'A NEW TEMPERED SPIRIT TO COMFORT THE TWENTY-FIRST CENTURY': INDIVIDUAL CHOICES, PUBLIC POLICIES, AND THE PHILANTHROPIC EXPERIENCE IN WESTERN EUROPE

by

Ronald E. Limoges

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Approved:

Dr. John Rohr, Chairman

Dr. Charles Goodsell

Dr. Amy Nelson

Dr. Bonham Richardson

Dr. James Wolf

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by
Ronald E. Limoges

Committee Chairman: John Rohr
Center for Public Administration/Public Affairs

[Abstract]

This essay examines the persistent and penetrating role of philanthropy in the institutional life of Western Europe.

Whatever knowledge has been gained in the collective survival of *Homo sapiens*, our species derives its authority over history from a purpose more significant than simply the survival of the fittest or the maximization of individual utilities. Our shared history expresses surprisingly consistent levels of organized compassion. Altruism and philanthropy, born of individual need, persist in collectivities. This is a study of public policy outcomes at those interstices where religious, political, and economic forces have taken shape, however transient, as human institutions or collectivities. The analysis yields a more comprehensive understanding of how public policy is made, particularly the unique comparative context of the new European Union. The individual and social choices made within this continuing process tell us a great deal about both the philanthropic impulse and the major institutions which comprise European life at the end of the twentieth century.

The description of each important institutional intersection--religion and philanthropy in France, politics and philanthropy in Germany, and economics and philanthropy in England--is framed within the institution of social welfare. The modern European welfare system illustrates the acceptance of public obligations and commitments by the collective institutions of governance has altered over the course of time. Such adjustments, it seems, culminate in our own time in a fuller sense of collective and public responsibility for relationships. The role of altruism, charity, and philanthropy in that institutional shift--from a private to a public conscience --is at at the heart of this essay. The "new tempered spirit" which can come to

"comfort" the next century may be found in an unexpected intimacy between near and distant obligations as well as in the startling connectedness between our selves as private individuals and our selves as an increasingly diminutive portion of national and transnational institutions.

The very limited human and institutional possibilities within what we now know as the modern nation-state may well come to an end with this century. The possibilities for new forms of both obligation and commitment to the endless variety of human needs and aspirations are unlimited. In much the same manner that the dissolution of the medieval life of old Europe permitted the discovery and construction of a new spirit of individual human potential, the dissolution of the political boundaries of contemporary Europe should permit the discovery and construction of a new spirit of human interdependence.

Dedicated
to
my most intimate obligations,
ALISON, JUSTIN, AND AARON,
who are the
happy reasons
for my
life and work

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CHAPTER ONE

AN INTRODUCTION

> Thus, the moral order, like the wealth of nations, is continuously created by an indefinitely large number of acts as people encounter each other in a field defined, not by institutions or tradition, but by their own interactions.[1]

Philanthropy -- the institutional expression of one person's concern for the welfare of others -- is of both endless fascination and significant importance as we navigate the infinite series of interactions we call human history. Discernable even in the darkest waters from which the earliest creatures struggled for survival, philanthropic activity flows in and around history -- surging at times, quiescent at others -- but continually nourishing the highest purposes to which human beings, individually and collectively, aspire. Philanthropy reminds us that, whatever knowledge has been gained in the collective survival of *homo sapiens*, our species derives its authority over history from a purpose more significant than simply the survival of the fittest or the maximization of individual utilities. Altruism and compassion persist in collectivities. Indeed, it may be argued that the self-interestedness to be discerned in any careful examination

of the framework of our great institutions -- religious, political, and economic -- is inseparable from that other-relatedness so clearly implied in the fundamental need for shared institutions. Robert Payton contends that philanthropy "appears at the juncture of economics and religion ... and may appear at the junction of politics and religion as well".[2] If Payton is correct, and I contend that he is, the social order that emerges where religion, economics, and politics conjoin defines not only the moral nature of those primary institutions, but also the special needs and hopes of the individuals embedded in them.

While it may be too generous to say that we are all, like Gertrude Himmelfarb's beloved Victorians, "avowedly, unashamedly, incorrigibly moralists",[3] it is certainly near the point to argue that our shared history expresses surprisingly consistent levels of organized compassion. As our species evolves and human institutions adjust to more complex forms of socialization, the disposition of philanthropic sentiment also changes. Questions of self-interestedness and other-interestedness were evident as soon as one human met another in the most primitive social contact. From that moment, this essay shows, the issue of each human being's concern for other human beings -- philanthropy -- has reflected the forces of institutional formation in many significant ways. When religious forces

come into play, philanthropic activity oscillates. It both advances from and recedes into the shadows of our basest behaviors and our most sublime beliefs. When political forces come into play, philanthropic activity compresses. It is concentrated into the regulations and police power of civil authority. When economic forces come into play, philanthropic activity is diffused. It disperses the gains and losses of economic activity across human interactions.

This exploration is ultimately interested in the public policy outcomes of those interstices where religious, political and economic forces take shape, however transient, as human institutions or collectivities. More specifically, it is interested in the impact of those institutions on philanthropic activity and the concomitant role of philanthropy in the configuration of the institutions themselves. A fuller understanding of the impact of the nature and structure of that social order on philanthropy -- and vice-versa -- should yield a more comprehensive understanding of how public policy is made, particularly in the unique comparative context of the new European Union. The individual and social choices made within this continuing process should tell us a great deal about both philanthropy and its relationship with the major institutions which comprise European life at the end of the twentieth century.

The Structure of the Essay

This essay will chart both the sources as well as the passage of philanthropy through some of the many variations of religious, political and economic behavior which define European history. Such an institutional/behavioral nexus might be configured in any number of ways, for neither the institutions themselves nor the philanthropic behavior that accompanies and reflects them, can be seen as time- or nation-specific. However, in order that our navigation might be illustrative as well as effective, I have chosen to examine each institutional environment as it appears in a distinctive place and over a fixed period of time. For the most part then, Chapter Four will look at the ways in which organized religion, particularly the Catholic Church in the Middle Ages, left a notable and indelible impression on philanthropy in France. Chapter Five will explore how the machinery of political governance, particularly in the eighteenth and nineteenth centuries, had an enormous impact on the incorporation of philanthropic activity in Germany. Chapter Six will focus on the substantial impact economic forces, from the late Middle Ages on, have had on the well-defined traditions of philanthropy in England.

This format does not, of course, deny that all three of these great countries experienced in one degree or

another strikingly similar religious, political, and economic events. Nor does it deny that these contingencies helped to shape the public institutions in each country in a manner that influenced the nature of their individual philanthropic experiences as well. My format seeks, rather, to highlight only a few convolutions in a complex, deeply intermingled set of human and social phenomena. "History, after all," David Landes reminds us, "is a sacrifice on the altar of hope -- that man will one day know more about man...."[4]

To emphasize the historical and contemporary interrelatedness of the European community, I will frame the discussion of each important institutional intersect -- religion and philanthropy in France, politics and philanthropy in Germany, and economics and philanthropy in England -- within the singular modern institution of social welfare. Chapters Two and Seven will make it evident that the emergence of what is now known as the `welfare state´ in contemporary Europe represents what Reinhold Dorwart calls a "dynamic process adjusting in theory and actuality to historical changes in social institutions and in human values".[5] I argue that because France, Germany, and England have shared similar institutional responses to similar historical contingencies, they now have also come to share a concept of an "underlying philosophy, the

in public and private life, the element of coercion or restriction of the rights of the individual"[6] which can be said to comprise Europe's particular definition of a 'welfare state'. Any such definition would incorporate many aspects of the experience Western Europe has had with philanthropy. I will also explore what impact of the newly permeable borders of the European Union can, and should, have on institutional life in a truly transnational community.

The new European Union, like philanthropy itself, can be seen as what Donna Andrew calls, a "peculiar amalgamation", one in which a coherent system of beliefs and values is emerging around a common purpose, one that "would impose on all classes obligations and duties, that would subsume individual interests into some larger interest".[7] This acceptance of public obligations and commitments by the collective institutions of governance in Europe has grown over the course of many centuries. It has, it seems, culminated in our own time in a fuller sense of collective and public moral responsibility for what had not so very long ago been intimate, individual, and private relationships. That institutional shift -- and the impact of altruism, charity, and philanthropy on it -- is the heart of my essay because it embodies so clearly the irony that "the less we live in tightly bound communities

organized by strong social ties, the greater is our need to recognize our dependence on others...."[8] It is this transition -- from what I call private to public conscience -- that energizes my concluding chapter. The "new tempered spirit" which I argue can come to "comfort" the next century may be found in an unexpected intimacy between near and distant obligations, between ourselves as private individuals and ourselves as an increasingly dimunitive portion of national and transnational institutions involving many, many other people.

Finally, since not only institutional but also individual tributaries add to our river of philanthropy, a separate section, Chapter Three, will set out the various human constructs of altruism. This section is built around the idea of *le don*, or gift exchange, first given form by the French sociologist, Marcel Mauss:

> Society wants to discover the `social´ cell. It seeks the individual in a curious frame of mind in which the sentiments of its own laws are mingled with other, purer sentiments: charity, social service, and solidarity. The theme of the gift, of generosity and self-interest in giving, reappear in our society like the resurrection of a dominant motif long forgotten.[9]

This `motif´, when placed in juxtaposition to the multitudinous situational factors encountered at certain points in human history, forms the intellectual building blocks of my essay. By looking first and carefully at the various defining factors of the human personality in the

context of an altruism-egoism continuum, I establish important insights about the *milieux* wherein developing institutions mirror specific human needs and exhibit distinctive human responses to changes in social forces over time. The profound codes of morality which mark the boundaries of our humanity -- biological, spiritual, psychological, social, and cultural -- now urge us to "extend the `inward' moral rules of civil society `outward' to the realm of nonintimate and distant social relations"[10] that seem to typify our epoch. Thus, the text is carefully structured to have the central social issues in Modern European life (Chapters 2 and 7) provide a frame for the human and historical dimensions of the philanthropic experience (Chapters 3, 4, 5 and 6).

The promontory from which this essay surveys the river of philanthropy is social consciousness. The moral urges and obligations which are satisfied through the persistence of various means of expressing the value we attach to the well-being of others, is captured in that term. Our awareness of the scope and scale of the gap between the familiar and distant obligations to others, between ourselves as private individuals and ouselves as an increasingly diminutive portion of public institutions, is fundamental. As Andrew Greeley says,

> humans live ... not as isolated social beings but as

> participants in dense, over-lapping networks of intimate, mostly or partly cooperative relationships. These networks -- familial, geographic, religious, political, economic -- are the very stuff out of which society is made and are durable to the point of intractability.[11]

Our interdependence -- and our concern for our fellow human beings -- is a moral obligation as old as humanity. Fear of isolation and a need for others has, throughout history, been marked by the rituals and obligations of altruism, charity, and philanthropy.

Ultimately, the manner in which individual choices and public policy have come together in the set of social welfare institutions that characterize today's European community clearly delimits philanthropic activity. Nevertheless, given philanthropy's persistent and penetrating role in the institutional life of Europe, it is not hard to discern the influence of man's concern for his fellow man as modern Europe enters the next millennium.

Throughout this essay, I frequently utilize the metaphor of a great river of philanthropy, describing how it flows, sometimes surging, sometimes quiescent, among the distinctive institutional forces which have shaped and, even today, continue to shape European society. The iteration of this figure of speech has allowed me to demonstrate that philanthropy was never a rock in the middle of the stream over which the river of time passed

willy-nilly. Rather it is philanthropy itself which grew and changed, rose and receded, along with "the rich and often conflicting variety of understandings people gave to the changing world around them, a world they often sought to change in their own interests, even if it was too rarely a world of their own making".[12]

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3. Gertrude Himmelfarb, "Victorian Philanthropy: The Case of Toynbee Hall," THE AMERICAN SCHOLAR 59 (Summer 1990), 384.

4. David S. Landes, THE UNBOUND PROMETHEUS: TECHNOLOGICAL CHANGE AND INDUSTRIAL DEVELOPMENT IN WESTERN EUROPE FROM 1750 TO THE PRESENT (Cambridge, England: Cambridge University Press, 1969), 554.

5. Reinhold A. Dorwart, THE PRUSSIAN WELFARE STATE BEFORE 1740 (Cambridge, MA: Harvard University Press, 1971), 92.

6. Ibid.

7. Donna T. Andrews, PHILANTHROPY AND POLICE: LONDON CHARITY IN THE EIGHTEENTH CENTURY (Princeton, NJ: Princeton University Press, 1989), 202.

8. Alan Wolfe, WHOSE KEEPER? SOCIAL SCIENCE AND MORAL OBLIGATION (Berkeley, CA: University of California Press, 1989), 20.

9. Marcel Mauss, THE GIFT: FORMS AND FUNCTIONS OF EXCHANGE IN ARCHAIC SOCIETIES, trans. by Ian Cunnison (New York: W.W. Norton and Company, Inc., 1967), 41.

10. Wolfe, 21.

11. Andrew M. Greeley, "What is Subsidiarity? A Voice from Sleepy Hollow," AMERICA (9 November 1985), 293.

12. Peter McPhee, A SOCIAL HISTORY OF FRANCE: 1780-1880 (London, England: Routledge, 1992), 279.

CHAPTER TWO

`AND THE POOR REMAIN WITH US´

Even from afar, the demise of state-supported welfare as the engine of the social economy in Europe appears imminent. The popular press trumpets "The Crisis at the End of Utopia", wonders "Is Europe´s Social-Welfare State Headed for the Deathbed?", notes that "Europe´s Social Cushion is Looking Rather Frayed", and even asks if Europeans must begin "Laying Off Nanny". Scholarly journals analyze "The Twilight of the Scandinavian Model", ask "Of Benefit to Whom?", and begin "The Search for a New Paradigm of Welfare". Long books are written on THE WELFARE STATE IN CRISES, CRISES AND CHOICE IN EUROPEAN SOCIAL DEMOCRACY, BEYOND THE WELFARE STATE, or simply, THE THINGS THAT ARE NOT CAESAR´S.[1]

From up close -- in the complicated deliberations in the *Riksdag*, the heated discussions of the *Landkreis*, the quiet conversations along the Grand´ Place, the endless arguments at the local pub, or even the early morning *bavardage* at the bakery -- the feeling is the same. Somehow, the great social experiment that emerged from the horrors of two World Wars appears, if not at an end, then

certainly profoundly flawed. How, the Europeans ask themselves, has it come to this?

Why, the reader might now ask, is any of this important to an analysis of the private choices and public decisions which comprise the philanthropic experience of Western Europe? Because if, as Robert Payton contends, philanthropy always "appears at the juncture of economics and religion" and "may appear at the junction of politics and religion as well",[2] then there is no better place to begin an exploration of philanthropy than in that perfervid nexus of economics, religion, and politics known as the modern European 'welfare state'.

Up From the Dark Ages

The origination of a concept of state-sponsored welfare may be discerned at any number of points in Europe's long and complex history. Indicative of the tone underlying the development process, however, is the title of one of the earliest schemes for general relief, that of England in 1572. The statute, which hindsight shows to be the foundation of the long-standing and still-discernible Tudor poor laws, was entitled "An Acte for the Punishment of Vagabondes and for Releif [*sic*] of the Poor". It is in this intimate twining of punishment and relief that one needs to search for the origins of the modern welfare state. The history of early Modern Europe is the history

of a firm dichotomy between `God's poor and the devil's poor', the "former are supposed to be those whose poverty results from inescapable disaster or personal infirmity, the latter for whom it is the result of bad choice, personal weakness, or the misuse of resources".[3] And the poor remain with us. In his thoughtful and very current analysis of CITIZENSHIP AND SOCIAL CLASS, T.H. Marshall suggests that embedded in this historical tradition, the "aim of social rights ... has acquired a new meaning".

> It is no longer merely an attempt to abate the obvious nuisance of destitution in the lower ranks of society. It has assumed the guise of action modifying the whole pattern of social inequality. It is no longer content to raise the floor-level in the basement of the social edifice, leaving the superstructure as it was. It has begun to remodel the whole building, and it might even end by converting a skyscraper into a bungalow.[4]

The next chapter will explore some of the furthest anthropological and sociological recesses which one must search to find the ultimate sources of the fear, guilt and concern that provoke such a continuing dichotomy, at both the personal and public levels of discourse. But, while we will ultimately move from the specific details of human inter-relationships to the general idea of the institutions of the State, we must begin at the beginnings of the modern industrial environment which most scholars agree led directly to the welfare state. As if tracing an ever-widening river, we must plunge into the process of history

at some moment in time, even if we risk causing harm to its essential flow.

We'll enter this great stream in the middle of the tenth century, in a landscape that "can best be visualized as a vast wilderness thinly populated by Europeans living in family groups huddled together in clusters of small feudal villages, separated by expanses of natural vegetation".[5] Among the remnants of the final decay of the Carolingian Empire, we find the origins of that feudalism and manorialism which became the High Middle Ages, a period of nearly three centuries of relative stability in a world which had previously known only the most virulent disorder. The SHORTER CAMBRIDGE MEDIEVAL HISTORY tells us why.

> Although full-grown feudalism was largely the result of the breakdown of older government and law, it both inherited law from the past and created it by a rapid growth of custom based on present fact. In one sense it may be defined as arrangement of society based on contract, expressed or implied. The status of the person depended in every way on his position on the land, and on the other hand land-tenure determined political rights and duties.[6]

The basis of this feudal contract, and the economic and social relationships which flowed from it, was the manor house. Along with the surrounding land and village which belonged to it, the manor was composed of two once-distinct elements, the economic and the administrative. This bifurcation provided the underpinnings of the intimately connected aims of the feudal system, aims which

can also be readily seen at the center of any discussion of the emergence of the modern welfare state: the subsistence of the villagers and the lord's profit and authority.

> The normal villager (*villein*) would hold a yardland or *virgate* of thirty acres distributed in scattered acre-strips in the open fields of the manor which might coincide with the village or be only a part of it. He followed the manor routine (its 'custom') in the cultivation, the ploughing, the sowing, and reaping. The *villein*, besides being tied to the soil, was subject to the fine of *merchet* on his daughter's marriage and to the exaction of his beast as heriot (*mainmorte*) on his death; he paid the money levy of tallage at the lord's will; his corn was ground in the lord's mill .... His condition, however, was mitigated by the growth of the custom of the manor, which at any rate fixed the exactions he laboured under and secured him in his hereditary holding.... [H]e attended the manorial court, which declared the custom of the manor and its working. The lord ... would send round steward or bailiff to receive his profits and collect produce for his support.... Besides the subsistence of the villagers, in short, their labour was to provide that of the warrior governing class and ecclesiastical dignitaries, to both of whom they owed what little peace, justice, and enlightenment they had.[7]

Under such limited, though greatly improved, conditions, population began to increase. If growing numbers threatened to crowd a manor uncomfortably, it was always possible to clear and cultivate new land under the protection of another lord. "Spreading out north and west over Europe, the waves of migrants gradually engulfed the wilderness, leaving less space for brigands to hide and bringing more and more area under the protection of lords and their vassals".[8] And, while violence and warfare continued, "gradually, very gradually, the chaos gave way,

the strife declined".[9] The differing climatic conditions and resources of the various regions of Europe had always made trade an important part of daily life. With stability and security, it revived and expanded. Market towns formed in the more densely settled areas, specialized trades emerged, and individuals began to sell their labor (as opposed to forced services) for money payment.

Throughout the eleventh and twelfth centuries, this revival of trade and commerce, conjoined with the enormous growth and movement of populations, particularly in Northern Italy, central Germany and Flanders,

> led not only to the proliferation of towns but to a host of institutional arrangements designed to reduce market imperfections. As new towns developed their own governments for administration and protection, they necessarily evolved bodies of law to adjudicate disputes arising from these new conditions.[10]

By the thirteenth century, the growth of population and increasing urban aggregations brought about a number of important changes: more people meant less available land and more intense cultivation of poorer plots and led to an inevitable decline in the standard of life for the peasant; an increase in the quantity of labor meant a falling standard of living for the worker. "Throughout the century, because of diminishing returns to labor in agriculture, population growth continued to outstrip the growth in input".[11] The inevitable outcome was first

evident in the widespread famines of 1315-17 and the far more serious and persistent plagues, both bubonic and pneumonic, which spread over Europe between 1347 and 1351. While the population of Western Europe had reached above 70 million in 1300, by 1400 it had dropped to only around 45 million.[12]

The stable, mostly self-sufficient manorial institutions were irrevocably shattered under the twin pressures of a decimated population base and the continuing re-arrangements necessary to shore up the money economy based on surplus and trade. One such re-arrangement involved military conquest and thereby was added the third voice to the now-famous shriek of suffering to emerge from the darkest portions of the Middle Ages: *fama, pestis et bellum*. The hallmark of the institutional re-arrangements forced by famine and pestilence, and encouraged by nearly continuous warfare throughout most of the fourteenth and fifteenth centuries, is the demise of the feudal manor and the dramatic rise of the nation-state. The profusion of feudal baronies, local principalities, and small kingdoms were consolidated into the nations of England, France, Spain and the Netherlands. Along with increasing trade and ceaseless exploration, the closing decades of this era are notable, for our purposes, because "the state had taken over from the manor and local baron the majority of

functions of providing justice and protection".[13] The newly-crowned heads of both the large and small states struggled constantly for the resources and military might to sustain themselves through the endless expansions, alliances, and combinations necessary for survival and economic growth. By 1500, we reach the watershed between the medieval and modern worlds:

> The first two centuries of this newer epoch contain much of historical importance, spanning such widely varied events as ... a commercial revolution, a reformation, a renaissance, voyages of discovery, the colonization of the New World, the development of world trade and the emergence of national states as the dominant form of political organization in Europe.[14]

It is, of course, within the folds and creases of the fabric of these new political, economic, and social environments that we must look, finally, for the birth of the modern welfare state.

The New States

> In the sixteenth and seventeenth centuries states were not, for the most part, political expressions of single `nations', or populations. England was an exception, with its high level of national consciousness, but even so it came be linked with Scotland, by the Union of Crowns, into a Great Britain for which there was no sense of national identity. It had also linked itself to Ireland but the English continued to regard that as possessing a separate identity. Spain, as we have come to know it, was also the result of a dynastic union. For a time dynastic features and force enabled it to bring Portugal under its monarchy, without extinguishing the sense of a different identity. The France of the late seventeenth century owed much to military imperialism. Italy, as is well known, was a

> geographic and linguistic expression; so was Germany.[15]

Again, even where such caveats abound about the formation of the earliest states, one must plunge into the concept of what constitutes the `modern´ state in order to better understand the transitions from feudal fiefdoms to monarchical and religious empires, to modern nation-states, and finally to the human and social welfare dimensions which threaten to consume those states.

In all states, from the most intensively self-conscious with deep historical, linguistic, and developmental consistencies to those that are merely cobbled together from the artifacts of geography or war, there was, even in the good times, what Mitchison astutely calls a "hinterland of destitution"[16], a portion of the people always at risk from disaster, whether man-made or natural. And so, while numerous scholars and profound tomes will all weigh in, one way or another, toward the ultimate definition of *the* `State´, it is its moral function -- as responsible arbiter of the needs of people, however defined -- with which we need to concern ourselves.

> A state exists only when the members identify themselves with each other in non-kin terms by believing they share a common essence in common submission to rulers who are believed to represent the collective (common) essence and serve its common welfare.[17]

It is certainly clear that any definition of the state

has as much to do with perception by the rulers and the ruled as by any objective standard of definition. Acknowledging that, let us turn to those central events of nation- and state-building during the 1500 and 1600's.

Peter Flora, acknowledging Stein Rokkan's ground-breaking work on a macro-model of European political development, makes a useful distinction between four basic processes of development which, to some extent, also formed distinct time intervals:

(1) **state formation**: the process of political, economic, and cultural unification at the elite level, and the establishment of institutions for the mobilization of resources, external defence, and internal order;
(2) **nation building**: the process of bringing larger population groups into the system by means of conscript armies, compulsory education and mass media, strengthening the contacts between the population and the central elite;
(3) **participation**: the process of a growing active participation of the subject masses in the working of the territorial system, the establishment of political citizenship, the evolution of mass democracy;
(4) **redistribution**: the process of growth in public welfare services and social security systems for the equalization of economic conditions, the establishment of social rights, the evolution of welfare states.[18]

While the Flora/Rokkan model is pregnant with important ideas and issues of significance, it moves us too slowly toward the twentieth century. The German historian, Reinhold Dorwart, proffers a more concise model. Indeed, the first two levels of process in the Flora/Rokkan model

overlap usefully with Dorwart's `first stage' of development of the welfare state, the one which "extended from the pole of medieval paternalism to that of dynastic mercantilism".[18] Flora's third and fourth levels of process also neatly correspond to the second and third stages outlined by Dorwart. The second stage, influenced by the "Enlightenment (natural law, laissez-faire, and the natural rights of the individual), rejected paternalistic intervention by the state".[20] This stage was to become closely identified with the nineteenth century. Dorwart's third (and what he considers the present) stage, a sort of synthesis, is one in which "the laissez-faire doctrines of the second stage have been rejected, and the concept of state intervention of the first stage has been restored".[21]

What is of importance here is not the various process levels or stages, but the belief by Dorwart that the common denominator among all of these transitions is the "police power legally inherent in the state" and, more importantly, "the exercise of that power to promote `welfare'".[22] Lest the sensitive twentieth-century reader cringe too readily at the concept of `police power', let me re-interject the concept of `God's poor and the devil's poor' from my earlier remarks. Much of what has come to be known as the `welfare state' has to do with the regulation of people, to give relief AND to punish, to satisfy what de Swaan has

called "collective concern",[23] that not-so-gentle reminder that social problems are not susceptible to intellectual solutions. The interweaving of the common European concern over both the welfare and the control of the poor -- left landless at the time of enclosure, set adrift by the vagaries of a soulless *seigneur*, born infirm or retarded, unemployable with the introduction of a new machine, or locked out by an industrial strike -- was from the 1500's onward, and remains, the task of the state. I emphasize Dorwart's analysis because it focuses on the Prussian Welfare State before 1740 (his `first' stage), an era of special dynastic states and other "historical contingencies" when "the ruling prince is predominant in determining the concept of state, the function of princely office, and the definition of the state".[24] By focusing on the rigid `state', just as the `laissez-faire' state could be said to be emerging, adds tension. Dorwart's view is unusual and, I think, sheds important light that later, nineteenth and twentieth century analyses seem to mute.

Before turning back to Dorwart's *Polizeistaat*, let us look first at the two pillars upon which it is built. First, he utilizes Ernst Troeltsch's argument that

> in the early Christian Church, the Church's response to suffering caused by the existing social system was simply the work of charity. There was no program of social reform, no effort to remove poverty or the

> causes of social distress. The aim of almsgiving, ostensibly to alleviate suffering and want, was as much to benefit the giver as the receiver, because it awakened the spirit of love. During the Middle Ages the Church completely relieved the state of the burden of charity, even if ineffectively.[25]

Second, as we've already noted, Dorwart maintains that

> the feudal state was based on personal rather than public or civic relationships, either of lord and vassal in the feudal hierarchy or of manorial lord and serfs at the economic level. Obligations, duties, and rights were not those of citizen and state but were part of a personal relationship. The public and private functions of the patriarchal feudal prince were undifferentiated. The prince's concern for the utilitarian and moral welfare of his dependents was part of his patrimonial jurisdiction.[26]

After the Reformation the former argument was no longer defensible and, by the eighteenth century, the latter no longer practicable. What, Dorwart seems to ask, was left? The 'regulated state'. In the late fifteenth and early sixteenth centuries, the term *Polizei* came into use to designate broad areas of individual and community activity which required legislative regulation in order to preserve good order in society and to promote the general welfare and common good. Dorwart notes that while most historians adopted the term *Polizeistaat* for the political order in central Europe after 1500, the term has both a substantive and a legal meaning beyond the literal translation of 'police state'. "Those who are disturbed by equating *Polizeistaat* with Wohlfahrtsstaat are captives of twentiety-century definitions of police state and of

welfare state."[27] All acceptable definitions of the term, Dorwart argues, emphasize social welfare and services in the form of material protection against the hazards and evils of the modern industrial economy.

> In a technical or legal sense, the *Polizeistaat* might best be defined as 'a regulative state'. The welfare state that emerged during the Renaissance was no more and no less than a product of the police power legally inherent in the state, the power to regulate the activities of the individual either for his own welfare or the common good. The instrument was the police power to regulate. The goal or purpose was the promotion of welfare, individual and general. What constitutes welfare in any period of history determines the stage or kind of welfare state arrived at at that point. But the basic definition of welfare state must concern itself with the nature and theory of the state itself. Regulation, intervention, compulsion, and restriction of individual action, under the legal authority of the police power of the state, to achieve an ultimate end of the common or individual good are the hallmarks of a welfare state.[28]

Of course, if the concept of the welfare state could be removed from the controversies that shadow it, a static and fixed definition might be possible. However, having suggested just how firmly in place the authority of the state was by the eighteenth century, perhaps the time has come to examine the opposite face of industrialization, the rights of the citizen, as they emerged at the end of the eighteenth and throughout the nineteenth century. History is quite clear on what the police power of the state can accomplish, for evil as well as for good. The concomitant rights of citizenship now need to be brought into focus.

Citizenship and the State

The rights of citizenship[28] clearly include three components: civil rights, political rights, and social rights. Civil rights involve individual freedoms: freedom of speech, assembly, the right of privacy, to a jury trial, etc. Political rights involve the right to participate, via position or enfranchisement, in the exercise of political power. Social rights involve economic welfare and security, but also the interplay of civilization, shared heritage, and those activities involving the community. Each of these 'rights' entails a direct interaction with the nineteenth century concept of the state. Civil rights, of course, involve justice, contracts, and constitutions and thereby are most intimately linked with the courts. Parliaments and other institutions of governance mesh with the political rights of the citizen. And social rights most frequently entail contact with the educational system and the institutions of the so-called welfare state, namely social services.

While I shall argue in the next chapter that each of these elements emerged quite separately in earliest times, it is safe to say that from the tenth century on, these three strands were wound into a single and rather fragile thread. As Frederic Maitland tells us,

> The further back we trace our history the more

> impossible it is for us to draw strict lines of demarcation between the various functions of the State: the same institution is a legislative assembly, a governmental council and a court of law.... Everywhere, as we pass from the ancient to the modern, we see what the fashionable philosophy calls differentiation.[30]

Among other points he is making here, Maitland is asserting that in feudal times there was no assumption of equality; rights pertained only to one's place in a society, and thus did not really confer any recognizable membership in it.[31] As towns emerged, merchants, tradesmen, guilds, confraternities, and associations followed and all became a part of that evolution. Most remained localized, but as geographical distances shrank and commerce grew, the new national boundaries came to enclose more and more people with common experiences, and thus more and more aspects of 'citizenship'. This evolution of the right of citizenship

> involved a double process, of fusion and separation. The fusion was geographical, the separation functional. The first important steps date from the twelfth century, when royal justice was established with effective power to define and defend the civil rights of the individual -- such as they then were -- on the basis, not of local custom, but of the common law of the land. As institutions the courts were national, but specialised. Parliament followed, concentrating in itself the political powers of national government and shedding all but a small residue of the judicial functions which formerly belonged to the *Curia Regis*. Finally, the social rights which had been rooted in membership of the village community, the town and the guild, gradually dissolved by economic change until nothing remained but the Poor Law, again a specialised institution which acquired a national foundation....[32]

Civil, political, and social rights in the new

European states each went separate ways, developing along lines peculiar to their own historical and economic environments, each sharing only the fact that they were becoming increasingly less `intimate´, and further removed from individual participation. The remoteness produced a sense of obligations, rather than a feeling of rights, in the minds of the emerging national citizen. Moreover, when

> the three elements of citizenship parted company, they were soon barely on speaking terms. So complete was the divorce between them that it is possible, without doing too much violence to historical accuracy, to assign the formative period in the life of each to a different century -- civil rights to the eighteenth, political to nineteenth and social to the twentieth.[33]

While there needs to be a certain elasticity in such categorizations, especially over time, the ideas of Marshall and Bottomore are relevant and helpful in arriving at that stage of institutional development wherein the state has `penetrated´ the social institutions to the point that we might safely claim to have a established a `welfare state´. Peter Flora uses the striking German word, *Spielraum*,[34] or room for maneuver, to suggest how the surface tensions between State obligations and citizens´ expectations often lead to interwoven, or what I would call `braided´, intermediary structures. Modern examples of such structures, of course, abound in the judicial arena (just think of Administrative Law Judges) and in the `iron triangle´ of politics, but nowhere are they more intimately

interwoven than in social services.[35]

The structural transformation of welfare provision in Great Britain between the 1870's and 1940's limns an interesting portrait of just how braided the state and welfare provision have become as we enter the twentieth century. First, it must be remembered that the annual income and expenditure of what Jose Harris calls "a vast, ramshackle mass of voluntary, self-governing, local, parochial and philanthropic agents", vastly exceeded the annual budget of the Poor Law, "which in turn vastly exceeded the expenditure on social welfare of central government until just before World War I".[36] How, then, he asks,

> did it come about that Victorian social welfare provision -- largely purveyed through face-to-face relationships within the medium of civil society -- evolved into the most 'rational' and bureaucratic of modern welfare states? ... Throughout the period the increasing scale of economic organization, the inadequate tax-base of local government, the erosion of paternalist community structures, the impact of demographic change and the inescapably 'national' character of certain key social problems (especially unemployment) all combined to shift the British welfare system in the direction of centralized financing and control, without anyone specifically willing that this should come about. To a certain extent the free market itself facilitated and even compelled state intervention by subverting many of the traditional local and voluntary relationships on which the so-called 'minimal state' relied.[37]

Dorwart emphasizes the same point about the German experience: "The modern welfare state emerged when

historical contingencies could no longer be satisfied by the functions of `protection and justice´ of the feudal state and by the humane services of the Christian Church. Urbanism, commercial economy, and new social classes were the historical contingencies whose challenge could be met only by a secularization of public authority or government".[38] Is it any wonder then, that Mommsen tells us that the socio-political development of the welfare state in Great Britain and Germany served as models for each other: "In many respects Great Britain served as a model for German social reformers in the nineteenth century; they attempted to emulate the advantages and to avoid the shortcomings of the British course towards industrial society".[38] Moreover, it is apparent that British social reformers also looked to the many communal welfare institutions that had developed in a series of West German industrial cities, notably Nuremberg,[40] after the 1850´s.

In France, as in Germany and Great Britain, the fundamental conditions which made the welfare state both necessary and possible were created by the industrial revolution. But it must be remembered that pre-Revolutionary France, more than the other two, had simply abdicated to the Catholic Church responsibility for education, health care, and the care for the poor. While

most historians emphasize the *bouleversement général* following the events at the end of the eighteenth century, the new `liberalism´ provoked almost no development of substantial welfare services in France until long after the rest of Europe.[41] France adopted social insurance more than forty years after Germany and some twenty years even after Britain. Why? Besides the legacy of the Church (even today still deeply influential in French education) one must recall the different political legacy of France. While industrialization was first and most forcefully felt on the island of Britain, and was intensively cultivated (along with unification) by the German States, it played a much less important role in France.[42] A significant reason for this has to do with the continuing power of small, independent entrepreneurs and landholders. "In France, small entrepreneurs, who enjoyed face-to-face relations with their employees and perceived the good society in highly individualistic terms, saw no advantages and many inconveniences from social insurance, including increased costs and bureaucratic interference."[43]

Conclusion

It is perhaps in light of such national contrasts -- one might even say in the AMOUNT of *Spielraum* -- that Alan Wolfe´s dictum resounds most true: "[b]eing modern will always require some way of linking both intimate and

distant obligations."[44] The emergence of not only the welfare state, but the state itself is clearly marked by the central issue of modern times: how we view ourselves -- as individuals and as citizens -- in relation to the perceptions and pressures of the modern, industrial environment. As citizens, we stand and look out from the juncture of politics and economics; as human beings, we stand and look out from the juncture of economics and morality.

The world view we have inherited, it seems to me, is prismatic. In crystallography, a prism is "a form having faces parallel to the vertical axis and intersecting the horizontal axes".[45] Our view of ourselves can be best grasped where we intersect or cross the axes of the society in which we live. Ferdinand Tonnies described such a world view in terms of a cognitive dimension posited along a continuum from *Gemeinschaft* to *Gesellschaft*. In the latter, our view of the world has to do with relationships and intersects based on one's self-interest. With *Gemeinschaft*, the individual's view of the world is one in which "people are born with ties that arise naturally out of their membership in the community".[46]

It is only through a careful look at the peculiar European experience -- sharing the intimacy of the feudal state, accepting the paternalism and security of the pre-

Reformatiom Church, absorbing the shock of post-Revolutionary *libéralisme* and, finally, bearing the brunt of the first impacts of capitalist industrialization -- that we begin to understand both the altruism and the self-interest which are so intimately conjoined in both the past and the future of the modern European welfare state. Indeed, no Western democracy

> whatever its political color, is today publicly committed to an official policy of more unemployment, less education, no social security provisions for the needy, and no tax deductions for the needs of dependents.... It is dangerous to chain history to contemporary slogans, particularly those that hide more than they proclaim. We have to particularize; we have to examine the causal factors at work in each society; we have to understand the social costs of change, which are continually creating new areas of dependency; and we have to recognize that the aims of welfare include the enlargement of personal freedom and the discovery and maintenance of more and more justice. The criteria of moral progress are to be found in the growing power of altruism over egoism....[47]

CHAPTER TWO: NOTES

1. Carlos Santos and Elisabeth Holte, "The Crises at the End of Utopia," WORLD PRESS REVIEW, August 1993, 14-18; Charles Lane and Theresa Waldrop, "Is Europe's Social-Welfare State Headed for the Deathbead," NEWSWEEK, 23 August 1993, 37; John Templeman, "Europe's Social Cushion is Looking Rather Frayed," BUSINESS WEEK, 5 July 1993, 50-51; Robin Knight, "Laying Off Nanny," U.S. NEWS AND WORLD REPORT, 25 October 1993, 41-43; Jan-Erik Lane, "The Twilight of the Scandinavian Model," POLITICAL STUDIES KLI (Summer 1993): 315-324; Fran Bennett, "Of Benefit to Whom?" NEW STATESMAN AND SOCIETY 6 (18 June 1993): 26-27; Michael Titterton, "Managing Threats to Welfare: The Search for a New Paradigm of Welfare," 21 (January 1992): 1-24; Ramesh Mishra, THE WELFARE STATE IN CRISES (New York: St. Martin's Press, 1984); Fritz W. Scharpf, CRISES AND CHOICE IN EUROPEAN SOCIAL DEMOCRACY, trans. by Ruth Crowley and Fred Thompson (Ithaca, NY: Cornell University Press, 1991); Irving Howe, ed., BEYOND THE WELFARE STATE (New York: Schocken Books, 1982; and Paul Johnson, THE THINGS THAT ARE NOT CAESAR'S (Washington, DC: American Enterprise Institute for Public Policy Research, 1980).

2. Robert L. Payton, PHILANTHROPY: VOLUNTARY ACTION FOR THE PUBLIC GOOD (New York: ACE/Macmillan, 1988), 24.

3. Rosalind Mitchison, COPING WITH DESTITUTION: POVERTY AND RELIEF IN WESTERN EUROPE (Toronto, Canada: University of Toronto Press, 1991), 19.

4. T.H. Marshall and Tom Bottomore, CITIZENSHIP AND SOCIAL CLASS (London: Pluto Press, 1992), 28.

5. Douglass C. North and Robert Paul Thomas, THE RISE OF THE WESTERN WORLD: A NEW ECONOMIC HISTORY (Cambridge, England: Cambridge University Press, 1973), 26.

6. Charles William Previta-Orton, THE SHORTER CAMBRIDGE MEDIEVAL HISTORY, vol. 1 (Cambridge, England: Cambridge University Press, 1952), 418.

7. Previta-Orton, 424-425.

8. North and Thomas, 11.

9. Ibid.

10. Ibid., 12

11. Ibid., 24.

12. Merrill K. Bennett, WORLD'S FOOD: A STUDY OF THE INTERRELATIONS OF WORLD POPULATION ([?]: Xerox University Microfilms, 1973), 5. It was an amazing period:

> "In France, famines were recorded in 1304, 1305, 1310, 1315, 1322, 1325, 1330-4, 1344, 1349-51, 1358-61, 1371, 1374-5 and 1390.... England fared somewhat better, recording famines during the following years: 1315-16, 1321, 1351 and 1369.... Famine often set the stage for disease, if it was not actually accompanied by it. The most spectacular occurence during 1348-51 was the Black Death -- the bubonic and pneumonic plague -- which began in the Crimea, spread across Europe, and swept by 1350 throughout Northern Europe following the routes of merchants and shepherds. Nor did the plague strike only once, but returned again and again. In Spain the plague recurred in 1362-3, 1371, 1375, 1381, 1396, 1397, continuing on into the fifteenth century in 1410, 1429, 1439, 1448, 1465-6, 1476, 1483, 1486, 1493-4 and 1497.... Nor did the populations of Northern Europe escape the visitations of death's third messenger: war.... Organized violence appears to have been endemic in this period. England suffered the War of the Roses and the Great Peasant Revolt, the states of Germany suffered in a similar fashion, and France was bled white by the Hundred Years War and the rising of the Jacquerie" (North and Thomas, 72-73).

13. North and Thomas, 86.

14. Ibid., 102.

15. Mitchison, xiv-xv.

16. Ibid., 21. Mitchison also notes another and important characteristic:

> "Governments were forced to recognize that there was a level of destitution beyond the scope of occasional alms. They ordered action on a more effective basis, and their ability to make such orders was partly based on the way in which wars had strengthened their authority and build up the machinery of government.

But it was also aided by the new ethos of religion, and the new level of discipline and organization within the churches. The governing system of the churches in religious matters could be used by the states for the organization of welfare" (22).

17. Jack D. Douglas, THE MYTH OF THE WELFARE STATE (New Brunswick, NJ: Transaction Publishers, 1989), 108.

18. Peter Flora, ed., GROWTH TO LIMITS: THE WESTERN EUROPEAN STATES SINCE WORLD WAR II, vol. 1 (Berlin: Walter de Gruyter, 1986), xvi.

19. Reinhold A. Dorwart, THE PRUSSIAN WELFARE STATE BEFORE 1740 (Cambridge, MA: Harvard University Press, 1971), 2.

20. Ibid.

21. Ibid.

22. Ibid., 2-3.

23. Abram de Swaan, IN CARE OF THE STATE: HEALTH CARE, EDUCATION AND WELFARE IN EUROPE AND THE USA IN THE MODERN ERA (New York: Oxford University Press, 1988), 1.

24. Dorwart, vii.

25. From SOCIAL TEACHING, 133-138; cited in Dorwart, 8.

26. Dorwart, 7.

27. Ibid., 4.

28. Ibid.

29. My discussion of `rights´ here follows the thinking on the development of `citizenship´ up to the end of the nineteenth century by T.H. Marshall, 8-17. It is, not surprisingly, derived mostly from a sociological and a European perspective. For instance, Marshall´s discussion of `the right to own property´ as a civil right is clearly different from such a discussion framed in an American context. For a good sense of the latter, I´d recommend the appropriate entries in Leonard W. Levy, Kenneth L. Karst, and Dennis J. Mahoney, eds., ENCYCLOPEDIA OF THE AMERICAN CONSTITUTION (New York: Macmillan Publishing Co., 1986).

30. Frederic W. Maitland, THE CONSTITUTIONAL HISTORY OF ENGLAND: A COURSE OF LECTURES (Cambridge, England: Cambridge University Press, 1961), 105.

31. Erik Allardt, in his pioneering SCANDINAVIAN WELFARE SURVEY, translates Max Weber's concept of "life chances' (*Guterversorgung*, *inneres Lebensschicksal*, and *aussere Lebenstellung*) within the 'class structuration' of society into three 'dimensions of living': 'having' which basically refers to 'level of living'; 'being' which points to potential of 'self-actualization'; and 'loving' which is related to 'solidarity' and 'belongingness'"; cited in Flora, xv.

32. Marshall and Bottomore, 9.

33. Ibid., 10.

34. Flora, xvii.

35. Indeed, one need only note the birth of an entire new literature around the concept of the 'Third Sector' to describe some of these intermediaries between government and non-goverment to understand the importance of this concept. For instance: Helmut Anheier and Wolfgang Seibel, eds., THE THIRD SECTOR: COMPARATIVE STUDIES OF NONPROFIT ORGANIZATIONS (Berlin: de Gruyter, 1990); P.L. Berger and R.J. Neuhaus, TO EMPOWER PEOPLE: THE ROLE OF MEDIATING STRUCTURES IN PUBLIC POLICY (Washington, DC: American Enterprise Institute for Public Policy Research, 1977); Benjamin Gidron, Ralph M. Kramer and Lester M. Salamon, eds., GOVERNMENT AND THE THIRD SECTOR: EMERGING RELATIONSHIPS IN WELFARE STATES (San Francisco, CA: Jossey-Bass Publishers, 1992); and, Alan Ware, BETWEEN PROFIT AND STATE: INTERMEDIATE ORGANIZATIONS IN BRITAIN AND THE UNITED STATES (Princeton, NJ: Princeton University Press, 1989).

36. Jose Harris, "Political Thought and the Welfare State, 1870-1940: An Intellectual Framework for British Social Policy," PAST AND PRESENT 135 (May 1992), 116.

37. Ibid., 117.

38. Dorwart, 20.

39. Wolfgang Justin Mommsen, ed., THE EMERGENCE OF THE WELFARE STATE IN BRITAIN AND GERMANY: 1850-1950 (London: Croom Helm, on behalf of the German Historical Institute, 1981), 1.

40. Dorwart says, "Five hundred years earlier, in the Renaissance atmosphere of secularism, urbanization, and a changing society, municipal legislation in fifteenth-century Nuremburg concerned itself with price regulation, wage control, and consumer protection. Accepted concepts of the regulative power of the state made the city council of Nuremberg responsible for policing the streets and marketplaces, and for keeping good order in the city. It issued building regulations, concerned itself with public sanitation and the prevention and extinction of fires, looked after the poor, regulated crafts, and supervised the religious life of the pre-Reformation city" (9).

