

2 A HISTORY OF ASSOCIATIONAL LIFE AND THE NONPROFIT SECTOR IN THE UNITED STATES

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WHETHER OR NOT JOHN WINTHROP ACTUALLY addressed his fellow Puritans sailing aboard the *Arbella* in 1630 on the subject of “A Modell of Christian Charity,” that sermon represents one of the earliest intimations of a powerful discursive strain in American thought: benevolent exceptionalism (Curti 1961). This conviction holds that Americans, faced with extraordinary challenges and graced with exceptional resources, have long distinguished themselves through acts of personal generosity. Yet in the sermon, Winthrop did not call for the establishment of formal associations to practice good works. There was no need for them, for the entire covenanted body of those who “by mutual consent” had dedicated themselves to the Massachusetts commonwealth would be “knit” together by “the bond of love” (Hammack 1998:24, 25; Dawson 1998).

The relationship between voluntarist activity and the formal organizational structures and networks that harbor it would remain a powerful theme in the development of what we now call the *nonprofit sector*. In fact, outside the church, the first century of American settlement exhibited minimal *formal* nongovernmental associational activity. Well into the nineteenth century, most education and charitable care for the young, infirm, and elderly was provided informally in the home. There were, of course, some modest exceptions, such as the Societies to Suppress Disorders, modeled on English societies for the reformation of manners, that sprang up in a handful of New England towns in the early 1700s. The emergence of such societies reflected the dissolution of Winthrop’s corporate commonwealth; they offered a space within the polity where the ecclesiastic elite, faced with declining political power, could continue to exert authority (Bernard 1998; Hammack 1998; Hall 1992). Such a calculation marks another prominent theme in the history of American voluntarism: the complex, and sometimes strained, relationship between voluntary action and democratic practice.

The Modest Colonial Roots of American Associational Activity

Throughout the colonial period, no clear line marked the boundaries between a public and a private realm. This lack of demarcation was especially notable in colonies with a strong religious establishment, where the tax-subsidized church (Anglican in Virginia,

Congregational in Massachusetts) was central to the apparatus of public governance and also the locus of charitable, religious, and educational service provision. In colonies marked by religious toleration, such as Pennsylvania, on the other hand, “self-supporting and self-governing congregations enjoyed an autonomy that anticipated the status of voluntary associations in the nineteenth century” (Hall 2006, 33).

Corporate charters, which allowed a charitable body to receive, alienate, and hold property beyond the lives of its members, were rarely granted by the British government, and only slightly more frequently by colonial proprietors, governors, and assemblies. When charters were issued, it was for some enumerated *public* purpose—constructing toll roads or managing schools, for instance. Not only did a considerable part of the funding of such corporations come from colonial legislatures, but public officials often sat on their boards (Hammack and Anheier, 2013; Levy 2017).

In the colonial period, few charitable institutions amassed significant endowments. Legislatures often refused to grant equity jurisdiction to courts, making charitable and testamentary trusts unenforceable and leading several early charitable trusts to fail (Hall 2006). Exceptions included the mission societies of Britain’s established churches and a few denominational colleges, such as Harvard, the oldest eleemosynary corporation in the colonies, founded in 1636 and chartered in 1650 (Hall 1992; Thelin 2011). Only a few colonists had sufficient wealth to make large-scale donations to charitable corporations. Those who did, such as Puritan merchant Robert Keayne, who left more than a quarter of his considerable fortune to fund public works and the relief of the poor in Boston, helped secure a reconciliation between Winthrop’s caritative ethics and the economic rationalism of an emerging mercantile elite (Dalzell 2013; Heyrman 1977).

By the middle decades of the eighteenth century, colonial cities—especially the port cities of Boston, New York, Philadelphia, and Charleston—were developing a richer associational ecology. The growth of such associations tracked the maturation of the formal and informal social groups, fraternities, and joint-stock companies that had sprung up in English cities at the end of the seventeenth century. In fact, major colonial port cities existed within a transatlantic network of reform. That network would be strained by the Revolutionary War but would survive it. Humanitarians were thus linked by trade, consumer and print culture, family and religious ties, and a shared concern for distant others (Moniz 2016).

The densest thicket of associational activity was in Philadelphia, at the time the colonies’ largest city. Philadelphia boasted charity schools, a host of ethnic aid societies, and the nation’s first public hospital. The hospital’s funding was raised by Benjamin Franklin from a combination of private donations and what would now be called a challenge grant from the Pennsylvania Assembly. Reflecting Franklin’s distinctive approach to voluntarism, the city hosted other institutions and organizations that melded self-help and civic betterment, including the Junto, a debating and moral improvement society founded by Franklin; the colonies’ first volunteer fire company; and their first subscription library (Moniz 2016; Morgan 2002; McCarthy 2003).

The Revolutionary Surge in American Voluntarism: Pluralism and the Private Sphere

A late-eighteenth-century surge in voluntary activity was spurred by the American Revolution. Associations like the Sons of Liberty and the Freemasons linked communities in common political purpose, and the Revolutionary rupture itself seeded further associational development. The break from Great Britain necessitated the formation of new associations to replace those whose support had come largely from the metropole (Wright 1992; Moniz 2016). The constitutional provisions guaranteeing freedom of speech, religion, and the press forged in the wake of the Revolution at the state and federal level nurtured associational activity; state and federal constitutions were models for many of the societies that formed in the early Federal period (Butterfield 2015). Independence itself fostered a sense of national identity and purpose, which found an outlet in expanding charitable enterprises. “Can there be a union of the people for political purposes, and not one for those of a moral and religious nature?” asked one clergyman advocating a national Bible society in 1816 (Fea 2016:15).

Yet the Revolution also reshaped America’s legal and cultural landscape in ways not always favorable to formal associational life. Independence led several states to reject English law, thus untethering the regulation of charities from the 1601 Elizabethan Statute of Charitable Uses, whose enumerated categories of giving had provided the legal basis for donors to entrust property for eleemosynary purposes during the colonial period. More generally, the Revolutionary struggle and the republican principles that animated it forced Americans to grapple more directly with the relationship between voluntary organizations and the public systems of governance they were erecting. Republican thought provoked concerns that associational membership might undermine the individual autonomy essential for citizenship (Neem 2008; Butterfield 2015).

