Critical Dialogue

The Tyranny of Generosity: Why Philanthropy Corrupts Our Politics and How We Can Fix It. By Theodore M. Lechterman. Oxford: Oxford University Press, 2021. 280p. $34.95 cloth.
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— Emma Saunders-Hastings, *Ohio State University*
saunders-hastings.1@osu.edu

Theodore Lechterman's *The Tyranny of Generosity* is a major contribution to normative theorizing about philanthropy. The book combines clear, precise argumentation with well-chosen examples, with the result that both political philosophers and general readers will be able to learn a great deal from it.

Lechterman sometimes presents himself as investigating discrete puzzles in the political morality and regulation of philanthropy—which he does, with great creativity and subtlety, exploring some aspects of philanthropy that have received little philosophical attention. But this undersells the contribution of the book, taken as a whole: Lechterman develops the most complete and compelling philosophical account I have read of philanthropy's place within a democratic division of institutional labor. In the tradition of liberal egalitarian political philosophy that informs Lechterman's approach, voluntary giving appears (if at all) on the periphery, either as a primitive and unsatisfactory device for discharging obligations of justice that properly belong to the state, or as a residual mechanism for supplying goods that obligations of justice or liberal neutrality bar the state from distributing. By contrast, Lechterman treats philanthropy's moral evaluation and institutional design with a level of seriousness and detail often reserved for public institutions.

In Chapter 2, Lechterman develops an account of "democratic sovereignty," which holds that "to be fully legitimate, major social outcomes must issue from collectively authorized decisions" (p. 21). Some forms of philanthropy violate citizens' collective self-determination, "privatizing decisions that properly belong to citizens collectively" (p. 21). Whether or not private providers perform well in supplying essential public goods, it is objectionable for "matters of basic justice" to be decided privately rather than through public democratic institutions. This gives a preliminary standard for evaluating what philanthropy should *not* do on Lechterman's account: it should leave provision of and decision making about essential public goods to public institutions.

Chapter 3 complements this with an argument about when philanthropy is worth encouraging and even subsidizing. Public subsidies for citizens' philanthropic commitments (e.g., in the form of tax deductions for charitable contributions) are usually neutral: while qualifying donations must be made to registered nonprofits, no priority is given to some causes or organizations over others. Some critics of the deduction have argued that subsidy mechanisms should instead favor organizations that serve the least well-off members of society (e.g., Cordelli 2020). But Lechterman argues *against* incentivizing donors to focus on the traditional charitable goal of helping the poor: while the least well-off members of society are indeed owed assistance as a matter of justice, this obligation is not appropriately discharged through philanthropy. The case for subsidies is *at least* as strong when donations fund "discretionary public goods," which are not required by justice and are therefore more appropriate objects of decentralized voluntary action. Public support for citizens' diverse donations is desirable "as a way of mediating the limitations of majority rule and securing the organizational foundations of democratic deliberation" (p. 16).

Chapter 4 complicates this picture somewhat, showing how egalitarian concerns apply even within some activities where philanthropy plays a legitimate role. "Expressive giving" to civil society organizations fuels processes of public deliberation and allows people to imagine and build support for alternative conceptions of the public good. However, since citizens differ widely in their capacity to donate, this situation (often coupled with subsidy mechanisms that favor wealthier donors) risks translating economic inequalities into political inequalities (e.g. unequal opportunities to disseminate ideas and shape the background political agenda). Lechterman proposes a novel, steeply progressive voucher scheme as a way of addressing this problem. In addition to providing all citizens with equally weighted vouchers to contribute to the nonprofits of their choice (as other political theorists have suggested), his proposal would require the rich to pay for the opportunity to contribute in excess of their vouchers: nonprofits seeking funding for their expressive activities could *only* accept vouchers, not cash,

and the price of additional vouchers would rise in proportion to the volume purchased.