41. John S. Ambler, THE FRENCH WELFARE STATE: SURVIVING SOCIAL AND IDEOLOGICAL CHANGE (New York: New York University Press, 1991), 2.

42. "The petty bourgeoisie was particularly numerous in France. In the 1901 French census, 8 million people classified themselves as *patrons*, or owners of small businesses, compared to 11 million workers and 7 million artisans"; de Swaan, 80.

43. Ambler, 7. Interestingly enough, a similar pattern persisted in Sweden. Valocchi argues that "the universalist nature of the Swedish pension system resulted not from the party or interests of the working class or capitalist class but from the rising rural middle classes during the early stages of industrialization. In the late nineteenth and early twentieth centuries, urban elites and state bureaucrats attempted to respond to the rising and uneven burden of the poor law with social insurance reforms that benefited only industrial workers and which were financed by employers. Farmers, however, used their political power in the Swedish legislative system (*Riksdag*) to thwart all legislation: they did not want to pay for a pension system from which they would not benefit. Only when a pension law (passed in 1913) extended benefits to all citizens and mandated financing through the tax system, did farmers give their approval"; Steve Valocchi, "The Origins of the Swedish Welfare State: A Class Analysis of State Politics," SOCIAL PROBLEMS 39 (May 1992), 190.

44. Alan Wolfe, WHOSE KEEPER? SOCIAL SCIENCE AND MORAL OBLIGATION (Berkeley, CA: University of California Press, 1989), 20.

45. RANDOM HOUSE COLLEGE DICTIONARY, revised edition.

46. Ferdinand Tönnies, COMMUNITY AND ASSOCIATION, trans. by Charles P. Loomis (East Lansing, MI: Michigan State University Press, 1957), 63.

47. Charles I. Schottland, ed., THE WELFARE STATE (New York: Harper and Row Publishers, 1967), 104.

CHAPTER THREE

`BECAUSE I AM INVOLVED IN MANKINDE´

How do we define the criteria of moral progress which Mauss tells us are to be found in the growing power of altruism over egoism? At the conclusion of his fascinating, though deeply flawed[1], study of kinship (*parenté*), Claude Lévi-Strauss says that the book he has written constitutes "a sort of inventory of mental constraints, an attempt to reduce the arbitrary to an order, to discover a necessity immanent in an illusion of liberty".[2] In a similar manner, this Chapter is concerned with definitions that I like to consider a viable `inventory of mental constraints´, each of which can lead to a better understanding of the role of philanthropy in human life, and particularly in those interstices of public policy that define the institutions of public life.

Since it may seem peculiar to speak of public policy and the institutions of public life in a discussion of the individual´s disposition to altruism as well as moral progression from egoism to altruism, it is probably important to assert my fundamental conviction that all human behavior is the result of an *interaction* between

personality and social situations.[3] This Chapter will describe some of the intellectual building blocks most frequently used to portray the human personality as it is manifest along the egoism-altruism continuum. This section will also mold a solid foundation of perceived individual behaviors to allow me, in subsequent chapters, to build up the specific institutional environments which result from individual interaction with the multitudinous situational factors encountered at certain important points in human history. By looking first, in some detail, at the various defining factors of the human personality, one would hope to gain important insights into those interpersonal environments where institutions mirror human needs and exhibit human responses to social change. It is there, one hopes, to find reflected the growing power of altruism.

Introduction

Altruism -- often taken to include associated terms such as: sharing, empathy, rational self-interestedness, prosocial learning, etc. -- is generally described as an *individual* response to certain social situations. Philanthropy -- including the ideas of organized charity, the `good works' of moral and religious origin, and perhaps even the modern welfare state itself -- can generally be described as an *institutional* response to certain social situations. More importantly, I would suggest that

philanthropy, as it is conceived in modern life, is simply the institutional expression of a persistent altruism in all sentient beings. This chapter will provide, from among a variety of theoretical materials, the building blocks through which such persistence has been translated into historical and contemporary institutional forms. However, let us begin with certain critical aspects of personal choice and behavior and then move, in subsequent chapters, to institutional policy and public implementation.

Etymologically, altruism is of more recent derivation than philanthropy. *Philanthropia* is a classic Greek coinage meaning `love to mankind´. Altruism, from the Italian word for `other´ (*altrui*), was popularized by Auguste Comte, who wrote a great deal in the nineteenth century about the development of `sympathetic instincts´ in the individual. "He believed that the purpose of an advanced society was to foster the love, and even the worship of, humanity, and that positivistic science, especially the new discipline of `sociology´ (a term Comte also coined), would produce this new set of values."[4]

Descriptions of altruistic human behaviors can be dauntingly utilitarian:

> there is no formal contract, no legal bond, no situation of power, domination, constraint or compulsion, no sense of shame or guilt, no gratitude imperative, no need for penitence, no money and no explicit guarantee of or wish for a reward or return

> gift. [All such gifts] are acts of free will; of the exercise of choice; of conscience without shame,[5]

They can also be poetic:

> No man is an Iland, intire of it selfe;
> every man is a peece of the Continent,
> a part of the maine; if a Clod bee
> washed away by the Sea, Europe is the
> lesse, as well as if a Promontorie were,
> as well as if a Mannor of thy friends
> or of thine owne were; any mans
> death diminishes me, because I am
> involved in Mankinde; And therefore
> never send to know for whom the bell
> tolls; It tolls for thee.[6]

In either case, a `behaviorialist´ definition would see altruism as "social behavior carried out to achieve positive outcomes for another rather than for the self" as opposed to egoism, which is defined as "social behavior carried out to achieve positive outcomes for the self rather than for another".[7] However, as we journey back through the development of the concept itself, it is probably sufficient to say that there is a class of

> behaviors which are carried out that benefit others. Furthermore, these behaviors often are carried out in the absence of immediate reward and sometimes at some cost. Most people consider such behavior by their peers to be a virtue. It is useful to have a word for such behavior, and `altruism´ is the one designated.[8]

With that common sense reminder, it is perhaps easiest to first discern the route of our great river of philanthropy -- i.e., to approach the nearly endless literature on what has come to be called "the altruism question"[8] -- as taking in five separate, but deeply

commingled intellectual streams: the biological, the philosophical, the psychological, the economic, and the cultural.

A Biological Basis for Altruism

Though contemporary expressions of altruistic behavior can be most readily discovered along the biological path, it is also the route that takes us the furthest back in time. Indeed, it even leads us out of the realm of *homo sapiens*.

Biologists, and specifically evolutionary biologists, have long wondered whether a social behavior such as altruism could have been selected for and, therefore, genetically determined. In both animal and insect species, parental behavior, mutual defense, rescue behavior, cooperation in the hunt, and food sharing[10] have long been analyzed in relation to similar `non-selfish´ traits traditionally reserved for man.[11] A 1964 study even suggested that rhesus monkeys "would consistently refrain from pulling a chain that brought them food in order to avoid giving a shock to their partners" and suggested that the sight of their fellow monkeys in distress "produced empathetic feelings".[12] Even on such a plane of anti-instinctive sacrifice, could one truly label such non-human behavior as altruistic? More importantly, how could such implicity self-destructive `feelings´ even have evolved

through natural selection?

It is too easily forgotten that Charles Darwin devoted two entire chapters of his DESCENT OF MAN[13] to a discussion of the `moral faculties´. While he wrote at some length about the sociability of animals, it was in such behaviors in man, Darwin speculated, that one might discover the outline of a `moral sense´ as well. Indeed, it was just such sociability, when combined with the intellect, that distinguished human beings from other animals and led to unexpected, but certainly observable, altruistic behaviors.

> He recognized, however, that to the degree to which altruism evolved through the process of natural selection, a paradox was involved. If the *most* altruistic members of the group were willing to die for others by, for example, sacrificing themselves in battle, there would be fewer offspring of altruistic self-sacrificing individuals to carry forward the characteristic. How then, is it possible, that altruism could have arisen through the process of natural selection?[14]

This anomaly, mixed in with other misunderstandings about `natural selection´ and `survival of the fittest´ that so often afflict discussions of Darwin´s work, persists.[15] I don´t pretend to address such confusion here; however, it is important to my future remarks to at least clarify the standard misconceptions about the Darwinian idea of `fitness´: thus, `fit´ individuals are "those that, for whatever reasons, successfully reproduce themselves in the next generation, and `unfit´ individuals

are those that, for whatever reasons, do not reproduce. The term has no meaning outside this definition, a definition entirely in terms of reproductive consequences."[18]

What was perceived to be the anomaly in Darwin's work was not to be addressed directly until 1932 when, in an effort to integrate Darwinian theory with the newest findings in genetics, J.B.S. Haldane[17] raised the possibility of specific `genes for altruism'. He sought to understand how, if such genes can be said to exist, would they fare under natural selection? And, while Haldane offered no real answer, thirty years later, in a study entitled ANIMAL DISPERSION IN RELATION TO SOCIAL BEHAVIOR, V.C. Wynne-Edwards suggested that the evolution of altruistic traits in both man and animals might be accounted for through `group' rather than `individual' selection. And, while much of Wynne-Edwards hypothesis was later proved false, "his formulation had a major impact on biologists and generated much new research".[18]

Evolutionary biologists including W.D. Hamilton, R.L. Trivers, and particularly E.O. Wilson, developed enormous evidence for altruism in animals and created complicated models as well as potent arguments for the evolution and survival of altruistic genetic material and sympathetic behavior in species. Group selection involved the

basically negative view that "if all members of a species compete to their fullest (e.g., reproduce, utilize available resources), then the exploitative activity of the total population may exceed the capacity of local resources."[19] Individual organisms then, the argument follows, must have somehow been genetically predisposed to restrain from exerting their full capacity for self-gain, thus assuring *group* survival. Hamilton tried to further explain such anti-individualism with the assertion that "we are genetically more likely to help kin than non-kin"[20], thus opening the door to the idea that certain conditions (e.g., kinship) can be specified wherein individuals perform altruistic acts or forgo selfish acts "because of the negative consequences for the reproductive success of relatives".[21] Generally known as the `kinship theory´, this important concept argues that natural selection

> favors behaviors that maximize *inclusive fitness* -- the sum of one´s own offspring and the offspring of relatives, each weighted by the coefficient of relatedness. Thus, acts that are altruistic from the point of view of the individual organism are selfish from the perspective of gene survival, which is what drives the evolutionary process.[22]

Trivers widened such conditional behavior to include altruistic behaviors even beyond non-related individuals. He posits `reciprocity´ -- such behaviors are not only comprehensible but biologically defensible because they are to the long-term benefit to the individual performing them.

If individual A encounters another individual, B, whose life is in danger, A will most likely rescue B because it is assumed that:

> (a) the probable cost to A for rescuing B is far less than the gain to B [benefit and cost, in this biological instance, are defined as the increase or decrease in the chance that relevant others will propagate themselves in the population] and (b) there is a high like-lihood of a role reversal in the future. Both assumptions seem to be valid. The first appears to be an accurate portrayal of most such encounters even today; the second is entirely consistent with the known conditions of human existence during the long period of evolution: small groups, long interaction with the same specific others, and frequent exposure to danger.[23]

It is, in other words, in the individual's long-term selfish interest to take the relatively low risks associated with helping others in danger. Trivers also showed that if the entire population is sooner or later exposed to the same danger, the "two who make the attempt to save the other will be more apt to survive than the two who face dangers on their own. Natural selection therefore favors a tendency to help others".[24]

Another influential figure among this group of evolutionary analysts, Donald Campbell, provides a useful summary of the arguments on kin/group relatedness:

> There are no reasons for ruling out genetic factors as cause of such moral behaviors in humans as honesty, trust, abstinence from indulgence, willingness to share, loyalty, and altruistic willingness to sacrifice the self for the group. The tremendous survival value of being social makes innate prosocial motives as

> likely on a priori grounds as self-centered, egoistic ones. Groups genetically predisposed to behave in such ways would have a distinct advantage over groups that did not....[25]

Of all the sociobiologists who have written on genetics and human evolution, the best known and most controversial is Edmund O. Wilson. His wide writings on insect societies, particularly bees and termites, and his observations based on that research culminated in his 1976 text, SOCIOBIOLOGY: THE NEW SYNTHESIS. And while most of the criticism has been leveled at his genetic ideas, I have often suspected that it is the second part of his title that bothers most critics. For instance, listen to this all-inclusive claim:

> Let us consider man in the free spirit of natural history, as though we were zoologists from another planet completing a catalogue of social species on earth. In this macroscopic view the humanities and social sciences shrink to specialized branches of biology; history, biography and fiction are the research protocols of human ethology; and anthropology and sociology together constitute the sociobiology of a single primate species.[26]

Most academics, and certainly all social scientists, might recoil at what they see as the over-estimation of the importance of evolutionary biology inherent in Wilson's remarks. However, to me, he seems to describe a genuine paradigm shift.[27] In the passage from mis-apprehensions about 'survival of the fittest' through an over-emphasis on self-interest in political and economic behavior in post-

Malthusian thinking, and even through the increasingly frenetic alarms about `genetic engineering´ in the latest scientific research, we often lose sight of the possibilities for positive action in human nature. Anyone, such a negative cacophony suggests, who "appears to be motivated by a concern for someone else´s needs will, under closer scrutiny, prove to have ulterior selfish motives".[28] It is precisely in the face of such a view that Wilson´s efforts at inclusivity, his efforts to widen the scale and scope of behavioral observation, can be seen to constitute a significant alteration in evolutionary thinking. Even if the central thesis of sociobiology -- that human and other species are `wired´, or genetically programed, for altruism -- is arguable, what is undeniably true is that positive behaviors, particularly altruistic or helping behaviors, constitute a fundamental characteristic of *sentient* organisms and we are only just beginning to understand what that might mean in terms of the institutional arrangements of modern life.

> I maintain, despite the moment´s evidence against the claim, that we are born and grow up with a fondness for each other and that we have genes for that. We can be talked out of that fondness, for the genetic message is like a distant music and some of us are hard of hearing. Societies are noisy affairs, drowning out the sound of ourselves and our connections.[29]

A Philosophical Basis for Altruism

Certainly the notion of fondness and concern for one´s

fellow man is not alien to the major themes of Western philosophy. Perhaps the harshest critique of evolutionary biology or sociobiology emerges from its perceived insistence on the genetic, as opposed to the moral, grounds for altruism. Traditional philosophers assume that human interactions take place in a larger metaphysical scheme. Human behavior is not judged in terms of the goals of the actor but whether such behavior conforms to a higher standard. To understand this, one needs only to examine two of the main tributaries in the complex flow of Western philosophy -- Greco-Roman thought and the Judeo-Christian religious tradition.

It would, of course, be unfair to suggest only that the Greeks emphasized self-interest (based on `Ideals´ or `Universals´) while the Judeo-Christian tradition emphasizes the old testament refrain of "Thou shalt love thy neighbor as Thyself" (Leviticus XIX:18) or the Sermon on the Mount´s injunction "Therefore all things whatsoever ye would that men should do to you, do ye even so to them" (Matthew VII:12). Concern for the welfare of others throughout antiquity provokes questions that might be placed anywhere along an egoism-altruism continuum.

> It is common to ... juxtapose a Greek emphasis on self-interest and a Judeo-Christian emphasis on loving neighbor as self. It is also common to call the former egoistic, the latter altruistic. But this

juxtaposition is misleading. Neither ancient tradition confronts the altruism question directly, perhaps because each assumes that human interactions take place in a context of a larger metaphysical scheme."[30]

Plato's early dialogue on friendship, LYSIS, raises two key questions: Is concern for a friend's welfare directed toward the friend's benefit as an end in itself, or is it ultimately directed toward one's own benefit? And, while he explored both egoistic and altruistic possibilities, in the end Plato "left both questions unanswered".[31] In RHETORIC, Aristotle sought to resolve the apparent conflict by proposing that the "good man feels towards a friend as towards himself (a friend being in fact another Self).... As his own existence is desirable for each man, so, or almost so, is his friend's existence".[32]

Given such open-endedness, it is probably not surprising that the Greek compound word, *philanthropia*[33], describes not only "man's love for his near ones, his affection and active concern for his kin and friend, but for his fellow man in general".[34] But, as with so many words that come to us from Greek roots, there are strong elements of both the philosophical and the practical in the concepts the word expresses. For the Greeks themselves, philanthropy was as much a personal concept (a `love' relationship with each other and with the gods) as it was a practical application. Behavior and acts which reflected

the personal also described behavior and acts which befitted a civilized and cultured being, the `Ideal´, or behavior and acts which were of worth as an end in themselves, the `Absolute´. Such lofty goals, such civility to others premised on a clear self-awareness, also describes for Greeks a citizen functioning effectively within the institutionalization of inter-relationships which was at the heart of the classical city-state.[35] As such, they guide us in the transition from selfhood to statehood, and from altruism as a concept of self-interestedness to *philanthropia* as a duty of the citizen.

By the time of THE ODYSSEY and the writings of Hesiod in the eighth century, B.C., we find such civic relationships transformed into *themis*, or common customary law. Earlier codes of interpersonal behavior and duty are now institutionalized through clearly-defined, self-sustaining brotherhoods (*phratria*), complementing the earlier clan-families (*genos*), the original locus of charitable sensibilities within the community. If, with Charles Stewart Loch, we picture the early Greek state as basically a group of families, we can see that each, in time, tends to form a separate group or clan. "At each expansion from the family to the clan the members of the clan retain rights and have to fulfill duties which are the same as, or similar to, those which prevailed in the

family."[36] As the Greek state developed, these brotherhoods came to encompass a sort of "natural guild, consisting of rich and poor members alike" which served as the "only basis of legal rights and obligations over and above the natural family".[37] The relationships among the *phratry* and the hospitality required of them to friend and stranger is the core of Greek philosophy, the basis of Greek citizenship, and the center of Greek philanthropy.

While I think it would be deceptive to argue for anything like `pure altruism´ (as described earlier in a biological sense) within the small, often prosperous, and tightly structured world of citizen and slave, there is certainly ample evidence of a common concern which frequently called for behaviors that might be readily identified as voluntary and charitable.

The Greek polity was based, ultimately, on the philosophy of civic responsibility for strangers who came within its purview. Moreover, Greeks had a sense of responsibility to the poor who somehow fell outside of the general interdependence of the citizen/slave relationship or the more familial concerns of the brotherhoods. The question that vexed both Greek thinkers and politicians was how to establish and maintain sound governments. The safest way to preserve, or insure the longevity of, the polity, Aristotle argued, was to "contrive how plenty could

become permanent".[38] To achieve this transfusion of material goods, Aristotle maintained that no real political improvement could result from individual or even associated action unless the overall purposes of civil and social life -- prosperity and participation -- were given first consideration. It was important, he argued, for the sake of the polity, that "those who have the welfare of the state" in mind and "are the true friends of the people" should see that the poor be not too poor, for extreme poverty lowers the character of the democracy; measures

> also should be take which will give them lasting prosperity; as this is equally the interest of all classes, the proceeds of the public revenues should be accumulated and distributed among them, if possible, in such quantities as may enable them to purchase a little farm, or, at any rate, make a beginning in trade and husbandry. And, if this benevolence cannot be extended to all, money should be distributed in turn according to tribe or other divisions and in the meantime the rich should pay the fee for the attendance of the poor at the necessary assemblies.[39]

Had Aristotle's, and Greek, prescriptions for a competent polity -- how democracies *ought* to be constituted -- been realizable, the emergence of the institutions of philanthropy, both public and private, might have been significantly accelerated. Instead, the Greek city-state as envisioned, able through policy and planning based on moral and philosophical *desiderata* to care for all of its citizenry, surrendered to the realities of wars, population growth, and other substantial changes in the 'traditional'

balances between the prosperous and the poor. By the end of the pre-Christian era, the Romans had arrived; they brought with them a very different philosophy of the individual's responsibility for his fellow man and even more different methods of how to implement their view.

In the vastly wider world the Roman Emperors conquered and controlled, the quiet, placid stream of family and brotherhood-based civility that the Greeks adjudged sufficient to their view of man, of god, and of the polity, became a torrent of poverty and a flood of problems. Of course, before 'empire' came the *res publica:*

> the common weal, the phrase and the thought, meet one at every turn; and never were citizens more patient and tenacious combatants on their country's behalf. The men were soldiers in an unpaid militia and were constantly engaged in wars with the rivals of Rome, leaving home and family for their campaigns and returning to them in the winter. With a hardness and closeness inconsistent with -- indeed, opposed to -- the charitable spirit, they combined the strength of character and sense of justice without which charity becomes sentimental and unsocial. In the development of the family, and thus, indirectly, in the development of charity, they stand for settled obligation and unrelenting duty.[40]

This philosophy, which underlies the Roman citizen's sense of obligation, is perhaps best captured in the terms *liberalitas, beneficentia* and *pietas.* The first two refer to the inter-relationship between people in nearly synonymous ways: "liberality lays stress on the mood -- that of the *liber,* the freeborn, and so in a sense the

independent or superior".[41] Beneficence suggests the nature of the deed, its purpose, as carried out by the superior person. *Pietas* introduces a more religious notion of "dutifulness to gods and home and country".[42] It is from this dual sense of the obligation of the citizen and the duty of the individual that the substantial acts of Roman charity can be most clearly seen to emerge.

As with the Greeks, the Romans felt that the well-being of the community depended on the vigor of the family of all who shared a common ancestry, the *gens*. Such bonds were best expressed philanthropically in the communal sharing known as the *annona civica*, the supply of free corn to all citizens. For those not freeborn, or those without crops to share, duty led to the *sportula*, or the organized food supply for poor clients. But the constant wars, and the enforced absence of the men needed to wage them, led to a breakup of the yeomanry and the eventual impoverishment of whole families of citizens. Their lands fell into the hands of the large, patrician families, who also controlled trade and, of course, used warfare to increase their opportunities for profit and control. Foreign wars and the centralization of political control led to "a growing number of aliens, dispossessed yeomen and dependent clients".[43] Free yeomen were gradually replaced by the slaves, constantly replenished by conquest, who worked the

ever-expanding estates (*latifundia*) of fewer and fewer families. Philosophical underpinnings were washed away. In a society held together by the costly filaments of warfare, long distance rule, slavery, and the economic and political intrigues of empire building, the primary task of governance often came to be seen merely as "placating the multitudes".[44] We have, increasingly, a picture of the population of Rome and of her Empire as "consisting chiefly of a few patrician families ministered to by a very large number of slaves, and a populace of needy citizens, in whose ranks it was profitable for an outsider to find a place in order that he might participate in the advantages of state maintenance".[45]

The system of state maintenance soon became so complex and so costly as to quite accurately prefigure the modern 'welfare state'. To keep the masses in line, the emperors and leading citizens felt compelled to provide an endless flow of funds for public assistance: food stamps in the form of the *tesserae frumentariae*, medicare and medicaid in the form of the *archiatri populares*, loans to farmers, subsidies of working capital (*fiscus*) to small businesses, and even state assistance to families with children, the *alimenta*. And, in order to keep the citizens from thinking too much about the fact that so much of their existence was dependent on this 'dole', the emperors staged

congiaria, originally occasions to celebrate some military victory or other, but eventually just a series of spectator sporting events.[46]

This rather frantic culture of *panem et circenses*, or 'bread and circuses' provides a rather dark foreshadowing of contemporary Western society's view of itself, enmeshed in what Georges Duby has so perceptively labeled "the heavy traffic in necessary generosity".[47] As the Roman Empire falters, and finally expires under the demands of its own expansion, the philosophical underpinnings of the next great shift in thinking about the human inter-relationships captured by the idea of altruism, as well as the various new institutional forms necessitated by social concern, come into greater relief.

While the theocentricity of the so-called Judeo-Christian tradition can be rather neatly opposed to the anthropocentricity of the Greco-Roman tradition, it is also useful to juxtapose issues of social justice and charity as we move into the realm of religion. Moreover, while it is important to note these contrasts, a deeper philosophical understanding of the religious tradition might be most effectively evoked by a closer level of analysis of the differences in the Judaic and Christian beliefs themselves. For, while Jews and Christians shared a "premise of human equality based on common divine origin"[48], beyond that the

strain of comparison falters. For Israelites, Levitical law applied a new precept to social life: `Thou shalt love thy neighbor as thyself'. Even at this early date (about 550 B.C.), the concept of neighbor is quite broad: "The stranger who sojourns with you shall be to you as the native among you, and you shall love him as yourself; for you were strangers in the land of Egypt" (Leviticus XIX:34). As Loch notes, this concept is the "outcome of a deep ethical fervor -- the element which the Jews brought into the work of charity".[49] And is it any wonder?

> The entire Bible vibrates and tingles with a quick and burning sympathy for the poor and the handicapped. And for the Hebrew people its pages were not mere literature, but the recollections or impressions that had to do with experiences which had ploughed deep into its soul. The very beginnings of Israel were identified with a battle to save the nation from poverty, exploitation and oppression at the hands of their Egyptian masters, a battle that left a profound impress on the consciousness of the Jew, making for social justice and humanitarian feeling and operating against the oppression of natives and strangers alike.[50]

The Pentateuch *commanded*, not requested, benevolence: "For the needy will not come out of the land; therefore do I command thee, saying, `Thou shalt open wide thy hand unto thy brother, to thy poor, and to thy needy, in thy land".[51] Under Talmudic injunction, the Israelites established an astonishing range of philanthropic support systems not, as we shall see, as a matter of securing divine grace, but as an outgrowth of their sense of persecution. The list is

long[52], but the key elements of this organized system included a daily distribution of food (the *tamchui*, or `dish´) and the weekly distribution of money (the *kuppah*, or chest). Poorhouses, hospitals, soup lines -- the Torah made provisions for them all based on a sharing of divine origin translated into what Frisch calls an "enlightened profit sharing".[53]

As early as half a century before the birth of Christ, the Jewish synagogue had come into prominence. It quickly became the center of Jewish existence and the symbol of the centrality of social justice in Jewish life. Primarily meant to be a religious and education center, the synagogue rapidly became the local focus of "certain social *desiderata*, among them an instrumentality for the collection and distribution of food and clothing for those in want and the provision of shelter for the stranger".[54]

The demands of Jewish philanthropy in fulfillment of a philosophical commitment to social justice were so great that the first of what we might call administrators of charity, the *Gabbai Zedakah* (also sometimes called the *Parnas*, or Provider), were elected. These men, and under them a cadre of `charity officers´, had no connection to worship; they were charged with the daily collection, distribution, and management of the numerous forms of agrarian and financial support provided by each

congregation. One wonders how fully all of this highly organized behavior might have flourished. Sadly, the

> fall of the State in 70 A.D. changed profoundly the conditions of Jewish life. From that time on, and until the era of emancipation which, broadly speaking, set in with the French Revolution, the Jews were not the final arbiters of their destinies. The ultimate determination of their economic and social conditions was in the hands of their political masters, civil or ecclesiastical, as the case might be.[55]

Nevertheless, altruism and philanthropy continued to occupy a central position, one of dignity and importance, during the *diaspora*. The continuing belief in charity as social justice is even captured as late as the twelfth century when rabbi Moses ben Maimson, better known as Maimonides, identified "The Eight Degrees of Charity". The highest, "than which there is no higher, is that of one who takes hold of an Israelite who has become impoverished and gives him a gift or loan and goes into partnership with him or finds work for him, in order to strengthen his hand so that he be spared the necessity of appealing for help".[56] If there are echoes of Aristotle in these writings, it is a reminder of just how complicated the mighty philanthropic river, along which we are navigating, has become.

The Christian stream of the Judeo-Christian tradition is also complex, with many tributaries of its own. Through the life and teachings of Christ, particularly the Sermon on the Mount, and the fervor[57] of his followers, a

substantive alteration of the philosophic basis for altruistic behavior may be witnessed. For the Greeks, and the Romans who followed and shared much of their philosophical view of man and society, it is only a slight exaggeration to suggest that the individual human being had little inherent worth; his value was measured as he fulfilled his civic duties. For the Jews, so often forced to drink the "bitter cup of poverty, oppression, and alienage",[58] the fellow sufferer was all-important. One's practice of *Zedakah* (`right' or `justice') and *Gemilut Chasidim* (`loving kindness'), to all who needed it, was a life-long and deeply personal commitment. For Christians, however, "regarding the poor as the special representative of the Christian founder ... the love of Christ, rather than the love of man",[58] was to become the fundamental principal of charity.

James Hastings elaborates on three distinct aspects of the very substantial changes wrought in how the early Christain thought about other persons. First, the teachings of Christ transform altruism, "a merely virtuous disposition", into a "theological virtue". True charity is when each recognizes that "we are all one in Christ". Second, and most important, this newly-found oneness, now shared by members of the Christian kingdom, draws its inspiration from the Divine and, as such, "it springs from

the realization of man's primary relation to God as son to Father, *and so is love of man for the sake of God*" (emphasis added). And, finally, the motive for *caritas* is devotion "to Jesus as man's Saviour -- attachment to His person, and eagerness to please and serve Him." So, while charity still means doing good for others, the philosophical foundation for such behavior is not truly Christian "unless there be in it a distinct reference, direct or indirect, to the will and intent of the Saviour, and unless it be measured by the love that He bears to men...."[60] Herein lines the religious connotation to the idea of *philanthropia*, now charity.

Such a change in thinking might have remained merely a matter for philosophical argument among the first disciples and future theologians, but throughout the early centuries of the Christian era the poor and dispossessed, now renamed *pauperes Christi*, were ever more in evidence. The astronomical costs of maintaining both the Imperial court and its armies; dramatic increases in population, coupled with (or because of) very significant changes in land distribution; changes in the perception and practice of serfdom and slavery; ever-worsening impoverishment; and an abundance of general human suffering all combined to provoke an astonishing increase in the magnitude of the problems confronting the new Christian church.

Stone Age altruism as well as Greek, Roman and Jewish philanthropic institutions all functioned locally; and, in the earliest years, Christian *beneficia* also evolved from the direct and localized good works of Christ's followers, particularly the so-called `Acts of the Apostles'. But by the fourth century, congruent with the decline of the civic capacities of Rome, the demands on the now widespread Christian faith were such that congregational relief gave way to a much more complex system "in which the management of the funds set apart for charitable ends was centralized, and relief was officially administered in institutions built for that purpose."[61] At the insistence of Constantine, and underwritten by the `tithe' he institutionalized throughout the Empire, the Church assumed responsibility for an increasingly substantial outpouring of assets targeted both by the authorities and by wealthy individuals (usually at the behest of the now Christian Emperor) for poor relief. Consequently, it is also in this era that we see the rise of privately endowed, church-managed institutions such as the all-purpose *xenodochia*, originally intended as refuges for travelers, but soon transformed into what we might call hospitals for the care of the sick, the homeless poor, widows, abandoned children and other helpless classes surging throughout the European cities and countryside.[62]

By the time of the arrival of Gregory the Great in the sixth century, institutionalized relief of the poor was well-established and, indeed, widely accepted as the primary social function of the Church as well as the fullest expression of the political and the altruistic -- now Christianized -- nature of man.

A Psychological Basis for Altruism

> The religions of all ancient urban civilizations taught that many aspects of human nature need to be curbed if optimal social coordination is to be achieved, for example, selfishness, pride, greed, dishonesty, covetousness, cowardice, lust, wrath. Psychology and psychiatry, on the other hand, not only describe man as selfishly motivated, but implicitly teach that he ought to be so. They tend to see repression or inhibition of individual impulse as undesirable, blight created by cruel child-rearing and a needlessly repressive society.[63]

While one could readily present a formidable case for the self-serving nature of both religion and psychiatry -- one seeking a continuing stream of obedient acolytes and the other an appointment book full of dysfunctional patients -- I open this section with the above quote because Campbell is making a point that is interesting for quite another reason.

Long before Darwin, religion had persuaded people that living for the purpose of some transcendent 'Good' not one's own was the preferred, indeed, the only, way to secure happiness. The evolution Darwin described was one of reproductive selection based on a recipe -- skills,

customs, organizational behaviors and structures, etc. -- which worked for the optimization, or 'survival' of the 'fittest'. This complex biological observation soon was transliterated into something known as social Darwinism, or the belief in (indeed, the insistence on) the social policy implications of biological evolution. Darwin himself contributed to this, as I've mentioned before, in his remarks some thirteen years after the publication of ON THE ORIGIN OF THE SPECIES, when he presented a multi-faceted view of the motivation behind the human concern for the welfare of others in THE DESCENT OF MAN. Since much of modern psychology and psychiatry turns on the interpretation or, as I have argued, the mis-interpretation of Darwin's discussion of egoism vs. altruism, let us look at the three major facets of the Darwinian explanation of human behavior. To the extent that the concern we show

> for others is based on instincts that operate to insure survival through the pull and push of personal pain and pleasure, as Darwin said instincts often do, the motivation seems egoistic. Yet, Darwin also argued that instinctive love based on parental and filial affections and 'the all important emotion of sympathy' evoke other-oriented benevolent actions within the community and outward toward an ever-expanding community that may eventually include other species. This motivation seems altruistic. Finally, Darwin suggested a third possibility: We often care for others from blind instinct or habit, not directed by pleasure, pain, love, or sympathy, and without any conception of a goal. If our concern for others is a product of these reflexive impulses, then terms like 'selfish' and 'selfless', 'egoistic' and 'altruistic', do not really apply.[64]

While it is evident that both the second and third facets of Darwin's analysis have had a resurgence in contemporary communitarianism and in the cross-species extensions made by sociobiologists, the major focus has nearly always been on the facet of personal pain and pleasure. This was especially true for the early psychologists and psychiatrists, like William James:

> Each mind, to begin with, must have a certain minimum of selfishness in the shape of instincts of bodily self-seeking in order to exist. This minimum must be there as a basis for all further conscious acts, whether of self-negation or of a selfishness more subtle still. All minds must have come, by way of the survival of the fittest, if by no directer path, to take an intense interest in the bodies to which they are yoked....[85]

Most well-known, of course, is Sigmund Freud's view that all of our actions are ultimately self-serving. For Freud, if any 'altruistic' emotions do develop, "they are really only strategic expressions of more fundamental egoistic ones".[66] At all stages of the life span, Freud argued, egoism is the motivating force in human behavior. Even the child loves itself first, and later learns to love

> others, to sacrifice something of its ego for another. Even those persons whom the child seems to love from the very beginning, it loves at the outset because it has need of them, cannot do without them, in other words, out of egotistical motives. Not until later does the love impulse become independent of egoism. In brief, egoism has taught the child to love.[87]

Ignoring Darwin's comments on parental and filial affections -- or rather dismissing them as the product of

socialization -- Freud "dwelled increasingly on the importance of aggression in human life", arguing that such aggression is most often turned inward, "through turning aggression that the individual would like to direct toward others back on the self, producing guilt".[68]

While later psychotherapists moved beyond Freud's focus on survival instincts and guilt -- notably Fromm (self-realization), Horney (self-expression), and Maslow (self-actualization) -- it is readily evident that, even within these neo-Freudian and more humanistic views, egoism still reigns. The "realization, expression, or actualization to which the individual is called is still ultimately directed toward meeting the needs of self".[68]

Among the many divergences from what is still, admittedly, the dominant paradigm in psychological and social-psychological theory concerning the altruism - egoism debate, I will only look at two I find particularly informative: the views of Jean Piaget and Margaret Mead.

In helping to found the domain of study that has come to be known as `Developmental Psychology', the famous Swiss educator Piaget published THE MORAL JUDGEMENT OF THE CHILD in 1932. Charting the emergence of `true' cooperation, what he called `empathic altruism', at about age 7, Piaget suggested this development occurred because children around this age could begin to see the world from the perspectives

of other people. Piaget described three broad stages of the development of sharing among children.

> The first was the `authority´ stage based on the demands of elders ... next comes the stage of `equality´ in which authority is subordinate to the requirements of strict equality of treatment.... Finally, the `equity´ stage sees a shift from the rule of strict equality towards recognition of the relativity of individual needs and circumstances.[70]

Many contemporary developmental theorists have gone far beyond Piaget, however. Some use his childhood studies as the starting point for a much more belabored, and for me unsatisfactory, argument. For instance, *homo sapiens*

> represents an incredible gap in `the great chain of life,´ a discontinuity that is not measurable in the traditional incremental changes from the lowest species of animal to the highest. We are a splendid and peculiar discontinuity -- *sui generis*. And the irony in our development is that part of the uniqueness that makes us transcendent rests in the miserable, extended, helpless state in which we are born and remain for so long -- untoward in the extreme and unparalleled in the animal kingdom.[71]

While provocative, this over-emphasis on the utter helplessness of human infants -- based, for the most part, on an exaggerated Freudian notion of `dependency´ -- is, it seems to me, finally so limiting as to be self-defeating. Were we not social creatures, and were not the satisfactions and failures of adult life equally definitive, it might make more sense. If all evidence of `adaptability´ in both human and animal species were to be ignored, it might be more persuasive. Campbell reminds us

> when considering human behavioral dispositions, we should attend not only to the biological sources of behavioral tendencies, and not only to the person's own past history of reinforcement, but also to the culturally inherited baggage of dispositions, transmitted by example, indoctrination and culturally provided limitation on perspectives and opportunities.[72]

The anthropological work of Margaret Mead opens another window on such 'culturally inherited baggage'. Mead was troubled by a Freudian (or any) approach to social behavior, particularly sex, based solely on guilt, aggression and selfish instincts. Her field studies in various primitive societies amply demonstrated too great a malleability in human nature, too many variations in behavior from place to place and from person to person.

In SEX AND TEMPERAMENT IN THREE PRIMITIVE SOCIETIES, Mead reported on the altruism of three different tribes in New Guinea: the Arapesh, the Mundugumor, and the Tchambuli. Mead reported that, among the Arapesh, both the men and the women were basically gentle, peaceful, cooperative, unaggressive, and responsive to the needs and demands of others. They lived in marked contrast to their neighbors, the Mundugumor. The Mundugumor were cannibals and headhunters. Both sexes were violent, competitive, sexually aggressive, jealous, and ready to avenge the slightest insult. Indeed individuals within this tribe were *so* hostile and jealous of one another that there were

virtually no common meeting paces, no communal activities, and little cooperative behavior. Finally, the Arapesh and the Mundugumor differed from the lake-dwelling Tchambuli. Among the Tchambuli, marked sex differences emerged in altruistic behavior.

> Whereas the women showed a certain jovial solidarity with each other, often sitting around in groups laughing together, the men engaged in a series of unending petty bickering and quarreling.[73]

While Mead's observations of such radical behavior patterns undoubtedly apply to many divergent behavior patterns replicated in other societies, most contemporary psychologists have focused their research more closely on similarities; some 'golden rule' by which to explain altruistic behavior in otherwise egoistic humans.

The most prominent research for the past two decades has involved what is known as "bystander research"[74]. Most likely provoked by the sad and widely-reported fate of Kitty Genovese, brutally murdered in her New York doorway in 1964 within sight of many witnesses who offered her no assistance, a very large experimental literature has evolved around one of the most extreme forms of altruism -- helping behaviors toward strangers. Perhaps the most interesting aspect of this research is the finding that subjects who were alone were significantly more likely to try to help someone in distress than when in a group.

> We are aware of 4 dozen published or unpublished studies from nearly 3 dozen different laboratories reporting data from over 5000 persons faced with the opportunity to help either alone or in the presence of others. With very few exceptions, individuals faced with a sudden need for action exhibit a markedly reduced likelihood of response if other people actually are, or are believed to be, available.[75]

Such research postulates that the dilemma faced by people in such situations turns on what is known as `empathy costs´. Whether the borrowing of the language of economics is done in order to transcend the limitations of the language of psychology, or in order to `validate´ Social Darwinism, remains open to question. In any case, such costs "involve internalizing the need or suffering of the victim; the more clear and more severe the emergency is, the more unpleasant and costly the continued suffering of the victim will be *to the bystander* [emphasis added]".[76] It seems that such research, while appearing to introduce motives that transcend selfishness, in fact simply points out that situational motivational processes may really only indicate a deeper, or more subtle, form of selfishness -- protection of the self from "feelings of disgust, anxiety, or upset caused by seeing someone suffer".[77]

Arguments abound when observations are based on human behavior: Is egoism the *ne plus ultra* of human behavior? Are humans ever truly altruistic? Is human behavior so widely diverse that no theory can encompass all of the

varieties of why people do what they do? Is *homo sapiens* so different that no behavioral theories should be applied across species? Is human behavior involving other humans reducible to *any* theory that covers all situations?

Amid such widely discrepant views on the origins and appearance of altruistic behaviors, within psychology itself, and among theorists of human behavior in anthropology, sociology,[78] even sociobiology, the general reader struggles to find a channel through which to navigate from the individual back to the society in which the individual must function.

One such channel is provided by the psychologist Elliot Sober when he points out the essential differences between `evolutionary altruism´ and `vernacular altruism´[78]. The former emphasizes the consequences for the actor and the recipient. Vernacular altruism "has to do with motives ... with the motive of benefitting others".[80] By moving away from the consequences to the individual and looking at how individual behavior benefits (or harms) others, we also can transition from instincts and individuals to human interactions and collective social interests. This is a path whereon behavior is best explained as the result of an interaction between personal and external social, or situational, factors. It is a path where altruism, as Emile Durkheim reminds us, is not merely

"a sort of agreeable ornament to social life",[81] but its fundamental basis. H.G. Wells, while not resolving the debate, certainly adds a bit of poetry to it:

> It is only within the last three or four thousand years that we have any clear evidence that voluntary self-abandonment to some greater end, without fee or reward was an acceptable idea or that anyone propounded it. Then we find spreading over the surface of human affairs, as patches of sunshine spread and pass over the hillsides on a windy day in spring, the idea that there is a happiness in self-devotion greater than any personal gratification or triumph, and a life of mankind different and greater and more important than the sum of all individual lives within it.[82]

An Economic Basis for Altruism

Economists, for the most part, turn such an optimistic and humanistic interpretation of altruism on its head: "we treat altruism and selfless behavior as significant challenges to the theoretical foundation of economics and rational choice theory".[83] Perhaps the only common characteristic of behaviors labeled altruistic is that, apparently, they are all carried out in order to benefit another. And, while the economist often stumbles, theoretically and psychologically, over that relational requirement, some have begun to explore the idea that other-interestedness may not be entirely alien: "An altruistic act need not have negative or zero value to the actor".[84] Moreover, the economist who is open to an analysis of altruistic behavior relies most often on a `technical´ sense of the word, an interpretation wherein

"the individual's allocation of resources is influenced not only by the bundle of goods he obtains for himself but also the effect of his choice on others or on his society, qualified by the condition that *the actor (not necessarily the recipients) regards this behavior as benign* [emphasis added]".[85] In that sense, the economist concerned about other-related behaviors need not stray too far from the 'rational self-interest' that is at the heart of nearly all economic modeling and theory. But he or she must still, and always, confront what Kenneth Boulding calls "the very interesting question of the motivation for genuinely unilateral transfers, that is, a *quid* for which there is no *quo*, now or in the future, nor in the past".[86]

The long-held model in economics is of an 'economic man', i.e., one who calculates each act and seeks rewards in each interaction. Such an individual's behavior "is guided by the principle of maximizing rewards and minimizing costs in order to obtain the most profitable outcomes in any human transaction ... [b]ecause the goal of each individual in any social interaction is the maximization of his profits, he thinks primarily of what he can get from others: other people are instrumental to the satisfaction of his wants".[87] In its narrowest context, such satisfaction comes only from 'profit' or the acquisition of economic goods,[88] but in the wider social

context of economic behavior, such profits could include both material benefits such as money or goods as well as social rewards such as approval, recognition or power. In either case, most economic considerations are based in the concept of `exchange´, and that is derived primarily from the work of Adam Smith.

Just as those who have sought, and continue to seek, useful evidence for various psycho-social verities in the writings of Charles Darwin often ignore his comments about the `moral faculties´, many who mine for nuggets of truth about the marketplace have sought, and continue to seek, economic truth in the writings of Adam Smith without noticing that he had virtually nothing to say about `the market´. In THE WEALTH OF NATIONS,[89] Smith ignored the workings of markets simply because he did not have very many of them to write about. "Custom, trust, price regulation, personal contacts, and production for use were far more common in 1776 than the exotic notion that people should maximize their self-interest through economic interaction with total strangers."[90] A recent exploration of the capitalist transformation of the West notes that the development of markets took place gradually over a long period of time, and certainly long after the development of the factory system which had only just begun in the age of the so-called Scottish Enlightenment which produced Smith.

Indeed, Rosenberg and Birdsell pick 1880 as the date when "markets were taken for granted as a basic feature of modern economics".[91] This is more than 110 years after Adam Smith produced THE WEALTH OF NATIONS.

