

CIVIL SOCIETY AND PUBLIC POLICY IN THE UNITED STATES

Graduate Public Affairs V523

Fridays, 1:30 p.m. – 4:00 p.m.

SPEA V274

Professor Leslie Lenkowsky
School of Public and Environmental Affairs &

Phones: 812-855-4072

E-mail: llenkows@indiana.edu

Office Hours: Tuesdays, Thursdays 1:00 to 4:00 p.m., SPEA 327
or by appointment

Administrative Assistant: Eugenia Marvin (euasher@indiana.edu) (812) 855-0563

Description of Course: This course explores the relationship of civil society (particularly that part of it known as “the nonprofit sector”) and government: how the nonprofit sector affects public policy, how public policy affects the nonprofit sector, and what the consequences for society as a whole are. Although it will discuss issues familiar to students of economics, law, history and other disciplines, the course is primarily rooted in political science and policy analysis. It will explore a variety of theories and concepts from these fields, such as the meaning of the “public interest,” the nature and extent of civic participation, the role of interest groups in the policy-making process, and the division of responsibilities between the private sector and government (as well as among various levels of government). Particular attention will be paid to current controversies in which the nonprofit sector is involved, such as the impact of changes in government spending and tax policy, the nature and legitimacy of nonprofit advocacy, the role of faith-based organizations in providing public services, and whether or not nonprofit organizations should be more closely regulated.

Course Requirements: In addition to attending and participating in class, as well as completing assigned readings, students will be required to pass a final exam. The exam will be distributed on the final day of classes and due on the day on which the course’s exam would

normally be given. Doctoral students who are taking this class will be expected to submit a research-based term paper of no less than 20 pages instead of an exam.

In order to give students an opportunity to practice applying the concepts studied in this course to a real-world situation, each student will also be required to complete a short (up to 10 pages) analysis of how a nonprofit with which he or she is familiar is affected by public policy, or affects public policy, either generally or with regard to a particular issue. The purpose of this requirement is to assist students in integrating the topics covered in this course with “real world” experience, or to enable them to explore topics not covered in the course. The subject for this analysis must be approved in advance by the instructor, who can also provide assistance in identifying nonprofit organizations or issues which students might wish to analyze. Toward the end of the semester, students will be asked to present an oral report on what they are studying for discussion with their classmates and the instructor. A written version of the analysis will be due at the last session of class. Students are permitted to work in small groups, but the same grade will be assigned to all members of the group.

For each unit of the syllabus, several students will also be expected to prepare short (five pages or less) essays in response to a question the instructor will pose. Based on many years of experience, the instructor has concluded that one of the best predictors of professional success is the ability to write succinctly and persuasively on a topic one has not chosen. In addition to enhancing class discussion, these papers are meant to assist students in developing that skill. These papers will be reviewed and critiqued by the instructor. Each student should expect to write at least two of these papers. Students may choose which questions to answer and can write on more than two, if they wish. I will count the two highest grades.

In *Democracy in America*, Alexis deTocqueville – who would undoubtedly have been a blogger, if he were alive today -- noted the close connection between civil society and newspaper readership. (See Volume II, Part 2, Chapter Six.) Since many of the topics covered in this course, as well as others that are relevant to the course’s themes, are frequently discussed in widely available publications, the instructor has created a Class Blog in the Forums section of OnCourse for students to post clippings that they believe other members of the class would be interested in. Students should also include a brief explanation of the relevance of the clipping to understanding civil society and public policy in the United States. (Simply summarizing the clipping is not sufficient.) Students are encouraged to comment on the clippings and a few

minutes of each class will be devoted to those that are the most interesting. Students who post 15 original and relevant clippings or comments that add a new dimension to the discussion during the semester will receive an “A” for this portion of the course, with fewer clippings resulting in proportionately lower grades. Clippings from publications that primarily serve the philanthropic or nonprofit world, such as *The Chronicle of Philanthropy*, newsletters, think-tank studies, and public relations releases will not gain points, though students should not refrain from posting them, if they merit doing so.