If Chapters 2–4 develop the core of Lechterman's argument about the (in)appropriate roles and regulation of philanthropy in a democratic society, the later chapters apply and further refine the picture with reference to specific institutional forms and social practices of giving. Chapter 5 examines "dead hand" control of philanthropic bequests by donors. It argues that, appropriately circumscribed, institutionalized deference to donor intent can respect democratic sovereignty and contribute to democracy's substantive reliability, by requiring present generations to engage with the wisdom of past ones. Chapter 6 analyzes an important dilemma for effective altruists: because of the enormous impact of political institutions on people's wellbeing, philanthropists who seek to maximize welfare face choices between attempting to exert influence over recipient countries' political institutions (in arguably undemocratic ways) or restricting themselves to "palliative" attempts to offset the effects of underperforming institutions. Chapter 7 considers donations by commercial corporations and excavates a surprising democratic thread in Milton Friedman's famous argument against corporate philanthropy.

References to the "tyranny" of generosity may lead some readers to expect a wholesale rejection of philanthropy. In fact, Lechterman concludes that realizing democratic ideals actually *requires* a role for philanthropy. His point is not that generosity should be condemned as damaging or despotic but that it should be prevented from encroaching on matters of basic justice and citizens' shared control over essential aspects of their common life.

As with all attempts to specify an ideal division of institutional labor, it is a complicated matter to apply Lechterman's account to actually existing, non-ideal democratic societies. Consider, for example, Lechterman's case for public subsidy of philanthropy as an alternative to state provision of discretionary public goods. He defends this policy in part as a way to mediate the limitations of majoritarian decision making (e.g., pp. 16, 63). I agree that this would be an important project in a robustly democratic society. But is it a pressing problem in existing democratic societies, where institutions are often captured by powerful economic interests, constrained by supermajority requirements, or otherwise unresponsive to majority preferences? Fears about the tyranny of the majority are not the only good reason for seeking counterweights to state power, and so a subsidy of the scope that Lechterman defends might still be desirable on democratic grounds (or for other instrumental reasons). But in existing democracies, we cannot assume that philanthropy will operate as a complement or corrective to reliably *majority*-driven public institutions. Does that change the kind of justification that needs to be offered for philanthropy's public role?

On the other hand, applying Lechterman's arguments to non-ideal theory might also throw up new arguments in philanthropy's favor. Lechterman recognizes that existing democratic societies often fail to realize democratic ideals. They do not fully satisfy citizens' interests in collective self-determination and in feeling "at home in our social world" (p. 38). But this might threaten one argument for seeking to *limit* philanthropy's role: while the private provision of essential public goods represents a dereliction of democratic sovereignty, it is less obvious that it meaningfully erodes the degree of democratic control that citizens enjoy in existing democracies. The argument from democratic sovereignty makes sense on the presupposition that public institutions are at least more responsive to citizens' preferences and judgments than private philanthropy can be. Perhaps that remains a reasonable assumption even in imperfect democracies. On the other hand, where political institutions seem alien, hostile, or unresponsive, perhaps participation in voluntary enterprises can be a more practicable way of experiencing and sharing authorship over essential parts of the social world. Of course, on Lechterman's account this would necessarily remain a distant second-best to the democratization of public institutions. But perhaps the seriousness of public shortfalls warrants more consideration of *how* philanthropy ought to do the things that it shouldn't be doing in the first place. (Lechterman does consider in Chapter 6 such questions with reference to the practical ethics of global philanthropy; my suggestion is that similar dilemmas may arise even within wealthy democracies.)

Lechterman is right to point out that philosophers have more often assessed philanthropy's relationship to distributive justice than to democracy or legitimacy. His account is distinctive for giving those values a central place and for the sophistication with which it conceptualizes and defends them. But I am not sure how far the democratic division of labor he endorses can be specified without recourse to a substantive theory of justice. Lechterman's arguments for a public monopoly on the supply of essential public goods applies to the "decent social minimum" that all societies owe their members. But many important sectors like education and health care plausibly comprise a mix of justice-required goods, discretionary goods, and supplementary goods (i.e., in excess of the minimum required). Do we need to disaggregate these sectors, to determine in a fine-grained way when philanthropic funding is permissible (e.g., for resource-intensive extracurricular activities or the newest textbooks, but not to fund teacher training or school buses)? If so, this would seem to require resolving deep disagreements about what justice requires. (The required/supplementary distinction might also be difficult to sustain in the case of goods like education, whose value is partly positional.) On the other hand,

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discouraging any philanthropic contributions within *sectors* that touch essential public goods might look far too restrictive: why should collective self-determination entitle citizens to limit each other's access to benefits *above* the (democratically determined) minimum threshold, if those benefits are provided on a voluntary basis at no cost to the public? This seems especially objectionable if public funding is itself inadequate or unequally distributed: how just and democratic must public institutions be before they are entitled to assert a monopoly over essential public goods?