So what were Smith, and many of the other political economists of the eighteenth century writing about, if not 'markets'? Certainly not the sort of abstract model of rational choice currently at the heart of economic theory, which describes an environment where

> [h]ighly idealized actors (consumers and producers; households and firms) operate in a highly idealized setting (perfectly efficient markets) exchanging highly idealized objects (pure private goods). Each actor seeks to maximize an index known as a utility function, whose value depends on the vector (list) of goods possessed by that actor.[92]

This process of calculating economic gains and losses is nearly always associated with individual decision-making. If I prefer (when preference is a choice of economic maximization) A to B and B to C, then I prefer A to C. This preferential 'self' is nearly always modeled as a solitary atom acting upon and through rational choices. This was not the thinking of the political economists of the eighteenth century. "Man has almost constant occasion for the help of his brethren", Smith wrote.[93] He and his colleagues were as much sociologists reflecting the era in which they lived as they were economists watching the future descend upon them. They believed that "a

well-defined moral structure would so curb human passions as to permit a realm in which people could be free to pursue their own self-interest; and this pursuit of self-interest was possible only because individuals could be sure that there was a social fabric responsible for all".[84]

It is most telling that the figure seen as the great founder of capitalist economics also wrote an influential text on moral philosophy,[85] THE THEORY OF MORAL SENTIMENTS. It opens:

> How selfish soever man may be supposed, there are evidently some principles in his nature, which interest him in the fortune of others, and render their happiness necessary to him, though he derives nothing from it except the pleasure of seeing it.[86]

However, Smith seemed to sense that such pleasure was becoming more and more rare as mercantilism and industrialization rushed forward, and he most certainly knew the cause. It was to be found in

> a disposition to admire, and almost to worship, the rich and the powerful, and to despise, or, at least, to neglect persons of poor and mean condition, though necessary both to establish and to maintain the distinction of ranks and order in society, is, at the same time, the great and most universal cause of the corruption of our moral sentiments.[87]

As Wolfe reminds us, Adam Smith and his fellow political economists were not justifying a nascent capitalist society, "their aim was to provide the rationale for a capitalist *economy* within a *society* held together by a nonbourgeois (or, more precisely, early-bourgeois)

morality".[88] A close reading of THE THEORY OF MORAL SENTIMENTS also reveals a great deal of discussion about social relations, especially `friendship'. Friendships were formed out of what Smith called *necessitudo,* i.e., imposed by the necessity of the situation. What is important, however, is what Smith made of the moral obligations that emerged from such necessities:

> Smith's model of friendship rests not on calculative and utilitarian exchanges between parties to interpersonal contracts ... but on generalized mechanisms of `sympathy'. Because sympathy `generates a kind of social lubrication throughout civil society,' commercial societies are organized by a paradox: only by preserving a realm of morality against all forms of instrumentalism, including the instrumentalism of economic calculation itself, could a society be free to allow economic calculation to take place.[88]

As with Darwin's `survival of the fittest', where subsequent biologists mistook his gentle tread for their own heavy boot prints, subsequent economic analysts have also selectively focused less on the `social lubrication' than on the `economic calculation' found in civil societies. And, while deceptive, this is certainly understandable. The confusion is based mostly on the question of production and control of goods. Earliest societies, classified in `hunter-gatherer' language, were based on kinship. The bonds of social inter-relationship and survival were clearly embedded in the organizational realities. With the advent of settled agriculture, other

inter-relational systems were gradually super-imposed: "large, powerful, agricultural systems usually had some form of feudal aristocratic social organization"[100]. Growing out of the success of this enforced cooperation for the sake of agricultural productivity, we see wider and more diverse competition through early mercantilism. With industrialization and the factory system -- the twin pillars of capitalism -- the ultimate determinant of social relations becomes competition: the organizational procedure used in generating wealth. It is in the mathematics of this competitive productivity that we see the economic calculations that readily lead us from organizational efficiency to an individual self-interestedness. Competition frequently is seen as so rapacious as to preclude any empathy, computation of benefit to others, or even Smithian `friendship'. When included at all, the contemporary economic approach explains altruism and selfless behavior simply "as veiled forms of self-interest" wherein cooperation is "a strategy of deferred self-interest" and "reciprocity is a strategy for self-advancement".[101]

Which brings us fully around (and back) to Adam Smith and his concept of exchange as the basis for any discussion of economic man. While people certainly came together to "truck, barter and exchange"[102] at the marketplace such

activities were never at the core of humanity for Smith. They were simply ways to measure one sort of progress. As Irving Kristol has pointed out, economic man was "never thought to be a whole man, only a man-in-the-marketplace. Smith never celebrated self-interest per se as a human motive, he merely pointed to its utility in a population that wished to improve its condition."[103]

And, in reflecting that wish by mankind to improve its condition, we wind our way toward the political behavior that shaped the eighteenth century as much as, perhaps more so, than the economic behavior of that vibrant era in human history. Adam Smith would, perhaps, agree with my belief that the central political tenet of the eighteenth century was a concern with the aggregate effects of individual choices. It is in just those aggregates that economics and politics come together. For, just as individual economic choices about the allocation of resources aggregate into the political order in which such choices are allowed (Smith's `paradox'), then the aggregate of the political order is itself defined by norms about helping others, mostly those less provided for. "Humans are not freestanding, isolated individuals, but are embedded in communities that promulgate norms. Individuals seek *both* what is `right' (normative) and what is pleasurable (utilitarian)."[104]

It is from this basis, as I mentioned earlier, that Emile Durkheim can argue that altruism exists in every society. It exists, he insists, whenever individuals abnegate their interests in favor of obedience for the sake of society. No society can exist unless its members acknowledge and make sacrifices on behalf of each other. Thus, as I have noted, altruism is not merely a "sort of agreeable ornament to social life" but its fundamental basis.[105] Even accepting `altruism´ here in the type of technical sense that would be comfortable to most economists, wherein "the individual´s allocation of resources is influenced not only by the bundle of goods he obtains for himself but also by the effect of his choice on others or on his society"[106], we have here the core of a different perspective on economic man. And, as with my comments about Darwin and the evolutionary biologists in terms of the possibilities for individual altruism, it is important to explore the possibilities for the economic instrument of altruism -- private philanthropy.

In one of the few serious efforts by an economist to describe a truly `altruistic economic man´, Kenneth Boulding sets aside most Darwinian arguments and returns to Adam Smith´s notion of exchange. The reason, Boulding argues, that philanthropy is "almost completely ignored" in modern economic theory is not because mankind is basically

selfish or even "because man is supposed to act only in his self-interest; it is rather because economics has essentially grown up around the phenomenon of exchange and its theoretical structure rests heavily on this process."[107] By returning to the `roots' of modern economics, such as in Adam Smith's theories, Boulding isolates the problem of understanding both individual altruism and institutional philanthropy in terms of exchange. And that problem is, quite simply, that all economic theory is based on reciprocal transfers while philanthropy, apparently, rests on a unilateral transfer. In making that argument, Boulding shifts the most important questions about mankind's behaviors abruptly out of the realm of economic inquiry and into the realm of society itself and questions about the culture which formed it.

> It might be argued that all unilateral transfers whether these are the transfer payments of government, in agricultural subsidies or social security payments, or whether they are the grants of foundations, or even simple gifts among individuals, should be regarded as elements in what Talcott Parsons calls the `polity' rather than the economy.[108]

Perhaps, with that observation then, Boulding invites us to shift our considerations from economic man to the polity itself, to that `bundle' of cultural artifacts which enables us to understand the terms under which individuals, kin, brotherhoods, feudal manors, towns, guilds, urban aggregates, etc. come to be a polity -- the sort of

"organized society"[108] which might engage in the one-way transfers we know as philanthropy. "It is," Boulding writes, "to the subtle dynamics of the integrative system -- the set of social relations involving status, identity, community, legitimacy, loyalty, love, and trust -- that we have to look if we are to understand the growth and structure of the grants economy."[110]

A Cultural Basis for Altruism

> When we look at the motivation for one-way transfers, we can find two fairly distinct categories, which might be described roughly as `gifts´ and `tribute´.[111]

Kenneth Boulding defines the gift as "an expression of benevolence -- that is, as an identification on the part of the giver (donor), who parts with the gift, with the welfare of the recipient"[112] and tribute, at the opposite pole, as "a grant made out of fear and under threat".[113] Certainly we have seen elements of both the gift and tribute -- and the tension they suggest between benevolence and fear -- emerge in a variety of ways in the earlier discussions of the biological, sociological, psychological, and economic bases for altruism. These varied elements all may be seen to flow together into the wider concept of `culture´. However, it is in the somewhat more precise perspective suggested by Donald Campbell´s concept of "culturally inherited baggage" -- those "dispositions,

as transmitted by example, indoctrination and culturally provided limitations on perspective and opportunities"[114] -- that I wish to explore the cultural basis for altruism in this section. Moreover, it is to the cultural headwaters of such `dispositions´ -- in earliest man´s kin relations and tribalism -- that we must turn if we are to safely navigate toward the fullest understanding of modern man´s participation in the various modes of exchange called gift-giving and tribute-making. For, as Boulding warns us, "these mixtures of love and fear are distressingly untidy, but they seem to characterize a great deal of human behavior".[115]

Our journey back to the origins of exchange among very early human beings takes us into a world where the need for common security against the harshness of existence evolved into a custom of sharing among individuals, families, and clans. It was accompanied by an obligation to extend hospitality to neighbors and strangers in order to avoid hostilities. These long-ago customs, "of origin part social, part animal",[116] are wonderfully captured in the classic ESSAI SUR LE DON, FORME ARCHAÏQUE DE L´ÉCHANGE by the French sociologist, Marcel Mauss. The interpersonal obligations which emerge from the murky waters of these earliest times are, Mauss notes, based on "values which are emotional as well as material; indeed in some cases the

values are entirely emotional".[117] He also reminds us that it is "only our Western societies that quite recently turned man into an economical animal"[118]. Before that rather firmly-fixed stranglehold on our thinking developed, human relationships were often seen to involve a curious hybrid, a "notion of neither purely free and gratuitous *prestations*, nor of purely interested and utilitarian production and exchange".[119]

The threatening world in which early mankind spent the least well-recorded centuries were far removed from the degree of unification with which historians have credited them or which is ours today. As Mauss tells us, within these earliest groupings

> individuals, even the most influential, were less serious, avaricious and selfish than we are; externally at least they were generous and more ready to give. In tribal feasts, in ceremonies of rival clans, allied families or those that assisted at each other's initiation, groups visited each other; and with the development of the law of hospitality in more advanced societies, the rules of friendship and the contract are present -- along with the gods -- to ensure the peace of markets and villages; *at these times men meet in a curious frame of mind with exaggerated fear and an equally exaggerated generosity* which appear stupid in no one's eyes but our own [emphasis added].[120]

James Hastings remarks that, from the earliest available anthropological evidence, "we have now learnt that sociability is inseparable from solidarity and the altruistic sentiment -- an attribute of humanity itself".[121] And, though his comments apply to the

attitudes of a slightly later era, Georges Duby also captures this powerful, early stream of social relations very effectively when he describes primitive society as "wholly imbued with the habit of pillaging". At the same time, Duby says, people in such societies exhibit a "complementary need" for offerings. To despoil and

> to proffer were two complementary actions governing in very large measure the exchange of goods. An intensive circulation of gifts and return gifts, of ceremonial and hallowed offerings, permeated the entire social structure. These offerings partly destroyed the products of labor, yet they ensured a distribution of wealth and they procured above all a boon for men and women that to them seemed priceless: the good will of the dark forces governing the universe.[122]

Mauss' essay interprets such a need for 'good will' in the broadest possible terms:

> In these primitive and archaic societies there is no middle path. There is either complete trust or mistrust.... It is in such conditions that men, despite themselves, learnt to renounce what was theirs and made contracts to give and repay.[123]

It is with the phrase 'contracts to give and repay' that Mauss begins his comparative interpretation of the forms of earliest altruistic human behavior and the contemporary institutions of philanthropy which have evolved from them. From the beginning, he abjures the "frigid utilitarian calculation"[124] of conflict and competition that describes modern 'economic man' and locates his analysis in a special reciprocity that is inherent in gift exchanges -- the "obligation to give and

receive".[125] Such exchanges among earliest humans, Mauss argues, engaged reason and conscious choice, soon to become a set of learned individual behaviors which formed the basis for the group values and activities which inhabit both ancient and modern social institutions.

In building his case, Mauss is not at all neutral, or even circumspect, in his argument about the interpersonal reasoning that shaped the earliest organization of altruistic behaviors, nor of its impact on the formation of our own. He tells us, quite pointedly, "how much we have lost, whatever we may have otherwise gained, by the substitution of a rational economic system for a system in which exchange of goods was not a mechanical but a moral transaction".[126] Nevertheless, his extended essay provides, in essence, a comparative appreciation of certain fundamental values in the most primitive economy and polity, particularly as they relate most clearly to the idea of the 'social contract'. The importance of Mauss' work, as Marshall Sahlins points out, is to be found in the fact that he "had been the first in the history of ethnology to go beyond the empirical to a deeper reality, to abandon the sensible and discrete for the system of relations; in a unique manner he had perceived the operation of reciprocity across its diverse and multiple modalities".[127]

At the epicenter of this `system of relations´ was a deep human sharing for, "in these `early´ societies, social phenomena are not discrete; each phenomenon contains all the threads of which the social fabric is composed"[128]. Mauss located the seed for such "total social phenomena" in the concept of continuous interpersonal exchanges which

> are in theory voluntary, disinterested and spontaneous, but are in fact obligatory and interested. The form usually taken is that of the gift generously offered; but the accompanying behavior is formal pretence and social deception, while the transaction itself is based on obligation and economic self-interest.[128]

As part of understanding the `totality´ of these relationships, it is most important to note, however, that such `transactions´ were not "exclusively in goods or wealth, real and personal property, and things of economic value". These people exchanged courtesies, entertainments,

> rituals, military assistance, women, children, dances, and feasts; and fairs in which the market is but one element and the circulation of wealth but one part of a wide and enduring contract.

And, Mauss re-emphasizes, while such "*prestations* and counter-*prestations* take place under a voluntary guise they are in essence strictly obligatory, and their sanction is private or open warfare".[130]

This complex set of what might be called defensive obligations emerge from early man´s repeated experience with "spiritual mechanisms"[131] which oblige us to make a return gift for a gift received. Mauss draws a fine

example of such `spiritual obligations´ in the indigenous Moari idea of *hau*, or the "spirit of things" found in "the forest, the soil, and the animals"[132] which requires that each individual engage in a continuous series of exchanges, giving something back to the *hau* in order to insure the continuing productivity of the environment from which one gained survival. Such fecundity could only be assured if the individual continually found ways to reward and recognize the gifts that nature provided. To get something, one needed to give something back. This "perpetual interchange" forms a sort of "spiritual bond" between the receiver and the thing received, a bond which requires the establishment of a "pattern of symmetrical and reciprocal rights and duties".[133]

As the earliest families grew to include more and more kin-related individuals, they moved about more widely in search of food. This brought them into increasing contact with other clans and groups, and the exchange relationship with `the spirit of things´ was quite naturally applied to these potentially rewarding, but very threatening, encounters as well. Trade or barter developed with a "moral purpose", the object of the exchange now "was to produce a friendly feeling"[134] between two persons, two families, two clans, etc. Such transactions, as with the earlier ones involving the physical and spiritual

environments, still carried the weight of continuing survival and were often quite elaborate[135], involving a series of both symbolic and real gifts and return gifts. Gradually, as these "pass and re-pass between clans and individuals, ranks, sexes and generations"[138] an understanding of interpersonal responsibility and, ultimately, of social contract, is developed. Thus, Mauss argues, it is possible to conceive of the development of "a regime embracing a large part of humanity over a long transitional phase, and persisting to this day among people other than those described".[137]

"Today," Mauss argues, "the ancient principles are making their influence felt," having re-emerged in the most positive manner. He suggests that "the old and elemental ... the theme of the gift, of freedom and obligation in the gift, of generosity and self-interest in giving, reappear in our own society like the resurrection of a dominant motif long forgotten".[138] Since the `total *prestation*' of archaic societies "constitutes the oldest economic system we know", there is much to be learned from it:

> Here is a chain of undoubted fact. The notion of value exists in these societies. Very great surpluses, even by European standards, are amassed; they are expended often at pure loss with tremendous extravagance and without a trace of mercenariness; among things exchanged are tokens of wealth, a kind of money. All this very rich economy is nevertheless imbued with religious elements; money still has its magical power

> and is linked to clan and individual. Diverse economic activities -- for example, the market -- are impregnated with ritual and myth; they retain a ceremonial character, obligatory and efficacious.[139]

Conclusion

In the *weltenschauung* Mauss claims to have found in archaic societies, any "economic effervescence" is consistent with a moral commitment between individuals and groups, and "exchanges are neither spontaneous nor disinterested. *Prestations* and counter-*prestations* altruistically made are not made solely in order to pay for goods or services, but also to maintain a profitable alliance which it would be unwise to reject...."[140] For, ultimately, what we as modern people have absorbed as cultural baggage from our earliest ancestors, is the lesson that "*homo oeconomicus* in not only behind us, but before, like the moral man, the man of duty, the scientific man and the reasonable man".[141]

Marshall Sahlins presents a cogent re-reading as well as an important extension of Mauss' essay, based mostly on his application of the concept of exchange and reciprocity as a manner of coming to terms (Mauss uses the more precise word French word, *traiter*) with those unexplained and inexplicable forces that made, and Sahlins argues, have continued to make, social life so precarious. Sahlins' point is that Mauss has developed a theory, based on the

motivation for gift exchanges, which answers fundamental questions about modern institutions. Continuing and necessary reciprocity, particularly, greatly enlarges contemporary ideas about the organization of society -- the polity -- through its portrait of society as a "contrived agreement intended to deny its inherent fragility".[142] Sahlins says that Mauss equates a necessary altruism in earliest man with the modern "political burdens of reconciliation"[143]. It is precisely here, Sahlins contends, where Mauss leaves behind the mysterious, and sometimes mystical, forests of Polynesia and moves into his extraordinary extrapolations from the primitive polity to add substantial insights to the modern polity.

Examined in the light of another, much more influential portrait of the polity, Sahlins contends that Mauss' essay even reflects quite clearly the thinking of others about the Social Contract:

> For Rousseau, Locke, Spinoza, Hobbes, the social contract had been first of all a pact of society.It was an agreement of incorporation: to form a community out of previously separate and antagonistic parts, a superperson of the individual persons, that would exercise the power subtracted from each in the benefit of all.[144]

I would add that, for Mauss at least, reciprocity is not only a hierarchical arrangement, but a 'between' relation. The gift did not, does not, dissolve the unit (individual or family) into any whole. As a primitive way of achieving

reconciliation or peace, *le don* differs from the political philosophy that lies behind the idea of a `social contract'. It differs in its humaneness. Exchange does not require abject surrender of self to another, nor does it demand the complete surrender of self to some higher `Public Power', some Leviathan. Because no differentiation is drawn between the social and the economic in such reciprocity, Mauss is able to transmute the classic alternatives of political philosophy -- commerce or war -- into a `total *prestation*':

> For two clans, total *prestation* is manifest by the fact that to be in a condition of perpetual contract, everyone owes everything to all the others of his clan and to all those of the opposed clan. The permanent and collective character of such a contract makes it a veritable *traite*...."[145]

If the `permanent and collective character' of this contract, or social treaty, sounds as though it evokes only Rousseau,[146] one needs to look more closely at Hobbes' fourth "Law of Nature" to approach what Mauss means when he talks about the gift exchange in terms of the modern polity:

> The fourth law of nature, gratitude. As Justice dependeth on Antecedent Covenant; so does Gratitude depend on Antecedent Grace, that is to say Antecedent Free-gift: and is the fourth Law of Nature; which may be conceived of in this Forme, That a man which receiveth Benefit from another of meer Grace, Endeavour that he which giveth it, have no reasonable cause to repent him of his good will. For no man giveth, but with intention of Good to himselfe; because Gift is Voluntary; and of all Voluntary Acts, the Object is to

> every man his own Good; *of which if men see they shall be frustrated, there will be no beginning of benevolence, or trust; nor consequently of mutual help; nor of reconciliation of one man to another* [emphasis added]; and therefore they are to remain still in the condition of War; which is contrary to the first and Fundamentall Law of Nature, which commandeth men to Seek Peace.[147]

The attraction, for me, of the approach to social organization outlined in THE GIFT, is that so much of what Hobbes and the others emphasized of political philosophy was based on a "free recourse to force: everyone reserves that option in pursuit of his greater gain or glory, and in defense of his person and possessions" with the outcome that "man and society stand in continuous danger of a violent end".[148] While never denying the very real fears of annihilation to be found at the base of primitive society, Mauss' rendering adds, to me, a crucial leavening of benevolence to the development of the social order and a consequent 'softening' of the modern polity which results. By divining in the earliest social ordering of men a continuous oscillation between benevolence and fear -- the gift and the tribute -- Mauss avoids what seems to me to be the often one-sided and dark emotionalism of Hobbes. Hobbes speaks only too often of "continuall feare, and danger of violent death; And the life of man, solitary, poore, nasty, brutish and short"[148] as the basis for the necessary 'civilizing' effect of Leviathan (the State).

Mauss, however, sustains his appeal to reason and concern as the motive force of the polity. As Sahlins notes, by the end of Mauss essay, "the obscure forces of *hau* were forgotten for a different explanation of reciprocity, consequent on the more general theory, and the opposite of all mystery and particularity: Reason. The gift is Reason".[150]

For me, Mauss traces a more sympathetic rational process by which people have come to a cultural understanding or contract concerning the reciprocal 'exchange' of goods and services within the polity. Moreover such exchanges -- the gift, or moral, portion of which we label philanthropy and the tribute, or regulative, portion of which we label social welfare -- are an important part of contemporary political reconciliations among contending forces. Gift-giving and tribute, then, are readily seen as significant aspects of our culturally derived personal morality as well as of our rationally derived institutional morality. They can be seen as different faces of the currency of our lives together in the modern world. Here is Mauss' final appeal:

> Societies have progressed in the measure in which they, their sub-groups and their members, have been able to stabilize their contracts and to give, receive and repay. In order to trade, man must first lay down his spear. When that is done he can succeed in exchanging goods and persons not only between clan and clan but between tribe and tribe and nation and nation, and

> above all between individuals. It is only then that people can create, can satisfy their interests mutually and define them without recourse to arms. It is in this way that the clan, the tribe and nation have learnt -- just as in the future the classes and nations and individuals will learn -- how to oppose one another without slaughter and to give without sacrificing themselves to others. That is one of the secrets of their wisdom and their solidarity.[151]

Early man's altruism -- the gift exchange which seemed to be at the center of each person's existence in nature -- is that deep pool at the cultural headwaters of our own society. If nothing else, one captures from Mauss' erudite analysis a conviction that from the earliest (and, presumably, in all) times of exaggerated fear and hostility there also appears a most distinct reflection: an equally exaggerated generosity.[152]

It is exactly in such mirror images of gift and tribute where we will search for the development of the three major institutions -- religion, politics, and economics -- at whose intersect we will discover the face of modern philanthropy. Such pivotal social institutions, of course, also help define the modern societies in which they are so deeply embedded. First, we will explore the institutions of religion to better understand the development of philanthropy in France. Then, we will look into the institutions of politics to better understand the development of philanthropy in Germany. And, finally, we will examine the institutions of economics to better

understand the development of philanthropy in England. Having now traversed the complex headwaters of the moral commitments based in primitive societies, the remainder of this dissertation will trace the quiet meanderings, and sometimes clamorous surgings, of these human forces as they work to shape the institutions of modern Europe and modern European philanthropy.

CHAPTER THREE: NOTES

1. A thoughtful critique of Lévi-Strauss can be found in Francis Korn, ELEMENTARY STRUCTURES RECONSIDERED: LÉVI-STRAUSS ON KINSHIP (Berkeley, CA: University of California Press, 1973. His closing paragraph (p. 145) reads, in part: "... the outcome of our own experience when dealing with Levi-Strauss's specific cases is that when he departs from the work of his predecessors he is usually mistaken. It is a problem, rather, to account for the renown of a theoritician who is unimpressive as an analyst and whose theories, which are seldom original, are regularly refuted by the facts". Perhaps, as with Henry James, a nearly painful sensitivity to human dilemmas and a breathtaking felicity in expressing those dilemmas, accounts for my continuing affection for Levi-Strauss despite Korn's excoriating, and probably accurate, analysis.

2. Claude Lévi-Strauss, THE ELEMENTARY STRUCTURES OF KINSHIP, trans. by James Harle Bell and John Richard von Sturmer (Boston, MA: Beacon Press, 1969), 630.

3. An extended discussion of the ramifications of such conviction can be found in J. Phillipe Rushton, ALTRUISM, SOCIALIZATION, AND SOCIETY (Englewood Cliffs, NJ: Prentice-Hall, Inc., 1980), particularly Chapters 3 and 4.

4. J. Phillippe Rushton and Richard Sorrentino, eds., ALTRUISM AND HELPING BEHAVIOR: SOCIAL, PERSONALITY, AND DEVELOPMENTAL PERSPECTIVES (Hillsdale, NJ: Lawrence Erlbaum Associates, Publishers, 1981), 10-11; and see also parts of Chapters 2, 3 and 4 in C. Daniel Batson, THE ALTRUISM QUESTION: TOWARD A SOCIAL-PSYCHOLOGICAL ANSWER (Hillsdale, NJ: Lawrence Erlbaum Associates, Publishers, 1991). Rushton and Batson have led the contemporary re-invigoration of the social, psychological, and developmental analysis of altruistic behavior. Their work provided the impetus for one of the most interesting recent studies, Samuel P. Oliner and Pearl M. Oliner, THE ALTRUISTIC PERSONALITY: RESCUERS OF JEWS IN NAZI EUROPE (New York: The Free Press, 1988).

5. Richard M. Titmuss, THE GIFT RELATIONSHIP (London: Allen & Unwin, 1970), 89. Oddly enough, this rather peculiar book by an English sociologist about the behavior

of blood donors -- "the free gift of blood to unnamed strangers" is the `gift relationship´ of the title -- has had enormous influence on the continuing discussion of altruistic and philanthropic behavior -- on an academic and public policy level, especially in England.

6. John Donne, "Devotion XVII," in THE COMPLETE POETRY AND SELECTED PROSE OF JOHN DONNE AND THE COMPLETE POETRY OF WILLIAM BLAKE (New York: Modern Library, 1946), 332.

7. Rushton, 8.

8. Ibid., 10.

9. "It is undoubtedly futile to search for the altruistic personality, since there are so many different forms altruistic behavior can take." Even with that admission, Jane A. Piliavin and Hong-Wen Charng, "Altruism: A Review of Recent Theory and Research," ANNUAL REVIEW OF SOCIOLOGY 16 (1990): 31, go on to provide, by far, the most comprehensive review of the literature. In addition to their work, I have also rather freely utilized the following analyses in this section: Batson, and Rushton and Sorrentino, cited in Note 4 above; and Kristen R. Monroe, "John Donne´s People: Explaining Differences between Rational Actors and Altruists through Cognitive Frameworks," JOURNAL OF POLITICS 53 (May 1991): 394-433.

10. A thorough discussion of such behaviors, and the experiments which first brought them to light, can be found in Rushton, pages 14-21.

11. "Up until two hundred years ago it was widely supposed that God´s great plan sometimes required that one species be designed to serve another. Especially it was presumed that other animals serve the needs of human beings: honeybees make honey *in order that* man may have something sweet to put on his bread. This homocentric view was fully developed by John Ray (1627-1705) in the first part of the eighteenth century. Before the century was out the Reverend William Paley (1743-1803) refuted Ray. Bees produce honey, he said, for their own needs; `man merely takes advantage of their activities´. Both Paley and Ray saw all natural wonders as examples of God´s design. It would be up to Darwin to suggest that `the hypothesis of divine design was not necessary´"; Garrett Hardin, THE LIMITS OF ALTRUISM: AN ECOLOGIST´S VIEW OF SURVIVAL (Bloomington, IN: Indiana University Press, 1977), 5.

12. Rushton, 20.

13. Charles R. Darwin, THE DESCENT OF MAN (London: John Murray, 1871).

14. Rushton and Sorrentino, 7.

15. Pessimistic, indeed virulent, readings of `the Darwinian paradigm´ abound:

> "The evolution of society fits the Darwinian paradigm in its most individualistic form. Nothing in it cries out to be otherwise explained. The economy of nature is competitive from beginning to end. Understand that economy, and how it works, and the underlying reasons for social phenomena are manifest. They are the means by which one organism gains some advantage to the detriment of another. No hint of genuine charity ameliorates our vision of society, once sentimentalism has been laid aside. What passes for cooperation turns out to be a mixture of opportunism and exploitation. The impulses that lead one animal to sacrifice himself for another turn out to have their ultimate rationale in gaining advantage over a third; and acts `for the good´ of one society turn out to be performed to the detriment of the rest. Where it is in his own interest, every organism, may reasonably be expected to aid his fellows. Where he has no alternative, he submits to the yoke of communal servitude. Yet given a full chance to act in his own interest, nothing but expediency will restrain him from brutalizing, from maiming, from murdering -- his brother, his mate, is parent, or his child. Scratch an `altruist´, and watch a `hypocrite´".

M. T. Ghiselin, THE ECONOMY OF NATURE AND THE EVOLUTION OF SEX (Berkeley, CA: University of California Press, 1974), 247.

16. Rushton, 12.

17. J.B.S. Haldane, THE CAUSES OF EVOLUTION (London: Longmans, 1932.

18. Rushton and Sorrentino, 7.

19. Martin L. Hoffman, "Is Altruism Part of Human Nature?" JOURNAL OF PERSONALITY AND SOCIAL PSYCHOLOGY 40 (1981): 122.

20. Roberta G. Simmons, "Presidential Address on Altruism and Sociology," THE SOCIOLOGICAL QUARTERLY 32 (1991): 3.

21. Hoffman, 123.

22. Paul D. Allison, "The Cultural Evolution of Beneficent Norms," SOCIAL FORCES 71 (December 1992): 281.

23. Hoffman, 123-124.

24. Ibid., 124.

25. Donald T. Campbell, "On the Conflicts between Biological Evolution and Social Evolution and between Psychology and Moral Tradition," AMERICAN PSYCHOLOGIST 30 (1975): 1120.

26. Edmund O. Wilson, SOCIOBIOLOGY: THE NEW SYNTHESIS (Cambridge, MA: Harvard University Press, 1975), 547.

27. Paradigm and paradigm shift are badly misused terms. Most of the blame for the confusion goes to social scientists for appropriating Thomas Kuhn's arguments pertaining to the physical sciences as their own. I prefer the definition put forth by an economist: "A reasonable indicator of when a paradigm is starting to become an intellectual handicap might be when things that are obvious and obviously important can be seen more easily by a naive observer than by specialists...." Howard Margolis, SELFISHNESS, ALTRUISM, AND RATIONALITY: A THEORY OF SOCIAL CHOICE (New York: Cambridge University Press, 1982), 71.

28. Piliavin and Charng, 28.

29. Lewis Thomas, "Altruism: Self-Sacrifice for Others," THE SATURDAY EVENING POST (May/June, 1982): 44.

30. Batson, 17.

31. Ibid., 18.

32. Ibid.

33. I. Kant, in the DOCTRINE OF VIRTUE (in a section subheaded "The Duty of Love Toward Other Men"), identifies the antonyms, also from the Greek, as "either the self-love that consists of an excessive fondness for oneself (*philautia*) or satisfaction with oneself (*arrogantia*). The

former is called particularly selfishness; the latter self-conceit"; cited in Ronald D. Milo, ed., EGOISM AND ALTRUISM (Belmont, CA: Wadsworth Publishing Company, 1973), 63.

34. Demetrios J. Constantelos, BYZANTINE PHILANTHROPY AND SOCIAL WELFARE (New Brunswick, NJ: Rutgers University Press, 1968), 3.

35. The fullest, and the most scholarly treatment of early charity, and especially the Greco-Roman concept of philanthropy, can be found in Charles Stewart Loch's extended essay originally published in the 1908 edition of the ENCYCLOPAEDIA BRITANNICA. A second major source is Arthur Robinson Hand, CHARITIES AND SOCIAL AID IN GREECE AND ROME (Ithaca, NY: Cornell University Press, 1968).

36. Loch, 863.

37. Ibid.

38. Ibid., 865.

39. Ibid., 864. All he quotations from Aristotle are from B. Jowett, THE POLITICS OF ARISTOTLE, vol. 1 (Oxford, England: The Clarendon Press, 1885), Book VI, 188-205.

40. Loch, 866.

41. Ibid., 865.

42. Ibid.

43. Ibid., 866.

44. Merritt Ierley, WITH CHARITY FOR ALL: WELFARE AND SOCIETY, ANCIENT TIMES TO THE PRESENT. (New York: Praeger, 1984), 11.

45. Loch, 866.

46. Ierley, 11-13.

47. Georges Duby, THE EARLY GROWTH OF THE EUROPEAN ECONOMY: WARRIORS AND PEASANTS FROM THE SEVENTH TO THE TWELFTH CENTURY, trans. by Howard B. Clarke (Ithaca, NY: Cornell University Press, 1974), 51.

48. Ephraim Frisch, AN HISTORICAL SURVEY OF JEWISH PHILANTHROPY: FROM THE EARLIEST TIMES TO THE NINETEENTH

CENTURY (New York: Cooper Square Publishers, 1969), 10. The quality of both Frisch's scholarship and his writing would make this source worthwhile, even if it were not the only full-length study tracing the historical roots of the great tradition of Jewish philanthropy that I was able to find.

49. Loch, 868.

50. Frisch, 17.

51. As cited in Frisch, 9.

52. James Hastings, John Selbie, and Louis H. Gray, eds., ENCYCLOPAEDIA OF RELIGION AND ETHICS (New York: Charles Scribner's Sons, 1962), s.v. "Charity," by James Hastings, 391.

53. Frisch, 10.

54. Ibid., 35.

55. Ibid., 43.

56. Ibid., 62.

57. "The love of mankind -- philanthropy -- seems to have been the key to the explanation of the strange strength of the Christian church of the first and second centuries. These people were utterly bewildering to the rulers and wise men of their day, as Ghandi was in his day, for they desired or coveted nothing for themselves. A Roman emperor said that one Christian missionary was worth more than a Roman legion in the penetration of barbaric Germany"; Arnaud C. Marts, MAN'S CONCERN FOR HIS FELLOW MAN (Geneva, NY: The W.F. Humphrey Press, Inc., 1961), 16.

58. Frisch, 12.

59. CATHOLIC ENCYCLOPEDIA, 1913 (1908) ed. S.v. "Charity", 594.

60. ENCYCLOPAEDIA OF RELIGION AND ETHICS, 374.

61. Ibid., 382.

62. As will be seen elsewhere, the story of philanthropy from this point on is also the history of `managing' the poor. A number of important sources exist on the history of poverty and pauperism. The widest in

scope and scholarship would include: Michel Mollat, THE POOR IN THE MIDDLE AGES, trans. Arthur Goldhammer (New Haven, CT: Yale University Press, 1978); Olwen H. Hufton, THE POOR OF EIGHTEENTH CENTURY FRANCE (Oxford, England: Clarenden Press, 1974); Robert M. Schwartz's stinging indictment, POLICING THE POOR IN EIGHTEENTH CENTURY FRANCE (Chapel Hill, NC: University of North Carolina Press, 1988)); and Rosalind Mitchison, COPING WITH DESTITUTION: POVERTY AND RELIEF IN WESTERN EUROPE (Toronto: University of Toronto Press, 1991). Memorable for both its writing style and the quality of its humane social history, is Pierre Riche's DAILY LIFE IN THE WORLD OF CHARLEMAGNE, trans. Jo Ann McNamara (Philadelphia, PA: University of Pennsylvania Press, 1978). Riche's theme, "The Search for Protectors" encompasses some very important points about the impact of the need to alleviate fear, poverty, and social oppression that is, I believe, evident at the heart of all altruistic behaviors and also at the core of the development of philanthropy.

63. Campbell, 1103-1104.

64. Batson, 34.

65. William James, PRINCIPLES OF PSYCHOLOGY, vol. 1 (New York: Henry Holt, 1890), 323.

66. Batson, 35.

67. Sigmund Freud, A GENERAL INTRODUCTION TO PSYCHOANALYSIS, trans. G.S. Hall (New York: Boni and Liveright, 1920), 171.

68. Batson, 36.

69. Ibid., 37.

70. Rushton and Sorrentino, 9-10. Such childhood traits have formed the basis of an entire recent literature around the development of so-called `prosocial' behaviors. In it, `prosocial' is used not in opposition to, but rather as a refinement of, `altruism'. It is used most often to "designate helping, sharing, and other seemingly intentional and voluntary positive behaviors for which the motive is unspecified, unknown, or not altruistic". Nancy Eisenberg, ed., THE DEVELOPMENT OF PROSOCIAL BEHAVIOR (New York: Academic Press, 1982), 6. Another source for understanding the concept of prosocial, including a wonderful chapter on "Benevolent Babies", is: Diane L.

Bridgeman, ed., THE NATURE OF PROSOCIAL DEVELOPMENT (New York: Academic Press, 1983).

71. Willard Gaylin, Ira Glasser, Steven Marcus, and David J. Rothman, DOING GOOD: THE LIMITS OF BENEVOLENCE (New York: Pantheon Books, 1978), 3.

72. Campbell, 1105.

73. Rushton and Sorrentino, 12.

74. R. Lance Shotland, "When Bystanders Just Stand By," PSYCHOLOGY TODAY (June 1985): 50-55. Also, as mentioned above, the most thorough review of the current literature, particularly in social psychology is to be found in Piliavin and Charng, with the `bystander effect´ discussed in some detail on pages 35-38.

75. Bibb Latane, Steve A. Nida, and David W. Wilson, "The Effect of Group Size on Helping Behavior" in Rushton and Sorrentino, 290.

76. Batson, 56. All of which brings to mind the famous remark by Reinhold Niebuhr that "love for equals is difficult. We love what is weak and suffers. It appeals to our strength without challenging it"; in BEYOND TRAGEDY (New York: Scribner´s, 1937), 155.

77. Batson, 57.

78. In what she identifies as "Sub-Areas of Sociology", in which research on altruism has recently been conducted, Roberta Simmons lists: donation of body tissue and organs, social support, occupational values, disaster research, voluntary organizations and volunteers, corporate philanthropy, military sociology, sociology of emotions, social dilemma games, symbolic interaction theory, and the gift relationship; Simmons, 11-13.

79. Elliot Sober, "What is Evolutionary Altruism?" CANADIAN JOURNAL OF PHILOSOPHY 14 (1988): 75-99.

80. Ibid., 76.

81. Cited in Oliner and Oliner, 5.

82. H.G. Wells, THE OUTLINE OF HISTORY, BEING A PLAIN HISTORY OF LIFE AND MANKIND, revised by Raymond Postgate and G.P. Wells (New York: Doubleday, 1971), 544.

83. Monroe, 399.

84. Margolis, 15.

85. Ibid.

86. Kenneth E. Boulding, "Notes on a Theory of Philanthropy," in PHILANTHROPY AND PUBLIC POLICY, ed. Frank G. Dickinson (New York: National Bureau of Economic Research, 1962), 60.

87. Daniel Bar-Tel, PROSOCIAL BEHAVIOR: THEORY AND RESEARCH (Washington, DC: Hemisphere Publishing Corporation, 1976), 40.

88. In perhaps the most interesting book on philanthropy and economic theory, Ken Boulding clarifies this distinction in his Introduction. "Although it is not easy to define economic goods exactly, they generally include anything we think of as participating in exchange and having a price -- money, commodities, anything we buy in the store, stocks and bonds, and so on. Noneconomic goods are such things as respect, status, affection, prestige, and so on, which are not usually explicitly exchanged and on which it is hard to put a price. There are many doubtful cases ... but the distinction is fairly clear in practice"; Kenneth E. Boulding, THE ECONOMY OF LOVE AND FEAR: A PREFACE TO GRANTS ECONOMICS (Belmont, CA: Wadsworth Publishing Company, Inc., 1973), 1.

89. Adam Smith, THE WEALTH OF NATIONS (New York: Modern Library, 1937), and THE THEORY OF MORAL SENTIMENTS, eds. D.D. Raphael and A.L. Macfie (Oxford, England: Clarendon Press, 1976).

90. Wolfe, 27.

91. Nathan Rosenberg and L.E. Birdsell, Jr., HOW THE WEST GREW RICH: THE ECONOMIC TRANSFORMATION OF THE INDUSTRIAL WORLD (New York: Basic Books, 1986), 183.

92. Margolis, 7.

93. Smith, THE WEALTH OF NATIONS, 14.

94. Wolfe, 28.

95. Wolfe, 28, tells us, moreover, that "Smith saw both books as a part of a unified system of thought".

96. Smith, THE THEORY OF MORAL SENTIMENTS, 9.

97. Ibid., 61.

98. Wolfe, 29.

99. Allan Silver, "Friendship in Commercial Society: Eighteenth-Century Social Theory and Modern Sociology," AMERICAN JOURNAL OF SOCIOLOGY 95 (May, 1990): 1491.

100. Rushton, 194.

101. Monroe, 406.

102. Smith, 14.

103. Irving Kristol, "Rationalism in Economics," in THE CRISES IN ECONOMIC THEORY, ed. Daniel Bell and Irving Kristol (New York: Basic Books, 1981), 206.

104. Simmons, 13.

105. See note 81.

106. Margolis, 15.

107. Boulding, "Notes on a Theory of Philanthropy", 57.

108. Ibid., 58.

109. Jay M. Shafritz, THE DORSEY DICTIONARY OF AMERICAN GOVERNMENT AND POLITICS (Chicago, IL: The Dorsey Press, 1988), 422.

110. Boulding, THE ECONOMY OF LOVE AND FEAR: A PREFACE TO GRANTS ECONOMICS, 6.

111. Ibid., 3.

112. Ibid.

113. Ibid., 4.

114. Campbell, 1105.

115. Boulding, THE ECONOMY OF LOVE AND FEAR: A PREFACE TO GRANTS ECONOMICS, 4.

116. Marcel Mauss, THE GIFT: FORMS AND FUNCTIONS OF EXCHANGE IN ARCHAIC SOCIETIES, trans. Ian Cunnison (New York: W.W. Norton and Company, Inc., 1967), 41. While it would be very difficult to explore the anthropological literature without encountering this Frenchman's erudite 1925 treatise, it has been rarely (if ever) applied to philanthropy, almost never picked up by political scientists, and only slightly used by modern economists. Nevertheless, I was well on my way to utilizing Mauss' basic concepts about 'gift exchange' as the foundation for my cultural interpretation of early altruism when I stumbled onto an absolutely brilliant interpretive chapter, "The Spirit of the Gift", in an equally unusual and significant text, STONE AGE ECONOMICS, written by Marshall Sahlins. The reading of Mauss' complex analysis which follows, while still owing some debt to Levi-Strauss and others to be cited, is now much more substantially indebted to Sahlins' work.

117. Mauss, 63.

118. Ibid., 74.

119. Ibid., 70. Ian Cunnison, the translator of the Mauss essay, notes, "There is no convenient English word to translate the French *prestation* so this word itself is used to mean any thing or series of things given freely or obligatorily as a gift or in exchange; and includes services, entertainments, etc., as well as material things"; Mauss, xi.

120. Ibid., 79.

121. ENCYCLOPEDIA OF RELIGION AND ETHICS, 379. Hastings is commenting here on paleo-ethnological studies of the Pliestocene epoch, particularly of the lives of cave-dwelling people in what is now the Dordogne region of France. These recent studies tell us a great deal about the social relations that must have prevailed in the world Mauss explores so thoughtfully. The French sociologist would not be surprised, I am sure, to learn that the latest research indicates that these cave people were already constituted in organized communities based on the mutual-aid principle.

122. Duby, 48.

123. Mauss, 79.

124. Ibid., 16.

125. Ibid., 64.

126. Ibid., ix.

127. Marshall Sahlins, STONE AGE ECONOMICS (Chicago: Aldine-Atherton, Inc., 1972), 154.

128. Mauss, 1.

129. Ibid.

130. Ibid., 3. The characteristics of such ritualized exchanges, gift making, and gift return obligations are often also associated with the well-known "potlatches" of the North American Indians of the Northwest Coast, particularly the Chinook (the word comes from trader's Chinook jargon), the Haidah, the Tlingit, and the Kwakiutl. These formal and often elaborate institutionalized procedures for gift-making accompanied marriages, deaths, investiture of an heir, and even combat. Two important sources for a better understanding of the major and minor potlatch cermonials are: Ruth Benedict, PATTERNS OF CULTURE (New York: Houghton Mifflin Company, 1946), especially pp.181-194; and Frederica de Laguna, UNDER MOUNT SAINT ELIAS: THE HISTORY AND CULTURE OF THE YAKUTAT TLINGIT, (Washington, DC: Smithsonian Institution Press, 1972), especially pp. 605-653.

131. Ibid., 5

132. Ibid., 11.

133. Ibid., 11-12.

134. Ibid., 17.

135. Many are familiar with such transactions when they are labeled, after the work of Boas among the Kwakiutl, as `potlatches'. Mauss describes many other ethnographic examples of such ceremonious transactions in Chapter II, pages 17-45.

136. Mauss, 4.

137. Ibid., 45.

138. Ibid., 66-67

139. Ibid., 70.

140. Ibid., 71.

141. Ibid., 74.

142. Sahlins, 173.

143. Ibid., 182.

144. Ibid., 169-170.

145. Mauss, 3-4.

146. "*Chacun de nous met en commun sa personne et toute sa puissance sous la suprême direction de la volonté générale; et nous recevons en corps chaque membre comme partie indivisible du tout*"; quoted in Sahlins, 171.

147. From LEVIATHAN, Part I, Chapter 15; quoted in Sahlins, 178.

148. Sahlins, 173.

149. From LEVIATHAN, Part I, Chapter 13; quoted in Sahlins, 176-177.

150. Sahlins, 175.

151. Mauss, 80.

152. Interestingly enough, this argument stretches readily from biology to culture. Garret Hardin's extended treatment of the biological survival of primitive societies evokes nearly the same image:

> Tribal fitness rests on a bipolar virtue: cooperation with tribal brothers coupled with antagonism toward all others. Altruism is selected for, but it is strictly tribal altruism. Until about ten thousand years ago hunting and gathering was the only mode of existence and tribes were small; genetic relations among the members made kin altruism an important selective factor, for the members of a small tribe would possess a considerable degree of genetic relationship. With an increase in the size of the breeding group ... reciprocal altruism would become relatively more important...." Hardin adds, "The tribal goal was served by the two-faced virtue of

altruism and aggression, intratribal altruism coupled with intertribal aggression. The inward feelings accompanying these orientations may be what we call love and hate. We tend to think of these sentiments as being in opposition to each other, but they are merely two sides of the same coin"(118).

CHAPTER FOUR

THE 'TWO SWORDS OF SPIRITUAL AND TEMPORAL AUTHORITY'

> ... I find the nation itself far more remarkable than any of the events in its long history. It hardly seems possible that there can ever have existed any other people so full of contrasts and so extreme in all their doings, so much guided by their emotions and so little by fixed principles, always behaving better, or worse, than one expected of them. At one time they rank above, at another below, the norm of humanity; their basic characteristics are so constant that we can recognize the France we know in portraits made of it two or three thousand years ago, and yet so changeful are its moods, so variable its tastes that the nation itself is often quite as startled as any foreigner at the things it did only a few years before.[1]

If de Tocqueville is right about "the peculiarities of the French temperament"[2], and I have little doubt he is, then the complex task of evoking the relationships among economics, politics and religion into which one must delve for the central tenets of French philanthropy is a most daunting undertaking. While a record of the primitive roots of altruism is clearly identifiable in earliest Gaul, and while the trajectory of Christian, particularly Catholic, charity in the French Middle Ages is quite wondrous, the drastic decline of *la charité* in nineteenth and twentieth century France is equally remarkable. The modern French state, and the laws which hold it together, severely circumscribe philanthropy.

