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THE PHILANTHROPIC AUTHORITY

What defines philanthropy and how it relates to
democracy

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Abstract

A dangerous tool at the service of the richest or one of the most virtuous individual actions, philanthropy is said to stand in a conflictual relation to democracy. Many scholars have discussed the *normative* question of *why* philanthropy might or might not be desirable in a democracy. However, few have paused to address the prior and more fundamental *analytical* question of *what* makes philanthropy inherently specific in such a way that may (or may not) raise compatibility issues with the distinguishing features of democracy. I address this question as I offer a characterization of philanthropy as an act carrying a plutocratic and third-personal form of authority, which is in contrast with the mutual and second-personal kind of authority that distinguishes democracy as a form of government. The source of philanthropy's authority rests in some people's material resources that can be used to further unilateral decisions based on their individual preferences. This distinguishing feature of philanthropy makes it *prima facie* incompatible with the logic of democratic authority, which rests in the relations of mutual accountability between citizens as the joint makers of collective decisions. Philanthropy, I argue, inherently betrays this logic because it establishes no specific relation of mutual accountability between the donor and the recipient of the gift. To understand this specificity of philanthropy is important to gain a better understanding of the merits and limits of the different normative proposals to assess the desirability of making space for philanthropy in a democracy.

Introduction

There is no shortage of debate concerning philanthropy and democracy. Lucy Bernholz; Chiara Cordelli and Rob Reich in the introduction of their book *Philanthropy in Democratic Societies* summarize them in the following manner:

What kind of power—private or political—is philanthropy? How does this power interact with the economic power of market actors and the political power of states? Is the exercise of philanthropic power justifiable and compatible with the fundamental values of a liberal democratic state? What kind of discretion should powerful philanthropic actors possess? What kinds of philanthropic activity should be encouraged, merely permitted, strictly limited, or banned? how is the distribution of philanthropic power affected by and, in turn, how does it affect the distribution of economic resources and political influence across society? (Reich et al. 2016)

This thesis stems from a question that I have been asking myself since I started working on the theme of philanthropy: What *is* philanthropy? If many scholars have discussed the *normative* question of *why* philanthropy might or might not be desirable in a democracy, few have paused to address the prior and more fundamental *analytical* question of *what* makes philanthropy inherently specific in such a way that may (or may not) raise compatibility issues with the distinguishing features of democracy. In this sense, the central goal of this thesis is to analyze the relation between concepts, philanthropy and democracy, understood as two distinct forms of authority.

In order to fulfill my aim, this thesis will be divided in three chapters. What is an authority and more precisely, what is *political* authority? What does it mean to have a legitimate authority and what does it imply? Or again, what are the different justifications to accept political authority? The first chapter of my work will have as first aim to consider the broader concept of authority and the many reasons why one would consider it as legitimate. As I will show, authority can be accepted on the basis of three different elements: consent; public reason or beneficial consequences. Following this, I showed that we can consider philanthropy as a form of authority in itself which hold its own legitimate action power. Then in the second part of this chapter I will narrow my focus on a specific form of authority: Democracy. I will firstly explain the different reasons why political theorist think that democracy is the best form of

collective decision-making taking. I will show that scholars have developed two kinds of justifications: instrumental, under the form of strategical; epistemological and moral reasons, and non-instrumental, which states that democracy is valuable not only because of the outcomes it produces but because some forms of decision-making are morally desirable independent of the consequences of having them. Having broadly exposed why democracy is desirable, I will then turn myself to its description. According to Emanuela Ceva and Valeria Ottonelli, democracy can be conceived an institutional practice which establishes people in certain roles and confer on them some powers linked to those roles (Ceva and Ottonelli, forthcoming). Democracy makes citizens the bearer of a particular kind of authority in the sense of being mutual and second personal: Decision resulting from it will apply jointly over each holder of this power while instantiating a direct relation of accountability between each citizen.

Having defined democratic authority, the second chapter of this thesis will present my own definition of philanthropy. Scholars have identified at least three different ways to conceive philanthropy: As a sector; a motivation and as an act. As I focus this work on the relation between philanthropy and democracy, I will show that philanthropy conceived as an act is the best way to understand how it relates to this form of decision-making. To prove this, I will proceed in the following manner: First, I will show that conceiving philanthropy as a sector is a too narrow scope. If we accept the fact that philanthropy is a form of authority holding action power, then picturing philanthropy under the forms of institutions and legal apparatus if we accept the fact that philanthropy is a form of power is too limited. Secondly, I will show that philanthropy cannot simply be conceived as a motivation if one wants to compare its relation to democracy. I will show that even if the warm glow theory may offer a good starting point in order to capture why people give, whatever the reasons one may have to exercise philanthropy and the kind of authority that will emerge from it will remain the same. Thus, in order to grasp the distinctiveness of its power, philanthropy needs to be conceived as an act. Broadly defined as “the voluntary commitment of private property for public purposes” (Lechterman, forthcoming), my definition of philanthropic authority will take its inspiration from Ceva and Ottonelli’s democratic authority in the sense of being defined by two constitutive rules as well: Plutocracy and Third- Personality. Hence, I will present a comparative conceptual analysis of these two concepts. I will show that plutocracy means that philanthropic authority takes its source from external resources and that it is applicable unilaterally over others. And the element of third personality to refer to agent-neutral reasons, which contrast with agent-relative reason.

Instead of acting because of a specific relation of accountability, philanthropists are helping causes that anyone else could be contributing to as well.

The third and last chapter of my thesis will be the occasion for me to prove the usefulness of my definition. I will present how my definition of philanthropy could be used to understand current debates around the relation of democracy and philanthropy. In a first time, I will examine the case of the institutional division of labor and the place that philanthropy should play in the provision of public good in a democratic society. Through the theories of Eric Beerbohm, Theodore Lechterman and Ryan Pevnick, I will show that the plutocratic and third-personal elements of philanthropy can be used to promote or reject the private provision of public goods. More importantly, my definition of philanthropy will be able to offer a general picture, without making reference to normative elements, in order to engage the question of the place of philanthropy in the provision of public goods. In the last subchapter of this thesis, I will finally turn my gaze to the question of tax incentive. With the help of Rob Reich and Nick Martin's work, I will show how political theorists might admit that that a liberal democratic state can legitimately incentivize philanthropy and the different reasons it would have to do it through tax deduction. Then, I will show how my definition grasp this conundrum: thinking philanthropy as a plutocratic and third-personal form of authority might help to design specific method of incentivization in function of why democratic provision is desirable and why philanthropy might have a place in a society.

Chapter 1: Democracy Defined

The central notion of this thesis is authority, and the main aim of this work is to question the political compatibility between two concepts, philanthropy and democracy, understood as two distinct forms of authority. But even before starting to define philanthropy or democratic authority, it is important to question the very concept of authority, its political essence and its legitimacy. What is an authority and more precisely, what is *political* authority? What does it mean to have a legitimate authority and what does it imply? Or again, what are the different justifications to accept political authority? In this first chapter, I will show that saying that the state or a donor has an authority does not appeal to the *de facto* authority of those entities, that is the ability to get others to act in ways that they desire even when the subject does not want to do what the agent wants him to do (Christiano, 2013). In my understanding, political authority refers to power that has political legitimacy. When authority is accepted by people, may it be by consent, because of public reason or beneficial consequences, we say that it holds political legitimacy (Peter, 2017). Political legitimacy is a basis for evaluating the normative standing of coercively imposed decisions, even when people disagree with the outcomes of those decisions. Therefore, the political authority of both citizens and donors refers to practice that confer on them particular and legitimate power.

Having defined authority, I will then turn to the question of democratic authority. I will firstly present the different reasons scholars have proposed to choose democracy as a mode of collective decision-making. After that, I will describe what gives to democratic its specificities by presenting Emanuela Ceva and Valeria Ottonelli's work. This description will be of crucial importance for the rest of this thesis.

1.1 Some preliminary words on authority

First things first, what is an authority? Fabienne Peter says that “Authority stands for a right to rule—a right to issue commands and, possibly, to enforce these commands using coercive power” (Peter 2017). Nevertheless, it is important to make a distinction between different kinds of concepts that can be labeled under the term *authority*. First, notice the contrast between theoretical and practical forms of authority. On one hand, theoretical authority does not imply coercion. Such a light form of authority is well represented in the case of experts or specialist of a domain. Those knowledgeable people give their opinion and advice on a specific subject, but the recipients of this expertise are free to choose if they take it into account or not. Hence, theoretical authority gives recommendation for beliefs. This form of authority is nicely imaged by the French expression *Faire figure d'autorité*¹. In this case, even if the word *authority* is evoked when speaking about the competences of an individual, this does not imply that this person has the power to force anyone to act against his or her will. On the other hand, practical authority gives reasons for actions. This form of authority, which includes political authority, is characterized by a form of coercive power. In this sense, the concept of practical authority does not simply appeal to people giving their opinion on a given subject but to individual's authority, or institutions such as the state, to make other acting in a given manner. Thus, admitting that both democratic and philanthropic actions hold political authority will be to say that they hold an action power, not a simple form of recommendation.

A second distinction is to be made between political authority and other forms of authority. What makes an authority specifically political compared to say, parental authority? This question has no easy answer, and a tautological solution is highly tempting. Thus, I could just answer that an authority is political as long as it is exercised on political concerns. The difficulty with political authority is that, in political theory at least, it is frequently reduced to state authority. In this sense, asking the question of political authority refers to “whatever the government has certain special rights that you and I do not have and whether we have certain special duties to the government that we do not have toward anyone else” (Huemer 2013). And Huemer adds to that: “The point is that our *ethical judgments* differentiate sharply between governmental and nongovernmental actions “(Huemer 2013). I will not go against this idea. It should be admitted that a government is the bearer of a special form of authority in the sense

¹ Roughly translated as “Being an authority figure “

of having the *monopoly of coercive power*. But in this thesis, I will work with authorities that surpass the boundaries of what can be called the state (or the public) by considering as political forms of authority emerging from private entities. In this sense, a more precise definition of political authority would be to say that an authority is political insofar as it is exercised over political matters, understood as issues that are of shared interest. Surely, this opens more question than it answers. What are *political matters*? Some would say that it only concerns state's actions (Locke 1990); others would also point out a diverse range of institutions' actions (Kolodny 2014) and others would have a very large scope, arguing that almost anything is political, even the family (Young, 2011). My aim here is not to offer a comprehensive and complete application of the concept of political matters. What will suffice for this thesis is to take for granted that private actors can also be the bearers of political authority. In this sense, philanthropy gives an actual opportunity to influence the course of political actions, a power to make a practical difference to change the state of affairs of a society.

A third important distinction is to be made between *de facto* authority and morally legitimate authority. *De facto* authority, authority “in the facts”², refers to an existing action power in the hand of an individual. This power can be represented by physical strength, psychological domination, social supremacy or again by threat. When opposed to the concept of morally legitimate authority, *de facto* authority is to be understood as illegitimate power, which exists in the facts but who should not be used to coerce others. Morally justified authority is a form of authority to which people have good reasons to compel with. In Raz words: “All authoritative directives should be based, in the main, on reasons which already independently apply to the subjects of the directives and are relevant to their action in the circumstances covered by the directive” (Raz, 1985). As we will see later, those reasons for compliance are numerous. Moreover, saying that an authority is justified does not mean that it should abandon any of the above means power's exercise. For example, a state makes common use of physical strength in order to arrest delinquent or of threat (as it is the case with legal sanctions) to force people to pay their taxes. In this sense, morally legitimate authority defines which are the right entities authorize to make use of authority but also what the right use of this authority is, i.e., by limiting the use of physical strength. In this work, the formula *political authority* will from now refers only to morally legitimate authority. Linked philanthropy, to say that this form of authority is morally legitimate is to say that it gives philanthropist an entitlement to make a

² <https://dictionary.cambridge.org/dictionary/english/de-facto>

practical difference to change a state of affairs. Thus, when he gives his money away, Bill Gates can make a practical difference in a way that is acceptable and tolerable in a society.

Nevertheless, this distinction has not always been obvious for political theorists. In the Hobbesian tradition, there is virtually no need to conceive political authority as different from *de facto* authority. Because, fleeing the hardship of the state of nature, men have deliberately chosen to regroup under the protection of powerful leaders, Hobbes states that those leaders have a legitimate domination on their subjects as long they do not threaten their life.(Hobbes, 1668/1992). Moreover, the people under the domination of their Leviathan should not, except in the case I have evoked above, revolt against him. In Hobbes' mind, this very conservative standing was the only way to protect humans from greater bad, wars, and that even if it involved obeying to a ruler with "an inclination to do wicked deeds". In his words: "Though of so unlimited a power, men may fancy many evil consequences, yet the consequences of the want of it, which is perpetual war of every man against his neighbor, are much worse. "(Hobbes 1992). Even for more contemporary proponent of this vision, such as Robert Ladenson, there is no need to make a distinction between *de facto* and legitimate authority: As long as people make compliance with their authority, bearers of authority are then justified(Ladenson, 1980).

But as I said above, this thesis does assume difference between *de facto* and morally legitimate authority. As the majority of political theorists recognize, Hobbesian argument of compliance to a descriptive power is not very convincing. As Joseph Raz puts it, not every power amount to an authority. That is to say, not every coercion power has to be conceived as a form of political authority. To illustrate his mind, Raz offers the following example: "My neighbor can stop me from growing tall trees in my garden by threatening to burn rubbish by my border. He, therefore, has some power over me but no authority. Nor does his power turn into an authority just by the fact that I acquiesce and do not pick a fight with him. "(Raz 1985). With this example, Raz states that the legitimacy of political authority has to be proven according to factors which go further than the mere compliance to power. Rather than associating political authority to its descriptive account (Austin, 1864/1955), scholars have attached importance to offer normative justification concerning the very reasons why people should compel with political coercive power. Such an account can be found as early as John Locke(Locke, 1690/1990) and it is the conception of political authority that has dominated since then.

Now that I have circumscribed my understanding of political authority and power, let's observe the different normative reasons to compel with authority. Many different forms of legitimacy exist. Historically, divine authority or natural law theories are maybe the oldest justification. Nevertheless, I will review here only the most famous types of justifications for a legitimate authority of modern occidental states: Firstly, a procedure-based theory, *the social contract theory*, and secondly, *the beneficial consequences theory*, in terms of outcomes. To better grasp the different ways to consider an authority as legitimated, imagine that you are having a dinner with three other friends at a fancy restaurant. Suddenly, one of them decides to make a vote to know if you should pay the bill for everyone. You do not agree to have this vote, but your three friends decide to hold it anyway. Everyone cast their vote and you are designated as the payer. In this sense, are you morally obligated to pay the bill for the whole table? A first answer to this question can be brought by the social contract theory. It can be stated as follows: There is common agreement between the citizens and the government which holds the former to provide certain services for the population (such as protection but social services as well) while the latter agreed to obey certain rules and fulfill several duties such as paying taxes. The source of this relationship between a government and its people originates from a social contract on which every tenant of the society has agreed (Locke 1990). In this theory, social contract works the same as every day contracts: When I buy a car to my car dealer, I sign a contract with her implying that 1) I have to pay her the price we agreed on and 2) she has to provide me with the car I have chosen. Thus, concerning the example of the dinner, you are not morally obligated to pay for the dinner because you did not agree on having the vote at the beginning and therefore cannot compel to its authority. Now, applied to political authority, this means that A) I have to follow my government's rule in exchange of B) its service only if have agreed on the political apparatus before its application. Thus, the core logic behinds the social contract theory is the consent I give concerning a certain state of affairs, in this case, a certain political arrangement.

It is easy to find a first line of criticism to this justification of legitimacy. Contrary to when one buys a car or decide to organize an informal vote, no one has ever been explicitly asked if he was agreeing with the social contract ruling his society. More problematic is David Hume's observation that every government took their origin in conquest or usurpation and that therefore, no social contract has ever been made (Hume, 1987). In this sense, not a modern state can be claimed to legitimately exercise its political authority because they have all acquire their power through spurious means. Thus, the United States of America is morally illegitimate

because they have imposed (generally by killing them) their government to natives and the first French government was unlawful because it forces the old monarchist elites to accept its constitution. The lack of evidence to support Locke's theory has not made scholars completely abandon the social contract theory. Rather than accepting a government by explicit agreement, a state can be said to be legitimate by *implicit* acceptance: granted by one's conduct. Huemer suggests that there can possibly be four ways in which people can grant a government their implicit agreement: 1) Passive consent, "express agreement to a proposal by refraining from opposing it" (Huemer 2013); 2) Acceptance of Benefit, "commits oneself to accepting certain demands by soliciting or voluntarily accepting benefits to which those demands are known to be attached" (Huemer 2013); 3) Consent through presence, where one "indicates agreement to a proposal merely by remaining in some location" (Huemer 2013) and 4) consent through participation, which states that one "implicitly consents to the rules governing a practice by voluntarily participation in the practice" (Huemer 2013). Thus, implicit agreement can be assumed through many different forms. Imagine that my three friends waited for me to go the restroom to do their vote. I come back at me sit and they act as if nothing happened. At the end of the dinner, the waiter gives me the bill and all three looks at me and one of them tells me: "Listen, we have voted when you were in the restrooms, and we have decided that you should be paying for the dinner". According to the implicit agreement theory, if I act following the directive of my friends without saying anything, they did no moral wrong to me.