Students taking the course should be familiar with the nature, scope and functions of voluntary institutions in the United States.

Grading: The grade each student receives in this class will reflect a balanced appreciation of the totality of his or her work. However, the various course requirements will count *approximately* as follows:

- Class attendance and participation -- 10 percent
- Clippings – 10 percent
- Short papers – 20 percent
- Public policy analysis – 25 percent
- Final exam – 35 percent

While the instructor encourages students to discuss the course, exchange ideas, and critique each other’s work as much as they desire, he also expects that all work submitted for grading will be done in a manner consistent with the university’s rules on plagiarism. A link to IU’s academic policies will be found on OnCourse.

Students who have special needs that might affect their participation in this class should alert the instructor to them. He will try to make appropriate accommodations or direct students to IU resources that might be helpful to them. Information about the Writing Center is posted on OnCourse.

Readings: Neither the topics covered in this course nor the assigned readings come close to exhausting the wealth of material relevant to an examination of “civil society and public policy in the United States.” Nor is there any single book one can read for an overview of the subject, not

least of all because on many issues, different commentators have widely differing viewpoints.

The instructor has tried to select readings that are manageable in quantity, reasonably accessible to busy students, and worth studying and discussing. (Some, in fact, might have been assigned in other courses students have taken, but are included because they bear further attention.) Students who are interested in learning more about particular issues (including viewpoints that might be at odds with those presented in the assignments or class), or, in doing their paper, find themselves addressing issues that are not covered in the syllabus, **should not hesitate** to contact the instructor for additional citations. The instructor also welcomes student visits during scheduled office hours or by appointment.

The following books should be available in the bookstore or other booksellers:

Jeffrey M. Berry with David F. Arons, *A Voice for Nonprofits*, Brookings, 2005.*

Elizabeth T. Boris and C. Eugene Steuerle, eds., *Nonprofits & Government*, 2nd Edition, Urban Institute, 2000

Robert H. Bremner, *American Philanthropy*, 2nd ed., University of Chicago, 1988.

Russell J. Dalton, *The Good Citizen: How A Younger Generation is Reshaping American Politics*, Revised Edition

John J. DiIulio, Jr., *Godly Republic: A Centrist Blueprint for America's Faith-Based Future*, University of California Press, 2007.*

Theda Skocpol, *Diminished Democracy: From Membership to Management in American Civic Life*, 2004.*

Mark Warren, *Dry Bones Rattling: Community Building to Revitalize American Democracy*, Princeton, 2001.

We will also be drawing extensively on:

Stephen Goldsmith and William D. Eggers, *Governing by Network: The New Shape of the Public Sector*, Brookings, 2004.*

Lester Salamon, ed., *The State of Nonprofit America*, Brookings Institution, 2002.*

In addition, a number of chapters from *The Nonprofit Sector: A Research Handbook, 2nd Ed.*, will be made available to students in the course through OnCourse. E-books are available via the library web-site for asterisked books. To help you navigate through the syllabus, I have indicated with a “#” those items that deserve your priority attention.

All students should be familiar with and comfortable using OnCourse and the library electronic reserve system. The course will make extensive use of these tools. Students should also plan on reading *The Chronicle of Philanthropy* regularly. Although it is available in university libraries, the instructor, who is also a regular contributor to that publication, has arranged for students to have an electronic subscription to it for the duration of the course.

I have uploaded a number of readings to the Resources tab of OnCourse. There are also a number of web-links in the syllabus. The electronic reserves of the IU library will also contain some of the course readings. Please let me know if you have any problems finding readings or if the links are broken.

Students are expected to have completed assigned readings before attending class, including for topics covering more than one session. My lectures and our discussions will build on the assigned readings, but will not simply recapitulate them.

Syllabus

January 15 Introduction: What is the Public Interest and Who Serves It?

January 22 Civil Society and Government: Friends or Foes?

