

Philanthropy and Democracy

Traumatic events such as the death of a young son change our sense of reality. It is somewhat like the experience that Thomas Wolfe had in mind in You Can't Go Home Again. Things are the same and yet they are forever different. You are the same, and yet your values are different. I have no sense of a "born again" experience, no sense of a conversion from one day to the next from despair to joy. What I have found instead, imbued in the same flawed human being, is a larger sense of commitment and a more generous sense of the way I should try to carry it out. With humbling inconsistency I have, since Matt died in 1973, discovered a larger and more important world -- especially beyond my own immediate needs and concerns.

Having lived with the encroachment of death into our lives during the four years of Matt's illness, years that were also the years of his precocious maturity as a person, I formed a profound respect for him. His standards for himself were very high; he always seemed guided by aspiration rather than by ambition. He showed extraordinary moral courage in the face of recurrent physical defeat; he never conceded victory to his disease. We all became braver and stronger by imitation. All of the failings we had before his death we continued to suffer after he died, but each one of us had accepted a new standard whether we were ready for it or not. A new standard for everything: toward our relationships to one another, toward our health, toward our work, toward the world that he had wanted to serve.

When I became a paternal surrogate for my son Joe in the life of Joey, the son he didn't live to see, it was, in its first years, a philosophical exercise. I kept a journal for him and wrote in it about his father and about the things going on in the world, knowing that what I was writing he would not read for twenty or thirty years.

It was in thinking about this unspoken obligation to my grandson -- the little boy who had no father, a child who holds two passports as the offspring of an American father and a British mother -- that I began to formulate the argument of this essay. I began to ask myself the question, What is it about my life that I would most want to preserve for my grandson?

My first effort at an answer was put forward in a commencement address at Richmond College near London; a more careful version of it was later published. I tried and failed to write another essay on the subject and have been struggling with the subject for almost a decade. The core idea, expressed in that loose way that frustrates some of my colleagues but that still seems to me to capture the spirit of what I'm after better than more precise formulations, is this: Joey should have the opportunity to grow up and live in a free, open, and democratic society. More important than passing along to him an economic system, a body of religious doctrine, or even an intellectual tradition preserved and institutionalized in the form of the university, it seemed to me that the opportunity to be a free man in an open and democratic society would have to come first, to be a

precondition of all the rest. In such a society he could listen to me or to anyone else he chose about economic arrangements, and he could pass from capitalism to socialism and back again; he could be a fundamentalist, a backslider, a mainline churchman too sophisticated for the Apostle's Creed, or an earnest, searching man of faith, free to wrestle with God or to ignore Him as he chose. Like the rich young man in the parable, when challenged by Jesus to give everything he had to the poor and follow Him, he could bow his head and turn away. I believe firmly in some notion of freedom --some ability to make choices to shape our lives that enables us to turn our backs on matters of utmost importance. We are also free to act in violation of "on the average." In a sense that really counts, we are free. If we are free, others are too. To share our freedom, we talk. "Openness" is the still-problematic issue of our present ability to engage in serious public discourse about serious issues.

My reference point for discourse has always been the sorely-abused and little understood ideal of academic freedom. My academic years parallel those of the McCarthy era and the years of the Vietnam war. I have seen the betrayal of academic freedom from within as well as bullying and intimidation from without. The freedom of the classroom is as sacred to me as the freedom of the church. Despite that, it is on the record that in the spring of 1970 I ordered the closing of C. W. Post College in the face of the threat of physical violence (not aimed at me but at the campus as a whole). In my opinion, now as well as then the issues that disrupted the campus were external to it. Political values displaced intellectual values.

An open society places such a high value on talk about issues that it maintains strong safeguards of such forums as classrooms and newspapers and sanctuaries. One's natural tendency toward the middle is greatly reinforced by the reckless abuses of discourse by both Left and Right. There is some historical evidence that such extremism is politically effective. I'm unwilling to concede the point.

I have no secure conceptual reason for arguing for a "democratic" society; my commitment to that is based on what I know about political history and on the experience of my own life -- a life that spans the extraordinary 20th century social movements of civil and human rights. The United States seems to me to have pushed the notion of democracy as far as it can. On the one hand, we speak of our society as if we're still able to have town meetings or even constitutional assemblies. On the other hand we grow greatly in numbers and in ethnic and cultural complexity. New understandings of civic education, of representation, of what "republic" might mean, cry out for new Madisons and Hamiltons to be our public teachers. In my less optimistic moods I see the long-term future of the United States in much the brief story of the United Nations -- that is, ungovernable.