Social contract theories about the legitimate authority of a government have been widely criticized. As we have seen above, Joseph Raz does not take agreement to an authority as a valid source of legitimacy (Raz 1985). In the case above, I have maybe implicitly accepted to pay the dinner for my friends because I am afraid that they will tell one of my dirty secrets to my girlfriend. As Hume puts, it may be almost unfeasible or even non-desirable at all. And as Patemann says, consent theories risk to obscure problematic structures of subordination (Pateman, 1988). Nevertheless, consent theory is still the basis of the major procedure-based justification of political authority, John Rawls's public reason. His idea is simple: "political power is legitimate only when it is exercised in accordance with a constitution (written or unwritten) the essentials of which all citizens, as reasonable and rational, can endorse in the light of their common human reason" (Rawls, 1993). Rawls' goal is to anchor the justification of the public authority in freestanding reasons on which every citizen could compel. Thus, the idea of consent is recaptured without appealing to a theory based on historical or social contingencies, but rather by political reasons that could virtually

be understood and accepted by anyone (Rawls 1993). In this case, if you and your friends are able to reach an agreement about why you should be paying the dinner tonight, then you find a morally acceptable stance in terms of public reason. Finally, Rawls' public reason can be understood as procedural in the sense of being limited to the justification of political decision process rather than the substantive reasons (in terms of what such procedures should create). Thus, a decision is legitimate in virtue of the procedure in which it has been made, following the requirement of public reason (Peter, 2017).

Then, opposed to social contract and consent theories we found a second stance of justifications for a legitimate political authority in terms of outcomes. The beneficial consequences set of theories also emerges in response to Locke's social contract theories. As its name suggests, this consequentialist theory argues that an authority is legitimate insofar as it to reach certain outcomes that are judged as good. Thus, adhesion to a central government is legitimate because it provides protection for its subject or provide, "a detailed, precise, and public set of rules of social conduct that apply uniformly across society" (Huemer 2013). Historically, one of the first iterations of the beneficial consequence can be found at Bentham's idea that legitimacy depends on whether a law contributes to the happiness of the citizens (Bentham, 1987). More contemporarily, Joseph Raz argued that "the normal way to establish that a person has authority over another person involves showing that the alleged subject is likely better to comply with reasons which apply to him (other than the alleged authoritative directives) if he accepts the directives of the alleged authority as authoritatively binding and tries to follow them, rather than by trying to follow the reasons which apply to him directly." (Raz 1986). For their decision to charge me for the meal to be morally legitimate, they will have to prove to me that listening to them brings me more than just listening to my own will.

From now, a point should be made. If one agrees that an entity holding the monopoly of authority legitimacy can exist, then I think that we must understand this entity as the original source of any other forms of authority. That is to say that any kind of political authority exists because the government, the unique and exclusive owner of authority made it possible. In this sense I understand a specific order, between the different holder of authority, the central government having certain primacy. That does not mean that all forms of authority which results from governmental decisions are legitimate. Any political authority must be legitimate in itself. Otherwise, it would have no sense to ask if philanthropy is legitimate in a democratic

state. But by authoritative primacy, I heard that this central authority has a word on the other forms of authority present in its realm of action.

This principal authority enacts laws under the form of liberties and duties and proclaim a set of punishments in case where people do not follow those laws. But this authority will also define who are the impersonated bearer of its power. In this sense, it will create, rather than merely legitimizing, forms of authority. For example, tax collectors will be designated as the individual having the rights to urge you to pay a certain sum of money to the public entity. Doctors will have the power to decide if you are authorized or not to receive a certain treatment. Judges and lawyers will decide which kind of punishment you should endure for your felonies and policemen will be designated as the right enforcer of laws. Some cases are less obvious. For example, can teachers force you to take as granted every word they say because they have been designated as the people in charge of your education? Surely not, and that's why the differentiation between theoretical and practical authority is important. Now, considering common affairs, I will show later that it is possible to consider every citizen in a society, through democratic logic, to be the legitimate bearer of authority concerning a certain set of public affairs. Roughly said, this set represents the different decision that can be taken through voting. But as I will show, philanthropy is also a form of authority that has a decision power on public purposes. That is to say that when legitimated by the central authority, philanthropy will share a part of the set of democratic authority's prerogatives.

1.2 Why is democracy desirable?

Now that I have briefly presented the concept of authority in itself, it is time to focus on more precise forms, namely, democratic and philanthropic. In this subchapter, I give a definition of democracy based on the work of Emanuela Ceva and Valeria Ottonelli (Ceva & Ottonelli, forthcoming). As I have foreseen in my general definition, today's legitimate political authority is generally linked to democracy. But what is *specific* to democratic authority? What does it mean for an authority to be democratic compared to, say, paternalistic one? Is it possible to say that the legitimate coercive power that my friends might have over me is of the same order as when citizens vote? In what follows, I will show that it is not the case. I will demonstrate that, in order to be qualified of democratic, an authority must respect some very precise conditions.

First, I will start by quickly present the normative reasons why one would choose democracy as a form of government. But before that, let me make quick precision. The differentiation between *what* a concept is and *why* we might desire this concept will take greater importance in the following of this work. A definition refers to some neutral element which serves at describing an object of study. Here, by *neutral* I mean elements devoid of any normative implications. This is a common feature of conceptual analysis which recognizes that it is possible to separate a concept from the symbolic or the ideology it is attached (Olsthoorn, 2017). For example, analyzing the conception of the free market will require to present a set of constitutive elements of this concept, such as minimum legislation or the implication of liberty without considering its actual context or even why it is good or bad to have such a type of market.

But proponent of what is called ideological analysis would refute this kind of separation. For them, it would not be possible to study the concept of free market without its embedded values, beliefs, biases or assumptions. For example, it would make no sense to evoke free market without stating its meritocratic assumption or what it produces in terms of social hierarchies (Maynard, 2017). Usually, these two methods for the analysis of concepts set the boundaries between two families of political analysis: *Analytical*, attached to the first methodology, and *continental* which make use of ideological analysis. If in the past, mainly because of their different approaches to concepts, authors of these two methodologies were not inclined to discuss, this time is somehow over. For example, scholars of multicultural studies have now a

common and eclectic corpus of study, including pure conceptual analyst such as Brian Barry and much more ideological scientist like Iris Young. In this work, I will nevertheless adopt an analytical position by separating *what* makes a concept and *why* it is desirable.

Then, the second component of the feature of a concept, normative desirability, refers to the reasons one may have to champion or reject a certain concept. As it is the case with a general feature of authority, political theorists have developed a large number of justifications in order to either support or reject democracy. Remember Peter's general definition of authority, conceived as "Authority stands for a right to rule—a right to issue commands and, possibly, to enforce these commands using coercive power" (Peter 2017). At this point, consider that people of society have reached an agreement on how to legitimate an authority. They are now ready to accept a coercive power, may it be because they consent to it; because of its beneficial consequences or because they have a common public reason to do it.

Now, they need to define under which kind of authority they will live together. There is not a single answer to this question. Multiple kinds of authority exist, and they all need individual legitimization. In the following paragraph, I will present the various reasons why democracy may be the best political arrangement to take collective decisions. But that is not to defend that democratic standards are the paragon of decision-making and that every choice should be made following such criteria. Take for example paternalistic kind of authority as involved in a parent-child relationship. For John Rawls: "Thus the principles of paternalism are those that the parties would acknowledge in the original position to protect themselves against the weakness and infirmities of their reason and will in society" (Rawls, 2009). In this case, Rawls explains why we might prefer a type of authority which is not democratic. In his mind, because children are still not fully rational, paternalistic authority might then be acceptable. Surely, that is not to say that Rawls would support a full control from parents on their children, as the word "paternalistic" would imply. Without a doubt, paternalism would not entail that a father might dictate her daughter how to dress or again what type of study she should undertake. Against this, it might be possible to say that parents have a duty, at least a moral one, to respect their children's freedom of choice. Nevertheless, paternalistic form of authority might still be legitimate, and desirable, if it is done between certain boundaries, as Rawls might suggest.

In the following paragraph, I will explain the different reasons why political theorist think that democracy is a good form of collective decision-making taking over other kind of government.

Firstly, it exists what is called *Instrumental* reasons. According to them, we may value democracy because it leads to the production of ideal outcomes. *Production of good outcomes* has been interpreted in many different ways, from strict material gains to the furtherance of something seen as the common good, but also by more evasive results such as the protection of individual rights. According to Christiano, it is possible to divide these instrumental reasons in three: strategically; epistemologically and morally (Christiano, 2018). I will quickly present them as follows.

Strategically, democracy is said to produce better results because it is able to take into account the interest of an entire society. Amartya Sen's famous example is that no famine has ever occurred under democratic regime. According to him, this is because in democracy: "Political and civil rights give people the opportunity to draw attention forcefully to general needs and to demand appropriate public action. The response of a government to the acute suffering of its people often depends on the pressure that is put on it. The exercise of political rights (such as voting, criticizing, protesting, and the like) can make a real difference to the political incentives that operate on a government." (Sen, 1999).

Sen's argument also tackles one of the most common criticisms toward instrumental justification of democracy: That, if democracy is not producing ideal outcomes anymore when compared to more autocratic type of government for example, it should be abandoned. To him poor people have reason to be more interested in democracy rather than autocratic leader who would provide bread, because democracy is precisely the reasons why they will receive bread.

Scholars have also shown the strategical advantage that democracy might have over other types of government for rational individuals. According to Buchanan and Tullock, self-interested individuals would choose democratic forms of decision-making because it is the best means for them to protect their rights (Buchanan & Tullock, 1962). For the two scholars, rational people would at first sight prefer unanimous forms of decision-making. The reason behind that is that it would assure everyone that all their interests are fulfilled. However, unanimity rule is way too costly, particularly in time. In this sense, majoritarian democracies present the second-best solution because it has the advantage to take into account the voice of every self-interest persons while still presenting a feasible way of taking a decision. The same line of argument may be found in Richard Arneson's work. To him: "Democratic rights are protective. Their primary function is to safeguard other, more fundamental rights." (Arneson, 1993). In this

sense, self-interested persons would favor democracies over any autocratic form of government because it allows them to secure their own rights.

Secondly, scholars have offered instrumental defense of democracy in epistemological terms. Argument is said to be epistemic when, following external standards, they show that they lead to the best solution. Pure epistemic argumentation is found in the paradigmatic Condorcet jury theorem and in Rousseau's theories of the general will: Because what is best to do is fixed by what desire majority of a society, democracy, through majoritarian way of decision-making, is the best instrument to reveal this solution.

But this kind of theories hold as primary assumption that citizens are in some sense capable of getting the right solution. In case where one would reject this primary hypothesis, epistemic arguments may lead to what is seen as epistocracy rather than democracy: A system that formally allocates political power on the basis of knowledge or political competence (Brennan, 2016). Plato for example would reject democracy on this basis and call for the ruling of the competent ones, such as the most educated people of a society. Nevertheless, David Estlund offers a contemporary argumentation of the epistemic desirability of democracy with his *epistemic proceduralism* (Estlund, 1997). Recognizing that citizens may disagree about what should count as a good external standard of qualification, he makes the need for some procedural justification in order to create what he calls a "qualified" understanding. But rather than sticking with a pure procedural defense of democracy which argues that something is desirable as long as its procedure is fair, Estlund still argues that individuals' final opinion is still needed in order to take decision. This is because pure procedural decision risk being not responsive to citizen's will. His argumentation allows Estlund to avoid epistocratic criticism. In the same way scientific method proves to be efficient in regard to their results, epistemic proceduralism still calls for democratic procedure in order to create desirable outcomes.

Finally, democracy's good outcome can be moral, such as encouraging people to be more autonomous and responsible for themselves. The best representative of this line of argumentation is John Stuart Mill and Philip Pettit. In his famous book *Consideration on Representative Democracy*, he develops a case for this mode of decision-making (Mill, 1991). According to him, a government can be said to be good when it achieves two goals: "It consists partly of the degree in which they promote the general mental advancement of the community, including under that phrase advancement in intellect, in virtue, and in practical activity and

efficiency; and partly of the degree of perfection with which they organize the moral, intellectual, and active worth already existing, so as to operate with the greatest effect on public affairs” (Mill 1991). The reason behind the importance of moral and intellectual property of individuals are twofold: First, because a government’s role is to promote the common good. This common good, in Mill’s mind, is conceived as a moral and intellectual good health of its society. Secondly, because Mill recognizes that any government is constituted of individuals, and that in order to have a government who promotes the common good, it should itself be morally and intellectually healthy because “their good qualities supply the moving force which works the machinery” (Mill 1991). But what about democracy? To him, democracy has all the qualities to fulfill this common good, and this, especially when it is compared to autocratic government. Even if one imagines an almighty monarch able to fulfill all the material needs of his subject, Mill will still see in him a “man of superhuman mental activity managing the entire affairs of a mentally passive people” (Mill 1991). Because the common good is not the mere satisfaction of material necessities but the fulfillment of human’s intellectual capacity and enhancing of their morality as well, a good despot could never achieve this goal because he makes impossible any form of agentivity for his subject. According to Mill, there is no doubt that democracy, considering its element of self-ruling, is the form of government best able to promote the common good³.

Philip Pettit has developed a different line of instrumentalist defense of democracy. For him, democracy is the best to promote liberty as non-domination (Pettit, 1997). This form of liberty can be opposed to Isaiah Berlin’s negative and positive liberty (Berlin, 1958). Negative liberty can be defined as the absence of external constrain or interference. In this sense, someone is free when she wants to do something and that she will not be prevented to do so. If negative freedom could be described as “freedom from”, positive freedom could be seen as “Freedom for”. In Berlin’s word, positive freedom is ‘Freedom which consists in being one’s own master ‘or of being ‘the instrument of my own, not of other men’s, act of will ‘. Therefore, where negative liberty is linked with the absence of constrain, positive liberty appeal to the effective source of control that one has over his own life. But for Pettit “Berlin shaped the allegiances of contemporary theorists in marking out negative liberty as a sensible ideal and in raising serious doubts about the credentials of positive” (Pettit 1997). If the ideal of positive liberty

³ “There is no difficulty in showing that the ideally best form of government is that in which the sovereignty, or supreme controlling power in the last resort, is vested in the entire aggregate of the community; every citizen not only having a voice” (Mill 1991)

may be attractive, being able to master oneself and to actively achieve my desire may derive to more nationalistic or at least totalitarian political conceptions. From this, Pettit has offered a third understanding of liberty: Liberty as non-domination, following a neo-republican tradition. It's not a matter of the quantity of action each people can perform but more in the matter of the control each person has over their own life. Neo-republicanism finds its source in classical republican theory. It can be summarized by 3 main normative features (Ceva & Ferretti, 2017) : 1) Its goal is to fulfill its citizens' *civic virtues*, that is to say the disposition of a human being to act for the good of the community they belong to. 2) In order for each citizen to act for the good of the community, it implies that republicanism has a certain idea of a *common good*. 3) *Political participation* hence becomes a duty. To act virtuously, citizens have to actively participate in the political life of the community, through political institutions, and thus realizes their social nature. In this way of seeing things, institutions are in the core of society. The republican approach is teleological because each institution has a telos, a purpose, seen as able to fulfill the common good. Therefore, a good institution is accomplishing his telos by putting to good use the values of individuals to fill this telos. The main difference in neo-republicanism remains in the specification of what a fundamental civic virtue is. For theorists like Philip Pettit, the fundamental civic virtue is to realize political freedom as non-domination (Petit 1997). For Pettit, *contestatory democracy*, a specific form of deliberative democracy, is the best form of government that can lead to liberty as non-domination.

