

CHARITY, PHILANTHROPY, AND CIVILITY IN AMERICAN HISTORY

Edited by

LAWRENCE J. FRIEDMAN

Indiana University

MARK D. MCGARVIE

New York University



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PHILANTHROPY IN AMERICA: HISTORICISM AND ITS DISCONTENTS

LAWRENCE J. FRIEDMAN

Until the last quarter of the twentieth century, philanthropy was not regarded as a field for systematic scholarly endeavor. At the beginning of that century, programs designated as “philanthropy” often resided in American schools of social work and represented narrowly focused remedial efforts for social improvement. It was not until the early 1980s that John Gardner, the eminent public intellectual, liberal Republican, and reformer, established a functioning agency for coordination of activities and institutions that involved philanthropy – the Independent Sector (I.S.). Gardner created the I.S. to forge a self-consciousness among grant-making and voluntary organizations – a sense that they occupied a distinct third space between government and the private market economy. By 1983, the important Independent Sector Research Committee was established. Chaired by Robert Payton, formerly a U.S. ambassador and president of the Exxon Educational Foundation, and staffed by Virginia Hodgkinson (I.S. vice president for research), the committee recommended that philanthropy become an interdisciplinary research field in American higher education – that it transcend its origins in social work and in the pursuits of relatively autonomous scholars.

This Payton–Hodgkinson proposal became a partial reality. Although no distinctive departments of philanthropy have emerged in American colleges or universities, several research centers that focus on the third or independent nonprofit sector have come into being. Payton founded one of the largest and most active: the Center on Philanthropy at Indiana University. Two scholarly organizations for philanthropic studies have also been established – the Association for Research on Nonprofit Organizations and Voluntary Action (ARNOVA) and the International Society for Third

Sector Research (ISTR). Each organization publishes its own journal dedicated to scholarly research in the field.

In the course of the 1990s, philanthropic studies (although still heavily concentrated in the United States) spread beyond American shores. The United States became the global locus of a significant and homogeneous nonprofit sector. Indeed, scholars from many parts of the world have come to study the nonstate, nonmarket sector in their own countries and in other nations within their regions. This interest has been augmented by post–Cold War concern with the nature of “civil societies” – places of public discussion and governance that permit decided overlap between state and market forces. Independent sectors and those who study them abroad have played crucial roles in determining the shape of this overlap. In that way, these sectors and their scholars have done much to discuss and define the essentials of civil society and even the potential for the spread of democracy within particular societies and cultures in the post–Cold War world.

By the beginning of the twenty-first century, therefore, a very large body of scholarship focusing on the nature and processes of philanthropic activity has been cultivated in the nonprofit sector in America and abroad. Predictably, most of this scholarship has concentrated on the activities and especially the fundraising ventures of specific third-sector organizations. The focus has been heavily contemporary and overwhelmingly institution-based – congruent with the orientation of disciplines like sociology, economics, policy studies, and business administration.

Although some professional historians also have come to specialize in the origins and development of institutions like the Carnegie Corporation, which eventually became part of the I.S., most have looked at philanthropy more broadly (congruent with the more general and less institution-centered concerns of their discipline). They have found philanthropy within public discourse, in gift exchanges, in religious experiences (especially revivals), in reformist climates, within clinical relationships, and in other not entirely institution-bound forms.

The historian contributors to our volume all take this broader view. We consider philanthropy as a collective form of charitable giving. In our view, the giver’s intent becomes an acid test to distinguish who is and who is not a philanthropist. Philanthropists intend to impose their vision of the good society through collective missionary-like (religious and secular) ventures. Whereas some of these ventures are self-reflective and deeply attentive to the concerns of the recipients, others are not. As individual charitable impulses are shaped by organizational stimulants and constraints, complex and

variable philanthropic weaves result. The history of philanthropy registers these ever-changing weaves.