There is nothing assured about the future of freedom or openness or democracy, but the best hope for the survival of such things rests with those who have benefited most fully from them -- that is, my generation and perhaps the next one or two.

It will not surprise you that I have come to a further conclusion: The future of the free, open, and democratic society is directly linked to the vitality of the philanthropic tradition. That is the point of this essay -and perhaps the most important point of this book and of my professional life. Another way of putting it is to say that the United States must remain a three-sector society. In another variation on the theme I have tried to argue that there is no hope for the new democracies of eastern Europe (or anywhere else) to achieve freedom and openness as well as political democracy unless they discover a means of creating a constitutionally protected third sector of voluntary action for the public good.

Those rhetorical flourishes might be more comprehensible if I were to offer some specifics. The key word in this discussion is the word "advocacy," a word that seems to have replaced "reform" as the defining term for social change. Advocates in the United States are thus the leaders of the civil rights movement, or of the women's movement, or of the pro-choice movement, or of the environmental movement. Advocacy implies action that often goes beyond traditional debate and rhetoric and courtroom eloquence. Advocacy now calls to mind marches, banners, demonstrations, interrupted traffic and occupied buildings and people hanging limp while being dragged somewhere by the police or the army. It also calls to mind bad language and rude behavior all in the service of good causes. Advocacy has called into play the free press and free speech, rights of assembly, and on many issues, the separation of church and state.

Advocacy symbolizes the exhilarating struggle for freedom or the repellant excesses of people who never seem to have anything good to say about what the majority holds most dear. Advocacy spawns its own opposition, of course; the more extreme the advocacy, the more extreme the opposition. And so we have had the continuing spectacle of neo-Nazi skinheads and the Ku Klux Klan and their rights protected by the American Civil Liberties Union. The techniques of using the media to exaggerate the importance of rigged confrontations are so effective that discourse has suffered and freedom has been abused as often as it has been advanced (and usually by the same people). The media seem ever less able or determined to be the guardians of public discourse.

Brian O'Connell, president of Independent Sector, believes that advocacy is the most important and most fundamental activity of voluntary action. As president of Independent Sector, which provides an umbrella sheltering the most oddly compatible organizations, Brian is catholic in his philanthropic friendships. The word advocacy means for Brian something much larger than its fashionable activist expression. The essential claim of any voluntary association is to be an advocate for something -- the right to make its claim on the public's attention and resources. To be an advocate, whether for the arts or for poor children or for animals or free enterprise, is the breath of life of the voluntary association.

Another way to think about this question is in terms of the First Amendment, which is expressed in this short paragraph:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of

the people peaceably to assemble, and to petition the Government for a redress of grievances.

Those words are as evocative for me of what philanthropy is all about as is Matthew 25:35-37 of what charity is all about: "For I was hungry and you gave me food, I was thirsty and you gave me something to drink, I was a stranger and you welcomed me. I was naked and you gave me clothing, I was sick and you took care of me, I was in prison and you visited me."

These words should begin to suggest to us what compassion means; the words from the Constitution should suggest what community means. Beneath the poetic surface of each short passage is an uneasy awareness, if we let it surface, of the difficulty we face in taking them to heart. Every time we laud the First Amendment Nazis and Klansmen should remind us of our ambivalence toward free speech and assembly. In our time the possibility of taking a stranger into our home is so mired in fear and suspicion that few of us have ever truly opened our homes to people in such need. Most of us would follow the Levites and cross the road, hoping that a Good Samaritan was coming along behind us.

More comfortably, we are reminded that strangers have many other options in our society, although in the last decade those options have diminished drastically as the population of strangers has grown. The moral force of the claim on our charity is not sufficient, because we are as individuals too weak or too timid or simply, blissfully, unaware. Homelessness comes into our lives indirectly, through the images of television and newspaper or through the voices of advocates.

Many of their advocates argue that the homeless should not have to depend on the unreliable reception they will receive if they show up on our doorstep, hungry, thirsty, ragged, dirty, and desperate. These advocates argue that it is demeaning for the homeless to have to beg for our questionable mercy; it is the whole nation's responsibility to see to it that the homeless find shelter -- not simply temporary shelter for stranded travelers who have run out of money but permanent, "decent", "adequate" housing for them and their children. The advocates may then argue that adequate housing can only be provided by the Government, paid for by taxes that you and I will not be able to refuse to pay. The rich young man may be able to deny the Lord's invitation and walk away; he won't be permitted to escape the IRS. The appeal for charity of the homeless, growing out of the moral claim of Matthew 25, is followed by a petition to the Government for the redress of someone else's grievances, growing out of the First Amendment. Is it possible that we would have had the latter without the former?