Besides instrumentalist argumentation, some scholar think that democracy is valuable not only because of the outcomes it produces but because some forms of decision-making are morally desirable independent of the consequences of having them (Christiano 2018). For them, democracy has inherent qualities and there is something fundamentally fair about taking democratic decisions. According to Christiano, scholars find democracy desirable under the two rubrics of liberty and equality. Locke argues that human is naturally in a *state of perfect freedom* and that this state has to be preserved. As Gaus et al. show, modern liberals share more or less the same opinion on this point (Gaus et al., 2020). Nevertheless, those scholars disagree on the very nature of liberty. As have described above, the concept of liberty has been described by Isaiah Berlin as involving two conceptions, namely a negative and a positive one. Pettit was not the only one to criticize the conception of negative freedom. For Cohen, it is possible to reflect negative and positive liberty to what is more broadly conceived as liberty of the ancient and liberty of the modern. By associating liberty of the ancient to positive liberty, the first political liberties, and liberty of the modern to negative liberties, liberty of thought and

expression but also of property, Berlin gave a particular tone to the former, which could be associated to values of the past. Moreover, in Cohen's word, the liberty of the ancient could also have been understood as instrumental, of value as long as they protect the liberties of the modern (Cohen, 2003). For Carol Gould, to be limited to a negative understanding of liberty is misunderstanding why positive liberty is essential (Gould, 1988). For her, political liberty must also include a positive conception of liberty that is to be understood as self-development that is: "(...) as freedom to develop oneself through one's action, are as a process of realizing one's projects through activity in the course of which one forms one's character and develops capacity." (Gould 1988). According to her critic, to be free to do whatever we want without risking being constrained is essential, but it does not mean that an individual will effectively be able to do what he wants just because he has nothing to stop him. For her, being free to do something and having the concrete possibility to do this thing are two very different features. A democracy should not only let people do what they want to do (In accordance with the constraints accepted above by the adept of negative liberty), but it should also give the possibility to its citizens to achieve their life goal. In order to justify why such possibilities are essential to citizens, she uses the concept of self-development. For her, free choice as well as the capacity to realize long-range projects are both components have the freedom to be complete human being. Therefore, Gould's conception of freedom gives a new dimension to democracy. For her, political institution's role is not only to guarantee each citizen's own range of liberty. It should also give them the possibility to realize their self-development by granting them the power of collective self-determination. For her, it is only when some kind of democracy is implemented that people would be able to fully exercise their liberty in positive terms. Contrary to Pettit argumentation, Gould's argumentation has a non-instrumental core. For Christiano: "The idea is that the right of self-government gives one a right, within limits, to do wrong. Just as an individual has a right to make some bad decisions for himself or herself, so a group of individuals have a right to make bad or unjust decisions for themselves regarding those activities they share." (Christiano 2018). In this sense, and opposed to pure epistemic defense, democracy is desirable beyond its mere outcomes. Even if people do not make the right choice, democracy allow them to fulfill their self-determination.

Now, defending self-government allows only two forms of decision-making possible: Consensual or unanimistic, otherwise it can't be said to foster everyone's self-determination and risk to not respect individual equal worth. As Cohen notes, it seems almost impossible that a society finds a consensus on every single decision (Cohen 2003). Pushed to the extreme, this

logic even tends to conceive anarchy as the unique solution. As Robert Paul Wolff's, if we accept the common assumption that each person has a duty to act on the basis of his own moral assessment of right and wrong and has the duty to reflect on what is right and wrong in each particular instance of action, then no kind of authority can be considered as justify (Wolff, 1970). Due to the fact of pluralism, it is then difficult to imagine how any political decision-making method can respect everyone's liberty. Nevertheless, many scholars consider that is taking the wrong path to see consensus or unanimity as the sole means of decision-making able to respect the individual's self-government. For them democracy is still a desirable because it is a way of treating persons as equals when there is good reason to impose some kind of organization on their shared lives, but they disagree about how best to do it (Christiano 2018). It even leads Christiano to says that:" Although liberty over the common social world is incompatible with democracy, equality on its own may provide the basis " (Christiano 2003)

The idea that democracy is valuable because it leads to certain forms of equality is maybe as old as humanity: Aristotle (while not endorsing it); Rousseau or again de Toqueville have all notice it (Wilson, 2019). But equality is a vast concept and can appeal to many different from. According to Wilson, social equality is the starting point of democratic ideal since the 18th century. Social equality can be roughly described as the fact that every citizen must have equality of opportunity for the development of his personality, irrespective of his social status, caste, color, gender, race or again language. Thus, De Toqueville states that "each man having some rights and being sure of the enjoyment of those rights, there would be established between all classes a manly confidence and a sort of reciprocal courtesy, as far removed from pride and servility" (De Toqueville, 1835). Among the contemporary defenders, we inevitably find Rawls: "Citizens are equal at the highest and in the most fundamental aspects. Equality is present at the highest level in those citizens recognize and view one another as equals. Their being what they are – citizens – includes their being related as equals; and their being related as equals part both of what they are and of what they are recognized as being others." (Rawls, 2001).

Justification of democracy in egalitarian terms involves a large and diverse number of defenses. Niko Kolodny for example argues that democracy is the best political arrangement to implement social equality. In his work in two acts, Rule Over None I and II((Kolodny, 2014a)(Kolodny, 2014b), he argues "that a political decision is democratically made when it is made by a process that gives everyone subject to it equal or both equal and positive, formal

or both formal and informal opportunity for informed influence either over it or over decisions that delegate the making of it.” (Kolodny 2014a). For scholars such as Christiano democracy is desirable because it allows the equal sharing of political power over the process of common decision-making: “Each person has a right to an equal share in the resources for deciding the collective properties of society. Egalitarian institutions are charged with the task of disseminating understanding widely so that individuals have the means of informing themselves of how to advance their interests and convictions.” (Christiano 2003). While for Ronald Dworkin’s words (Dworkin, 2000): “We judge the fairness of democratic character of a political process by looking to features of that process alone, asking whether it distributes political power in an equal way, not what results it promises to produce.”

To conclude, the reason why I started by offering a normative overview for democracy is twofold. First, it allows my demonstration to be clearer. Having announced the different reason why democracy might be desirable before stating its definition allowed me to put on the paper many different elements which are not to be taken as necessary for my description. In a certain sense, I have proceeded as a cook who carefully removes the flesh from a piece of meat to reach the marrow bone for his boiled beef. The second reason is linked to the theoretical context in which I write this thesis. As of today, it is still very difficult to find a definition of democracy that does not mix up description and normative defense or which truly engage this question. As a proof, one could read Thomas Christiano’s entry⁴ on this subject in the respectable *Stanford Encyclopedia of Philosophy*. In this complete and rich article, only a short first section of four hundred words is reserved at “Democracy Defined”. What is democracy and what it involves is relegated to an introduction for the much more consequent reasoning about why people should choose this form of decision-making above the others. My thesis has chosen the opposite path: Normative reasons for democracy served as the introduction to better grasp the definition of this form of governance.

⁴ <https://plato.stanford.edu/entries/democracy/>

1.3 What is democracy?

In their paper *Second-Personal authority and the Practice of democracy*, Emanuela Ceva and Valeria Ottonelli have aimed at understanding what democracy *is*. Answering it presupposes the characterization of democracy by showing a “set of social and political institutions, rules and procedures considered characteristically democratic” (Ceva & Ottonelli, forthcoming). For example, many would give features such as a free press, political equality or representative elections as an example of democratic practices. However, we still don’t know what is inherently democratic in these practices. If democracy is something we do, we need to know what characteristic to this exercise is. The two aforementioned scholars focus on this second type of interrogation.

I have two main reasons for adopting their conceptualization of democracy. Firstly, I think that it is also possible to describe philanthropy as being a particular act carrying inherent specificities. In this sense, I argue that it is possible to separate the concept of philanthropy from the potentials reasons a society might value it. Putting aside a more substantive account of democracy will allow my criticism of philanthropy to be open to all kinds of democratic systems, may they be strictly representative or more direct. The second, more instrumental reason, is that I don’t need justifications about the desirability of democracy in order to say why the practice of philanthropy jeopardizes it. By giving a set of constitutive rules that characterize the practice of democracy, it will be enough to say for which *pro tanto* reasons philanthropy goes against those rules.

Ceva and Ottonelli engage the description of democratic practice through an institutional pattern. According to them, an institution is nothing else than *a system of interrelated embodied rule-governed roles*. Following Rawls (Rawls, 1955), rules are logically prior to particular activities and therefore define their content. Rules then are constitutive in the sense that they establish new practices and make them possible. Practices hence defined by these rules instantiate forms of action and relations between all its participants. This led the authors to point out two normative functions of these constitutive rules. First, they establish people in certain roles and, second, they confer on them some powers linked to those roles. This is why we may say that institutions are *embodied* and *interrelated* rule-governed roles: The constitutive rules make me enter a role that is changing my status and create a reciprocal

relation with the other role occupant. Moreover, this role gives me special normative power. How this power may be used is defined by the constitutive rules under the form of rights and duty that characterized what I can claim against the other role occupant and what is owed to each other when we interact in our institutional capacity. Furthermore, these constitutive rules establish where I can use this particular authority, that is to say, only in the boundaries of the institution they delimit. Hence, an institution is the system constituted by the sum of all the roles established by constitutive rules and which share strong interrelations.

Having broadly defined what an institution is and how it is related to a practice, we must now engage the question of the *democratic* institution. For Ceva and Ottonelli, the main role that the constitutive rules of the democratic institution are creating is this of collectively binding decision makers (Ceva & Ottonelli, forthcoming). Whenever I enter an institution, I, as well as my other fellow institutional role occupant, acquire a power, a right of taking decisions.

Moreover, as any form of political power, democracy is, first of all, a form of authority. Even more, we can say it is a system for the exercise of authority through rules that have coercive power. Hence, we can also characterize the power conferred by the role of the occupant of the democratic institution as a form of political authority. What will then be typical to democracy is the particular kind of authority it confers. If, for example, absolute monarchy may be described as a form of authority which confers all power in the hands of one individual, the king, what are the particularities of democracy? In Ceva and Ottonelli's words: "To understand the practice of democracy and the role-based structural relations it creates means to understand the special kind of authority democracy establishes." (Ceva & Ottonelli, forthcoming)

Because the practice of democracy takes place in the democratic institution and that such practice is defined by constitutive rules, we then have to clearly define what those constitutive rules are. To be democratic, an institution must be characterized by a special kind of authority creating therefore a particular dynamic relation between its occupants. According to Ceva and Ottonelli, this specific authority must be at once *mutual* and *second personal*.

The first kind of authority defined by the constitutive rules of the democratic institution is mutualism. We say that an authority is mutual when decisions taken through this authority apply jointly over each other. Such an account of democracy can be found in Beerbohm's book *In Our name*. The scholar suggests that seeing democracy from a relational point of view puts

citizens in the dual role of “co-subject of the law and co-authors” (Beerbohm, 2012). The democratic decision-taking process might thus be described as a self-legislating collective body: The rulers are also the ruled. Mutualism is to be differentiated from two kinds of authorities. Firstly, the authority individuals may have over themselves and secondly from the kind of authority some people may unilaterally have over others.

The second particularity of the democratic authority conferred by the democratic practice is the specific kind of *second-personal* relation it establishes. I have previously said that the democratic practice is in fact a right that is given to the role occupant of the democratic institution. In this case, Joel Feinberg’s (Feinberg, 1970) and in a certain sense Stephen Darwall’s (Darwall, 2006) theories might help us to better understand this second constitutive rule. According to Feinberg, when someone is granted a right, he now has a specific authority to hold other people accountable to what is done to him. This is the fundamental Hohfeldian idea that a certain kind of right may be described as claim rights (Wenar, 2020). In the same way, an employee has a claim right that his employer pays his wages because the professional (contractual) relation that binds them accords to this employee a certain kind of authority, a citizen has a claim right toward another citizen. In Ceva and Ottonelli’s words: “Right holders are the primary authorities (or claimants) to whom the participants in that system of rights are accountable” (Ceva & Ottonelli, forthcoming). That said, we can then qualify the democratic claim right as second personal. Second personality involves an I-YOU relation where both tenants of the relationship recognize each other’s authority and accountability (Darwall, 2006). In other words, saying that a claim right is second personal is then saying that this right establishes direct relations of accountability between the recipients of certain treatments and those who owe those treatments to them (Feinberg, 1970).

But democratic practice rights have a deeper particularity compared to other claim rights. As Ceva and Ottonelli argue: “With the establishment of democratic rights people come to relate as second-personal authorities in a more fundamental and encompassing sense: they are the very authorities in determining the content of those claim rights and what they owe to each other.” (Ceva & Ottonelli, forthcoming). It means that democratic rights include a particular form of authority, that is the power to have influence on other’s *first-order rights* (Hohfeld, 1919) understood as being fundamental liberties (‘privileges’ in Hohfeld’s words) and claim rights. Finally, we can note that the democratic institution, because these particular claim rights are shared by a multiplicity of individuals, the second personality goes further than the I-YOU

relation, understood as a dyad. Because the recognition of authority is effectively shared by all human beings in the institution, it thus creates a WE of people having the power to modify each other's liberties and claim rights while being the only ones having the capacity to do it.

One last thing that is important to note is that political equality does not directly play a part in the two constitutive rules of democracy. As I said above, Democracy is something we do, characterized by a mutual and second-personal democratic voting. For Ceva and Ottonelli, even if equal democratic voting is often related to equality in the sense of an equal say to each voter, it is not in fact a distinctive and unique feature of it. The reason is that many institutional bodies might assume the feature of equality without being democratic. Hence, in their words: "We want to suggest instead that what is distinctive of the normative powers involved in democratic voting is not simply that they are equal or joint, but that they are at once mutual and second personal." (Ceva and Ottonelli forthcoming). They have constructed this idea in opposition to a conceptualization of democracy as the equal sharing and distribution of political power (See (Dworkin, 2000); (Cohen, 2001;); (Christiano, 2018)).

For this account of democracy, equality is seen as an intrinsic value and thus a reason for promoting a democratic kind of social cooperation. Political resources, as any socially relevant resources, must thus be submitted to certain kinds of political equality in order to ensure equality of access; impact and influence on the collective decision-making process. However, for Ceva and Ottonelli, those authors are making a mistake when they conceive "the political power that people exercise as democratic citizens as a divisible resource pre-existing democratic institution" (Ceva and Ottonelli forthcoming). Because the normative power of democratic voters is established by some constitutive rules, it is impossible that political resources should pre-exist before the creation of the democratic institution. In other words, the equal coercive power each individual hold in a democracy is not originated by the mere fact of existing as a human being, moral agent or any other pre-political reasons. In the same way everyone acquires this power fully once they reach the legal voting age, political rights, and thus political equality, exist only because people enter and operate in an institution characterized by specific rules. Moreover, this idea is strengthened by the fact that for Ceva and Ottonelli, institutions instantiate specific relationships and powers that only make sense within this institution itself. Once someone is not in their democratic-voter costume anymore, she loses her mutual and second-personal relation with the other occupants of her society. Therefore, if political equality is not a constitutive rule of democratic institutions, it can only

be an after-effect of this particular kind of interrelation. Thus, according to Ceva and Ottonelli: “Equality is, in fact, an implication of the symmetrical normative relations of second-personal mutual political authority established by Democracy’s constitutive rules.” (Ceva and Ottonelli forthcoming). But saying that political equality is a result of democracy rather than being one of its fundamental elements is not to say that it is unimportant. Mutualism and second personality create a de facto equal relationship between citizens. It is a logical result of how democratic power is constituted. Hence, establishing rules or public policies that would go against this political equality would mean that those rules or public policies would destroy this specific relation created by those constitutional rules, and would thus be incompatible in a democratic institution.

Chapter 2 : The Philanthropic Authority

Until now, I have done two major things: First, I have explained the concept of authority and second, I have offered a description of democracy based on Ceva and Ottonelli's work. In this chapter, my aim is to present my own definition of the concept of philanthropy. I will show that we can understand philanthropy as an act carrying a plutocratic and third-personal form of authority. To do that, I will start by stating what is not necessary to my understandings of philanthropy and I will then develop what I believe to be the constitutive rule of the philanthropic authority.