Thus if voluntary organizations would become increasingly prominent in the new nation’s civic and social life, so too would suspicion of them as potential loci of concentrated power. A deep ambivalence regarding the compatibility between private organizations and democratic principles was built into American voluntarism. In the first half century of the new nation, this ambivalence was chiefly expressed in two areas of contestation: battles over the corporate privileges and legal rights that the state could grant to private organizations, and debates over the moral legitimacy and political consequences of private association, in relation to the public good.

The latter issue emerged as a commitment to pluralism reshaped the realms of religion and electoral politics, a consequence of legal disestablishment and the rise of electoral partisanship. The Federalists who stood at the helm of the new nation insisted on subordinating the right of association to the public good, which the government had been formed to promote, and which its elected leaders would define and superintend. For Federalists, behind the promise of association lurked the dangers of faction, which often served, as George Washington warned in his Farewell Address, “a small but artful and enterprising minority of the community” (Neem 2008:34). The Federalists’ Republican challengers, on the other hand, insisted that extragovernmental associations could be a safeguard against public corruption and tyranny. This was the function they assigned to Democratic-Republican societies, more than fifty of which were formed during George

Washington's second term, in the cities of the Eastern Seaboard as well as in backcountry towns (Neem 2008; Butterfield 2015).

For Federalists, these extraconstitutional "self-created societies," as Washington termed them, represented the fracturing of an Edenic, unitary commonwealth (Neem 2008:46). Yet on the victory of Jeffersonian Democratic-Republicans, Federalists established their own Washington Benevolent Societies, signaling a general, if grudging, acceptance of the prismatic splintering of the public good into a contending array of associational forms.

Debates on the development of charitable institutions were subsumed by broader clashes over the place of private corporations in the new nation. In the post-Revolutionary decades, states in the Mid-Atlantic and the South tightened restrictions on corporate power, including on corporations formed for eleemosynary and religious purposes. These restrictions were especially pronounced in Virginia, which refused to incorporate many charities, limited the ability of those incorporated to accumulate property, and, in 1802, confiscated the endowments of the established Anglican church and turned the funds over to county control (Hall 1992; Wyllie 1959).

Other Southern states adopted elements of this restrictive "Virginia doctrine," which affirmed a preference for public institutions over private ones (as exhibited by the founding of the University of Virginia in 1819) (Hall 1992; McCarthy 2003; Neem 2008). Even some Northern states that later in the century would provide safe harbor for charitable corporations initially proved less hospitable, limiting the number of corporations (as in New York) or the amount of property they could hold (as in Connecticut).

In general, northeastern states were more solicitous of charitable corporations, in part because the political elite in those states tethered corporations closely to their governing authority (Hall 1992, 2006). In Massachusetts, which by the beginning of the nineteenth century led the nation in the number of corporations created, Federalists granted corporate privileges to institutions headed by their political allies, often installing *ex officio* representatives on their boards and insisting on their essentially public character. Democratic-Republicans, on the other hand, regarded exclusive grants of power as a threat to civic equality (Neem 2008). Yet Federalists began to reconsider their understanding of charitable corporations when their hold on political power began to slip. Instead, they grew attracted to an alternative vision in which voluntary corporate organizations belonged to a distinctively private sphere, insulated from political interference and the whims of electoral majorities (Hall 1992; Neem 2008).

The legitimacy of this private sphere for voluntarist activity was secured through a legal battle over control of Dartmouth College. The school was founded in 1769 under a royal charter, which named the major donors as trustees and gave them sole authority to name their successors. In the ensuing decades, Dartmouth received financial support from the New Hampshire legislature and was the site of clashes between orthodox and republican forces in the state, though it remained in Congregationalist hands even after a republican faction gained political power. In 1816, the Democratic-Republican governor of the state sought to reorganize the college as a fully public, secularized institution, appointing trustees to its governing board, establishing a body of overseers appointed by the state legislature, and expanding the institution's commitment to religious freedom. The old trustees challenged the governor's authority to alter the charter, and the case, *Dart-*

mouth College v. Woodward, arrived at the Supreme Court, where it was argued by notable Dartmouth alumnus Daniel Webster. Webster insisted that although the corporation was a creature of government, its identity was defined by the private relationship between donors and the college, not by its public purpose. This relationship was embodied in the charter, which represented a private contract between donors and trustees that the state was constitutionally bound to honor. In its 1819 decision, the Court sided with Webster. In the words of Justice John Marshall, the justices realized that one “great inducement to these gifts is the conviction felt by the giver that the disposition he makes of them is immutable” (Hammack 1998:135; Hall 2006; Wyllie 1959; McGarvie 2003).

Dartmouth College v. Woodward affirmed a sort of eleemosynary disestablishment, laying down rough lines of demarcation between public and private realms. It highlighted the dangers to states of delegating public purposes to private entities over which they could claim little control; henceforth, tasks that public authorities deemed vital would need to be met with governmental funds. Other objectives could be addressed by private voluntary associations, largely sustained through philanthropic contributions, whose rights to be free from government interference the Court grounded in their formal corporate status. As Justice Marshall wrote in his decision, “These eleemosynary institutions do not fill the place which would otherwise be occupied by government, but that which would otherwise remain vacant” (Neem 2008; McGarvie 2003:102).

Yet the boundaries remained indistinct. Elected officials sat on the governing boards of colleges like Harvard and Yale until the 1870s. And the *Dartmouth* decision did not mark the dissipation of the public’s ambivalence toward charitable corporations. In fact, in another case from the same session, *Philadelphia Baptist Association v. Hart’s Executors*, the Court ruled against a Virginia testator whose bequest to a Philadelphia Baptist association was challenged by his heirs, who pointed out that the association was unincorporated at the time of the gift. The Court argued that because Virginia had repealed the Statute of Charitable Uses, the state court lacked the equity power to enforce the trust (Wyllie 1959; Katz, Sullivan, and Beach 1985).

