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Philanthropy to the Fore

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it is possible to approach an understanding of the legal order as a whole as well as of its parts. This is an exciting proposition and one that raises questions: is it a re-making or a making (anew) of an archive? Does »archival reconstruction« (232) suggest a pre-existing, stable archive whose lost integrity can be restored by today's historians? Chatterjee's methodological call invites further reflection on the category ›archive‹, its meaning in early-modern South Asia / Mughal India, and shifts in the conception, uses, and logics of archiving in the colonial era. It also raises further methodological, affective, and ethical questions about working with families whose ancestors are the subjects of research.

Other Interventions

Chatterjee makes a number of other interlinked interventions in Mughal history and its methods that deserve mention: Chapters 2 and 3 revisit the very foundations of Mughal historiography, explaining genres and types of court and legal documents. *Zamindari*, *mansabdari*, *ijara*, tax collection: Chatterjee adds nuance to our understanding of each of these key institutions of the Mughal Empire to make clear the constant renewal and renegotiation they entailed, which in turn made room for the agency and enterprise of figures like the

kayasth (scribal-caste) landlords that are her focus. Written documents were of immense significance in holding on to *zamindari* entitlements and to state offices that could be complementary to landholding. The elbowing out of rival claimants – including in this case agnatic kin and a Muslim branch of the Das family – that household memory and later narratives have erased are made visible in Chatterjee's account.

Negotiating Mughal Law is a welcome contribution to the study of law and early modern empire, offering a pre-colonial perspective to a field that is dominated by a focus on European colonial expansion. The book lays out the contours of a history of law for one of the most significant empires in world history, the Mughals. It crosses established fields and opens up new spaces within existing ones while also breaking new ground methodologically. Chatterjee has a clear and ebullient voice, and her writing manages to be both accessible and technical. Given its expansive interpretation of law, it has forged a path forward to bring the legal history of South Asia into conversation with studies of the region's economy, society, politics, and culture. It is an excellent work, one that will fuel new conversations for decades to come and which can enable comparative discussions within and beyond early modern South Asia.



Matilde Cazzola

Philanthropy to the Fore*

The global health crisis of the Covid-19 pandemic has recently reminded us of the prominent public role played by philanthropic individuals and foundations in providing emergency assistance and compensating for the shortcomings of the state in the face of complex challenges. However, the history of modern philanthropy in Western

Europe, and more specifically Britain, dates back at least two hundred and fifty years and, as shown by the social historian Hugh Cunningham in his latest book *The Reputation of Philanthropy since 1750: Britain and Beyond*, it has been characterised by major transitions. Starting from the observation that philanthropic activities have attracted both

* HUGH CUNNINGHAM, *The Reputation of Philanthropy since 1750: Britain and Beyond*, Manchester: Manchester University Press 2020, VIII + 218 p., ISBN 978-1-5261-4638-0

»praises and abuses« (9), Cunningham investigates how public opinion in Britain from the mid-18th century to the present day, as conveyed by prominent individuals or the press, has responded to acts of giving. As the title of his book suggests, Cunningham retraces the history of British philanthropy through its fame and notoriety. Indeed, he argues that it is precisely because a heated national debate about its merits and faults took shape in Britain during the second half of the 18th century that the actual »birth« of philanthropy can be dated to that time (14).

As Cunningham points out, philanthropy is such an »indeterminate field« (21) of both theoretical investigation and practical activity that it is difficult to assess what was new about the philanthropic movement that emerged in the 1750s and what changed afterwards. This difficulty is not diminished, but rather enhanced, by the author's terminological focus on »philanthropy« as distinct from »charity«, »benevolence« and »voluntary work«, even though the meanings of these terms in primary sources often appear, as Cunningham himself recognises, to overlap. On top of that, philanthropy historically unfolded under extremely different guises, making use of a diverse set of methods, discourses and justifications. Private endowments and subscriptions went hand in hand with social service and public agitation; the progressive, liberal and sometimes even radical stances of philanthropists often overshadowed their conservative social purposes; and religious justifications and dissenting or evangelical criticisms of the Church establishment were used to convey schemes that were mostly secular in their social and political outcomes. Moreover, the reach of philanthropy was both parochial and global, »beginning at home« and then embracing the whole humankind in a »telescopic« stretching (107).