Hence, what is philanthropy? Defining philanthropy is far from being an easy task: Charity; nonprofit sector; third sector; benevolence; eleemosynary acts; giving; alms, it exists many words in order to describe the action of giving or the context where it happens. According to Siobhan Daly, there is no commonly accepted definition of the concept of philanthropy and even less general acceptance of the role of philanthropy in a society. This extreme variety of denomination and comprehension of what philanthropy is leading force us to acknowledge that it is a clustered and essentially contested concept (Daly, 2012). It is *clustered* because it is "capable of being multiply defined by multiple stakeholders, so that parallel understandings of its nature and purpose coexist in research" (Harrow, 2010), while its *essential contestability* "is reflected in normative debate about the purpose(s) of philanthropy; the nature of the motivations encapsulated by the concept of philanthropy and fundamental (ideological) disagreement about how 'philanthropy' should be manifested" (Daly 2012). More simply put, philanthropy can be said to be, "a slippery idea which none of us can seize firmly and claim exclusive rights to" (Payton & Moody, 2008). Thus, one consequence of this multiplicity of definition is that each different field of study will appropriate themselves this concept in ways that are "responsive and reflective of the needs of practitioners" (Daly 2012). That means that a political theorist will not invoke the same definition of philanthropy as a jurist, an economist or even a moral philosopher. But essentially contested concept also involves that different understanding of the same concept could exist even in a same field of study: For example, it is possible that two political theorists could define very differently philanthropy. Scholars call this effect the "continuous competition of concepts". Hence, rather than offering an all-in-one definition of philanthropy, my aim in this chapter will be to show one way in which philanthropy could be understood. More precisely, I wish to build a characterization that might

help to better grasp the relation between philanthropy and democracy in a political theory perspective.

A first instructive political overview of philanthropy may be found in Emma Saunders-Hasting's entry of the International Encyclopedia of Ethics. According to her, the concept of philanthropy may involve three different dimensions (Saunders-Hastings, 2019):

1. **A sector:** organized philanthropy or civil society as a 'third sector' distinct both from government and from for-profit enterprise, often distinguished by preferential tax status."
2. **A motivation:** the love of humanity or concern for the common good (whether of humanity in general or of a more circumscribed group).
3. **An action:** the voluntary contribution of private resources (usually money, but also in-kind goods or time) for broadly public purposes, and for which the giver does not receive payment in the ordinary sense (though she may receive inducements, thank-you gifts, or special consideration of other kinds, e.g., access to concert tickets). Such voluntary contributions may be made by groups or legal entities like corporations as well as by individuals.

For a political analysis, I suggest that conceiving philanthropy as an action is the best way to compare its relation to democracy. In the following two subsections, I will defend this vision by taking a closer look at the first and second dimensions evoked in Saunders-Hastings's work. In my mind, picturing philanthropy as a sector led to too limited visions of this concept while depicting it through the scope of motivation is uselessly wide.

2.1 Philanthropy conceived as a sector

First, my definition won't need to assume that philanthropy can be reduced to a sector. To me, it would lead to a too restrained definition. As I have evoked above, philanthropy is often used interchangeably with concepts such as the *nonprofit* or *voluntary sector*. But from a political point of view, this everyday-life shortcut is incorrect. One of the most paradigmatic definitions of the nonprofit sector is offered by an economist, Hansmann, in the following terms: “an economic network of corporations characterized by non-distribution constraints; legal and/or ethical restrictions on the distribution of any operating surpluses incidental to the corporation's activities (i.e., “profits”) to shareholders, stockholders or stakeholders.” (Hansmann, 1987). What is insightful in Hansmann's definition is that it already demonstrates that the nonprofit sector is not restricted to the mere category of philanthropy. To clarify my statement, I will offer a quick stratification of the society by following Lechterman and Reich's work (Lechterman & Reich, 2020). In their vision, the different sector fit together a bit like Russian Matryoshka doll do.

As liberal theories assume, human societies are composed of individuals who, by the fact of pluralism, have multiple conception of what they judge good to them. In order to fulfill their own conception of the good, individuals have gathered and form societies in form of national states. In this sense, the liberal public order may be conceived as a social cooperation. Liberal societies can thus be stratified along two major institutions originated by the social cooperation of individuals: The state and the civil society. Where the state is the realm of the monopoly of coercive power, civil society can be conceived as “the myriad associations, formal and informal, enduring and ephemeral, large and small, professional and amateur, that arise in any social order where human freedom is protected to some degree.” (Lechterman and Reich, 2020). Hence, civil society encompasses every form of associations that is located between the individual level and the state level. It can contain political parties; religious institutions; soccer teams; local knitting clubs; small and big businesses or even public and private hospitals. Open this first Matryoshka doll and we find a large number of different sectors. Among the many existing divisions, it is possible to recognize the existence of an *Associational Life*, characterized by voluntary association (Lechterman and Reich, 2020). Every element of the civil society I have just mentioned above may be conceived as a part of the associational life. However, other constituents may not fit very well in it: Family for example can't be said of

being voluntarily chosen. Moreover, Marxists would debate if working is really something we deliberately chose, and religion or even cultural-based elements can be discussed as well. Nevertheless, what is important for the sake of this demonstration is to recognize that a part of the civil society is composed from associations that people voluntarily create or join.

Then, the associational life can itself be divided into two separate elements: What can be called *Formal Associations* and its opposite, *Informal Associations*. Here, the major difference is to be found in legal recognition: Formal associations such as shops or foundations are legally registered where informal ones such as the monthly local bowling tournament are not. This separation has major implications: Formal associations, unlike the informal, by the fact of being legally recognized, will be subject to legal apparatus: They will have to pay taxes; follow specific rules imposed on them such as non-discrimination⁵ of its members and will also be able to receive public aids if needed. To be clear, many of the informal associations could be formal ones. It requires only some very basic element. In Switzerland for example, what is legally called *associations* only require three members and some legal status. But as I said above, informal associations are less stringent as it is not subject to legal gaze (Pfister 2017).

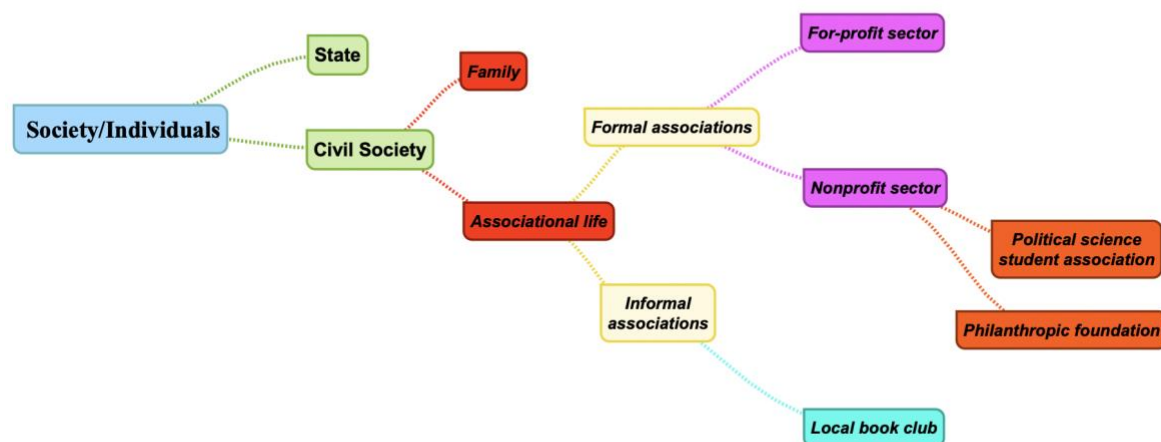
Finally, formal associations can itself be divided in two other categories: For-profit and Nonprofit. Here, as Hausmann's definition teaches us, the major point of differentiation will lie in how each of these sectors two will manage their profit; what kind of taxes they will have to pay; their goals or again in which kind of activities they get involved. Hence, according to Lechterman and Reich: "Nonprofit organizations are limited by law in the way they remunerate their stakeholders, often in return for legal privileges such as tax exemptions."'. The most famous entities of the nonprofit sector are without a doubt foundation. According to Reich: "Private foundations are nongovernmental, nonprofit corporate entities endowed with private funds whose main role is to support financially, in the form of grants, other charitable and civil society organizations." (Reich, 2018). Historically, the first foundations were created by industrialists like The Carnegie Foundation or The Rockefeller Foundation. However, today's world-renewed philanthropic foundations belong to celebrities such as Bill and Melinda Gates; Mark Zuckerberg; Warren Buffet or large corporations such as the Hans-

⁵ Concerning this point, some formal associations are not always subject to same laws. In the US for example, religious associations as such as scout groups may refuse a member if he openly declares his homosexuality, because of principles such as freedom of associations. But generally, all formal associations are bound to basic human respect rules. For a deeper study of this question, see Cordelli 2012.

Wilsdorf Foundation which holds 100% of the watch brand Rolex. For Reich and many others, foundations are, from a liberal political point of view, fairly undemocratic. First, these entities lack public accountability: In public institutions, officials and their decisions are by one way or another tied to people's will. Generally, office holders should respond to the reason why they've been elected at the risk of not being reelected in the future. In countries like Switzerland or in the US, the people hold stronger tools of control such as referendums. In contrast, people cannot unelect foundations' decision maker like Bill Gates. He has all the power to choose how much and to whom he will give, and if the people do not agree with these choices anything can be done (Reich, 2018). Secondly, foundations lack transparency: Generally, they can and do act secretly. Except for certain specific areas, foundations need not publish all the activities they are involved in; the sum they give each year or the reason behind these gifts. Therefore, because foundations' reasoning is often hidden, it is extremely hard to know their political goal in any other way than believing the people who control them. Thirdly, foundations' taxes are generously subsidized. It can be understood that giving away money is, as another consumption act, a particular way one can dispose of wealth. But because philanthropy, in particular if exercised through foundations is an act of power and therefore it cannot remain purely private. Another reason for this is that states incentivize philanthropy. Although for many scholars, these are unjust, like shown Reich when he says that the institutional configuration of tax-subsiding mainly advantages the rich philanthropist over the small donor. Another area of criticism concerns the donor-directed purpose of foundations. It has been debated since the 18th and 19th centuries by Turgot or Mill whether the fact that 'foundation is legally designed to enshrine donor intent and protect philanthropic assets in perpetuity' (Reich, 2018), even beyond the death of the founder. For Mill, dead people should not have particular rights, and for Turgot the question of perpetual existence in itself is objectionable: Nobody can predict what will be useful in years.

If, for many scholars, philanthropic foundations seem to be the most problematic element when put against democracy, I will not restrain myself to this kind of institution. As Theodore Lechterman states, I also think that "much of the normative controversy surrounding philanthropy would remain if foundations disappeared." (Lechterman, forthcoming). In addition to that, if philanthropic foundations or even charity associations are maybe the first kind of institution that one may think when the nonprofit sector is suggested, those organizations are far from being the only ones existing in the category of the nonprofit sector. As an example, one can consider student associations. Here, even if this kind of institution

must also make a restricted use of the money it has in hands, it is not possible to define their activities as fundamentally philanthropic. Besides providing help to their fellow student, those associations usually engage with a lot of festive activities such as parties or travel. Moreover, they may also organize student-alumnus meetings; conferences or even participate in social movement such as student strikes. Because of this plethora of different activities, student association is not considered as philanthropic foundations. There is a central reason behind that: in order to be legally considered as philanthropic, associations or foundations should be recognized of following a goal of public utility or of providing public services (Lohmann 1992). This is the case in the US (Reich 2018) in Switzerland and many other countries as well (Pfister 2017) (Martin 2012). Even if philanthropic foundations may sometimes organize more private events such as charity dinner, all their activities are generally serving their defining goal. Hence, charity dinner and student parties are very two very different activities in the sense that the former is aimed at gathering funds for a public goal where the latter exist for the pure pleasure of a circumscribed category of people.



Sectorial division of the society⁶

Hence, I hope that these two last paragraphs have helped to clarify that nonprofit sector and philanthropy are not exactly the same entities. In reality, philanthropy is a more precise

⁶ My own scheme inspired from (Lechterman and Reich 2020) description.

categorization of nonprofit sector characterized by a goal of public utility or public service provision which allows them to enjoy special treatment such as tax exemptions. Nevertheless, my problem with a definition of philanthropy centered around a sector or a legal apparatus is that it is too restrictive. By assuming that philanthropy is always part of sector or channeled through institutional legal devices such as foundations, this risk is to put aside many forms of philanthropy that nevertheless have political importance. Consider the thematic of tax incentives for philanthropy in order to understand how legal or institutional status may be a scope that is too narrow. During the last years, political theorists have been concerned a lot by the problem of how big philanthropic foundations are able to divert state's power through tax incentives. Because each donation to foundations, up to a certain percentage, can be subtracted from one's income tax, Rob Reich considers that philanthropy represents an exercise of power. It is redirecting a part of the state's money that should have been otherwise allocated to other activities (Reich 2018). Ryan Pevnick too, because this redirection of power is mostly calculated on one's income tax, see in the tax incentive system a risk for a democratic system. Because richer individuals will be able to redirect bigger part of state's taxes, this system is put in danger the democratic equality. (Pevnick 2013). Then, for these two scholars, the actual tax treatment is favoring heavily the richest by offering them bigger tax exemption and allowing them to redirect more power than other contributors. From these criticisms, one would be tempted to consider philanthropy as being essentially problematic when it concerns heavily subsidized donations. However, if we accept the fact that philanthropy is a form of power, then is it only limited to such acts? Imagine that a very rich foundation decides to use its money for the construction of a modern art museum but chose to not benefit from tax deduction. It is possible to consider that this foundation did not make use of any kind of power because it has chosen not to take advantage of its preferential tax treatment? Look at another example: Despite the fact that almost 90% of Americans are making charitable donations every year, only 30% of them do enjoy tax deduction. It is possible to say that their gift cannot hold the "philanthropic" label because they are not legally recognized as such? Moreover, are they devoid of any power because they do not reduce what the state receives? In the following of this work, I will show that even if donations are smalls, or even if they are not concerned by specific tax treatment, they nevertheless represent a certain form of power. From now, I have demonstrated that considering philanthropy as a sector is, for political interest at least, too reductive.

2.2 Philanthropy conceived as a motivation

If philanthropy may concern as many things as small donations; big institutional devices like foundation or activities such as charity, it would be tempting to adopt a more ethereal definition. Maybe philanthropy can be best defined by the motivation behind it rather than its sectorial demarcation. But then, why do people give and what makes philanthropy inherently special? Is it a feeling, a particular will? Or maybe it is the fact that philanthropy is purely disinterested? In this subsection, I will explore some answers that have been brought to these questions and discuss their political interest.

It is perhaps among mainstream economists that the motivations for philanthropy are the most cryptic. Observing that 90% of US households spent an average of 1,623 dollars in 2000, Lise Versterlund asked, “Why do so many people choose to give their hard-earned income away?” (Versterlund, 2006). It is true that regarding classical economy, philanthropy is an anomaly. This practice goes in opposition against one of its fundamental theories, *the maximizing utility theory*. It states that people are rational, and considering this rationality, they will always choose an option that maximizes their utility. For example, they will choose to exchange some of their money for a good that they judge worthy of the wealth they will lose. Yet, philanthropy or charity represents, as Boulding nicely puts, a *quid* without a *quo*, a unilateral transfer where the donor does not receive anything in exchange of its resources (Boulding, 1962). In Andreoni’s words:” Philanthropy is one of the greatest puzzles for economics. A science based on precepts of self-interested behavior does not easily accommodate behavior that is so clearly unselfish. How can unselfish behavior be reconciled with self-interest?” (Andreoni, 2006). Thus, by jeopardizing such a central component of the economic theory, philanthropy or charity⁷ are threatening the very consistency of mainstream economic models.

In order to rationalize philanthropic behavior, economic scientists have offered different explanations. A first answer is to simply deny any rationality to acts of giving as understood in the maximizing utility theory. Therefore, donations are put outside of economic theory and left to other kinds of sciences such as sociology or psychology. Such an opinion can be derived

⁷ In this subsection, and only in this one, I will use the words charity and philanthropy as interchangeable. The reason behind this choice is that when it comes to economic or philosophical inquiries, this difference is not made on a recurring basis as both practice emerges from the same source (feelings; will etc..). As I put in the introduction of this work, the *philanthropy* seems to have a more practical utility that is not needed there.

from Carl Menger works, for whom: “In the practice of economic people in fact endeavor only rarely to protect their economic interest completely. Many sorts of considerations, above all, indifference to economic interests of lesser signification, good will toward others, etc. cause them in their economic activity not to protect their economic interests at all in some cases, in some cases incompletely” (Menger, 1871). However, refusing any rationality to giving may be problematic in at least two ways. First, this might go in contradiction with some very basic definition of economy. Thus, if one follows Robin’s definition of economy as “the science of allocating scarce resources “ (Robbins, 1935), then philanthropy, which is a specific way to allocate scarce resources (in this case money), is inherently concerned by this definition. Secondly, there seems to be an inherent problem to consider any act of charity outside of the maximizing utility theory. Think of the many elements only accessible through philanthropic giving. It is commonly said that money cannot buy everything, such as reputation or social recognition. But then, philanthropy makes magic because it allows private individual to literally buy prestige and respect. As an example, take the many US ‘university building named after charitable donators. In this case, the reputation they acquire far exceeds the amount of their donation, and this, both in terms of direct economic gain (those donations acting like an everlasting advertisement) and indirectly in terms of time or other resources.