Our research interests and even our broad definitional perspective are not widespread, for we historians constitute a small minority within ARNOVA and ISTR. Indeed, much of the scholarship in philanthropic studies has lacked a long-term historic focus – a closely textured professional view of change over decades and centuries – that has addressed cultural, psychological, and intellectual issues in conjunction with organizational concerns. Moreover, what historical writing there has been on philanthropy by Clio's craftspeople has usually been scattered over a wide array of disconnected topics. With roughly half of her contributors drawn from professional historians, Ellen Lagemann's recent and interesting anthology, *Philanthropic Foundations: New Scholarship, New Possibilities* (1999), illustrated this disjointed quality. Cooperative, focused, and closely coordinated research efforts by those trained in the historical discipline have been almost nonexistent.

Perhaps more than scholars in any other traditional department-based discipline engaged in philanthropic studies, historians have seemed reticent to participate fully and actively in a third-sector research community. Indeed, only three of our authors – Peter Hall, David Hammack, and Kathleen McCarthy – might be regarded as philanthropy “regulars.” This reticence can be explained by a disinterest of most academic historians to join in efforts that may seem to represent less than craftsman-like use of their calling. Therefore, the historical perspective in philanthropic studies has been provided by participants in other callings who have sensed its importance. Far more often than not, they have offered historical perspectives that have fallen short of deploying what we consider satisfactory evidential and methodological imperatives; they have contributed to a troublesome rendering of the past on matters philanthropic.

Stated more judgmentally, the reticence of professional historians to enter the fray in philanthropic studies for fear of connections with amateurs seems to have given no few amateurs freedom to engage the past immune from sufficient scholarly responsibility. The consequences have not been optimal, and one example should suffice. Through our self-inflicted marginality, professional historians have rarely been critical of the propensity of the amateurs to characterize philanthropy as an entirely institution-based third sector that has always existed in America with its current institutional roles. That is, the “third sector” and even philanthropy generally in 2002 has quite wrongly been portrayed in its present dimensions in the America

of 1607, 1776, 1789, 1819, 1865, and 1917. Because we professional historians remain preponderantly on the sidelines, we have therefore contributed to our own discontent as we listen to public debate and see public policies being formulated on the premise that what is always was.

One of the most troublesome signs of the undeveloped state of historical scholarship on American philanthropy has been the persistence of a synthetic volume that preceded the I.S. The primary source of historic information for nonhistorian scholars and general readers on the history of American philanthropy has been Robert H. Bremner's 1960 book, *American Philanthropy*. Slightly revised in 1988, the volume was a product of a post-World War II consensus approach to the American past. A pioneering and exceedingly creative social welfare historian, Bremner assumed that Americans had always debated within the context of a general and fundamental consensus or accord on the values of liberal capitalism, political democracy, and the marketplace. To his credit, Bremner knew that philanthropy involved much more than nonprofit institutions. But he got into trouble by defining philanthropy with a vagueness that bordered on glibness, eschewing the distinctions that we make between individual charitable acts and more organized philanthropic ventures. For Bremner, philanthropy became "improvement in the quality of human life. Whatever motives animate individual philanthropists, the purpose of philanthropy itself is to promote the welfare, happiness, and culture of mankind." Bremner surveyed "voluntary activity in the fields of charity, religion, education, humanitarian reform, social service, war relief, and foreign aid." Starting with John Winthrop and William Penn, upper- and middle-class white males – especially wealthy entrepreneurs and professionals – became focal points. The 1988 revised edition did not do much to integrate the historic research since the mid-1960s on African Americans, Native Americans, Hispanics, and other ethnic groups as they pursued charity and philanthropy to voice concerns that elites ignored. What had become a vigorous and innovative area of study by the time of his second edition – the history of women and how they often resorted to charitable acts and philanthropic ventures to define themselves – was rarely evident. Nor was Bremner attentive to the clients or the subjects of reform: children, the poor, and other less-than-powerful groups that did not leave abundant written records. A considerable historical literature that located the American past in global context was rarely cited. Nor did Bremner pay much attention to the proliferation of work on philanthropy in other disciplines. A much-used source on the past for nonhistorian specialists in philanthropic

studies, *American Philanthropy* rarely drew on the research of related disciplines.

