

# H-Net Reviews

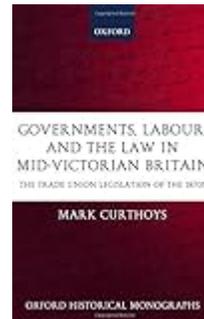
in the Humanities & Social Sciences



**Jordanna Bailkin.** *The Culture of Property: The Crisis of Liberalism in Modern Britain.* Chicago: University of Chicago Press, 2004. xii + 320 pp. \$35.00 (cloth), ISBN 978-0-226-03550-5.



**Mark Curthoys.** *Governments, Labour, and the Law in Mid-Victorian Britain: The Trade Union Legislation of the 1870s.* Oxford: Clarendon Press, 2004. viii + 284 pp. \$99.00 (cloth), ISBN 978-0-19-926889-4.



**Jose Harris, ed.** *Civil Society in British History: Ideas, Identities, Institutions.* Oxford: Oxford University Press, 2003. x + 319 pp. \$85.00 (cloth), ISBN 978-0-19-926020-1.



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**Published on** H-Albion (May, 2005)

**Continuity and Consensus in Modern Britain**

For members of the British Studies community the term civil society has often connoted a continental significance, suggestive of civil law, strong government, and perhaps even despotic state power. The application of this concept to modern (post-1688) British society will surprise many, but the three different types of scholarship reviewed here reveal ways civil society may well illuminate important issues in British history. Each of the books represents a specific form of scholarly endeavor, but when read together they possess an intellectual unity that seems improbable from their titles. The edited volume by Jose Harris has an introduction and fifteen essays devoted to the exploration of civil society in many different contexts, temporal and geographic. Jordanna Bailkin's book has a conventional breadth of topics, and covers a manageable period, the Edwardian era. Mark Curthoys has written the traditional monograph, an extensive examination of trade union legislation in the 1870s. Despite their obvious variations, each of these works repays close reading for the light shone upon civil society as an interpretive idea.

In her introduction, Jose Harris defines civil society as those public institutions that exist largely but not entirely outside the sphere of government. Associational freedom gave rise to many ideas and groups that operated through self-preference. In part this meant a reaction against medieval ideals of corporatism; in other ways civil society acted as a midwife to private institutions that served a wide variety of needs and purposes. The domain of liberty outside the purview of government led other countries to admire the British achievement in the genesis of individual freedom and sought to emulate, with mixed success, the British model.

The set of essays suffers, perhaps inevitably, from the attempt to structure them around a central idea. All the contributions have a solid scholarly foundation, but the authors selected varying definitions of civil society, weakening the focus of the volume. Civil society may mean, as Harris anticipated, institutions in the public sphere, social arrangements in the private sphere, or those areas where the public and the private overlap (p. 5). The varying use of the term by her colleagues stretches the concept to, and perhaps over, the line of historical utility. These essays range so widely that the central theme of civil society becomes blurred in the face of the specific issues examined by the authors. Wach's individual article is well done but, as often happens in such an enterprise the cost is a variety that weakens the primary intellectual framework. In the end, therefore, while the volume provokes a variety of insights into civil

society, it does so at the expense of a univocal theme that other historians might appropriate.

Jordanna Bailkin does not use the phrase civil society specifically, yet her subtitle of the crisis of Liberalism in modern Britain refers directly to the concept. At first glance the author appears to promise far more than she could possibly deliver. The book intends "to provide a new frame of reference for understanding the ethics and politics of cultural property" and "to illuminate the crisis of Liberal ideals and practices—the 'strange death' of Liberalism—in Britain before World War I" (pp 1-2). The evidence to sustain this argument rests on four episodes: the 1903 dispute over the Irish Broighter Hoard, the 1901 bill to regulate the Scottish galleries, the potential sale and departure from Britain of Hans Holbein's *Duchess of Milan* in 1909, and the opening of the London Museum in 1912. These controversies, of which most readers will probably not have heard, hardly seem to rival the Parliament Act of 1911, labor unrest, and militant feminism as sources of a Liberal crisis.

In the end, however, Bailkin meets her burden of proof in an original and convincing manner. Her examples are skillfully woven into explorations of identity, national pride, feminism, and class altogether as interesting, if not previously so famous, as George Dangerfield's original examples in 1935. Liberalism, which in many ways typified civil society, represented the paradigm for voluntarist citizen activity. Challenges to the peaceful mediation of civil disputes are rightly placed in the broader historical context of Edwardian Britain. Bailkin calls her book a prehistory of cultural property; readers will welcome an additional project for the later history.

The long, ambiguous history of trade union status and the larger issue of class relationships speak directly to the purposes of civil society. Curthoys traces in clear and concise prose how the combination of public opinion, market conditions, and judicial legislation rendered the position of trade unions tenuous even after the progress made in the 1860s. Could they control their own affairs, or how far might unions by common action affect labor relations, and to what extent might unions coerce members or non-members in industrial disputes? Civil society demanded that these anomalies find resolution in order to incorporate trade unionists into the boundaries of Victorian society. The Liberal and Conservative parties both worked to achieve this end, albeit from different ideological positions and for different motives. The result was perhaps not quite the age of equipoise, but the attempt to remediate social distortions did work toward consen-

sus. Curthoys presents the complex process by which statute, rather than judicial decree, determined how society might best accommodate trade union realities.

The major reason for the transition toward a more favorable perception of unions, apart from the accumulated evidence of “fitness” for social integration, appeared in the willingness of both political parties no longer to criminalize the behavior and tactics of trade unionists: “Economic considerations had been severed from legal ones; objections grounded in political economy were no longer to stand in the way of the recognition of unions as lawful institutions” (p. 116). The language of politics permitted the acceptance of positions that might otherwise have proved embarrassing. A boycott became exclusive dealing, Anglo-Irish support of home rule signified a union of hearts, and dictation equaled the “legal right of individuals acting jointly to stipulate conditions for the sale of their labour” (p. 145). Even the freedom of individual contract gave way to the realities of the market. The amelioration of class tensions by political consensus augmented the realization of important dimensions of civil society.

Contemporary observers since the eighteenth century and later historians have noted the phenomenon that British society escaped the consequences of the industrial and French revolutions without suffering the anticipated upheavals associated with both. British exceptionalism has rested in part on the ability to emphasize the civil in civil society. Long ago E. P. Thompson remarked that already by the 1790s labor organizations acted by what would become Robert’s Rules of Order. Jose Harris speculates that the idea of civil society has broader implications for comparative historical interpretation because it represents the antithesis to the *Sonderweg* debate that has criticized nineteenth-century German society for the failure to form a genuinely liberal society, with such later tragic consequences. Taken for granted then and now by many, the contours of civil society have framed British history; each of these books makes a contribution to the way in which the idea of civil society might assist the discussion of important issues. On this basis, therefore, each book, although so opposed in design and execution, may be recommended to scholars in all subdivisions of historical research.

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**Citation:** Richard Cosgrove. Review of Bailkin, Jordanna, *The Culture of Property: The Crisis of Liberalism in Modern Britain* and Curthoys, Mark, *Governments, Labour, and the Law in Mid-Victorian Britain: The Trade Union Legislation of the 1870s* and Harris, Jose, ed., *Civil Society in British History: Ideas, Identities, Institutions*. H-Albion, H-Net Reviews. May, 2005.

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