Thus, the second solution offered by economics has been to say that each time a donor transfers a part of his wealth through philanthropy, he does in fact get a private benefit. This allowed scholars such as Lise Versterlund to say that there is no distinction between buying goods and giving money away (Versterlund 2006). Philanthropy should be treated as any form of resources transfers and all donations should be considered as interested. In this sense, altruistic acts do not simply exist. This second theory may help to understand many different acts of charity for which it is impossible to deny the rationality. For example, when worshippers give money away to the reconstruction of their dilapidated church, they not only help their cleric to keep a suitable place to work. They also assure themselves to have a proper place to pray. But this second solution still left unanswered many other cases. Take the following example: Imagine that a woman is suffering from a lung cancer. She goes to the very famous *Philip Morris Hospital* and pays for an expensive treatment. Unfortunately, due to lack of medical knowledge on this specific type of cancer, she does not heal and dies 2 months after the beginning of her therapy. During her treatment, Jacky, her healthful son, spent a lot time at the *Philip Morris Hospital*. Whenever he visited his mother, he could catch a glimpsed on other patient rooms and observes that a large number of people were suffering from the very same

cancer. This view made Jacky terribly sad to the point that after the death of her mother, he took a resolution and decided to start giving CHF 10'000 every year for research against lung cancer. But three years later, still in full health, Jacky is told by his friend doctor that lung cancer is genetically inherited and that he therefore has a high chance to contract it. After this revelation, Jacky decided to raise his donations to CHF30'000 per year to research against this cancer.

How should this example be read under the second assumption about philanthropic donation? I distinguish three distinct cases: 1) a first person paying for her lung cancer treatment; 2) a second person giving for lung cancer research, a cause that is not directly related to his health and ; 3) this same person increasing his donation once lung-cancer research starts to directly concerns his health. If we follow the assumption that philanthropy is not different from other forms of consumption, these three cases should be similar. In each of these situations, the donor or the patient are both exchanging some of their resources for something they may find valuable for the price they paid. But if this might be somehow obvious in 1) and 3), the case 2) does not really fit this pattern. It seems pretty easy to see that 2), contrary to 3), cannot share an interested reason because in 2) Jacky does not know that he has high risk to suffer from the same harm as his mother. It would be possible to somehow extrapolate an interested reason for him in 2) (for example, that he never wants to experience the suffering of losing a relative from lung cancer), but I do not think that it is possible to fully state his interest in pure material advantage. But as I said above, this second solution totally denies the existence of charity, understood as a selfless gift. Therefore, it is without a doubt that another element was required to fully grasp philanthropy.

A solution came, thirdly, with what has been called the impure altruistic theories (Crumpler & Grossman, 2008). Rather than denying the rationality of philanthropy or the existence of charity *tout court*, scholars revised the economic theory in order to explain that agents can in fact maximize their utility through unselfish acts. Opposed to pure altruistic theories stating that philanthropy should be done without any personal interest at all (Becker, 1974), impure altruistic theory affirms that a donor's preference is satisfied by the very act of giving, itself motivated by the experience of the warm glow effect (Andreoni, 1989) (Andreoni, 1990)

(Elster, 2011). This warm glow, a “good feeling”⁸ (Dunn et al., 2008) is the sensation anticipated or experienced by a donor A when he gives to a recipient C a certain number of resources. For scholars, this warm glow effect is able in itself to justify the rationality of philanthropy: It is a positive sensation (in opposition to concrete acquisition such as those obtained after exchange money); disproportional to the amount given but nevertheless driving an interested experience. This very self-interest in the fact of experiencing this warm is the very reason which led economists to acknowledge a form of rationality in giving while still acknowledging that pure philanthropy exists. But the warm glow feeling is not only useful to prove the rationality of donors and philanthropists. It also allows to determine what is inherent to philanthropy. This self-gratitude (Amegashie, 2006); this pride in having done the right thing (Saito, 2015); this impression to have done something which surpasses our moral duty (Dawes & Thaler, 1988), in sum, this little warm in our heart, is what drives the act of giving. In this sense, warm glow can be considered as the true materialization of philanthropy.

A last thing to note about determining why people give is that rationalizing philanthropy on the basis of the warm glow effect has opened more question than solutions. Accepting the thesis that acts can be interested while still counting as philanthropic questions the very morality of philanthropy. Some studies show that people who are interested in helping others are perceived to be less praiseworthy (Carlson & Zaki, 2018). Following Tieffenbach, it is possible to differentiate between three kinds of objections to moral consideration of interested philanthropy (Tieffenbach, 2019): First, that philanthropy should be anti-hedonistic: “The unpleasant effort that a person endures to achieve moral ends is generally considered worthy of admiration, and the pleasure of giving deprives the one who experiences it of that reason for approving it.” (Tieffenbach 2019)⁹; Second, that philanthropy is morally objectionable insofar as one research personal pleasure through it and third, that the warm glow feeling is the core of the problem of philanthropy because it can be considered as a motivation to buy oneself moral satisfaction.

If it is not the goal of this thesis to discuss these objections, it is worth to note that the reasons why people give and its validity on moral grounds still involves a heated debate. As for now, let’s turn our gaze on the relevance of knowing the motivation of philanthropic actions and the

⁸ It is important to note that the definition of the exact *warm glow* is still subject to very heated debates. For more information on this subject, read (Tieffenbach 2019)

⁹ My own translation

consequence of judging it as moral or not. I do not think that unearthing the reason behind every gift, and even the moral standard of these donations are a significant category of analysis for the authority of philanthropic acts. All individuals have their very personal reason for acting in a philanthropic way. Maybe they do it for fame; maybe for the love of humanity or maybe simply because their pockets are too heavy. Or again, maybe it is to prove themselves that they can be a good human being; or maybe it is to sleep knowing they have been somehow useful. But I do not think that decision taken under the reasons X rather than the reason Y has an influence on the authority ones may hold when casting powers which originates from philanthropic acts. Here, I am not saying that moral qualification of philanthropy is of absolute uselessness for political theorists. Surely, an analysis of the moral quality of a donation can help to determine if they are legitimate to bear the name of “philanthropic” or not. But in a liberal context, I do not think that the reasons behind someone’s action have an impact on the nature of this act. For example, people may have different reasons to work in a company selling watches. One may do it for the love of watches, because he thinks that this product is of great importance to the world. Maybe one another may do it because she secretly finds women who wear wrist watches very attractive and therefore it is very important for her that some of them continue to buy timepieces. And there may be a third person who does not care about watches but who just want to earn some money to live. The question now is, on the assumption that these three individuals will provide more or less an equivalent work, will one of these persons performs a different act in the company? On a qualitative point, maybe the first one will sell more watches and his customers will be much happier of their purchase than if they had done it with the third person. But what I am sure is that these three persons will exercise the same act: Selling watches. What is important for my demonstration is that their motivation does not change the act in itself. And I think that it is the same with authority. As it the case with democracy, it is in its nature, its definition, to have a specific set of constitutive rules. People may have many different reasons to cast their vote, and many different ways to exercise their authority whether a society chose a pure representative system or a much more direct one. And maybe the quality of the decision will change in function of the form of democracy that has been chosen. Thus, I agree with Emma Tieffenbach when she says that:” Understanding why and under what circumstances philanthropic donations benefit their originators in a pleasurable way is of obvious practical interest. It offers the prospect of increasing the frequency and volume of giving or influencing donor behavior toward more efficient choices¹⁰.” (Tieffenbach

¹⁰ My own translation

2019). But whatever the reasons I may have to exercise philanthropy, the kind of authority that will emerge from it will remain the same.

2.3 Philanthropy conceived as an act

Up to now, I have explained and defined elements that are not essential to my understandings of philanthropy. This was not to say that the sectorial or motivational dimension of philanthropy is not important at all. Both are central and fundamental component of what makes philanthropy. Nevertheless, I have argued that for a political analysis of philanthropy, in order to grasp the distinctiveness of its power, these two elements were not needed. As I foresaw in the paragraph above, I will now take philanthropy to be an action, a practice that has political implications in the same vein Ceva and Ottonelli have defined democracy. My main definition of work will be the following : “*The voluntary commitment of private property for public purposes*” (Lechterman, Forthcoming). I am aware that this definition does not encompass the large very diversity of philanthropic activities. For example, further precision will be needed in order to sharply distinguish market activities from philanthropic ones. The case becomes even more complicate when one considers corporate philanthropy (Sugin, 1996). Moreover, this definition says nothing about the origin of the resources allocated to philanthropic donations. For example, what should be done concerning “tainted money”, resources finding their origin in morally dubious activities such as tobacco or alcohol sale, or even worse, criminal activities such as tax evasion (Anheier & Leat, 2013). Thus, we have a clear sample of examples of how the sectorial and the motivational dimensions may plan an important role. In fact, I think that this definition may best be used to define what is *not* philanthropy. For example, philanthropy cannot be exercised by the state as it remains a pure private activity. A state can incentivize or subsidize an activity, but it may not generously give money away. Thus, when a federal government allocates 600 of dollars to every citizen because of a mass pandemic, it is not doing charity. It is helping its citizens because they deserve it, not only on moral standard (because they have been good all year long), but because of their very quality of citizens. Moreover, acts cannot be described as philanthropic if they do not aim a public purpose. In this sense, example of non-philanthropic purpose would be a parent’s inheritance to their children or some kind of gifts you make to one of your friends. And finally, philanthropy has to be voluntary in the sense of not being coercively imposed. Taxes in this sense cannot be considered as philanthropic because the state uses its coercive power to force citizens to pay what they have to. Or in the other sense, citizens have a duty to pay their taxes so this act cannot be counted as philanthropy (Murphy and Nagel 2002).

Nevertheless, I think that this definition will suffice for my demonstration. In this last subchapter, my aim will be to explain what kind of political authority could originate from philanthropic acts and what consequence could they have on the democratic authority. But before finally plunging into my definition, I must make a last but important precision. For some scholars, philanthropic activities must be inherently directed toward some specific aims and/or specific ways to do it. Adepts of what is called effective altruism are of this specie. Based on Peter Singer's philosophy (Singer, 1972), effective altruists urge well-off individuals to give to causes that rationally and empirically offer the biggest maximization of each spending (Greaves & Pummer, 2019). In this sense, donating to cultural activities in Spain might not be the best philanthropic act when people in Somalia are still dying of hunger. As the debate around effective altruism enters the real of normative consideration about the place of philanthropy in a society, I shall not treat this question in large details here. For this work, suffice to say that when I talk about philanthropic acts, I do not consider them to be executed in a specific way or after a special cost-benefit calculation. What is only necessary is that any philanthropic act aims at virtually¹¹ benefiting the greatest number while remaining impersonal. To exercise an authority that can be characterized as philanthropic, I only need to provide gratuitously some of my resources for a public purpose. The reasons and the way I do it precisely does not matter.

Firstly, it is important to recognize that philanthropy and democracy are, to some extent, exercising the same job: Working for public causes. By this, I mean these two forms of authority is exercised on aims at which they are both legitimate. In the next chapter, I will examine more deeply this case by analyzing how these two forms of authority relate to what is called public goods. What is essential to capture now is that they exercised their power in fundamentally different ways: Where democratic practices lead people to take decisions together, philanthropic acts allow individuals to influence the public by their own preferences. As we have seen before, saying that decisions are democratically taken involves the use of a second-personal and mutual form of authority. From that, I assert that philanthropy has a totally different logic. When it comes to make decisions for the public, it is appealing to a plutocratic and third-personal authority. Hence, what is really interesting when we take philanthropy as

¹¹ Here, "virtually" means that it should be accessible to anyone. But it is still clear that *i.e.* research against orphan disease that may concern a very restricted number of people would still count as philanthropic. Similar conceptualization of accessibility may be found in the Anglo-American context where it is stated that philanthropy should benefit to an "indefinite numbers" (Lechterman, forthcoming)

being a particular form of authority, it seems to work as the inverted mirror of democracy. Therefore, this is for me the very reason of their conflictual relation. Philanthropy and democracy present two distinct and opposite forms of decision-making which are nevertheless aiming at the same goals.

For many scholars, the most striking feature of philanthropy is that it allows donors to exercise a form of power that revolves around material resources (Cordelli, 2016) (Cordelli & Reich, 2016)(Beerbohm, 2016) (Saunders-Hastings, 2018) (Reich, 2018)(Saunders-Hastings, 2019) (Lambelet et al., 2019)(Lechterman & Reich, 2020)(Lechterman, Forthcoming). Most of them describe the potential danger that philanthropy might bring to democracy in consequentialist terms. For Emma Saunders-Hastings: “Compared with ordinary donors, the very wealthy can influence the behavior of recipient organizations in more significant, sustained, and structured ways. This is especially true where they manage giving through their own institutions, of which the private foundation is the most important. (Saunders-Hastings, 2018). Rob Reich as well is concerned by what he calls the “wealthy donor” (Reich, 2018), to the point where the main contributions of his book *Just Giving* aim at defining a role constrained specific rules for elite philanthropic practices only¹².

What seems less obvious is the deontological nature of this form of power: Judging by what are saying contemporary scholars, the philanthropy/democracy relationship would be really problematic only when big money is involved. Contrary to that, I think that this problem is much more fundamental: If I agree that making a difference between the consequences of small and big philanthropy is in some sense relevant, it is only because of the exponential nature of any plutocratic form of authority. Obviously, in a pure plutocracy where the wealthy are ruling, the more I have, the more powerful I will be. But the problem is not to look at who can derive the biggest amount of power and how this power is effectively used. In this sense, I argue that there is a strong deontological issue in philanthropy. The fundamental dilemma between philanthropy and democracy is that *the way* someone can acquire authority from gratuitous donations will always be incompatible with democratic expectations. Obviously, when I donate 10 Swiss francs to my local school, I exercise less action power compared to when one casts a

¹² The main point of his book is to show that philanthropy might found a specific place in democracy as an actor of social innovation. To him: This is an argument, of course, in favor of not mass philanthropy but professionalized and elite philanthropy” (Reich, 2018)

vote for an election. But from a democratic point of view, the way I have performed a potential authority from my contribution will in any case be incompatible with a democratic definition of authority. Defining democracy as an institutional practice allowed me to pinpoint its structural logic represented by the constitutive rules. These rules enact a particular kind of relationship between citizens that only exists inside their boundaries and which remains as long as they stay exactly the same. Changing one of those constitutive rules, even a very small fraction, would totally change the kind of interaction individuals would experience through them. In other words, democracy is democratic as long as the kind of authority exercised by every citizen remains strictly second personal and mutual. Therefore, even the smallest form of plutocratic and third-personal authority will go against the democratic logic.

	Democracy	Philanthropy
Accountability of authority	Second personal	Third personal
Exercise of authority	Mutual	Plutocratic

Consider firstly the claim that philanthropic authority is *plutocratic*: It is the authority people derive from material resources. In this sense, plutocracy is different from aristocracy for example, which used to derive its power from social resources such as nobility titles and honorific status. What distinguishes philanthropy from democracy is their scope: As we have seen before, democratic practice of decision-making enacts rules that will apply on the rulers themselves. For this purpose, democracy gives everybody the same kind and amount of authority. Because of that, we see the democratic body as being self-legislating. Plutocratic form of authority involves a totally different logic. By taking as legitimate the authority derived from material resources, plutocracy instantiates a fundamentally asymmetric form of decision-making because the source of this authority, *i.e.*, wealth, is unequally distributed between people. Therefore, on the ground that some individuals will have more power, poorer individuals will only have the possibility to accept the decision of the richer. In this sense, we can understand philanthropy as being a specific form of dictatorial authority, understood as being applicable unilaterally over others. As a donor, I am casting an authority to take decisions that may or may not have a direct application to myself, depending only on how I give.