I should underscore that these are questions that haunt most political theories of philanthropy. Lechterman's book is of particular value for combining an exacting democratic ideal with a nuanced understanding of philanthropy as an actually existing and evolving social practice. *The Tyranny of Generosity* is a powerful critique of philanthropy in its undemocratic aspects, and at the same time one of the best philosophical defenses yet written of philanthropy—in its place.

Response to Emma Saunders-Hastings' Review of *The Tyranny of Generosity: Why Philanthropy Corrupts Our Politics and How We Can Fix It*

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— Theodore M. Lechterman

I build my theory by asking what role philanthropy might reasonably play in a more or less well-functioning democratic society. Emma Saunders-Hastings rightly questions whether or how this approach can offer guidance for contemporary democracies, which contain many dysfunctional features.

Saunders-Hastings questions whether countermajoritarian arguments for subsidizing philanthropy—which see philanthropy as a promising avenue for democratic minorities to realize their preferences for public goods—are appropriately responsive to contemporary conditions, where majoritarian rule is more often a legitimating myth than a reality. The significance of this problem depends partly on how sticky one thinks these democratic deficits are. Societies should not ordinarily abolish otherwise-justified laws in response to transitory defects, such as lack of political will. (And it is worth noting that virtually all established democracies have entrenched policies for subsidizing philanthropy, so the question is best understood as whether these policies should be abolished.) Similarly, we would likely not want to eliminate judicial review simply because, over the span of a few years, the judicial branch appeared to exercise its review powers with unreasonable vigor. In this case, we would need evidence of a more permanent power imbalance before the radical solution of suspending or abolishing judicial review could be justifiably contemplated. I think something similar might be said about philanthropic subsidies.

Importantly, the countermajoritarian argument is but one of several arguments I give for subsidizing philanthropy, which also include arguments for enriching a society's cultural language and securing foundations of democratic deliberation. The second of these is especially relevant to contemporary conditions, where in many places the independence of civil society faces worsening threats from authoritarian predations. Indirect subsidies for philanthropy help to prevent the cooptation of civil society by government, which becomes particularly critical when governments consolidate power and menace citizens' basic liberties. Moreover, because the particular version of the philanthropic subsidy that I defend is steeply progressive, it may help to reduce some of the very political inequalities that motivate Saunders-Hastings's concern.

Saunders-Hastings also questions whether certain arguments I make for limiting philanthropy's role under suitably ideal conditions actually yield the opposite advice under nonideal conditions. It is true that under generally antidemocratic conditions philanthropy may offer a more realistic prospect of delivering certain aspects of the democratic ideal than governments do. Indeed, I think that democratic requirements can devolve onto private actors when they operate in place of governments—a possibility that I have been exploring further in subsequent work. In the absence of appropriate democratic regulation, powerful philanthropic agents may reasonably respond to legitimacy concerns by incorporating democratic elements into their decision-making, such as providing effective opportunities for those affected by their decisions to enjoy input and oversight. But it is equally important that this inheritance of democratic responsibilities remains self-consciously temporary and does not divert progress toward the primary ideal of a democratic society.

Saunders-Hastings questions whether the democratic division of labor that I defend can succeed without specifying a more substantive theory of justice than I do. I agree that we would need a more fully worked out theory of the decent social minimum (which I consider an essentially collective democratic responsibility) to make the book's arguments operationalizable. And I would not favor marking off entire sectors (such as health or education) as philanthropic red zones, precisely for the reasons that Saunders-Hastings notes. Instead, my arguments favor a more contextual approach that assesses individual health or educational services against their relationship to basic rights. Though I do explicitly allow for the possibility of exceptions to the ideal division of labor, it is hard to specify the precise conditions of these exceptions in the abstract. What my book does offer is general principles for guiding debates about these difficult questions—and several others.

