

LA3C5-15 Charities, Civil Society and the Law

24/25

Department

School of Law

Level

Undergraduate Level 3

Module leader

Jonathan Garton

Credit value

15

Module duration

10 weeks

Assessment

Multiple

Study location

University of Warwick main campus, Coventry

Description

Introductory description

This module explores the history, principles of law, and policy issues relating to charities and other civil society organisations (CSOs).

Module aims

The aim of the course is to enable students to develop an understanding of the history, principles of law, and policy issues relating to charities and other civil society organisations. At the heart of the module is an extended analysis of the charitable trust as the core legal device for philanthropy in England and the common law world, but a range of other institutions, both local and global, are also considered. The course is interdisciplinary in its approach, drawing widely on literature from history, sociology, and political and economic theory, in order to understand and critique the regulatory frameworks in which charities and other CSOs operate.

Outline syllabus

This is an indicative module outline only to give an indication of the sort of topics that may be covered. Actual sessions held may differ.

Particular topics will vary each year depending on staff expertise and interests, but indicative topics include:

1. Theoretical Perspectives on Organised Civil Society
2. Charity and the Makeshift Economy in Early Modern England
3. Charity and Scandal in Victorian England
4. The Modern Definition of a Charitable Purpose
5. The Public Benefit Requirement
6. Advocacy and Political Action
7. Regulation and Accountability
8. Global Civil Society

Learning outcomes

By the end of the module, students should be able to:

- Understand the nature of the charitable trust and its distinctiveness from other legal concepts
- Locate and use primary and secondary sources of English and Commonwealth charity law
- Understand the relationship between legal, social, political and economic influences upon the nature and functions of charities in different historical and contemporary contexts
- Understand the scope of the wider third sector and nature and regulation of CSOs beyond the charity model
- Have a critical awareness of contemporary theories of organised civil society

Indicative reading list

Garton, *The Regulation of Organised Civil Society* (Hart 2009);

Garton, *Public Benefit in Charity Law* (OUP 2013);

Harding (ed), *Research Handbook on Not-for-Profit Law* (Edward Elgar 2018);

Jones, *History of the Law of Charity 1532-1827* (CUP 1969);

Slack, *Poverty and Policy in Tudor and Stuart England* (1988);

Ben-Amos, *The Culture of Giving: Informal Support and Gift Exchange in Early Modern England* (CUP 2008);

Salamon and H Anheier (eds), *Defining the Nonprofit Sector: A Cross-National Analysis* (Manchester University Press 1997)

Rose-Ackerman, *The Economics of Nonprofit Institutions: Studies in Structure and Policy* (Yale University Press 1986)

Powell, (ed), *The Nonprofit Sector A Research Handbook* (1987)

Edwards (ed), *The Oxford Handbook of Civil Society* (OUP 2011)

Anheier and Toepler, *Nonprofit Organizations: Theory, Management, Policy* (Routledge 2022);

Abou Assi (2013) 'Hands in the Pockets of Mercurial Donors: NPO Response to Shifting Funding Priorities', *Nonprofit and Voluntary Sector Quarterly*, 42;

Alvarez (2009) 'Beyond NGO-ization?: Reflections from Latin America', *Development*, 52;

Andrew, *Philanthropy and Police: London Charity in the Eighteenth Century* (Princeton UP 1989)

Archer, (2002) 'The Charity of Early Modern Londoners', *Transactions of the Royal Historical Society*, 12;

Smith (ed), *Land, Kinship and Life-Cycle* (CUP 1986)

Birn, (2014) 'Philanthrocapitalism, Past and Present: The Rockefeller Foundation, the Gates

Foundation, and the Setting (s) of the International / Global Health Agenda', Hypothesis, 12;
Broad, (1999) 'Parish Economies of Welfare, 1650-1834', The Historical Journal, 42, 985;
Dolsak and Prakash, (2022) 'NGO Failure: A Theoretical Synthesis', Voluntas, 33;
Garton, (2013-14) 'Re Macduff and the Charity of the Wise', Charity Law and Practice Review, 16;
Hindle, On the Parish? The Micro Politics of Poor Relief in Rural England c. 1550–1750 (OUP
2004)
Hitchcock, (2005) 'Begging on the Streets of Eighteenth-Century London', Journal of British
Studies, 44, 478;
Prakash, 2019) 'Nonprofit Governance, Public Policy and the Oxfam Scandal: An Introduction', 10;
Stapleton, (1993) 'Inherited Poverty and Life-Cycle Poverty: Odiham, Hampshire, 1650-1850,
Social History, 18, 339

Research element

Students will conduct research into legal cases, academic literature and other source material required for analysis of the topics covered within the module

Interdisciplinary

The module draws heavily on the historical, sociological, political and economic literature on charities and organised civil society.

International

Some comparison of and reference to other legal jurisdictions is made within the module.

Subject specific skills

Analysis of factual situations and critical evaluation of issues identified by means of (a) independent judgement; (b) synthesis of other approaches derived from relevant literature and/or expertise

Transferable skills

Problem solving
Critical analysis
Written and oral presentation

Study

Study time

Type	Required
Seminars	9 sessions of 2 hours (12%)
Total	150 hours

Type	Required
Private study	112 hours (75%)
Assessment	20 hours (13%)
Total	150 hours

Private study description

Guided and independent reading in preparation for seminars and the assessment.

Costs

No further costs have been identified for this module.

Assessment

You must pass all assessment components to pass the module.

Assessment group A

	Weighting	Study time
Essay	100%	20 hours
Essay on a topic related to the course: students may choose from a list of suggested titles or agree another with the module convenor.		

Assessment group R

	Weighting	Study time
Essay	100%	
Essay on a topic related to the course: students may choose from a list of suggested titles or agree another with the module convenor.		

Feedback on assessment

Students will be given detailed individual written feedback on their essays.

Availability

Courses

This module is Optional for:

- ULAA-M300 Undergraduate Law
 - Year 2 of M300 Law
 - Year 3 of M300 Law
- ULAA-M131 Undergraduate Law (4 Year)
 - Year 2 of M131 Law (4 year)
 - Year 3 of M131 Law (4 year)
 - Year 4 of M131 Law (4 year)
- ULAA-M132 Undergraduate Law (Year Abroad)
 - Year 2 of M132 Law (Year Abroad)
 - Year 4 of M132 Law (Year Abroad)
- ULAA-M135 Undergraduate Law and Sociology
 - Year 3 of M135 Law and Sociology
 - Year 4 of M135 Law and Sociology
- ULAA-M133 Undergraduate Law with French Law
 - Year 2 of M133 Law with French Law
 - Year 4 of M133 Law with French Law
- ULAA-M134 Undergraduate Law with German Law
 - Year 2 of M134 Law with German Law
 - Year 4 of M134 Law with German Law
- ULAA-M136 Undergraduate Law with Humanities (3 Year)
 - Year 2 of M136 Law with Humanities (3 year)
 - Year 3 of M136 Law with Humanities (3 year)
- UPHA-V7MW Undergraduate Politics, Philosophy and Law
 - Year 2 of V7MW Politics, Philosophy and Law
 - Year 2 of V7MW Politics, Philosophy and Law
 - Year 3 of V7MW Politics, Philosophy and Law
 - Year 3 of V7MW Politics, Philosophy and Law
 - Year 4 of V7MW Politics, Philosophy and Law
 - Year 4 of V7MW Politics, Philosophy and Law