But philanthropic authority is not just plutocratic, it is also *third-personal*. Where second personality appeals to agent-relative reasons anchored in a right-based relation that creates a collective accountability between citizens, third personality refers to agent-neutral reasons¹³ that do not appeal to any kind of direct interrelations. Here, agent neutrality has to be understood from Darwall's point of view, but not as referring to a concept of impartiality or impersonality. In his words: "Agent-neutral reasons contrast with agent-relative reasons, whose formulation includes an ineliminable reference to the agent for whom they are reasons (like "that it will keep a promise I made," "that it will avoid harm to others [i.e., people other than me]" and so on). Agent-neutral reasons can be stated without such a reference: "that it would prevent some pain from occurring to someone (or some being)." (Darwall 2006). Let's come back to my previous example concerning the employee and the employer. Here, we might say that these two protagonists have a second-personal relation because the employer has a direct duty to pay her employee. No one else would be doing it because the employee is casting a claim right, in a second-personal reason, specifically to his employer. This kind of reason is contrasting with another type of motive. The employer could have paid her employee by referring to a "state of the world that there is reason for her" (Darwall, 2006) to do it, in the sense where she might think that paying him would make the world better. Such reasons are agent-neutral, in the sense that it does not refer to any particular kind of relationship between the employee and the employer. Call it third-personal reasons.

In this perspective, philanthropy is third-personal: When donors decide to act for public purpose, they are referring to agent-neutral reasons. Such reasons can take many forms: providing a better education for people in Africa; saving the ocean from pollution or emulating cultural activities by funding a new theater. What is specific is that through her donations, an ecological philanthropist is not answering to the claim right of whales to have clean oceans because humans are polluting it. Instead of that, she is giving for a cause that anyone else could be contributing to as well. To the contrary, saying that democracy instantiates second-personal relations means that they are recognizing the special authority to hold other citizens accountable for what is done to them. Hence, philanthropic mode of decision-making jeopardizes this relation of joint recognition as being the final authority on their reciprocal claims and duties. Philanthropy is the *voluntary* provision of private resources for public purposes without any agent-relative reasons. I am not donating because I have a duty to do it,

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but because I have decided to do so. Regarding to what I said before that philanthropy and philanthropy are at some extend exercising the same job, one could retort that this differentiation does not really matter. Why differentiating between two kinds of reasons if the result is the same? But once again, from a deontological point of view, second and third personal reasons have different implications. For example, no one would say that, first, a redistributive system of wealth based on taxes and, second, another one based on voluntary donations are exactly the same things, and that even if the final result is identical in both situations. In the first case, states redistribute resources from those who have benefited more from the social cooperation to those who got less. Here, there is the idea that some citizens owe something to the others. In the second situation, we are appealing to the generosity of people to make the world more just. Related to philanthropy, I think that the dilemma between second and third personal authority can be summarized in this way: Who should be providing public goods? Voluntary individuals because of their love for humanity? Or all citizens themselves through a collective system due to their interrelations of accountability?

Chapter 3: Two Applications of the Philanthropic Authority

Until now, my work has proposed no normative implication. My aim has been purely conceptual. Through Ceva and Ottoneli's definition of democracy, I offer a characterization of philanthropy as an act carrying a plutocratic and third-personal form of authority, which is in contrast with the mutual and second-personal kind of authority that distinguishes democracy as a form of government. The source of philanthropy's authority rests in some people's material resources that can be used to further unilateral decisions based on their individual preferences. However, saying that democracy and philanthropy are incompatible has some consequences: When theorists, or states may have the idea to propose philanthropy as a means to provide any kind of public good, they must know that they are invoking a plutocratic and third-personal form of power that is incoherent with democratic ideals. This distinguishing feature of philanthropy makes it incompatible with the logic of democratic authority, which rests in the relations of mutual accountability between citizens as the joint makers of collective decisions. Philanthropy, I have argued, inherently betrays this logic because it establishes no specific relation of mutual accountability between the donor and the recipient of the gift.

A question that one could allegedly ask now is: *So, what?* What is the utility of a definition of philanthropy, moreover, as a specific form of authority? In addition to that, one could declare that many political theorists have not waited my definition to draw normative inquiries to practices of philanthropy. As I will show, Rob Reich, Chiara Cordelli, Theodor Lechtermand or again Ryan Pevnick have already offered insightful normative analysis on the role of philanthropy. Nevertheless, I think that putting the finger on a formal definition of philanthropy may help to disentangle the debate initiated by these very different conceptions of philanthropic acts.

Thus, in this last chapter, I would like to defend the interest of my thesis. I think that the novel understanding of philanthropy I offered can be useful in two ways. First, I think that it may open new normative conceptions of philanthropy. Second, it can help us to read in new manners the previous work of scholars. In this sense, focusing of the specific form of authority brought by philanthropy may clarify; reinforce and even undermine these works. I reserve the former function for a subsequent work. Such an aim would require a paper or even a thesis in itself, something I cannot afford to do here. Thus, I will concentrate myself on showing how my

conception of philanthropy might provide new understanding of some of today's most heated of debate of political theory studies on philanthropy. Firstly, I will examine what I like to call the debate around the institutional division of labor between the state and philanthropy and secondly, the discussion concerning the question of state's incentives for philanthropic actions.

3.1 The institutional division of labor between the state and philanthropy

What is the place and the role of philanthropy in society? In the introduction of their book “Philanthropy in Democratic Society”, Reich, Cordelli and Bernholz have stated the problem in the following manner:

If philanthropy, at least in some cases, is a form of private power that disrupts the exercise of public power, or an alternative way of pursuing and fulfilling the public interest, then philanthropy immediately triggers questions of legitimacy. And questions of legitimacy are questions of moral limits—limits on the exercise of a given form of power. These limits may include limits on the object of philanthropy—what roles philanthropy should or should not perform in a democratic society. They may also include limits on the subjects of philanthropy—how philanthropists should exercise their power, according to which reasons, principles, or values.

In this subchapter, I would like to tackle this highly debated question by engaging it through a specific path. This allowed me to show how my definition of philanthropy can shape the way we could conceive solution to this conundrum. I will start by asking the following question: Which kind of goods should foremost be provided by democratic logic and, at the opposite, which kinds of good philanthropy is entitled to deliver? As I said in the introduction of this chapter, my aim is not to bring any new answers this question. I will mostly base my reasoning on Beerbohm; Lechterman; Pevnick and Reich’s solution. What will be interesting is *how* my definition could bring us to these solutions. To do so, I will engage this question with an important, although quite underused, principle for liberal studies: Rawls’s institutional division of labor. I will show that some categories of goods are required by matters of justice and that they should therefore be provided by the state, the bearer of the democratic logic. But I will also show that some other types of public goods could be provided by philanthropic means. Here, my definition of philanthropy will be useful when it comes to choose between these two forms of decision-making.

Goods can be broadly devised in two categories: Private and public ones (Cole & McGinnis, 2015). If a strict differentiation between these two categories is difficult, let’s assume the

following about public goods: According to economists, public goods are specific in the sense of being both nonexcludable and nonrival (Samuelson, 1954). A good is nonrival if one person's consumption of the good does not interfere with anyone else's ability to consume it. A good is nonexcludable if once provided, it cannot be withheld from those who have not paid for it. The classical example of public good is light from a lighthouse. On one hand, a lighthouse's light is nonrival because if a first ship "consumes" its service to be guided around coasts at night, that does not mean that the second or the third ship will find it less useful. On the opposite, when I eat a piece of a cake, I am dividing the total amount of this cake from what I have exactly eaten and therefore reduce its utility for other eaters. On the other hand, a lighthouse's light can be said to be nonexcludable in the sense that it does not only help those who paid for it. Imagine that this lighthouse is publicly provided by nation A's taxes. That does not mean that boat under the A's flag will have an exclusive use to it. Ship from every nation of the world would be able to see it, and therefore, to use nation's A lighthouse service. Contrary to that, a cake can be said to be excludable because If I buy one for myself, that does not involve that my neighbor could have a taste of it as well. In political theory, typical example of public goods concerns national defense, basic education, public health, roads or again some infrastructure such as parks and national monuments.

For economists, public goods are particular because they are unlikely to be provided by market laws. The reason behind that lies in the two features of public goods I gave above: Because of its nonexcludability and nonrivalry, public goods risk to suffer from what is called the free-rider effect. If the lighthouse has to be bought by only one person in order to benefit everyone, why shouldn't I wait for my neighbor to do it himself? This reasoning becomes problematic when my neighbor and I begin to think that the other will make the purchase instead. If my neighbor or even every other inhabitant of this society is as stubborn as I am and refuse to pay, there is very little chance that this lighthouse will exist. Moreover, because of this uncertainty, no private company would take the risk to offer lighthouse as only product. Thus: "The observation that important public goods don't emerge spontaneously but require more complex forms of collective action has led many theorists to regard the provision of public goods as a central function of government." (Lechterman, forthcoming). Hence economists (mostly using utilitarian arguments) assume that the provision of public good is what justifies the existence of the state (Mill 1965).

Liberal scholars also assume that the state should provide public goods. However, they do it in a different way. For George Klosko, every individual of a society should have the obligation to contribute to public goods (Klosko, 1987) (Klosko, 1990). Nevertheless, against libertarian intuitions that state should force free human beings to pay for what they do not find a utility (Nozick, 1974), Klosko separates public goods in two categories: Firstly, *presumptive* public goods. For him “Certain goods can be named that can be presumed to be necessary for an acceptable life for all members of the community.” (Klosko 1987) Thus, certain kinds of public goods can be presumptively required to be provided to anyone, as it happens in hypothetical theory of consent (Waldron, 1987). And secondly, *discretionary* public goods are “goods that may be desirable but should not be viewed as essential to people's well-being” (Klosko 1987). From H.L.A Hart’s assumption, Klosko argues that people have political obligation to participate to the provision of public goods if the following conditions are met: “If the public goods are 1) worth their costs to (typical) members of the scheme; 2) presumptively beneficial; 3) fairly distributed, along with their accompanying burdens.” (Klosko 1990). As expected, presumptive goods should not only be provided by cooperative means but individuals in a society have also a duty to contribute to it, say through taxes. As I will show later, discretionary goods involve a much more complex debate. In any case, what should concretely be put in the presumptive or discretionary boxes is not today’s discussion. Suffice to say that some goods are presumptive, and others are discretionary. Moreover, my aim is here not to tell if Klosko’s intuition is right or if his three conditions are satisfactory in every respect. Klosko’s concept is interesting for my work in two ways: 1) because he separates public goods in two categories and 2) that his separation involves that have some public goods can provided by non-state entities.

Nevertheless, people who have read Klosko would quickly find out that his assumption concerning public goods, and more specifically discretionary ones, do not say anything about philanthropic provision¹⁴. Concerning what can be linked to presumptive goods, Beerbohm suggests that philanthropy should not be a tool to provide them. He considers that philanthropy removes citizens from some of their duties of justice by outsourcing the supply of certain categories of public goods (Beerbohm 2016). In what he calls the free-provider objection,

¹⁴ In reality, Klosko talks about charity. Nevertheless, it is not clear what kind of charity Klosko is talking about, as he seems he does not draw a clear line between state and private charity. Moreover, his statement about this does not concerns us, as it use an example to show how his principle of differentiation would have to be adapted.

“Principles of justice require that good X be provided in the name of democratic citizens. To act in the name of democratic citizens, an institution must have universal membership and democratic credentials. So, absent a nonstate agent with naming powers, the state must provide X “(Beerbohm 2016). Thus, principles of justice are capable to name who should be the provider of public goods, and in some cases, it has to be citizen in the name of democratic criterion. In the same vein, Theodore Lechterman thinks that citizens have an interest in controlling the basic structure of a society. To him “In short, democratic governance is uniquely valuable because it affords all members of a community a measure of control over their common affairs, and it does so on the basis of equal say.” (Lechterman forthcoming). In what he calls his argument for *democratic sovereignty*, he argues that the state is not simply permitted to be the exclusive provider of certain kind of public goods. He is also required “to discourage alternative forms of provision.” (Lechterman forthcoming)

Concerning discretionary public goods, liberal political theorists have offered a different stance of defense. The best example is maybe Ryan Pevnick’s account. In his paper he argues that the state is the required provider of some essential public goods. But he nevertheless thinks that philanthropy might be a respectable tool to promote cultural goods. He adopts the Rawlsian vision that it is inappropriate for citizens to use the power of the state to pursue their artistic, cultural, or religious preferences. Nevertheless, culture, as Dworkin says, it is still a very important component of any society (Dworkin, 1985). But the problem with cultural goods is that “judgment about these issues is complex in ways that render it unreasonable to assume, especially given their importance, that the state’s judgment will necessarily be more accurate or appropriate than that of individual citizens “(Pevnick 2016). Moreover, the market as we have seen above, might not be the best provider of cultural goods because it represents a category of public goods. For Pevnick, even the if market tried to provide cultural goods, it would do it in an incomplete way. Because the market would focus on profitable and cost-effective goods, it would only provide cultural merchandise favored by the majority of consumers. Thus, niche cultural activities would ultimately be underprovided. Hence, because the state must stay neutral at some extend and that the market would not be able to provide a diverse cultural offering, civil society and in particular philanthropy has a key role to play in regard to this subject. Both free from democratic accountability and market limitations, philanthropic activities could convey many different forms of cultural goods.

With these three examples, my aim has been to show how political theorist would tackle the question of public goods providing by philanthropy. I will not comment the truthfulness or the pertinence of this proposition. Many elements could be praised, and many others criticized¹⁵. What should be highlighted is that the way these three scholars differentiate between state-provided and privately provided public goods follow Klosko's pattern. That is to say, they assume that some goods should be provided by the state while some other may be delivered by philanthropic means. Thus, I still think that Klosko's work is a very insightful basis for the analysis of philanthropy in relation to public goods. But this similarity is no sheer coincidence. All these intuitions share a Rawlsian in the institutional division of labor (IDL). In fact, Klosko's theory, as he says himself, is tightly linked to Rawls' one¹⁶. And as I will show, the IDL is a useful tool if one wants to compare and organize the different intuitions and visions that political theorists have already proposed concerning the role of philanthropy in the provision of public goods.

To be honest, I am aware that Rawls' institutional division of labor involves a certain conception of democracy (let's call it, as Pevnick does¹⁷, liberal egalitarianism). This might represent a sidestep from what I have tried to do since then, namely working with general concepts of democracy and philanthropy. There are two reasons for this choice: First, if in the following section will be anchored in an expressed form of democracy, my point on philanthropy will remain strictly descriptive, that is to say, limited to its plutocratic and third-personal components. Second, all the examples I gave above are themselves related to a conception of liberal egalitarianism. As Ryan Pevnick seems to say, those who cherish this form of democracy are those who should look carefully at its relationship with philanthropy. Then, it can be said that my demonstration will describe philanthropy inside a more normatively involved pattern of democracy.

¹⁵ In Geneva for example, philanthropists are mostly aiming their donations to "mainstream" cultural goods (Lamebelet et al. 2019). At the opposite, many niche cultural institutions, such as "L'Usine" (<https://www.usine.ch/>), a self-managed cultural complex, is directly funded by the state.

¹⁶ "As for (ii), by "presumptively beneficial" goods (or presumptive goods) I mean something similar to Rawls's primary goods, "things that every man is presumed to want."²⁰ Since we are concerned with public goods, we can confine our attention to presumptively beneficial public goods (presumptive public goods). These are public analogues of Rawls's primary goods. Basically, such goods must be necessary for an acceptable life for all members of the community. To apply Rawls's description of primary goods, presumptive public goods are things it is supposed that all members of the community want, whatever else they want, regardless of what their rational plans are in detail." (Klosko 1987)

¹⁷ (Pevnick 2016)

The institutional division of labor is a concept firstly brought by John Rawls in his book *Political Liberalism*. To Rawls, society can only be ruled by principles of justice that are non-general, which means that “the distinctive character and autonomy of the various elements of society require that, within some sphere, they act from their own principles designed to fit their peculiar nature”. This principle of non-generality is pushed against general theories of justice. For example, utilitarianism supposes that a single principle, utility, should prevail in all spheres of the society as the metric of justice (Rawls 1993). Or again, proponents of cosmopolitanism argue that concerning global justice, all people should enjoy the same well-being on the basis of a very same principle and that those people should not be submitted to different forms of obligations¹⁸ (Rawls 1993) (Kleingeld & Brown, 2019)

For Rawls, it is possible to differentiate at least two of these specific spheres: The *basic structure* (in other words, the realm of the public, the state), and what he sometimes calls *private association* or simply *society*, which refers to the concept of civil society I have defined in the second chapter of this thesis. Following Rawls’ two principles of justice, these two spheres should not be bound to the same rules. The rules they must follow are linked to their function. In one hand, “the role of the institutions that belong the basic structure is to secure just background conditions against which the actions of individuals and associations take place” (Rawls 1993). Thus, the basic structure must strictly respect the conditions of justice as fairness. In the other hand, civil society is marked by features of end-pursuing and voluntariness (Cordelli, 2012). In this sense, as long as the basic structure plays its role, the civil society is the realm where individuals are able to fulfill their life plan in the way that seems the most appropriate to them. Without the condition of justice as fairness, it would not be possible for individual in the civil society to follow their very own conception of the good in a manner that is just for everyone. That means that in a certain sense, civil society is always bound to the basic structure, as it happens in with the lexicographical order reigning the two principles of justice (Rawls 2009). Moreover, the basic structure may and should restrict civil society in order to guarantee “equal prospects of culture and achievement for everyone similarly motivated and endowed” (Rawls 2009). This mean, for example, that an association could not aim its goal at the destruction of a certain category of individuals. As Cordelli puts it, it is a specific challenge of the proponent of institutional division of labor to define how to

¹⁸ For a further investigation on cosmopolitanism, see (Pogge, 2001), (Pogge, 2005) and (Caney, 2001)

regulate the different institutions and their individuals in civil society in order to guarantee a certain equality of opportunity without interfering too much with their ends¹⁹ (Cordelli 2012).

