

# CIVIL SOCIETY AND PHILANTHROPY

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A crucial problem confronting the world of philanthropy over the next decade will be a clarification of its self-understanding as a social and cultural actor. As Rebecca Solnit rightly reminds us, “What you believe shapes how you act” (2009, 2). Are philanthropic institutions a part of the private, non-governmental sector and thus an element in a vital civil society, or are they a part of the governmental-institutional sector? The quasi-governmental role played by the Red Cross as gatekeeper and certifier and the increasing involvement of nonprofits in seeking government funding and advocacy of legislative approaches to solving problems give rise to this question. In a 2010 essay in *The Chronicle of Philanthropy* Michael Edwards argued that “grant makers are among the forces hastening erosion of civil society” (29). Edwards’s brief essay reflects the confusion now surrounding both the notion of civil society and the nature of philanthropic activity.

On the one hand, Edwards seems to believe that civil society is a space of great freedom, spontaneity and creativity. In a passage that almost sounds as if it could have been written by Friedrich Hayek, Edwards claims that “the empowerment of ordinary people has no predetermined ends, and that makes civil society messy, unpredictable, and uncontrollable—and sometimes dangerously subversive, a characteristic that few foundations are brave enough to support” (2010, 29).

On the other hand, elsewhere in this same article Edwards states that civil society consists of “the places where different views are negotiated to produce a consensus on the big issues of the day” (29). He considers such consensus important because it can provide the basis for the passage of legislation, such as the G.I. Bill in 1944 or the Health Care and Education Reconciliation Act of 2010 (Obama’s health care plan). This description makes it sound as if civil society, rather than being “messy, unpredictable, and uncontrollable,” is merely one mechanism in the policy articulation and mobilization process characteristic of contemporary American decision-making. To the extent that it is simply a cog in the policy process, civil society will in fact be all too mild, predictable and manageable.

### *Defining Civil Society*

A look at Edwards' more comprehensive treatment of this concept in his book *Civil Society* (2004) may help clarify this apparent tension in his thought. Edwards rightly notes that in contemporary American politics "civil society" is advocated by individuals and groups on both the right and left as the key to resolving the nation's current political crisis, which suggests that it is a concept of somewhat ambiguous meaning and implications.<sup>1</sup> In an effort to bring some order to this unruly concept, Edwards identifies three different schools of thought regarding "civil society" that have currency at present. In my judgment, the coexistence of these different schools invoking the same concept helps explain why so many of those extolling civil society seem to be talking past each other.

First is the "neo-Tocquevillian" view that sees civil society as associational life. In this model, civil society is "a *part* of society distinct from states and markets, formed for the purposes of advancing common interests and facilitating collective action. . . . [C]ivil society in this sense contains all associations and networks between the family and the state, except firms" (Edwards 2004, vii, 18-36).

The second theoretical approach is normative in orientation, seeing civil society "as the realm of service rather than self-interest, and a breeding ground for the 'habits of the heart'—attitudes and values like cooperation, trust, tolerance, and non-violence." From this perspective, civil society "means a *type* of society that is motivated by a different way of being and living in the world, or a different rationality, identified as 'civil'" (2004, viii, 37-53).

Edwards describes the third approach as one that "sees civil society as an arena for public deliberation, rational dialogue and the exercise of 'active citizenship' in pursuit of the common interest—in other words, as the 'public sphere'" (2004, viii). Although Edwards claims that elements of these three models can be combined, it becomes clear as his argument unfolds that the third model, "Civil Society as the Public Sphere," is preeminent for his purposes (54-71). This can be seen almost immediately in his detailed discussion of this perspective, where he argues, "In its role as the 'public sphere', civil society becomes the arena for argument and deliberation as well as for association and institutional collaboration" (55). Note that here Edwards identifies "public sphere civil society" as *the* arena for argument, not merely *an* arena.

In Edwards' account, civil society as public sphere leads to "dialogic politics," and "dialogic politics offer a route—and perhaps the only route—to reach a

legitimate normative consensus around a plurality of interests and positions assuming certain conditions are met” (2004, 59). Just what are the conditions that need to be met so that “dialogic politics” can lead to this “legitimate normative consensus”? Before I attempt to answer that question, let me emphasize strongly the following point: from Edwards’ perspective, the conditions necessary for politics to work are *pre-political moral standards*. That is, these conditions are not subject to political debate, decision, and compromise but are the foundations necessary for all legitimate politics.