I am deeply grateful to Emma Saunders-Hastings for her incisive yet charitable critique.

Private Virtues, Public Vices: Philanthropy and Democratic Equality. By Emma Saunders-Hastings. Chicago: The University of Chicago Press, 2022. 256p. $95.00 cloth, $30.00 paper.
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— Theodore M. Lechterman, *IE University*
tlechterman@faculty.ie.edu

Philanthropy plays an increasingly large role in contemporary societies, and controversies abound regarding the proper scope, extent, and manner of private giving for public purposes. Straddling the border between public and private life, philanthropy also provides a useful case for testing and refining leading perspectives in moral and political thought, and it has exercised several philosophers and political theorists in recent years. Emma Saunders-Hastings's new book, *Private Virtues, Public Vices,* treats readers to the most systematic and penetrating investigation yet of the political theory of philanthropy, and simultaneously represents a major advance in our understanding of democracy.

Focusing mainly on the United States, the book begins by noting the considerable privileges accorded to philanthropic giving by American law and political culture. Although Saunders-Hastings finds numerous reasons for valuing philanthropy in some form or another, many privileges that donors enjoy do not track these reasons. How should philanthropy be justified and appraised? And what do different answers to this question entail for how philanthropy should be regulated and practiced? Recent attention to these questions has been preoccupied with whether or how philanthropy can assist in the realization of principles of distributive justice. According to this way of thinking, we should assess the practice against its success in meeting independent distributive criteria. Drawing inspiration from John Stuart Mill and Jane Addams, the author seeks to construct an alternative political theory of philanthropy, one focused not only on distributive shares but also on the relationships of power that philanthropy creates and reproduces.

For Saunders-Hastings, democracy is valuable when and because it upholds relationships of social and political equality. Democracy requires that we relate to one another as social and political equals; practices are undemocratic when they create or consecrate arbitrary inequalities in power or status. Philanthropy can thus subvert democratic relationships in two main ways, first by usurping control over matters of common concern, and second by enabling donors to exercise paternalistic control over beneficiaries.

The remainder of the book focuses on elaborating and applying this account of philanthropy's problematic relationship to democratic equality. In addition to chapters exploring the respective challenges of plutocracy and paternalism, which are generally connected to economic elites, the author also covers challenges of mass-based giving and donating across borders.

Although the account finds many faults with contemporary philanthropic practice, it is sensitive to the many virtues of philanthropic giving and the difficulties of navigating the pull of different values in different contexts. Its aim is not to impugn donors or banish philanthropy from contemporary democracies but to encourage more thoughtful reflection and identify possibilities for greater harmony.

Since the author is concerned especially with the kinds of power relationships philanthropy can create or reproduce, the book goes deeper and broader than its peers in engaging with the anthropology and sociology of philanthropy. This both enriches the quality of the theory and also opens up numerous opportunities for conversation with social scientists.

A particular strength of the approach is its handling of the distinction between ideal and nonideal theory. Since Rawls, political theories generally start by assuming just background conditions and asking how the phenomenon of interest should look in such an ideally just society. Since we do not live in such a society, however, it is not obvious how such an approach can provide practical guidance. But the opposite approach fares no better, as theories that claim to operate squarely within nonideal conditions struggle to explain which current injustices should be taken as fixed and which should be overcome. A virtue of *Private Virtues, Public Vices* is that its arguments apply across multiple levels of idealization. Ultimately, Saunders-Hastings is not interested in the question of what role philanthropy should play or the demandingness of duties to donate (questions well covered by others), but rather with how philanthropy can be democratically practiced regardless of background conditions. Of course, these questions are difficult to completely separate, but the space between them still leaves the author with much room to maneuver.