Rawls gives three reasons to adhere to this institutional division. First, it is not possible to judge if justice as fairness is reached by regarding one by one each institutional arrangement. For example, it would be impossible to know if civil society allows everyone to fulfill their conception of the good just by looking at every association. Doing so is simply unfeasible but mostly because, as I will show with the third arguments, civil society's institutions are unable to assure background conditions justice. Thus, as I have evoked above, we need an upper arrangement, in the name of the basic structure which succeeds in maintaining background justice. A second reason for this institutional division lies in the fact that background conditions of justice are not timeless. Once established, and by the mere evolution of the society, rules and laws can lead to the dissolution of justice as fairness, even if they are strictly followed. The best example is maybe liberal economic principles which, because of the action of innovation and evolution of markets, require constant balancing in order to preserve the background justice of individuals²⁰. Thus, special institutions are required to preserve justice as fairness.

Thirdly, and most importantly, Rawls argues that “There are no feasible and practical rules that it is sensible to impose on individuals that can prevent the erosion of background justice” (Rawls 1993), which means that if justice as fairness has to be constantly assured, this cannot be the job of civil society. The main reason behind this reasoning is the incapacity of such institutions to do so. For Rawls, the world is too complex. There is too much information for them to prevent this erosion. “Individuals and associations cannot comprehend the ramifications of their particular actions viewed collectively, nor can they be expected to foresee future circumstances that shape and transform tendencies” (Rawls 1993) Moreover, in Cordelli's interpretation, associations of civil society would have no interest in doing that. Even if they had this capacity, they would not be able to use it without losing their ends-pursuing and voluntariness distinctive feature (Cordelli 2012). That is to say that, because the duty of assuring justice of fairness is bound to certain principles of neutrality, it is not possible for the institution fulfilling this duty to simultaneously pursue a conception of the good.

¹⁹ For a fruitful analysis of this debate, see (Cordelli 2012)

²⁰ Obviously, this goes in strict opposition with basic principles of libertarianism and neoliberalism which supposes that the natural evolution of market is to be free from all institutional, and therefore artificial, interventions. See (Nozick 1974)

Thus, this separation between a common conception of justice and a pluralistic vision of the good, in addition to the requirements needed in to ensure the latter, makes an institutional division of labor essential. I think that it is now clear how IDL might help to order the visions of philanthropy I gave above. The basic structure and its prerequisite represent well the idea behind Beerbohm and Lechterman's proposition, while this emphasis on the limits of such a basic structure and the role of civil society capture in a sensible way Ryan Pevnick's intuition. Moreover, all of them offer a normative qualification, or opposition, of the desirability of the mutual and second-personal democratic authority. For Beerbohm, democracy names citizens as responsible for the supply of certain goods and that allows a fair term of social cooperation between them. For Lechterman, democratic providing of public good is interesting because it ensures that citizens keep a certain sovereignty over public affairs. Finally, Pevnick's reluctance to public provision of cultural goods can be pinpointed to the boundaries imposed by the democratic mode of decision-making.

From now, I think that it is possible to level up the abstraction of this discussion by coming back on the different argument that these scholars gave. Let's also take for granted that presumptive public goods should be distributed through democratic logic of authority. When they criticize the philanthropic provision of public goods, Lechterman and Beerbohm have two broad types of argument: First, in terms of *equality*: "Philanthropic giving—large or small—doesn't put citizens into egalitarian relationships with their fellow citizens in need" (Beerbohm 2016); "In short, democratic governance is uniquely valuable because it affords all members of a community a measure of control over their common affairs, and it does so on the basis of equal say." (Lechterman forthcoming). And second, in terms of *accountability*: "Our principles of distributive justice don't merely insist that universal healthcare, education, and food stamps, for example, should be assured by someone—anyone. The provider must be all of the citizens, acting together." (Beerbohm 2016); "Democratic sovereignty holds that, to be fully legitimate, major social outcomes must issue from collectively authorized decisions. Certain forms of philanthropy violate this standard, privatizing decisions that properly belong to citizens collectively" (Lechterman forthcoming). In my opinion, this opposition to philanthropy vibrantly rings the bell of my definition in plutocratic and third-personal terms. Concerning the criticism on accountability, it clearly refers to the third-personal component of philanthropic authority. Providing presumptive public goods through third-personal reasons, such as love for humanity, would break the joint recognition of citizens as being the final

authority on their reciprocal claims and duties. The criticism on equality is a bit trickier. Recall that in Ceva and Cordelli's definition of democracy, political authority is a result of the mutual and the second personal rules this authority. If one of these two components is jeopardized, it breaks down what constitutes the democratic authority. Beerbohm, Lechterman, and at some extend Pevnick's remark goes in this direction as well. If philanthropy, by the fact of its third-personal element of authority, puts away the second-personal relationship established by democracy, and therefore inevitably disrupts the political equality that once prevailed because of the presence of these two rules. To be clearer, let's imagine the case for basic education. According to the institutional division of labor, such public good should be provided by the bearer of justice as fairness, namely the state. In this sense, it could be argued that basic education is a necessary element that every citizen would presumptively desire. Thus, basic education is provided following a mutual and second-personal form of authority. When they refer to specific motivation why philanthropy might not be a good idea to provide such public goods, Lechterman and Beerbohm are making an appeal to specific property of philanthropic authority. Hence in their mind, basic education should not just be delivered by generous individual because education is something very laudable to offer. For our scholars, basic education should be provided by citizens themselves in reason of the very specific interrelation they share, and which allow them to keep control on the scheme of public affairs. In my mind, saying that is the same as describing democratic authority and the reasons why philanthropic authority goes against it. The reason why we value democracy over philanthropy is normative facts that serve at justifying or invalidating which form of authority should prevail in the institutional division of labor.

It is possible to draw a similar scheme when it comes to discretionary public goods. Pevnick's argumentation adopt the same spirit that flows from IDL. To him, if the state should guarantee the provision of some public goods, it should nevertheless be careful on some others. In his words: "First, such issues connect to important interests that individuals have in shaping their own lives. These are decisions, unlike whether or not to wear a seat belt or drink a very large soda, about which it is important not just to settle on the right outcome, but to make the decision for oneself. This is because such decisions help constitute our identities. Second, judgment about these issues is complex in ways that render it unreasonable to assume, especially given their importance, that the state's judgment will necessarily be more accurate or appropriate than that of individual citizens" (Pevnick 2013). Put in the vocabulary I used all along this discussion, Pevnick's vision could be translated in the following way: *Should a mutual and*

second-personal form of authority decide which cultural goods are worth to be provided. For Pevnick, a collectively bounding form of decision-making is not the best way to do this. Rather, a power-based not on mutualism but on external resources and which can be exercised unilaterally (that is to say, without the agreement of all society) seems to genuine method to deliver cultural goods.

Once again, this demonstration is not aimed at justifying or condemn Beerbohm's; Lechterman's or Pevnick's reasoning. Which kind of public goods requires strict public provision or and which types should be offered by private entities is still at the center of many debates. Moreover, I took example of scholars conceiving a sharp division between public and private provision. In reality, we are faced with a large variety of institutional arrangement: From state grants for philanthropic foundation to delegation of publicly administered task to private entities. Nevertheless, my point has been to show that 1) ultimately, the debate surrounding which kind of public goods should be provided either by the state or philanthropy can be centered around the kind of authority involved by these two forms of decision-making, and 2) in a liberal egalitarian perspective, it can be done by framing this conundrum around the concept of Rawls' institutional division of labor. In this subchapter, I have tried to offer a reading grind which may help to capture and rationalize a large part of the debate around the question of the provision of public goods in a democratic state. Whatever the normative assessment cast on philanthropy and its relationship to democracy, going back on the logic of authority they involve gives the basics to understand their connection. As I have shown, the plutocratic and third-personal elements of philanthropy can be used to promote this practice in a positive way, as Ryan Pevnick did.

But it can also be employed to criticize philanthropic acts. Emma Saunders-Hastings is a good example, for whom, in a non-ideal democratic context, philanthropy exercised by elites can rather be a threat because "Compared with ordinary donors, the very wealthy can influence the behavior of recipient organizations in more significant, sustained, and structured ways. This is especially true where they manage giving through their own institutions, of which the private foundation is the most important." (Saunders-Hastings 2018). Here again, I think that it is possible to capture her idea by pointing out the plutocratic component of philanthropy as problematic. How it becomes a difficulty and why it is a challenge to democracy is Saunders-Hastings's whole ingenuity. But saying that big donor has more impact than little ones and that

it enters in opposition with democratic logic of equal influence on the political refers directly to the very plutocratic nature of any forms of philanthropic actions.

3.2: The Question of tax incentives

The second thematic around which I want to present the usefulness of my definition concerns the question of tax incentives for philanthropic donations. I would like to show that understanding philanthropy as a plutocratic and third-personal form of authority allow to design new tools for further observations and normative propositions concerning for the fiscal system.

Tax incentive may be the most common form of philanthropic incitation in today's liberal democracy, but as Rob Reich puts it: "Contemporary practice, in which philanthropy is structured by a regulatory framework of incentive, of forgone tax revenue, is not the norm but the historical anomaly" (Reich 2018). In reality, tax incentives are maybe one of the final links of the long philosophical interrogation of philanthropy. To question the existence of such fiscal arrangement, political theorist must first answer the large number of issues surrounding the philanthropic practice that we have glimpsed throughout this thesis. Thus, it's only after defining if donations for public purposes are tolerable in a society; if not all, which kind, and finally, how they should be made that scientists can ask the following question: Should philanthropy be publicly promoted, and how?

First and foremost, one may ask if the public promotion of any particular forms of philanthropy is acceptable in a liberal democracy. Recall that the institutional division of labor asks for the state to provide public goods that are necessary for justice as fairness while letting the fulfillment of the different conception of the good to institutions in the civil society. But because philanthropy undoubtedly promotes certain conception of the good, are incentives to philanthropy in accordance with this assumption of a neutral state? Here, it is worth to differentiate at least two conceptions of state neutrality: Neutrality of effect and neutrality of justifications. The former stipulates that "the state should not do anything that has the effect – whether intended or not – of promoting any particular conception of the good, or of providing greater assistance to those who pursue it" (Wall & Klosko, 2003). In this sense, it would not be possible that the state incentivizes people to give to environmental or cultural charities while not doing the same toward knitting clubs. Nevertheless, many scholars such as Richard Titmuss have the intuition that some private actions can be regarded as widely valuable for a society as whole when compared to others (Titmuss, 1970). That is not to say that knitting clubs are less

worthy of existence than philanthropic acts, but that the latter may be subject to public considerations because it virtually serves everyone where the former would only serve knitting lover.

However, it is possible to argue that this vision is ultimately biased toward specific conception of the good and still be objectionable for many citizens. What if the large majority of the population would find a lot more value in a complex and vast knitting culture rather than in a developed charitable framework? The situation may even become thornier when we consider conflicting conceptions of the good. For example, let's not only say that a state has laws legalizing abortion but that it also wants to promote and facilitate its access to anyone who would need it. Following the neutrality of effect, this would surely go against the conception of the good of pro-lifers. To solve this conundrum, it is possible to make an appeal to another conception of state neutrality called neutrality of justification. Richard Arneson has maybe the best words to describe this conception: "Given that what we have in mind is not neutrality of effect but neutrality of justification, we can fix a school curriculum by appealing only to neutral conceptions of people's individual rights coupled with uncontroversial ideas of the good. If everyone agrees that basic literacy and mathematical competency are good, we can appeal to the idea that it is fair that every person has fair opportunity to attain some reasonable threshold level of literacy and mathematical competence and run public schools on this basis." (Arneson, 2003). If we follow this conception of neutrality, some specific conceptions of the good can be promoted as long as it involves no controversies. I and many of my friends may be thinking that mathematics is useless, but it might not be a reason to forbid the state to promote it. Math can be a compulsory school subject because the society as a whole will surely benefit from having basic mathematical skills. As Nick Martin puts it, it is maybe a better reading of Rawls' first principle of justice and what is involved by a conception of justice as fairness (Martin, 2012). In this sense, abortion may also be considered as required by a fair access to healthcare. This does not mean that anti-abortion groups would be forbidden either, but it at least gives a justification for the state to pick a side in the debate.

Nevertheless, if this conception of neutrality may justify certain conceptions of the good over others, philanthropy cannot be stated without controversies. When it incentivizes philanthropy, a state ultimately defines a restricted set of practices. To be stated without controversies, philanthropy should be qualified as something like "acts of generosity". But in reality, a state will have to qualify his point by giving a list of charitable purpose worth of being incentivized,

and maybe even some specific ways to accomplish them. At this point I may be touching the conceptual limits between moral or philosophical concepts and legal ones. In legal standards, it can be said that *philanthropy* is the name given to activities recognized as such²¹. On the opposite, I have described philanthropy in philosophical terms as the commitment of private property for public purposes. This very large and hazy definition may be perfect for my purpose but when the state has to incentivize philanthropic, it must choose which kind of public purposes are worth of its support. By doing that, it will inevitably define what can be labeled under the term philanthropy. In this sense, it is not possible to define philanthropy without controversies because a state wanting to incentive it will obligatorily give a qualified definition of this practice.

Thus, to justify incentivizing philanthropic actions seem to still be a problem. To solve this, Nick Martin offers to use a third concept, this of *neutral goods*. Coming back to Rawls and its primary goods, it is possible to justify that the state gives specific treatment to certain categories of goods. Once again, we are back at the debate about which kind of goods are worth to be called *primary* or *presumptive*. Nevertheless, on this basis, Martin thinks that it offers a right justification for tax incentives for neutral goods as long as they are *not reasonably objectionable*²² (Martin 2012). To him, it means that “sets certain constraints on what goods can be neutral independently of what people hold to be valuable.” (Martin 2012). Primary goods can be said to be reasonably unobjectionable because no one would rationally refuse them. If this provides an additional justification for the state to provide some public goods, it is also convenient for public incentivization of philanthropy. Concerning culture for example, as long as it is not objectionable that culture is better than no culture at all, the state is right to encourage donations to cultural projects as long as it remains neutral on the specific type of arts promoted. For example, it should not choose favor donations to classical arts over more underground ones. But as Martin puts, it can also serve at the justification of tax incentives

²¹ For a good example, take how the Swiss government recognize philanthropy: in Switzerland, the term foundation refers firstly to entities entitled with specific goals. (Pfister 2017) To enjoy the tax exemption I am listing; a foundation should be recognized to follow one or both of these specific goals: *Public utility* or *public service provider*. In this sense, it is only after this legal recognition that we can talk about philanthropic foundations. But these concepts of public utility or public service provider are themselves clearly define by a list of actions.

²² Ryan Pevnicks offers another way to define which philanthropic aim should be incentivized. It is states in a schema of conditions: 1) Is the group providing a good that has a plausible public benefit? 2) Is the group providing a good that is inadequately provided by the market? 3) Is the group providing a good that is consistent with the broader commitments of a democratic society? And 4) Are there reasons to worry about direct government provision of the good? (Pevnick 2012)

toward primary public goods. In non-ideal conditions, where the state cannot completely fulfill its duty of basic public good provision, there would not be reasonable objection for philanthropy to be of assistance on this task. Sure, it would go against the ideal reasons pushed by Lechterman and Beerbohm to resist this form of provision. But insofar as the state has the duty to offer them but does not have the capacity to do so, these goods being so indispensable to justify that the state motivates philanthropists to help it.