#Elizabeth T. Boris, “Nonprofit Organizations in a Democracy: Varied Roles and Responsibilities,” in Boris and Steuerle, eds., *Nonprofit Organizations & Government: Conflict and Collaboration*, Urban Institute, pp. 1 – 35.

#Alexis deTocqueville, “On the Use Which the Americans Make of Associations in Civil Life,” *Democracy in America*, Volume II, Part 2, Chapters 5 - 9.

#Publius (Madison), “The Utility of the Union as a Safeguard against Domestic Faction and Insurrection,” *Federalist Papers*, IX, X, and LI.

#Stephen Rathgeb Smith and Kirsten A. Gronbjerg, “Scope and Theory of Government-Nonprofit Relations,” in Walter W. Powell and Richard S. Steinberg, *The Nonprofit Sector: A Research Handbook*, 2nd Edition, Yale University Press. Online at OnCourse.

Dennis R. Young, “Complementary, Supplementary, or Adversarial? Nonprofit-Government Relations,” in Boris and Steuerle, eds., pp. 37-79.

James Douglas, “Political Theories of Nonprofit Organization,” in alter W. Powell, ed., *The Nonprofit Sector: A Research Handbook*, 1st edition, Yale University, pp. 43 - 54. Online at OnCourse.

January 29 Civil Society and Public Policy in U.S. History

February 5

#Robert H. Bremner, *American Philanthropy*, 2d edition, 1988.

University of Chicago Press, 1988.

#Peter Dobkin Hall, “A Historical Overview of Philanthropy, Voluntary Associations, and Nonprofit Organizations in the United States, 1600-2000” in Steinberg and Powell, *The Nonprofit Sector: A Research Handbook*, 2nd Ed. Online at:
<http://ksghome.harvard.edu/~.phall.hauser.ksg/Powell%20Essay-Final%20-%20rev.pdf>

Barry D. Karl and Stanley N. Katz, “The American Private Philanthropic Foundation and the Public Sphere,” *Minerva*, 19, pp. 236 – 70.
Online at OnCourse.

Selections from David C. Hammack, Ed., *Making the Nonprofit Sector in the United States: A Reader*, 1998. Online at OnCourse.

February 12
February 19

The Uneasy Case for Tax Exemption

#Evelyn Brody and Joseph J. Cordes, “Tax Treatment of Nonprofit Organizations: A Two-Edged Sword?” in Boris and Steuerle, eds., pp. 141-180.

#Evelyn Brody and John Tyler, *How Public is Private Philanthropy?* The Philanthropy Roundtable. Online at OnCourse.

#Rob Reich, “A Failure of Philanthropy,” *Stanford Social Innovation Review*, Winter 2005. Online at OnCourse.

#John Simon, Harvey Dale and Laura Chisolm, “The Tax Treatment of Nonprofit Organizations: A Review of Federal and State Policies,” in Steinberg and Powell, *The Nonprofit Sector: A Research Handbook*, 2nd Ed. Online at OnCourse.

#Rob Reich, et. al., *Anything Goes: Approval of Nonprofit Status by the IRS*, Stanford University Center on Philanthropy and Civil Society, 2009.

Online at OnCourse.

Bradley Center for Philanthropy and Civic Renewal, “Mandating Multicultural Munificence,” Edited Transcript, April 7, 2008. Online at OnCourse.

Evelyn Brody, “Legal Theories of Tax Exemption: A Sovereignty Perspective,” in Evelyn Brody, ed., *Property-Tax Exemption for Charities*, The Urban Institute Press, 2002, pp. 145-172. Online at OnCourse.

Paul Arnsberger, et. al., “A History of the Tax-Exempt Sector: An SOI Perspective,” *Statistics of Income Bulletin*, Winter 2008, pp. 105-135. Online at: <http://www.irs.gov/pub/irs-soi/tehistory.pdf>.

