

Book Review

Lawyers and Vampires – Cultural Histories of Legal Professions, by Wesley Pue and David Sugarman (eds)
(Hart Publishing, 2003, pbk ed. 2004) ISBN 1-84113-312-4 (hbk); ISBN 1-84113-519-4 (pbk); £53 (hbk), £27.50 (pbk).

This collection of essays demonstrates just how effectively study of theory can illuminate legal historical study. It demonstrates, too, how legal historical study can inform and develop theory.

The use of the plural, “Legal Professions”, in the sub-title is important. There is and never has been anywhere such thing as one homogenous legal profession. One beneficial result of the very wide range of social contexts studied in the different contributions is that it is clear that a generic definition such as those offering legal services does not suffice to describe the field. David Applebaum in an essay, that shows how revealing the legal history of the second half of the twentieth century can be, deals with career judges. Esa Konttinen considering ‘Finland’s Route’ reveals a situation where the “legal profession” in the nineteenth century was in short the bureaucracy. Sometimes one of the “legal professions” is another profession altogether, such as the schoolteachers mentioned at one point by Hannes Siegrist . Rob MacQueen deals with a divided profession in the Victoria in Australia that was the subject of severe stress. In France in the nineteenth century there are “agents d’affaires” who John Savage reflecting the view of avocats of the time refers to as “outlaw professionals”. Ann Fidler and David Applebaum remind us that the law student, too in an important sense within “a legal profession”. The striking difference of socialisation between the ante-bellum American law students with their devotion to arduous regimes of structured study and their “self-consciousness of epic proportions” are equally significant for the development of the culture of the “legal professions” they went into, as the readers of Foucault in the Ecole de La Magistrature in Bordeaux who went on to become French career judges. Without that background a radicalism, inconceivable among judges in England, for instance, would not have arisen.

Some of the writers in this collection specifically address what they understand by “culture” or “cultures” in the context studied by them. In others the meaning is latent rather than express. The editors’ introduction, which contains in the footnotes and extremely comprehensive bibliography ranging over a wide literature on current understandings of cultural history, rightly warn that it is necessarily a “heterogeneous enterprise”, that cultural histories at their boundaries are “inevitably fluid and permeable”. However, the thread that runs through all the writing here is “social life conceived as the construction, interpretation and negotiation of systems of meaning”. Nor are structures completely distinct from culture, as is emphasised by Wesley Pue in his essay at the end of the collection that starts with “a group of lawyers ...in a small, dusty railway town in cattle-country east of the Rocky Mountains in the spring of 1899”. “Incremental change ‘at the level of culture’ can transform or even reverse the meanings, function, and effects of enduring structures”. The open-textured meaning given to culture entails that any theory of any legal profession must be a great deal wider than the purely economic, and while issues such as control of

numbers for economic gain of those already in a profession is given appropriate place the focus is much wider and much deeper. The raw material for this study is extremely various, as are the explanations for change in particular cultural histories in particular legal professions. The essay by Harold Dick on “‘Mennonite’ lawyers in Western Canada 1900 – 1939” for instance shows vividly how the background of an ethnic or cultural group, at variance with core shared values of the surrounding groups could mean that a legal profession could not still draw from that specific group. A person raised as a Mennonite to be a lawyer meant the cutting of all links with that culture.

This book is packed with interesting and stimulating things. Even thirteen essays as good as these cannot, however address all of the potential agenda. The interaction between different client groups and their lawyers at particular times in particular contexts considering these as shared together is hinted at in some essays but not taken further. The changing setting of Swedish Courts, which has been explored by specialists in legal iconography is treated in depth by Kjell Modéer and wonderful picture of a late nineteenth century Italian lawyer’s office is indicated by Hannes Siegret from an inventory of furnishings including a stuffed eagle. Likewise the rituals of aspects of the English bar and their changing internal meaning to those involved are thrown into relief and meaning by David Lemmings. How far and in what ways those internal meanings were picked up, interpreted and added to in those situations where there is interaction with others, such as clients could probably be researched from material records kept by clients, and from other iconographical sources, such as visual representations of clients with their lawyers. Anne McGillivray’s essay on Dracula is where the editors take the second word in the title. It shows that examination of literature, going beyond the well recognised genre of the “legal novel” opens up new images of lawyering. Literature may tell one new things about the impact of lawyer’s culture on the culture of groups interacting with them. Several essays, and in particular Jean-Louis Halpérin’s on French Lawyers’ Fees in the Nineteenth Century consider the question of fees and their meaning for the professionals. It would be interesting to know how far clients in some situations for instance business men clients in the nineteenth century, shared the connected aspect of some legal professions, namely the value of being able to sustain the life of a gentleman, as conceived in that particular culture.

One important theme that emerges in this book is how certain cultural constructs appear against what seem on the face of it quite different backgrounds. One is the masculine idea of the laborious task to protect “higher” values. The book ends with lawyers in Canada who subscribed to a version of the gentlemanly ideal, but “kept all options open” and changed to a new professionals. John Savage explores the a French version in great detail, the *avocat* of the nineteenth century as elite and exclusive a body carrying on “l’office virile” as any. Ann Fidler’s ante-bellum law students subscribed to apparently similar values. A number of essays mention “rhetoric”, in the sense of a conscious artifice of persuasive speech, while a number consider what may seen as its opposite, the dominance, and in some continental jurisdictions the almost mystical emphasis on court procedure. Further work might look in more detail at how far these are the same constructs in different places. Several essays indicate that what produced them is not identical everywhere, though it may be as with nineteenth century French *avocats* and his fees being honoraria there could simply be ignorance that the same approach was taken by others in other parts of the world. Finally it is clear that in many contexts a legal profession may draw on and in part share aspects

the culture of other groups, and this could bear further investigation. Masculinity and a certain kind of high culture, for example, were often shared with other professional groups members of which could be close personal friends or even relations of lawyers.

The editors have set a wide agenda. This is a book to go back to again and again.

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