Bremner's book was, therefore, a product of his time, not ours, and reflected the way most scholarly American history was written in the 1950s. Thus, *American Philanthropy* became increasingly peripheral to mainline historical scholarship as the decades progressed. As early as the late 1960s and through the 1970s, historians like David Rothman and Clifford Griffin broke from Bremner's view that philanthropists intended the well-being of society. They found increasing favor with a view that philanthropists sought to control lower-class and deviant populations to augment ruling-class profits and social stability. By the 1980s, professional historians shifted again – away from this social control perspective, but hardly back to Bremner's stress on philanthropy as good thoughts for humankind. Sincere, benevolent intentions and social control in the interests of ruling-class hegemony came increasingly to be viewed by historians like Robert Abzug and James Stewart as different, shifting, and often competing layers of motivation within most philanthropists. Unfortunately, these two post-Bremner waves of historiography were never able to provide an integrating focus to scholars in the emerging interdisciplinary field of philanthropic studies. Indeed, Bremner's book continued to be their primary reference on the past, despite the fact that the new work in the area – influenced by new concerns over popular democracy, the effects of global trade, and new experiments with civil society – substantially challenged Bremner's focus and thesis.

Bremner certainly deserves no blame for this disjunction. Part of the reprobation must be directed at professional historians, including most of the contributors to this volume. We have been so immersed in our specialized concerns that we have not undertaken broad new synthetic work concerning the history of American charity and philanthropy. Yet, our neglect eventually caught up with us. By the late 1990s, literature in diverse historical specialties that was germane to the history of philanthropy had proliferated to the point where no single historian could possibly have done a respectable job of general synthesis. Indeed, Clio's craft had split so decisively into discrete specialties that proficient up-to-date synthetic contributions might have been too much for even three of four professional historians working collectively.

In 1998, one of our authors, David Hammack, attempted a partial remedy. His *Making the Nonprofit Sector in the United States* was a rich and very useful collection of major primary documents in the history of

American philanthropy, from the English *Statute of Charitable Uses* (1601) to the U.S. Supreme Court's important 1991 decision in *Rust v. Sullivan*. Hammack included documents relevant to ethnic and racial minorities, to gender relations, and especially to religion. For his book's many and considerable strengths, however, Hammack focused exclusively on nonprofit organizations – institutions that owed their existence to the nineteenth-century imposition of a public-private sector dichotomy, with its limits on government, and its requirement for nearly the past two centuries on church-state separation. Documents carrying less institutional centrality, and perhaps more relevant to cultural, social, and intellectual history – sexuality in the gift relationship, for example, or White Citizens Council perceptions of lynching as voluntary action for the public good – were not Hammack's concerns. Nor, given his institutional focus, could he carry us far enough in fathoming how random individual charitable impulses evolved into more complex philanthropic undertakings.

A gifted historian, Hammack has readily acknowledged that the evolution of nonprofit institutions has only been part of philanthropy's historic career. Consequently, he joined us in this multiauthored enterprise. Our intentions were to identify the major themes and the dynamic academic impulses presented in the best of the recent material published on philanthropy, while offering reasons for the rejection of less meritorious work in the field. A group of academic historians with established track records from all over the United States has offered broadly interpretive essays that frequently take off upon, but sometimes take issue with, one another. These essays concern charity and philanthropy within the context of a great many periods and places in the American past. As well, American localities, religious and ethnic identities, and gender concerns have been accorded major historical relevance. This is a story of the appreciable diversity of the American population and its varied communities as they have changed over time. Unlike much scholarship on the topic, we postulate that charity and philanthropy themselves can sometimes have multiple and shifting meanings. In definition as well as in practice, it is sometimes rather challenging to determine what charity and philanthropy are not.