Stephen Diamond, “Efficiency and Benevolence: Philanthropic Tax Exemptions in 19th-Century America,” in Brody, ed., *Property-Tax Exemption for Charities*, pp. 115-144. Online at OnCourse.

David B. Glancey, “Pilot’s: Philadelphia and Pennsylvania,” in Brody, ed., *Property-Tax Exemption for Charities*, pp. 211-232. Online at OnCourse.

Patrick M. Rooney and Eugene R. Tempel, “Repeal of the Estate Tax and Its Impact on Philanthropy,” The Center on Philanthropy at Indiana University, June 15, 2001. Online at OnCourse.

Joan M. Youngman, “The Politics of the Property-Tax Debate: Political Issues,” in Brody, ed., *Property-Tax Exemption for Charities*, pp. 23 – 46. Online at OnCourse.

February 26
March 5

Civil Society and Public Policy in the Age of the Welfare State

#C. Eugene Steuerle and Virginia A. Hodgkinson, “Meeting Social Needs: Comparing Independent Sector and Government Resources,” in Boris and

Steuerle, eds., pp. 81-106.

#Alan J. Abramson, Lester M. Salamon, and C. Eugene Steuerle, “Federal Spending and Tax Policies: Their Implications for the Nonprofit Sector,” Boris and Steuerle, eds., pp. 107-140.

#Woods Bowman and Marion R. Fremont-Smith, “Nonprofits and State and Local Governments,” in Boris and Steuerle, eds., pp. 181-217.

#David M. Van Slyke, “The Mythology of Privatization in Contracting for Social Services,” *Public Administration Review*, May/June 2003, Vol. 63, Nu. 3, 296-315. Online at OnCourse.

#Arthur C. Brooks, “Public Subsidies and Charitable Giving: Crowding Out, Crowding In, or Both?” *Journal of Policy Analysis and Management*, 19:3, Summer 2000, pp. 451-64. Online at OnCourse.

#Steven Rathgeb Smith, “Governmental Financing of Nonprofit Activity,” in Boris and Steuerle, eds., pp. 219-256.

#Carol J. De Vita and Eric C. Twombly, “Nonprofits and Federalism,” in Boris and Steuerle, eds., pp. 257-276.

#Stephen Goldsmith and William D. Eggers, *Governing by Network: The New Shape of the Public Sector*, Brookings, 2004, pp. 3-52.

#Kirsten A. Gronbjerg and Lester M. Salamon, “Devolution, Marketization, and the Changing Shape of Government-Nonprofit Relations,” in Lester M. Salamon, ed., *The State of Nonprofit America*, Brookings, 2003, pp. 447 - 470.

#National Committee for Responsive Philanthropy, *Criteria for Philanthropy at its Best: Benchmarks to Enhance Grantmaker Impact*, 2009. Online at OnCourse.

#Suzanne Garment and Leslie Lenkowsky, *Public Philanthropy? The Unpersuasive Case for More Government Control*, Washington Legal Foundation, 2009. Online at OnCourse.

Richard C. Feiock and Hee Soun Jang, “The Role of Nonprofit Contractors in the Delivery of Local Services,” *Working Paper Series*, Nonprofit Research Sector Fund, The Aspen Institute, 2007. Online at OnCourse

Kirsten A. Gronbjerg and Steven Rathgeb Smith, “Nonprofit Organizations and Public Policies in the Delivery of Human Services,” in Charles T. Clotfelter and Thomas Ehrlich, eds., *Philanthropy and the Nonprofit Sector in a Changing America*, Indiana University Press, 1999, pp. 139 – 171. Online at OnCourse.

Janelle Kerlin, “U.S.-Based International NGOs and Federal Government Foreign Assistance: Out of Alignment?,” in Boris and Steuerle, eds., pp. 373-398.