Some citizens have, on the basis of a largely unexamined ethical claim arising out of religious tradition, come together to intervene in the lives of the homeless for this benefit and demanded that Government intercede to bring an end to the current crisis of homelessness. That is, advocates for the homeless organize themselves -- without being asked -- to intervene as patrons in the lives of other citizens without any formal mandate from anyone to do so.

That case, and a hundred others, reveals the "gnarled roots" (the metaphor is John Simon's) of traditions; religious and secular values; and religious, secular, and public institutions brought into play by this deceptively benign and innocent notion of voluntary action for the public good.

For example, there is, as far as I know, no secular counterpart to the ethical claim of that Biblical passage; no similarly powerful shared symbol of charitable obligation that we might turn to as a better ground than the rights and obligations of the basic human need for shelter. The American Civil Liberties Union (whom I have not consulted on the matter) may see itself as the unsleeping guardian whose duty it is to keep angels and other threatening religious apparitions out of public places such as homeless shelters that receive public funds. ACLU's advocacy at times seems to put separation of church and state ahead of other things, including freedom of speech. Whatever else it is, the ACLU is not the poetic moral voice of the homeless that we can all rally around when the vote comes to increase taxes to solve the problem of homelessness with public revenues.

Two other examples of advocacy:

First, to pick a more arbitrary example, the case of ethnic Serbians, now U. S. citizens, concerned about the welfare of relatives in Yugoslavia. (The example applies to all ethnic groups, other than native Americans, I suppose.) Serbians organize and form an association to publicize the plight of their ethnic group half a world away. To the extent that the Serbian interest is confined to the well-being of Serbians in Yugoslavia and Serbian-Americans alone, the association would fall under the category of mutual aid. You and I may have no link by blood or marriage to ethnic Serbians, in the U. S. or in Yugoslavia or anywhere else. Why should we care about their problem? What right do Serbians have to lay claim on ethnic Welshmen or orthodox Jews or third-generation California Chinese?

The logic of philanthropy drives the Serbians to relate their case to a mission, an urgent social need of great importance to all of us. The philanthropic appeal of the Serbians -- and of the Welsh, the Jews, the Chinese, and of all the other uncountable ways we have found to point out the crucial differences that ultimately divide us -- must be to the pluralist tradition, the e pluribus unum that in this case gives precedence to the pluribus over the unum. How does pluralism serve unity? The wealthy Chinese-American Mr. Li, whose family has prospered in California for three generations, shares with the Serbian-American Mr. Catargiu a concern for the rights of ethnic Serbs if and only if those same rights apply to ethnic Chinese -- and by implication, to all others. The mission transcends the self-interest; if it doesn't, it is smaller and has a weaker claim on us. The case to provide support to Serbs simply in order to aid their fight against Croatians (or for the British to fight the Irish or for the Irish to fight the Irish), is harder to make in terms of the public good.

I urge you to think a great deal about advocacy for ethnic groups. Ethnic groups represent the most powerful destabilizing force in the world today (the observation came to me from Donald Horowitz) and they best illuminate the Federalist concern about faction.

Many Americans of my generation had lost a strong sense of ethnic identity and naively concluded that ethnicity was weakening elsewhere. We now know that in most parts of the world it is the defining term of life, the dimension of group life as strong or stronger than the survival of the self. The primacy of ethnicity is welcomed by some and feared by others as the defining characteristic of the new American order.

Ethnicity is like an artichoke, Aristide Zolberg told me at lunch one day; it is necessary to peel back its leaves to find which element -- language, religion, culture -- has greatest claim. American racism and Iranian religious fundamentalism and Basque chauvinism are reminders of the terrible destructive power that ethnic "voluntary associations" sometimes exhibit. When they make claims on us we must insist on asking them to explain their mission: how does their claim serve the larger public good?

The compassionate concern for ethnic groups under oppression (the paradigm case that I remember from my childhood was the suffering of the Armenians under the Turks) is captured in Matthew 25 and in the Old Testament concern for the stranger or the unjustly imprisoned. Compassionate concern for the politically or spiritually oppressed is protected by implication in the First Amendment in freedom of speech and assembly and in the separation of church and state. It is a concern more eloquently expressed in the western tradition in the prophets of the Old Testament than in Plato's Republic. That is, I see in compassionate assistance to the stranger a strong religious premise for the secular protection offered by the government.