Following that decision, Virginia, Maryland, and Pennsylvania struck down other gifts and imposed additional limitations on charitable bequests (Neem 2008). The Court did not resolve the underlying legal issue until 1844, in *Vidal v. Girard’s Executors*, issuing what one scholar called a “declaration of philanthropic independence, a plea for less reliance on English precedents and prohibitions” (Wyllie 1959:210). It affirmed that charitable trusts owed their legal standing to the common law and thus were not threatened by the repeal of the Elizabethan Statute of Charitable Uses.

Disestablishment and the Post-Revolutionary Frenzy of Association

In the nation’s first half century, America’s voluntary realm was marked by the somewhat paradoxical combination of the precariousness of its formal organizational terrain and the vitality of its associational activity. Alexis de Tocqueville famously celebrated this dynamism in his visit to the United States in the early 1830s. “Wherever at the head of some new undertaking you see the government in France, or a man of rank in England, in the United States you will be sure to find an association,” he remarked. Americans united to form

associations of a thousand other kinds, religious, moral, serious, futile, general or restricted, enormous or diminutive. The Americans make associations to give entertainments, to found seminaries, to build inns, to construct churches, to diffuse books, to send missionaries to the antipodes; in this manner, they found hospitals, prisons, and schools. (Hammack 1998:150)

But associational development was not uniformly distributed throughout the new nation. It was particularly pronounced in the Northeast (Tocqueville had depicted the New England town as a model voluntary association) and in certain parts of the Mid-Atlantic region. In New England, for instance, the number of charitable institutions grew from about fifty at the time of the Revolution to as many as two thousand by 1820 (Wright 1992). Between 1830 and 1850, voluntary associations spread to the upper South and the Midwest. In the lower South, their growth was checked by informal kinship networks. Nat Turner's 1831 slave rebellion also led Southern elites to clamp down on the formation of independent reform organizations (Gross 2003; McCarthy 2003; Green 2003).

The first wave of associations was often composed of mutual benefit and fraternal societies. They were followed by groups dedicated to humanitarianism and moral reform (Wright 1992). Before 1810, most were autonomous, stand-alone organizations. But by the 1820s, rich regional and even transnational networks had emerged, with a central headquarters and filigrees of local auxiliaries. Information—on local conditions, on fund-raising techniques, on organizational structure—flowed throughout these networks, feeding “a national culture of philanthropy” (McCarthy 2003:82). The adoption of the term *philanthropy* in the 1780s itself marked the expanded scope and ambitions of an organized approach to benevolence.

What caused this post-Revolutionary “frenzy of organization” (Wright 1992:5)? Historians have offered a host of explanations, none of which seems adequate singly. But in combination they suggest the maturation of a propulsive and increasingly self-conscious commitment to private association, closely aligned with the nascent culture of civic republicanism (Butterfield 2015). The factors historians most frequently cite include a transatlantic surge in humanitarian thought, driven by a belief in the innate human capacity for sympathy, the autonomous self, and natural rights that crested at the end of the eighteenth century, leaving fertile ground for organized efforts at social reform (Moniz 2016; Butterfield 2015). They also include expanding commercial markets and global industrial capitalism, which not only produced dislocations that humanitarianism could address but created a middle class with the disposable income to sustain humanitarian efforts and amplified individuals' sense of their agency and responsibility to shape distant lives (Haskell 1985).

Others have highlighted technological improvements in transportation and communication systems, which allowed for the more rapid dissemination of printed publications—annual reports, newspapers, constitutions—that familiarized Americans with voluntary associations (Neem 2008). The U.S. Postal Service—which after its establishment in 1775 quickly outpaced European systems in its sophistication and scope—allowed associational networks to extend from larger cities and towns into the hinterland. The blossoming of associational life that Tocqueville celebrated has often been attributed to the absence or weakness of early American government, but in this respect, it depended on a system of state support (Skocpol 1997).

Profound transformations in American religious belief, practice, and institutional development in the first half century after independence also reconfigured the associational landscape. The Second Great Awakening, which sparked evangelical revivals from Cane Ridge, Kentucky, to the coast of Maine, fired the converted with a sense of millennial possibility and a heightened sensitivity to the moral failings of society, fueling commitments to social reform. Evangelicalism itself, with its emphasis on personal conversion and spiritual agency, subtly nurtured voluntarism.

So too did religious disestablishment. “On the eve of the Revolution, nine of the thirteen colonies recognized established churches supported by public tax dollars” (McGarvie 2003:92); Massachusetts became the last of these to lose its established church in 1833. Voluntarism had occupied a place in American religious life before then—some states with an established church had allowed dissenters to opt out of supporting it, with their taxes directed to their preferred religious institutions. But disestablishment amplified voluntarism. It required denominations to compete for members and for funds, and the more fluid and volitional nature of religious identity that it encouraged boosted religious pluralism and provided a model for associational engagement more generally (Butterfield 2015; McCarthy 2003). In the early decades of the nineteenth century, states granted corporate status to dissenting Protestant and Catholic churches and to Jewish synagogues, many of which created affiliated charitable organizations or institutions; states also exempted these religious institutions from property taxes. Denominational organizations proliferated in the wake of disestablishment: denominations created their own seminaries, colleges, and reform and mission societies, to train ministers and promote their distinctive doctrines. Some of these institutions, as well as the denominations themselves, held significant funds and had a national scope and wide-ranging ambition that anticipated the general-purpose foundations of the Progressive era. Indeed, for the rest of the century, most “local schools, poverty-relief organizations, clinics and hospitals drew their support through religious networks” (Hammack 1999:53; Hammack and Anheier 2013; McGarvie 2003).

Both the orthodox religious establishment and its challengers could find some favorable elements in disestablishment. Jeffersonian Democratic-Republicans had pushed for disestablishment as a means of breaking up the concentrated power of the established churches. But leaders of the religious establishment, such as Connecticut Congregationalist minister Lyman Beecher, also came to embrace the development, worrying that state-funded churches could be controlled by an unpredictable democratically expanded electorate.

