

*Class: Image and Reality*

**By Arthur Marwick**

(Collins £9.95)

**A**rthur Marwick's study of class has many virtues. It is not tied to any dogmatic ideology or rigid sociological model. The author makes full use of the comparative method to show how the social classes of a society and the relationships between them have been shaped by the particular history and culture of that society and does not over-simplify the complexity and messiness of the social phenomena he is describing. Yet in avoiding these common, one might almost say fashionable errors, Professor Marwick commits their opposites. His descriptions of social classes in Britain, France and the U.S.A. are so rich, so diverse and at times so inchoate that the reader is often unsure as to what general point he is trying to make and whether in fact his evidence supports it.

The sins of the sociologist are selection, omission and abstraction and of these Professor Marwick is guiltless. Historians writing about class seem, however, to have sins of their own, rooted in the concrete, complex and often personal data to which they are devoted. Because reality is concrete, complex and personal it does not follow that models or accounts of reality should be characterised by these qualities. To some extent it is necessary to theorise, to abstract, to simplify or else one is lost with Captain Marwick in a Sargasso Sea of empirical evidence.

Professor Marwick loves the personal aspects of social class and the image it evokes, and entertains the reader with titbits from diaries, the plots of films and T.V. programmes and biographical descriptions of public figures.

He even implicitly invites one to place the author himself within the class framework on the basis of selected biographical information. We learn that Marwick's father was an economic historian and his mother's Scottish birth-controller but that despite these class handicaps he has risen to be Dean of Arts at the Open University. He informs

the reader that he plays soccer every Sunday in the Milton Keynes fifth division (a piece of information that is repeated on the dust-jacket of the book, no doubt to shock his pious Church of Scotland relatives by this disgraceful display of Sabbath breaking). A university teacher who takes an interest in soccer is merely eccentric but one who boasts about such a plebeian obsession is clearly a middle-class trendy, a category that is curiously omitted by the author who elsewhere emerges as a connoisseur of *Boeuf Stroganoff*.

If only the author could have pruned off the incidental oddities of class behaviour that he delights in recording and stuck to the main issues this would have been an excellent book. But it nonetheless provides the reader with much insight into why Britain, France and the U.S.A. are so similar in some ways and so different in others. In one passage he shows very clearly one of the reasons why Britain has failed economically in comparison with France and America:

*France and America ... are both class societies. In France the social gulf between management and workers is often at least as great as in Britain; there is more formality and more stress on the dignity of titles and status. There is less educational mobility than in Britain ... Formality, to the extent of pomposity, is also a feature of American society ... [But] in the end formality and authority in both America and France are related to function: a boss behaves like a boss because he is a boss. In Britain a boss behaves as he does because he belongs to or has been socialised into a particular social background ... Managers in Britain are often distinguished most by their clothes, accents and manners; since these are their main qualifications they go out of their way to stress them. French managers though often more dictatorial and status conscious than their British counterparts, are better educated and better at doing what they are there to do. That is true too of the American managers.*

Marwick accurately pinpoints the deadly effect of British upper-class collectivism in the competitiveness and competence of British management. He is far too gentle, however, in dealing with that other bastion of deadly collectivism, the trade unions, where he speaks of the “pride, traditions and class awareness of the British worker” which have led him to wage “a constant but usually very mild cold war against his employers”. Anyone who has had any experience of the organised stupidity and downright malevolence of the British labour movement will wonder who on earth Marwick is referring to. The working-class clots are just as responsible as the upper-class twits for the morass of collectivist failure in which we find ourselves. The vigorous individualism of the capitalists who created the world's first individual revolution has been destroyed by two (not one) crassly collectivist sets of nineteenth century institutions - the trade unions and the public schools. This is not a point that Marwick would be happy with but he does concede that “in Britain the persistence of upper-class power and the advent of organised working-class power mean that there is a constant refrain of hostility towards the middle-class small businessman who in America and France is praised and protected by special legislation.”

*Christie Davies*

#### *The Rise and Fall of Freedom of Contract*

**P S. Atiyah**

(Oxford University Press £30. 00)

Here is a lawyer who knows about economics. That in itself makes this an unusual book. Law and economics parted company, as Professor Atiyah points out, about 1870 and have been separate ever since. Consequently the little economics that modern lawyers do know date directly from the early classical economists.