* * *

Let us take up this matter of definition and meaning more directly than we have. Well into the eighteenth century, philanthropy in Britain and America was a form of charity – a charitable attitude or feeling toward others that prompted benevolent behavior. In dictionary projects, Samuel

Johnson defined philanthropy as “love of mankind; good nature,” whereas Noah Webster characterized it as “benevolence towards the whole human family; universal good will.” Addressing the vestrymen in each parish of Virginia, Thomas Jefferson similarly insisted that philanthropy was charitable motivation that, when acted upon, provided the well intended with “the approbation of their neighbors, and the distinction which that gives them.” Concerned with the charitable feeling of the virtuous individual, American Revolutionaries were not overwhelmingly attentive to distinctions between public and private sectors of society or the form of the social institutions that encouraged moral action.

Enlightenment thinkers generally saw the human being with an internal moral compass. The recognition of human goodness and reasonableness, as much as human rationality, prompted the premise that humankind could engage in self-government. For example, Adam Smith based his call for a “free market” on the human’s innate sensitivity to and compassion for others. In *The Theory of Moral Sentiments*, Smith referred to “benevolence as universal” – part of what makes us human. Benevolence would curb selfish tendencies: “And hence it is that to feel much for others and little for ourselves, that to restrain our selfish [affections], and to indulge our benevolent affections, constitutes perfection of human nature; and can alone produce among mankind that harmony of sentiments and passions in which consists their whole grace and propriety.”

Enlightenment figures like Webster, Jefferson, and Smith were largely thinking of individual charitable giving and assistance, all in the interests of general civility, even as they spoke of benevolent affections and sometimes invoked the term *philanthropy*. In essence, when they spoke of benevolent feelings and unselfish acts by the individual toward others, they were drawing on a long-standing tradition of individual charitable assistance as a mainstay of civil society. As Robert Gross explains in our first chapter, the charitable impulse dominated life in small communities in early modern Europe and colonial America. Through a charitable act, one person ameliorated the life of a local inhabitant less fortunate by offering something specific and temporary like a bowl of soup or a night’s lodging. As life in Europe and especially early America became less communal and began to rely more on the rational dictates of law, social organization adopted a more systematic approach – organized philanthropic societies and other institutions to solve deep social problems that simply were not addressed effectively by individual charitable acts and benevolent intentions. By the mid-1800s, Gross postulates, despite a decided lag in rhetoric, the transition

from individual charity to organized philanthropy to enhance civility had largely been completed. To be sure, charity still existed as a fundamental attitude and a way one person helped another with an immediate local difficulty. But the charitable impulse was being directed toward a more systematic institution-centered approach to long-term problems emerging from the new social order – organized philanthropy. Therefore, benevolence came to be equated less with the considerate feelings and charitable acts of individuals than with the actions of voluntary societies and other institutions through which citizens proceeded to shape public policy and the welfare of their more complex communities. Societies became more civil.

Authors Amanda Porterfield and G. J. Barker-Benfield (see Chapters 2 and 3) draw the chronological divide between the earlier charitable impulse of the individual and organized philanthropic institutions less sharply than Gross does in our first chapter; however, they agree with Gross that there was a significant transition. By the 1830s, Wendy Gamber maintains (see Chapter 6), the old charitable world of individuals was no longer the most central avenue for reform; philanthropy was, and it essentially assumed the form of interlocking reform societies. In this emerging nineteenth-century context, Mark McGarvie details (see Chapter 4) how distinctions between public and private institutions and between church and state became increasingly relevant to the shaping of civil society. A reconceptualization of philanthropy as institutional process deepened during the nineteenth century. By the middle decades of the twentieth century – according to chapters by Gary Hess, Claude Clegg, and Peter Hall – philanthropy largely referred to diverse practices and behaviors by individuals and groups within complex institutional structures that yielded concrete consequences. According to a recent edition of Webster's dictionary, *philanthropy* was characterized as a “service, act, gift, [or] institution” that ends up helping humankind.