Reading the primary legal analysis of the rules governing modern French associational life, the DALLOZ RÉPERTOIRE DE DROIT, one readily discerns de Tocqueville's Frenchman, "undisciplined by temperament, the Frenchman is always readier to put up with the arbitrary rule, however harsh, of an autocrat than with a free, well-ordered government by his fellow citizens, however worthy of respect they be".[3]

1. That powerful associations are groups too important always to bow to the laws and regulations of public authorities, too irresponsible to be effectively reprimanded when they are led astray, and too careless of the public welfare.

2. That powerful associations might become too tyrannical over the right of their members and even of nonmembers.

3. The government [also] fears ... the accumulation of property in the hands of legal persons, property that does not circulate and constitutes immobile wealth that is not susceptible to taxation exacted by the state during the circulation of wealth.[4]

To examine philanthropy -- that part of associational life that has to do with the welfare of one's fellow citizens -- in France, one needs to note carefully both the peculiarities of the French temperament and the sometimes startling actions which emanate from it. Our task in this Chapter, then, is to navigate through certainly parts of French history, stopping to look at the overall environment, particularly the religious environment, in which *bonnes oeuvres* were mostly conducted.

Early Gaul

I have previously (in Chapter 3, Note 121) remarked on archaeological evidence that the cave people of earliest Gaul (in the Dordogne region during the Pleistocene Epoch[8]) were already well organized into communities based on a mutual-aid principle. We have seen how their lives often revolved around "an intensive circulation of gifts and return gifts, of ceremonial and hallowed offerings" to procure "the goodwill of the dark forces governing the universe".[5] This earliest form of philanthropy -- almsgiving, a way to beseech the good will of outside forces through gift-making -- formed the basis of the pre-historic social order. It also provided the basis for the essential ceremonies which defined one's relationship with the world. Eventually, such ceremonies of exchange became more formal, encompassing a full range of spiritual and social relationships among kin and clan and, ultimately, with strangers as well. These increasingly complex social relationships formed the first civil society and exchanges, as we have seen in the previous chapter, even played a significant role in the philosophical underpinnings of Greco-Roman life. And, as Hilare Belloc notes:

> The culture and civilization of Christendom -- what was called for centuries in general terms 'Europe' -- was made by the Catholic Church gathering up the social traditions of the Graeco-Roman Empire,

> inspiring them and giving the whole of that great body a new life.[6]

As emperors and monarchs march back and forth across Gaul's terrain, seeking to impose some sort of order on the wide-ranging tribes, Christianity emerges, giving new force to what Marcel Mauss called "contracts with the spirits", a force often now defined in ringing phrases like 'social solidarity' and 'justice'. Such "ceremonial and hallowed offerings"[7] exchanged among kin and strangers are now transmuted into the theological injunction to 'love thy neighbor as thyself'. The power of this message of concern and charity waxed and waned over the first few centuries of Christianity, but by the time we begin to approach medieval Church history, the 'dark forces' had the upper hand over charitable ones:

> The first important event in the world of charity after the reign of Gregory the Great [540?-604] was the deterioration that it suffered in Gaul under the Merovingians. Owing to the anarchic social and political conditions of the time and the resulting demoralization of the clergy, the poor were all but forgotten, and institutions of charity either disappeared or were diverted to other uses ... in the general disorder, worldliness, and negligence which reached a climax under Charles Martel.[8]

Early Middle Ages

While one could argue that the substantial impact of religious institutions in Europe, and particularly in France, began much earlier, my selection of the eighth century as a point of entry to discuss the influence of the

Catholic Church on French thinking and behavior is not arbitrary. Gregory, of course, sent a band of Benedictine monks to convert England to the Catholic Church. He also manipulated relationships with the germanic Lombards to establish his overall authority in the Christian world. By the mid-eighth century, Rome asked the king of the Franks, Pepin the Short, to help control the roaming Lombards whose full defeat finally came at the hands of Pepin's son, Charles the Great. This established a near political hegemony for the French and, not incidentally, the Catholic Church which now "held the two swords of spiritual and temporal authority"[9] over Europe. With Charlemagne's ascent to the throne in 771, the inter-penetration of civil life by ecclesiastical life is nearly complete:

> This theocratic ideal dominates every aspect of Carolingian government. The new Frankish state was to an even greater extent than the Byzantine Empire a church-state, the secular and religious aspects of which are inextricably intermingled.[10]

It is also Charlemagne's sweeping reforms to recapture control of the Catholic Church's wealth and to recentralize its authority after the abuses of the Merovingian era, that provide the impetus as well as the resources for the highest trajectory of ecclesiastic philanthropy in French history. As Dawson sees it,

> the Church came more and more to take the place of the old civic organisation as the organ of popular

> consciousness.... The civic institutions which had been the basis of ancient society had become empty forms; in fact, political rights had become transformed into fiscal obligations. The citizenship of the future lay in the membership of the Church. In the Church the ordinary man found material and economic assistance an spiritual liberty.[11]

In support of such material and economic assistance for the ordinary man, was the now deeply intertwined spiritual and secular authority of Charles himself. But, for the first time, it can also be noted that "a public interest appeared if not a state in the public sense", for the authority of

> the Carolingian King was held of God. In the Carolingian state the community of peoples were held together by a communal faith. The welfare (spiritual as well as material) of this community was accepted as a responsibility and duty by Charlemagne and his successors in their theocratic concept of state.[12]

Foremost of Charlemagne's reforms in the fulfillment of his duty to sustain the "welfare of this community" was the strengthening of the monasteries. Under his guidance and support, these institutions functioned "as centres of industry, religion, morality, and civilization for all the surrounding population".[13] For more than three centuries after this French monarch's death, the authority he conferred on the monks would color every aspect of medieval life, as innumerable orders of Cistercians, Benedictines, Dominicans, Franciscans (among many others, though less well known)

> maintained schools, provided models for agriculture, industry, pisciculture, and forestry, shelter for the

> traveller, relieved the poor, reared the orphans, cared for the sick, and were havens of refuge for all who were weighed down by spiritual or corporal misery.[14]

The monks represented and controlled so many social and economic forces that, as Georges Duby says, they "formed one of the most important sectors of the entire economic system"[15] of the time. In many ways, Ben Whitaker (not at all a friendly observer) concedes, "the medieval monasteries stood to the feudal powers as charitable foundations do to business corporations today. But the former's proportion of the economy of their day was many times greater...."[16] To sustain the economic cohesion sufficient to finance such comprehensive *bonnes oeuvres* -- what Dawson perceptively labels "the medieval synthesis"[17] between religion and economics -- Charles undertook other substantial reforms of daily life. It is in such changes that one is persuaded of the logic of Robert Payton's assertion that philanthropy is always found at the intersection of religion and economics. And, in French life, that intersection is nearly always synonymous with politics as well.

The most significant of these Charles' reforms addressed the sacrament of penance. Penance -- including contrition and the penitential resolutions of prayer, fasting, and *bonnes oeuvres* -- had long been the basis for acquittal for one's various venial and mortal sins and the

basis, presumably, of the desire to `go forth and sin no more´. The impact of Charlemagne´s reforms on the discipline of penance substantially altered this hitherto religious act by placing it in an economic context through almsgiving and, by extension, a political context in that only the wealthy upper classes could readily participate. By approving payments, intended to aid the poor in atonement for one´s sins, directly to the Church, Charles encouraged the development of a new and profound set of economic and political transactions between the Church and the faithful.

The High Middle Ages

While Charles most likely intended only to replenish the reservoir of wealth that allowed the monasteries and their agents to carry out what, even a critic concedes, were social services the importance of "which cannot be overemphasized"[18], the ability of the wealthy to donate money and land to `purchase´ relief from the dues of their transgressions inevitably funnelled enormous assets into very welcoming, but not always holy, ecclesiastical hands. This practice, not incidentally, came to be known as *mortmain*, or `dead hand´, a rather graphic description of the extent of the State´s inability to obtain any further tax revenue once land had fallen within the grasp of the monks. As times began to change, the intersections of the

economic and political life of France with ecclesiastical prerogative began to be seen as increasingly burdensome. Indeed, it is in such practices by the Church that one can readily find the undeniable roots of the modern French government's fear of intermediary organizations of any sort, but particularly charitable ones. Public, and particularly royal, discontent with the deleterious pecuniary results of Charlemagne's reforms eventually added important fuel to the many smoldering embers that would explode into the flames of the Reformation. In addition, as populations grew and dispersed, dissension over control of the assets in the hands of the Church hierarchy was greatly exacerbated by the continuing pressure on the Crown to raise and maintain the armies needed to confront the endless eruptions of domestic rebellion and foreign wars that characterized this era. In such an environment of perceived abuse by the Church and continuing economic pressure on governmental resources, it is not surprising that the solid civic foundation once comfortably shared by the monasteries and other ecclesiastical bodies as well as the secular authorities would begin to buckle.

> The whole period [1275-1525] shows a steady disintegration of the medieval idea of unity, marked by two main features -- negatively by the loss of international unity and the transcendent supra-political authority of the Papacy, and positively by the growth of the modern states and the national political unit.[18]

Another, and not unrelated, long-term outcome of these penitential `reforms´ had a substantial impact on the practice of charitable works by Catholics. Over the years, the Church became ever more willing to accept all sorts of `gifts´ as penance from sinners. Indeed, religious leaders rather quickly came to solicit such benefactions quite aggressively in order to re-supply their own, and ultimately the Papal, coffers. St. Francis (1182-1226) and his followers tried briefly to re-focus their clerical brethren on earlier, more `Christ-like´, behaviors which involved humility, good works, and some genuine relief of the corporal suffering that accompanied the seemingly endless cycles of war, famine and disease in this era. Franciscan influence was substantial, but for only a brief period. The pernicious impact of the concept of "indulgences" -- or partial remission of temporal punishment due for sin -- a concept wherein one could sin freely and still `merit´ heaven because one could `purchase´ one´s forgiveness with earthly goods became nearly impossible to dislodge. This unhappy interpretation of Thomas Aquinas´ elegant concept of "a spiritual good (*per effectum caritatis*)"[20] came to be understood as suggesting that specific acts of charity (such as the seven spiritual and the seven corporal good works) could "avail for the after-life, and bring with them definite boons".[21]

Differing readings of the Thomistic argument made it possible for some in the Church to put a `price' on sin, a price to be remitted to the Church in exchange for each `indulgence'. The price the sinner paid, it was implied, would be returned "a thousand-fold at the critical hour of need on the Day of Reckoning".[22]

The Reformation

Such a deformed interpretation of one of the main sources of ecclesiastical charity made it easy for the Catholic Church to be regarded, and often times to act, as a `spiritual lender'-- a sort of heavenly finance company. In a not altogether unconscious feat of understatement about the abusive system of indulgences which developed, the CATHOLIC ENCYCLOPEDIA notes that

> there are certain serious and oft-repeated criticisms of Catholic charity in general and of medieval charity in particular which may be conveniently noticed at this point. They are all reducible to the general assertion that the Church's teaching concerning the meritorious character of almsgiving led to so much indiscriminate charity as to raise the question whether Catholic work on behalf of poverty was not productive of more harm than good.[23]

It is not difficult to see how the Church, through the agency of the monks and the priests, might readily come to `market' indulgences to the highest bidder. Such `trade' in the name of *bonnes oeuvres*, while no doubt distorting Thomas Aquinas' argument, also eventually brought great harm to the charitable work of Catholicism. And, more

importantly for our purposes, the mighty river of Christian charity which otherwise may be said to have characterized the Middle Ages, has been contaminated by

> its very popularity. As Christianity expanded through mass conversions, its evangelists had tempered their exhortations, accommodating their message to those whose souls they sought to save. Philanthropy, one of the Church's most admirable virtues, had become another source of vitiation. Donations poured in from the faithful, and the unspent wealth was passed up to the ecclesiastical hierarchy, where it accumulated and led to dissipations, debauchery, and -- because spendthrifts are always running out of funds -- demands for still more money.[24]

The portrait drawn here by William Manchester may be overly harsh; nevertheless, those "peculiarities of the French temperament" are very evident in his description. The apogean magnificence of Catholic philanthropy in France was only too soon followed by an equally spectacular decline. Enmeshed in this sad collapse are an astonishing array of religious, economic, and political factors, all of which seemed to converge in late sixteenth-century French life. The religious crises that came to be known as the Reformation, might also be envisaged as the final link in a "whole chain of interlocking crises", since the

> profound and complex tensions of the medieval centuries had in ever-increasing measure embraced the Catholic Church. Some of these tensions seem endemic to medieval civilization, while others arose in consequence of its decline. A military, violent society, still by no means remote from the day of wandering war-bands, had never ceased to writhe in the grasp of religious and juridicial ideals. Princes waged unremitting conflict with each other, with their

> own vassals, with the rising urban communities, with emperors, popes and prelates. The amoral elements in the code of chivalry contended against the biblical ethic, canon law against both the laws of states and the practice of merchants.[25]

The movement which divided European Christianity into catholic and protestant traditions combined the forces of religious reform, the emergence of new, non-religious, non-royal political involvement, and the irresistible pressures of a new cultural *milieu*. Indulgences, confusions about the papacy, the sale of high Church positions, led to "a protest by churchmen and scholars, privileged classes in medieval society, against their own superiors"[26] within the Church. Every school child can name the best known of these internal protestants, Martin Luther, who attacked "the Pope's crown and the monk's bellies".[27] Luther's protests were the protests of an insider, a churchman. Other, lay protestants joined their concerned with his. And they were many: "The Middle Ages, strong in their institutions, regarding man as a member of a guild, a community, or a church, had tended to repress the individual. But now in politics and in trade, in life generally, individual character was asserting itself".[28] Propelled forward by the printed word and the wider spread of education and literacy that accompanied it, the discoveries of intrepid explorers and eager new scientists, the experimentations in art -- in short, the multitudinous

facets of what has come to be known as the Renaissance -- those whom Euan Cameron calls "rather ordinary, moderately prosperous householders"[28] added their political and economic weight to the church reformers' protests. This fuel of socio-economic and pious motives appearing in a time of dynastic and nationalistic re-organization provided the volatile fuel which fired the Age of Reformation.

Caught up in these nearly visceral forces, the good works undertaken by the Church, underwent significant changes as well. Before these forces came together during in the 1500's, it could safely be said that Europe had been held together by the ecclesiastical authority of the Roman Catholic Church, buttressed, but not lessened, by the claim of the Roman Emperor (legitimized, or made 'Holy' by the Church) to be its secular ruler. After Luther assumed his firm posture against the Church for abusing the founding principles of social justice for the helpless and oppressed, the forces of Christian piety and divine purpose, so long in control of the flow of charitable works which irrigated the Continent -- that "dam of medieval discipline"[30] -- was irrevocably sundered. However,

> like other cataclysmic events in history, the Reformation is the beginning rather than the end of an epoch. Religious diversity triumphed over established orthodoxy. Skepticism, evolving out of an intensified questioning of the basis of religious knowledge, led

> deism and a secularization of thought. The concept of the Christian community was given a definite social content and goal, while the infusing of man's vocation with a religious purpose strengthened the trend toward economic individualism.[31]

Luther's ninety-five theses unleashed a whole new stream of social concern -- a concern for one's fellow man that was secular, localized, and often highly individualistic. From among the ecclesiastical ruins of the Reformation, there now emerged the beginnings of a substantial private, and even a government, philanthropy.

> The Reformation and the dissolution of the monasteries simultaneously destroyed many of the old ecclesiastical sources of charity and redistributed their wealth to lay bodies and men, from whom fresh charitable benefaction now sprang.[32]

Since the fourth century, when Constantine provided both the legal framework and the royal approval for property and monies to be given into trust to the Church,[33] canonical courts had assumed full responsibility for the protection and use of these funds. With the general collapse of effective Church vigilance over such benefactions by the end of the seventeenth century, as well as a decline in overall Church authority, trusteeship fell to the civil courts for the first time. In this latest oscillation, "the secular interests of man reasserted themselves. The shift of values was all the more profound for being undramatic: Christianity was not so much denied as relegated to the background".[34] The Crown now took on

the role of *parens patriae*, the defender of those who cannot defend themselves. As Hilaire Belloc notes,

> The Papacy survived, of course, far more strongly, but against the Papacy also there had come -- indeed it was the essence of the Reformation period -- a violent protest and rebellion. As against the political conception of a civil unity under a more or less shadowy Western Emperor there was put forward the theory of the absolute state....[35]

And, while the theory of `the absolute state´ will increasingly occupy our attention as we move into the next two centuries as well as the next chapter, the transition was not yet as complete as Belloc implies. The grand edifice of the Catholic Church in France, though terribly damaged by the Reformation and the events which followed, did not simply collapse. Indeed, it fought back in subtle and powerful ways to retain its hold on both the souls and the purse strings of the faithful. Church leaders quickly saw a benefit to be gained in pursuing the reforms demanded by the German monk. However, their calls for reform were tied to a new conservatism; this movement came to be known as the Catholic Reformation.

The Catholic or Counter-Reformation

In 1537, the Catholic Church pleased the protestants by publishing the *Consilium de Emendanda Ecclesia*, a report commissioned by Pope Paul III, which "excoriated corruption, evil counselors, lazy priests, and profiteering bishops".[36] Purity, piety and control were to be the watch

words of the new order and they were exemplified in the creation of a number of new, albeit very conservative, religious orders devoted to intense learning and widespread charitable works. The most famous of the new orders created at this time was the Society of Jesus, or Jesuits, but the Capuchins, the Ursuline community, and especially the Theatine order all took on the most difficult charitable tasks.[37] In addition, the Church continued to receive and disburse substantial alms, provide food, fuel, clothing and shelter, and generally to serve the needy through many important forms of charity. A large portion

> of the smaller hospitals and asylums, most of the free elementary schools, and all of the colleges (or secondary schools proper) were owned and maintained by religious orders. Until the time of the Revolution nursing was almost entirely in the hands of religious orders, of which the Sisters of Charity, formed in 1633 by St. Vincent de Paul and Louise de Marillac, was the largest. In 1789 this order consisted of more than four hundred houses or establishments.[38]

Nevertheless, the rigid conservatism of the Counter-Reformation calcified at mid-century during the deliberations of the Council of Trent and yet another dark shadow settled over the charitable works of the French Church. On the one hand, the social problems confronting the diminished charitable capacity of the Church increased; on the other, once-secure theological convictions began to give way to a whole host of disturbing philosophical questions. As the conservatism of the Counter-Reformation

finally surrendered to the repressions of the Inquisition, the voices of dissent began to reject tradition and authority as paths to truth. While Thomas Aquinas, a devout Dominican friar, had sought to *reconcile* knowledge with belief, reason with faith, the newest thinking, by such scientists as Galileo (1564-1642), conceived of their task as "the defense of new knowledge that apparently challenges old belief"[39] and sought to *separate* reason and faith.[40] Moreover,

> restriction, censorship, persecution of beliefs were wrong, not only in that they added to the sum of human unhappiness, but because they blocked the achievement of their own aim, the establishment of truth.[41]

What Olwen Hufton describes as the "psychological scaffolding of the medieval and ancient world" was gradually but inexorably being dismantled. This scaffolding

> the unshaken belief that man was part of a divine plan and his earthly sojourn was a testing preliminary to hell or paradise, that he dwelt on an earth that was God-created and, according to Ptolemaic geography, the epicentre of the universe, that he must suffer the dual authority of the monarch (however tyrannical) and the decisions of the Christian church as endowed with the only truth, collapsed in the view of Enlightenment thinkers because it was demonstrated by reason and scientific principle to be patently unsound.[42]

These new positions, closely allied to the fundamental assumption that there is a body of truths -- about man and society, as well as about nature -- which can be rationally perceived, universally agreed, and usefully applied to the welfare of mankind evolved over time. Ultimately, they

came to form the basis, particularly in France, of the intellectual, social and political movement we've come to know as the Enlightenment.[43]

The Enlightenment

Most importantly, at least for our discussion of philanthropy, the French philosophers at the center of this movement described a totally new way of thinking about the nature of man, or at least a way of thinking that was widely divergent from the one previously held by organized Christianity.

> It is by observation and experiment above all that we can push forward our comprehension of the universe; what falls outside their scope is beyond knowledge. The nature of man and of the mind fall inside it, however; the human understanding and human nature can themselves be objects of scientific empirical inquiry. Such an investigation, it was thought, showed that all our ideas derived from the impressions we received from the external world through our senses. It showed also that men's actions are determined by two primary motives, attraction to pleasure and aversion to pain. This hedonist psychology was translated into a hedonist ethic, the pursuit of happiness being taken as a standard for right action as well as a description of actual motivation: and through the utility principle, the principle of the greatest happiness for the greatest number, the hedonist ethic was converted into a ground for deciding government action. On the basis of this view that environment affected deeply men's understanding and nature, and on the belief that the means to reconstruct rationally the social system had been brought to light, there grew a steady faith in the power of education and government to improve human life.[44]

This was a truly revolutionary shift, and one which certainly foreshadows a subsequent movement toward what we

now call the `welfare state´. The confidence in human power increased because everything seemed possible to human reason. "Man was," Parker and Brown tell us, "not really a little creature, a wayfarer in a world that was alien to him, yearning for the reunion with God that would bring him peace." Rather, man was a dignified creature, one of great capacity in his own right and, most importantly, "living in a world that was understandable and to a degree manageable by him".[45] And with that, the people of the age of Enlightenment saw, for the first time, that it was possible to use knowledge to "free themselves from their Christian heritage, and then, having done with the ancients, turn their face toward a modern world view".[46]

As Peter Gay would have it, the *philosophes* "made up a clamorous chorus" singing this new view of the world, a chorus now united on

> a vastly ambitious program, a program of secularism, humanity, cosmopolitanism, and freedom, above all freedom, freedom in its many forms -- freedom from arbitrary power, freedom of speech, freedom of aesthetic response, freedom to realize one´s talents, freedom, in a word of moral man to make his own way in the world.[47]

And yet, and yet ...: `ye have the poor with you always, and whensoever ye will ye may do them good´. The world into which this new moral man was to make his newly enlightened way was not an altogether happy one. In an age of revolution and deep social disruption, "conventional

charity, with its one-to-one relationship of donor to recipient, seemed dwarfed by the expanding dimensions of the social problem".[48]

Revolutionary France

Throughout France, in both the seventeenth and eighteenth centuries, charity increasingly took a new, less church-dominated form.[49] At first, it became a more open-ended interplay between the Church, the King, the nobility, provincial and municipal governments, charitable societies, and even individuals. The clergy still had a substantial role, of course, but the old-line aristocrats, and especially the emergent middle classes, were having trouble finding a place for traditional Catholicism and its former charitable demands in their lives. While the aristocratic classes had always been rather skeptical of religion, the natural optimism of a rising and 'enlightened' bourgeoisie found it difficult to accept the pessimistic view of human nature still purveyed by the Church, with its emphasis on refractory original sin, papal authority, and spiritual redemption through penance.

The politically charged atmosphere of pre-Revolutionary France clearly augmented the intellectual and social atmosphere generated by the *philosophes*. In such an overheated setting, buffeted between old values and new thinking, between issues of *la charité de l'église* and the

demands of a more encompassing sense of social justice, ideas about the purpose and practice of philanthropy inevitably changed. Our great river, once so rigidly channeled by the Catholic Church, now separates into a rather complex set of smaller and more far-ranging secular tributaries. Such a watershed change could only be a reflection of the singular religious institutionalism that preceded it as well as a precursor of the complex economic and political institutionalism that would follow; good works became localized, widely dispersed through the populace and among other, smaller associational forms besides the Church. Most importantly, the newly enlightened society demanded that the pre-Revolutionary French government take a more direct role in the social disruptions previously addressed almost exclusively by church charity.

> Firmly rejecting the religious premise that poverty was an inevitable consequence of man's imperfection, [Enlightenment thinkers] groped unsurely towards an appreciation of the societal origins of poverty ... and sought remedies in constructive political and administrative action. Eighteenth-century reflection on the nature of poverty was thus conducted in the shadow of a raging polemic involving on one side traditional Church charity and on the other the more secular and optimistic system of values to which they attached the term *bienfaisance*.[50]

Though not thoroughly developed, government assistance prior to 1789 came to be rather significant, including tax remissions in times of famine or natural disaster and, more

regularly, direct assistance to fathers of large families and even to those whom McCloy labels "victims of society's maladjustments" such as "the indigent, the unemployed, the beggars, the prostitutes, the foundlings".[51] These 'victims', under the new thinking, were now "increasingly treated as wards of the state". Moreover, the Crown and even the Church now supported localized, often municipal, administration of charity through *les bureaux de charité*. These were to be found in nearly every community and, though the committee which managed the funds was frequently headed by the parish *curé*, the other members were leading political and judicial figures in the locality as well as other prominent citizens. The services rendered included the distribution of "food, clothing, baby-linen, even medicines"; there were doweries for poor girls, and on occasion other monetary gifts; visits were made to the poor in their homes. As much assistance as possible was rendered "in kind; rarely in money".[52]

Even beyond these new centrally-funded but localized forms of good works, both government and Church philanthropies were now augmented (and sometimes completely supplanted by) a network of charitable associations, or societies, such as *La Maison Philanthropique*, founded in Paris in 1720, *La Compagnie de Messieurs de la Charité* (1728), or *Le Charité de Nôtre-Dame de Bon Secours* (1773).

It is tempting to see these as philanthropic expressions of the Enlightenment view of "the need to reorder society rather than merely relieve individuals"[53] and, as such, the earliest forms of the modern philanthropic foundation. In any case, such individually established, community-based societies played a significant role, particularly in the burgeoning urban areas. They charged dues to their members, but they accepted donations and endowments from non-members as well. The membership decided on the uses to which their assets would be put; mostly they were concerned with the indigent (especially children), the mentally ill, and prisoners. It is particularly important to note how they served a most interesting intermediary function, supplanting the diminished charitable capacity of the Church and supplementing the as-yet undeveloped social welfare system of the French State.

Of course, there were also extremely wealthy individuals who viewed charity as a personal act: a man named Goudon left an enormous legacy to the *Hôtel-Dieu* in Paris, helping it become one of the great charity hospitals on the Continent; individuals contributed large sums to alleviate the suffering during the Plague of Provence; Piarron de Chamousset was said to have spent most of his substantial fortune paying the hospital expenses of the needy. There were many others.[54]

What was occurring with charitable works was clearly a reflection of the other, even deeper, political and social cleavages in French society, cleavages which led rather inexorably to the French Revolution. Without the fundamental influence of the Catholic Church to define its daily life, other institutional forms vied for domination; France, and all Christendom became "a house divided against itself"[55] and

> throughout the century there was a steady shift of burden from private and church charities to state charities, from local to provincial and governmental assistance. There was no desire on the part of the government to increase its power; on the contrary, down to the Revolution the government tried to make aid to the needy a matter of local responsibility. The change resulted from the repeated failure of church, private and municipal charities to meet the situation, the state being forced to intervene with its aid, in response to piteous appeals. This tendency grew so rapidly in the second half of the century that prior to the Revolution the opinion had come to be rather general that the care of its needy subjects was a state obligation.[58]

The point here, of course, is that this increasing secularization of philanthropy, following a nearly direct line from the Reformation and Counter-Reformation, through the Enlightenment to the eve of the French Revolution, is important not only from the point of view of social welfare, but also because it tells us a great deal about the important shift away from Church authority which foreshadows an equally important move away from the rules and prerogatives of royalty -- indeed, of the entire

edifice of *l'ancien régime*. These ideological oscillations also mark the development of the contemporary French State. And, for us, they also identify the sources of the very constricted existence of private philanthropy in this new State. In particular, there were

> two factors at work in the government of eighteenth-century France, each contriving to pull the country in a different way. The first was a centralizing force composed of king and an impressive range of councils and ministers concentrated in Versailles and in close contact with the intendants and the localities. The second was the older decentralizing force of provincial estates, *parlements, bailliages* and *séné chaussées* which asserted older rights and sought to restrain monarchical encroachments upon local power and privileges.[57]

Our river of French philanthropy has clearly made its way past the Catholic Church and, for the most part, has left it behind. It now runs along with *les citoyens* as they quickly surge past the old concept of government they would now like to leave behind as much as they have left behind the old concept of religion. The flow of history now brings our river of individual altruism, religious charity and secular philanthropy within dangerously easy reach of the all-encompassing arms of the *l'État*. From this point, the continual oscillations between religion and economics, between the *bonnes oeuvres* of the Medieval church and the *bienfaisance* of the post-Revolutionary state, between Christian charity and private assistance and, finally, between secular philanthropy and public

welfare which have been our changing landscape, all now settle rather uneasily behind the new facade of the French State.

The Revolution and After

It is probably not too much to claim, along with H.V. Hodson, that the "anti-clerical, anti-*ancien régime* aspects of the French Revolution"[58] changed forever the practice of charity in France. Indeed, the floodwaters of reform which engulfed and then swept away much of the ecclesiastical control of daily life in the sixteenth century were now themselves strictly confined within the narrowing shoreline of a new concept of governance:

> Men were gripped by the new idea that the traditions, a product of faith, time and custom, in which they and their forefathers had been living, were unnatural and had all to be replaced by deliberately planned uniform patterns, which would be natural and rational.[58]

Such a sweeping new idea is not woven from whole cloth; rather, the threads -- like those culminating in the Reformation -- from which the pattern of a new society emerges, are of many colors and textures.

Lord Acton argues that the French Revolution, however revolutionary, "is not a meteor from the unknown, but the product of historic influences which, by their union were efficient to destroy, and by their division powerless to construct."[60] The incredible tensions which exploded into the French Revolution were more than just religious, more

than just social, even more than economic. Acton convincingly argues that this convulsive *boulversement* of French society was all-encompassing, but still clearly rooted "not in the men of that day, but in the ground on which they stood."[81]

> Whenever, in a great state, the sources of the public treasury have dried up; when the old restraints of rank and subordination are broken down, and there is no firm hand to impose new ones immediately, then it must be expected that vices, passions, and even virtues will enter into a fermentation whose effects will be incalculable.[82]

The vices and virtues of the French Revolution had to do with the "spoils" of a changing economic world. As national income grew to meet the ever-expanding demands of Louis XVI, so too did the size and composition of the class of people who were capable of providing it. Moreover,

> this increase was wrought by a class to whom the ancient monarchy denied its best rewards, and whom it deprived of power in the country they enriched. As their industry effected change in the distribution of property, and wealth ceased to be the prerogative of a few, the excluded majority perceived that their disabilities rested on no foundation of right and justice, and were unsupported by reasons of State.[83]

If there was something truly revolutionary in the air at the end of the eighteenth century, it is probably best captured by Lord Acton's observation that this new class of citizens "proposed that the prizes in the Government, the Army, and the Church should be given to merit among the active and necessary portion of the people, and that no

privilege injurious to them should be reserved for the unstable minority."[64]

The common beliefs which came to be associated with the ordeal of the French Revolution -- the quest for freedom, liberty, human dignity, and equality (formulated in terms of a demand for social justice) -- now merged into the over-riding idea of a homogeneous society, one

> in which men live upon one exclusive plane of existence. There were no longer to be different levels of social life, such as the temporary and the transcendental, or membership of a class and citizenship. The only recognized standard of judgement was to be social utility, as expressed in the idea of a general good, which was spoken of as if it were a visible and tangible objective.[65]

The importance of this new and steadily mounting attraction of the French *citoyen* to such a rational, secular religion or "political messianism"[66], was that it invoked social utility as the main criterion of social institutions and values. Social utility replaced not only the cultural baggage of reciprocity embedded in primitive times, but also the ordered traditions of religious philanthropy. The concept of social utility (often translated as *d'utilité publique*) also came to substitute for the growing dislocations of groups and individuals in a "society undergoing an ever-increasing process of change and disruption" and one in which "alienation on the one hand and the sense of power and unlimited possibilities to

master the problems of man go hand in hand".[67] Such a dislocated society, J.L. Talmon argues, disgorged many "saviours-in-a-hurry, intent on fitting an imaginary man into an artificially contrived, or as it came to be held, an inevitably evolved ultimate social harmony".[68] In the past, it had been possible (and often desirable) for the State to regard many things as matters for God and Church alone. But this new State could recognize no

> such limitation. Formerly men lived in groups. A man had to belong to some group, and could belong to several at the same time. Now there was to be only one framework for all activity: the nation.[69]

Now there was to be a social contract between *le citoyen et l'État*. In the French (and, some would argue, the wider) world after 1789, the State became an independent and all-important force, "drawing into its fold all those in need and thirsting for a vision of secular salvation".[70] Such secular salvation might be termed, as it applies to questions of altruism and philanthropy, sociocentric. This forceful word is opposed not only to primitive anthropocentricity, but even to the established habits of theocentricity that we have already seen are at the core of the Judeo-Christian tradition, at the center of the religious institutions themselves. For it is important to remember that, though the destruction of religious authority leading up to and after the French Revolution

implied the liberation of man's conscience, it also implied something else of equal importance. According to Talmon, "religious ethics had to be speedily replaced by secular, social morality. With the rejection of the Church, and of transcendental justice, the State remained the sole source and sanction of morality. This was a matter of great importance, at a time when politics was considered indistinguishable from ethics".[71]

In the light of the many drastic changes visited upon French life as a result of the Revolution of 1789, the changes in how individuals look after the needs of others might seem insignificant. But, given the durability of altruistic feelings and philanthropic institutions in the historical and intellectual record, efforts to track this sometimes subtle exchange even in times of turmoil prove fruitful. The permutations of altruistic behavior -- individual and clan survival, as a frame for the polity, as a channel for the blessings of the Church -- take us now, perhaps inevitably, to questions of social harmony within the new State. Threatened in times of political peril and constricted in times of a new social disorder, our great river, nevertheless, now moves quietly past the religious forces which had led to such turmoil, seeking its place in the new French society.

To follow its course, perhaps we need to begin by

looking more clearly at the demise of the influence of the Church. There is no doubt that the French Revolution was

> a watershed in the history of catholicism in France. It saw the destruction of the idea that Church and State were an inseparable unity; ... it saw the end of universal religious practice; the pressures that had made nearly everyone a churchgoer would never be revived. Finally, and perhaps most crucially, it saw so bitter a division between Catholics and republicans that it would be impossible, for nearly another two centuries, for the two to understand each other.[72]

The old order[73] -- clerical, frequently hostile to 'the world', moralistic, and often driven by fear -- was waning rapidly. Constricted by its own weight, French political, economic and, most of all, religious life "had an intrinsic frailty few could perceive in 1730 but which was all too apparent by 1789".[74] Religious-based charity had been under debate by Enlightenment thinkers for some time before the Revolution. Voltaire[75], and others, stressed an idea we encountered earlier on our journey; namely, that traditional church-based charity was "more geared to the spiritual than to the material well-being of the poor" and, even more striking, emphasized that "ecclesiastic efforts also typically adjudged the terrestrial fate of the recipient as of lesser account than the salvation of the giver".[76]

The Revolution quickly framed this often tangled sort of theological discussion directly in terms of *les droits des citoyens*. In addition to being seen as a means for the

wealthy to gain the Kingdom of God, more and more the Catholic Church's concept of philanthropic good works came to be seen as a rather insidious form of social control: "The objects of charity had to behave themselves, or the supply of goodies would rapidly dry up. Furthermore, the practice of charity was based explicitly on the doctrine of immutable inequality: charity could not end inequality, but it would establish harmony between the social classes".[77] Thus, serious questions about the role of the Church in the severe social and political problems confronting France are not surprising. The scale of its demise, however, is both surprising and swift: on 4 August 1789 the National Assembly voted to abolish the all-important tithe, thereby eliminating nearly all the Church's on-going revenue. On that same fateful night, the new politicians removed the Church's long-standing responsibility for charitable activities at the parish level, and all the privileges and power associated with its pervasive control of the Frenchman's daily life. On 2 November of that same year, the vote was 510 to 346 to place Church property 'at the disposal of the nation'. As Ralph Gibson notes, with the stroke of a pen, "between 6 and 10 percent of the surface area of France was about to change hands"[78] and revert to public ownership, with the immediate revenues intended to underwrite the growing costs of the new State.

It would be incorrect to suggest, however, that the Revolution and the changes which swept away so many of the institutions of daily life in France was focused only on a reaction to the Church. The pressures for change came from even more profound sources. An "historiographical overhaul", as Colin Jones calls it, has uncovered "serious and endemic problems of poverty in late eighteenth-century France".[78] And much of what followed the events of 1789 must be seen in light of efforts to respond in new ways to the pressures of a gap between population growth and economic expansion in still largely rural, agricultural France. Even before the Revolution, evidence of the problem and the consequences of ignoring it, had been noted by some and they "all deplored the consequences: social disharmony, nascent political unrest and, especially in comparison with neighboring England, economic backwardness".[80] More importantly, for our purposes here, however, was a general agreement that existing levels of poor relief, maintained for so long by the Catholic hierarchy, were completely insufficient to cope with the scale of the problems. The tensions increased:

> Many Catholic luminaries saw the answer to this in a more thorough-going application of the time-tested virtue of almsgiving which ... still comprised the basis of all assistance. Enlightenment thinkers, however, reflecting the period's modish anti-clericalism, criticised such ready-made answers to a problem which seemed to be getting increasingly out of

hand. Firmly rejecting the religious premise that poverty was an inevitable consequence of man's imperfection, they groped unsurely towards an appreciation of the societal origins of poverty and, vaunting the provision of employment as the harbinger of social cohesion and economic regeneration, sought remedies in constructive political and administrative action.[81]

After the violent tumult of the revolutionary years, and especially after such wrenching decisions as these had been invoked against the once-all powerful Church, it was evident that responsibility for society's pressing needs and the resources with which to respond to them, would be kept most firmly in the hands of the State. And the resultant shift from the older, church-centered view of *charité* -- often seen now as opportunistic, controlling, and socially unjustifiable -- to a state-managed and, initially, more open-handed *bienfaisance* is not surprising. The new *bienfaisance* implied a "rational, methodical activity which sought an appropriate response to suffering as the circumstances required".[82] Of course, since this new activity would be administered by the newly created State, it fit quite neatly into the Revolution's universal appeal to citizens' rights. A new, pragmatic, and egalitarian order called for a new kind of social order as well:

The formal attitude was that the institutions not explicitly recognized and defined by law had no legal corporate existence, while the development of the law was profoundly influenced by the principle that

> supremacy of the democratic state should not be impoverished by unregulated power given to private institutions; if public welfare `the rights of the people´, were the duty and the *raison d´être* of the State, those who pursued them otherwise than through the established democratic and administrative means were potential rivals, as the Church had been of the secular State before the revolutionary era, both for corporate power and for individual allegiance.[83]

It was in such an atmosphere, then, that almsgiving was outlawed less than two years after the Revolution and that enlightened *bienfaisance*, "altruistic, secular, grounded in a sense of social solidarity," was now seen as the "essential cornerstone of an effective and humane system of social welfare".[84] Nevertheless, it is no surprise, given the turmoil that followed, that all of the ideals embodied in the revolutionary fervor were not immediately realizable. However, a good deal of attention was given to the structure and institutions that would be needed to replace the Church as the agent of the social welfare.

Most of the plethora of laws applicable to social welfare which were voted into place on the heels of the Revolution were designed to strengthen the new State as the sole source of *bienfaisance*. Many of these, again not surprisingly, were negations of what had been. Le Chapelier, in presenting his bill to the Constituent Assembly -- it would become the law of 14 June 1791 and be known as the *Loi de Le Chapelier* -- quite succinctly

expressed the position of French liberalism at the time, one that was now to become a constitutional *desideratum* as well: "There will be only the private interest of each individual and the general interest. No one is permitted to inspire in citizens an intermediary interest, to separate them from public matters by an associational interest".[85]

No one is permitted to inspire in citizens an intermediary interest -- the legal broom which swept religion out of French life also disposed of many other aspects of that life as well. De Tocqueville, and others, noted this shift:

> For in a community in which the ties of family, of caste, of class, and craft fraternities no longer exist people are far too much disposed to think exclusively of their own interests, to become self-seekers practicing a narrow individualism and caring nothing for the public good.[86]

However, the always perceptive de Tocqueville also recognizes the more sinister socio-political motivation inherent in certain aspects of this change:

> Far from trying to counteract such tendencies despotism encourages them, depriving the governed of any sense of solidarity and interdependence; of good-neighborly feelings and a desire to further the welfare of the community at large. It immures them, so to speak, each in his private life and, taking advantage of the tendency they already have to keep apart, it estranges them still more. Their feelings toward each other were already growing cold; despotism freezes them.[87]

In such a chilled environment, associations, clubs, guilds,

societies, sodalities, religious fraternities, all were now seen to represent an `intermediary interest´ between the state and the citizen. As such, they were suspect. *Le Loi de Chapelier* insisted that, only by representing the "general interest" could the State protect the "private interest". A little later, "associations occupying themselves with political questions"[88] would be banned as well. It remained only for Napoleon´s *CODE CIVILE*, enacted in 1810, to formalize the expulsion of much of the old order. Article 291 therein expressly prohibits -- except by government authorization -- "any associations of more than twenty persons with the intention of meeting every day or on certain specified days in order to occupy themselves with religious, literary, political, or other matters".[88] Though certainly aristocratic and Catholic enclaves would continue to exert influence in various aspects of French life and governance, this legislation, with only slight modifications in 1834, 1848, and 1864, remained in force as the "legal form of suppression fitted into the liberal thinking"[90] about the role of the State in controlling any sort of association, even those devoted to philanthropic good works, until 1901.

Nevertheless, there is a marked persistence of altruism within the human spirit. Such persistence is mirrored in the small-scale philanthropy that managed to

survive under Napoleon's otherwise repressive legislation. Within the strictures of Article 291, for instance, a small exception was found. A clause declared that certain organizations whose purposes were "in no way adverse to the government"[81] -- defined as those with some "public utility" -- might acquire, from the *Conseil d'État*, a legal "personality". This is a first significant glimpse at how the machinery which had undergirded the important social works of the Catholic Church was being replaced by an administrative machinery which now entered French life as the *moteur* of the new State. Such administrative power was possible because the new regime substituted secular law for monarchical privilege and placed it finally and fully above even canonical *droit*.

Neither legislation nor administration was sufficient, however. In the early years of the nineteenth century, neither the remaining resources of private charity nor the largesse of the State were capable of meeting the needs of the French people. Utilizing the "loophole" of public utility, some of the smaller religious orders and some of the better organized local charities, were able to establish and maintain hospitals, mental asylums, homes for unwed mothers, and other similar philanthropies. These were not only allowed to develop their good works, but they also came to be recognized by the State, thus allowing them

to obtain donations and raise endowments. Some of these, *l'Hôtel-Dieu* in Paris and *Le Société Philanthropique*, still exist today.

Much more typically, however, the resources of individual and institutional *bonnes oeuvres* now became the property of the State. Services to the indigent and sick were provided through the communal *bureaux de bienfaisance,* established in 1797. More than a leftover of the old charity bureaus, these "autonomous, public, communal organizations" had an independent *personnalité civile* which gave them "the right to own property, to accept donations and legacies, and to act as litigants in legal actions".[92] These social welfare offices received revenue from a variety of sources: the sale of state and private bonds, municipal and departmental subventions, a *droits des pauvres* (an amusement tax), lotteries, and even from private donations.[93] In this manner, they quite accurately mimic the funding sources and patterns of distribution for many modern European foundations, as will be discussed in my closing remarks. In the late 1700's, however, their primary purposes were to provide the poor relief in the form of *secours en nature* -- bread, charcoal or other fuel -- or small grants of cash. The efficacy of such *bureaux* varied widely, but they did represent a continuing effort on the part of the civil institutions to sustain the

earlier religious endeavors within the much more restrictive boundaries of post-Revolutionary legislation. Along with *les établissments hospitaliers*, these welfare offices formed the core of French public assistance throughout most of the 1800s.

As the nineteenth century wore on, however, such remnants of the religious stream of philanthropy in France dried up. Or, more correctly, they withered to insignificance as the dislocations and social ills so often associated with modern industrialization led to a significant increase in social problems and a consequent increase in demands upon the State's capacity to care for the needs of the citizen. In France and throughout Europe by the end of the century, "the early evidence of the ravages of industrial cities, the waste and deterioration of human potential, and the brutalizing effects of unemployment were unavoidable".[84] For our purposes here, it is important to remember that under France's unique form of post-Revolutionary liberalism, such needs *never* called forth the unrestrained individualism so common in Britain and the United States. According to the liberal tradition that had evolved in those two countries, the efforts to alleviate the social needs resulting from the Industrial Revolution were most often "spontaneous phenomena requiring no peculiar legal form of governmental approbation,

although (in order to remedy abuses, to clarify law, and to define privileges) they may from time to time require regulations or registration under general laws".[95] Sensitized by nearly a century of political and social turmoil, France developed a much more articulated sense of *l'État*. As will be seen in the later discussions of Germany and England, the river of private philanthropy which rose in France in response to the growing social and human carnage of industrial and urban life took very different forms in other capitalist countries. But in France any individual or group with the resources or the desire to respond to the complex needs of society could exist in the new secularized order only where there was a positive law "creating or permitting them, and their legal existence and action depended upon government authorization".[96] Even all these years after the demise of the charitable monolith of the Catholic Church, and even under the intense pressure of the depravations of industrialization, France would not allow significant good works to be placed in the hands of any private, non-governmental entity. Public policy involving philanthropy was rigid and legalistic, providing, as Ashford and others have noted, an extremely fertile ground in which the seeds of the modern French `welfare state' have grown.[97]

A "common strand", Hodson notes, is observable throughout the variety of liberal democratic ideas concerned with the alleviation of social needs, especially as the nineteenth century progresses; it is that "collective authority requires a higher purpose than simply maximizing individual utilities". This "theme of collective responsibility for all persons suffering from social or economic failures of the state" runs through all the early versions of social reform. Thus, the development of the "French welfare state could never be separated from the development of the French state itself".[88]

This idea, that the `modern´ state is responsible for all social obligations, explains a great deal about why the once-majestic river of Catholic philanthropy has become only a shallow stream in twentieth-century France. Social needs demand social justice; social justice is almost always an expression of "an absolute collective purpose"[88] and such collectivity can, in modern France, exist only within the formidable *embrassement* of the State.