Beecher found value in voluntarism. When Connecticut eliminated state funding for Congregationalist churches in 1818, he declared it “*the best thing that ever happened to the State of Connecticut*” (italics in original) because it “threw [churches] wholly on their own resources and on God” (Hammack 1998:120). Moreover, the newly enlarged voluntarist realm created by disestablishment provided territory for the orthodox to set up fortified camp, where they could reconsolidate power through the establishment of reform societies after electoral defeats at the hands of the Jeffersonians. “Local voluntary associations of the wise and the good,” Beecher explained, could serve as “a sort of disciplined moral militia,” exerting a moral force “distinct from that of government” and helping the “Standing Order” to “retrieve what we have lost” (Boyer 1978:13). Voluntary associations, in Beecher’s view, offered an antidote to democratic excesses and a means of checking the advance of

secularism. Through them, he argued, the influence of orthodox ministers on the public actually increased after disestablishment (Hammack and Anheier 2013).

Reform associations like those championed by Beecher formed the backbone of what scholars have termed the Benevolent Empire, a loose network of organizations, often interdenominational, that developed by the third decade of the nineteenth century. They were dedicated to causes such as temperance, the establishment of Sunday schools and lyceums, the training of missionaries, and the distribution of Bibles and religious tracts. These associations were the first to harness the power of mass advocacy. Petition campaigns opposed President Andrew Jackson's Indian removal policy and pushed for the federal government to stop delivering mail on Sundays (John 1990). Women took an especially active role in the campaigns (Ginzberg 1990; Neem 2008; McCarthy 2003). The pressure that associations brought to bear on government policy compelled authorities to grapple with the legitimacy of private citizens lobbying to change the nation's laws (Zunz 2012).

The Benevolent Empire, with its particular moral vision of a redeemed Protestant nation, could not make exclusive claims to the field of reform. Its societies were part of a broader associational efflorescence that included groups with more radical ambitions, such as the handful of utopian communities that sprang up in the antebellum decades, and workers' associations and trade unions advocating for the rights of laborers (Laurie 1989). The Benevolent Empire also met with strong opposition from Democrats, immigrant groups, and others who resented its moralistic imperialism. Yet in response, Democrats did not seek to constrict the role of voluntary associations, but to expand access to them through general incorporation acts, many of which included property tax exemptions for "benevolent societies" or those devoted to "nonpecuniary" purposes. "No longer a discretionary grant of sovereignty, a corporate charter became a free entitlement of citizenship," writes historian Jonathan Levy (2016:22). In 1848, New York offered general incorporation to all "benevolent, charitable, scientific, and missionary societies." The act became a model for other legislatures; by 1860, twenty-four out of thirty-eight states offered some form of general incorporation (Levy 2016:30).

Nineteenth-Century Organized Benevolence, Urban Moral Reform, and Immigrants' Associational Vitality

The spread of voluntary associations over the first half of the nineteenth century was marked by the development of formalized organizational characteristics: elected officers and salaried employees, corporate charters, and written bylaws (Wright 1992; Hall 2006). In these decades, reform associations occupied the place that railways would at midcentury, as the most territorially expansive, bureaucratically complex, technologically advanced, and commercially sophisticated organizations of the period (Gross 2003). The American Bible Society, for instance, formed in 1816 through the merging of several state-based societies, had 1,200 auxiliaries by 1849; by the 1850s it had produced and distributed more than six million Bibles, pioneering the use of a steam-powered press as well as national marketing techniques (Fea 2016).

Fund-raising methods became more sophisticated, with coordinated annual collections, fund-raising auxiliaries (often headed by women), and invested endowments. In many communities, these endowments allowed for the accumulation of significant capital that

could be reinvested, a development that did not merely reflect the growth of a market economy but spurred it on (McCarthy 2003). During these decades, small donors still provided most of the funds for voluntary associations, yet the accumulation of the first industrial fortunes initiated a slow shift toward reliance on the wealthy to sustain charitable institutions (McCarthy 2003; Dalzell 2013).

Although associations and charitable institutions sprang up in the hinterland, their growth was particularly pronounced in cities. In the three decades before the Civil War, the nation's urban population increased from 500,000 to 3.8 million, with new arrivals both domestic and foreign. For the middle class, the city surpassed the frontier as the primary arena for reformist zeal (with the threat of revolutionary violence hovering in the background). Urban public institutions—asylums and hospitals for those who could not care for themselves and workhouses for the able-bodied poor—had been an early response to such fears (Rothman 1971; Nash 2004). Private reform organizations, often led by prominent local merchants and bankers, sprang up from Pittsburgh to Louisville to combat what were considered distinctive urban vices: intemperance, gambling, sexual immorality. These associations represented attempts to re-create the moral order of village life amid the anonymity of the city and to counter the solicitations of urban political machines. In the decades before the Civil War, reformers made early efforts to systematize and rationalize city-based charitable work. A new corps of organizations, such as the Association for the Improvement of the Condition of the Poor (AICP), the Children's Aid Society, and the Young Men's Christian Association (YMCA), emerged, promoting increasingly moralistic approaches to poverty (Boyer 1978; McCarthy 2003).

If the voluntary realm expanded in response to the perceived threat of religious and ethnic diversity, it also came to reflect that diversity. Immigrants who arrived in the United States in the nineteenth century quickly established their own charitable networks, featuring mutual banks and credit unions, building associations and soup kitchens. Jews were particularly organizationally prolific. Jews in Charleston incorporated a Hebrew Orphans Society as early as 1802 (McCarthy 2003). As immigration increased from Germany and then from Eastern Europe, so too did association-forming. "Between 1848 and 1860, when Jews made up somewhere between two and five percent of [New York's] total population," writes Hasia Diner, "they supported more than ninety-three philanthropic associations. The rest of the city maintained only ninety-six similar institutions" (Diner 1992:102). Jewish institutions did not just address the needs of patrons and clients, but of staff as well. Barred from membership or professional advancement in Protestant-dominated social clubs and charitable institutions, Jewish immigrants founded their own. The Jews' Hospital, established in New York in 1851 (in 1866, it would change its name to Mount Sinai, to signify that it would care for non-Jewish patients as well), trained Jewish doctors who had difficulty securing positions at non-Jewish institutions (Hall 2006; Diner 1992).

