

a dogmatic way. Faced with these difficulties, the authors have been outstandingly successful. The only book of comparable quality written with the same sort of aim that I can think of is 'Learning the Law', by Dr. Glanville Williams. 'An Introduction to Law' goes a little further than the latter book, however; for instance, the chapters on the Divisions of Law, apart from dealing somewhat inadequately with Equity, are much fuller, and there is an exceptionally useful chapter on The Reasoning of Lawyers.

The authors say, in the preface, that this book was mulled over, in one way or another, for fourteen years. It was time well spent.

R.W.H.

POLITICAL PARTIES IN NEW ZEALAND. By R. S. Milne. Oxford, at the Clarendon Press. 1966. Pp. viii, 313. \$7.80.

The short synopsis of contents on the dust-cover claims that 'this is the first book to give a comprehensive account of New Zealand political parties', a statement which, though true, is too laconic to do justice to a really excellent survey and analysis of the political scene in New Zealand since 1890. Perhaps at this point the reviewer should disclose his own interest as a New Zealander, and an observer and very occasional participant in the political scene from 1933 to 1958. Looking at the book from this standpoint he finds it thorough, fair-minded, penetrating and perceptive. It may be that readers not so familiar with the background and the persons and events discussed will find some parts of the book rather too allusive for easy reading; but even those with but a nodding acquaintance with New Zealand and its history will find much to interest them, and the book should be of very considerable value to serious students of politics. Professor Milne writes from a first-hand acquaintance with the country itself gained when he was Professor of Political Science at what is now the Victorian University of Wellington, from 1956 to 1959, and in a two-month return visit in 1964. The book is brought up to December 1965 by a brief note, on p. vi of the Preface, recording the break with previous tradition in connexion with the election for Leadership of the Parliamentary Labour Party; for the first time the incumbent was opposed in the ballot, and his opponent defeated him.

Professor Milne begins with a short chapter on the social and political setting, which includes a section on the quality of politicians

and political life. Although he concedes that 'there is a distinct lack of intellectual interest and curiosity on the part of most Members of Parliament'<sup>1</sup> and comments that 'as an exercise in pure fantasy, it is unlikely that a New Zealand equivalent of Mr. Michael Foot, if he existed, would ever want to sit in the House of Representatives, implausible that he would ever be selected as candidate by a major party for a winnable seat, and inconceivable that, if elected, he would survive more than, at most, one term,'<sup>2</sup> he points out that there has been a steady rise in the educational qualifications of members, so that 31% of all members who served in Parliament from 1949 to 1960, and 40% of the members first elected during that period, had a University education. At first sight this does not compare too unfavourably with the United Kingdom, where, in 1959, 52% of members had had a University education; but it must be remembered that University education has been more freely available in New Zealand at the relevant times than in England. The author does suggest, however, that criticism of the low standard of politicians may have gone too far, though politicians themselves may have maintained the illusion by attempting to conform to what they think is the popular New Zealand view of what a politician ought to be like. 'Perhaps that time has arrived', he suggests, 'for a truce both to intemperate attacks on politicians by the public and also to excessive deference by politicians to the public?'<sup>3</sup> He reaches what he calls the 'sensible but imprecise' conclusion that New Zealand politicians are above the national "average" in certain necessary respects, but that the country would be better served if they were somewhat further above it. One feels that the same comment could be made in Australia—adding, after some years of experience with University students, in both countries, who are generally required to be significantly above the national average in intelligence, that the national average is probably pretty poor. But we are reminded also that politicians should not be 'too right or good for human nature's daily food,' since it is their function (in a democratic community, at any rate) to "aggregate", or synthesize, the demands voiced by individuals and groups' they must 'stand a little way "above" their constituents, but not so far as to lose touch with them'.<sup>4</sup>

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1 MILNE, *Political Parties in New Zealand* 25.

2 *Id.* at 24.

3 *Id.* at 25.

4 *Id.* at 26-27.

There follow forty pages on the course of New Zealand politics from 1890 to 1963. They trace in outline the movement from Seddonian Liberalism, with its legislative experimentation, founded on what Professor Milne calls 'Socialism without doctrines', through the period of Reform Party tenure of power, as a reaction against the Liberals' socialistic tendencies, and of growing strength in the Labour Party, which also represented in part a reaction, but against the Liberal's diminishing impetus for reform, to the Liberal resurgence under the new name of "United Party", which led to the fusion of both the non-Labour parties under the name "National". There is then an account of the Labour Party's fourteen years in power, and the chapter concludes with a section headed 'The National Party Dominant?' which briefly reviews the period of National rule since 1949, broken only by a three-year term of Labour Government in 1957-1960, as a result of which (if the voting in the last election is an indication) the country conceived a distaste for the kind of austerity which seems to accompany Labour rule (though it must be admitted that the foreign exchange crisis which dictated and exacerbated the austerity period was not brought about by the Labour Government's mistakes, but by those of its predecessors).