Ironically, however attenuated private philanthropy has become in contemporary France, it owes its very survival to one last gasp of anti-Catholic legislative fervor which occurred at the very beginning of the 1900s.

Article 29 of the Penal Code of 1810 stipulated that a

"gathering of more than twenty people meeting for religious, political, literary, or other purposes must have a permit from the government".[100] The legislation of 5 July 1901, to be known as the Law of Associations, repealed this severe stricture, allowing the formation of many new types of associations for the first time. Had the matter rested there, the law of July 1901 might have simply been another citation in the *Journal Officiel*, of interest mostly to lawyers and legal scholars. But the law of 5 July 1901 "left a nasty scar on the body politic in France".[101] Why?

Alarmed by the severe emotions which emerged during the infamous Dreyfus Affair, and goaded on by the profound anti-Catholicism of the radical republicans ascendant in the *Bloc de Gauches* which gained great power during the Third Republic, Rene Waldeck-Rousseau, a jurist who served at the time as the President of the Council of Ministers, drafted the law. A devout Catholic from Brittany, Waldeck-Rousseau originally introduced the legislation only as a "general law against religious bodies to settle their status definitely once and for all".[102] But in the cauldron of French politics, always heated whenever matters of Church and State intersect and particularly overheated at the turn of this century because the relatively unstable Republican leadership feared certain elements situated in

the elite educational and military institutions, what Douglas Ashford calls "an ardent laicism"[103] emerged.

Among other less significant emendations to Waldeck-Rousseau's original language, the legislative process produced Section III of the Law of Association. This portion of the Act addressed the question of "legal personality" and religious congregations. It set forth rigid requirements and, most importantly, "gave the Council of Ministers the right to close churches and dissolve congregations at will, by decree".[104] Under Waldeck-Rousseau, Section III might have only been applied to the more recalcitrant Jesuit institutions (who refused to be licensed by the government to engage in the profession of teaching). But the election of 1902 (in which the clergy took an active role against the *Bloc des Gauches* candidates) was followed by the resignation of Waldeck-Rousseau and the appointment of his designated successor, an openly anti-catholic politician by the name of Combes.[105] The new President of the Council of Ministers quickly closed all the schools and institutions of non-licensed religious bodies and denied, *en bloc,* all applications for new legal charters by any group with a religious affiliation. Ultimately, Combes would close all institutions for training of religious, men and women, and "the members of them [would be] forbidden to teach for

three years either in their own or in neighboring communities".[106] Not surprisingly, all this led to great tensions with Church authorities.

> Owing to the conditions under which it occurred, and the animosity and irritation which it left in its train, the rupture between the French State and the Vatican gave rise to serious complications for France. It caused profound divisions in a country already sufficiently divided against itself, being at once devoutly Catholic and also anti-clerical, opposed, it is true, to the interference of the clergy in politics, but remaining nevertheless profoundly religious.[107]

While not seeking to minimize the negative impact of the law of 5 July 1901 on contemporary French life, my wider purpose here is to explore the impact of this legislation on *associations* (the spelling is the same in French or English), particular the creation of new categories of associational activity which might be seen as charitable or philanthropic. In that regard, the law is quite explicit: "*L'association est la convention par laquelle deux or plusiers personnes mettent en commun d'une façon permanente leurs connaissances ou leur activité dans un but autre que de partager des bénéfices*".[108] This rather low key recognition -- that persons may associate in a "permanent manner" for purposes other than personal gain -- is terribly important to what remains of modern French philanthropy. The key, not unlike Article 291 of Napoleon's *CODE CIVILE*, is that to form such a "*convention*" requires registration with the government and permission

from the Council of State. Associations that do so are thus given a specific legal organizational structure.

There had been some intermediate steps, particularly involving voluntary insurance (*prevoyance*) groups, but the 1901 law provided a method by which formal government recognition could be obtained by a much broader spectrum of voluntary groups. Arnold Rose quite properly divides such new associational activity into "two groups: (1) those for the sociable or expressive purposes of the members themselves (such as sport groups or literary societies); and (2) those actively directed toward an outside purpose (such as social welfare or social reform groups)".[108] The most numerous, but least important, associations in France fall into the group of "expressive" associations. Most of these come under the legal category of *associations non-declarées,* which have little relationship with the government and thus have no legal status. Such informal social clubs can only collect very limited dues.[110]

More important are the "*associations declarées*" which

> have a legal status in that they may sue or be sued in court, federate with other associations, collect and administer dues of members (up to an amount fixed by law), go into debt, and acquire property by purchase which is necessary for carrying out the declared purpose of the association.[111]

Such an organization can come into existence by registering with a local prefect a copy of its constitution, including

the names of its officers, a statement of purpose and a location. All of this is duly published in the *Journal Officiel*. Figures from 1986 suggest that there are nearly 170,000 such associations, and the figure could easily range up to half a million if non-declared associations are included.[112]

After a waiting period (now three years), a declared association of at least 100 members and with a treasury of a specified minimum size may petition the federal government to recognize it as an *association d'utilité publique*. Such recognition -- that is, as being of value to the community or nation and not simply to its members -- is given only sparingly by the government and requires yearly inspection of the activities and finances of all such recognized associations. There are very, very few of these in France even though they come closest to what might be recognized as a traditional, grant-making, and endowed philanthropic entity in Britain or the United States. The reason is simple: public utility associations are permitted to acquire funds by means other than the collection of dues -- i.e., legacies, gifts, charity sales, etc. More importantly, they are also permitted to petition the government for a grant of state money.

Ironically, this twin permission granted to public utility associations under the Law of 5 July 1901 provides

both the opportunity to establish traditional grant-making foundations and, at the same time, contains the seeds of an entirely different organization that many see as inimical to such activities. By permitting these associations to acquire funds in the form of legacies and private gifts, endowments could be established to fulfill the original public purposes of the organization. However, by also permitting those funds to come in the form of grants from the government, many philanthropic, welfare, cultural and research associations have simply become rather narrow and cautious funnels significantly dependent on tax subsidies. However fitting this pattern is to the "welfare state" which characterizes so much of modern French society, it certainly cannot be said to encourage innovative private involvement in the philanthropic sector.

The ultimate importance of this law to the furtherance of a recognized legal personality for what remained of French philanthropy cannot be underestimated. For the first time since the Revolution, France gave recognition, however limited, to the concept of "freedom of association" as a legal principle. The long-held concerns that political, labor, social, or religious groups could come together in any substantial form and thereby have the potential to destabilize the central government, were lessened. However modestly, the legal categorization of

associations, fundamental to even a modest modern French philanthropy, as well as to a number of other voluntary and service organizations, came into existence.[113]

Michel Pomey, a member of the Council of State as well as a founder of the relatively new *Fondation de France* points to the several features that distinguish general associations of the type I refer to as philanthropic foundations and those that fall into the more amorphous, and less helpful, category of 'third sector' associations, most dependent on government funds. Like all other associations, a French foundation is in possession of a legal personality granted to it through an explicit decree of the *Conseil d'État* and it, therefore, has the capacity to contract. In addition, however, foundations are described "as institutions set up by private initiative from a capital endowment, also of private origin, earmarked for the said institution's financial needs (theoretically in perpetuity) by means of income derived therefrom".[114] In addition, unlike other associations, foundations have no members and are administered by their own Board of Directors, in part appointed by the founder and in part designated by public authorities. Income from outside sources is confined to gifts and legacies (and only in the form of capital); all real property must be sold immediately[115] and which may, in any case, be accepted by

the foundation only after government authorization. Moreover, foundations in France are subject to administrative supervision by the Interior Ministry (prior to approval of: gifts and legacies, transfer of property or rights, mortgages, loans, etc.) plus various continuing controls (annual reports, budgets, and accounts are all subject to immediate inspection). Finally, "in the cases of abuse of the statutes, the administrative authority may order the foundation's dissolution and liquidation by asking the Council of State to issue a decree withdrawing its status as a charitable institution".[116] No other western nation even approaches such restrictive and discouraging covenants on philanthropic activities.

Even today, such a particularized description allows only a small number, probably as few as 250,[117] of France's *associations d'utilité publique* to conform to the criteria of an actual "foundation" as established by the INTERNATIONAL FOUNDATION DIRECTORY. These simple criteria include: a) recognition as charitable (for the 'public benefit') in national law; b) possession of substantial and essentially permanent capital assets; c) discretion in the allocation of money for charitable or public purpose; d) not subordinated or 'exclusively linked' to some other institution falling into a different category; e) open to contributions from private persons or corporations; and,

f) managed by a Board of Trustees independent of political or administrative control by any government.

It is, of course, item `f´ that severely limits the number of foundations permitted to exist within French associational activity. The same is true in other countries besides France, like Belgium and Italy, which share a marked hostility to the Catholic Church´s historical monopoly on revenues and property as well as a powerful residual tension between politics and religion as one of the dominant factors in state formation.

Conclusion

As has been said in other ways, but bears repeating here, much of the weight of modern French history has been compressed into a distinct "hostility to the existence or formation of any groups or associations as intermediaries between the State and the individual because (or at least allegedly so) by becoming part of a group, the individual runs the risk of sacrificing too great a measure of his freedom".[118] It is no surprise, then, that the French historian, Alexis de Tocqueville, visiting the United States only fifty years after *its* `revolution´, was amazed at the American penchant for forming groups.

While Pomey suggests a certain "revival of interest" in recent years, he concedes that the constricted world of French philanthropy is unlikely to change. The combination

of the restrictions premised on the French experience with the Church and the fact that "the day is long past when private fortunes in France were ... large enough to secure for foundations a future safe from economic and financial crises and those which would still be in a position to do so receive hardly any encouragement from the public authorities in general and the Inland Revenue in particular"[118] seems rather final. Or, as Kathleen McCarthy succinctly captures it, in the current situation, "relations with the state rather than institutional autonomy or philanthropic trends, are the key issue"[120] in French philanthropy.

Finally, one would expect that with the introduction in 1981 of a socialist government committed to decentralization, a number of substantial changes to what Palard[121] labels the more traditional and conservative *tissu associatif* would have been realized. And there have been some:

> In France, socialist government has fostered the third sector's role through general rhetoric (*economie sociale)* and the establishment of governmental and para-governmental offices concerned with the third sector: an undersecretary for this so-called 'social economy' (which includes the cooperatives, the mutual insurance companies, and the welfare institutions), attached to the prime minister and the National Council for Associational Life, both founded in 1983 ... and the establishment of the office for the *Inspection Général des Affairs Sociales* in 1984.[122]

Such minor shifts, however, do not allow philanthropy to

escape the general restrictive pattern of the political and institutional culture.

> Attempts to improve the elasticity of the given institutional setting of the relationship between government and the third sector have been distorted by the intrinsic *étatisme* of French political culture and the incapacity of both the party system and the third sector agencies themselves to transform political rhetoric into effective governmental action.[123]

Despite such a blatant concession of systemic incapacity, and even taking into account the carefully-guarded prerogative of the modern French State to make due provision for all areas of the general public's needs and interests, a knowledgeable observer sees possibilities in what Seibel dismisses simply as "actors with a small-scale scope of action".[124] Pomey, while acknowledging the persistent suspicion of the French government and her bureaucrats of all intermediary activities, is still able to express a certain hope for the future of philanthropy in France. His optimism, however, would require the government to recognize three new forms of foundational activity. Much could be done, he feels, if the government were to encourage a carefully nourished increase in foundations created from private fortunes which "involve an object of irrefutable and lasting public interest and at the same time are backed by sufficient financial support to guarantee both initially and in the face of all eventualities that it will survive and develop in a normal

manner". Second, the government would need to permit the establishment of a new type of foundation of "mixed character, closely combining both private and public initiative and finance [in] a living body operated by a flexible and collective management to fulfill a mission of general public interest". And, finally, legislation could be presented to permit "community trusts" whose purpose would be not to intervene directly in any charitable scheme, but rather to "support all of them by collecting private gifts from private persons or firms in the form of capital or income and to regroup the latter into large units ... and administer them efficiently".[125]

Even among such clearly statist and administrative questions which now stand at the forefront of contemporary French *débats,* one can still feel the complex current of ancient traditions, including altruism and gift exchange, in French thinking. Even today, with all of the historical and governmental forces seeking to dam and control the flow of the great river of philanthropic activity, new springs continually bubble forth from dry soil, seeking once again to nourish what Marcel Mauss labels the "old and elemental":

> It is the individual that the State and groups within the State want to look after. Society wants to discover the social 'cell'. It seeks the individual in a curious frame of mind in which the sentiments of its own laws are mingled with other, purer sentiments:

charity, social service, and solidarity. The theme of the gift, of generosity and self-interest in giving, reappear in our own society like the resurrection of a dominant motif long forgotten.[126]

CHAPTER FOUR: NOTES

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14. Ibid., 598.

15. Duby, 55. By far one of the widest-ranging, and

certainly one of the sturdiest defenses, of the importance of the high Middle Ages can be found James J. Walsh, THE THIRTEENTH: GREATEST OF CENTURIES (New York: Fordham University Press, 1952 [1907]). His review of the impact of this age on everything from the curriculum of graduate students to the role of women to the earliest foundations of democracy makes absolutely fascinating reading. His scholarly litany certainly would seem to justify his query,

> Is it any wonder, then, that we would call the generations that gave us the cathedrals, the universities, the great technical schools that were organized by the trade guilds, the great national literatures that lie at the basis of all our modern literature, the beginnings of sculpture and of art carried to such heights that artistic principles were revealed for all time, and, finally, the great men and women of this century -- for more than any other it glories in names that were born not to die -- is it at all surprising that we should claim for the period which, in addition to all this, saw the foundation of modern law and liberty, the right to be hailed -- the greatest of human history?" (17).

16. Ben Whitaker, THE FOUNDATION: AN ANATOMY OF PHILANTHROPY AND SOCIETY (London, England: Eyre Metheun, Ltd., 1974), 34.

17. Christopher Dawson, THE DIVIDING OF CHRISTENDOM (New York: Sheed and Ward, 1965), 19.

18. Demetrios J. Constantelo, BYZANTINE PHILANTHROPY AND SOCIAL WELFARE (New Brunswick, NJ: Rutgers University Press, 1968), 25.

19. Dawson (1965), 19.

20. Charles Stewart Loch, "Charity and Charities" in ENCYCLOPAEDIA BRITANNICA (London: Encyclopaedia Brittannica Publishing, 1910 [1908]), 876.

21. Ibid., 877.

22. Whitaker, 33.

23. CATHOLIC ENCYCLOPEDIA, 600.

24. William Manchester, A WORLD LIT ONLY BY FIRE: THE MEDIEVAL MIND AND THE RENAISSANCE (Boston, MA: Little,

Brown and Company, 1992), 40.

25. A.G. Dickens, REFORMATION AND SOCIETY IN SIXTEENTH-CENTURY EUROPE (London: Thames and Hudson, 1966), 9.

26. Euan Cameron, THE EUROPEAN REFORMATION (Oxford, England: Clarendon Press, 1991), 1.

27. As remarked by Erasmus, cited in Cameron, 1.

28. James Powder Whitney, THE HISTORY OF THE REFORMATION (London: SPCK, 1958), 4.

29. Cameron, 2. An alternative, and certainly opposing, view of the Reformation can be found in Roland H. Bainton, THE REFORMATION OF THE SIXTEENTH CENTURY (Boston, MA: Beacon Press, 1964). Bainton's thoughtful analysis, concludes that positing other possible causes such as "politics, economics and domestic relations" is really "quite misleading" because they are really "only by-products". Plain and simple, the "Reformation was a religious revival"; 261.

30. Manchester, 143.

31. George L. Mosse, THE REFORMATION (New York: Holt, Rinehart and Winston, 1964), 123.

32. H.V. Hodson, consultant ed., THE INTERNATIONAL FOUNDATION DIRECTORY, 4th ed. (Detroit, MI: Gale Research Company, 1986), vii.

33. "In 321 A.D. Constantine gave license to give or bequeath money to the church and from that time on enormous endowments began to accumulate around these Christian charitable institutions"; Marts, 17.

34. Josef L. Altholz, THE CHURCHES IN THE NINETEENTH CENTURY (Indianapolis, IN: Bobbs-Merrill Company, Inc., 1967), 17.

35. Belloc, 123.

36. Peter Gay and R.K. Webb, MODERN EUROPE (New York: Harper and Row, Publishers, 1973), 165.

37. Ibid.

38. Shelby T. McCloy, GOVERNMENT ASSISTANCE IN EIGHTEENTH CENTURY FRANCE (Philadelphia, PA: Porcupine Press, 1977), 449.

39. Harold T. Parker and Marvin L. Brown, Jr., MAJOR THEMES IN MODERN EUROPEAN HISTORY: AN INVITATION TO INQUIRY AND REFLECTION, vol. 2, THE INSTITUTION OF LIBERTY (Durham, NC: Moore Publishing Company, 1974), 312.

40. Not everyone, of course, agreed that such new thinking was all, or even in some part, good:

> What had been for centuries a Christian and therefore satisfactory equilibrium in human relations gradually developing a free peasantry in the place of the old slave-state, ordering by rule and custom the economic structure of Society, regarding men as connected by status, rather than by contract, guarding against excessive competition, insistent upon stability, disappeared as a result of the mighty shock delivered in the early 16th century. There came in the place of the old stable medieval civilization which had latterly grown increasingly unstable, and in place of the old social philosophy which for centuries had satisfied mankind, a new state of affairs ... a social state based upon unbridled competition, one eliminating the old idea of status and regarding only contract, and presenting towards its close that phenomenon of industrial capitalism, the revolt against which now threatens to destroy civilization itself (Belloc, 119).

41. Jack Lively, THE ENLIGHTENMENT (New York: Barnes & Noble, Inc., 1966), xv.

42. Olwen H. Hufton, EUROPE: PRIVILEGE AND PROTEST, 1730-1789 (Brighton, England: The Harvester Press, Limited, 1980), 70.

43. Peter Gay, THE ENLIGHTENMENT: AN INTERPRETATION (New York: Alfred A. Knopf, 1966), 17.

44. Lively, xv-xvi.

45. Parker and Brown, 316.

46. Gay, 8.

47. Ibid., 3.

48. Althoz, 137.

49. McCloy, 449.

50. Colin Jones, CHARITY AND *BIENFAISANCE*: THE TREATMENT OF THE POOR IN THE MONTPELLIER REGION, 1740-1815 (Cambridge, England: Cambridge University Press, 1982), 1-2. Jones defines *bienfaisance* as "*une vertu qui nous porte a faire du bien a notre prochain. Elle est la fille de la bienveillance et de l'amour de l'humanité*".

51. McCloy, 455.

52. Ibid., 451-452.

53. Altholz, 137.

54. McCloy, 460-461.

55. Belloc, 2.

56. McCloy, 460-461.

57. Hufton, 299.

58. Hodson, x.

59. J.L. Talmon, THE ORIGINS OF TOTALITARIAN DEMOCRACY (London: Sphere Books, Ltd., 1970), 3.

60. John Emerich Edward Dalberg-Acton, LECTURES ON THE FRENCH REVOLUTION, edited by John N. Figgis and Reginald V. Lawrence (London: Macmillan and Co., Limited, 1910), 1.

61. Ibid., 2.

62. E.L. Higgins, THE FRENCH REVOLUTION (Boston, MA: Houghton Mifflin Company, 1978), 2.

63. Dalberg-Acton, 1.

64. Ibid.

65. J.L. Talmon, THE ORIGINS OF TOTALITARIAN DEMOCRACY (London: Sphere Books, Ltd., 1970), 4.

66. An important and timely essay could, and should, be written on the location of both traditional and modern

philanthropic activity within the liberal and totalitarian democratic approaches described so effectively by Talmon. Excerpted from the introductory essay to THE ORIGINS OF TOTALITARIAN DEMOCRACY, here is a necessarily brief sketch of the political dichotomy he posits:

> The liberal democratic approach assumes politics to be a matter of trial and error, and regards political systems as pragmatic contrivances of human ingenuity and spontaneity. It also recognizes a variety of levels of personal and collective endeavour, which are altogether outside the sphere of politics.... It affirms the supreme value of liberty.... It finds the essence of freedom in spontaneity and the absence of coercion and, in the absence of coercion, men and society may one day reach, through a process of trial and error, a state of ideal harmony.
>
> The totalitarian democratic school, on the other hand, is based upon the assumption of a sole and exclusive truth in politics. It postulates a pre-ordained, harmonious, and perfect scheme of things, to which men are irresistibly driven, and at which they are bound to arrive. It recognizes only one plane of existence, the political.... It widens the scope of politics to embrace the whole of human significance, and therefore as falling within the orbit of political action. Totalitarian democracy also affirms the supreme value of liberty, but believes it is to be realized only in the pursuit and attainment of an absolute collective purpose.... Moreover, it is a matter of immediate urgency, a challenge for direct action, an imminent event (Talmon, iv).

67. Ibid., 3.

68. Ibid., 4.

69. Ibid.

70. Ibid., 5.

71. Ibid., 4.

72. Ralph Gibson, A SOCIAL HISTORY OF FRENCH CATHOLICISM: 1789-1914 (London: Routledge, 1989), 30.

73. Ralph Gibson, in the very fine work cited above, spends a great deal of time developing quite a sharp portrait of this 'old order', which he labels "Tridentine"

after the particular concepts of religious orthodoxy which emerged at the Council of Trent.

74. Hufton, 299.

75. Arnold Rose, quoting Voltaire, hints at the `new' thinking that would impact so heavily on post-eighteenth century French philanthropy: "When Society is well governed, there is no need for private associations", 79.

76. Colin Jones, CHARITY AND BIENFAISANCE: THE TREATMENT OF THE POOR IN THE MONTPELIER REGION, 1740-1815 (Cambridge, England: Cambridge University Press, 1982), 2.

77. Gibson, 221.

78. Gibson, 35.

79. Colin Jones, "Picking up the Pieces: The Politics and the Personnel of Social Welfare from the Convention to the Consulate", in BEYOND THE TERROR: ESSAYS IN FRENCH REGIONAL AND SOCIAL HISTORY: 1794-1815, ed. by Gwynne Lewis and Colin Lucas, 53-91 (Cambridge, England: Cambridge University Press, 1983), 57.

80. Jones (1982), 1.

81. Ibid., 1-2.

82. Ibid.

83. Hodson, x.

84. Jones (1983), 55. In what may be one of the more poignant ironies of this era, Ephraim Frisch notes that "the year 1791, when they were accorded complete equality in France, constitutes a new point of departure in Jewish life, marking the end of the long centuries of political disability, and ushering in the era of their free commingling with their Christian fellows"; Frisch, 168. Over the next few pages Frisch also develops a number of very important ideas, many of them profoundly contrapuntal to the ideas I discuss in the essay about philanthropy in post-Revolutionary France, particularly in terms of the connection between what he calls "political emancipation and philanthropic advance"; ibid., 173.

85. From the official journal, *Le Moniteur*, of June 15, 1971; cited in Rose, 80.

86. De Tocqueville, xiii.

87. Ibid.

88. Ibid.

89. Ibid.

90. Ibid., 79.

91. Ibid.

92. John H. Weiss, "Origins of the French Welfare State: Poor Relief in the Third Republic, 1871-1914", FRENCH HISTORICAL STUDIES XIII (Spring 1983), 49.

93. Ibid., 49-50.

94. Douglas E. Ashford, THE EMERGENCE OF THE WELFARE STATES (New York: Basil Blackwell, Ltd., 1986), 100.

95. Hodson, xii.

96. Ibid.

97. John Weiss' article, already cited, and the 1988 book by Abram de Swaan, IN CARE OF THE STATE, are both helpful in understanding the roots of the French welfare system, particularly in this turn-of-the-century era.

98. Hodson, 79-81.

99. Talmon, 3.

100. James J. Cooke, FRANCE: 1789-1962 (Hamden, CT: Archon Books, 1975), 21.

101. Ibid.

102. Raymond Recouly, THE THIRD REPUBLIC, trans. by E.F. Buckley (New York: AMS Press, Inc., 1967), 206.

103. Ashford, 86.

104. Cooke, 21.

105. Recouly's book, though obviously strongly pro-Catholic, provides and excellent insight into this period, including the following sketch:

Combes, a little old man of seventy, pugnacious and devilishly vindictive, was animated by a violent and ferocious hatred for the Catholic party, and this feeling dominated and stifled all others. His was the passion of the renegade. Once a seminary priest and actually a teacher in his institution, as well as the author of a thesis on St. Thomas Aquinas, Combes had sucked the milk of the nurse into whose breast he now set his teeth (Recouly, 208).

106. Ibid., 209.

107. Ibid.

108. "The association is the convention by which two or more persons place in common, in a permanent manner, their acquaintanceship or their activity for a purpose other than personal gain" (Rose, 73).

109. Rose, 73.

110. Ibid., 89.

111. Ibid.

112. Viviane Mizrahi-Tchernonog, "Building Welfare Systems through Local Associations in France", in GOVERNMENT AND THE THIRD SECTOR: EMERGING RELATIONSHIPS IN WELFARE STATES, ed. by Benjamin Gidron, Ralph M. Kramer, and Lester M. Salamon (San Francisco, CA: Jossey-Bass Publishers, 1992), 217. To understand better how deeply embedded in French life and culture is the resistance to associational activity of any sort, it is important to note that changes resulting from the Law of 5 July 1901 were almost unnoticeable before WWII. Even then, Mizrahi-Tchernonog notes, the growth of newly registered associations was not exactly spectacular: "from 12,630 in 1960, to 26,112 in 1980, to 39,437 in 1982, and to 54,130 in 1987"; ibid. Both Mizrahi-Tchernonog (227-236) and Rose (95-99) provide a listing of the types of organizations that are registered as *associations* under French law.

113. Arnold Rose provides summaries of all decisions of the courts and the Council of State that involved associations from 1901 to 1950. There are 35 of them and they are quite interesting and do, indeed, "reveal a good deal about their legal functions and limitations"; Rose, 91-95. In addition, in its role of providing constitutional review, the *Conseil Constitutionnel* added

an interpretation to associational law which scholars such as John Bell consider "the starting-point for a whole new development of fundamental liberties law in France." Basically, the 1971 interpretation declared that "freedom of association involves the absence of prior restraint" and would seem to be a rather significant statement. However, on the practical level, the Council also notes "rather obliquely, that the principles are not general, since it states: 'with the exception of measures that may be taken against certain types of associations'". Bell observes that such restrictions might include "associations of foreigners" and, notably, "religious congregations ... each of which wouldhave some public interest justification"; John Bell, FRENCH CONSTITUTIONAL LAW (Oxford, England: Clarendon Press, 1992), 138-151.

114. Michel Pomey, "France" in TRUSTS AND FOUNDATIONS IN EUROPE: A COMPARATIVE SURVEY, eds. Klaus Neuhoff and Uwe Pavel (London, England: Bedford Square Press, 1971), 178.

115. As a vivid reminder of French concern with the old abuses of *mortmain,* until very recently all French foundational assets could only be invested in public bonds and registered securities. No funds could be kept in either profit-making real estate or even negotiable securities of any kind. This peculiar fiscal policy bore the delightful name *de père de famille*.

116. Pomey, 178-179.

117. Hodson, xi and Pomey, 187.

118. Hodson, xi.

119. Pomey, 187.

120. McCarthy, 11.

121. J. Palard, "Le Mouvement Associatif et la Systeme Politique local en France: Discours et Pratiques," SOCIOLOGICA INTERNATIONALIS 19 (1986): 215.

122. Seibel, 221.

123. Ibid.

124. Ibid., 224.

125. Pomey, 193-194. It is, of course, interesting to note that the *Fondation de France*, one of France's newest philanthropic entities, is of this latter type. *Monsieur* Pomey is a founding Member of its Board of Trustees.

126. Mauss, 66.

CHAPTER FIVE

'ONE CORPORATE BODY UNDER LAW AMONG OTHERS'

French history clearly captures the surge and retreat of religious influences on *la charité* and, ultimately, on the formation of the highly centralized political environment which so severely constricts philanthropic activity in modern France. Germany, whose fragmented history would suggest a similar outcome, does share a sense of the undivided sovereignty of the state. However, one searches fruitlessly in German history for the individualistic, egalitarian ethos found in French and British centralistic democratic theories. As Georg Iggers tells us,

> the counter-ideal to the centralized, bureaucratic state in German political thought had been the corporative idea. But the corporative idea was not a democratic alternative to centralization. It contained a basically different conception of the relation of man to society ... [a relationship which] assumed basic inequalities among men...[1]

The resulting model of political organization is one of negotiated compression. It is not a model based on competition (certainly not on individual rights or natural law) but rather on *concertation*, which Wolfgang Seibel describes as a system of "noncompetitive, concerted

repartition of tasks and competencies through permanent bargaining"[2]. Typically, such bargaining occurs between state authorities, the various political parties, and what are usually called `peak associations´, the latter including organizations involved in public and private philanthropic activities. The intersection of philanthropy and politics in such a setting is both highly articulated and clearly circumscribed. Often termed `organismic´,[3] this political process, particularly as it involves philanthropy in modern Germany, is supported by "a strong consensus that social welfare belongs among the grounding ideas of German statehood."[4] How this political consensus has been achieved through German historical and social experiences, and how philanthropy co-exists within Germany´s "complex organism of autonomous corporate bodies (*Genossenschaften*),"[5] is the subject of this Chapter.

The Origins

At the broadest level, the Teutonic peoples share with France and England a legacy of whatever reciprocal altruism can be said to have emerged from the tribalism of pre-history, the cultural ideas absorbed from ancient Greece, the institutional forces of Roman colonialism and, to a great degree, the enormous influences of pre-Reformation Christianity. As we have seen, ancient notions of obligation became infused with social ideals as well as

with the sanction of divine principles. The authority of princes and kings was based on duties derived from the law of God: "*Le bien de tous exige donc le devouement a la meme oeuvre de salut voulue par Dieu*".[6] But by the High Middle Ages, when one first discerns a region "wherein people have a certain identity of belonging to the German nation",[7] one can also discern a distinctly German political socialization, the beginning of a transition from generation to generation of a distinct set of political values from which have sprung not only the modern German *Staatsidee* but also an equally distinctive environment wherein philanthropy, along with much else in German life, becomes "an affair of internal politics."[8]

The era in which Europe undergoes what Reinhold Dorwart calls "the shift from medieval paternalism to dynastic mercantilism"[9] -- the late fifteenth to the early eighteenth centuries -- is also the era in which this essay can begin to distinguish more clearly the origins of certain crucial intersections between man's persistent concern for his fellow man and the various constructs of religion, politics and economics that encourage, influence, and often even circumscribe the philanthropic urge. From as early as the fourteenth century, "changes in the social-economic system created an urban environment in which the secular needs of mankind increasingly became the concern of

men and government".[10] Wilbur K. Jordan sees this politicization of Christian charity as "one of the few great cultural revolutions in western history", a "momentous shift from men's primarily religious preoccupations to the secular concerns that have moulded the thought and the institutions of the past three centuries."[11] This change is readily describable in economic terms, particularly in England, as we shall see in the next chapter. But it is in the process of unification, culminating in the late nineteenth century, where one discerns the intensity of the relationship of political theory to philanthropic activity in Germany. And, it is in this struggle for unity that we can begin to understand that *vaterliche Sorge*, or paternal concern, which is at the center of German political life today.

While acknowledging the traditional view of the Reformation as a "severe wrench to the entire medieval system", Jacob Shapiro also finds in it the manifestation of a "century-old struggle between the spiritual and temporal powers".[12] Throughout the early Middle Ages, the Church relieved the princes from the burdens of caring for, educating, and satisfying the social needs of the populace. But, as Ernst Troeltsch notes, the activities of the Christian Church were "simply charity ... there was no program of social reform, no effort to remove poverty or

the causes of social distress."[13] Both the royal governors and the rising commercial classes sensed that something more, some systematic approach that went beyond localized good works or individual efforts, was needed. Just as the various princes chafed under their many political rivalries with Church leaders, the shift from an agricultural economy to a commercial one which accompanied the discovery of new routes to India and the New World and the consequent organization of great trading companies "with sufficient capital to participate in the creation of a world market",[14] also provoked the rapidly rising class of merchants to question the outdated economic efforts of the Church.

Politicization and secularization were gradual. There was no `state´ to provide for the welfare of its citizens; there was only "a property holder fulfilling his personal obligations".[15] For these secular princes, the shift from the fundamental obligations of protection and justice to the larger questions of social welfare was cautious but continuous. The amazing part, as Dorwart notes, is how soon the specific tasks of this emerging secular responsibility can be recognized as overlapping with practically every area of regulation by the state in contemporary society:

Anti-poverty, consumer protection, minority rights,

> concern for the moral implications of clothing styles, extension and availability of education to all citizens at all levels, certification of teachers and health practitioners, urban development, anti-pollution measures to protect water and air, draft evasion by university matriculation, concern for the old, the sick, the unemployed, the discharged veteran, sanitation and fire security measures, and, of course, the primary issue of public security, law and order, all equally concern dynastic prince and modern democratic republics.[18]

As for the rising merchant class, at first they applied their newfound wealth to traditional Church benefactions. Many institutions (*Anstalten*) established to provide social services to help the poor and care for the sick were still run by the Church, but increasingly were privately funded. Even such 'public goods' as city walls, bridges, and port facilities were declared to be 'pious works'; thus, even the massive investments required to sustain the commercial infrastructure associated with mercantilism were seen, at first, to fall within the boundaries of ecclesiastical influence, law, and fiscal management. At the same time, however, the new commercial wealth increased its penetration of the Church structure; the earliest German *Stiftungen,* or Foundations, came into existence as a means for the new merchant class to ingratiate itself with local bishops.

> Private individuals endow churches with their own family chapels, as do the guilds. Even whole churches are being built by wealthy merchants, no longer by the feudal class or even through fund-raising by the Church. The Church becomes more and more dependent on

> such 'voluntary' giving: endowments for the living of the priest are being vested, social institutions are set up as well as small trusts for candles and prayers in order to commemorate the dead of the family or to pray for the donor's soul after his/her death. Paintings with religious contents are commissioned, normally depicting the donor and his family, and donated to religious institutions.[17]

It is interesting to note that a good deal of this private support was provided through what came to be known as a '*per Deum*' account, a clear effort by merchants and guilds to make God (or a Saint) a regular partner in the donor's business enterprise. However, once such an intermingling of business and religious purposes became widespread, it is understandable, and perhaps ironic as well, that a closer scrutiny should follow. Just as the secular princes came to be only too familiar with the persistent political manipulations of the princes of the Church, the commercial contributors came to a similarly uncomfortable familiarity with the burdens of *mortmain* and the secretive, and often unproductive, financial management of the Church bursars.

By the end of the fifteenth century, the continuing permeability of the once sacrosanct political and economic boundaries previously established by the Church led to a new attitude of secular scrutiny. As Jordan notes, "poverty was first systematically attacked in the sixteenth century with private gifts and then with state legislation

to eradicate its causes".[18] Moreover, a number of scholars agree that the birth of the modern welfare state can be found in the "sumptuary legislation of the late medieval cities".[19] Such substantive adjustments to Church power also made it possible to assess how efficiently the clergy was managing the alms provided by the emerging merchant and trading classes and how effective that management was in alleviating critical social problems. Neuhoff even attempts to pinpoint this concern geographically: "the well-to-do in the merchant communities of southern Germany, along the river Rhone up to the sea-faring cities of Bremen, Hamburg and Lubeck became suspicious of how the clergy managed the financial affairs of their offerings to the Church".[20]

By the late fifteenth and early sixteenth centuries, both traditional rulers and the new merchant princes were seeking more control over the wealth and works of the Church. As the donors raised questions about the efficacy of the Church's approach to social problems, expanding government institutions, initially manifested at the city council level, took away from the Church more and more of the role of *parens patriae,* the defenders of those who cannot defend themselves. It is in conjunction with these changes that we first notice the enormous political ramifications for society in general and for philanthropy

in particular. More importantly, it is at this juncture -- where the feudal tribalism and paternalism of the 'old order' confront the widening horizons of an energetic commercial system -- that we find the earliest hints of the type of political institutions which would emerge from the social and religious ashes of the sixteenth century.

The Reformation

> The Reformation was a complete, multi-level phenomenon, affecting Germany from top to bottom, the imperial and princely courts, the diets of the Empire and of individual states, universities, towns and villages. Within it a large number of different religious, political, and social movements were at work, all seeking different ends but all united by the common theme of discontent with the prevailing situation and all reaching a distinctive point at the same time.[21]

I have already alluded to the social engine behind this 'common theme of discontent'. What have been called the "centrifugal forces of feudalism"[22] -- political anarchy, warfare, domestic disorder and, especially, disease -- were particularly evident[23] in the German lands. The divisiveness that had plagued the German territories since the death of Emperor Frederick II in 1250 was, by the fourteenth and fifteenth centuries, beginning to yield to a measure of order imposed on it by various rulers and statesman. In this context, however,

> reform meant a stronger state of Saxony or a stronger city of Frankfurt, rather than a unified Germany. There was an emerging sense of Germanness everywhere, a

> consciousness that found its expression in that odd term `German nation´ that was appended to the older name `Holy Roman Empire´ in the fifteenth century. But this was, if anything, a cultural rather than a political nationalism; no one, no matter how far-seeing drew the consequence that a European of the nineteenth century would have found inescapable: that cultural unity implies and demands political unity.[24]

Certainly one of the most potent centrifugal forces of this reformative spirit, and one which also can be said to mark clearly the nascent edges of the new political unity, is poverty. If we continue our argument about philanthropy as an "interconnected system of social relationships and reciprocities"[25] based on the *moral* nature of the economic transaction, the increasing dimensions, alienation, and demands of individuals living in desperate poverty in the fifteenth and sixteenth centuries serve as a substantial benchmark in bifurcating the world of social needs into sacred and secular realms. The burden of poverty which, until about the time of the Reformation was largely assigned to the willing but by this time nearly impotent agencies of the Church, was being transferred to private and secular beneficence.

It is in this fundamental shift that one sees perhaps the sharpest intersection of politics and philanthropy; long before the problem was highlighted in the religious struggles of post-Reformation Europe, it had become very evident that the human and social casualties associated

with an increasingly complex and competitive economy could no longer be left to the ministrations of ecclesiastical hands. As I have suggested, the monasteries were overwhelmed not only by their own avarice but also by the scale of the ravages visited upon individuals and groups in these dark decades. Where they could, the craft guilds in the towns (often still under ecclesiastical auspices) offered a certain level of social concern and even mutual insurance. But, came the immense disaster accompanying

> the decline of medieval society, resulting in a steady decay of institutions and of social attitudes.... The decay of manors, the savage and destructive waves of plague, foreign and internecine wars, and the slow erosion of civil and economic order not only vastly worsened the problem of poverty but spawned a new kind of poor with which the sixteenth century sought to deal in an amazed and awkward incertitude.[26]

What had been for a long time a relatively stable, agrarian society held together by religious unity, was torn apart. Masses of men -- "the dispossessed, the masterless, and the incompetent" -- were literally "set in motion by irresistible forces as they sought first work that was not to be had and then alms which society was neither equipped nor disposed to give".[27] As the Reformation re-defines not only the relationship of the Church to the State, and the emerging State to the commercial polity, the sheer mass of the poor forces a reconsideration of the relationship of the individual -- particularly the indigent individual --

to the state. In each of these highly politicized redefinitions, philanthropy plays a role. For it is in the struggles that accompany the secularization and the nationalization of social welfare that we see the first distinct parameters of modern German philanthropy as well as the modern German State. Put most simply, as a result

> of the Protestant Reformation, the spiritual welfare of subjects became a proper state responsibility. The responsibility of the state to promote welfare was continuously expanded or modified, and the nature and definition of welfare reflected changing historical contingencies. What remained constant was the responsibility of the state to regulate, to intervene, to promote welfare, to attempt to find the balance-point between *Gemeinnutz* and *Eigennutz*, the general as opposed to the personal welfare.[28]

State Formation

While it may seem premature to discuss the social and political processes of state formation at this point, some three hundred years prior to the unification of Germany, it is nevertheless appropriate. As I showed in the last chapter, enormous changes in charitable activity were wrought by the Reformation and those changes are most evident in the notably cyclical growth and depletion of French religious institutions. Similar changes in philanthropy will be observable in the wide dispersion among England's economic institutions to be described in the next chapter. This chapter explores the intersection of philanthropy and politics in the German tradition. And,

in the geographical and political patchwork that is early German history, that intersection is best identified in the activities commonly ascribed to `state formation´.

Along with J.P. Nettl, I believe that the state, as the nexus of political life, is "essentially a sociocultural phenomenon" which occurs due to the "cultural disposition" among a people to give recognition to the state´s "conceptual existence".[29] The ideological construct which would become the German State in the nineteenth century, I maintain, goes beyond any specific, objective `political system´. Rather, the compression or concertation at the heart of modern German life, finds both its experiential roots and its earliest ideological expression in post-Reformation central Europe. In THE CIVIC CULTURE, Almond and Verba argue convincingly, it seems to me, that not just the formal institutional rules of the state, but also "subtler components of the social psychological preconditions"[30] need to be accounted for when confronting the political process. I feel an understanding of the concept of the `State´ as it emerges from the social and political maelstrom of the Reformation is the only route to a fuller understanding of philanthropic behaviors in the environment of an emergent *Wohlfahrtsstaat*. In modern Germany, philanthropy is deeply embedded in this `welfare state´.

If, as Timothy Mitchell would have it, the notion of the State as a "subjective disposition" seems misleading, it is only because such things as "the language of legal practice, the architecture of public buildings, the wearing of military uniforms, or the marking out and policing of frontiers" are seen primarily as socio-cultural forms and are not fully recognized as empirical phenomenon, as "solid and discernible as a legal structure or a party system."[31] The transference of the many social-cultural forms, to say nothing of ideological symbols, of the charitable work of the Church to secular responsibility entailed the concurrent transfer of both the resources *and the authority* that had previously belonged to the Church. Changes external and internal, presaging this transition, had long been evident but made the process of state formation no less formidable. England, and to an even greater degree France, had at least geographical realities upon which to erect their concept of governance. The struggling rulers of the German *länder*, who were "too scattered in territory, too diverse in population, too indefensible in the flatlands, too surrounded by too many voracious neighbors, and subdivided too finely"[32], were understandably more dependent on consensus-building and on expressing the socio-cultural realities of their divided subjects.

For example, as early as 1656 Viet von Seckendorff was

declaring that the chief function of government in Prussia was the "establishment of good order and laws for the welfare (*Wohlfahrt*) and general good (*gemeinen Nutz*) of the fatherland".[33] Until the secularization of the modern state began at the Reformation, the concept and duties of the ruler were based on divine principles. Growing out of the older Christian-feudal traditions of paternalism and personal obligation, the earliest forms of governance that emerged after Luther were centralized and bureaucratic, perhaps more effectively so in Germanic domains because the scale on which each operated was so small. This trend was reinforced by the fact that non-conformist Churches (as in France's Counter-Reformation) were less influential in the German states at this period and so Lutheranism gave added strength "to the authority of princely power over temporal affairs".[34] More importantly, perhaps, in terms of the eventual development of the welfare state, is that Luther himself argued that the social and legal institutions of charity be permitted to continue, but only as "servants of the new needs of the community".[35] Though successful princes had always concerned themselves with the security and moral welfare of their subjects, it was to be this concept of 'serving the community' which would impart to subsequent philanthropic efforts a non-religious 'social utility' and, more importantly, define many of the welfare

tasks of the new State.

The transference of the duties and services of the Church to the State, and the consequent translation of *la charité* into social utility, was a long and gradual process. In addition, Ernest Barker points out, three things need to be said about that process:

> In the first place the activity of the State was generally an improvement on that of the Church -- not because it was in its nature higher than the Church, but because its administrative power, bearing directly on all its members, gave it larger resources than those of the Church.... In the second place the process was more rapid in Protestant countries than in Catholic -- not, again, because the former had a genius superior to that of the latter, but because the secularization of religious endowments which accompanied the Reformation so much diminished the resources of the Church that Protestant States were necessarily compelled to assume some of its old functions. In the third place, the State was compelled in all countries to guarantee physical rights to its members (on a very modest scale, it is true) long before it began to recognize their mental moral rights.[36]

The Role of the State

In a wide-ranging effort to conceptualize the state, Bert Rockman surveys the literature and concludes "one problem around which these various conceptions of the state seem to converge ... is that of state capability".[37] He frames the central capabilities of the state as follows:

1) the role of the state as an authoritative policy-making system (the `decisiom-making state´);
2) the role of the state as a provider of collective and distributional goods (the `production state´); and,

3) the role of the state as a repository, creator, and mediator of societal interests (the `intermediary state´).[38]

Each of Rockman´s concepts, it seems to me, is interlocked with each of the others and, more importantly, is premised on `regulation´. In the first role, the state´s capability is measured by how it regulates systemic processes; in the second role, the capability is a matter of regulating production; and, in the third role, the state´s capabilities are measured by its ability to regulate conflicting social interests. Regulation as a structural effect (not necessarily an actual structure[38]) seems to give the State its identity and power. Finally, if one takes this regulative, ordering capacity and places it within the context of Almond and Verba´s `civic culture´ -- comprising the subtler psycho-social forces at work in post-Reformation Germany -- one begins to feel the full outlines of the State take shape even during the sixteenth and seventeenth centuries.