The book's brightest achievement is Saunders-Hastings's analysis of philanthropic paternalism in Chapter 4, which not only helps to elucidate objectionable features of certain forms of philanthropic giving but also constitutes a major advance in our understanding of paternalism itself. Philanthropy definitionally aims at benefitting others, but it also involves restrictions on the direction and terms of these benefits. Can gift-giving ever be objectionable on grounds of paternalism? An initial obstacle is that paternalism is typically thought to manifest only in cases of coercively imposed decisions. Since philanthropic gifts are voluntarily accepted, charges of paternalism may seem guilty of a category mistake. Relatedly, many accept that paternalism can occur when it supplants one's judgments about one's own good but not in cases

regarding one's judgments about the common good. Saunders-Hastings shows why these hurdles create artificial barriers to a fuller understanding of paternalism and its challenges for democracy. Her view is attractive in part because it can account for the strength and limits of antipaternalist objections in various situations.

While other chapters highlight the author's skills as a social theorist and intellectual historian, Chapter 4 establishes Saunders-Hastings as an analytic philosopher of the first rate. The chapter takes no prisoners, neither in pointing out the limitations of other theories of paternalism nor in assessing philanthropic acts that fall into the trap that Saunders-Hastings lays for them. A minor downside is that the unexpected thrill of this chapter makes other chapters feel less exciting by contrast, and some may wish that Saunders-Hastings had taken the gloves off much earlier.

The emphasis on paternalism can give the mistaken impression that objections to donor control generally reduce to objections to paternalism. Although Saunders-Hastings denies this, explicitly distinguishing paternalist objections from other sources of objectionable power relationships in philanthropic giving, such as domination, subordination, and technocracy, would help to clarify the significance of her view.

One of many other striking findings in the book is its critique of various attempts to democratize philanthropy. Saunders-Hastings rejects the idea that philanthropy can be democratized simply by involving more donors of modest means. As she rightly notes, broadly funded nonprofits are no democratic panacea. They may themselves exercise undemocratic power over other citizens, a situation that the author demonstrates with religiously affiliated service delivery nonprofits, which are popular objects of mass donations in the United States. Nor can a practice call itself democratic simply because its participants deliberate with each other on equal terms. Provocatively, Saunders-Hastings charges that "giving circles"—communities of middle-class donors who pool resources and decide collectively on causes to fund—"are not democratic bodies but highly deliberative aristocratic ones" (p. 130). The point is instructive partly because it seems to generalize to other settings. Advocacy for workplace democracy, for instance, can fail to appreciate that the internal democratization of firms may leave in place firms' outsized influence over social conditions and political decision-making. Recent calls to democratize artificial intelligence reflect a similar confusion. Making the benefits of AI more widely accessible and increasing popular input in decisions regarding AI may be valuable independently. But both may be consistent with, or help to reinforce, fundamentally undemocratic social and political conditions more generally.

An important question the author leaves hanging is how to demarcate the line between public and private. As Saunders-Hastings maintains, democracy requires that citizens enjoy shared control over matters of common concern, and democratic requirements persist even when control over those matters is privatized. This is absolutely right, in my view. But to know when and where democratic scrutiny is appropriate, we need some way of distinguishing matters of common concern from other matters. And Saunders-Hastings has little to say on this question. She writes that what constitutes a matter of common concern is contested and must be resolved through democratic processes (p. 80). But this position needs more elaboration and defense to fully ground the book's arguments. One could claim that the extent of privatization in places like the United States is indeed the result of democratic decisions, however imperfect. If American citizens preferred a greater state role in education, health care, or cultural preservation, they would express this at the ballot box. By declining to do so, they are expressing that these matters (or significant aspects of them) are not in fact matters of common concern. Since voters affirm a large role for philanthropy, this reasoning holds, philanthropists cannot be charged with usurping democratic control.