Leslie Lenkowsky, “The Contract with America: An Opportunity for Philanthropy” *Essays on Philanthropy*, The Center on Philanthropy at Indiana University, No. 22, 1996. Online at:
<http://indiamond6.ulib.iupui.edu/cdm4/document.php?CISOROOT=/PRO&CISOPTR=32131&REC=6>

Leslie Lenkowsky, “Reinventing Philanthropy,” in Clotfelter and Ehrlich, eds., Indiana University Press, 1999, pp. 122-38. Online at OnCourse

Steven Rathgeb Smith, “Social Services,” in Salamon, ed., pp. 149-186.

Arthur C. Brooks, *Who Really Cares*, Basic, 2006, pp. 53-95.

March 12

Policing the Samaritan

March 26

#John J. DiIulio, Jr., *Godly Republic: A Centrist Blueprint for America's Faith-Based Future*, University of California Press, 2007.

#The White House, *A Quiet Revolution: The President's Faith-Based and Community Initiative – A Seven-Year Progress Report*, February 2008. Online at OnCourse.

#David J. Wright, *Taking Stock: The Bush Faith-Based Initiative and What Lies Ahead*, The Roundtable on Religion and Social Policy, Nelson A. Rockefeller Institute of Government, SUNY Albany, 2009. Online at OnCourse.

#Francie Ostrower, *Nonprofit Governance in the United States*,” Center on Nonprofits and Philanthropy, The Urban Institute, 2007. Online at OnCourse.

#Robert Wuthnow, “Clash of Values: Government Funding for the Arts and Religion,” in Boris and Steuerle, eds., pp. 311-342.

#George Kateb, “The Value of Association,” in Amy Gutmann, ed., *Freedom of Association*, Princeton, 1998, pp. 36 - 63. Online at OnCourse.

Stephen L. Carter, *The Culture of Disbelief*, Basic Books, 1993.

John H. Goddeeris and Burton A. Weisbrod, “Ownership Forms, Conversions, and Public Policy, in Boris and Steuerle, eds., pp. 277-309.

Evelyn Brody, “Accountability and Public Trust,” in Salamon, ed., *The State of Nonprofit America*, pp. 299-330.

Anne Farris, Richard P. Nathan and David J. Wright, “The Expanding Administrative Presidency: George W. Bush and the Faith-Based Initiative,” The Roundtable on Religion and Social Welfare Policy, The

Nelson A. Rockefeller Institute of Government and George Washington University Law School, August 2004. Online at:
http://www.religionandsocialpolicy.org/docs/policy/FB_Administrative_Pr esidency_Report_10_08_04.pdf

“Unlevel Playing Field: Barriers to Participation by Faith-Based and Community Organizations in Federal Social Service Programs,” Executive Office of the President, August 2001. Online at:

<http://webharvest.gov/peth04/20041031105515/http://www.whiteh ouse.gov/news/releases/2001/08/20010816-3-report.pdf>

OMB Watch and Grantmakers without Borders, *Collateral Damage: How the War on Terror Hurts Charities, Foundations and the People They Serve*. July 2008. Online at OnCourse.

American Civil Liberties Institute, *Blocking Faith, Freezing Charity: Chilling Muslim Charity in the “War on Terrorism Financing,”* June 2009. Online at OnCourse.

Selections from testimony and recommendations on nonprofit accountability.

Selection from 9/11 Commission on charitable financing of terrorist groups.

April 2 Politics, Anyone?

#Jeffrey M. Berry with David F. Arons, *A Voice for Nonprofits*, Brookings, 2005

#Craig Jenkins, “Nonprofit Organizations and Political Advocacy,” in Steinberg and Powell, *The Nonprofit Sector: A Research Handbook*, 2nd

Ed. Online at OnCourse.

#Michael J. Malbin, *Small Donors, Large Donors and the Internet: Rethinking Public Financing for Presidential Elections after Obama*, The Campaign Finance Institute, April 2009. Online at OnCourse.

#Elizabeth J. Reid, "Advocacy and the Challenges it Presents for Nonprofits," in Boris and Steuerle, eds., pp. 343-371.

