FROM WAQF TO FOUNDATION: THE CASE FOR A GLOBAL AND INTEGRATED HISTORY OF PHILANTHROPY

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This article provides a historical exploration of the genealogy of the institution of the foundation in Western societies over the last millennium. The first foundations emerged in the twelfth and thirteenth century – the time of the Crusades – from interreligious and intercultural contacts and transfers between Islam and Christianity. The Western institution of the foundation was inspired by the institution of the wakf that developed in Islamic society. In the following centuries, the foundation developed into its modern incarnation through the impact of the Protestant Reformation, the subsequent secularization, and the accumulation of large surplus capital in the hands of entrepreneurs and businessmen during the industrial revolution.

Keywords: philanthropy, foundations, endowments, waqf, intercultural transfer, higher education

Introduction

Many twentieth- and twenty-first century American and European scholars of philanthropy have come to consider "philanthropy" and charitable "foundations" as an almost uniquely American phenomenon. The recent works of David C. Hammack and Helmut K. Anheier (2013)

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as well as of Olivier Zunz (2012) are good examples of studies that, without explicitly critiquing or rejecting the long global history of charitable foundations, nonetheless indulge the American exceptionalist narrative by simply omitting this history. In both of these treatments, charitable foundations appear simply at the onset of American history as complex, fully formed institutions. What their historical precursors were is a question left unanswered and, some might presume, justified by the exclusively American foci clearly stated in the titles of each of these works. Which raises the question of whether any responsible history of any aspect of a colonial society founded, in part, on genocide and the institution of chattel slavery has the luxury of ignoring the roots of these "new" American institutions.

The backbone of this article is the conviction that, in order to counter ahistorical and propagandistic narratives of American exceptionalism that are themselves rooted in older and still dominant narratives of White supremacism, the history of philanthropy in the United States must be placed and critically assessed within the larger framework of the global history of philanthropy and, in particular, the history of philanthropic institutions in societies and cultures long considered inferior to those of the White European Christian "West" (McCarthy, 2003; Friedman & McGarvie, 2003). Although recent inquiries into the history of philanthropy have shown that American philanthropy emerged from an extensive transfer of ideas and concepts about giving between continental Europe and the United States (Adam, 2009; Adam, Lässig, & Lingelbach, 2009), these works have so far also been limited to transfers within the Western and Christian world and have not taken into account those that occurred between Islam, Judaism, and Christianity (Adam, 2017).

Locating the history of American foundations within the global history of philanthropy seems to be necessary not simply for providing a more complex and more complete account, but for understanding and contextualizing the criticism that American foundations attracted in the course of the nineteenth and twentieth century. From the beginning, foundations in American society were treated with suspicion. State legislatures in New York and Pennsylvania severely limited in the nineteenth century the financial resources that individual donors could transfer to foundations for fears of a (re)growing religious influence over society (Fowler, 1911, p. 88; State of Pennsylvania, 1855, pp. 328–333; Zollmann, 1924, pp. 341–360; Katz, Sullivan, & Beach, 1985, pp. 51–89). Fears of the "dead hand" that gave too much power over the economy to foundations through the investment of their capital contributed to attitudes that created a hostile environment for

foundations up until 1900 (Friedman, 2009). Such fears were in the twentieth century replaced by fears of foundations as tax-evasion opportunities that afforded their donors far too much power, which was not democratically legitimated (Zunz, 2012, pp. 202–207; Brilliant, 2000). Even historians of philanthropy such as Peter Dobkin Hall (2006) felt uneasy about foundations as a part of the American nonprofit sector and downplayed their significance. Foundations played, according to Hall, only a marginal role in American philanthropy. Voluntary associations, and not foundations, were, according to Hall, at the heart of American philanthropy. It seems that foundations never really fit into the American narrative of a democratic society.

It is true, foundations did not emerge within a democratic society but within monarchical societies. They are remnants of monarchical societies that survived the democratization of Western societies because they fulfilled important functions. However, these foundations preserved some aspects of monarchical societies and brought these aspects into the democratic age. The origin of the foundation in monarchic society is reflected in its very structure. A foundation emerges from the actions of a single wealthy individual who seeks to shape society according to his own interpretation of the common good. His sole qualification is his wealth. Foundations operated for most of their history outside of state control and exercised power in ways that are reminiscent of state policies.