Russian and Eastern European Jews who arrived at the century's end, like many other immigrants from those regions, formed thousands of *landsmanshaftn*, mutual aid societies for natives of the same hometown that offered unemployment, health, and burial benefits (Diner 1992). For Jewish Americans, as for Americans from a diverse range of religious and ethnic backgrounds, associational activity provided avenues for assimilation and acculturation, as well as opportunities to affirm and preserve religious and ethnic

difference. The tension between these two imperatives has often been managed creatively. When Rebecca Gratz founded the first Jewish Sunday school in Philadelphia in 1838, she used books taken from the Protestant Sunday schools on which her own was modeled, but with slips of paper pasted over passages that posed especially stark challenges to Jewish religious teaching (McCarthy 2003).

For American Catholics, a consolidation of ecclesiastical authority channeled through the parish system both encouraged and constrained associational growth. In the early nineteenth century, lay trustees presided over the government of parish affairs, gaining vital experience in voluntary service; by the middle of the century, bishops asserted episcopal authority over the laity, presiding over a program of diocesan-based institution building. They also contended with the powerful impulse toward ethnic particularism that animated the voluntary efforts of Catholic immigrants. National parishes often started with the establishment of a mutual benefit society; regional or transnational ethnic-based secular voluntary associations, such as the Ancient Order of Hibernians (1836) and the German Central Verein (1855), followed, often championing broad programs of social insurance (Dolan 1985; Brown and McKeown 1997). As immigration, especially from Ireland, swelled in the 1840s, these voluntary associations came under strain, attracting the unwanted attentions of Protestant moral reformers. In response to these interventions and to the failure of public institutions to respect the religious needs of Catholics, a handful of leading bishops, led by New York's John Hughes, pushed for the establishment of an independent parochial school system ("build the school-house first, and the church afterwards," Hughes insisted). By 1865, such schools were instructing a third of the city's Catholics. Catholic bishops organized a broader campaign of institution building— orphanages, protectories, hospitals—that established a parallel voluntary realm, free from Protestant moralizing and proselytism. Although the construction of this private system of education and social service was in part precipitated by the perceived hostility of public officials to Catholic sectarian interests, Catholic institutions soon came to receive substantial public subsidies from state, county, and city coffers, as political machines became more sensitive to immigrants' electoral clout (Dolan 1985:263; Brown and McKeown 1997).

Similar patterns emerged on the West Coast as well. Immigrants turned toward voluntary associations and mutualism to negotiate the challenges of new and often hostile surroundings. In the Southwest, which did not experience the church-building surge of the East, Mexican Americans built their religious lives around the confraternity, the *confradia*, and formed *mutualistas*, self-help organizations. Chinese immigrants to California and the Pacific Northwest relied heavily on mutual aid organizations and credit societies, and early Japanese immigrants formed *kenjinkai*, voluntary associations to help newcomers find employment, food, and shelter; obtain legal residency; and arrange marriages and funerals (Dolan 1985; Carson 1999; Camarillo 1991).

Voluntary Associations as Spaces of Confinement and Liberation: African Americans', Women's, and Antislavery Activism

The American immigrant experience reflected a broader dynamic at play with respect to the associational life of marginalized or minority communities. The heavy investments they made in voluntary associations and private nonproprietary institutions often were

reactions to a degree of disempowerment, whether due to restricted access to certain political rights or to de facto forms of discrimination. But the voluntary realm also provided opportunities for collective and individual advancement and *empowerment*. It provided a beachhead allowing groups to assert those rights, lay claim to the privileges of citizenship, and challenge the very structures of their discrimination. Voluntary associations could function as spaces of both confinement and liberation.

This tension defined much of nineteenth-century women's voluntarism. The ideology of Republican Motherhood that predominated during the Revolutionary era envisioned women as uniquely equipped for charitable work through the exercise of their innate maternal capacities, which were deemed too precious to be tainted by the vulgarities of the political realm. Middle-class women, who made up the majority of church members during the evangelical revivals of the early nineteenth century, swelled the ranks of the benevolent associations that proliferated in the revivals' wake (women religious provided much of the labor for Catholic charity institutions as well) (McCarthy 2003; Cott 1997; Fitzgerald 2006). Women at first formed auxiliaries to male benevolence societies—but by 1838, there were eighty-two female auxiliaries of the American Bible Society, for instance—but by the early decades of the nineteenth century, they began to establish independent organizations (Ginzberg 1990). Women's engagement with charitable corporations gave them opportunities denied them in the domestic sphere. As historian Lori Ginzberg has noted, through the control of charitable corporations, women, who if they were married forfeited nearly all their property rights to their husbands, could acquire a measure of independence. Women-led corporations could sue, make contracts, accept bequests in their own name, and own, buy, and sell property (Ginzberg 1990:49). Through their voluntary labor organizing fairs, paying salaries of employers, investing revenues, conducting petition campaigns, and even speaking before "promiscuous" (i.e., mixed-gender) audiences, women gained important training in entrepreneurial, commercial, and political activity (McCarthy 2003).

Similarly, in the early Republic and antebellum decades, African Americans in northern cities threw themselves into the associational domain as a response to their restricted access to the political one. Self-help organizations met the needs of communities neglected by public and private social welfare organizations, and through their contributions to the common good, they laid claim to African Americans' civic worth (Sinha 2016). Through a network of churches, schools, and mutual aid societies, a black civil society flourished. Philadelphia became the center of this "counter public" (Sinha 2016:130). It birthed, for instance, the African Methodist Episcopal Church, the first national independent denomination under African American control. Under the leadership of Richard Allen, it was a center of antislavery activism and reform. By 1835, Philadelphia could claim eighty black mutual aid societies, and by 1848, nearly half of the adult African American population in the city was affiliated with one. African Americans enjoyed considerably less associational autonomy in Southern cities, because most states outlawed independent black fraternal and mutual aid societies after Nat Turner's 1831 slave rebellion (Sinha 2016; Carson 1999; McCarthy 2003).