This is not to say that organized philanthropy has supplanted the older tradition of individual charity. Individual charitable good feeling toward others has continued to manifest itself rather decidedly within philanthropy's institutional processes and goals. If sometimes differing in emphasis, all of our authors agree on both the chronology of the transition from charity to philanthropy in the shaping of civil society and this persisting interaction between the two. Indeed, Ruth Crocker's chapter (see Chapter 9) wonderfully underscores how, by the early twentieth century, Mrs. Olivia Sage could be both charitable and increasingly involved in philanthropic institutional processes.

Philanthropic-studies guru Robert Payton merits praise for his resolute (and decidedly Jamesian) insistence before sometimes skeptical and indifferent I.S. managers that the attitude of the individual has counted for much, even as the historic context has changed and philanthropy has been redefined. Indeed, a preponderant position in this volume is that philanthropy has had much to do with a specific person who has intended at least some measure of charitable benevolence toward others and has acted upon that intention in the interests of civil society. To a greater or lesser extent, the philanthropist has imposed his/her vision of a good society abundant with civility on others through his/her missionary spirit and has mobilized resources and institutions to effect that vision. Yet, the individual philanthropist has never, even in charity-dominated early America, been separable from the institutional context of his/her behavior. Specific Catholic and Jewish philanthropists, for example, have been difficult to identify without persisting consideration of the religious structures and institutional rituals of their faiths.

We also hold that philanthropists have never been a homogeneous lot even as they have often shared a missionary-like temperament and have been inclined to impose their vision on others. It became increasingly clear to me while we assembled *Charity, Philanthropy, and Civility in American History*, nevertheless, that a good many philanthropists have demonstrated a remarkable capacity for self-criticism. Indeed, a self-critical temperament has sometimes checked their disposition to impose their vision on others. Periodically, this predisposition even made some of them more respectful of the autonomy of those they sought to help.

The authors of this volume insist, to a person, that philanthropy has to be historicized. Breaking from pervasive practice in the general literature on philanthropy, for example, we insist that French traveler Alexis de Tocqueville's view of American associations in the 1830s (everything from Bible societies to for-profit corporations) must be distinguished sharply from Gardner's perspective on the I.S. organizational nexus of the 1980s. But historicize as we must, most of our authors portray philanthropists as missionaries with great energy and strong, intense vision. Porterfield (see Chapter 2) is particularly vocal on this count. Like all other authors, however, she sees philanthropic missionaries almost always implementing their moral visions through institutional structures. Indeed, even adjusting for changing historical context and for the process of philanthropic redefinition, *Charity, Philanthropy, and Civility in American History* holds that in the intensity of their missionary presence and their moral fervor and vision,

philanthropists have distinguished themselves from others in American society. If philanthropists can be universally characterized at all, it is by the energy behind their desires to transform the insufficiently civil world that is into the world that might be. Unlike Willie Loman in *Death of a Salesman*, who was totally absorbed in his own diminishing capacity for financial gain and reputation, the philanthropist has energetically and deeply cared about the needs of others and the broader society and has sought passionately to render decisive changes.

* * *

Although we cover the full chronological sweep of American philanthropy, our story is thematically driven. First, most of our authors believe that charity and philanthropy have always involved intense preoccupations with deeply compelling visions. Portraying philanthropists as people with often inspirational visions for the “good society,” our chapters explore the many, varied, and often contesting visions that have been advanced. There were marked differences over how homogeneous or diverse the “good society” was to be, how inclusive or exclusive, and what its values were to be.