According to Edwards, “These qualifying conditions are crucial, because they establish a boundary within which conversations must take place if they are to qualify as democratic, and therefore effective in *generating the outcomes the public sphere is supposed to produce*” (2004, 57; my emphasis). Rather than being an arena in which spontaneous and creative action might occur, civil society as public sphere now appears to be a set of procedures designed to lead to predetermined and acceptable results. This is not just a casual misstatement on Edwards’ part but instead seems to be at the heart of his position. In a comment on critical theory, which is part of his general discussion of the public sphere, Edwards claims that “unless [the ethics and structures of these discourses] are carefully ordered there is no possibility that the public sphere can work as theory predicts” (58).

Among the pre-political moral standards that allow dialogic politics to work are “equality of voice and access, in particular, and a minimum of censorship so that relevant information is available to all” (Edwards 2004, 59). Additionally, “inclusive and objective public deliberation is feasible only through channels that are not completely captured by states or markets” (58). Also, “diffusion of power . . . is essential to democratic debate and the exercise of accountability of citizens” (61). Finally, “pervasive inequalities . . . threaten the very foundation of the democratic public sphere” (69). Again I must emphasize that these appear to be pre-political moral foundations for dialogic politics, not an agenda for political debate and decision. This means that satisfaction of all of these criteria is necessary before political discussion per se can begin, in Edwards’ view.

### ***Civil Society and the State***

For many, one of the strengths of the notion of civil society is its recognition of the inevitable pluralities of man’s social existence. As Edwards himself writes, “civil society is the land of difference, the place where we find meaning in our

lives as people of different faiths, races, interests, perspectives and agendas” (2004, 61). But as the above discussion suggests, Edwards maintains that there are severe limits to how far these and other differences can be tolerated if our goal is to establish the conditions necessary for dialogic politics to be successful. Indeed, according to Edwards, “the governance of complex societies and the preservation of peaceful coexistence require that some of these particularities are surrendered to the common interest, in the form of rules, law, norms and other agreements that cut across the views of different communities, and to which all citizens subscribe” (61-62).

This inevitably leads to a focus on state power, because “the application of these rules is ultimately the task of government and other institutions of the state” (Edwards 2004, 62). This does not mean that civil society has no role to play in enforcement, however. It does so in two ways, according to Edwards: civil society “plays a role in both legitimating government intervention and imposing its own informal settlements through voluntary codes of conduct and other self-organizing principles” (62).<sup>2</sup>

At times, Edwards suggests, public sphere civil society itself might be the instigator of the turn toward state action to eliminate unwanted diversity. He asks, “Is the preservation of civil society as a protected zone of pluralism a more important objective than enforcing universal standards in a society that is civil?” Edwards answers this question with a resounding no: “The public sphere must decide the answer to this question, in court if necessary . . .” (2004, 84).<sup>3</sup>

To summarize Edwards’ position, then, civil society as public sphere requires major structural and procedural changes in society to eliminate inequality and at least some elements of diversity before a legitimate dialogic politics can even begin. I will simply note that for some people these questions may appear to be the very matters that should be subject to political debate. For Edwards, however, these are not political issues at all but are the pre-political conditions necessary for politics to conduct its business. Edwards nods toward spontaneity and messiness, but ultimately he seems to come down on the side of predictability, uniformity, and political correctness (see 2004, 68-69).

There is much at stake in how we draw the orders of civil society and polity. In contrast to Edwards, the Scottish Enlightenment author Adam Ferguson captured the truly unpredictable and spontaneous dimension of civil society when he argued that “nations stumble on establishments, which are indeed the result of human action, but not the execution of any human design” (1995, 119). This powerful image has influenced both Michael Oakeshott and Friedrich Hayek in

their understanding of the nature and operation of complex societies, and both suggest that the limits of human design are still in full operation in modernity.

I began by quoting Edwards's endorsement of the subversive nature of civil society. I believe that civil society is subversive, but that Edwards does not really understand the nature of this aspect of civil society. Civil society is subversive of any central authority that attempts to control the actions of men. Ferguson captured this dynamic:

Men, in general, are sufficiently disposed to occupy themselves in forming projects and schemes: but he who would scheme and project for others, will find an opponent in every person who is disposed to scheme for himself. Like the winds, that come we know not whence, and blow whithersoever they list, the forms of society are derived from an obscure and distant origin; they arise, long before the date of philosophy, from the instincts, not from the speculations, of men. The [crowd] of mankind, are directed in their establishments and measures, by the circumstances in which they are placed; and seldom are turned from their way, to follow the plan of any single projector (1995, 119).<sup>4</sup>

### ***Civil Society and Philanthropy***

It is here that the nature of civil society and philanthropy intersect, with implications for human action. The original act of philanthropy as recorded by the Greeks was Prometheus giving the fire of Zeus to men. As Steven Grosby makes clear (2010, 14-16 and 20-22), Prometheus acted in direct opposition to the stated will of Zeus and therefore his story, even as myth, may “serve as a polemic against tyranny” (20). I want to radicalize Grosby's discussion and suggest that at its core philanthropic action involves opposition to all centralized authority, from which it must remain aloof if it is to pursue its goal of loving mankind.