E. D. Hirsch's valuable initiative to give cultural literacy a place in our educational system is more than a matter of words, terms, and definitions. For years language scholars have pointed out to us the dangers of not controlling the power of the poetry of our language and symbols. Mastering our language helps us to avoid becoming victims of those who would use the language to our detriment. The moral behavior and the ethical values we share influence the way we vote and the products we buy. As values they are more than simply antiseptically clean, rational statements. Yet, despite the effort to bleach out the color of the language, its color persists. The cultural literacy we share is based on shared beauty and fantasy and imagination and hope as well as on phonemes and texts. Protest against the aesthetic power of language is about as apposite as living in New York City and complaining about the traffic and the dirt and the noise. Cognitive complaints about the emotionality of language are intellectually sound at one level and utterly irrelevant at another.

For the average citizen, the legal arguments about the First Amendment often seem to miss the point; for the legal scholar, the truth is to be found in the details.

The campus radio station at C. W. Post College broadcast music that was alleged to include language that violated the then-accepted standards of the Federal Communications Commission. The dean who had been given the oversight of the station intervened, listened to the material that had been broadcast, decided that it was indeed

"offensive," and fired the station manager. As president I supported the action of the dean.

The staff of the radio station took control of the building and locked themselves in. In addition to their defense of their station manager, the students insisted that their own academic freedom was at issue. William Kunstler, the flamboyant lawyer, suddenly and dramatically appeared to defend the students and the manager who had been fired. The University hired a more narrowly famous but equally spectacular courtroom lawyer named Emile Zola Berman. Kunstler made a sweeping visit to the campus and denounced me as "a Hitler." During the weeks that followed a campus committee that I had appointed studied the matter. I spent long hours in earnest discussion with student leaders and faculty members about the fascinating issues that had been raised: student's academic rights in extra-curricular or co-curricular settings; the academic freedom of nonfaculty employers who, like the station manager, were also in most respects teachers; the reach of a campus radio station into the community at large; and, of course, the laundry list of issues and precedents having to do with "offensive" language.

At that point in my life I did not think of the campus and its radio station as voluntary associations, or that what we were arguing about had to do with the right of some people to intervene in the lives of others for the public good with no public mandate to do so. The college campus as a "private" entity intruding upon the morals of the "public" beyond the campus was never discussed, in the terms of this book, by me or anyone else at the time.

None of the First Amendment issues mattered, as it turned out. Berman outfoxed Kunstler and the case was settled on jurisdictional grounds. The immediate legal problem was settled: the university's position was upheld and the employee remained fired. The result greatly satisfied the chairman of the university's board of trustees, himself a lawyer, who simply wanted an end to the matter. My concern was that acceptance of such a settlement would forever obscure the lessons that might be learned from all the disruption and expense. The trustees understandably felt more comfortable with the chairman's legal position than with my pedagogical one.

The students who had staged the sit-in were admired by some of their peers and were scorned by some others. The dean remained in the deanship. New guidelines were produced as the academic bureaucracy found reassurance about social order in putting rules on paper. There was nothing for everyone to go into the streets about (for which I was thankful), but this exercise in the law taught us nothing about the meaning of the First Amendment, either.

The lessons I now draw from that experience reinforce my notion that narrowing issues for legal purposes erodes their larger meaning. It is the larger meaning that counts in the long run. Lawyers and judges, who must settle cases, are more prudent, much more willing to settle on narrow technical grounds as long as settlement of some sort is reached and they can go on to other cases. Presumably the appellate system will keep some of the cases alive long enough to let the larger issues emerge.

To the extent that the larger meaning of voluntary action is obscured by legal details and technicalities, the cultural force of the First Amendment is lost. It is instructive to think of that radio station as a voluntary association. It is instructive to think of the limits on the use of the station as inhibiting freedom of expression, especially since all the nonverbal forms of discourse came into play: sit-in, posters, marches, slogans, and rallies. It is instructive to think of the radio station as an advocate of a marginal or socially unacceptable subculture. It is instructive to think of the university as a government trying to maintain internal order and peace with its neighbors. It is instructive to think of the faculty as a legislative body trying to respond to tribal pressures and to the claims of "the good of the college" at the same time.