The structural effect I have described is best captured, I think, by what is often called the *Polizeistaat*. In a technical or legal sense, the `police state´ can also be called "a regulative state".[40] To our ears, of course, `police´ consists of a group of people whose job it is to keep the peace, to arrest malefactors, and to protect innocent citizens from harm. However, it is

also derived from the French word, *polir,* which means "to polish, to burnish or, figuratively, to make polite, to civilize, to refine".[41]

Reinhold Dorwart describes the "three stages of the welfare state which have accompanied the development of Western political tradition in the last five hundred years."[42] Each stage tells us something quite different about the tensions between the welfare of the individual and the general welfare, and about the "attendant problems of reconciling the two with each other."[43] The `general welfare´, of course, is not far removed from standard definitions of `politics´: "the means by which the will of the community is arrived at and implemented".[44] In any case, Dorwart´s first stage encompasses the later Middle Ages and continues into the eighteenth century. It is the stage, as mentioned earlier, that extends from the pole of medieval paternalism to that of dynamic mercantilism. Stage two, influenced by the forces of the Enlightenment outlined in the last Chapter, including natural law and the natural rights of the individual, rejected paternalistic intervention by the state. It is "identified with the political democracy, liberalism, and *laissez-faire* of the nineteenth century."[45] And the third, or present, stage "may well have begun with the social insurance of Bismarck but certainly acquired its distinctive character in the

twentieth century".[46] Most scholars identify only this last stage as having to do with what we recognize as `the welfare state'. Dorwart sees them all as components of state formation in Germany and, more importantly, persuasively argues that the common denominator of all three stages is the police power

> legally inherent in the state and the exercise of that power to promote `welfare'. The distinguishing marks of each stage involve differing attitudes toward the extent of state intervention, the areas of intervention, and the definition of `welfare', both individual and general, to be promoted by the state.[47]

During the late fifteenth and early sixteenth centuries the term *Polizei* came into use to designate broad areas of individual and community activity that required legislative regulation in order to preserve order in society and to promote the general welfare and common good. During the three hundred years between 1500 and 1800, public authorities intervened in the private and civil sector by means of a great variety of regulative acts (police ordinances) designed to promote the public and individual welfare. During this first stage

> the areas subject to intervention and regulation and the welfare purposes of the state experienced a changing emphasis. At the start, there was a greater concern for the individual, with religious and moral overtones. By the end of the seventeenth century, however, the emphasis had shifted to the common good, the general welfare, with economic overtones. Mercantilist and cameralist doctrines accented economic improvement and development of political community for the enhancement of state power.[48]

In his detailed analysis of the Hohenzollern territories of Brandenberg-Prussia, Dorwart provides solid examples of state formation. Although individual regulative acts were an *ad hoc* response to particular problems, crises, and individual needs in private and public life, the legislation of the Hohenzollern princes, he argues, "was guided by a particular concept of the function of the state" wherein "the individual was still a major concern" and had not yet become "a by-product of the power and economic prosperity of the state."[48] Thus, in the immediate post-medieval period, the term *Polizei* was adopted in the German legal terminology[50] to designate various areas of princely concern that "transcended the basic functions of law and order".[51] By equating *Polizeistaat* with *Wohlfahrtstaat*, I believe Dorwart provides a useful concept of state formation as it applies to German history and to contemporary German practice. It is a scheme wherein the fundamental idea of the welfare state was, and continues to be, "the principle and exercise of administrative and legislative regulation and intervention by the political arm of the polity"[52] for the common good, *das gemeine Wesen*.

I shall return to Dorwart's third, or present, stage and some of his comments about a fourth, or future, stage of the *Polizeistaat* in later chapters. His description of

the second stage, the one which encompasses the nineteenth century, provides an illuminating introduction to the continuing development of German politics and philanthropy:

> The nineteenth-century *Zeitgeist* of *laissez-faire* and political liberalism separated the regulative state of an aristocratic-mercantilist world from that of a democratic-industrial society.[53]

The Nineteenth Century

As was the case in France, the forces which shaped the nineteenth century can be discerned first in the eighteenth century. However, the *Aufklärung*, or Enlightenment, in Germany was quite different from that espoused by the French philosophers. "Empiricism, materialism, the sensational psychology which stemmed from Locke, utilitarianism with its simple and direct emphasis on happiness in the here and now; none of these became a leading element in German intellectual life".[54] That French liberalism -- democratic, rational, and deeply anti-clerical -- would leave only a modest imprint on German intellectual life, is of the utmost importance in understanding the organization of German political life and the ultimate impact of politics on German philanthropy.

This is not to say that the movements that engulfed the European continent from the end of the seventeenth to the middle of the nineteen centuries bypassed Germany. The idea of liberating the "individual person from the

restrictions of privilege and the commands of self-perpetuating governors"[55] carried a great deal of weight. But the notion of ideal community in France -- based on natural law and individual rights -- came to be defined quite differently in the German areas. There, the denial of the old pyramidal hierarchy of privileged and non-privileged groups divided by the emotions of hatred, envy, fear and obeisance to a common master, were transmuted into an ideal of community considered "an association of self-respecting and mutually respecting independent citizens."[56] In short, a history of fragmentation fostered a need for greater structure, it seems, as a means of cementing a continuing political unity. With, as yet, no centralized national state as in France and England, it can be argued that the German princes relied on a different set of values. "German thinkers from Justus Moser in the late eighteenth century to Otto von Gierke in the late nineteenth century ... identified medieval corporate liberties with Germanic liberty."[57] Corporate liberties, based on a concept of voluntary association, were fundamentally different from the liberties projected by French or English political theory. The political theory

> of voluntary associations assumes that the individual is the fundamental unit of society, that all groups exist merely to fulfill the specific, limited purposes for which they have been organized by individuals, and that the state, although never fully a voluntary

> association in practice, should to the greatest possible extent possess the characteristics of such an association. Its powers should be defined; it should serve a common purpose; and, like other voluntary associations, it should be governed by common consent.[58]

This corporatist position denies the absolute sovereignty of the state, viewing society instead as a multiplicity of institutions of which the state is one. More importantly, corporatism, as it developed throughout the nineteenth century, also views the groups which matter in society not as associations formed or maintained by individuals for common purposes (such as those which were so rigidly outlawed in post-Revolutionary France), but "as ends in themselves; in Gierke's words, as `living Group-persons (*lebendige Gesamtperson*)".[59] These group-persons, rather than the individuals that compose them, are the basic units of society. Throughout the late eighteenth and into the nineteenth century, "German liberal thinkers increasingly subordinated the rights of the individual to those of the community and ultimately to those of the state".[60] By the 1848 Revolution, Johann Droysen, a member of the Frankfurt Parliament, could agree with Hegel on the central role of the state in society. However, it is important to realize that this increasing `popularization' of the state did not necessarily mean democraticization, popular sovereignty or constitutional guarantees. At its

most optimistic it foreshadowed the evolving power and "the steady moralization of government". In this vein, however, Droysen also insisted that

> the state was only one of the `moral forces´ operating in society and that the state must leave a maximum of freedom to other `moral´ institutions, the family, science, the arts, the economy, religion, etc. But these spheres of society functioned only because the state assured and secured their existence. Hence, the stronger the state, the freer and greater the culture and the nongovernmental areas of life.[81]

Prominent among these moral `spheres of society´, of course, were the many organizations that emerged to replace the Church in serving social needs. In contrast to the French experience, philanthropy gained a secure `niche´ in German political life. And this happened just as the terms of that life were being defined in the struggle toward some form of national unity. Up until mid-century, this search for acceptable, definitive forms of political power included, in Peter Gay´s resonant phrase, "an insistent, enlightened search for authoritatively grounded, universal, self-acting systems".[82]

It is only with a sense of genuine temerity that I acknowledge the obvious `liberal´ implications -- moral progress, self-responsibility, universality -- in the associational theory of mid-nineteenth century politics. Often, these `liberal´ implications ring hollow to our modern ears. Even the masterwork of classic liberalism, ON

LIBERTY (1859), is filled with references to the `common herd' or the `uncultivated herd' and Mill adds: "We dreaded the ignorance and especially the selfishness and brutality of the mass".[63] Before we confront the political theory on which German unification is based, it is important to grasp

> this limited quality of the liberal concept of citizenship. Most nineteenth-century liberals bitterly resented democratic notions of political organization ... [including] a powerful motif of fear of the mass, reaching a crescendo in the 1848 revolutions and a subsequent climax in the first general European upsurge of popular enfranchisement in 1867-71.[64]

Nevertheless, even with such a substantial caveat, one finds it hard to disagree with Geoff Eley's thoughtful assessment that "the creation of a united Germany may be justly regarded as the highest achievement of German liberalism in its classical phase...."[65] In the sixth and seventh decades of the century, with the struggle for a new national constitution, national institutions and a national economic integration, the rule of law (*Rechtsstaatlichkeit*) became the centerpiece of the new German state. This can be marked a `liberal' achievement in three principal ways.

> First, the very creation of a centrally constituted national political arena on the ruins of the region's historic particularist jurisdictions was a decisive liberal advance. Secondly, unification created the legal and institutional conditions for a German-wide process of capitalist industrialization, involving the political consolidation of a national market and an impressived body of forward-looking economic legislation. Thirdly, unification embodied the characteristically liberal vision of a new social order.[66]

The cultural struggle associated with this limited but persuasive liberalism was a general European phenomenon, usually characterized by the anti-clericalism so evident in France, but it took on a broader context known as the *Kulturkampf* in Germany. Often seen as the other face of late nineteenth century *realpolitik*, the *Kulturvolk* saw themselves involved in a deeper social process which brought to German unification a distinctive set of

> values, stressing merit, competition, secularism, law and order, hostility to hereditary privilege, ideas of personal dignity and independence, and a generalized belief in the modern morality of progress.[67]

The era, of course, also brought intense and energetic debate over the structure and content of many institutions which would carry the new nation across the turn of the century and up to the eve of World War I. Philanthropic associations and various other institutions of social welfare would be nourished, protected under the new constitution, and secured as "one corporate body under law among others".[68] The German `liberal´ era approached the third quarter of the century, James Sheehan reminds us,

> with a number of significant accomplishments. The nation which they had desired for so long was a reality; most of the old restrictions on social and economic freedom had been removed; and a national political public, guaranteed by a constitution and institutionalized in a German parliament, was beginning to take shape.[69]

However, the less-than-crisp lines of this `national

political public' were already blurring, darkened by the powerful, manipulative shadow of the century's dominant political figure, Otto von Bismarck-Schonhausen.

A New Polity

While it has become intellectually difficult to defend the often simplistic 'great man' view of history, it would be even more difficult to try to overstate Bismarck's role in the creation of the modern German State. It would also be disingenuous to attempt to underplay his manipulation of the 'social question' (*Soziale Frage*) which, along with the wars of unification, represent his greatest legacy. It was a grand scheme, involving many players: "In the 1860's, Bismarck had secured the ascendancy of Prussia among the German states by means of two wars. In 1870-1871, he secured the dominance of Prussia in a new Germany by means of a third."[70] It was fitting, then, that ten days before the end of that third, or Franco-Prussian, war, he gathered all of the German princes in the great Hall of Mirrors in Versailles to crown the Emperor William: "It was a crown cleverly devised to harmonize the features of nineteen-century German life and had been forged in the crucible of Bismarckian war".[71] This new Reich had also been carefully designed by the Prussian Bismarck. It was *kleindeutsch*, excluding Austria. It was a federation which provided some autonomy to states such as Bavaria and Wurttemberg, each

with a distinct voice in the new *Bundesrat*, or federal legislature. More importantly, it was Prussian. "William, king of Prussia, was William I, German emperor. The Prussian minister-president, Bismarck, was imperial chancellor. The Prussian capital, Berlin, was the imperial capital."[72]

This is no time to trod the too familiar path of Bismarckian hagiography. However, it is important to lay the appropriate groundwork for an understanding the social policy that would emerge from a domestic and international *realpolitik*, in which he was certainly a central figure, and provide certain additional shadings to the shadow that the Chancellor's Prussian background would cast on social policy, including philanthropy and social welfare, over the subsequent five decades if not, indeed, to the present.

In a period (1867-1895) when the number of industrial workers tripled, the new Germany inherited a Prussian tradition of repression.[73] The Prussian state had long relied on force as the only way to react to the political mobilization of workers. The Industrial Codes of 1845 and 1869 limited workers' freedom of association, and their organizations were repeatedly disbanded. This was a *weltenschuuang* in which Bismarck could be comfortable. After all, as Hajo Holborn tells us, Bismarck's "imperious temper, disciplined in his dealings with independent

powers, flared up with unbridled passion in domestic politics."[74] Moreover, in the internal arena, policy was

> policy was to him, to vary Clausewitz's famous dictum, the continuation of war with different means. And whereas Bismarck always kept an ear to the ground in international affairs, he discerned only vaguely the great social changes which industrialization worked in Germany. The social reality that Bismarck observed was the aristocratic society of courts and governments on the one hand and the villagers and farmhands of his estates on the other. He knew little about the new bourgeoisie and even less about the new industrial workers' class.[75]

But the rapid industrialization of Germany after 1871 "brought great fortunes to the capitalists of the Ruhr, increased the number of small businessmen thus enlarging the middle class, and created a strong industrial proletariat".[76] At least five major political parties[77] emerged in association with this profound social change.

The boldest of these was surely the Social Democrats. Fearing that Catholics (whom he'd alienated during the "struggle for civilization", or *Kulturkampf* with a series of repressive laws and decrees issued between 1872 and 1875) would join with the workers and pose a "threat to the power and stability of the empire he had just created"[78], Bismarck pushed the "Socialists Law" through a compliant parliament in October, 1878. The *Sozialistengesetz*, not repealed until late 1890,

> prohibited all organisations `that seek by means of Social Democratic, Socialistic, or Communistic activities to overthrow the existing political and

> social order' and all associations 'in which Social Democratic, Socialistic, or Communistic activities aimed at overthrowing the existing political and social order find expression in a manner endangering the peace and in particular the harmony of the classes of the population'."[78]

And, as with the Kulturkampf, Bismarck "won some of the chief battles ... [but] he lost the war"[80] with the Social Democrats. During the 12 years of the *Sozialistengesetz*, and despite the banning of many political associations, the closing of more than 200 newspapers and magazines, and the imprisonment of many movement leaders, the Social Democrats grew. In the elections of 1871, they drew 102,000 votes; by the general election of 1890 (*before* repeal) they garnered 1,427,000 votes.[81]

Faced with the continuing growth of even the most repressed of his political opponents, Bismarck was astute enough to understand that the social and economic grievances which provided the fertile soil for the growth of opposition parties and associations needed to be addressed. In order to further consolidate his political strength, the Chancellor of the new Reich "realized that repression alone was not sufficient to prevent the political mobilization of workers".[82] The persistence of his political foes, coupled with the population growth and the shift of population from countryside to city which accompanied massive industrial development,[83] gave Bismarck

a notable medium for the flowering of a distinctive German social policy.

In the twenty years of the *Gründerzeit*, or founding period, Bismarck marshalled often contentious political forces into agreement on an astonishing array of social legislation, so formidable that "the concept of the welfare state is inextricably linked with German history",[84] and particularly with this era. The core of this social policy was "social insurance plus labour legislation" within the context of a *soziale Marktwirtschaft*. In a `social market economy' the "role of the state is to supplement the market as the best mechanism for the allocation of productive resources by social benefits, compensating for market failures in the distribution of incomes".[85] While the intervention of the state in the market should be limited so as not to interfere too much with the incentive structure of a free market economy, that such intervention can become quite extensive (and quite politicized) is evident in Bismarck's heavy-handed and wide-reaching legislative package.

It was a legislative package, Ernest Barker notes, "which enlisted employers and workers to co-operate with the State in schemes of social insurance and the maintenance of health and subsistence".[86] It centralized prior Prussian social policies, building on

> a series of laws such as the 1839 restrictions imposed on child labor, the 1845 reorganization of the Prussian guilds which contained some elements of social policy, and legislation of 1849 and 1854 that provided, respectively, for the establishment of company and local insurance funds.[87]

Nevertheless, the social policy that was "made the subject of an imperial pronouncement on 17 November 1881"[88] was remarkable by any social measure. A series of insurance bills targeted at workers -- against sickness (1883), industrial accidents (1884), and invalidity in old age (1889) -- began to give formal, institutional shape to what had previously been individual, then kin, then religious, then princely, then national responsibility for the care and sustenance of one's fellow human beings. Of course, the Chancellor's deeper motivation behind these wide-ranging social-policy initiatives can be inferred from a speech he gave before the *Reichstag* in November, 1884:

> If there were no Social Democracy and if there were not a great many people who are afraid of it, neither should we have the moderate advances that we have made in social reform up to now.[88]

Certainly, tactical political motives "and possibly also the expression of a practical Christianity"[90] governed his conduct in these policy actions. In any case, a new and particular political order had emerged. Most noticeably, this new institutional structure reflected the complex social and political composition of the new German state in an increasingly industrialized world. The legislation was

financed by the insured and their employers, with only a very small amount of state funds, but with benefits which are dependent upon "a high degree of regulation regarding working conditions"[81] by the state. Nevertheless, it was the regulative authority of the state which made the legislation possible on a national level far beyond anything yet undertaken. As Gaston Rimlinger puts it, the

> social insurance legislation of the 1880's made social and economic relations among individuals an object of statecraft. It was a conscious attempt at cementing the social fabric of the industrial order, with the interests of the state instead of the welfare of the worker as the prime objective.[82]

For someone with Bismarck's "quickness, penetration, and cynicism in the service of a higher cause"[83] (like statecraft, for instance) it isn't surprising that any social policy would become a highly charged political affair. It served to impose on workers, and their allied associations -- political, social, and commercial -- a unified national system of insurance funds that would, in the end, tie them to the state. Earlier liberal sentiments had "sought to distinguish the poor who could not provide for themselves from an emerging working class that could, as long as it secured paying jobs".[84] We shall see in the next chapter that this liberal political tradition retained its force in England and describes, quite nicely, the intersection of philanthropy and economics in that nation.

In Germany, however, Geoff Eley tells us that liberalism had come under attack by the end of the century.

> Its dominance was questioned not just in ideas, but because its earlier social bases were starting to decompose. Liberal parties' former strengths derived in large part from an ability to speak convincingly for broadly based popular aspirations in the peasantry, petty bourgeoisie, and working class. To a great extent, their decline resulted from the loss of that same moral-political leadership, once subordinate classes began demanding a more independent voice of their own.[85]

In England, policy-making remained rooted in the long-established parliamentary system; in France, a highly centralized government defined policy; in Germany, the participatory structures which developed from the older philanthropic traditions -- peak associations -- provided the avenue along which public policy now often traveled. Throughout the nineteenth century, an enormous web of participatory associations developed in Germany. But the important ones -- with an impact on domestic and foreign policy decision-making -- were the *eingetragener Verein* (e.V), or Registered Associations. As the legal form of any type of civic or commercial activity, these national associations included physicians, municipal workers, social welfare providers, private and public philanthropic entities, unions, political parties, even churches. In combination, the membership of these associations had the potential for enormous political power, particularly in the

earliest years of the formation of modern Germany. In the intense bargaining for the political power necessary to forge Wilhelm's imperial regime, Bismarck saw state-mandated social legislation as the carrot that accompanied the stick of political anti-social agitation. His approach -- and the resistance to it -- gave rise to a powerful and persistent set of political forces:

> State officials thus hoped to blunt political agitation on behalf of the Social Democratic party and to win the support of a sizable segment of the working class. Subsequent, unintended developments similarly underline the political aspects of social policy; the successful move of leaders of the union movement into a decentralized system of health insurance funds in the 1890's, the counter-mobilization of doctors and employers in the first decade of the twentieth century, stalemate and conflict in the Weimar Republic, and the Nazis' radical elimination of left-wing forces and centralization of power after 1933.[86]

The importance of all this -- besides the manner in which these complex political activities shaped the national and international character of the Second Reich, and thus not only modern Germany but also modern Europe -- is the persistent enmeshment of philanthropic and social service activities in all of this political maneuvering. There were, for instance, more than 100,000 recognized associations which might be seen as primarily philanthropic at the turn of the century.[87] Embedded, one might say entangled, in this socio-political hothouse, "intermediary organizations of all types, including associations as

political pressure groups and, especially, as political parties"[98] became, and remain, a crucial element of the German polity. Foundations and other associations devoted to philanthropic activity fall among what Anthony O'Donnell has labeled "parallel action groups", organizations which "provide party elites with an array of substitute, non-party structures for mobilizing a mass constituency".[98] Bassermann, writing as early as 1910, recognized the power of groups with strong organizational or ideological roots:

> Elections are not decided by the organized party following. Elections are decided by the non-organized, by what we call the driftwood.... At hand are these hundreds of thousands of non-organized voters who shift over to the parties...."[100]

Organized German philanthropy, born in the political cauldron of German unification and increasingly supplanted by the *Wohlfahrstaat*, rose to prominence before World War I, never really recovered in Weimar, collapsed completely under National Socialism, and has made only a hesitant recovery since World War II. Each of these phases of development deserves as full a picture as that which I have tried to provide for the Bismarck years. However, the groundwork for my thesis concerning the intersection of politics as the shaping force of German philanthropy had been solidly established by the turn of the century and has persisted, with those obvious interruptions, to the present.

The Twentieth Century

I will return to the role of philanthropy in the contemporary welfare state in the final two chapters. However, I will briefly outline the structural environment for charitable and eleemosynary activities in twentieth century Germany here.

Although foundations of various sorts were already firmly woven into the associative fabric of German life, they are covered in only eight paragraphs (Sections 80-88 of Section I, Title 2) of the German Civil Code (*Bürgerliches Gesetzbuch*, or BGB) of 1900. Very simply, it states that "a foundation becomes a legal personality by a written founding act and by subsequent approval by the state".[101] As such, its structure consists of three rather generic elements: a statutory purpose, its own endowment, and a minimal organization for autonomous management. As we have seen earlier, since there is already a broad agreement that the discretion of the state in these matters is "confined to violation of the law or danger to the public welfare",[102] and since the corporatist structure provides a certain moral if not legal equality to philanthropic entities, it is not hard to see why before the first World War approximately 100,000 foundations and trusts came into existence.

While the eventual decline of this enormous and

valuable cluster of specifically eleemosynary institutions (*Anstaltsstiftungen*) can certainly be partially ascribed to the Bismarckian tradition of firmly placing the promotion of the public weal within the political domain and under the authority of the state, it is also important to recall here that "this century witnessed a break in the continuity of German foundations, as a result of two inflations, the rule of National Socialism and the division of Germany".[103] The discontinuities of these rigid economic and political realities, combined with the rapid expansion of government welfare, health, and social security provisions, suggest why efforts since the mid-1950's to re-kindle philanthropic associations have been slow to gather momentum.

In addition, post-World War II philanthropic history has more to do with the unique re-ordering of the *Länder*, or state, laws which variously and individually provide for the existence of the Registered Association (*eingetragener Verein*). These state laws have recently permitted the formation of Limited Liability Companies (*Gesellschaft mit beschränkter Haftung*, or GmbH) to manage charitable and social welfare activities[104] by non-state (and therefore non-`peak') associations and even private firms. In a peculiarly German `corporatist' fashion, contemporary

> social programmes are fragmented into a large number of uncoordinated and decentralized schemes. At the national level, income maintenance, health, housing,

> and education are dealt with by four different Ministries: Labour and Social Affairs; Youth, Family and Health; Building, Regional Planning and Urban Development; and Education. The administration and supply of services is further decentralized in a large number of autonomous carrier organizations: for different types of benefit (e.g. various social insurance programmes); for different beneficiary groups (e.g., workers, the self-employed, etc.); and for different regions or districts (in the case of education and social assistance).[105]

This maze of legal responsibility between each *Länder* and the national government is made even more formidable by the fact that state supervision of foundations, at the local or national level, "does not aim to make foundation activities harmonious with those of government; its main purpose is to enforce compliance with laws and statutes, and to safeguard against any abuses by the management of the foundation".[106]

It should come as no surprise then, that -- as a reinforcement of the political and social inclusion of philanthropic activity in the orderly framework of contemporary Germany's corporatist model of governance -- throughout the post-World War II years there has been a continuing, though gradual, emergence of new 'peak' or national associations established to carry out specific charitable activities. An important example of this model, though by no means a unique one, would be the *Evangelische Zentrale für Entwicklungshilfe,* an *e.V.* whose name translates to the Protestant Central Agency for Development Aid. The EZE, as it is known, is the development

(*entwicklung*) arm of the Protestant churches in Germany. It is also, notably, the contemporary institutionalization of the traditional notion of religious `missionary´ work. In any case, the federal government collects a tax from every member of every church in Germany. These revenues are then disbursed for various purposes, including international rural development work, through various religious peak associations, like EZE. Quasi-government bureaucracies manage these substantial tax funds under the supervision of both a governmental watchdog agency as well as a coalition of Lutheran, Methodist, and other Protestant church leaders. There is, of course, an equivalent `peak´ organization for the Catholic churches as well as one for the so-called Free, or non-aligned, churches all of whom have equal legal status in German life as well as in German tax structures. The Ministry for Economical Cooperation (BZM) even sanctions another association -- one known by the memorable acronym *bengo* -- through which private individuals or private groups can obtain other government revenues to support overseas development efforts.

On an entirely different plane, though one which also effectively illustrates the enmeshment of government in the minutest aspects of non-profit and/or charitable activities in German life, is *büssgeld*. Translated freely as atonement (or penance) money, this highly structured system

provides a mechanism by which various fines and penalties resulting from local, state or national prosecution are paid directly to non-profit or charitable organizations. An organization like the World Wide Fund for Nature (formerly the World Wildlife Fund) registers with each of the 8,000 or so courts, judges and prosecutorial offices and provides them with address labels, preprinted payment cards, and other paraphernalia so that assessed fines may be sent directly to the charitable organization. While the process is severely regulated and demands very strict accounting procedures, an organization willing to satisfy the requirements can obtain substantial funds for its charitable work in this fashion. For instance, WWF receives regular *büssgeld* assignments from only about 800 judges, yet this brings this environmental organization well over three quarters of a million DM in `donations´ each year.

A final example of this intermingling of government functions and philanthropic functions might be seen in the Bensheim Circle (*Bensheimer Kreis*) established in 1970. Essentially a lobbying group, BK "observes the work of national and international organizations on a constructively critical basis" to ensure "a conscious commitment to development, the environment and peace" on the part of the German government in order to "create a

platform for the future of One World".[107] While some of the Bensheim Circle funds come from a foundation (*Karl Kübel Stiftung für Kind und Familie*), the Bonn government not only provides tax dollars, it even holds "permanent guest status" among the member organizations.

Thus, the many types of associational activity permitted under the ill-defined legislation -- what I call the German "bilateral social bargain", a bargain that is regularly struck between associations and government at the state and national levels -- has permitted, even encouraged, the development of Germany's unique philanthropic environment. While overall numbers probably do not exceed 12,000 today, new philanthropic organizations continue to emerge.[108] If, as Otto Hafner tells us, "in Germany *philanthropy* is still a rarely used foreign word",[108] charitable associations can still be fully appreciated as a continuing expansion of the bargaining power of philanthropy in the corporatist hierarchy of German political interests. They serve an important mediating function, as 'bargaining agents' if you will, for the entire gamut of philanthropic, charitable, and social welfare traditions within the complex network of government regulations that typify German life. In short, they play an integral, and growing, role in the modern corporatist state. The corporatist model (or 'neo-corporatist', as

Seibel further refines it) of political stabilization is not based on competition but rather on various autonomous units at work in *konzert*. This unique `style´ of political interaction enables the peak associations (and thereby their local affiliates as well) to participate as full partners in the permanent system of governmental decision-making, and thus in the establishment and refinement of public policy.

In a telling comparison with the *étatisme* which we have seen is so fully in control of French associational life, Seibel notes:

> Whereas the autonomy of the state is great in France, it is slight in Germany. In France, linkage between the government and the third sector is based on actors with a small-scale scope of action, primarily on local elites with personal links to the central government. In Germany, corporate actors, primarily peak associations and political parties, have a large-scale scope of action. Whereas the style of interaction between government and welfare associations in France is slightly competitive or, with respect to the government´s behavior, manipulative, in Germany the style is non-competitive, concertational, and consensus oriented.[110]

Conclusion

It is interesting to note that even in this consensual political environment, for all of its organizational and social logic, it is not hard to discern the continuing grip of a fear of geographic, political and even historical fragmentation. This embedded fear provides a correspondent and continuing *Wunsch*, or desire, for even more concerted

policies. With the pressures of re-unification (or unification) of the two Germanies in recent years and the burdens of participation (some would say leadership) by Germany in the European Union, concertation and consensus seem to be even more important. This political `style´ serves as an often-comforting bulwark against a not very deeply interred fearfulness about the fragility of the social order. What the historian Theodore von Ranke once labeled the tensions of *Einheit und Zerfallenheit* -- unity and fragmentation -- certainly continue to pervade the German mind and German politics and, thereby, German philanthropic activity.

> While national identity is everywhere an inherently problematic concept and nation-building is always a conflict-ridden process, the German case may have a special claim to our attention.... We can find in the German experience an especially intense conflict between variety and communality, between obdurate facts of multiplicity and a stubborn struggle to attain or impose unity. German history has long been seen as an example of the nation´s power and irresistibility. It is also an example of the nation´s incompleteness and fragility.[111]

Perhaps the intersection between politics and philanthropy I have defined as the theme for this chapter is best captured in a very similar observation by W.H. Riehl. Unintentionally, but accurately, restating Marcel Mauss´ vivid description of one human´s relationship with other humans as a curiously "hybrid notion neither of purely free and gratuitous *prestations*, nor of purely

interested and utilitarian production and exchange",[112]

Riehl notes that in all German life a

> sharp conflict between a natural, deeply-rooted spirit of dissension and an equally intense impulse towards unity has made our social life extremely interesting and instructive, but also extremely troubled.[113]

CHAPTER FIVE: NOTES

1. Georg G. Iggers, "The Political Theory of Voluntary Association in Early Nineteenth-Century German Liberal Thought" in VOLUNTARY ASSOCIATIONS: A STUDY OF GROUPS IN FREE SOCIETIES, ed. by D.B. Robertson (Richmond, VA: John Knox Press, 1988), 156.

2. Wolfgang Seibel, "Government-Nonprofit Relationships in a Comparative Perspective: The Cases of France and Germany" in THE NONPROFIT SECTOR IN THE GLOBAL COMMUNITY, ed. by Kathleen D. McCarthy, et. al. (San Francisco, CA: Jossey-Bass Publishers, 1992), 216.

3. Iggers tells us that Friedrich Dahlmann, the "outstanding representative of the newer generation of English-oriented liberals", writing in 1835, bitterly criticized Locke, Rousseau, the authors of the American Declaration of Independence and of the French Declaration of the Rights of Man for their assumption that a people consisted of `individuals possessing equal rights´. Instead, he averred, a "state was not an `artifice´ (*Kunstwerk*) but an `organic body´ (*organischer Korper*) in which each individual had his place"; Iggers, 151.

4. Seibel, 216.

5. Iggers, 157. Iggers attributes this description to Otto Gierke´s four volume study, DAS DEUTSCHE GENOSSEN-SCHAFTSRECHT, published between 1868 and 1913.

6. "The good of all requires therefore dedication to the same goal of welfare as desired by God". Louis Halphen, "*L´idée d´état sous les carolingiens,*" REVUE HISTORIQUE 185 (1939): 60.

7. Klaus Neuhoff, "The German Experience with a Funding Instrument in the Voluntary Sector," remarks presented at the AVAS Annual Meeting, 16-18 July, 1990 in London, 1. Taken from a transcript provided to the author by Dr. Neuhoff in the course of a personal interview.

8. Ibid., 3.

9. Reinhold August Dorwart, THE PRUSSIAN WELFARE STATE BEFORE 1740 (Cambridge, MA: Harvard University Press, 1971), 2. In another place, Dorwart adds, "The Roman concept of the state as a public thing administered by public officials to achieve public aims was replaced by the idea of the personal authority of Germanic kings derived from tribal origins"; ibid., 6.

10. Ibid., 8.

11. Wilbur K. Jordan, PHILANTHROPY IN ENGLAND, 1480-1660 (New York: Russell Sage Foundation, 1964), 16.

12. Jacob S. Schapiro, SOCIAL REFORM AND THE REFORMATION (New York: AMS Press, 1970 [1909]), 152.

13. Ernst Troeltsch, THE SOCIAL TEACHING OF THE CHRISTIAN CHURCHES, trans. by Olive Wyon (New York: The Macmillan Company, 1931), 133.

14. Schapiro, 17.

15. Dorwart, 8.

16. Ibid., vii.

17. Neuhoff, 2.

18. Jordan, 16.

19. Dorwart sites Kent R. Greenfield's SUMPTUARY LAW IN NURNBERG and John M. Vincent's COSTUME AND CONDUCT as just two of these; Dorwart, 8.

20. Neuhoff, 2-3.

21. Michael Hughes, EARLY MODERN GERMANY, 1477-1806 (Philadelphia, PA: University of Pennsylvania Press, 1992), 31.

22. Peter Gay and R.K. Webb, MODERN EUROPE (New York: Harper & Row, Publishers, 1973), 114.

23. For instance, the "Thirty Years War (1618-48) devastated Germany. It was accompanied by dysentery, typhus, smallpox, plague and famine. Estimates of the fall in population (perhaps exaggerated when placed at almost 40 percent) seem to indicate that Germany's losses exceeded those of any other country"; Douglass C. North and Robert

Paul Thomas, THE RISE OF THE WESTERN WORLD: A NEW ECONOMIC HISTORY (Cambridge, England: Cambridge University Press, 1973), 104.

24. Gay and Webb, 114.

25. Joel T. Rosenthal, THE PURCHASE OF PARADISE: GIFT GIVING AND THE ARISTOCRACY, 1307-1485 (London: Routledge & Kegan Paul, 1972), 10.

26. Jordan, 55.

27. Ibid., 56-57.

28. Dorwart, 10.

29. J.P. Nettl, "The State as a Conceptual Variable", WORLD POLITICS 20 (1968): 565-566.

30. Gabriel A. Almond and Sidney Verba, THE CIVIC CULTURE: POLITICAL ATTITUDES AND DEMOCRACY IN FIVE NATIONS (Princeton, NJ: Princeton University Press, 1963), 5.

31. Timothy Mitchell, "The Limits of the State: Beyond Statist Approaches and Their Critics," AMERICAN POLITICAL SCIENCE REVIEW 85 (March 1991): 81.

32. Gay and Webb, 114.

33. Cited in Dorwart, 5.

34. Iggers, 142.

35. Neuhoff, 3.

36. Ernest Barker, THE DEVELOPMENT OF PUBLIC SERVICES IN WESTERN EUROPE: 1660-1930 (Hamden, CT: Archon Books, 1966), 67-68.

37. Bert A. Rockman, "Minding the State -- Or a State of Mind: Issues in Comparative Conceptualization of the State," COMPARATIVE POLITICAL STUDIES 23 (April 1990): 30.

38. Ibid.

39. A most interesting analysis of "the state as structural effect" can be found at the end of Timothy Mitchell's essay, already cited.

40. Dorwart, 4.

41. THE NEW CASSELL'S FRENCH DICTIONARY, rev. ed. (1962), s.v. "polir."

42. Dorwart, vii.

43. Ibid.

44. Jay M. Shafritz, "Politics," THE DORSEY DICTIONARY OF AMERICAN GOVERNMENT AND POLITICS (Chicago, IL: The Dorsey Press, 1988), 421.

45. Dorwart, 2.

46. Ibid.

47. Ibid.

48. Ibid., 4-5.

49. Ibid., 5.

50. Donna Andrew presents a subtle, but important, in the English use of police versus the German *Polizei*, a distinction which I shall elaborate on a bit more in my next Chapter. "Eighteenth-century polemicists and philanthropists summed up this social function of charity under the term `police'. The word had a much wider usage in eighteenth-century London. Related to the word `polished', it referred to the maintenance of civil order, a civilized society, and a refining process. Police was the practical, consensual expression of a society's social arrangements, mores, and beliefs. The notion of police, however, which was originally used in a domestic sense, came to have larger significance as the century progressed, and came to include all those items of importance to the national welfare not completely or adequately handled by public officials"; Donna T. Andrew, PHILANTHROPY AND POLICE (Princeton, NJ: Princeton University Press, 1989), 6.

51. Dorwart, 9.

52. Ibid., 311.

53. Ibid.

54. M.S. Anderson, EUROPE IN THE EIGHTEENTH CENTURY,

1713-1783, Second ed. (London: Longman Group Limited, 1976), 381.

55. Harold T. Parker and Marvin L. Brown, Jr., MAJOR THEMES IN MODERN EUROPEAN HISTORY, vol. II, THE INSTITUTION OF LIBERTY (Durham, NC: Moore Publishing Company), 304.

56. Ibid.

57. Iggers, 142.

58. Ibid.

59. Ibid., 143.

60. Ibid.

61. Ibid., 155.

62. Gay and Webb, 610.

63. Cited in Geoff Eley, "Liberalism, Europe, and the Bourgeoisie, 1860-1914," in THE GERMAN BOURGEOISIE, ed. David Blackbourn and Richard J. Evans (London: Routledge, 1991), 299.

64. Ibid., 299-300.

65. Ibid., 302.

66. Ibid., 302-303.

67. Ibid., 303.

68. Steven Seidman, LIBERALISM AND THE ORIGINS OF EUROPEAN SOCIAL HISTORY (Berkeley, CA: University of California Press, 1983), 74.

69. James J. Sheehan, GERMAN LIBERALISM IN THE NINETEENTH CENTURY (Chicago, IL: The University of Chicago Press, 1978), 273.

70. Gay and Webb, 793.

71. Parker and Brown, 581.

72. Gay and Webb, 794.

73. Peter Flora, ed., GROWTH TO LIMITS: THE WESTERN

EUROPEAN STATES SINCE WORLD WAR II, vol. 2, "Germany, United Kingdom, Ireland, Italy" (Berlin: Walter de Gruyter, 1986), 5. An alternative view, however, is presented by William H. Dawson, BISMARCK AND STATE SOCIALISM (New York: Howard Fertig, 1973), 15:

> No mistake could be greater, and yet none is more common amongs the observers of Prince Bismarck's imperial legislation, than the idea that State Socialism is a new thing in Germany, a purely modern growth owing its origin to accident or the temporary exigencies of a perplexted statesman. To those who regard State Socialism in this light, the series of social, industrial, and commercial measures which the last twenty years have called forth in Germany must indeed seem remarkable, if not inexplicable. But continuity of legislation is as natural to Germany as it is to England, and instead of denoting a completely new departure in economics, these measures are in reality but a continuation of, or a reversion to, traditional policy. Prince Bismarck has done nothing more than develop the social and political system established by the Great Elector, Frederick William I, and Frederick the Great of Prussia.... The Prussian monarchy differs from other European monarchies in many things, but especially in its traditionally democratic sympathies.

74. Hajo Holborn, A HISTORY OF MODERN GERMANY, 1840-1945 (New York: Alfred A. Knopf, 1969), 251.

75. Ibid.

76. Parker and Brown, 581.

77. These are described in detail in Parker and Brown, 583-585.

78. Edward M. Burns, WESTERN CIVILIZATIONS: THEIR HISTORY AND THEIR CULTURE, vol. 2 (New York: W.W. Norton and Company, Inc., 1963), 735.

79. Susanne Miller and Heinrich Potthoff, A HISTORY OF SOCIAL DEMOCRACY FROM 1848 TO THE PRESENT, trans. by J.A. Underwood (New York: St. Martin's Press, 1986), 33. As thought to underscore Bismarck's concern, the Roman Catholic Centre Party and the left-wing liberal Progressive Party joined the Social Democrats in voting against the measure.

80. Burns, 735

81. Miller and Potthoff, 34.

82. Flora, 5.

83. Between 1871 and 1890 Germany's, population rose from 41 million to over 49 million. In 1871, there had been only eight towns with 100,000 inhabitants, by 1890 there were twenty-six. The number of persons gaining their livelihood from agriculture fell from 60 percent in 1871 to less than 40 percent in 1890; John E. Rodes, THE QUEST FOR UNITY: MODERN GERMANY, 1848-1970 (New York: Holt, Rinehart and Winston, Inc., 1971), 89.

84. Peter J. Katzenstein, POLICY AND POLITICS IN WEST GERMANY: THE GROWTH OF A SEMISOVEREIGN STATE (Philadelphia, PA: Temple University Press, 1987), 168.

85. Flora, 4. A generally critical assessment of Bismarck's efforts can be found in J. Tampke, "Bismarck's Social Leglislation: A Genuine Breakthrough," in THE EMERGENCE OF THE WELFARE STATE IN BRITAIN AND GERMANY, 1850-1950, ed W.J. Mommsen (London: Croom Helm on behalf of The German Historical Institute, 1981), 71-83. Tampke's analysis, it seems to me, is nearly fatally flawed in its unwillingness to recognize the profound links between public policy and the political process.

86. Barker, 69.

87. Katzenstein, 171.

88. Miller and Potthoff, 35.

89. Cited in Miller and Potthoff, 35.

90. Ibid.

91. Flora, 5.

92. Gaston V. Rimlinger, WELFARE POLICY AND INDUSTRIALIZATION IN EUROPE, AMERICA, AND RUSSIA (New York: John Wiley & Sons, 1971), 93.

93. Gay and Webb, 796.

94. Katzenstein, 170.

95. Eley, 304.

96. Katzenstein, 168.

97. Mary Mauksch, CORPORATE VOLUNTARY CONTRIBUTIONS IN EUROPE (Washington, DC: The Conference Board, 1982), 12.

98. Seibel, 213-214.

99. Cited in Sheehan, 277.

100. Ibid., 276-277.

101. Werner Seifart, "The Support of Research by German Foundations: Functional and Legal Aspects," MINERVA XIX (Spring 1981): 77.

102. Ibid.

103. Ernst-Joachim Mestmacker and Dieter Reuter, "Germany," in TRUSTS AND FOUNDATIONS IN EUROPE: A COMPARATIVE SURVEY, ed. Klaus Neuhoff and Uwe Pavel (London: Bedford Square Press, 1970), 95.

104. For instance, Neuhoff notes that in 1986 Deutsche Bank AG of Frankfurt, the country's largest bank, set up a *Stiftung Hilfe zur Selbsthilfe* [foundation to help self-help groups], endowing it with about 100,000,000 DM. Also, in 1989, Allianz AG of Munich, the country's largest insurance holding company, 'invested' a similar amount in an environmental charity, *Allianz Stiftung für die Umwelt*; Neuhoff, 11.

105. Flora, 4.

106. Seifart, 77-78.

107. Information on EZE, the Bussgeld system, and the Bensheimer Kreis has been obtained from their published materials as well as from interviews with individuals involved in each activity.

108. Extrapolated from the detailed numbers and percentages provided in Neuhoff, 9-12.

109. Otto Häfner, "Foundations and Government Support for the Humanities in Germany," in PHILANTHROPY AND CULTURE: THE INTERNATIONAL FOUNDATION PERSPECTIVE, ed. Kathleen D. McCarthy (Philadelphia, PA: University of

Pennsylvania Press for The Rockefeller Foundation, 1992), 113. In making this point, he notes that total private sources amount to about only 1.5% of government spending on such services.

110. Seibel, 223-224.

111. Cited in James J. Sheehan, GERMAN HISTORY: 1770-1866 (Oxford, England: Clarendon Press, 1989), 6.

112. Marcel Mauss, THE GIFT: FORMS AND FUNCTIONS OF EXCHANGE IN ARCHAIC SOCIETIES, trans. Ian Cunnison (New York: W.W. Norton and Company, Inc., 1967), 70.

113. Cited in Sheehan (1989), 6.

CHAPTER SIX

`OVERRUN WITH PHILANTHROPY'

> And therewith repair hospitals,
> help sick people,
> mend bad roads,
> build up bridges that had been broken down,
> help maidens to marry or to make them nuns,
> find food for prisoners and poor people,
> put scholars to school or to some other craft,
> help religious orders, and
> ameliorate rents or taxes.
>
> -- William Langland
> *Vision of Piers Plowman*[1]

Introduction

"We are just now," the memoirist Charles Greville grumpily announced, "overrun with philanthropy, and God knows where it will stop, or whither it will lead us".[2] Since at at least the time of William Langland's fourteenth-century poem, philanthropy has certainly `overrun' English life. It is no surprise, and surely no accident, that two exhaustive and contiguous histories have been written. Wilbur Jordan's amazingly detailed study, PHILANTHROPY IN ENGLAND, covers the period 1480 to 1660; it is surpassed in detail and scholarship only by David Owen's ENGLISH PHILANTHROPY, 1660-1960. Both are linked to and extend outward from B. Kirkman Gray's thoughtful economic treatise, A HISTORY OF ENGLISH PHILANTHROPY, an analysis

that targets the core era of economic change by focusing on the period from the dissolution of the monasteries in 1539 to the taking of the first census near the end of the eighteenth century.[3]

These texts, and many, many other books and articles as well, suggest the scope and scale of the mostly benevolent monolith of English charity. And the phenomenon shows no sign of diminishment. Estimates are that more than 250,000 registered charities remain active today.[4] Reports, inquiries, commissions, studies, speeches, and scholarly articles abound. Moreover, unlike in France and Germany, detailed written records, frequently-exercised royal support, a consistent constitutional confirmation, and a continuing reform, re-adjustment, and refurbishment of the administrative and private law machinery of charity all merge into the substantial institutional, social, and economic force that is philanthropy in England.

This chapter seeks to identify the intersection of the powerful economic forces underlying the substantial and influential philanthropic activities that have taken place, and still take place, in England. Economic forces were, Gray believes, both cause and, nearly simultaneously, solution in England. "The pervasive and persistent inequalities and distress," he says, "are to be sought in the industrial system, in an organization under which the

total wealth of the nation has increased so rapidly, under which also there has been so huge a concurrent out-throw of poverty, and poverty-borne disease".[5] This section examines the breakdown of feudal society and its social welfare capacity, particularly during the Tudor era, and the consequent emergence of an urbanized philanthropy. At the same time, I will look at the dramatic demise of the Catholic Church and its traditional charitable capacity, particularly during the reign of Henry VIII, and the consequent emergence of a secular philanthropy.

Out of the welter of scholarly material about this period in social and philanthropic history three dates stand out to any careful reader: 1601, 1888, and 1960. It is the historical, and particularly the economic, events surrounding the Charitable Uses Act (1601), the Mortmain and Charitable Uses Act (1888), and the Charities Act (1960) that provide the colorful pigments to this portrait of English philanthropy.