Much African American associational activity channeled resistance toward Southern slavery and northern racial discrimination. In fact, the antislavery movement in the

United States exemplifies many of the characteristics of antebellum associational life more generally: in its transnational character, its intersection with evangelicalism, the heavy participation of women, and its assimilation of market culture and commercialism.

A group of Philadelphia Quaker artisans and shopkeepers formed the first organized American abolition society, the Society for the Relief of Free Negroes Unlawfully Held in Bondage, in April 1775. It represented the first wave of antislavery activism and formal associational activity, one nourished by republican and Enlightenment thought, which joined a rich transatlantic reformist network. The American Colonization Society (ACS), established in 1816, crested the second wave, directed by concessions to American racism toward the goal of settling free or manumitted blacks in Africa. The organization was led by some of the nation's preeminent citizens (James Madison served as its president), with particularly heavy representation from the South. In one of the nation's most striking early public-private ventures, the ACS received federal funding to purchase land in what is now Liberia to set up a colony (McCarthy 2003; Sinha 2016).

The first stirrings of the third wave were generated by the evangelical revivals of the Second Great Awakening, as well as by the opposition of African Americans to the colonization movement. It introduced a more militant, immediatist strain into antislavery activism. As early as 1787, free blacks in Philadelphia formally organized a society to protest slavery and protect community members from enslavement; counterparts that combined self-help, moral reform, and political advocacy were soon established in Boston, New York, and Newport. Black-led protection and vigilance societies established in the 1820s attacked not just slavery but racism in all its manifestations, in the North as well as in the South, taking aim at disenfranchisement and the segregation of public facilities like streetcars and schools (Sinha 2016).

The third wave of antislavery activism was marked by the publication of William Lloyd Garrison's journal *The Liberator* in 1831 and by the establishment of the American Anti-Slavery Society two years later. The AASS pursued immediate abolition through moral suasion and the mobilization of public opinion; it sponsored traveling speakers (including escaped slaves and, controversially, female orators), organized petitions to Congress, and supported abolition newspapers and journals. The AASS and other abolitionist associations harnessed consumer culture toward antislavery ends. They raised funds through fairs and instigated boycotts of slave-produced goods; some also developed a critique of capitalism that linked the emancipation of slavery to that of all laboring people. Antislavery was a mass movement, raising funds from a donor base of farmers, artisans, and workingmen. It was also a transatlantic one: Garrisonian abolitionists formed alliances with progressive antislavery forces in Britain and other European countries. By 1838, the AASS could claim more than a thousand auxiliaries throughout the North (Sinha 2016; Walters 1976).

Women served as the society's foot soldiers, raising much of its funds and making up as many as 70 percent of signatories on its petitions. Antislavery activism gave many women's rights activists their first education in networking, canvassing, and mobilizing (debates over the proper scope of women's activism produced organizational fissures within the antislavery movement) (Sinha 2016; McCarthy 2003). For some women, it also highlighted the limits of voluntary action itself and pushed toward a demand for suffrage.

The passage of the Fugitive Slave Act in 1850 and its enforcement throughout the North provoked an even more militant surge of antislavery activism. Vigilance committees fought off slave hunters through acts of civil disobedience. In both the North and the South, pro-slavery forces confronted antislavery activism with a countermobilization of repression and vigilante violence, responses that must be included within any honest reckoning of the history of American voluntarism. Mobs, often including some of the community's most distinguished citizens and enjoying the tacit support of local authorities, attacked abolitionist meetings. Garrison himself was nearly lynched. Southern states seized and destroyed abolitionist material dispatched from the North, with the backing of the U.S. Postmaster General (the dependence of associational activity on the mail system for its expansion proved a vulnerability). Anti-abolitionist violations of civil liberties galvanized bystanders into antislavery activism, until the struggle over slavery became intertwined with debates over the openness of American civil society. Threats to white citizens' freedom of expression in the North were as much at issue as the denial of freedom to African Americans in the South (Sinha 2016).

The Civil War and the Reconstruction of American Voluntarism

Battles over slavery fractured the nation's associational landscape. In the decades before the Civil War, the three major Protestant denominations—Presbyterians, Methodists, and Baptists—all split along sectional lines over a potent combination of theological disputation and the slavery question, “both portent and catalyst of the imminent national tragedy” (Goen 1985, 6). War itself would deepen this voluntarist sectional divide, as it fed on and boosted associational networks and capacity in the North to a greater extent than in the South (McCarthy 2003).

The initial mobilization in the North relied heavily on private voluntary action. According to the *New York Times*, individuals donated some \$23 million in the first two weeks of the war, and most of the Union forces were volunteers. In fact, the war transformed the dominant modes of voluntarism, amplifying an emphasis on efficiency, bureaucratization, and professionalization that had been building over the preceding decades, and demoting in status a more traditional humanitarian culture closely associated with women's participation (Attie 1998; Ginzberg 1990; Skocpol 2003).

In the early months of the war, women took the lead in performing voluntary “war work,” transforming an existing network of charitable associations into soldiers' aid societies. A band of elite women sought to coordinate and rationalize this wartime voluntarism; in October 1861, their efforts were incorporated into the Sanitary Commission, “a volunteer and unpaid bureau of the War Department,” whose (male) leaders took responsibility for the public health of soldiers on the battlefield and in military encampments (Lawson 2002; Attie 1998:91). The Sanitary Commission championed an approach to humanitarianism that promoted scientific rationality harnessed in the service of efficiency, professional expertise, and bureaucratic rigor. It was sympathetic to the expanding national reach of the federal government, and it sought to quell “religious feeling, localism, and sentimentalism” in charitable work (Ginzberg 1990:159).