Next comes a chapter headed—"The Development of the Party System: Patterns of Support for the Parties." This, after a brief introduction intended to show that there was nothing inevitable about the development of the two-party system in New Zealand, concentrates on three topics. First, it describes how the two-party system has evolved, how "Independents" have declined in importance, and how issues have become less local and more national, as evidenced by the remarkable uniformity in the electoral swing in recent elections. Second, it examines such evidence as there is for the belief that the different parties draw their votes from different sections of the population; and third, it examines the swings in voting over the period, and the reasons for the relative longevity of Governments in the first sixty years, and the apparent quickening of the tempo of swings since 1949. "Apparent" is the reviewer's gloss, because, although (as Professor Milne points out) there were only four different Governments in New Zealand from 1891 to 1935 (that is, Governments of a different Party complexion) and there have been four from 1935 to 1964, this results only from the three-year interruption of National rule, from 1957 to 1960, which in the reviewer's view was largely attributable to a quite blatant "buying" of votes by

Labour's promise of greater tax concessions than their opponents were prepared to offer. The reviewer would therefore regard this "jog in the line" as atypical. There is a short discussion of the floating vote, which reaches the cautious conclusion that there is really no evidence as to what class of electors are predominantly floaters, nor as to why they change their votes, and a slightly longer discussion of the theory that Government changes are caused by a more or less steady erosion of support for the Government in power, on the basis that sooner or later enough electors will conclude that it is time for a change.

The next chapter, 'Parties and Interest Groups', considers at some length the relations between the Trade Unions and the Labour Party, and in somewhat less detail the relations between farmers' organizations and business groups and the National Party. Professor Milne remarks that the special role of the manufacturers in New Zealand probably means that they are not so closely aligned with the National Party as their British counterparts are with the Conservatives. He does not expressly record (even as a footnote) the widely-held view that even those manufacturers who were openly supporters of the National Party were likely (at any rate until recently) to make substantial contributions under the table to Labour Party funds, as a kind of insurance against erosion of their protected position by too great a relaxation of import controls—though he does imply that large donations are made to the Labour Party by business and other non-trade-union groups, without specifying the exact nature of those groups.<sup>5</sup>

The rest of the book is taken up with questions of internal policy organization and behaviour in each of the two main Parties. There is a chapter on the parties in Parliament, including useful discussions on the role of caucus, on Party discipline, and on the selection of the Leader and of Ministers; then follow two chapters on party organization, the first dealing with central organization, the second with regional and local organization. The contrast here is between the "mass" party organization of the National Party and the "direct-indirect" organization of the Labour Party—direct through membership of branches, indirect through membership of an affiliated trade union. Professor Milne concludes his discussion of the control organization of the parties by pointing out that the Labour Party is prone to attribute its election defeats partly to the superior organization of

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<sup>5</sup> *Id.* at 107.

the National Party, but that it is apparently not prepared to set about improving its own organization, and not until it tackles this task can it hope to reap the electoral benefit. But, though both parties are troubled by political apathy in the branches, it is possible (Professor Milne does not make this point specifically, though he provides material from which the deduction can be drawn) that the rather greater social cachet involved in belonging to the National Party (which especially in its junior branches lays a good deal of stress on purely social activities) may attract the membership of people who are otherwise pretty well a-political; for, despite the strong tendency to egalitarianism in New Zealand, New Zealanders are not without their social snobberies, nor above a modest degree of social climbing (though in general New Zealand newspapers are mercifully fairly free of the sillier kind of social chit-chat found in profusion in their Australian counterparts).

There follow two further chapters, on 'Party Conferences' and on 'Candidate Selection' respectively, and the book ends with a chapter headed 'Conclusion' at the end of which he poses the question whether New Zealand is not becoming a country without issues, other than such large-scale "parochial" issues as the construction of motorways and harbour bridges and other public works and the setting up of universities, and such issues as are forced upon its attention by the remaining 99.9% of the world's population. Looking at the reports of electioneering speeches and party policies during the election just concluded one can see some confirmation of this, for, apart from the question of New Zealand's military involvement in Vietnam, many of the issues raised by candidates were purely local; but there was also in the forefront the apparently perennial question of New Zealand's overseas financial resources, and the most appropriate policies for both increasing and conserving these and providing New Zealanders with the consumer and capital goods they require. All three parties (including, that is, the Social Credit Political League—to which Professor Milne devotes a five-page note by way of appendix) made a great deal of play with this, and indeed the Social Credit League almost doubled its vote, and captured a seat—though a seat which has almost always been a political maverick—probably partly on this issue and partly on the issue of neglect of Northern development.