While American historians of philanthropy have not concerned themselves with the long pre-American history of foundations, American legal scholars have, albeit largely unnoticed and ignored by historians of philanthropy, sought to identify the origins of the modern foundation. In the pursuit of identifying the first foundation in European history and its origins, legal scholars suggested that modern (Christian) foundations were based on Islamic awqāf. In 1949, the Southern Methodist University legal scholar Ann Van Wynen Thomas (1949) was the very first to suggest that, in the context of the Crusades, Christians returning from Palestine brought back to Christian Europe knowledge about the formation of foundations that was based on their experiences with waqfs. These ideas were taken up decades later by the professor of Arabic at the University of Pennsylvania George Makdisi. Makdisi (1970, 1981) integrated the idea about the formation of the foundation on the Islamic waqf into his larger argument about the transfer of institutions for higher learning from Islam to Christianity. And while Makdisi's interpretation sparked much fascination among and further studies by several legal scholars, his arguments were either ignored or dismissed by American and European scholars of philanthropy (Borgolte, 2014, p. 272).

At the core of this interpretation sits the creation of Merton College in Oxford. In 1264, the clergyman and civil servant Walter de Merton donated his manors at Maldon and Farleigh for the creation of a foundation that was to support 20 students during their education at Oxford (Brodrick, 1885; Gaudiosi, 1988). The creation of this institution—Merton College—marked a paradigm shift in the history of philanthropy. Until the twelfth century, giving in Christian western Europe had always resulted in the creation of endowments that were usually entrusted to the Catholic Church for safekeeping and administration. Merton's gift was the first recorded gift in Christian western Europe that did not create an endowment, but rather a foundation that existed independently of the Catholic Church and was endowed with its own administrative body and its own manager. Merton's decision to create a foundation, and not an ecclesial endowment, requires explanation since, as Makdisi (1981) argued, there was no tradition of creating independently administered foundations in Western Christian societies. Foundations in the form of the waqf existed at that time only within Muslim societies.

Makdisis's (1981) argument about the formation of the foundation on the basis of the waqf not only lacked sufficient historical evidence to convince his critics; it also lacked a clear typological distinction between the two philanthropic institutions of the foundation and the endowment. Scholars often confuse both types of philanthropy and forgo a clear distinction between endowments, which were always given to an existing legal body, and foundations that, by contrast, created an entirely new legal body. The application of this typology to the case of Merton College is necessary to understand the paradigm shift that occurred here. Merton had a choice: he could have followed existing Christian tradition and given his property to one of the monastic orders engaged in teaching at Oxford and thereby established an endowment. Merton decided not to do so. Instead, he created a foundation. This decision marked the beginning of the separation of philanthropy from religion, albeit not its secularization.

The founding of Merton College marked, according to the nineteenth-century Oxford historian and Warden of Merton College George Brodrick (1885), not only a transformation in philanthropy, but also a new era in higher education. "Not only was it," according to Brodrick, "the archetype upon which all the collegiate foundations at Oxford were moulded, but the *regula Mertonensis* was expressly adopted as a model for the oldest college at Cambridge" (Brodrick, 1885, p. 12; Rashdall, 1936a, pp. 201–235). From here the model of Merton College influenced the founding of colleges across the European

continent (Rashdall, 1936a, pp. 220–221, 1936b, p. 184; Haskins, 1923, pp. 26–28; Verger, 1992; Irrgang, 2013, pp. 31–33).

This article seeks to advance the interpretation about the Islamic origins of Christian foundations by applying the typological distinction between endowment and foundation to the case of Merton College. The application of this typological distinction will, even though no new evidence to support Makdisi's (1981) interpretation has become available, strengthen the argument that traces the creation of the first Christian foundation to the Islamic waqf. Arguing that Christian foundations were connected and in fact built on Islamic waqfs provides us with an interpretation that overcomes long-held assumptions about the separate development of Islam and Christianity that resulted from both an institutional culture that supports academic parochialism and a debunked theoretical basis—modernization theory (Wehler, 1975)—that suggested that all societies developed along a similar trajectory and, therefore, developed similar solutions to similar problems (see, for instance, Hennigan, 2004, p. 62; Baer, 2005, p. 267).

The Distinction between Endowments and Foundations and the Founding of Merton College

Throughout history and in various societies and cultures, donors created two types of philanthropic institutions: endowments and foundations. These two types shared several similarities but differed in one crucial point. Both institutions resulted from the surrender of products, land, and capital by an individual donor. In both cases, donors sought to address social ills and cultural needs. They wanted to shape society and culture according to their visions and their interpretations of the common good. Both institutions were envisioned—by the donor—as surviving the death of the donor and as existing for eternity. In order to secure the survival of their endowments and foundations for centuries and millennia to come, donors determined that only the income from the donation and not its principal could be used for fulfilling its mission.