That commitment to scientific rationalism, bureaucratic organization, and a critique of traditional institutions and practices of benevolence would inform much of postbellum

reform and would later achieve its apotheosis with the establishment of the private foundation. The approach was closely aligned with the managerial and industrial capitalism that provided the funds and the corporate model for those foundations (Hall 2006; McCarthy 2003).

During the war, the moral authority of the Sanitary Commission was challenged by the Christian Commission, which represented an older, evangelically oriented benevolent tradition. The Christian Commission relied largely on volunteers to minister to the physical and, especially, spiritual needs of soldiers. Unlike the Sanitary Commission, it encouraged provinciality in its donors, allowing them to target specific military units with their gifts. The contending approaches represented by the two commissions—a national, centralized, scientific system and a localized, religiously inspired one—would continue to clash in the decades to come, both in efforts to “reconstruct” the South and later in initiatives to relieve urban poverty (Ginzberg 1990; Attie 1998).

Indeed, in the years after the war, the South saw intensive associational activity, while undergoing a sort of voluntarist occupation that accompanied the brief military one. Scores of secular freedmen’s aid societies formed throughout the North, joining denominational and interdenominational missionary agencies to send funds and volunteers to “uplift” the freed slaves. These societies worked closely with the Bureau of Refugees, Freedmen, and Abandoned Lands (the Freedmen’s Bureau), established by Congress in March 1865. Bureau leaders actively courted the participation of voluntary societies. They initiated a division of labor in which the organization would fund the construction of hospitals and school buildings (more than 2,700 of them throughout the South), and the voluntary societies would fund upkeep and salaries (McCarthy 2003; Ginzberg 1990; Foner 1988). Former slaves carried an increasing share of the financial burden as donations began to dry up after the northern public came to assume that freed slaves’ welfare was largely the government’s responsibility. W.E.B. Du Bois estimated that freedmen donated \$786,000 between 1866 and 1870 for the construction and upkeep of their own primary and secondary schools. In the decades after the war, African American Southern denominations established more than twenty colleges in the region (McCarthy 2003:198; Ginzberg 1990; Attie 1998; Foner 1988; Finkenbine 2003).

Divisions like those during the war emerged within northern voluntary interventions in the Reconstruction-era South, with evangelical groups focusing on proselytism and traditional charity and northern reformers seeking to transform the South along capitalist lines. This latter category included philanthropists who began to regard the South as their primary area of focus, a problem to be solved much as the city had been. To support Southern education, in 1867, for instance, financier George Peabody created what is often considered the first endowed grantmaking philanthropic foundation. Northern philanthropy flowed toward a network of black colleges and vocational schools that promoted a conservative gospel of black self-help, such as Alabama’s Tuskegee Institute, founded by Booker T. Washington. By 1900, three fifths of Tuskegee’s annual nontuition income came from a single foundation, the John F. Slater Fund, established in 1882 by a northern mill owner. Northern funders and their Southern agents largely accommodated Southern segregation in part to avoid provoking white hostility but also because they often held racist views regarding the capacities of freedmen and women (Harmon 2017; Anderson and Moss, 1999; Finkenbine 2003).

The failure of Reconstruction to fulfill its early radical visions of redistributive justice and racial egalitarianism is ultimately a political story. North and South sacrificed the rights of freedmen and freedwomen on the altar of sectional reconciliation. Yet that story must take its place within the history of American voluntarism as well. Not only did the ideals of free labor and racial uplift that animated much of the work of the Freedmen's Bureau's voluntarist partners offer little resistance to the entrenching of a system of racial oppression, but another, reactionary and indigenous wave of voluntary action helped secure that system. The Ku Klux Klan, begun as a social club in Pulaski, Tennessee, in 1866, soon spread throughout the South. It targeted African American and white leaders for assassination; it also conducted a campaign of terror to suppress Republican political activism; undermine institutions of black autonomy, such as schools and churches; and enforce labor discipline on white farms and plantations (Foner 1988).

Sectional reconciliation set the stage for a postbellum surge in the membership of voluntary associations and the creation of many that would develop national scope (although sectional divisions still persisted, because membership in these organizations was often less strong in the South) (Skocpol 2003). The half century after the Civil War marked a "golden age of fraternity" (Kaufman 2002). By one estimate, between 1870 and 1910, up to half of all adult Americans participated in fraternal societies, service clubs, or leisure organizations. This growth was not merely a product of urbanization, industrialization, and immigration. As Gerald Gamm and Robert Putnam have argued, "associational life was most vibrant . . . in the small cities and towns of the hinterland, rather than the great cities of the Northeast or Midwest" (Gamm and Putnam 1999:514). The associations provided vital training in civic engagement, linking Americans together in a shared associational culture.

Federations that bridged class and ethnic divides, such as the General Federation of Women's Clubs (1890) and the National Congress of Mothers (1897), which ultimately became the PTA, flourished (Skocpol 2003). Yet associational culture could fracture society as well. Many of the associations founded in these decades, such as the Knights of Columbus (1881) or, more parochially, the German Bakers' Singing Society of Paterson, New Jersey, allowed "individuals of different genders, races, ethnicities, and birthplaces to socialize in private, self-segregated groups" (Kaufman 2002:8, 21).

Some of the more prominent associations that formed in these decades channeled emerging social and political discontents and harnessed reformist energies. Farmers organized to demand the regulation of railroad freight rates and federal support for agricultural extension through the Patrons of Husbandry (the Grange) and the Farmers' Alliance; the Women's Christian Temperance Union, led by the indomitable Frances Willard, could claim more than a million members at the turn of the century and mobilized them in the push for Prohibition (Skocpol 2003). The first national labor federation, the National Labor Union, was founded in 1866; other labor associations, such as the Knights of Labor and the American Federation of Labor, soon followed (Laurie 1989). Groups emerged to promote reformist schemes of nearly every shape and hue: Greenbackers, single-tax supporters, Nationalist clubs championing the cooperative commonwealth ideas of reformer Edward Bellamy (Thomas 1983).