Professor Atiyah, on the other hand knows about marginal utility, Pareto-optimality, interpersonal comparison of utilities and externalities. He reels off the views of economists from Jevons to Friedman. He understands *laissez-faire*, pointing out that the classical economists favoured quite a large degree of state intervention, in contrast

to men such as Herbert Spencer. There never was a period of *laissez-faire*, says Atiyah. As the relics of mercantilism were being swept away in the nineteenth century, so Benthamites were busy erecting a new structure of state regulation.

In spite of this wealth of scholarship, Atiyah is curiously inconsistent in his attitude to *laissez-faire*. Whilst he dismisses simplistic arguments for *laissez-faire* put forward by nineteenth century lawyers such as Bramwell, and castigates the failure of *laissez-faire* to deal with monopolies, cartels and restrictive practices, he is critical of the results of modern intervention.

The modern working-class council tenant has, he says, little more freedom of movement than the agricultural labourer in the days of Adam Smith, and the position of those in privately-rented accommodation is hardly better. He has doubts about consumer protection legislation. He draws on Schumpeter to make the point that “the seducing advertisement of the manufacturer or businessman is condemned, controlled, or even down-right illegal ... while in the market place of ideas, politicians are free to deceive and defraud the public”, drawing a vivid contrast between the trust reposed in individuals as consumers and as voters.

He argues that freedom of contract tends to destroy freedom of trade and competition. Yet in his own book he points to the considerable amount of legislative intervention in the economy by the late nineteenth century - precisely the time at which he says the cartels and monopolies flowered. Could it not be that these facts were connected? Professor Atiyah does not consider this question, surprisingly in view of his familiarity with economics.

The whole of Professor Atiyah's argument that freedom of contract tended to destroy the freedom of trade is weakened by his failure to consider other possible causes of declining competition. Adding to the puzzle, Atiyah plumps firmly for the Ashton and Clapham view of the Industrial Revolution, dismissing the version put about by the Hammonds and the Webbs. The evidence which Professor Atiyah produces should lead him to advocate *laissez-faire*, but it does not.

A major part of the work is devoted to tracing the history of freedom of contract in the courts, from the executed, simultaneous exchange contract paradigm of the eighteenth century to the executory, exchange of binding promises, paradigm of the nineteenth century. Linked to this is the eighteenth century predominance of reliance and benefit theories of contractual liability, supplanted by the nineteenth century consensual theory of contract and the protection of reasonable expectations. In the twentieth century, says Atiyah, the trend is once again towards protection of reliance interests and benefit interests and away from consensual theories; towards attempts to do justice in each case by investigating the factual circumstances, and away from the abstract application of formal principles; towards an administrative approach, and away from the freedom of contract.

Atiyah is unimpressed with exchange of promises as the ground for enforcing contracts. He points out, citing J.S. Mill in support, that enforcement of executory contracts is a species of state intervention that cannot be justified on the grounds of preventing force or fraud. This objection, among others, has led many libertarians to say that the state should not enforce contracts; that the risk of a promise being broken is something that the promisee should bear and, if he wishes, insure against.

Atiyah, however, does not come to this conclusion. Instead he decides that a new theory of contract is needed, based on the twin concepts of reliance and benefit. A person who reasonably relies on another should be protected; a person who benefits from another should be recompensed.

Atiyah highlights the willingness of nineteenth century courts to hear arguments based on political economy. Judges would listen to advocates arguing on economic principles.

In an 1800 case concerning marketing offences, Lord Kenyon told the court that he had read *The Wealth of Nations* and other publications on the same subject, but rejected the Adam Smith view. In another case Ricardo was cited. Lord Bramwell, a judge in the House of Lords, thought that Herbert

Spencer was the profoundest thinker of his age. Bramwell wrote pamphlets on Drink and *laissez-faire* for the Liberty and Property Defence League. To a modern English lawyer, lacking both education in economics and the American Brandeis brief, the involvement of nineteenth century judges in economics and political philosophy is rather startling.

Despite its lack of sympathy for *laissez-faire*, this book will be of great interest to libertarians for the wealth of information and analysis packed into its 791 pages. It is a major work of scholarship. It ranges across law, economics, political philosophy and history. Just one quibble. At a price of £30, surely the index could have been better? Atiyah cites Hayek, Friedman, Nozick and others, none of whom appear in the index. There is no index of cases, statutes, or authors quoted. In a work of this stature, they are indispensable.

*Graham Smith*