The Poor Law of 1601

The Statute of Elizabeth I (43 Elizabeth I, c.4), the Charitable Uses Act or, as it is more descriptively and commonly known, the Poor Law of 1601, represents the first[6] codification of the behavior of government towards its citizens in need. More importantly, these accumulated statutes are the culmination of an astounding series of

social and economic events which exacerbated human misery to a point where neither traditional kinship nor local mutual aid services sufficed, nor where an eviscerated ecclesiastical authority could provide what was needed. The legislation had three essential features, all reflecting efforts stretching back for nearly all of the previous 100 years. First, the legislation underwrote social relief through public taxation in the form of the poor-rate, a compulsory assessment to be collected in each parish. Second, it promised a sustained (though mostly unsuccessful) campaign against vagrants and beggars who roamed the countryside and filled the slums of the cities. And, finally, it encouraged an effort to provide work for the poor so that "they would neither wander abroad nor needlessly claim relief".[7] While Gray calls this "setting the poor on work" the "keystone of the edifice",[8] I feel the over-riding importance of the legislation is to be more fully discerned in the role played by a central government authority in both framing public policies in matters heretofore left to private or religious initiative as well as defining the economic wherewithal to carry them out.

The Poor Law known as 43 Elizabeth is so seminal a document that its Preamble remains the legal, moral, and philosophical basis for debate about the means and ends of philanthropy nearly four centuries later.[9] The purposes of

English charity, as set out in that Preamble, are worth quoting in full.

> Whereas lands, tenements, rents, annuities, profits, hereditaments, goods, chattels, money, and stock of money, have been heretofore given,limited, appointed, and assigned as well by the Queen's most excellent majesty, and her most noble progenitors, as by sundry other well disposed persons: some for relief of aged, impotent, and poor people, some for maintenance of sick and maimed soldiers and mariners schools of learning, free schools and scholars in universities; some for repair of bridges, ports, havens, causeways, churches, seabanks and highways; some for education and preferment of orphans; some for or towards the relief, stock or maintenance for houses of correction; some for marriages of poor maids; some for supportation, aid and help of young tradesmen, handicraftsmen, and persons decayed; and others for relief or redemption of prisoners or captives, and for aid or ease of any poor inhabitants concerning payments of fifteens, setting out of soldiers and other taxes; which lands, goods, tenements, rents, annuities, profits, hereditaments, chattels, money, and stocks of money, nevertheless, have not been employed according to the charitable intent of the givers and founders thereof, by reason of frauds, breaches of trust, and negligence in those that should pay, deliver and employ the same.[10]

Besides its obvious concern for what would today be called the `infrastructure' of commercial activity -- repairs to bridges, ports, highways, etc. -- this Preamble is notable (and important) for two other reasons. First, the emphasis it places on the education and training of a labor force, especially when coupled with the warnings inherent in the call for the `relief, stock or maintenance of houses of correction'. And, second, the exaggerated *non*-emphasis -- except for the barely noticeable `repair of churches' -- on religion. These three elements --

commerce, labor, and secularism -- are at the core of the Preamble and clearly articulate the origin and impact of economic factors in English philanthropic activity.

As one notes at the end of the Preamble, the most common institution of organized philanthropy, the legal trust (known as a `use', hence The Charitable Uses Act) emerged from the English economic life of this era. It was

> developed by conveyancers during the fourteenth and fifteenth centuries in response to a growing desire on the part of feudal landowners to evade certain `incidents' [a form of taxation] associated with the transmission of land to their heirs under the rules of common law, and to have a wider power of disposition of land on their death than these common-law rules permitted.[11]

A desire to transfer property to trustees (known as *feoffees*) to hold for the use of designated beneficiaries at, and long after, the time of the donor's death, is the basis for the trust -- still the key legal instrument of English philanthropy. The law of 1601 both re-inforced this desire and, more importantly, gave the full weight of government authority to encourage and protect such economic transfers. It is, interestingly, the first notable instance where it makes sense to designate certain, specific aspects of *public* policy-making as having a bearing on heretofore `private' philanthropic activities. "Legislation", B. Kirkman Gray points out, "is in some sense an expression of a social ideal; it is also, and

perhaps more commonly, a recognition of forces already become actual".[12] The legislation which ends Elizabeth's reign has its roots in economic realities much more complex than the desire on the part of a donor to preserve his estate for posterity. For the full picture, it is necessary to look back, as well as forward, to identify what lawyers call "the spirit and intendment of the preamble".[13]

It is only one of the many ironies that color the history of English philanthropy that the protection of the vast transferable assets of the wealthy would be suffused with a combination of both noble and cynical concerns about the "ragged rablement of rakehelles,"[14] those poorest of the poor who comprised the underclasses in the years surrounding the Reformation. The "deliberations of the age" about what Gray labels the "increasing cost and decreasing means of living"[15] during the two centuries leading up to 1601 present an unprecedented mix of conflicting moral and economic sensitivities. By the Reformation, it was evident in England (and across Europe, for that matter) that

> economic causes were producing unemployment and in consequence vagrancy, and traditional methods of relieving the needy were proving insufficient. [This change] brought in its train social consequences of stark severity which staggered men in their immensity and which found them without instrumentalities for alleviation, much less for correction. Moreover

> ... the church, so long charged by mankind with a general and somewhat vaguely defined area of responsibility, was itself in a process of decay.[16]

The factors that came together in the two centuries leading up to the enactment of comprehensive laws to provide relief to the poor at the same time as they protected the property and prosperity of the wealthy are complex but can be positioned along the two distinct axes implied in the above quote: one, the beginnings of a transition from rural to urban society following substantial agrarian changes; and, two, the shift from ecclesiastic to secular authority in nearly every aspect of life. While their relationship is not necessarily causal, these two axes of change are intimately connected.

While I will return, throughout this section, to the shift from ecclesiastic to secular authority in economic as well as philanthropic matters, let it suffice for the moment to say that the Tudor seizure of power from the Catholic Church during and after the period of the Reformation substantially curtailed the church's potential participation in the field of social welfare. History focuses on the often tawdry details of Henry VIII's marital life, but for our purposes here we need only note his persistent efforts to strengthen *mortmain* prohibitions (against bequests of land to ecclesiastical authorities), his corresponding restrictions on the employment of 'uses'

or trusts to preserve and pass on individual wealth primarily to church officials (1532), and his dissolution of the monasteries (1539). The final blow came with the confiscation of remaining church property -- most of it remaining in the form of `chantries´ or property bequeathed to the church for the support of priests -- by his successor, Edward VI, in 1547. It is evident that, as the Crown struggled to shape the economic and social life of England, the Catholic Church would be given little or no role in the process of nation-building.

The agrarian changes affecting English economic life are usually grouped under the cognomen of "enclosure", a term applied to fencing of land, primarily for the grazing of sheep but also for parks and preserves, and the consequent dislocation of thousands of small farmers.[17] The notion of covetous and rapacious landlords evicting tenants and erecting fences in order to maintain an indecently high standard of living as the "poor makers of the age has taken on the status of a national myth which, with alterations, has perpetuated itself down to our own century."[18] No doubt the processes of agrarian change dislocated many families, and the growing emphasis on sheep-raising and wool-gathering to fuel the growing textile industry re-arranged land and labor in significant ways. But the decline of manor life was not just simply a

shift from corn to wool. The driving force of the agrarian revolution

> was a changing attitude on the part of owners toward their land, which increasingly they came to regard and to exploit as a species of capital. Much land passed into the hands of new and vigorous men who were sensitive to the economic realities and who were wholly prepared to convert their holdings from arable to grazing or to reconstitute the semi-communal and wasteful open-field system still prevailing in many parts of England, if means could be found to gain their ends."[19]

The calculations of these new landowners which, looking back in 1889, Charles Booth would call the "arithmetic of woe,"[20] seemed in the fifteenth and sixteenth centuries to be only a simple responsiveness to the economic realities confronting the post-feudal landlords of England. As the ties binding lord and *villein* unraveled, two rather seismic changes could be perceived: a) as noted by Sir Frederic Morton Eden in his 1797 classic, THE STATE OF THE POOR, "the decrease of *villeinage* seems necessarily to have been the era of the origin of the poor";[21] and, correspondingly, b) it was an era in which human relationships became increasingly economic.

> Some tenants and feudal vassals were relieved of their feudal obligations in return for a monetary payment. [As early as] the Battle of Poitiers in 1356, soldiers of the Black Prince fought not out of feudal duty but for promise of pay and a share of the spoils. Elsewhere, wheelwrights and blacksmiths began working for wages.[22]

In such an environment, as Merritt Ierley notes,

"towns were abuilding, and that meant an increased mobility of the population" and, more importantly, a "corresponding increase in the number of visible poor as feudalism declined".[23] It was in response to such `visible poor´, the displaced and unemployed vagrants -- the `ragged rabblement of rakehelles´ cited earlier -- that a string of laws were passed in the sixteenth century that laid the rigid tracks upon which the economic engine of the Elizabethan Poor Laws would ultimately run. For instance, the Statute of 1531 evidences the `stick and carrot´ approach behind so much later social policy. It provided that a vagrant "be tied naked to the end of a cart, and be beaten while dragged throughout town `tyll his Body be blody by reason of suche whyppying´".[24] On the other hand, the statute also spoke to "the needy and legitimate poor", giving them approval to continue begging provided they obtained a license to do so. Under conditions set out, "eligible beggars were now assigned areas in which to beg and issued licenses in the form of a letter from a justice of the peace bearing the name of the beggar and his authorized territory".[25]

Such early bureaucratic heavy-handedness didn´t work very well, as evidenced by a continuing spate of increasingly repressive legislation. In 1536, another statute tried to refine the definition of the legitimate

poor, those "impotant lame feble syke and disseased people",[26] who were now to be the subject of alms gathering at the parish level. Such funds were to be applied particularly in finding jobs for those "stronge ynough to labour ... whereby every one of them may gette theyr owne substaunce and lyving with their owne handes".[27] The 1536 legislation even went so far as to recognize that children growing up in poverty and ignorance tend to perpetuate a cycle of poverty and so designated a portion of the alms gathered be given over to the vocational training of children between the ages of five and fourteen.

All of this social engineering, it seems, was destined to be overwhelmed by the mass of impoverished, displaced, diseased and unemployed children and adults wandering through the countryside and gathering increasingly in the filth-laden slums of London and the other emerging cities. By 1552, the problem was so severe in London that what we might recognize as the first of many charity commissions was gathered under the auspices of young King Edward VI and Nicholas Ridley, the Bishop of London. This committee of twenty-four persons, including the Lord Mayor, two city Aldermen, and six commoners as well as the Bishop himself, devised the classification later made famous in Shakespeare's favorite sourcebook, HOLINSHED'S CHRONICLES.

There is no commonwealth at this day in Europe wherein

> there is not great store of poor people, and those necessarily to be relieved by the wealthier sort, which otherwise would starve and come to utter confusion. With us [in England] the poor is commonly divided into three sorts, so that some are poor by impotence, as the fatherless child, the aged, blind, and lame, and the diseased person that is judged to be incurable; the second are the poor by casualty, as the wounded soldier, the decayed householder, and the sick person visited with grievous and painful diseases; the third consisteth of thriftless poor.[28]

The first two types, the "true poor, indeed" -- those `poor by impotence´ and those `poor by casualty´ -- were, under the law of 1552, to be the subject of weekly collections taken throughout every parish in the realm for "their help and sustentation". As to the others, the `thriftless poor´, well they were "all thieves and caterpillars in the commonwealth, and by the Word of God not permitted to eat, sith they do but like the sweat from the true labourers brows"![29]

Again, social policy was outrun by social problems and the frustrations which accompanied them, and in 1575 the already severe penalties for vagrancy were increased. Under the Statute of 14 Elizabeth, flogging, burning *per le gristle dextre auricule* [through the right ear] with a hot iron, and even hanging were permitted.[30] Even with such strict punishment now available, everyone seemed to realize it just wasn´t working. In the very next year, 18 Elizabeth provided for the development of a sort of `cottage industry´, whereby the government would provide

raw materials -- wool, hemp, flax, iron, etc. -- in every city and town so that the poor could work at home. Of course, if they chose not to work, they could be dealt with through the new houses of correction which the new legislation also ordered to be built in each county. It was becoming evident that as long as social thinkers and politicians remained convinced that "poverty was a consequence of a moral fault,"[31] there simply was nowhere for such repressive legislation to go. As David Owen says,

> it was only slowly that this view yielded to the patent realities of the sixteenth century economy; that men even in Parliament came to understand and then to admit that much poverty, very real and killing poverty, flowed from the economic and social dislocations of the era.[32]

This sort of understanding finally surfaced during the parliamentary session of 1597-1598, a conclave that included such notable figures as Sir Francis Bacon, Sir Edward Coke, and Sir Walter Raleigh.[33] While the Poor Law of 1598 (re-enacted in 1601 as 43 Elizabeth) which emerged from their deliberations essentially continued what had been developed over the preceding decades, its improvements also reflected the impact of a new set of horrifying circumstances.

> For the nation as a whole, the disasters and dearth were much more serious in the last two decades of the reign. Plague spread to many towns after devastating outbreaks in London in 1593 ... disrupting economic activity and throwing hundreds of victims onto parish relief. Harvest failures in 1586, and in 1595, 1596,

> and 1597, brought malnutrition, disease and further surges of mortality to the poorer suburbs as well as to more isolated rural areas.... The later 1590's in particular were years of social stress over much of the country. Widespread distress was accompanied by a peak in crimes against property, by a similar high point in illegitimacy rates, and by food and enclosure riots.[34]

It was in this intense and troubled environment that Parliament convened in October, 1597. It moved quickly to a full debate of the whole problem of poverty and its relief. Jordan notes that

> while, unfortunately, only sparse records of this great discussion have survived, it is clear indeed that the members had come up to Westminster gravely concerned by the recent, and current, disturbances and with an almost intuitive sense that they must come to grips with a pervading social problem which could in critical periods threaten the stability of the basic institutions of the nation.[35]

Thus, the work of the 1598-1601 legislation was prompted by the most critical of circumstances and describes the culmination of a transition which took place with the utmost of that friction which, as Paul Slack notes, "in human affairs, is a euphemism for suffering".[36] He adds that whether one "looks at the records of the Council, of Parliament, or of local authorities, there can be no doubt that in the latter half of Elizabeth's reign people in authority felt threatened by rising population, large numbers of vagrants and paupers, and the disorders they provoked".[37] The comprehensive legislation of 1601 gathered most of the prior efforts to aid the needy poor

and to control the thriftless poor into a package to be financed by a nation-wide compulsory local tax, called the `poor rate´. Rich parishes could be assessed over and above their needs to help poorer ones, and almshouses and hospitals were to be provided in each district by an additional county poor levy.

Much more importantly, the legislation was tied to, or perhaps simply expressed, a larger social ideal. A new class of wealth -- urban merchant and rural gentry -- had created a new form of utilitarian and secular philanthropy. Driven by the power of public taxation and the centralization of government, both of which derived from the Act of Supremacy of 1534,[38] there emerged a "closely regulated, paternalistic system of social control"[39] based on civic rather than ecclesiastic authority. Thus, as the major medieval institutions of social welfare -- the manor, the guilds, and the Catholic Church -- declined, new philanthropists[40] applied their rising economic and political power to satisfy a volatile mixture of motivations for social action, including:

> Renaissance humanism, Protestant zeal for good works (a subject of many contemporary sermons), the desire to be viewed as good citizens, concern for the educational standards of the present and future labour force, and fear of rebellion by the masses of vagrant, unemployed poor.[41]

However one views such motivations, the resulting

activity was truly astonishing. With the compelling force of government[42], and encouraged by the permissive language of the legislation of 1597-1601, particularly the moral beacon set out in the Preamble, these new philanthropists financed

> new almshouses, hospitals (in the modern sense), houses of correction, workhouses, work programmes, apprenticeship schemes, grammar schools, university colleges, loan schemes for young men starting up in business, programmes of `municipal betterment´ and other social welfare projects. Relief of poverty and education attracted by far the most support: between 1540 and 1660, for instance, the number of almshouses in England increased from 40 to 250 and the number of grammar schools from 30 to 540.[43]

It is no wonder, then, that Wilbur Jordan can write with so much conviction and so little hesitation that

> the benefactions made by men of our period [1480-1660] bear eloquent witness to a profoundly significant, a truly revolutionary, shift in the nature and structure of men´s aspirations: to the rapid withering of the religious preoccupation as the secular needs of humanity came, well before our period was out, to absorb the concern and the fortunes of men who were laying most securely and solidly the *Gründlagen* of a new civilization.[44]

This new `foundation´ they worked toward as the only solution to the immense social problems consequent on the economic changes consuming England, had two keystones. First, it fixed the local `parish´ as the unit of ultimate responsibility not only because the facts regarding poverty were best known and most intensely experienced there, but also probably more importantly because the whole scheme of

poor relief rested on the assumption "that a stable society, a non-migratory society, offered fewer social perils to the state".[45] Via this legislation, then, a crucial localized mechanism for the administration of a wide area of social responsibility was established by law. It was linked, however, by carefully graduated degrees with the county offices and ultimately, with Westminster itself. Second, the act passed in 1598, and with minor revisions re-enacted as the Charitable Uses Act of 1601, also represented the complete vesting of charitable responsibility in secular hands, "thus finally marking the completion of a translation of responsibility which ... had been steadily in progress [from the late fifteenth century and which] was one of the most significant of all steps in the social history of the modern world...."[46]

Certainly the skillful and persistent efforts of these turn-of-the-century parliamentarians to forge a national economic and social policy -- i.e., to forge a nation -- was acutely reflected in the large view of philanthropic policy they adopted. The old parochialism -- religious, social, and economic -- was dissolving and "charitable giving ... was a most important solvent ...."[47] Moreover,

> the steady flow of charitable funds from parish to parish, county to county, and region to region was doing this beneficent work as well, an aspect of social and cultural change which Elizabeth recognized and powerfully assisted in the enactment of the poor laws

> which sought to define and to enforce the interdependence of all communities one with another. The problems with which she was struggling and the problems to which private donors were addressing themselves were, it came to be understood, national in scope and could be resolved only if the nation itself should be considered as a community.[48]

And so, Jordan concludes, "out of the economic and social travail of the sixteenth century a nation was born".[48]

From 1601 to 1780

It will be remembered that Sir Edward Coke was very active in the Parliament of 1597 and instrumental in fashioning the language of 43 Elizabeth. The decades at the end of the sixteenth and the beginning of the seventeenth century were the period of "the rise of the House of Commons, which was dominated by the rising merchant class and landed gentry".[50] It was also a period when the Crown viewed governmental functions (especially fiscal matters, including the revenues needed to wage foreign wars) as its prerogative. Parliament, and much of the early seventeenth century history of English government, was "inextricably entwined with the life of Sir Edward Coke" who "saw the Crown as circumscribed by the common law".[51]

It was Coke who insisted that common law was the supreme law of the land; more importantly, he argued convincingly that common law -- not royal privilege --

would fundamentally control the development of commercial law. The diminishment of royal prerogative became the by-word of parliamentary power. In addition, Coke's insistence on parliamentary authority over the development of commercial law was effective because his stand mirrored the sentiments of a growing and powerful group of merchants and traders who saw profitable opportunities in trade and commerce "everywhere circumscribed by privileges, barriers to entry and mobility, which had only to be removed to increase the scope and profitability of enterprise and consequently to promote economic growth".[52] Coke, and his parliamentary successors, also sought to remove commercial and property rights from the provenance of royal whim and relationship, and incorporate them into "a body of impersonal law guarded by the courts".[53] In short, the control of the economy was removed from the Crown; by the end of the so-called 'Puritan revolution' and the seventeenth century, the middle classes, through an invigorated Parliament, had gained control of England's economic life.

This victory was not altogether positive, however, for those not yet in -- or never to arrive at -- the middle class. Only two examples must suffice regarding the social confusions that persisted in the face of staggering economic changes. In 1624, still under Coke's leadership,

Parliament passed the Statute of Monopolies, which severely proscribed Royal monopolies in all areas. This law gave government sanction to innovation and free trade, thus encouraging and promoting middle class enterprise and broadening the opportunities for the accumulation of new wealth. On the other hand, the de-centralization of authority implicit in the power of the House of Commons also encouraged the local parishes to become "increasingly self-centered, less subject to central control and more determined to expend as little time and money as possible on dealing with the poor".[54] Local authorities wanted to spend their resources on commercial infrastructure, not on succoring the poor. These conflicting, though not surprising, attitudes led not only to decreased spending, but also to the inevitable resurfacing of the efforts to 'punish' the poor for their poverty. As we have seen, and will continue to see, this ambivalence about the causes of poverty has deep roots and persists into contemporary social policy with great vigor. In this instance, the waxing of middle class fears about those who were unable or unwilling to work came in the form of the Law of Settlement of 1662, "whereby each parish in effect shut off its boundary to the poor (both deserving and undeserving) of other parishes by punishing with extreme severity any pauper who strayed from the parish of his or her birth".[55]

It is not difficult to see how this attitude of forcing the poor into the labour market would eventually harden into the atrocious workhouses and inhumane child labor practices of the eighteenth and nineteenth centuries.

An odd admixture of conscience and commerce continued to fuel recriminations against the poor themselves. The Anglican revival of the early decades of the eighteenth century merged with England's booming economy to create a rather distinctive English notion of 'charity'.

> To provide a comfortable subsistence for the Poor, is Most certainly a Duty highly obligatory upon every Person in whom the traces of moral virtue are not quite obliterated; the performance of which is equally required by Policy and Religion. This is a Charity of the utmost extent: which, if conducted according to the following plan, by employing the Poor in Parish Workhouses, will very much promote the Commerce, Wealth and Peace of this Kingdom. These Houses will also become proper Schools to train up the Children of the Poor to Religious Sobriety and Industry, who would otherwise be brought up in Sloath, Ignorance and Vice.[58]

This was a charity infused with solid, Puritan values including frugality, hard work and devotion. It was also, and importantly for our purposes, a notion of charity more and more infused with middle class values, including comfort and commerce. As Owen notes, "the evangelical current coincided in time, roughly speaking, with the economic revolution and the population explosion that began in the latter half of the eighteenth century and so decisively conditioned nineteenth-century history".[57]

Toward the end of the eighteenth century, a certain softening toward the poor was evident. Gilbert's Act, a statute of 1782, provided for the first time since the feudal era `outdoor relief' (an early, and still occasionally heard, euphemism for the public dole) to be dispersed at their discretion by local justices of the peace where they deemed it necessary. And, at the very end of the century, there emerged the so-called `Speenhamland System', which derived its name from the town where it first came into prominence. "According to this system, which spread to many parts of England, parish doles were granted under the poor law as a supplement for the low wages of rural employees within the parish as well as to unemployed paupers."[58]

Such forms of public subsidy to both the underemployed and the unemployed would not be tolerated far into the next century. By 1834, an exhaustive report by a Royal Commission of Inquiry[59] on the Poor Laws brought an end to such indulgences. The Poor Law Amendment Act set in place measures "overtly designed to separate worker from pauper and to coerce a very able-bodied but unemployed person into trying to obtain employment...."[60] The premise behind this newest statute was to attach an increasing level of social stigma to the unemployed. It argued that any assistance under the poor laws should always be `less eligible',

another euphemism for making any benefits received by the poor less desirable from the recipient's point of view, than the wages and living conditions of a worker.

The impact of this legislation on private charity was quite interesting. It must be remembered that during the nineteenth century, as in preceding centuries, the resources of philanthropy "significantly exceeded state expenditures under the poor law. Indeed the range and scale of nineteenth century philanthropy was huge, particularly in late Victorian times".[61] Nevertheless, writers about and practitioners of private philanthropy, following their commercial brethren in espousing the virtues of the marketplace, pursued the philosophical underpinnings of the Poor Law Amendment Act of 1834 by asserting that undeserving paupers must on no account be helped by charity. But in the often errant manner implicit in all power relationships, philanthropists of the mid-and late-nineteenth century asserted that "only philanthropic organizations, and certainly not the poor law overseers, had the necessary discrimination"[62] to discern whether or not a pauper was capable of becoming an honest worker and was therefore 'deserving' of relief. A typical article, published in the WESTMINSTER REVIEW for 1853, asserts that

> the charities of England, in extent, variety, and amount are something perfectly stupendous. They have long been so. There is scarcely a conceivable form of

> human want or wretchedness for which a special and appropriate provision has not been made. There is scarcely a malady to which the human frame is subject, scarcely a casualty to which it is liable, which has not a peculiar hospital or dispensary allotted to its victims. If people are destitute, they are lodged, clothed, and fed at the cost of the public. If they meet with accidents, hospitals and infirmaries without number are open to receive them. If they are afflicted with disease, the medical charities are endless and diversified .... If maternity comes and finds them unprovided, lying-in hospitals and cognate institutions swarm around them.... From the cradle to the grave, they are surrounded with importunate benevolence.[83]

The rather exasperated and not so subtle condemnatory tone of articles such as this tried to emphasize the task that confronted English philanthropy in this the era -- making the all-important distinctions between deserving and undeserving recipients of their largesse.

It is to this self-appointed task that so much of the remainder of the century's philanthropic activity was devoted. A group of "leading middle class citizens from the professional classes"[84] joined together in 1869 to form The Society for Organizing Charity and Repressing Mendicity. While they probably had hoped to be remembered for activities associated with the first part of their name (indeed, supportive histories constantly refer to this group as COS, or the Charity Organizing Society), most serious writers on English philanthropy emphasize the deeply negative connotation of the tasks necessitated by 'repressing mendicity'. In all of its many activities, The

Society for Organizing Charity and Repressing Mendicity (joined, of course, by the many other associations that followed its lead) sought to take the 'high ground' away from government, to position itself as the arbiter, the central decision-maker for clarifying the distinctions between deserving and undeserving beneficiaries. An elaborate administrative machinery, with substantial political power and fueled by substantive collective philanthropic resources, arose under the influence of this singular organization by the end of the century. With certain significant positive variations, the twentieth-century version, known as the Charity Commission still carries on similar activities.

The Society's work was wide-ranging. It maintained a clear liaison with the police forces[65] to weed out and prosecute undeserving beggars under vagrancy laws. It monopolized control of 'outdoor relief', assuring that it went only to the deserving poor and the genuinely infirm. It took vigorous administrative and political steps to prevent other charities from dispensing relief indiscriminately. For example, it conducted a hugely successful campaign in opposition to the provision of free school meals to poor children. The argument was an old one: that such meals "would encourage parents who could afford to provide meals themselves to work less hard or to

squander the money thus saved".[86] The Society also used its ever-widening network of influence to strongly encourage the many charity-run elementary schools, established during the seventeenth century, to include more religious instruction, with special emphasis on "self-reliance and the moral necessity of departing pupils to find an apprenticeship or some other honest occupation".[87] Just in case such goals couldn't be met, The Society for Organizing Charity and Repressing Mendicity played a significant role in the establishment of reform schools, which would eventually become part of the state penal system for the punishment of criminals.

The underlying principle of The Society for Organizing Charity and Repressing Mendicity was that poverty was essentially a 'moral problem'. The reality was that private philanthropy, marshalled by this powerful group, now established formal procedures for simple economic coercion. Increasingly, as the century wound down, judgments "as to whether claimants for relief deserved to be helped often depended on its assessment of their way of life. If they appeared to be frugal, temperate, clean-living, faithful to their spouses and sexually restrained, such signs of adherence to a middle-class view of how the honest worker should behave generally led to a decision that poverty was due to temporary misfortune rather than

idleness".[68] As Chesterman points out, certainly with some irony, the

> disjuncture between seeking to impose middle-class values of self-reliance, sobriety, abstinence, etc. (classically associated with the entrepreneurial `self-made' businessman of competitive capitalism), and seeking to produce an industrious but essentially docile workforce which would not try to rise above its station was not always perceived.[68]

The original Society continued to influence philanthropy and various social welfare measures well into the 1900's, particularly during the `settlement movement' which began with the institution of Toynbee Hall in 1883.[70] But even the powerful Society for Organizing Charity and Repressing Mendicity was overrun by economic events and its influence waned as central government authorities began to make more and more inroads -- "important and irreversible encroachments"[71] -- on areas of social welfare which heretofore had been the purview of the locally-administered poor laws and dominated by the powerful voluntary associations which comprised private philanthropy in England.

An End to the Poor Laws

On 20 November 1739, a Tuesday evening, 170 ladies and gentlemen gathered at Somerset House on the Strand in London. The group included the Lord Mayor of London, several Aldermen, the Duke of Bedford, Lord Vere Beauclerk, Lady Betty Germaine, and others from among the nobility,

the wealthy and the influential. On this evening, they were addressed by a retired white-haired sea captain, better known for his persistence than his wealth or social influence. His name was Thomas Coram. He had struggled for 17 years to arrive at this special evening. Coram was here to make the presentation of a Charter of Incorporation onto which the Great Royal Seal had been affixed only a few days before. With a prayer -- for he was a Puritan -- and some modest remarks, Coram turned this document over to the young Duke of Bedford, who had agreed to serve as the first President of The Hospital for the Maintenance and Education of Exposed and Deserted Young Children, better known as The Foundling Hospital of London. The Foundling Hospital reflected in microcosm the world of eighteenth century England. The story of the Foundling Hospital

> is a story that touches upon many aspects of eighteenth-century social history: morals and manners, music and medicine, economics and education, clothing and cuisine, politics and poverty, art and architecture, the apprenticing of children and the role of women. Hogarth made the Hospital London's first art gallery. Handel gave annual performances of his oratorio, *Messiah*, in its chapel.... Over the years the institution took on a personality of its own, compounded of tradition well mixed with innovation, for its Governors, although very much men of their time, showed a remarkable willingness to experiment with new methods.[72]

With a conscience troubled by the horrible child abuses[73] he observed in London and other English port cities, but without the resources to do anything about it

on the scale the problem demanded, the kindly Thomas Coram persisted against overt opposition, indifference, bureaucratic delays, personal illnesses and misfortunes, and profound discouragement until he found a solution. The solution he found removed English philanthropy from its kin and religious roots, removed it from its long tradition of individual and local beneficence, and created a new tradition, a tradition based on the economic verities of the eighteenth century.

> The genius of Thomas Coram was that he gave to this increasingly commercial and industrial world the most appropriate charitable structure possible, an adaptation of the joint stock company already in use by British entrepreneurs, whereby individuals acting together in a voluntary corporate body not only could undertake philanthropic projects of greater magnitude than any of them could support alone but also could form a legal entity capable of receiving legacies.[74]

In short, Coram developed the perfect vehicle -- the eleemosynary corporation -- to confront the multiplying and changing needs of private philanthropy. It was a vehicle modeled on the successes of the ever-increasing British middle class. Moreover, it was a vehicle with which English businessmen were already very comfortable. As the Harvard historian, David Landes, sees it

> the structure of the firm was more open and rational in Britain than in the continental countries. Everywhere, the fundamental business unit was the individual proprietorship or the family partnership, but where, in countries like France, the family firm was almost always closed to outsiders, British entrepreneurs were far more willing to enter into association with friends

> or friends of friends. Indeed, this seems to have been the preferred way of raising capital to expand or to attract and attach special skills to the enterprise.[75]

The Foundling Hospital, and the unique corporate and philanthropic entity which Coram devised to finance it and for which he was finally able to gain formal approval from the Crown, became the prototype for thousands of successors in England and, later, in the United States. Such entities "proved to be ideal channels for the benevolence of a growing middle class".[76] In this, and similar, associative philanthropic vehicles developed by and for the rising middle classes;

> benevolent persons were discovering with wonder what were the glorious effects it had pleased God's infinite goodness to produce by subscription merely during the will of the contributor, and of them not exceeding one guinea a year. A feeling for the power of association is the really significant thing.... This was the conscious and subconscious idea of the age.[77]

The solidifying values and the growing involvement of that burgeoning middle class -- represented here by Thomas Coram and his Foundling Hospital -- are at the core of philanthropic activity in this period.

The era begins with government's increasing efforts to preserve and encourage the economic flowering of the rising middle classes and concludes, in 1888, with the passage of a Law that effectively transferred full responsibility for the general social welfare to the State. Known as the

Mortmain and Charitable Uses Act, this legislation, after nearly three centuries, essentially put an end to the Poor Laws as defined in 43 Elizabeth. This legislation is important mostly as a sort of culmination, a recognition by the late Victorians of the inability of private resources to address the plethora of social dilemmas which had been created by the nearly unchecked accumulation of such resources by the middle classes. What began with Thomas Coram's private economic scheme to address a specific 'out-throw' of urban, industrial society ended with government involvement at nearly every level of social welfare.

In short, Coram's great dream transformed English philanthropy just as industrialization was transforming English society. In just a few decades, it became only too evident that Coram's ingenious solution wasn't sufficient to ameliorate the profound levels of social distress that overwhelmed all private efforts. From the eighteenth century onward, English philanthropy essentially becomes a joint-stock, voluntary endeavor of the middle classes. In this, it also provides a near-perfect mirroring of the economic institutions which emerged in the period.[78] But by the middle of the nineteenth century the enormous economic changes which fueled the English ambition for nation-building had turned the gap between rich and poor, so troubling to Thomas Coram, into a chasm. The

lightweight bridges of religious charity, the generous endowments and trusts of the wealthy, or even the great voluntary outpouring of the middle-class charitable associations epitomized by Coram's efforts, were ultimately unable to sustain the full weight of the ravages of industrialization and urbanization. While neither the repeal of the traditional poor laws in 1888 nor the transformation of charitable provision to state services rendered the poor law or private philanthropy "redundant ... steadily these faded from prominence".[78]

Into the Twentieth Century

By the time we enter what Sydney Checkland labels "the phase of industrial maturity"[80] which crosses from the end of the nineteenth century into our own, philanthropy had "taken on the dignity of a national tradition".[81] Increasingly, however, it was now a tradition which pointed the way to action by the State. "It was the bad years" at the end of the century, David Owen emphasizes in a section which is significantly entitled "Approach to State Partnership", that "started the British State hesitantly and almost involuntarily along the road that would lead to a new and comprehensive policy".[82]

Only five years into the new century, yet another Royal Commission was created. The majority who participated in the Inquiry favored the older tradition of

narrow, localized control and continued to believe that the fewer people eligible for benefits, the better. But some of the old rigidity had begun to slip away. The majority was prepared to abandon once and for all the odious term `poor law' and replace it in word and in deed by `Public Assistance Committees', though these would still be run by local authorities. Moreover, the fourteen members of the majority, along with the four members of the minority, agreed that such public assistance could be streamlined in accordance with changes instituted through the Education Act of 1902. This permitted the assimilation of the poor law into the general pattern of local government and encouraged a greater systemization of benefits so that local discrepancies might be lessened and benefits extended more equitably, including provisions for health clinics in all schools, old age pensions, and a state medical service.[83]

But the real importance of this latest Royal Commission is to be found in the "Minority Report". Four of the members of the Commission not only agreed on, but chose to present publicly, the first forceful argument to the effect that "there should no longer be any distinction between paupers and the rest of the population".[84] Finally, after three hundred years, someone called publicly

and clearly for the removal of the ancient stigma of poverty and the attribution of human suffering to individual moral failure. Yet the minority report went even further. It recommended positive state action to cure or ameliorate unemployment, and called for ministry-level oversight of education, health, pensions, and asylums for the mentally defective. It even contained "proposals for something approaching a national health service and a ministry of labour".[85]

Whether at the provocation of the Minority Report of the Royal Commission of Inquiry of 1905 or not, changes came quickly to public policy practices under Lord Asquith's Liberal government. The Unemployed Workmen Act of 1905 provided extra relief, usually in a labor camp or on local public work projects; originally it was to be funded privately, but in 1906 Treasury funds were supplied to finance this relief effort. Old age pensions (1908) and compulsory national insurance against sickness and unemployment (1911) followed quickly. Even education, for more than 200 years the beacon of private charitable endeavors in England, came to be a government responsibility as the century changed. Private funds and fee-based services were eliminated in elementary schools in 1891 and secondary schools came to be financed through taxation at the local level with the Education Act of 1902.

The Housing Act of 1890 first brought government into the arena of public housing, a long-neglected area, and one where private charity had made substantial contributions, particularly during the Victorian era. Perhaps the course of change in medical services and hospitalization is most typical. Under the old Poor Law legislation, urban hospitals could treat only paupers. But by the early 1870's, these same hospitals

> began to admit persons other than paupers, then in 1885 admission to them ceased to constitute a bar to the exercise of voting rights and by 1906 they were recognized to be, in effect, state hospitals, having nearly as many beds as all the voluntary hospitals in England and Wales.[86]

Indeed, though philanthropy continued to play a role in English life, the decline of the influence of private charity in these decades is breathtaking. In 1870, charitable resources in Greater London alone have been estimated at a figure of between 5-7 million pounds. For poor relief in that same year, expenditure by the government in all of England and Wales amounted to only about 7.5 million pounds. By 1934, English charity expended an estimated 50 million pounds, but by then that represented less than 12 per cent of total public expenditures on social services. By 1975, charitable expenditures amounted to less than 5 per cent of England's efforts in this area.[87] And, it must be noted, even that

lower figure is inflated because a substantial portion of the resources of contemporary English charities consist of pass-through grants and subsidies from the government, not to mention the value of various fiscal exemptions provided by the Treasury.

Interestingly enough, the bold pattern of private philanthropy in the tapestry of English economic life has refused to dim. Even after World War I, when the forces of worldwide depression created enormous social distress in England, the growing power of the labor movement in the interwar years produced a whole new source of private philanthropy, as thousands of worker-funded schemes for the alleviation of suffering began. Private philanthropy "still played a dominant role in a number of important fields of welfare -- notably medical and child care -- and made substantial contributions in other fields, such as income maintenance."[88]

Ultimately, it took the mobilization of English industry, government, and society for the Second World War to provide the impetus for an amazing package of post-war enactments which made private philanthropy merely a `junior partner´ in all major areas of welfare provision. Comprehensive control was assumed by the State in education (Education Act of 1944), income maintenance (Family Allowances Act of 1945), health (National Health Service

Act of 1946), and insurance and employment (National Insurance Act of 1946 and National Assistance Act of 1948). The relationship of the administrative machinery required to sustain this astonishing public undertaking and the nature of the continuing partnership with private philanthropy is the topic of my next chapter. For now, the question seems to be: What could possibly be left for private philanthropies to undertake in light of this massive government effort?

Two significant efforts, both provoked and financed by the Government itself, attempted to answer that question. The first, under the stewardship of Sir William Beveridge, was proposed as a modest effort to conduct a survey of existing schemes of social insurance and allied services. Had anyone else been in charge, perhaps the study would have joined so many others in the dustbin. However, Beveridge had for many years been intimately involved with issues central to unemployment and unemployment insurance. He had served as Chair of numerous commissions and committees on these topics as far back as 1905 and had even authored a standard text on the topic entitled UNEMPLOYMENT: A PROBLEM OF INDUSTRY. A trained economist, he headed the famed London School of Economics from 1919 to 1937, certainly years of immense economic turmoil in England and elsewhere. As Raynes points out, "no

independent person with greater knowledge and experience of social insurance could have been appointed"[88] for the inquiry or to write the report, issued at the end of 1942. It became a best-seller in England and abroad.

The lengthy but "brilliantly persuasive"[89] Beveridge Report had three parts: the survey of the current state of affairs in social insurance and allied services; a comprehensive scheme to be administered by a Ministry of Social Insurance; and most importantly, for our purposes, a distinctive set of `guiding principles´. These last were to serve as the basis for Beveridge´s own subsequent 1948 publication, VOLUNTARY ACTION. The first guiding principle was that any proposals

> for the future, while they should use to the full the experience gathered in the past, should not be restricted by consideration of sectional interests established in the obtaining of that experience. Now, when the war is abolishing landmarks of every kind, is the opportunity of using experience in a clear field. A revolutionary moment in the world´s history is a time for revolutions, not for patching.[91]

His second principle was "that organization of social insurance should be treated as one part only of a comprehensive policy of social progress. Social insurance is an attack upon want. But Want is only one of five giants on the road of reconstruction, and in some ways the easiest to attack. The others are Disease, Ignorance, Squalor, and Idleness."[92] And, the third principle was

that "social security must be achieved by co-operation between the State and the individual. The State should offer security for service and contribution. The State in organizing security should not stifle incentive, opportunity, or responsibility: in establishing a national minimum it should leave room and encouragement for voluntary action by each individual to provide more than that for himself and his family".[93]

The initial outline of a growing interdependence of statutory and voluntary services was emerging; indeed, a `revolutionary' partnership between private and public was being proposed. It was not only rhetoric when, during the three days of Parliamentary debates on the Beveridge Report in February, 1943, Lord Pakenham would declare that voluntary organizations still played "a part ... as essential in the future as they have played in the past."[94]

The British government undertook a second significant effort to elucidate a continuing role for philanthropic associations built on Beveridge's analysis, principles, and recommendations as well as his subsequently published thoughts on this topic. In the words of its Chairman, Lord Nathan, this newest Committee's assignment was "to recommend ways in which the goodwill of the past may be more free to serve the changing needs of the present" -- specifically, ways in which philanthropic organizations and

charitable endowments "may add their full weight to the whole drive of voluntary action for social progress".[85] The Report of the Nathan Committee on Charitable Trusts, published in 1952, thus took on the task of defining the behaviors most appropriate to, and best undertaken by philanthropy, now government's 'junior partner'. These included: "pioneering new areas of welfare provision, collaborating in various ways with state agencies of social welfare, and acting in appropriate circumstances as a critic of state welfare" provisions.[86] While debate would continue around the doctrine of mutual exclusiveness of voluntary and statutory services -- the so-called 'parallel bars' formulation -- and even around the 'extension ladder' conceptualization of private -- voluntary services as a mere add-on to government efforts -- the Nathan Report asserted without equivocation, that

> so far from voluntary action being dried up by the extension of the social services, greater and greater demands are being made on it. We believe, indeed, that the democratic state, as we know it, could hardly function effectively ... without such channels for, and demands upon, voluntary service".[87]

Conclusion

Consciously, or unconsciously, David Owen echoes these sentiments near the end of his exhaustive study of English philanthropy. Ignoring his own warning that "to venture predictions about the future of English

philanthropy "would be tempting but foolhardy", he goes on to say that

> at a guess, one may suspect that future voluntary effort will be especially productive at two widely separated points, almost at opposite ends of the philanthropy spectrum. On the one hand, personal service, given informally or through a voluntary organization or under statutory auspices, will persist and perhaps expand. Plainly the growth of the public welfare system has not only left ample room for voluntary helpfulness, organized as well as individual, but in some respects it has even broadened the opportunities for men to serve their fellows. At the opposite pole are the large general foundations, whose value to the Welfare State is beyond question. Unlike smaller voluntary bodies, such trusts have not only the resources but also the prestige needed to interest ministries, government agencies, and voluntary organizations in their experimental projects.... A kind of volunteer intelligence service, these larger philanthropies form an almost indispensable auxiliary of the official welfare army.[88]

Professor Owen's remarks, made in 1964, provide an amazingly astute preview of the results of a survey of major European philanthropies I conducted nearly thirty years later. However, before turning to those findings in my last section, let me conclude this chapter reviewing three and one half centuries of British philanthropy by turning to the Charities Act of 1960. As Owen himself says, with the "Charities Act ... the charitable realm acquired a new constitution"[88] in the form of a comprehensive re-formulation of the laws governing English philanthropic practices. As importantly, he avers, the new Act also made official and statutory what had been asserted

by the Nathan Committee -- that is, "it recognized voluntary action as an integral part of the machinery of the Welfare State".[100]

While repealing everything but the Preamble[101] of 43 Elizabeth I, the new law (8 & 9 Elizabeth II, c. 58) basically enacted the primary recommendations of the Nathan Committee and included much of the debates surrounding those recommendations. As re-phrased in the subsequent, and less legalistic, WOLFENDEN REPORT the relationship of philanthropic organizations to the statutory welfare system could be summed up as follows:

> As a pressure group seeking changes in the policy and provision of other organizations. As a pioneer of new services with the intentions that if successful they should be adopted more widely either by statutory or by voluntary agencies. As the provider of services complementary or additional or alternative to statutory services. As the sole provider of services.[102]

Nothing in the Charities Act of 1960, or explanations of it, was really new. Just as the Poor Law of 1601 could be readily interpreted as an accommodation to the realities of the demise of the feudal society and the rise of the industrial society, the replacement of 43 Elizabeth I with 8 & 9 Elizabeth II can just as readily be interpreted as an accommodation to the realities of the demise of the industrial system and the rise of the post-industrial society. The relationships and the tensions between private and public, between voluntary and statutory,

between the individual and the state remain. What is in question is the division of responsibilities at the end of the twentieth century. As Owen points out, for more than three centuries, English law and practice recognized that the "function of the State was to fill gaps in the network of private charity ... the Government should take over from charitable individuals only where there was no alternative".[103] The English had responded to this thesis nobly, generously and, at times repressively, albeit with great courage. A truly astonishing array of philanthropic organizations and resources had patched, healed, and repaired the damage done as industrial development surged and receded. Private money filled in where the wider economy failed to include everyone's basic needs. Private trusts and individual endowments of the seventeenth century gave way to the `associated philanthropy' of the eighteenth century and the deepening evangelical sense of social obligation of the nineteenth century. All of this led to a comforting panoply of organizations, associations, and charitable schemes which formed a conspicuously pluralistic barrier between the British State and the individual and assuage, at least temporarily, the economic pains at the center of that relationship.