Readers may wonder in what ways Saunders-Hastings believes the public vices that she diagnoses are unique to philanthropy and how her theory might extend to help appraise other phenomena. Philanthropy is merely one way of usurping collective control over collective matters and exercising paternalistic control over one another. Saunders-Hastings acknowledges as much in the book's conclusion, even hinting that philanthropy may not even be the most significant vessel of these vices in democratic societies. What, then, are some other vessels, and how might Saunders-Hastings's theory help us make sense of them? A natural area for further exploration is the world of business. In recent decades, many business firms have been experimenting with various ways of building philanthropic elements into their business models, such as screening their suppliers against various ethical criteria, developing products that purport to address social problems, taking pains to make products accessible to disadvantaged regions or groups, applying novel forms of affirmative action in hiring, and speaking out on controversial social issues. Relatedly, founders of new organizations increasingly label themselves as social entrepreneurs, focused on solving social problems with commercial tools and tactics—not with donations of profits. In what ways do these developments threaten or promote democratic equality?

Although *Private Virtues, Public Vices* reads well and delights with flickers of wry wit, there is no mistaking that it is a work of serious scholarship. To her credit, Saunders-Hastings urges readers to join her in appreciation of the intricacies of political morality, and she resists the pressure to reduce complex considerations to tidy

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practical upshots. Nonetheless, given the public interest in the topic, non-specialists may reasonably wish for an easier entry into these debates and more determinate guidance about policy and practice. Fortunately, the author still has ample after-market opportunities to distill the book's insights for popular discussion. To allow this book the impact it so dearly deserves, I hope she embraces them.

Response to Theodore M. Lechterman's Review of *Private Virtues, Public Vices: Philanthropy and Democratic Equality*

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— Emma Saunders-Hastings

I am grateful to Theodore Lechterman for his generous review of my book and for his suggestions about how its arguments might be refined, extended to other topics, and translated into more determinate policy guidance.

Lechterman notes, correctly, that my book provides limited guidance on "how to demarcate the line between public and private": this is a question addressed much more comprehensively in his own theory (and in other recent works in political philosophy, e.g. Cordelli 2020). I do provide some broad guidelines: for example, on p. 80, I note that where outcomes do not have significant unchosen effects on other people, the case for democratic control over them is weakened. But Lechterman objects that we need more determinate principles for identifying public problems: "to know when and where democratic scrutiny is appropriate, we need some way of distinguishing matters of common concern from other matters."

I understand Lechterman's dissatisfaction, but I think that this gets it backwards. Whether something is a matter of common concern (and hence an appropriate target for democratization) is not a question that can be resolved *prior* to democratic scrutiny. To that extent, my argument is in the spirit of Jane Addams and her pragmatic conception of social progress. Whether something is a public problem cannot be answered independently of whether the relevant publics (including the people affected) perceive it to be a problem. Is the name above the door in an art gallery a matter of common concern? Plausibly not: those who don't like it need not enter. If the name is Sackler and the year 2022, the answer may change: now, it is more plausible to see broader social and political relationships at stake in the ways that an institution honors its patrons. These are not questions that can be answered in the abstract, without considering the specific perspectives of the constituencies for whom these matters become (and who partly constitute these matters as) public problems.

This does leave open the possibility that, in some contexts, a public really might endorse or accept the philanthropic supply of some important goods. But this is a different scenario than the one that Lechterman considers. His worry is that, without an independent standard, we might need to conclude that the role of philanthropy in American democracy is already democratically legitimate: perhaps by declining to vote for "a greater state role in education, health care, or cultural preservation," American citizens "are expressing that these matters (or significant aspects of them) are not in fact matters of common concern" (and are hence affirming the public role of philanthropy as not undemocratic). This conclusion would overlook important realities: significant communities affected by philanthropy in education, in health care, and in cultural institutions *do* express concerns about its role. This does not automatically condemn philanthropy as undemocratic. But—especially in light of democratic deficits in the political system—the concerns of such communities cannot be dismissed simply by pointing to putative authorizations of philanthropy's role at the highest levels (national elections, or decisions by elected officials). We have reasons to favor more modular and direct attempts to address concentrations of control over outcomes that affect other people in common. Of course, this provides an indeterminate resolution for many important political debates. An important democratic concern about some philanthropy—especially in the form of large-scale, conditional or restricted giving—is the way that it truncates these debates, foreclosing in advance many options that relevant publics may wish to consider.