Following their visions, several philanthropists tried to counter widespread policy and custom. Pursuing visions of democracy and inclusion within civil society, for example, some who felt disenfranchised sought to renegotiate pervasive, sometimes government-sanctioned, practices. Warren (see Chapter 5) explains how early nineteenth-century Indian preachers, exhorters, and translators sometimes influenced white missionary institutions and practices in ways that the missionaries had not intended – to abort white encroachments on Indian village traditions, beliefs, and hereditary leaders. Gamber (see Chapter 6) and McCarthy (see Chapter 8) explain how antebellum female reformers who lacked votes or public office attempted to use voluntary associations to steer American society away from slavery, inebriation, and intolerance of the poor, the weak, and the infirm. McCarthy carries this tradition into the early twentieth century and characterizes female philanthropic ventures of the time contributing to a national welfare state. Similarly, Stephen Whitfield (see Chapter 14) traces a Jewish reform vision, enlarging as the twentieth century progressed, that sought out integration and inclusion in mainstream American life and that eschewed communal marginality. Claude Clegg (see Chapter 16) presents civil-rights activists of the 1950s and 1960s, oftentimes excluded from the ballot box by race or age, as philanthropists who pursued a more inclusive vision of American democracy and civility.

But it was not only the disenfranchised and minority groups who invoked philanthropy to impose or share their visions of the “good society.” Porterfield (see Chapter 2) describes the attempts of some within the colonial American ruling elite to impose their theocratic visions on Native Americans and European dissenters. Roy Finkenbine’s discussion (see Chapter 7) of the postbellum Slater Fund, Judy Sealander’s chapter on the formation of large foundations at the beginning of the twentieth century (see Chapter 10), Gary Hess’s chapter (see Chapter 15) on the role of foundations during the Cold War, and Peter Hall’s chapter (see Chapter 17) on the emergence of a post–World War II philanthropic-government policy elite all concern efforts of powerful ruling elements to advance their vision for change.

Yet, despite the intentions of philanthropists to impose their vision of the “good society,” philanthropy has also involved reciprocity between givers and recipients of “good” qualities – our second theme. Porterfield discusses how seventeenth-century New England missionaries, while trying to impose their worldview on Indians and other “heathen,” discovered that the cultures of those heathen could change them and their fundamental vision. Warren’s study of the nineteenth century underscores complex multiple negotiations between missionaries stationed in the changing western borderlands and Indians who dwelled there. Gamber describes how antebellum reformers often discovered that as they shifted between optimism and anxiety, they were imposing on themselves the same requirements of piety, control, and self-determination that they required of the less fortunate. Reform changed the reformer as it changed circumstances for the “needy” recipient. Emily Rosenberg (see Chapter 11) details how American missionaries who sought to “uplift” foreign lands and peoples during the early twentieth century sometimes ended up not only empowering the recipients of their aid, but also profoundly shifting themselves toward less hierarchical worldviews and values.

Contrasting with Bremner’s *American Philanthropy*, most chapters in this volume are not preoccupied with elite white male Protestants. Pertinent philanthropic actors were fringe dissenters as well as the establishment, women perhaps more than men, blacks and Native Americans as well as whites, Catholics and Jews in addition to Protestants. Without space limitations, I would add materials on Hispanics and Asian Americans, Muslims and “born again” Christians, Holocaust survivors, and gay activists. As the public intellectual, Ronald Takaki, made abundantly clear in his richly textured classic, *A Different Mirror: A History of Multicultural America*

(1993), these and many other diversities were inseparable from the evolution of American philanthropy.

There is a third persisting theme concerning ways in which philanthropy, as a form of civic action, redefined concepts of gender. For G. J. Barker-Benfield (see Chapter 3), the eighteenth-century Anglo-American concept of “sensibility” toward others was closely associated with new imperatives and opportunities for middle-class womanhood in an emerging commercial economy. Gamber emphasizes the resolve of female reformers to ward off the exploitation of women. Crocker (see Chapter 9) details how elite women like Olivia Sage found strong new voices in public benevolence. Philanthropy essentially excused or rationalized their new public roles in civil society. Mary Oates (see Chapter 13) underscores the critical historic roles of nuns and female lay parishioners in Catholic philanthropy. McCarthy describes how women (primarily though not exclusively Protestant, white, and middle class) used their voluntary associations to build a distinctive and powerful political culture. In the nineteenth century, they fashioned an infrastructure of their own in the “space” society permitted for public-private partnerships. Through that infrastructure, they offered measures that foreshadowed welfare programs of the New Deal and the Great Society. Discussions by these and other authors suggest that in forging philanthropic concepts and enterprises, many women were establishing their own identities as consequential people while they redefined the scope of female involvement in civil society.