Once that the political theorist has admitted that a liberal democratic state can legitimately incentivize philanthropy, it should answer the question of the means. Tax deduction, nudges; tax credit; voucher system; direct government grants or again symbolic gratitude of all kinds, what is the right way to encourage people to give? To my knowledge, political theorists have mostly engaged this question by offering a criticism to the most established tool of incentivization: Tax deduction. From that, they have developed and refined other instruments such as the voucher system. But examining the whole range of promoting tools is not the aim of this subsection. I therefore will concentrate myself on tax deduction and its criticism. This will suffice to demonstrate how my definition of philanthropy may enlighten the topic of public incentives. Then, the question now is: Why would proponent of liberal democracy favor to incentivize philanthropy through tax incentives? Rob Reich has offered an insightful study and defense of this case. According to him, there are at least three forms of justification for an economic incentive for philanthropy: 1) William Andrew's assumption that philanthropic donation should not be counted in the income tax at all; 2) A justification in terms of efficiency and 3) His own defense in terms of decentralization and development of a pluralist society.

A first reason to justify tax incentive on philanthropic donations is to say that they should simply not be counted in one's income tax. For William Andrew, deducting philanthropic contributions is necessary in order to properly define an individual's taxable income. In his mind "A deductions should be allowed whenever money is expended for anything other than personal consumption or accumulation" (Andrew 1972). In a certain sense, Andrew adopts the vision that one has a right on its total income pre-taxation and that philanthropy is no consumption at all because it is aimed at prosocial benefit. Augmenting for and against this conception would require an entire thesis but there are at least two important criticisms to this justification of tax incentives. First, Murphy and Nagel argue that in a society, any individual's *real* own resources or money can only be considered after taxation. For them it is "impossible that people should have any kind of entitlement to all their pretax income." (Murphy and Nagel

2002), because what allowed them to possess their income is in part, if not totally, due to the social cooperation and infrastructure supported by the state's money. The two scholars give examples such as banks, corporations, stock exchanges, patents, or a modern market economy, but also the legal system overall. Thus, Andrew's argument that deducting philanthropic donations is required to get the right idea of one's income tax falls apart. Second, it is also important to consider philanthropy as a specific form of personal consummation in itself. It is not because one is not using her money at pure egoistic aims that it cannot be counted as expenditure. According to Reich: "If a person has legitimate ownership of resources and can rightfully decide how to dispose of those resources, then whatever a person decided to do with those resources – spend it on luxury goods or give it to charity – is by definition, tautologically, a kind of consumption" (Reich 2018). Surely, must be admitted that philanthropy is a special act of consumption that are worth of some forms of tax incentives, but not on the basis that they cannot be conceived as consumption.

A second and more robust justification can be stated in terms of global efficiency. In this sense, "the state provided incentives for charity because it is believed that the incentives stimulate the production of something of greater social value than what the state could have produced on its own, had it not offered incentives" (Reich 2018). Thus, this justification is stated in consequentialist terms. It assumes that private entities, on specific issues, are able to provide more efficiently some public goods than if it was done by the state. In reality, I do not believe that philanthropy or its specific tax treatment should primarily be justified on consequentialist basis. In my opinion, we need an argumentation in terms of inherent value of such practice rather than mere estimations or empirical evidence. Obviously, such evidence may help to confirm or refute the pertinence of such inherent values and to adjust or correct their intuitions. But it is possible to say that tax exemptions for philanthropy does a better job on a subject X compared to what the state could have done because this qualification depends too much on the particular context of X. Take a general illustration let's say that in a context **A**, the provision of the primary good **Y** is more efficiently provided by philanthropy than by the state. In a context **B**, it is the opposite: The state distributes **Y** much more efficiently than any forms of philanthropic actions. First things first, one should define on which basis **Y** is more *efficiently* distributed. But let's assume that such a criterion is defined. On consequentialist assumption, context **A** would justify tax exemptions on philanthropy whilst **B**'s won't. As I said, the argument of efficiency is dependent on its context of application. More than that, efficiency might not even be a good argument in many cases. For example, it is true that if workers slept

on their workplace during the week, they would lose less time in transport and therefore may be more efficient at their work. But does it mean that efficiency justify this situation which deprives workers to see their family²³?

My work aims at remaining general rather than attacking cases one by one. In this sense, counter-augmenting against the efficiency would not be an easy thing. For example, I could use a Swiss federal government quote that actually no evidences of a better efficiency from private provision exist (Lambelet et al. 2019). Or concerning the US context, I could show that more than 60% of donations are directed religious organization, which does not include faith-based pro-social institutions such as Salvation Army (Reich 2018). And I could do that for many other democracies and point out which deserve tax incentives or not by observing their different empirical evidence. And I could also assume that yes, still in the US context, the deduction is treasury efficient, that is to say that people are giving more than what would have been generated by taxation (Gerald et. al 2002). This last example, when put against the second, shows another flaw of the efficiency rational: It is sensible to the definition one gives of “efficiency” and the way she has to calculate it. What kind of efficiency do we want? For example, it is possible to use DALY²⁴ calculation when it concerns question of health, as effective altruists do. But on a more global scale, specific ways to calculate efficiency could clash. So, for example, what is to choose between *pareto efficiency* (a state in which it impossible to make one individual better off, without making any other individual worse off (Hausman 2020)); Kaldor-Hicks efficiency (“if resources are put in the hands of those that value them the most, “(Grossman 2019)) or productive efficiency (In terms of pure cost). So, in addition to contextual inquiries, a consequential would have to argue why a certain type of efficiency is a better measurement than another one. I totally assume that it is something feasible, but I think that it adds to the conceptual vagueness of efficiency and make its justification even more difficult.

A third difficulty I see is metaphysical. Consider that a good **Z** is a primary or presumptive public good and that is more efficiently distributed by private entities. Recall also Beerbohm

²³ To be fair, this somehow sad situation does not say that no worker should be sleeping on their workplace. It is needed for many jobs, such as sailor or truck drivers. But this situation is justified in different terms than mere efficiency

²⁴ DALY stands for “Disability Adjusted Life Year” and is calculated as: *Years of life lost due to illness + (Year of life lived with the condition X Severity of disability)*. It is commonly used in global health and effective altruism movement to calculate which kind of medical treatment would be the most efficient. For more, see (Greaves and Pumer 2019)

or Lechterman argument that no such goods should be provided by philanthropy. In this context, should we tolerate or not tax exemption on the provision on this kind of public good? At this stage of the debate, it is clear that a choice should be made between a consequentialist vision in terms of efficient distribution, and a deontologist conception which argues the respect of some values. But I doubt that this choice can be made without a complete metaphysical analysis of the question. I will not do such things here, but I nevertheless think that a deontological approach would once again provide a more flexible solution. On one hand, if one chose the consequentialist answer, she would reject a justification for tax incentives on any goods as long as her threshold of efficiency is not reached. Thus, we have a sort of all-or-nothing solution which does not treat public goods separately in function of the degree of importance for a society. It might clearly be considered as less stringent than deontologists requirements. But as I said above, the consequentialist answer is much more context-dependent and would necessitate constant revision in the light of the most actual information on its efficiency. This all-or-nothing condition is hence a heavy burden as well. On the other hand, I still think that it is possible to tolerate tax incentives for all kinds of goods, even by accepting conditions of the institutional division of labor like Beerbohm's or Lechterman's assumption. I think that a deontologist would tolerate the actual shape of tax incentives as long as what his values are not entirely jeopardized. For example, I think that Beerbohm would allow tax incentives for primary goods as long as the public hands remain the principal provider of such goods. In this sense, public reasons stay the go-to way to provide presumptive public goods while still tolerating external helping hands. In my understanding, one would have an interest in justifying tax incentive in this way because it leaves opens a certain room for maneuver where consequentialists might be too categorical. But I will not extend myself more on this subject. This digression allowed me to introduce why one would need inherent reasons to support the justification of tax incentives for philanthropy.

Then, thirdly, and finally, there is justification of philanthropy in terms of inherent reasons. Once again, I will mostly base myself on Reich's work to show how my definition of philanthropy might offer a different vision of the question of tax incentive. Hence, according to Rob Reich: "a tax incentive is justified for its role in stimulating or amplifying the voice of citizens in the production of a diverse, decentralized, and pluralistic associational sector, which is itself normatively desirable because it is considered to be a bedrock of a flourishing liberal democracy." (Reich 2018). To him, we have to understand tax incentive as a way for every citizen to have a direct control the state power. When I pay my taxes, I am fueling up the state

with resources. These resources will henceforth be used by the state to fulfill its public goods through a democratic pattern. But in Reich's mind, democratic decision-taking ties public actions to majoritarian decisions following the preferences of the median voter. In his vision, some public goods risk never be provided by the state because it will never meet a democratic consensus. It is possible to think about niche art concepts or some specific types of public parks. In this sense, philanthropic donations allow individuals to realize their own preferences about public goods and help to overcome the constraints of democratic decision-making. So, for Reich: "Tax incentives for charitable giving represent, on this view, an effort to stimulate all citizens to cast them, in the form of dollars, about their favored social goods into civil society, where the resulting funding stream is partly private (from the donor) and partly public (from the tax subsidy)" (Reich 2018). In the same way, Ryan Pevnick sees in tax incentive a redirection of the state's power. Thus, when the state let me deduce my 1000 dollars donation to the charitable aim of my choice, it allows me to take a part of its resource and to privately decide where it should go rather than using a collective decision process.

Hence, philanthropy is worthy of incentivization because it decentralizes the production of public goods and create a diverse and pluralistic society by allowing virtually anyone to fulfill its conception of the good. Philanthropy is not interesting only because it could more efficiently provide public goods. It is also a tool that empowers citizens by offering them concrete ways to shape the society as they like. Providing tax incentives for this activity allows the state to participate at this empowerment by offering to all taxpayers a chance to experience it. Nevertheless, Reich is not blind to the problems brought by tax incentives. For him, the actual way in which philanthropy is incentivized, "does not honor the pluralism rationale but rather undermines and makes a mockery of it". This criticism points out at the logic of a tax deduction. In the US but also in the vast majority of occidental countries such as Switzerland (Lambelet et al. 2019); England (Martin 2012), Australia (Lechterman forthcoming) or again France (Cagé 2019), the deductions which are allowed to each individual are calculated on a percentage of their total income tax. For example, in Switzerland it is possible to deduce up to 20% of the total income tax in charitable donations. With this system, I will be able to enjoy a bigger part of the state's power with my annual income tax of CHF 150'000 than my neighbor and his CHF 50'000 per year. If we both chose to benefit from the maximum amount of this deduction, the state will provide me CHF 30'000 whilst my neighbor will have a public help of CHF 10'000. This led Reich to say that "the consequence is a troubling plutocratic bias in the contours of civil society, systematically more organizations favored by the rich and fewer

by the poor. We get no egalitarian citizen voice in civil society but plutocratic citizen voice, underwritten in promoted tax policy” (Reich 2018).

Now, my goal is not to discuss Reich conception of philanthropy. His argumentation is normative so it would require much more than my definition. Nevertheless, I still think that my vision of philanthropy as a plutocratic and third-personal form of authority can clarify the debate around tax incentives, and most importantly, correct a point in Reich’s assumption. As I have tried to show with the last citation, Reich sees a problem in the actual US tax incentive system. For him, if we may have good reason to incentivize philanthropic donations, the way it is actually made in the United States is not desirable because it is promoting philanthropy in a plutocratic manner. In a certain sense, we can understand tax deduction as “‘The richer I am the worthier of the state power I can be.’ But contrary to Reich assumption that this plutocratic element is tied to the very design of a particular incentive, I think that the element of plutocracy is inherent to philanthropy. As I have explained in the second chapter of this thesis, philanthropic authority increases with the total number of external resources at the disposition of the donor. Surely, tying the state’s help to a proportion of one’s income tax consecrates this plutocratic element, but it does not participate at its origination. In my opinion, anytime the state would choose to incentivize philanthropy, be it for its quality of decentralization; fostering of pluralism or anything else, it will encourage a plutocratic and third-personal form of authority. Reich’s justification for philanthropic acts and the caveat he gives about it exemplifies very well the double-edged blade represented by philanthropy: Its plutocratic element is what allows at the same time the decentralization of public goods shaping (by tying citizen’s action power not on a mutual decision-making but on external resources they possess for themselves) but also its unequal distribution, by instantiating an asymmetric form of decision-making. In fewer words, plutocracy is an inherent part of philanthropy: deal with it.

But interestingly, my clarification of Reich’s assumption does not go against his conclusion. He writes:” A political theory of philanthropy might offer a defense, or several distinct defenses, of state incentives for giving money away. But the current practice of state-supported philanthropy, especially in the United States, is indefensible.” (Reich 2018). Surely, if philanthropy has to offer-empowering tool to minorities, promoting this practice through a system that exacerbates its plutocratic element might be indefensible. Thus, one will need to design specific incentive that counteracts the problematic element(s) of philanthropy if one wants to keep up with components of democracy, she finds essential, such as equal access to

political power. This is, for example, the whole point of Pevnick's defense of a mechanism called the *voucher system* or *Indirect Government Grants*²⁵. But at the end, these objections and institutional constriction of philanthropic practices take their origin on the very plutocratic and third-personal nature of this form of authority. In my opinion, my definition offers a clearer manner to apprehend the question of philanthropy and its relationship with state incentives. Once it has been established that the state should have good reasons to promote philanthropy in a liberal democracy, thinking philanthropy as a plutocratic and third-personal form of authority might help to design specific method of incentivization in function of why democratic provision is desirable and why philanthropy might have a place in a society.

²⁵ See (Pevnick 2013)

Conclusion

The aim of this work has been to offer a political definition to the concept of philanthropy and its relation to liberal democracy. I have managed to do this through three chapters.

In the first chapter, I have analyzed the core concept of this thesis, authority. I have explained what does mean for an authority to be political. In my understanding, political authority refers to power that has political legitimacy. When authority is accepted by people, may it be by consent, because of public reason or beneficial consequences, it holds political legitimacy. Political legitimacy is a basis for evaluating the normative standing of coercively imposed decisions. Therefore, the political authority of both citizens and donors refers to practice that confer on them particular and legitimate power. Following this, I showed that we can consider philanthropy as a form of authority in itself. Then in the second part of this chapter I examined the case of democracy. I have explained different reasons why political theorist think that democracy is a good form of collective decision-making taking over other kind of government. On one hand, we have instrumental reasons in strategical; epistemological and moral reasons. On the other hand, democracy is valuable not only because of the outcomes it produces but because some forms of decision-making are morally desirable independent of the consequences of having them. democracy has inherent qualities and there is something fundamentally fair about taking democratic decisions. I showed that we can find democracy desirable under the two rubrics of liberty and equality. In the last part of this chapter, I have explained Emanuela Ceva and Valeria Ottonelli's definition of democratic authority. According to them , it is possible to characterize democracy as the addition of two constitutive rules: Mutualism and Second- personality.

In the second chapter of this thesis, I have analyzed the concept of philanthropy. As Lechterman says, philanthropy may be broadly defined as "the voluntary commitment of private property for public purposes". From that, I showed that rather than understanding philanthropy as a sector or a motivation, it would be possible to conceive it as an act involving a specific form of authority. My definition of philanthropic authority is inspired from Ceva and Ottonelli's democratic authority in the sense of being defined by two constitutive rules as well: Plutocracy and Third- Personality. Plutocracy means that philanthropic authority takes its source from external resources and that it is applicable unilaterally over others. The element of third

personality refers to agent-neutral reasons, which contrast with agent-relative reason. Instead of acting because of a specific relation of accountability, philanthropists are helping causes that anyone else could be contributing to as well.

In the third and last chapter of my thesis, I presented how my definition of philanthropy could be used to understand actual debates around the relation of democracy and philanthropy. In a first time, I have examined the case of the institutional division of labor and the place that philanthropy should play in the provision of public good in a democratic society. I showed that my definition is able to generalize the argumentation brought by different political theorist in this subject. Whatever the normative assessment one has on philanthropy and its relationship to democracy, going back on the logic of authority they involve gives the basics to understand their connection. As I have shown, the plutocratic and third-personal elements of philanthropy can be used to promote or reject the private provision of public goods. In a second time, I have treated the question of tax incentive. Once political theorist have admitted that a liberal democratic state can legitimately incentivize philanthropy and it can do trough tax deduction, thinking philanthropy as a plutocratic and third-personal form of authority might help to design specific method of incentivization in function of why democratic provision is desirable and why philanthropy might have a place in a society.

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