The crucial difference between endowments and foundations existed in the ways in which they were created and administered. Endowments were always given to an already existing legal body for safekeeping, administration, and operation. Foundations, by contrast, resulted from a gift provided by an individual donor that was not given to an already existing legal body but served to establish an entirely new legal body that had not existed before. Foundations were, thus, created with their own administration through boards of trustees and a foundation manager.

This structural and functional distinction between endowments and foundations, which has previously not been applied to the study of the creation of Merton College in 1264, will prove essential for understanding the paradigm shift that occurred in thirteenth-century England with the founding of Merton College at Oxford University. With the donation of his manors at Maldon and Farleigh, Walter de Merton created in 1264 Merton College as a foundation, not an endowment given to one of the existing schools founded by a religious order. Since the founding of the University of Oxford several religious orders, including the Dominicans, the Franciscans, the Carmelites, the Augustin Friars, and the Benedictines, had created schools in Oxford that trained their students in theology (Brodrick, 1885, pp. 2, 4–5; Rashdall, 1936a, pp. 191–200, 1936b, pp. 184–191; Gaudiosi, 1988, p. 1257). Following established patterns of giving in Cristian western Europe that had always resulted in the creation of endowments, Merton could have given his donation to any of these established orders. Instead, Merton decided to set up Merton College as an entirely new self-reliant and self-administering institution (Rashdall, 1936b, pp. 192–200).

This was an unprecedented step within Christian Europe and broke with established tradition. Christian Europe had for several reasons seen a dominance of endowments in the time from the introduction of Christianity in western Europe to the time of the Crusades. First, most Christians had not enough wealth to create a foundation that could stand on its own feet. Second, the introduction of "purgatory" into church doctrine during the thirteenth century provided a powerful stimulus for the creation of endowments, since Christians could shorten their stay in purgatory after death before they ascended to heaven through good works. And those good works could include donations for charitable purposes. Those few Christians who owned land and money felt increasingly enticed to leave, upon their death, bequests to the Catholic Church in pursuit of a shortened stay in purgatory (Borgolte, 1988, 2012, 2017).

Third, even when rulers had enough funds and land to create large institutions that could have stood on their own, they most often resorted to establishing monasteries or similar religious institutions that fell under the dominion of the Catholic Church by default. Fourth, giving was not separated from religious Christian practices and, therefore, Christians did not see a necessity to create institutions outside of the religious realm. A secular state and civil society did not yet exist. Fifth, and most importantly, the Catholic Church was envisioned as an eternal institution that seemed to provide the best guarantee for the eternal existence of the gift provided by a donor.

Merton College had little in common with these endowments and shared in its institutional structure significant similarities with an Islamic waqf. Waqfs had emerged as the dominant form of philanthropy in Islamic societies around the Mediterranean Sea since the ninth century. These Islamic foundations were created by the surrender of property by individual donors for public purposes such as the building of mosques, madrasas, and tombs. In contrast to the Christian tradition of giving that had exclusively encouraged the creation of endowments that were given to the Catholic Church, the Islamic tradition of giving did not know endowments but only foundations (Makdisi, 1981, p. 227). Islamic foundations emerged from the act of donation and resulted in the creation of a new and self-reliant legal body. These legal bodies were registered with local courts. Managers were responsible for the day-to-day operations and the fulfillment of the mission assigned to a waqf by its founder (Singer, 2008, pp. 90–94; Kogelmann, 2012; la Martire, 2017).

If we compare the setup of Merton College and of subsequent Christian foundations to the setup of a waqf we observe significant similarities. In both cases, individuals relinquished property that was dedicated to a specific purpose such as support for students, housing for the poor and elderly, and medical care. This property was not entrusted to a legal body for administration but created a new legal body for which the donor set up a board of trustees and a manager.