As important as this protective barrier came to be on

a spiritual or moral level, when the question of a modern role for private philanthropy returned to the vital intersection with economics, it became only too apparent that all of this effort had "left the essential problems of urban-industrial life only slightly altered".[104] However hesitantly the English citizen, and perhaps even the English parliamentarian, may have been to embark on a state-driven positive social policy, it was inevitable, as all private efforts proved inadequate. With its deeply held philanthropic tradition and comprehensive experience with private initiative, it is evident that twentieth century interventions by the State have extended rather than reversed England's long tradition of voluntary effort. For,

> whatever the degree of intervention, those in charge for the State will be conscious of their debt to the individual Englishmen, past and present, who first pointed to a need, created organizations to meet it, and often continue to serve as auxiliaries of the state service that now occupies the field once held by voluntary forces. Whatever the long-run future of philanthropy may turn out to be, none can deny the contributions to the welfare society of generations of public-spirited citizens who by giving of their substance and by their personal efforts laid the foundations on which the state services have been built.[105]

CHAPTER SIX: NOTES

1. Cited in Wilbur K. Jordan, PHILANTHROPY IN ENGLAND, 1480-1660 (New York: Russell Sage Foundation, 1964), 112.

2. Cited in David Owen, ENGLISH PHILANTHROPY, 1660-1960 (Cambridge, MA: The Belknap Press of Harvard University Press, 1964), 89. Besides the substantive book-length scholarship, a good deal of what Greville referred to can be better understood by exploring some of the `bottom up´ social history of charitable works that has recently emerged. Two good examples are: Judith M. Bennett, "Conviviality and Charity in Medieval and Early Modern England", PAST AND PRESENT 134 (February 1992): 19-41; and, Ben R. McRee, "Charity and Gild Solidarity in Late Medieval England", JOURNAL OF BRITISH STUDIES 32 (July 1993): 195-225.

3. See Notes 1 and 2 above. Also, B. Kirkman Gray, A HISTORY OF ENGLISH PHILANTHROPY: FROM THE DISSOLUTION OF THE MONASTERIES TO THE TAKING OF THE FIRST CENSUS (London: Frank Cass and Company Limited, 1967). Among other reasons for focusing on the dissolution of the monasteries as a starting point, Gray makes the interesting and unusual observation that the subsequent "flood of social distress" was "seriously augmented by the vast crowd of disbanded religious, both men and women, the majority of whom were poor, who were in most cases expelled without receiving any pension. It has been estimated that the numbers thus affected were 1,800 friars, over 4,700 monks and canons, and 1,560 nuns. But this is only the smaller part of the difficulty, for those who were employed in and about the monasteries were much more numerous than the religious themselves"; Gray, 11.

4. Frank Prochaska, THE VOLUNTARY IMPULSE: PHILANTHROPY IN MODERN BRITAIN (London: Faber and Faber, 1988), 9-10.

5. Gray, 283.

6. In 928 King Athelstan, grandson of Alfred the Great, "produced the first relief law in England", or so argues Merritt Ierley. As he tells it, during Athelstan´s reign a council at Greatlea in Hampshire passed an

Ordinance that stands out as a model of humaneness: "I, Athelstan king, make known to all my reeves within my realm ... that I will that ye entirely feed one poor Englishman, if ye have him, or that ye find another. From two of my *feorms* [Anglo-Saxon meaning `farm, purveyance, or food´], let there be given him one amber of meal, and one shank of bacon, or one ram worth four pence, and clothing for twelve months every year...." What is significant, Ierley notes, is "the fact that it was secular authority assuming responsibility for the ... support of the poor"; Merritt Ierley, WITH CHARITY FOR ALL: WELFARE AND SOCIETY, ANCIENT TIMES TO THE PRESENT (New York: Praeger, 1984), 22-23.

7. Paul Slack, "Poverty in Elizabethan England," HISTORY TODAY 34 (October 1984), 6.

8. Gray, 79.

9. For a thorough and well-written legal history, see Hubert Picarda, THE LAW AND PRACTICE RELATING TO CHARITIES (London: Butterworths, 1977).

10. In modernized English, from Michael Chesterman, CHARITIES, TRUSTS AND SOCIAL WELFARE (London: Weidenfeld and Nicolson, 1979), 25.

11. Chesterman, 3.

12. Gray, 35.

13. Picarda, 10.

14. Gray, 3.

15. Ibid., 35. "The cause of poverty and therein the nature of the philanthropic must be sought for in the rapidly increasing difficulty of gaining a livelihood by industry. The explanation of this fact is not usually apparent to the contemporary observer; yet all the witnesses agree as to the gravity of the situation. Rents were higher; prices which were absolutely higher had also increased very seriously in proportion to wages, which advanced but slowly; in many parts of the country work had become more scarce through the numerous enclosures of common land and the amalgamation of farms...."; ibid., 7.

16. Jordan, 56.

17. The connection between enclosure and a rise in

vagrancy was even noted by Sir Thomas More in his UTOPIA, published in 1516: "The increase in Pasture, said I, by which your Sheep, which are naturally mild, and easily kept in order, may be said now to devour Men, and unpeople not only Villages but Towns. [And of those displaced] what is left for them to do, but either to steal and so to be hanged (God knows how justly), or to go about and beg? And if they do this, they are put in Prison as idle Vagabonds; while they would willingly work, but can find none that will hire them"; cited in Ierley, 28-29.

18. Jordan, 65.

19. Ibid., 61. While Jordan notes that the agrarian crisis was "spent by the close of the sixteenth century" it had "occasioned great suffering and had taught England something of the sterner realities of the modern economic world"; ibid., 62.

20. From the first volume of his LIFE AND LABOUR OF THE PEOPLE OF LONDON, cited in Gertrude Himmelfarb, POVERTY AND COMPASSION: THE MORAL IMAGINATION OF THE LATE VICTORIANS (New York: Alfred A. Knopf, 1991), 21. All of "Book One" of Himmelfarb's wondrous effort is devoted to this `arithmetic of woe' and what it meant (and means) in terms of English society.

21. Cited in Ierley, 25. With the Norman Conquest came, according to Ierley, the Norman version of feudalism, "absolute in its domination of life and society". Below the aristocratic class, "freedom largely disappeared. Serfdom was now the dominant condition of the great mass of the population". In such a society, he points out, "there was no significant problem with the poor. Each man was bound to his task, be it that of laborer, herdsman, shepherd, blacksmith, or wheelwright; and bound to his manor, a virtually self-sufficient place". Most importantly, because a master was necessarily responsible for those subservient to him, the disabled had a continuing source of subsistence -- in effect, the benefits of a welfare state"; Ierley, 24.

22. Ibid.

23. Ibid. Ierley notes how Dr. Johnson's famous remarks on marriage and celibacy "might also be applied with propriety to freedom and servitude: the one has many pains, the other no pleasures"; ibid., 25.

24. Ibid., 32.

25. Ibid. While this notion of `authorized territory´ rings in our modern ears in the same negative way as `police state´, it must be considered in the context of absolutely phenomenal population growth.

> "The rural population of the realm was growing more rapidly than a tightening and somewhat harassed agrarian system could possibly absorb, and likewise faster than the mobile elements of this increase could be absorbed by a very rapidly expanding industrial and commercial community. It is probable that the population of the realm increased by as much as 40 per cent between 1500 and 1600 and by another 30 per cent in the first four decades of the seventeenth century" (Jordan, 63).

26. Cited in Ierley, 32.

27. Ibid., 35.

28. Cited in Ierley, 27.

29. Ibid. It was from such legislation, and attitudes, that sprang the infamous Bridewell, a disused royal palace which was converted so that the healthy beggar might be "chastised and compelled to labour, to the overthrow of the life of idleness". As a rather muddled euphemism for a combination workhouse, apprentice training ground and house of correction, Bridewell remained in the language even longer than the 330 years which the physical institution itself survived.

30. Ierley, 35.

31. Owen, 80.

32. Ibid.

33. Slack, 8.

34. Gray, 2.

35. Jordan, 93.

36. Slack, 8.

37. Ibid.

38. "For years, monasteries had been tending to the poor at their gates -- food, drink, lodging, a little money -- despite the prohibition against giving alms to able-bodied beggars. The monasteries could do it with impunity because they were outside the jurisdiction of civil government.... The extrajurisdictional nature of monasteries ended with the Act of Supremacy. Five years later came the dissolution..."; Ierley, 29.

39. Chesterman, 19.

40. These `new philanthropists' were certainly a part of Kirkman Gray's economic and social description of policy formation as the `deliberation of the age'. The irony of their situation could not have been lost on them: "The Tudors ... in a period of expanding national prosperity, found themselves faced with a new and a pressing problem of vagrancy and genuine unemployment. It was with the definition and resolution of this problem that Parliament was to wrestle for a full two generations and it was to this problem that private charity was to address itself with such admirable pertinacity"; Jordan, 62.

41. Chesterman, 17.

42. One has to be a little wary of drawing a portrait of sixteenth and seventeenth century English government in the monolithic shades of the modern state. Indeed, as Jordan reminds us, all too often, government at this time "sought to control and alleviate by direct, sweeping, and angry interventions in the economic process.... [It] was searching for a way to master economic forces which even now we cannot fully control. It was hungry for information, for enlightenment." The significant difference, a modern reader sadly notes, is that in times of economic crises, "the whole weight of sovereignty was thrown quickly, aggressively, and on the whole effectively on the side of the poor and for the preservation of the social order. This fact in itself constitutes one of the greatest of the gains that men had thus far made in ordering their affairs and in assuming full responsibility in broad areas of social need"; Jordan, 74.

43. Chesterman, 17.

44. Jordan, 17.

45. Ibid., 97.

46. Ibid., 98. The importance of the parish as a governmental unit at this time cannot be overestimated. It must be remembered that each "English parish was a tiny fiscal entity, taxing the better-off parishioners by levying a poor rate. It was also a petty welfare administration, paying out the funds it levied. Each parish had its vestry which assessed the poor law rate; it chose the overseer of the poor and made him accountable for expenditure. The vestries were answerable to the Justices of the Peace, who were county office holders; appeals could be made to the Justices against the overseers. Localism and regionalism were thus great characteristics of poor law provision. The system in consequence had generated an enormous diversity"; Sydney Checkland, BRITISH PUBLIC POLICY, 1776-1939: AN ECONOMIC, SOCIAL AND POLITICAL PERSPECTIVE (Cambridge, England: Cambridge University Press, 1983), 45.

47. Checkland, 46.

48. Jordan, 98.

49. Ibid.

50. North and Thomas, 147.

51. Ibid.

52. Ibid., 148.

53. Ibid. The importance of this concept is clear in economists' language:

> "An efficient economic organization is the basic requirement for economic growth.... Ideally, by providing the proper incentives, a fully efficient economic organization would insure that the private and social rates of return were the same for each activity and that both were equal among all economic activities. Such a situation would require that each individual desires to maximize his wealth and that *he has the exclusive right to use as he sees fit his land, labor, capital, and other possessions; also that he alone has the right to transfer his resources to another...*" [emphasis added] (North and Thomas, 91).

54. Chesterman, 32.

55. Ibid.

56. From "a mid-eighteenth century exposition of the arguments for setting up parish workhouses" cited in Chesterman, 33.

57. Owen, 3. Chesterman quotes a Quaker philanthropist of this period, who noted that "the death of an industrious and fertile labourer caused a `Two Hundred Pound Loss to the Kingdom´"; Chesterman, 34.

58. Chesterman, 41-42.

59. Though the Royal Commission of Inquiry, which actually reported semi-annually from 1819 to 1836, was only one of about 160 Royal Commissions in the first half of the nineteenth century, many consider it the most important. Richard Tompson, in an exhaustive analysis, sees it as the highlight of what has come to be known as the Age of Reform. The results of this Inquiry into charitable behaviors -- known as the Great Reform Act of 1832 -- were far-reaching and representative of larger forces at play. They suggest a "shake-up in the social composition of the body politic, by causing or allowing the entry of the middle class into active political life". More importantly, the results suggest the "transforming power of industry ... a radical power to alter society. This power was in production for large markets: profits made the industrialist a man of social position; mass production brought a radically different lifestyle to the worker, both in the workshop and as a consumer. The latter touched all ranks in society -- and ranks were beginning to coalesce into social classes. This socioeconomic activity was of course another kind of `reform,´ for it was innovation largely outside the control of existing institutions, a collection of alterations which called forth a series of government acts (themselves designated reforms) to accommodate new social and economic conditions"; Richard Tompson, THE CHARITY COMMISSION AND THE AGE OF REFORM (London: Routledge & Kegan Paul, 1979), 2-3.

60. Chesterman, 42.

61. Ibid., 43.

62. Ibid.

63. Ibid., 43-44.

64. Ibid., 46.

65. It was, notes Chesterman, most certainly "no accident that Patrick Colquhoun, one of the principal founders of the Metropolitan Police Force of London, was a frequent contributor" to articles outlining the clear relationship between philanthropy and the operations of the police force; Chesterman, 47.

66. Chesterman, 44.

67. Ibid.

68. Ibid., 45.

69. Ibid., 46.

70. For this story, one needs only consult Gertrude Himmelfarb's "Victorian Philanthropy: The Case of Toynbee Hall," AMERICAN SCHOLAR 59 (Summer 1990); 373-385. One can also explore the entire terrain of this era in the same author's detailed analysis, THE IDEA OF POVERTY: ENGLAND IN THE EARLY INDUSTRIAL AGE (New York: Alfred A. Knopf, 1984) or her narrower exposition on POVERTY AND COMPASSION: THE MORAL IMAGINATION OF THE LATE VICTORIANS, cited in note 20 above.

71. Chesterman, 52.

72. Ruth K. McClure, CORAM'S CHILDREN: THE LONDON FOUNDLING HOSPITAL IN THE EIGHTEENTH CENTURY (New Haven, CT: Yale University Press, 1981), viii.

73. A thorough, graphic and well-documented history of the situation during these years can be found in Brian Inglis, POVERTY AND THE INDUSTRIAL REVOLUTION (London: Hodder and Stoughton, 1971).

74. McClure, vii.

75. David S. Landes, THE UNBOUND PROMETHEUS: TECHNOLOGICAL CHANGE AND INDUSTRIAL DEVELOPMENT IN WESTERN EUROPE FROM 1750 TO THE PRESENT (Cambridge, England: Cambridge University Press, 1969), 72.

76. Ibid., viii. After reminding us that "disapproval of making money, providing it were put to good uses, had never formed a part of the Puritan ethic", David Owen adds,

"this associated philanthropy was, in large measure,

middle class and Puritan in temper.... The hundreds of charity schools established during the first half-century, by all odds its greatest accomplishment in the realm of good works, were financed predominantly by the modest benefactions of `middling class' philanthropists. Though the great aristocratic donor by no means disappeared, most of the memorable philanthropists of the period were of middle-class origins. Benefactions might be modest or, in such instances as those of Thomas Guy or Sir John Morden, substantial, but donors came overwhelmingly from trade and commerce rather than from great families" (12-13).

77. Chesterman, 34. One would be remiss to ignore the astounding growth of another type of philanthropic activity which began about this time and climbed to more than a million members by the middle of the nineteenth century. I am referring, of course, to the famous `Friendly Societies'. Harold Raynes identifies and describes more than nine classes of these organization. "In legal terms they could be described as voluntary associations or partnerships formed for the purpose of insuring benefits to their members as provided by their rules"; Harold E. Raynes, SOCIAL SECURITY IN BRITAIN: A HISTORY (Westport, CT: Greenwood Publishers, 1976), passim and 154. Though insular, sometimes in the extreme, these societies were very important in that they constantly widened the philanthropic milieu, exposing more and more of the emergent middle classes to the benefits of social insurance, pensions, and sick benefits. Their value can best be discerned in the manner in which they pointed to the system of `universal' social services which mark the government action of our own century.

78. "Over the seventeenth century therefore we see the creation of the first patent law to encourage innovation; the elimination of many of the remnants of feudal servitude, with the Statute of Tenures; the burgeoning of the joint stock company, replacing the old regulated company; the development of the coffee house, which was the precursor of organized insurance; the creation of securities and commodities markets; the development of the goldsmith into a deposit banker issuing bank notes, discounting bills and providing interest on deposits; and the creation of the central bank, with the chartering of the Bank of England in 1694. Between 1688 and 1695 the number of joint stock companies increased from 22 to 150"; Douglass C. North and Robert Paul Thomas, THE RISE OF THE WESTERN WORLD: A NEW ECONOMIC HISTORY

(Cambridge, England: Cambridge University Press, 1973), 155.

79. Chesterman, 52.

80. Checkland, 163.

81. Owen, 2.

82. Ibid., 511.

83. Checkland, 246.

84. Ibid., 246-247.

85. Ibid., 247.

86. Chesterman, 52.

87. Ibid., 82, and in Owen, 527-528.

88. Ibid., 83.

89. This, and other background information on the Beveridge report, is drawn from Raynes, 213-215.

90. Owen, 531.

91. From the Beveridge Report, 20th November, 1942, paragraph 4; cited in Raynes, 212-213.

92. Ibid.

93. Ibid.

94. Cited in Owen, 526.

95. Ibid., 578. Much of the discussions undertaken by the Nathan Committee are technical and densely legal; it held 31 regular meetings, received written evidence from 75 organizations and 17 individuals, and asked more than 7,500 questions of 92 witnesses. The findings and recommendations have been thoroughly analyzed in Chesterman, pages 84-91 and by Owen in his Chapter XXI, pages 573-597.

96. Chesterman, 84.

97. From paragraph 63 of the NATHAN REPORT; cited in Owen, 533.

98. Owen, 552-553.

99. Ibid., 552.

100. Ibid., 595.

101. The original Preamble was retained, as I have noted earlier, because it served as the basis for more than 300 years of English case law. To the present day, then, for all legal purposes, the definition of `charity' under "the Elizabethan enumeration still remains the ultimate authority"; Owen, 579.

102. Chesterman, 84.

103. Owen, 595.

104. Ibid., 596.

105. Ibid., 7.

CHAPTER SEVEN

'A NEW TEMPERED SPIRIT TO COMFORT THE TWENTY-FIRST CENTURY'

> A European welfare state seems politically unfeasible and, at the present level of political development of Community institutions, perhaps even undesirable. Some will see in this conclusion another reason for castigating the insufficient democratic legitimation of the Community. I submit this view is shaped by a somewhat dated model of state-society relations. Even in national societies, traditional cleavages along class, party or religious lines are becoming less significant than new 'transversal' divisions over cultural diversity, citizen participation, the environment, the risks of modern technology, and other quality of life issues. It is a fact of great significance that for many of these issues the national dimension is essentially irrelevant: solutions must be found either at a local or at a supra-national, even global, level.[1]

Introduction

While the passage to from simple acts of private altruism to complex public decisions about social welfare, the subject of this dissertation, has often been hard to discern -- given, among other things, the complexity of the route being mapped -- one can perhaps now see the way a bit more clearly.

Beginning with the earliest one-on-one gift exchanges, abstract notions of fear, need, concern, and caring all mixed together in man's earliest social and religious constructs. Family, clan, and tribe all demanded that the individual make choices about levels and types of isolation

versus the challenges of interdependence; however, over time such patterns of behavior became increasingly issues demanding wider public attention and action. How and what was decided in terms of the inter-relationships of one person to another, one clan to another and one tribe to another, soon escalated into issues not only in a geographical sense, but also in an institutional sense as well. The concrete verities -- biological, emotional, spiritual -- affecting social needs and social justice gradually underwent a process of translation from necessary and sometimes intimate relationships to often distant institutional and political obligations.

This fundamental transition from an individual choice about interdependent relationships to a collective obligation for the welfare of all -- and the institutional machinery required to accomplish such an astonishing transformation at the national, and soon global, level -- is not only at the roots of our understanding of the history of philanthropy, but certainly also at the roots of our understanding of democracy. To more fully grasp the forces which translated the private motives and manner of the earliest gift exchanges into the public policies and institutions of the modern welfare state, should tell us a great deal about ourselves as individuals and as participants in those collective behaviors which make up

the institutions of democratic governance at the end of the twentieth century.

Just as I began by emphasizing the central role of morality, obligation, and reciprocity in the exchanges that characterized the earliest forms of human altruism, this closing section emphasizes the intricate and often reversible relationships between policy-making and institutional values that characterize modern welfare states and thus also characterize what Norbert Elias calls "human figurations".[2] These chains of human interdependence -- a `figuration´ is Elias´ term for a pattern which is at the same time both structured and changing -- clearly capture the profound sense of interdependence of humankind. They are the moral engine behind the continual re-definition of the institutional values of modern mass democracies. `Figuration´, in this sense, is a convenient term that allows room for us to think about both structure *and* process in these essential institutional transitions.

New Institutions

Questions of legitimacy are, of course, at the core of both institutional structures and public policy processes. Indeed, the "limitations placed on the use of institutional or collective authority"[3] are often referred to by the common social science term, "legitimacy". The most

important limitations imposed upon collective authority are moral ones.

Setting the spiritual and moral transactions inherent in the individual act of gift-giving in earliest man firmly, albeit distantly, within the context of the collective, institutionalized actions of the modern welfare state is important, it seems to me, if one defines legitimacy as the moral authority which permits public choices and actions. Even poverty, the issue most central to the development of early charitable and philanthropic institutions as well as to modern social welfare regimes, was nearly always debated in terms of moral choices and acts:

> However poverty was viewed -- as an inexorable fact of physical and human nature, as an unfortunate by-product of a particular law or institution, or as the fatal flaw of the entire system -- it was seen as primarily, fundamentally, a moral problem. It was a moral problem for the poor and for society -- for the poor as responsible moral agents and for society as a legitimate moral order.[4]

To risk repeating the theme I first mentioned in my second chapter: it is in its role as responsible arbiter of the needs of the people, however defined, that we can locate the ultimate measure of the legitimacy of the State. "A state exists only when the members identify themselves with each other in non-kin terms by believing they share a common essence in common submission to rulers who are

believed to represent the collective (common) essence and serve its common welfare."[5] That common or collective 'essence' represented by the State, I would argue here in summation, has everything to do with our concern for each other -- our common 'welfare' -- and is deeply rooted in our fear of isolation and the capacity for survival available in interdependence. I contend it is not too simplistic to identify a type of normative continuum in the development of this essential feeling of *philanthropia*: the moral force of individual altruism begat the sense of relationships among kin, begat the demands of tribal allegiance, begat the ordering of civic responsibility, begat the dogma of religious commandments, begat the mercantilistic and political forces of social necessity, begat the institutions of social response, these last of which we often refer to as democracies. As Douglas Ashford points out,

> viewing the transformation of the welfare state as the interaction of democratic institutions with the tasks of a vastly enlarged area of governmental activity meant changing the ground rules of democratic governance. The acquisition of major social and economic responsibilities is perhaps the most momentous change in the development of democratic institutions.[8]

This is not to say that a human concern for one's fellow humans is the only variable in the establishment of democracy in the modern era, but it does come very close to arguing that if "institutions are the intervening variable

between some ideal solution and the capabilities of government itself"[7] then the primary measure of the variances in public policy should be stated in terms of the always fragile reciprocal ideal of one's concern for one's fellow beings. The 'gift' -- the process of giving and receiving for altruistic motives -- becomes a private act writ publicly.

> The forms and functions of giving embody moral social, psychological, religious, legal and aesthetic ideas. They may reflect, sustain, strengthen, or loosen the cultural bonds of the group, large or small. They may inspire the worst excesses of war and tribal nationalism or the tolerances of community.[8]

It is, then, in this constant figuration of personal and group relationships, captured in the complex passages of culture and history, that I locate the importance of the study of philanthropy. In his fascinating analysis of blood donation, subtitled "From Human Blood to Social Policy", Richard Titmuss reminds us that in many societies, past and present, gifts "aim to buy peace; to express affection, regard or loyalty; to unify the group; to bind the generations; to fulfill a contractual set of obligations and rights."[9] Such gift exchanges are characterized by moral enforcement, since gifts and counter-gifts comprise what Malinowski called "one of the main instruments of social organization, of the power of the chief, of the bonds of kinship, and of relationship in

law".[10] The social relations set up by the gift-exchange are among the most powerful forces which bind any social group -- from family to the modern nation-state -- together.

The sociologist concerned with formation of the rules of social relations, looks at this transition from the personal to the impersonal act of donation, and sees a moral act, a "moral transaction bringing about and maintaining personal relationships between individuals and groups."[11] The political scientist concerned with formation of the polity and the institutions of public policy, changes the language but comes away with the same essential set of values:

> The intensity and scope of the external effects depend on the density and extension of the social network: as the social figuration comes to include more people and their interdependence increases, the consequences of adversity and deficiency of some of them upon the others, not directly afflicted themselves, tend to increase. But this does not necessarily imply that the persons involved indeed will understand the extent and impact of these externalities. The awareness of such external effects is again a function of the social figuration in which they occur and which may be so structured as to hamper or to facilitate insight. Although uncertainties and externalities may be managed more effectively in large-scale, collective bodies, such entities will encounter dilemmas of collective action which may only be solved by either mutual trust or compulsion. As the scope and impact of external effects expanded, the bonds of confidence had to stretch accordingly, or the agencies of compulsion had to extend their reach -- and often, as more people came to trust each other, the coercion of deviants was facilitated, which such coercion in turn might ease mutual suspicion.[12]

I've quoted de Swaan at such length as a means of re-capitulating the lengthy course of the history of philanthropy. If read very closely, these two paragraphs retrace much of the developmental history of France, Germany, and England which I've described at such length in the three preceding chapters. I agree with de Swaan that there seems to be a continuous stream of morality that gives buoyancy to our great river of philanthropy. It attaches ancient gifts to modern collective goods; it bonds solitary individuals to human collectivities; it forges tribalism to modern civic life. The forces of religion, politics and economics are the banks which enclose, though sometimes giving way to, the current of human altruism. That river of *philanthropia*, at times a great torrent and at times barely a rivulet, has provided the particular route, among many, of historical interpretation which I've chosen to follow in this essay. This path is marked intermittently with fear, greed, deviance, compulsion, and violence. But it is also clearly marked with moral transactions, with familiar concern, with calls for social equity and justice, with a growing recognition of interdependence and mutuality, and with a need for new institutions to meet the demands of a new scale of communal life. As Hugh Heclo concedes, "policy acquires meaning because an observer perceives and interprets a course of

action amid the confusions of a complex world. Policy exists by interrogating rather than by intuiting political phenomena."[13]

The Modern 'Welfare' State

The individuals who collected themselves, or were collected, into the religious, political and economic institutions of this century probably had little intent, or hope, of responding to the moral demands of a very large scale community. "There was never an historical turning point where leaders sat around the table and said to each other that we must now devise a 'welfare state'."[14] On the contrary, it was a gradual and often uninformed process "propelled as much by ambitious politicians and rather visionary civil servants as by an abstract notion of a crumbling social order or of fears of major social unrest."[15] The process we have been tracing has culminated in -- perhaps is the culmination of -- those intense human and immense institutional forces I have particularized as the processes of secularization (France), state formation (Germany), and the development of capitalism (England).

> In mutual competition, states established bureaucratic networks linking people together as taxpayers, recruits, students, patients, claimants, voters, thus shaping them into citizens in the modern sense. Equally competitive, capitalist entrepreneurs organized manufacture and constituted markets which connected people in networks of production and exchange as workers and consumers. All this meant increasing inter-dependency and new, further-reaching external

> effects of one person's deficiencies and adversities upon others. The resulting conflicts inspired different group loyalties and a new awareness of the ways in which changing group interests affected one another.[16]

I have said, in previous chapters, just how and why this transaction has occurred, but perhaps the clearest causal indicators can be traced to the intricate and changing processes of history -- the `figurations' I've mentioned above. "It is probably fruitless to ask when the advance of social policies governed institutional choice ... or when institutions in their wisdom simply gave way to new organized pressures."[17] Watching for, searching out, and describing the human and institutional dynamics of such interactions is the purpose of any policy analysis, including this one. The final steps on this important journey from private choice to the public policy interactions now known as "the welfare state", bring us to the years between World War I and II in Europe.

By the late 1930's,

> the administrative and fiscal innovations for the management of the welfare state had been introduced [albeit at different time and at different rates] and tried by all Western governments. State bureaucracies had been proven capable of setting up and running vast educational, health-care, insurance and assistance systems.[18]

Everyday experience with such systems, since before the first World War, provided a broad base of political support for such "nationwide, collective and compulsory

arrangements"[19] in the three major countries of Europe and on a narrow, but no less institutionalized basis, in other Western nations as well.

World Wars I and II re-inforced these collective institutional arrangements; governments, industry, and trade unions found new ways to cooperate on a scale previously unknown. Government bureaucracies had expanded enormously; industry had flexed its global muscles during the war years with spectacular results, and workers (including women) had found both prestige and profit in wartime industries. Such an effervescent mood could not be easily dissipated. For the victors, particularly England and the United States, on whose territory the least wartime damage had been inflicted, nearly anything seemed possible. Evidence of the powerful grip of this mood of omnipotence can be seen in the eager provision of massive infusions of `welfare´ to the vanquished and war-damaged in the form of recovery assistance to both ally and enemy.

> The experience of wartime military administration, production battles, civil protection or evacuation schemes and propaganda campaigns had taught Western governments how to steer the economy, to orchestrate public opinion, and to manage the lives of their citizens to a degree the seemed to dwarf the demands of running a welfare state, a task which had not long since still appeared so formidable.[20]

More importantly,

> Massive state regulation not only proved to be compatible with democracy, but now seemed a necessary

> condition for its survival both against external threats and domestic discontent. This domestic brand of compulsory collectivization persuaded even the Dutch, the French and the Germans after their experience with the totalitarian version: after 1945, democratic society everywhere seemed to imply the welfare state.[21]

Not only had the war years solidified the role of government in the care and control of the citizenry, but the war economy had also solidified the relationship of big business to government. "A coalition of large unions, big business, and the regime in power [mostly large Christian and Social Democratic parties in Europe] agreed upon a program of social spending to be financed by general payroll taxes, in the silent hope of shifting higher wage costs to consumers in a sellers' market."[22] Such an odd economic logic might have been costly, but the prolonged post-war wave of unexpected and exceptional economic growth simply "carried the flow of social spending along".[23]

From 'Charity to Social Consciousness'

Two important consequences followed on this new-found capacity -- now firmly institutionalized as broad-based social welfare provision -- to fulfill one's concern for one's fellow human beings on a large scale. The first consequence was that the vast majority of citizens were now enrolled in some form of collective arrangements and quickly became accustomed to the benefits, if not the taxation, needed to provide them. Second, a hyperbolic

expansion of services created a stratum of professional experts and administrators who depended on these collective arrangements for employment and advancement. One is reminded here of the *Gabbai Zedakah*, or charity administrator so well-known among the early Jews, or of the complex `chantries´ designed to underwrite the life of the Catholic parish priest in his role as charity administrator, or even the blossoming levels of bureaucratic management found in the various `Friendly Societies´ or `joint-stock´ philanthropies of the eighteenth century. But the added emphasis here is now mostly on questions of scale: the management of this enormous system of post World War II social welfare could even be said to have created a `new´ middle class, a stratum of professional experts and administrators trained for, and dependent upon, these collective arrangements and astute enough to rather quickly assemble themselves into a "formidable array of interest groups for the promotion of the expansion of these collective arrangements."[24] With close, often dependent, links to the state apparatus from which their funds flowed, this new professional class also quickly cemented a symbiotic relationship with the clientele they served.

By far the most significant outcome of this expansion of social welfare institutions within the context of post-

1945 Europe has to do with the transformation of the mental outlook of the citizenry in contemporary welfare states. As de Swaan points out,

> this transformation operated at three levels: (1) an increase in the valuation of what these expert regimes and the welfare state have to offer...; (2) a general shift in the direction of greater self-constraint and a stronger orientation toward the future ...; and, (3) an increasing awareness of the generalization of interdependency in modern society, *a transition from the perception of events mainly in terms of religion, magic and conspiracy to a consciousness of the dependencies between groups -- an awareness of the ways in which the adversities and deficiencies that afflict one group indirectly affect others also* [italics added].[25]

This very distinctive mental transition -- one might say from private to public conscience -- fed the continuing expansion of social services during the economic growth of the fifties and early sixties. This new consciousness also helped underline the demands of minorities, workers, and students during the turmoil of the late sixties and seventies. The willingness of nervous governments to spend most of the enormous profits of the era's prosperity dovetailed neatly with a new group of "strongly motivated minorities demanding spending increases on specific programs."[26] Such state responsiveness, de Swaan argues, can also be seen in conjunction with the arrival of even more `expert' administrators and `helping' professionals willing to serve the many individuals who "accepted state intervention as a means to solve `social problems'", an

attitude which co-incidentally -- but not accidentally -- placed a "growing value upon professional expertise as a remedy to social and personal ills."[27]

This environment, heating toward self-perpetuation, was cooled -- some would say destroyed -- by the global oil crises of 1974. Higher costs fueled higher prices while governments, pressured by powerful unions, hesitated to pass along higher taxes. A cycle of budget deficits, and the resulting "fiscal crises", ensued. But the subsequent "welfare backlash" has been, and continues to be, greatly exaggerated. No one *really* wants to go backwards.

> The coalition to maintain the basic arrangements of the welfare state still holds in most countries. Even determined conservative regimes, such as Thatcher's or Reagan's, have not undone the basic tenets of collectivization and transfer-capital accumulation. ... [T]he underlying consensus about the basis of the welfare state is still so encompassing that it remains largely unnoticed, a 'silent majority'.[28]

Regardless of the extent of the voice, and power, of the welfare bureaucrat and the welfare beneficiary, if nothing else emerges from an analysis of the transformation of states during this century, I wish to emphasize the realization that

> however halting and uncertain the introduction of social policies was, the major actors in the process of change accepted new activities. Regardless of partisan, party or electoral concerns, governments knew that they were accepting major new obligations and commitments.[28]

It is this acceptance, over the course of the twentieth

century, of the public obligations and commitments by the collective institutions of governance in Europe of what had not so very long ago been intimate, individual, and familial moral responsibilities that marks, once and for all, a high point on our arduous journey. It is a promontory from which we can finally and fully observe what Abram de Swaan calls the "transition from charity to social consciousness"[30] which marks our time.

No one would argue that it has been an easy transition. As Peter Berger and Richard Neuhaus point out, it has produced, among other things, a "historically unprecedented dichotomy between public and private life".[31] I would suggest that perhaps "paradox" might be a better word than dichotomy since the former better imputes the appropriate irony to the fact that "the less we live in tightly bound communities organized by strong social ties, the greater is our need to recognize our dependence on others, even perfect strangers."[32]

The moral urges and obligations once satisfied among people through the persistence of various means of expressing the value we attach to the well-being of others is best captured in the modern concept of social consciousness. The profound codes of morality which mark the boundaries of our humanity -- biological, spiritual, psychological, social, cultural -- now urge us to "extend

the `inward´ moral rules of civil society `outward´ to the realm of nonintimate and distant social relations".[33] No doubt, the twenty-first century will require, more than ever, significant institutions and ideas to thoughtfully and effectively connect our continuing intimate relationships and our new distant obligations.

Now Where?

On May 9, 1950, French Foreign Minister Robert Schuman called a surprise press conference in the ornate *Salon d´Horloge* at the *Quai d´Orsay*. He read a startling declaration secretly drafted by Jean Monnet, a French businessman who had been deeply engaged in designing and maintaining supply lines during the two World Wars. While Monnet wrote the document, Schuman had agreed to take on the onerous political responsibility for what it had to say. The document proposed a `High Authority´ to take charge of all coal and steel production in France and Germany and other willing European states. It described a mandate to modernize production rapidly and assure supplies in `identical conditions´ to the markets of France, Germany and other member states. The new organization would not be a cartel, Schuman argued, but an organization that could merge markets and increase overall output.[34] This was the first step toward what came to be called the Common Market and is now, since November of 1993, officially known as the

European Union.

As noted above, by the 1930's the survival of democracy itself was the central question for most of the European nations. The institutional arrangements of the political and militaristic forces of Europe were only too brutally evident in the four decades which encompass World War I and World War II. But the unexpected prosperity which followed 1945 played an important part in wiping out centuries-old conflicts. Attitudes had also been changed by two devastating wars and the

> disastrously failed promises of militant ideologies. Western Europeans had, in their variegated ways, become moderates. They had learned to suspect panaceas and to appreciate modest, steady efforts to find practical solutions to practical problems.[35]

It was in such an environment that *Messieurs* Schuman and Monnet could propose, at first, a narrow integration of European economic concerns. Soon, however, Monnet himself would lead the march toward a much wider European integration, one that cut across nearly all of the institutions of government and daily life, "the beginning of organizing for peace", as he put it.[36] The magnet of continued prosperity and cooperation, however gradual, kept the idea of union alive. The attraction of European unity was re-inforced in the most astounding manner, beginning in the Spring of 1989, when first Poland, and then other satellite states of the Union of Soviet Socialist Republics

dared to test the ambiguous, but suggestive, new thinking of Mikhail Gorbachev. Capped by the re-unification of the Federal Republic of Germany and the German Democratic Republic in 1990, a whole new dimension was added to the quest for a European Union.

A New Solution

As it becomes increasingly clear that "meaning, fulfillment, and personal identity are realized in the private sphere, while the large institutions of the state and capitalist enterprise, are typically alienating",[38] new solutions need to be found for this new Europe if Reinhold Dorwart's dark vision of the 'fourth stage of the welfare state' is to be avoided. Among other things, he foresaw a system "characterized by moral *laissez-faire* ... as the determinant for individual and community behavior."[38] One escape from such a gloomy *cul de sac*, of course, is what social philosophers have labeled 'mediating structures' and what organizational theorists call 'intermediate organizations'. These terms, which nearly always include philanthropic activity, imply a fundamental need for smaller, or human-sized collectivities to provide a comforting and comfortable link between individuals and the megastructures of modern life. Such organizations can often bridge the personal and moral gaps between the familiar and the distant, between ourselves as private

individuals and ourselves as an increasingly diminutive portion of larger public institutions -- including the state and often, now, the transnational sphere as well.

Perhaps one of the most interesting debates which has wound through nearly the entire process of formulating the new European Union, is the one over the principle of "subsidiarity". Now seen as a "normative recommendation, a rule for setting up institutional arrangements",[40] the concept has its origins as a doctrine of Catholic social philosophy. The OED credits Pope Pius XI with first fully developing subsidiarity in his 1931 encyclical *Quadragesimo Anno*. In it, Pius XI argued that "social life in modern states had disintegrated mostly because the state had usurped the functions of small social groups, such as the family".[41] It is also not hard to see in this principle the early, and still continuing, resistance of the Catholic church to the welfare state which was also rapidly developing during this era. It is probably also important to note here that, for all of its failings by the late fifteenth century, the Catholic Church had, for many, many centuries, assumed the burdens and developed the institutions of charity in Western Europe. It knew, in short, whereof it spoke when addressing questions of social action.

Other advocates[42] of subsidiarity also often trace its

historical lineage back to similar provisions in the American and German federal constitutions (the Tenth Amendment and Article 30 respectively) which guarantee states powers not specifically allocated to the federal governments. Still others[43] trace the roots back to the Roman military term, *subsidiarii*, which refers to auxiliary troops assigned to assist the main forces. In any case, the OED recognizes the papal encyclical of 1931 as the main source of its one definition of the term:

> the quality of being subsidiary; specifically the principle that central authority should have a subsidiary function, performing only those tasks which cannot be performed effectively at a more immediate or local level.[44]

Monnet, and others who followed, would heed the warning offered by the Church's long experience. The Maastricht Treaty, Karlheinz Neunreither tells us, "has put subsidiarity in the forefront of European Community guidelines. The new Article 3b reads:

> The Community shall act within the limits of the powers conferred on it by this Treaty and of the objectives assigned to it therein. In areas which do not fall within its exclusive competence, the Community shall take action, in accordance with the principal of subsidiarity, only if and in so far as the objectives of the proposed action cannot be sufficiently achieved by the Member states and can therefore, by reason of the scale of effects of the proposed action, be better achieved by the Community. Any action by the Community shall not go beyond what is necessary to achieve the objectives of this Treaty.[45]

The principle of subsidiarity, whether seen from the

viewpoint of Catholic social justice arguments or from the increasingly intricate political debate among the parliamentarians of the European Union, recognizes a very basic human need. It is, moreover, a principle that drives directly to the heart of questions of intimate and distant obligations. As Andrew Greeley says, "humans live ... not as isolated social beings but as participants in dense, overlapping networks of intimate, mostly or partly cooperative relationships. These networks -- familial, geographic, religious, economic, political -- are the very stuff out of which society is made and are durable to the point of intractability".[46] What the European Union recognizes in the complex and politically-charged debates over the inclusion of a principle of subsidiarity in the institutional structures as well as the policy decisions of their transnational endeavor, is a moral obligation as old as humanity. Fear of isolation and a concomitant need for interdependence have, throughout human history, been marked by the rituals of altruism, charity, and philanthropy. The reciprocity and moral enforcement of the ancient gift exchange may have found a twenty-first century voice in the norms of subsidiarity.

> Decisions affecting people's lives should be taken by the lowest capable social organization. This concept ... assumes that individuals themselves are in the last analysis responsible for performing the necessary tasks. All the tasks that they cannot perform

> adequately can be assigned to a higher form of social organization -- to the family, local community, regions, states and possibly even the European Community. Subsidiarity assumes a bottoms-up approach always empowering the lowest capable level with the responsibility of performing a task.[47]

Thus, even when the task is the ultimate distant obligation -- an effective transnational or global community -- higher levels of politics and economics are to by institutionalized and policies formulated within the fundamental understanding that they are ultimately `subsidiary´ to the most intimate, local levels of personal morality.

While this argument in no way minimizes the importance of such issues as cooperative and reciprocal tax laws, transfer of tax easements, equitable cash transfers, regulatory cohesion, and other such matters to the philanthropic community within the European Union, subsidiarity provides an intellectual atmosphere in which personal or public morality can be truly said to be `in the making´ -- itself a figuration -- both highly structured by the known past and given flexibility by the unknown future. Individuals, and the close-at-hand, familiar organizations of their daily lives participate constantly in the social construction of a new public morality, a new social conscience. The values and the mechanisms of private philanthropy have been, and most certainly can continue to

be, integral to that construct. Public policy, it follows, needs to protect and foster a variety of mediating structures and other intimate collectivities which can diminish the many religious, political, and economic borders between private and public morality, between local and distant obligations, between private choices and public decisions. In much the same manner that the dissolution of the medieval life of old Europe permitted the discovery and construction of a `new world´, the dissolution of the political boundaries of a new Europe in the twentieth century should permit the discovery and construction of a `new world´ of interdependence among humans.

> People found they were coming to share common values and common expectations even though differences in culture and tradition remained strongly marked.... Something new and unprecedented was being invented, emerging gradually from the old, deeply entrenched states and clashing identities. And therefore, it was likely to be more organic and sturdier than any of the unions drawn in idealistic blueprints which had been proposed and had failed over the centuries. It was evolving in response to felt needs, to social and technological change, a world made over by terrible wars, despair and new hope.[48]

It is as if, Gertrude Himmelfarb tells us, our ragged human history "has bequeathed to us a social conscience that is unappeasable and inconsolable."[49] Moreover, it is possible to sense both the immense scope of, and the immeasurable possibilities in, the changes that are overtaking Europe as we approach the twenty-first century. It

is a scope that commands, for the first time, a truly transnational cooperation grounded in a moral commitment to the values we each place on the well-being of others. If that can be realized, the very limited human and institutional possibilities of what we know as the modern nation-state might well come to an end with this century. The possibilities for new forms of both obligation and commitment to the endless variety of human needs and aspirations are truly startling.

> The search for inspiring illusion is inherently human. It will not be abandoned. Fundamentalists look for it in a mythologized past, in old verities, in rejection of new ideas and knowledge and conduct which have come to trouble their self-assurance. Europeans who once produced so much intolerance and righteousness and paid an awesome cost for it have not developed that kind of movement. It is possible that out of the long familiarity with civilization, scarred by the terrible wounds of trying to defy it, Europe can bring forth a new tempered spirit to comfort the twenty-first century.[50]

CHAPTER SEVEN: NOTES

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2. Norbert Elias, THE CIVILIZING PROCESS (New York: Blackwell/Urizen, 1978), 128. The entire concept of figuration is developed in pages 128-133.

3. Douglas E. Ashford, THE EMERGENCE OF THE WELFARE STATES (New York: Basil Blackwell, Inc., 1986), 6.

4. Gertrude Himmelfarb, THE IDEA OF POVERTY: ENGLAND IN THE EARLY INDUSTRIAL AGE (New York: Alfred A. Knopf, 1984), 526.

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6. Ashford, 8.

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8. Richard M. Titmuss, THE GIFT RELATIONSHIP: FROM HUMAN BLOOD TO SOCIAL POLICY (London: George Allen & Unwin Ltd., 1970), 71.

9. Ibid., 72.

10. Cited in Titmuss, 72-73.

11. Ibid., 72.

12. Abram de Swaan, IN CARE OF THE STATE: HEALTH CARE, EDUCATION AND WELFARE IN EUROPE AND THE USA IN THE MODERN ERA (New York: Oxford University Press, 1988), 8. A most interesting example of this nearly continuous-necessity to intermingle trust and compulsion is offered by the English pluralist, John Neville Figgis, who, in discussing the role of the Catholic church from the late Roman Empire onwards, noted that "the church was not a State, it was the State; the state or rather the civil authority (for a separate society was not recognized) was merely the police department of the Church"; cited in Alan Ware, BETWEEN PROFIT AND STATE: INTERMEDIATE ORGANIZATIONS IN BRITAIN AND

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17. Ashford, 7.

18. de Swaan, 223.

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21. Ibid.

22. Ibid., 225.

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25. Ibid., 226.

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27. Ibid., 229.

28. Ibid.

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32. Alan Wolfe, WHOSE KEEPER? SOCIAL SCIENCE AND MORAL OBLIGATION (Berkeley, CA: University of California Press, 1989), 20.

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36. Ibid., 30.

37. Ibid., 33-34.

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41. John Peterson, "Subsidiarity: A Definition to Suit Any Vision?", 47 (January 1994), 117.

42. See especially Anthony L. Teasdale, "Subsidiarity in Post-Maastricht Europe", 64 (April-June 1993), 187-197.

43. See, for instance, Karlheinz Neunreither, "Subsidiarity as a Guiding Principle for European Community Activities", GOVERNMENT AND OPPOSITION 28 (Spring 1993), 206-214.

44. Cited in Peterson, 117.

45. Neunreither, 206.

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Vita

Ronald E. Limoges

Born in Ogdensburg, New York, Mr. Limoges obtained his B.A. in English and his M.A. in American Studies from the State University of New York at Oswego. Trained as an academic, he spent most of his early work life as an administrator of alternative education programs and as a manager of wider-ranging adult education projects. His success in developing funds for such programs led to increasing contacts in the philanthropic community. In 1980 he established his own business as an advisor to individuals, families, and companies involved in philanthropic activity.