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Alibis of Empire: Henry Maine and the Ends of Liberal Imperialism

KARUNA MANTENA
269 pp., ISBN: 978-0691128160 (£27.05 hardback)

Sir Henry Maine was an eminent Victorian whose eminence is scarcely remembered today. Indeed it was the very extent of his accomplishments, which contributed markedly to the eclipse of his name. As a major influence on British policy in late nineteenth century India, his prestige inevitably suffered with the decline of the Raj. But Maine was also a highly original theoretician, and his phrase ‘from status to contract’ paved the way for subsequent analyses of modernization as framed by Tönnies, Weber, Durkheim, Redfield, and other founding fathers of the twentieth century sociology. Because we know today how ‘gemeinschaft’ gave way to ‘gesellschaft’, how ‘zweckrationalität’ superseded ‘wertrationalität’, how ‘mechanical solidarity’ became ‘organic’ how ‘competition’ bested ‘custom’ and how the ‘urban’ supplanted the ‘folk’ we no longer have any need to return to Maine’s more embarrassing formula, which relegated women, children and racial others to the domestic enclosure of ‘status’, while granting the realm of free ‘contract’ to propertied men in the West.

Karuna Mantena’s excellent book, however, returns us to the 1860s, when Maine formulated this exclusionary precursor to modernization theory. Applying it to India during his tenure as a Legal Member of the Viceroy’s Council, he concluded that most Indians were resistant to modernization, and therefore required more or less permanent imperial supervision to maintain their traditional place. As Mantena points out, the triumph of Maine’s doctrine represented a major change in British policy. During the early nineteenth century, a series of liberal imperial administrators—Elphinstone, Bentinck, Macaulay and others—had envisioned the British Raj as a temporary trusteeship. Without any elaborate theory of development, they hoped to train Indians to become capable of self-government, finally eliminating the need for imperial control. Although this attitude had been eroding for some time in official circles, Mantena argues that it was the outbreak of the Sepoy Mutiny of 1857 that finally destroyed the foundations of liberal imperialism and opened the way for the new paradigm articulated by Maine. The belief that Indians were incapable
of modernity and self-government became, in her words, an ‘alibi of empire’ that justified a more or less permanent British presence, once the liberal imperial ideal of trusteeship had collapsed. Although this alibi of Empire was rendered irrelevant in 1947, when the British finally left India, Mantena sees it as reflecting a much wider and more pervasive phenomenon, which has played out most recently in the U.S.’s ill-conceived war in Iraq. In both cases, as well as with many others in between, intervention was fuelled by idealistic motives to bring freedom and progress to a backward society. Yet, when the experiment went sour, failure was attributed to some deep-seeded indigenous cultural difference, and continued occupation was justified in less liberal terms. As the imperial thinker and administrator who first made this adjustment, Mantena sees Maine as a pivotal figure—the pioneer in a characteristic response to liberal imperialism’s contradictions, whose poisoned legacy needs critical re-examination today.

Mantena, who is a political scientist, is particularly good in analysing Maine’s writings and putting them in their intellectual context. In Chapter 1, she examines the crisis in liberal imperial doctrine, focusing on the writings of J.S. Mill and James Fitzjames Stephen, to compare their responses with that of Maine. In Chapter 2, Maine’s status/contract dichotomy is contrasted with the more overtly stadial models of societal development that had been popular during the eighteenth century. In a strikingly erudite tour de force, Mantena traces the origins of nineteenth century binary evolutionism to the Roman History of Barthold Niebuhr who sought, in the aftermath of the French Revolution, to locate the origins of Roman civilization in the gens, or tribalized family. She shows how this insight was taken in a number of different directions by Fustel de Coulanges, J.J. Bachofen, L.H. Morgan, J. McLennan and, of course, her subject, H.S. Maine. Niebuhr’s point, which Maine elaborated, was to show that historically grounded political citizenship was a rare phenomenon. Its spontaneous emergence in Rome from primitive social organization was highly atypical. While Maine was at pains to show that West European men followed the Romans up the lofty evolutionary heights of (contract-making) citizenship, most Indians remained ensconced in the kin(communitarian world of the immemorial village or joint-inheriting family.

In Chapter 3, Mantena discusses Maine’s debt to Carl von Savigny, whose Franco-German comparative jurisprudence provided a model for comparing European and Indian legal codes. Here, Maine wrestled with the contradiction between his job, which exalted him as a Benthamite legislator, and his beliefs, which made him doubt whether India could benefit from a comprehensive modern universalistic code. In Chapter 4, Mantena turns her attention to the question of property, examining the ways in which Maine and his colleagues reversed the long English elite preoccupation with individual property by insisting on the evolutionary primacy of collective property, at least throughout the Indo-European world. In Chapter 5, she focuses on Maine’s defense of caste as a legitimate form of social organization in a society, like that of India, which stood in danger of being destabilized by over-rapid economic growth and occupational mobility.

Towards the end of Chapter 5, Mantena examines Maine’s legacy in the next generation, claiming him as the original architect of the system that would eventually
become known as ‘indirect rule’. Here, I believe, Mantena somewhat overplays her hand. For Maine never entirely abandoned the liberalism in which he was raised—a fact that Mantena recognizes in the abstract, but sometimes neglects in detail. Maine, in the end, was deeply ambivalent, accepting that British rule would inevitably bring progress and modernization, which might be slowed and tempered but could never be entirely arrested. It is certainly true that the next generation of Indian colonial administrators—most notably Denzil Ibbetson and Albert Lyall—regarded themselves as Maine’s disciples, but it is difficult to know how far the master endorsed their retrogressive policies, many of which came to fruition only after his death. Maine’s influence on Lord Lugard—the founding father of ‘indirect rule’—is even more questionable. In the latter’s magnum opus *The Dual Mandate in British Tropical Africa*, (Cass, London, 1965, first edition, 1922), Maine’s name appears only in footnotes, twice. In both instances, Lugard questions Maine’s theory of collective landownership as either irrelevant to Africa, or ‘academic’ and ‘immaterial’, pp. 281, 284. This, however, is a minor blemish in Mantena’s otherwise thoroughly researched and deeply insightful book.

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