Since Merton decided not to create an endowment that would have been administered by a church official or a member of any of the religious orders present in Oxford at that time, he needed to create management and oversight bodies for his foundation that would secure the eternal survival of his gift. Without any precedent for this procedure within Christian western Europe, Merton stepped onto a philanthropic terra incognita. There was no source of information for how to establish a foundation within Christian society. Knowledge about foundations that had existed in pre-Christian cultures of Greece, Rome, and Egypt had been lost in Christian Europe but were preserved within Islamic culture. In fact, the Islamic waqf emerged in all likelihood, according to Peter Hennigan (2004), from Roman, Byzantine, Persian, and Jewish traditions and institutions. Contacts with Islamic society provided Christians, according to Monica Gaudiosi (1988) and Murat Çizakça (2000, p. 8), with an opportunity to reacquaint themselves with the institution of the foundation through its Islamic expression of the waqf.

Merton developed complex rules about the administration and the succession of administrators for his foundation. To this end he introduced the position of the Warden as the foundation's manager. The

Warden was to oversee the day-to-day operation of the foundation, making sure that it was able to fulfill its mission (Gaudiosi, 1988, p. 1259). The Warden was expected "to serve the interests of the above-mentioned house as though they were his own, in every instance, with the most prudent counsel possible, and, to the extent his energies truly and honestly permit, to promote the same [interests]" (Gaudiosi, 1988, p. 1259). In the interest of securing continuity in the administration of his foundation, Merton also created a mechanism for the selection of the Warden of the future (Gaudioso, 1988, p. 1260).

Of great interest are the changes that occurred with regard to the selection of the Warden from the first statutes of 1264 to the second statutes of 1274. According to the original statutes, the Warden was after his election to be presented to the Bishop of Winchester for confirmation. Such a rule seems to suggest that Merton initially tried to connect his foundation to the Catholic Church in ways that were at least reminiscent of endowments. This involvement of the church was, however, very short-lived. The statutes of 1274 regulated that the election of a Warden was to be carried out by the seven oldest students. They were free to nominate three candidates for this position. And they had the power to nominate anyone "either belonging to the House or from elsewhere, who are possessed of judgement and experience in spiritual and temporal affairs…" (Brodrick, 1885, pp. 334–335). The person selected as Warden did, according to the statutes of 1274, no longer need confirmation by the Bishop of Winchester or any other religious authority. Merton's foundation had gained an even greater degree of independence with the second statutes and became entirely free of Church control.

The Statues of Merton College of 1274 deviated in significant ways from the established path of philanthropy that characterized medieval Christian societies. Merton College emerged from the act of donation as a new legal body that was created outside and independent of the Catholic Church and the University of Oxford. The administration of this foundation was, furthermore, not entrusted to an existing institution. Instead, Merton created the position of a foundation manager (Warden) and a board of trustees (composed of twelve students) and, thereby, established an independent structure of administration. These elements are characteristic for foundations but not for endowments. Merton College is the first documented case of a foundation in Christian western Europe. Therefore, its founding should be considered a paradigm shift in Christian and European philanthropy.

Such paradigm shifts rarely happen without reason and without inspiration. Since the early days of Christian communities, donors had

made gifts to their communities for the establishment of meeting places, places of religious practices, and cemeteries (Borgolte, 2017, pp. 52–74). Later Christian churches and monasteries became the recipients of donations for social and religious purposes. And since most donations were made in property and land, the Catholic Church found itself at the end of the Middle Ages in the role of administering large land holdings. Gabriel Baer (2005) estimated that between 10 and 33% of all land in continental western and central Europe came through philanthropic acts under the control of the Catholic Church (p. 262).

The founding of Merton College broke with the tradition of establishing endowments and, therefore, represented a decisive moment of innovation in philanthropy. And such innovation rarely occurred without precedent or a model that could be appropriated. In the case of Merton College, it seems to be logical to look beyond the Christian world for inspiration since both cultures were connected by an extensive transfer of knowledge in the twelfth century. This transfer was facilitated through the translation of Arabic manuscripts in translation centers such as Salerno and Toledo. These manuscripts had preserved the knowledge of pre-Christian Greek and Latin authors and scholars that had been lost in Christian Europe. The influx of this knowledge revolutionized virtually all aspects of learning, including astronomy, chemistry, mathematics, medicine, and philosophy (Meyerhof, 1931).

Since the existing centers of learning in Christian Europe—monasteries—were not capable of absorbing this knowledge, it forced Christians to reconsider the ways of how to preserve and to transmit this knowledge. In this context, universities emerged "to assimilate and utilize the new inflow of Muslim and classical learning which was unavailable to Latin schoolmen and scholars in translation."(Nakosteen, 1964, p. 189) Universities were to provide conduits in Christian society to absorb, assimilate, and disseminate the knowledge that arrived in Christian Europe. It is not a coincidence that the first universities emerged in Salerno and Bologna in southern Europe in close proximity to the Islamic Empire. From here the new institution moved north to Paris and Oxford (Nakosteen, 1964, p. 189; see also Watt, 1972; Rashdall, 1936b, p. 184).