The chapters of the book reconstruct the history of British philanthropy and its reputation in both a thematic and chronological order. Chapter 1 looks at the ways in which historical narratives of philanthropy have been shaped differently by its recent scholarly definitions. Chapters 2 and 3 argue that the »genesis« (34) of philanthropy in Britain can be located in the mid-18th century, when the concept first became prominent in public discourse and the press. Traditionally, charity had existed, in England and elsewhere, as a private act of Christian benevolence expressed by means of

donations. Beginning in the later 17th century, it acquired an »associated« dimension (14), with charitable individuals coming together and promoting schemes for the relief and employment of the poor. It was only from the 1750s onwards, however, that charity became explicitly »public and political« (26). This is because its »measure« (13) was no longer exclusively pecuniary, but instead coincided with the extent to which its proponents were able to have an impact on state institutions and policies. Chapters 4 and 5 focus on the prison reformer John Howard – the first Briton generally identified as a philanthropist to be worthy of the name – whose individual yet widely celebrated activism produced a long-standing connection between philanthropy, prison reform and the fight against crime during the 19th century. Chapter 6 examines British views of philanthropy during the French Revolution and the war with France, when the revolutionary connection between philanthropy and universal love for mankind clashed with the national need for loyalty and patriotism in times of war. Chapters 7 and 8 investigate philanthropy and its reputation in the middle decades of the 19th century. Between the 1820s and the 1840s, it became closely linked to the evangelical crusade for the abolition of slavery and concerns for the »protection« of indigenous peoples in settler colonies. However, from the mid-Victorian age, this imperial and global philanthropy was associated with neglect for the poor and the working classes at home, becoming the target of bitter criticism. Finally, chapters 9 and 10 look at how, while at the turn of the 20th century philanthropic activities were understood as different to state intervention, it was the crisis of public social policies in the last decades of the century that ushered in a »new« neoliberal philanthropy (176).

Although since the 20th century charitable initiatives have tended to be seen as an alternative to the welfare state, works such as Cunningham's show that philanthropy, by bringing social issues to the fore of national politics, represented a path towards it. While scholars do not always agree on what the »golden age« of philanthropy was (14–16), one can identify its high point between the later 18th century and the second half of the 19th century. During this period, it no longer aimed at saving the donor's soul, but instead focused on improving the order and well-being of society both at home and in the wider Empire, thereby becoming indistinguishable from social

reform in both the domestic and the imperial spheres. After reading Cunningham's book, legal historians might wonder how the reputation of philanthropy historically influenced the breadth of public space it was granted and to what extent it became a partner of the state in developing social policies and prompting pieces of legislation. Between the 1790s and the later 19th century, philanthropists committed to solving the problems of vagrancy and crime offered a helping hand to police reformers (Chapters 4 and 5); as agitators both in and outside Parliament, they worked towards the abolition of the slave trade and slavery, and actively participated in political and economic debates about the reform of the Poor Laws (Chapter 7); meanwhile, as prison reformers and critics of capital punishment, they solicited the establishment of government inspectorates and royal commissions (77–79). Even those philanthropists who criticised state intervention for undermining individual effort and self-help – such as the members of the Charity Organisation Society, established in 1869 – ended up contributing their casework on poverty to state departments as public social workers (173).

More generally, between the 18th and 19th centuries, philanthropy in Britain played a crucial role in promoting »patient research and inductive reasoning«, as well as applying the outcomes to the »solution of problems that straddled the boundaries between the social, the political and the economic« (81). This was bequeathed to the social

policymaking of the late 19th and 20th centuries as an enduring legacy. From John Howard onwards, various philanthropists and philanthropic associations adopted the methods of inspection and monitoring; collected statistical information and issued surveys and reports; supported and implemented technological improvements; and built webs of intelligence. This philanthropic approach to social inquiry can be detected behind the letter of epoch-making statutory enactments such as the New Poor Law of 1834. Conversely, a legal-historical focus on philanthropy can show how moral preoccupations and religious apprehensions were intertwined with social, political and economic concerns in the making of the law. This represents a potentially productive challenge to legal historians: how to take seriously the philanthropic and humanitarian motives of historical actors (alongside their criticisms of the state, the Church and colonial establishments) without promoting a »recuperative« analysis of state and imperial policies. From this perspective, the law itself emerges, from time to time, as historically prompted by actors who were neither institutional nor strictly legal, and who could be more aptly described as »concerned citizens« who, while marking the autonomy of civil society from the state through their private and voluntary philanthropic activities, turned civil society into a field in which to develop and publicly promote state policies.



Alfons Bora

Unstructured Diversity*

The keyword »diversity« refers to a very broad range of topics. These include, for example, issues of civil status (with implications for labor law); questions of political equality; demands for the implementation of civil and equality rights with

regard to race, gender, skin color, ethnic origin, age, disability, or religion; and debates about cultural richness. The latter in turn comprise issues of normative diversity in general and legal plurality in particular, such as are being discussed in the field of

* CHRISTINA BRAUNER, ANTJE FLÜCHTER (eds.), *Recht und Diversität. Lokale Konstellationen und globale Perspektiven von der Frühen Neuzeit bis zur Gegenwart*, Bochum: Transcript 2020, 374 p., ISBN 978-3-8376-5417-2