Other examples might be drawn out of my own memory and associations that would reach much further than is possible within the limits of this book. For example:

- The right of Masters and Johnson to investigate sexual behavior behind the protection of the medical school of Washington University. Or the operation of the not-for-profit Kinsey Institute within the framework of Indiana University.
- The intimidation visited upon Exxon and other corporations for providing philanthropic support to the Aspen Institute for Humanistic Studies. The Aspen Institute was charged by well-meaning and embarrassingly uninformed letter-writers as a bastion of "secular humanism." (Speaking of secular humanism, there is a new challenge in which those favoring a place for religion in public education ask for equal access and fair treatment. They argue that secular humanism is a religion and that it has gained influence in the public schools by pretending that it is not a religion but a "philosophy.")
- The group of scientists at Washington University who formed voluntary associations to bring an end to atomic testing, nuclear power, nuclear weapons, and nuclear war. The spread of protest techniques from teach-ins to sit-ins to widespread disruption. "Advocacy" as implacable, burn-down-the-ROTC-building opposition. The ambiguous role of some leaders --Barry Commoner, in particular -- in accepting the moral consequences of their leadership.
- The voluntary associations that claim to speak for the rights of animals and the voluntary associations who insist on the right to continue to kill animals for sport or for profit or simply because they damn well please. My friend Dennis Stark at Rockefeller University staking out a higher and yet practical moral ground.
- Prisoner's rights and victim's rights; children's rights and family rights; the rights of the press and the rights of privacy; the rights of citizens and the rights of refugees and immigrants.

The crucial issue of the First Amendment is the right of people to assemble and to organize: that is, to give ad hoc assembly permanence and continuity; to exercise the right to raise money and to enlist volunteers; to intrude technologically into our homes and our patience with their endless, insistent clamor for our signatures, our money, our time, our blessing; to badger legislatures and government agencies; to picket and boycott corporations and labor unions and other vested interests; to sermonize against the churches, and to protest against the protesters.

Out of that sprawling and disorderly process rises the sometimes acrid smell of a new morality, a new social agenda, A puffing up some things and deflating some others.

It is in the third sector that most if not all the great social movements arise. To the extent that is true, it is because of the role of the voluntary association. The voluntary association holds great power when its ultimate cause is the moral cause of the public good and its mission is more widely accepted than the law as yet appreciates. Sometimes the breakthrough comes in the book of a single author, work that spawns a hundred organizations (as Rachel Carson did); sometimes the breakthrough comes in the form of a legal opinion. (How the judge or court arrived at the opinion, whether by an exercise of the moral imagination or by external prompting, requires further research into each case.)

First Amendment rights have moved far and wide throughout the three sectors in recent decades. Democracy in the workplace and economic democracy are shibboleths of those who would distribute the decision-making authority of organizations as widely as possible. The claim was often made in the early 1970s that all collectives should be voluntary, even the military, and all associations self-governing along democratic, populist lines. These unorthodox views are seldom studied or reflected in the mainstream of the third sector, the world of voluntary action in which action is unsupported by private gain and lacks the legal power to enforce its wishes.

The interest paid to the First Amendment within the third sector is often as narrow and self-serving as the case of radio station WCWP. Established organizations are often quite willing to advance their cause on the basis of irrelevant jurisdictional grounds rather than hold out for clarification of the agonizing issues. Some advocacy organizations -- especially the extremist organizations in the abortion wars -- seek to use every available means to deny the First Amendment rights of organizations that advocate different ends.

The continuation in the United States of the 18th century Enlightenment fear of the church makes the separation issue inseparable from the relationship between philanthropy and the First Amendment. Religion permeates American life, as philanthropy does; to expunge its presence from most of the third sector misconstrues the Constitution. Is tax exemption for Catholic Relief Services a violation of the Establishment clause? Do grants from the Agency for International Development to Catholic Relief Services violate the Establishment clause? Is our freedom threatened by the provision of New York City tax funds for the work of the Salvation Army?

It would appear to me, writing in 1991, that the threat of "the church" to the freedom and democratic integrity of the United States is about as serious as the threat of Saddam Hussein to the peace of the Middle East after the Persian Gulf war. (The coalition war of the intellectuals against the church has been almost as lopsided an overkill victory as its military counterpart against Iraq.) In these days when the hegemony of secularism is unchallenged it may be possible to consider the benign influence of religion on public

policy and to drop, at least for a while, the Jacobin determination to destroy every last vestige of Superstition to clear the way for the final triumph of Reason.

My vision of the free, and open, and democratic society that I would pass on to my grandson includes a lively and influential philanthropic tradition. Voluntary action in his democracy, as in mine, will be protected by the First Amendment or something very like it.