It seems to be curious that scholars are willing to accept that Christian and Islamic society were connected by a transfer of knowledge in the twelfth century that affected all aspects of intellectual life. Yet, we are expected to believe that this transfer did not include information about foundations, which were part and parcel of Islamic academic culture since the Islamic university—the madrasa—was organized around a foundation (Singer, 2008, p. 84). It was the existence of

foundations created for educational institutions that had contributed to the preservation of the pre-Christian knowledge that was transferred to Christian Europe in the twelfth century. Why should we assume that Christian scholars involved in this transfer of knowledge completely ignored the institutions—the madrasa and the waqf—that produced, preserved, and transmitted this knowledge?

The Long Life of Endowments

Even after the foundation was (re)introduced into Christian western Europe with the establishment of Merton College, the number of such foundations grew only very slowly. Merton College provided a model for the creation of colleges at universities across the European continent. And these colleges attracted the donation of gifts that resulted in the creation of endowments. Two changes had, thus, occurred. First foundations were created for colleges. And these colleges as well as high schools and city governments became the recipients of endowments. Already in the fifteenth century, the Catholic Church was, thus, no longer the sole receiver and administrator of endowments (see, for instance, for the University of Tübingen and the City of Leipzig as administrator of endowments, Schäfer, 1977; Geffcken & Tykocinski, 1905, pp. 3–60.)

The Protestant Reformation fundamentally challenged the established tradition of Christian philanthropy that encouraged Christians to make donations to the Church in order to save their souls. It was the trade in indulgencies that had after all caused the Protestant reformer Martin Luther to challenge the Catholic Church and to demand change. His rejection of purgatory, further, undermined the established system of philanthropy since Christians could no longer expect salvation for leaving bequests to the Catholic Church on their deathbeds.

The acceptance of Luther's doctrine among many princes in north and central Europe also led to the closing of monasteries and the confiscation of church property by these Protestant rulers. Since endowments entrusted to the administration of the Catholic Church had been mixed into the general property of church institutions and had, thereby, become undistinguishable from church property, philanthropy became collateral damage in the expropriation of the Catholic Church in the context of the Protestant Reformation. This confiscation of church and philanthropic properties had, however, unforeseen consequences, which in the end forced Luther to reverse his stand on philanthropy (Strachwitz, 2010, pp. 48–50).

The closing of Church institutions in Protestant regions and a general insecurity about the use of a university degree in this rapidly

changing society created a culture in which fewer and fewer young men entered college. This was a great concern for Protestant rulers and Luther since it led to a shortage of Protestant pastors and teachers. The significant drop in the college population in the early 1520s when European universities lost more than two thirds of their students caused Luther to reverse his opposition to the creation of endowments (Ebneth, 1994; Seifert, 1996). In 1524 Luther published his famous call to establish schools. In this call Luther encouraged rich citizens to endow these schools with funds that would offset tuition payments (Ebneth, 1994, p. 49). Luther went even further by urging rulers to use the riches taken from the Catholic Church to create scholarship funds for poor Protestant students. One of the most famous institutions created in the Holy Roman Empire in response to Luther's call was the Seminarum Philipinum (Heinemeyer, 1977; Adam, 2008, pp. 49–51). Created by the Count of Hesse Philipp I in 1527, this foundation provided room and board for 60 students of the newly founded University of Marburg. And Duke Johann Friedrich of Saxony followed Luther's advice in 1545 to create a foundation with former Church property, which was to provide each year scholarships for 150 young Protestant men from Saxony (Ebneth, 1994, pp. 49–52).

The Protestant Reformation transformed and expanded the scope and nature of philanthropic giving significantly. Protestant philanthropy differed markedly from Catholic philanthropy with regard to both motivation for and the timing of the donation. First, since Luther had rejected the Catholic doctrine of purgatory, Protestant giving was not guided by concerns for the afterlife but by the donor's concern for his community during his earthly life. Second, philanthropy was no longer left to a decision made on the deathbed under the influence of a Catholic priest who was imagined as preying on the dying for bequests to the Church. More and more gifts were instead created during the lifetime of the donor. Bequests at the death bed, thus, became the exception. This gave the donor also more power over his donation, since he could still interfere during his lifetime if he saw his wishes not honored. Third, Luther's call to create endowments and foundations in the field of education expanded philanthropy from the support of the poor to the funding of higher education.