Finkenbine’s chapter illustrates a fourth pervasive theme – that the lines between ethnic and philanthropic experiences were often deeply permeable. Historically, race and ethnicity have often been superimposed on conceptions of citizenship and civility. As African Americans and other ethnic minorities engaged in philanthropy to extend their roles as citizens, they destabilized the very racial and ethnic biases inherent in citizenship, especially the premise that America was “the white man’s country.” The Freedmen’s Bureau and postbellum enterprises for black industrial education served as clear illustrations that these biases had little connection with reality. Reconstruction-era collective activities in pursuit of social goals helped to shape African American identity. By the mid-twentieth century, Clegg explains, African Americans often built civil-rights organizations and campaigns in the “space” between government policy and their own private lives and aspirations. Of course, chapters by Oates and Whitfield (see Chapters 13 and 14) on Catholics and Jews make it abundantly clear that religious and ethnic thought and organization were inseparable from philanthropic experience.

Attentive to the variables of gender, ethnicity, and religion, several chapters underscore a fifth, if related, general theme – how philanthropists derived a sense of both empowerment and identification from their activities. They learned much about their philosophies, goals, and chosen vocations; seventeenth-century New England missionaries, for example, often derived a sense of their specialness in the course of their activities. Antebellum abolitionists conveyed a sense of belonging to a sacred vocation more devout than “temporizing” churches. Activists in female voluntary societies frequently found the strong and empowering sense of what a woman could accomplish. African Americans often found a sense of public purpose and profound ethnic pride through civil-rights ventures. Erik Erikson, the architect of the theory of psychologically and socially grounded identity, insisted throughout his life that identity involved the strong sense of connectedness to others and profound rootedness in time and place. Philanthropic goals and activities often promoted such identification and sense of roots in those who took up the cause.

A sixth theme, pressed strongly by some of our authors and not irrelevant in any chapter, concerns fluctuations in the American mix of public, private, and voluntary agencies to meet peoples’ needs, and the role of law in defining the mix. During the *ancien regime* in Europe and in Colonial America, distinctions between public and private or voluntary realms and between church and state were subordinated to larger concerns over public welfare needs. Benjamin Franklin’s autobiography was written late in the eighteenth century, as the mix was first beginning to change. Still, it illustrated marked public, private, and voluntary overlaps. By the early Jacksonian period, important distinctions between them were discernable, with lawyers and judges enunciating those distinctions most forcefully. Decidedly more than Europeans, American legal practitioners emphasized distinctive categories of institutions – public, private, and voluntary. They described distinctions between these institutions theoretically and perhaps somewhat technically in terms of the functions and outcomes of each. More succinctly, law, lawyers, and judges became central in shuffling and reshuffling juridical and sometimes *de facto* distinctions between public, private and voluntary agencies. McGarvie’s chapter presents a new appreciation for the groundbreaking U.S. Supreme Court’s decision in the *Dartmouth College* case of 1819. Speaking for the Court, Chief Justice John Marshall ruled that American law separated public and private spheres as it separated church and state; the churches could not use the state or government power to coerce behaviors. Rather, churches had to persuade citizens through proselytizing within voluntary associational

ventures. Marshall also maintained the superiority of private contract rights over public interests. Social reform for the “good society,” church-based or otherwise, was not to be aided by government efforts so much as by the market economy and through the efforts of “private” voluntary associations.