Throughout the book Professor Milne is concerned to analyse the New Zealand political scene both by offering comparisons with other

countries, notably Great Britain and Australia, and from time to time to discuss current general political theories in the light of the evidence offered. He has a shrewd eye for New Zealand character-traits and their effects on the character of politics; thus in the chapter on Parties in Parliament, discussing the mode of selection and the criteria for selection of Cabinet Ministers, he refers to the 'New Zealand trait of distrusting uncommon men'<sup>6</sup> and to 'strongly-held New Zealand views on the security of job tenure'.<sup>7</sup> (One should comment here that these are not confined to New Zealand; indeed, Roscoe Pound, observing United States society nearly two decades ago, formulated what he regarded as an emergent postulate of civilized society along much the same lines.) He refers also to the New Zealand tendency to egalitarianism and distrust of hierarchy,<sup>8</sup> (p. 157) and he detects in the working of New Zealand politics what one must regard as the effects of a typical rough-and-ready pragmatism. This is the same character-trait as is behind the fact, noted by Professor Milne, that 'any dozen New Zealanders taken at random will rise to the occasion if they are given a job to do.'<sup>9</sup> Pragmatism, as he points out, corresponds to what André Siegfried called 'a lack of principles, convictions, reasoned beliefs'. So it is possible for him to observe that in some respects the political system in New Zealand 'does not operate with the same impartiality and fairness as in Britain'; not only are the conventions of parliamentary debate not so scrupulously observed, but canons of fair play have been infringed in various ways—he cites legislation concerning civil liberties, the use of censorship in war-time (for example, to conceal Governmental blunders on the lame excuse that disclosure would affect morale), the allocation of radio time during election campaigns, which is distinctly unfair to minority but still representative political groups. 'The point to notice', he says, 'is the obvious one that New Zealanders *do* observe the traditions of fair play where they think that they are relevant and important; . . . . But where "liberty" or "correct behaviour" is at issue, most New Zealanders do not believe that these really matter.'<sup>10</sup> There is a shrewd guess that 'a higher than random number of keen Social Crediters would be opposed to fluoridation of water',<sup>11</sup> and one

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<sup>6</sup> *Id.* at 153.

<sup>7</sup> *Id.* at 156.

<sup>8</sup> *Id.* at 157.

<sup>9</sup> *Id.* at 26.

<sup>10</sup> *Id.* at 273-4.

<sup>11</sup> *Id.* at 301.

wonders whether the rural areas in which there is an 'addiction to belief in colour therapy (for animals as well as for human beings)'<sup>12</sup> are not also areas in which Social Credit is particularly strong.

In his preface Professor Milne pays tribute to the patience and visual acuity of those who typed the manuscript. There are one or two places at the beginning of the book where their visual acuity, or that of the proof-reader, has been less than immaculate; the surname of Professor D. P. Ausubel ('The Fern and the Tiki') appears throughout Chapter 1 as "Asubel"; Professor C. Weststrate has become "Westrate" (p. 10); Graham Wallas (p. 7) becomes 'Gradham Wallas'; but thereafter, except for a reversed quotation mark on p. 126 (line 30), the book appears to be free from such errors. There is a short book list at the end; it does not include by any means all the books and periodical articles referred to in the course of the book—the author's researches have been exceedingly thorough—but the principle on which it has been compiled is not immediately apparent, since, though it includes a number of general works, it does not include all of those which, we are told in footnote 1 on p. 1, could not be dispensed with. One suspects that the book list, like the note on the Social Credit Political League, is an after-thought; and there are suggestions in one or two other places that the book may have been written in some haste, the same topics are dealt with, at times, under different headings, and cross-referencing is not always adequate. But these are relatively small criticisms to make of a book which is informative and stimulating, and which will be of value alike to the general reader and to the serious student of politics.

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PARLIAMENTARY PRIVILEGE IN AUSTRALIA. By Enid Campbell. Melbourne University Press, 1966. Pp. vii, 218. \$6.00.

This is the first comprehensive study of Parliamentary privilege in the Australian legal and political setting. It is obviously the product of many years of painstaking research and the sifting of masses of case material into classifications that provide chapter headings such as 'Privileges of Colonial Legislatures', 'Freedom of Speech and De-

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<sup>12</sup> *Id.* at 273.