Protestant giving did not differ from Catholic giving in the institutions created. Two centuries after the founding of Merton College, most donations still resulted in the creation of endowments and not foundations. There were only a few prominent exceptions, such as the housing trust created by Jacob Fugger in 1516. Rather than entrusting his gift to an existing legal body such as the City of Augsburg, Fugger

created the Fuggerei as a housing trust with its own administration (Tietz-Strödel, 1982, pp. 27–35; Strachwitz, 2010, p. 48). The creation of foundations such as the Fuggerei remained, however, a rare exception within the Christian world up until the late nineteenth century.

Even American philanthropy in the nineteenth century mostly produced endowments but not foundations because of the lack of sufficient funds. Endowments can be created with very little capital, while foundations, because of their self-administration, which is quite costly, require significant capital. Nineteenth-century American philanthropy was characterized by the giving of small gifts. Very "few large gifts were," as Kathleen McCarthy (2003) reminds us, "forthcoming" in the nineteenth century. The nineteenth century was, except for a few big gifts such as the one made by Stephen Girard of $6 million in 1831 and George Peabody of $2 million in 1867, the century of small-scale gifts and large-scale subscription campaigns (McCarthy, 2003, p. 83; Hammack & Anheier, 2013, pp. 27–35). Higher education saw the accumulation of some significant funds in endowments (McCarthy, 2003, pp. 83–87). In fact, many American colleges came into existence because of large-scale subscription campaigns and the creation of endowments by individual donors (Hammack & Anheier, 2013, p. 34; Kimball & Johnson, 2012, p. 5). The most common form of endowment was the creation of scholarship endowments that provided funds for the support of students in need. One of the very first such endowments was the one created by Lady Mowlson of London—better known as Lady Ann Radcliffe—that was established with £100 at Harvard College in 1645 (Wilkinson, 2005, pp. 2–4; Harris, 1970, p. 85; Harmon Foundation, 1935, p. 130; Harvard University, 1948, 135; Davis, 1888, 1893).

Only after the industrial revolution created a growing class of extremely wealthy entrepreneurs, such as George Peabody (Peabody Housing Trust in London), John D. Rockefeller (Rockefeller Foundation in New York), and Herrmann Julius Meyer (Meyer's Housing Trust in Leipzig), did more and more donors in Europe and North America decide to create foundations instead of endowments.

Conclusion

The foundation has become an important institution that provides philanthropic services in the twentieth and twenty-first centuries. The riches amassed in the hands of a few individuals who profited from the industrial revolution and from the revolution in modern information technology found their way into foundations such as the Rockefeller

Foundation and the Bill and Melinda Gates Foundation. The institution of the foundation gives the creators great and nearly uncontrolled freedom in determining the purpose and the administration of their gift. These Western foundations are part of the tradition of philanthropy that began with the creation of Merton College in 1264 and that was influenced by the institution of the waqf in the Islamic tradition. The institution of the foundation emerged and developed within a monarchic society and survived with little transformation into the democratic era.

Merton College marked a paradigm shift in Christian European philanthropy. Up until the thirteenth century, donors had only one option with regard to making gifts: the creation of endowments that were given to the Christian church. The founding of Merton College provided for the first time an alternative in that it offered the creation of a foundation that was created as a new and self-reliant legal body. This option was, up until the late nineteenth century, rarely chosen because the creation of a foundation required a significantly larger gift than the creation of an endowment. It was only after the industrial revolution and the creation of significant fortunes in private hands that a significant number of foundations emerged. These foundations differed little from the institutional precedent set by Merton in 1264.

These foundations were remnants of a monarchical society and afforded its donors power in a democratic society that was not democratically legitimized. Foundations attracted, therefore, much criticism because of their activities that, in cases such as the Rockefeller Foundation with its far-reaching educational and medical programs, rivaled state policies. American politicians from both political parties have periodically scrutinized foundations for their social and economic power and the control of significant financial assets outside of state control. Wright Patman, a congressman from Texas who in the early 1960s made a name for himself with the investigation of tax abuses by foundations, reminded his audience that foundations such as the Hartford Foundation, which supported medical research, controlled funds that were "simply too large to be controlled by a private entity without government oversight" (Zunz, 2012, p. 202).

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