Before concluding, I will raise two points that are worth further consideration but are beyond the scope of this essay. One of the implications of this philanthropic opposition to centralized authority, paradoxically, is that large philanthropic organizations are, at a very deep level, in conflict with themselves. One of the ways in which this manifests itself is the internal battle between programmatic and institutional concerns—do individual foundations remain true to their stated mission, or do they engage in institutional expansion and entrenchment in the pursuit of power? In passing, we might also ask whether our nation's tax laws are wiser than foundations. The law mandates that tax-exempt

philanthropic institutions refrain from political activity, but many today seem to be increasingly guided by narrow policy concerns or the pursuit of government funding opportunities.

In arguing that philanthropy and civil society should not be understood in narrow political terms I am not arguing that philanthropy and civil society have no importance for politics in a broader sense. In fact, I would argue that a robust civil society (which includes robust philanthropic activity) is necessary for a healthy polity. While not arguing directly about the nature of civil society, *The Federalist Papers* can assist us in understanding the relationship between political concerns and the broader society. In *Federalist* 10, Publius argues that factions are organized groups that work against the “permanent and aggregate interests of the community.” In two papers, *Federalist* 63 and 71, Publius speaks about the “deliberate sense of the community,” and in two other papers (12, 22) he writes of “the genius of the people”—the equivalent of “national character.” This “genius of the people” is elsewhere characterized by Publius as a “vigilant and manly spirit. . . which nourishes freedom, and in return is nourished by it” (*Federalist* 57).

One function of the political system is to provide security for its citizens, and this involves protecting those “permanent and aggregate interests of the community.” The “deliberate sense of the community,” rather than light and transient emotions, should guide the political system and should reflect the deepest beliefs of the people. Publius believed that those beliefs revolved around freedom, understood in both a collective (freedom from external domination and internal oppression) and an individual sense.

To the extent that the American character still manifests the “vigilant and manly spirit which nourishes freedom,” as it did in the 1830s when Tocqueville traveled the country and documented our robust associational and public (non-political) life, we remain a people that looks to private initiative rather than government programs for the solutions of many of the problems we confront. And a key component of private (which does not mean merely individual) action will be philanthropic activities guided by competing approaches to achieving the “great society” and competing visions of exactly what that society would look like.

F. A. Hayek does not, as many liberals do, make the standard argument against government action that takes as its starting point the Actonian caution that “power tends to corrupt, and absolute power corrupts absolutely.” It is not power per se with which Hayek is concerned but coercion, especially the coercion of the state (1960, 133-147). Hayek argues that we can distinguish between government

provision of services and coercion (222-224), thus acknowledging a legitimate sphere for government beyond the minimal watchman state (253-394). What does concern Hayek about government provision of services is the possibility that the government will lay claim to a monopoly provision of some services and therefore prohibit private action in those areas. The great danger of this approach in the long run is the loss of creativity, for as Hayek argued throughout his career, no single mind can capture all the dimensions of a complex society and bring them into a predictable and routinized whole (29-30).

This is why a robust civil society is crucial for the long-term well-being of civilization—it is in the messy, free, and un-coerced interplay of individuals and institutions that new knowledge is discovered, new approaches to social life explored, and personal and social progress achieved. Philanthropy, as part of the sphere of civil society understood as non-governmental voluntary action, will mirror the diversity and complexity of interests and approaches that characterize a great society—the “extended republic” of *Federalist* 51. The challenge of “loving mankind” is, after all, an invitation to creative engagement and experimentation, not a call to lockstep uniformity or political correctness.

## NOTES

- <sup>1</sup> Edwards’ discussion in *Civil Society* is transnational and transcultural, which complicates the issue even more. Perhaps the effort to define this concept in a way that would fit all social and political circumstances—which requires a movement from the historical and particular to the generic and abstract—robs the concept of any real value as a political or social (as opposed to a scientific or theoretical) term. I will ignore the transnational dimension of Edwards’ discussion here.
- <sup>2</sup> Thus civil society as public sphere provides the “mechanisms . . . to negotiate the formal and informal rules of the social game” (Edwards 2004, 62).
- <sup>3</sup> Edwards refers to *Roberts v. United States Jaycees*, 468 U. S. 609 (1984), in which the U.S. Supreme Court held that the Jaycees could not bar female membership.
- <sup>4</sup> I also commend Adam Smith’s discussion of the differences between the “man of public spirit [who] is prompted . . . by humanity and benevolence” and the “man of system” who “seems to imagine that he can arrange the different members of a great society with as much ease as the hand arranges the different pieces upon a chess board” (1982, 233-234).

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