In the midst of this associational surge, the contours of an eleemosynary organizational realm, distinguishable from the domains of for-profit enterprise and public governance,

became more distinct (though it could by no means yet be categorized as an intelligible “sector”). In 1874, after a speech before the Massachusetts General Court in which Harvard president Charles Eliot declared that the state owed its preeminence to “eight generations of people who have loved and cherished Church, School, and College,” Massachusetts revised its charities statute, expanding the list of charitable purposes for which institutions and organizations might receive tax exemption (Hall 1992:43; Neem 2008). Over the next several decades, this “broad construction” of tax-exempt charitable activity was copied by a handful of other northern states, where private schools, colleges, and charitable organizations proliferated. States with a narrower construction of tax-exempt activity, in the South and West, experienced more modest growth, and public institutions often developed instead (Hall 2006).

In the same year as the Massachusetts revision, Pennsylvania passed a general incorporation law that determined corporate status with reference to three categories: religious corporations (exempted from property tax), taxable for-profit corporations, and not-for-profit corporations. This differentiation signaled the final dissolution of the commonwealth ideal, which had undergirded corporate status in the past, severing public and private purpose. For-profit corporations were thereby untethered from adherence to a public purpose enumerated in their charter; legally, they could be dedicated instead strictly to the pursuit of private profit. That focus hewed out a not-for-profit space for nonproprietary corporations animated by a different intent; indeed, at this time, rising real estate taxes led to the emergence of institutions organized along not-for-profit lines in fields such as arts, culture, education, and health care that previously had just as often been marked by commercial, for-profit enterprise. Many professional schools shifted from a proprietary model, in which the school was operated and owned independently by the faculty, to a salaried model, in which students paid tuition to the institution, which then paid a salary to instructors. Decoupling faculty income and academic policy allowed a greater institutional focus on academic rigor and achievement (Coquillet and Kimball 2015). Yet during the same period, many small private community hospitals developed into larger bureaucratic organizations, staffed by professionals and focused on providing medical treatment for paying customers, drawing closer in some respects to a for-profit corporate model (Rosner 1987).

Indeed, for-profit and not-for-profit corporate identity diverged only to be engaged in a complex *pas de deux*, each lending the other meaning and social significance. Indeed, the Pennsylvania law heralded the emergence of a social order tied to the ascension of industrial capitalism. Alongside mounting inequality, burgeoning private fortunes funded the private charitable institutions that would legitimize and rationalize the social and economic order and try to alleviate the ills that order perpetuated (Hall 1992, 2006:38; Levy 2016, 2017).

Immigration and the Rise of Scientific Charity

Successive late-nineteenth-century waves of immigration, originating beyond the traditional depots of western Europe, shaped the association building of the period. Between 1870 and 1890, for instance, more than forty-nine Czech mutual aid societies were formed in Chicago and more than thirty-five Italian mutual aid societies were established in Cleve-

land (Carson 1999). In the early decades of the twentieth century, *mutualistas* continued to sprout up in the West and Southwest, providing sickness and death benefits, loans, and legal aid for Mexican Americans and promoting festivities to mark Mexican national holidays; by the early twentieth century, Texas harbored an estimated one hundred of them. National organizations or convenings to promote the interests of immigrant populations and to defend against discrimination soon emerged, such as the Sons of Norway and the Alliance of Poles in America, both established in 1895, or El Primer Congreso Mexicanista, held in Laredo in 1910 (Carson 1999; Camarillo 1991). Internal migration patterns also reconfigured the associational landscape. The failures of Reconstruction sparked a mass exodus of Southern African Americans to northern cities, where they joined rural workers and demobilized soldiers to rebuild black civil society. The black church, and the women's clubs and auxiliary societies that it sponsored, were at its center (Carson 1999; Hall 2006; Collier-Thomas 2010).

Steady immigration swelled the American Catholic Church and encouraged the creation of lay-led and parish-based societies to tend to the material and spiritual needs of the new arrivals. The ecclesiastical leadership also recommitted to the program of institution building that had begun earlier in the century. Public subsidies to Catholic charitable institutions continued to grow. In 1875, for instance, the New York Assembly agreed to fund Catholic institutions caring for poor children on a per capita basis and committed to move Catholic children housed in public institutions into Catholic ones. By 1880, 199 Catholic hospitals were in operation in the United States, as well as 267 orphan societies, staffed largely by women religious (comprising a labor force of some fifty thousand by the turn of the century) (Dolan 1985:324; Brown and McKeown 1997). More generally, public subsidies to private charitable institutions grew significantly during the close of the nineteenth century; in New York City, for instance, the city's payments to private charitable institutions for the care of prisoners and paupers grew from 2 percent of total city expenditures on the poor in 1850 to 57 percent in 1898 (Salamon 1987).

Immigration triggered an associational counterreaction as well. Over the last century and a half, nativist organizations have tended to peak in membership in tandem with the creation or expansion of ethnic associations (Skocpol 2003). The Ku Klux Klan experienced a resurgence in the 1920s after another burst of immigration, reaching membership in the millions. It spread throughout the nation, adapting its hate regionally. It focused on Latinos in the Southwest, Japanese in the Pacific Northwest, and blacks, Jews, and Catholics everywhere. The Klan managed to insinuate itself deeply into local politics in many communities throughout the nation (Gordon 2017).

The more visible nature of urban poverty in the closing decades of the nineteenth century stoked middle-class alarm over the potential spread of radicalism. Such concerns, coupled with more general fears about the working class abandoning the pews, drove many church leaders toward a "social Christianity." The adherents of its more progressive variant, such as Congregationalist minister Washington Gladden, preached a "social Gospel" in which the regeneration of the social order took precedence over individual salvation (May 1949). Other reform groups developed a more militant, moralistic approach to urban poverty, heralded by the arrival of the Salvation Army in the United States in 1880 (Winston 1999) and more aggressive policing of urban vice (Boyer 1978).