Based largely on the work done by McGarvie, we characterize the legal imposition of a distinction between public and private organizational activity in the early decades of the nineteenth century. That distinction was tested first through the politicization of many societies within the “Benevolent Empire” and then through far-reaching federal political and economic legislation after the Civil War. Some of our authors consider the legal distinction between public and private spheres to be exceedingly important; yet, others, like Gamber and I, do not. Why, for example, did antebellum state legislatures grant incorporation rights to several of the “private” missionary reform associations, but not to others, following the legal imposition of a public-private distinction? Something other than law may have been influential in these actions. Moreover, reliance on this perceived public-private divide historically has been used to limit the expansion of public philanthropy. On some weighty matters in this volume, therefore, readers will discover that the authors differ on important aspects of philanthropy’s career.

McGarvie and I both recognize a fluidity in the legal distinction made in 1819. Justice Marshall’s separation of the public realm and private voluntary ventures was revised during Reconstruction. Finkenbine (see Chapter 7) explains how new conceptions of democratic inclusion and social equality prompted the expansion of federal authority after the Civil War. Radical Republicans in the North pressed others to use law as a primary vehicle for this expansion; they applied new federal laws and national policy generally to the ex-Confederate states. But the expansion of federal authority was not long-lasting. With the overturn of federal Reconstruction in the South, an activist national government protecting the legal rights of the freedmen was abandoned. Correspondingly, some government intervention for private corporate development came to be embraced.

However, the changes brought through war and Reconstruction were shortlived. The U.S. Supreme Court and other governmental and legal authorities premised, near the end of the nineteenth century, that private corporations were basic vehicles for social improvement. Once again, law and lawyer-made public policy was delegating the pursuit of some of society’s goals, at least formally, to purportedly private and voluntary spheres.

All the while, the corporate model produced private business entities with great economic and social power, at times exceeding that of state governments. As Sealander shows (see Chapter 10), the corporations established large nonprofit foundations and trusts run by a new managerial elite to pursue various ventures for society's benefit.

However, much like Reconstruction, the Great Depression and the New Deal called the existing and primarily juridical public-private-voluntary distinctions into question. Laws were passed during the 1930s allowing the federal government to assume new responsibilities in order to relieve dire economic conditions. Yet, Hammack (see Chapter 12) challenges the traditional premise that private charitable donations and voluntary organizational activities were eclipsed as the New Deal enhanced federal relief programs. America's wealthiest donors and largest foundations clung to the ambitious goals they had advanced in the 1920s – often cooperating with state and federal agencies and programs. Finally, Hall explains (see Chapter 17) how, during the post-World War II decades, the federal government devolved a good many of its functions to states and localities, which shifted many important responsibilities back to private sector (legally defined) elites. Once again, in a legalistic sense and sometimes very much in a *de facto* sense as well, the public, private, and voluntary distribution of authority was revised.

Therefore, our sixth theme underscores both change and continuity in the government, private, and voluntary mix (primarily though not exclusively through legal and public-policy measures). At no point was there anything approaching an autonomous voluntary sector. America's experiment with philanthropy, therefore, exposed the vicissitudes in the purported distinction between the public and private sectors. Indeed, the term *Independent Sector* was more the prescription of contemporary figures like Gardner and Hodgkinson than a grounded historical reality.

Our seventh theme is that American philanthropy can hardly be understood without the benefit of a complex international perspective. Barker-Benfield (see Chapter 3) characterizes the emergence of a cult of sensibility during the eighteenth century that was both British and American. Rosenberg (see Chapter 11) documents a vast array of voluntary religious organizations during the first half of the twentieth century that addressed evangelism, poverty, education, and health. America's moral "virtues" and civilities were to be exported, and no few reformers who pressed for "good works" abroad assumed that they, as well as their foreign recipients, would be beneficiaries. Hess (see Chapter 15) describes how, during the Cold