contributed to shaping her civic personality. There is a rather awkward 'epilogue' sketching the careers of five OGHs lawyers for whom Ethel was a kind of role model. It underlines November's theme that determination, education and role models are supremely important to girls; nothing new here. The book is nicely produced except for some mistakes and typos that the author or VUP editors should have picked up. In times when there are more women law graduates than men, it could be an appropriate graduation present.

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The Double Rainbow: James K. Baxter, Ngati Hau and the Jerusalem Commune. By John Newton. Victoria University Press, Wellington, 2009. 224pp. NZ price: \$40.00. ISBN 978-0-86473-603-1.

IN 1969, NEW ZEALAND POET JAMES K. BAXTER travelled to Jerusalem on the Whanganui River to found a commune for disaffected urban youth. According to his vision, Baxter selected a set of Māori communal values to form the basis of the Jerusalem commune. John Newton claims that adoption of Māori values by a community of predominantly Pakeha urban youth was unique and that Jerusalem serves as a valuable case study in the history of