#Lester M. Salamon, et. al., "Nonprofit America: A Force for Democracy?" Communique No. 9, Listening Post Project, Johns Hopkins University Center for Civil Society Studies, 2008. Online at OnCourse.

Elizabeth T. Boris and Jeff Krehely, "Civic Participation and Advocacy, in Salamon, ed., *The State of Nonprofit America*, pp. 299-330.

Julia Coffman, *Foundations and Public Policy Grantmaking*. The James Irvine Foundation, 2008. Online at OnCourse.

Jeff Krehely, Meaghan House and Emily Kernan, *Axis of Ideology: Conservative Foundations and Public Policy*, National Committee for Responsive Philanthropy, March 2004. Online at OnCourse.

James Piereson, "Investing in Conservative Ideas," *Commentary*, May 2005, pp. 46-53. Online at OnCourse.

Stephen R. Weissman and Kara D. Ryan, *Non-Profit Interest Groups' Election Activities and Federal Campaign Finance Policy*, Campaign Finance Institute, July 2006. Online at OnCourse.

April 9 Student presentations

April 16 Civic Engagement

#Mark Warren, *Dry Bones Rattling: Community Building to Revitalize American Democracy*, Princeton, 2001.

#Robert Putnam, "E Pluribus Unum: Diversity and Community in the Twenty-First Century," *Scandinavian Political Studies*, Vol. 30, No.2, 2007. Online at OnCourse

Miriam Galston, "Civic Renewal and the Regulation of Nonprofits," *Cornell Journal of Law and Public Policy*, Spring 2004, Vol. 13, Nu. 2, pp. 289-404. (Online edition available via library.)

Sidney Verba, Kay Lehman Schlozman, and Henry E. Brady, *Voice and Equality: Civic Voluntarism in American Politics*, Harvard University Press, 1995, pp. 463 – 533.

April 23

Civic Dis-engagement

#Theda Skocpol, *Diminished Democracy*, Oklahoma, 2004.

#John M. Bridgeland, Stephen Goldsmith and Leslie Lenkowsky, "Service and the Bush Administration's Civic Agenda," in E. J. Dionne, Kayla Meltzer Drogosz, and Robert E. Litan, *United We Serve: National Service and the Future of Citizenship*, The Brookings Institution, 2003, pp. 52-59. (E-book in library.)

#Robert D. Putnam, "Bowling Together," in Dionne, Drogosz and Litan, *United We Serve*, pp. 13-19. (E-book in library.)

#Theda Skocpol, "Will September 11 Revitalize Civic Democracy," in Dionne, Drogosz and Litan, *United We Serve*, pp. 20-32. (E-book in library.)

#Jill Horwitz and Joseph Mead, "Letting Good (and Bad?) Deeds Go Unpunished: Volunteer Liability Protection Laws and Volunteering,"

Unpublished paper, February 2007. Online at OnCourse.

National Conference on Citizenship, *America's Civic Health Index 2009: Civic Health in Hard Times*, August 2009. Online at OnCourse.

Leslie Lenkowsky, "Still Bowling Alone?" *Commentary*, October 2000. Online at OnCourse.

April 30

Conclusion: The Future of Civil Society in the United States

PUBLIC POLICY ANALYSES DUE

Russell J. Dalton, *The Good Citizen: How A Younger Generation is Reshaping American Politics*, Revised Edition

#Joel Fleishman, "To Merit and Preserve the Public's Trust in Not-for-Profit Organizations: The Urgent Need for Regulatory Reform," in Clotfelter and Ehrlich, eds., pp. 172 – 97.

#Leslie Lenkowsky, "The Politics of Doing Good: Philanthropic Leadership for the Twenty-First Century," in William Damon and Susan Verducci, eds., *Taking Philanthropy Seriously: Beyond Noble Intentions to Responsible Giving*, Indiana University Press, 2007, pp. 50-61.

#Paul C. Light, *How Americans View Charities: A Report on Charitable Confidence, 2008*. Issues in Governance Studies, No. 19, The Brookings Institute, 2008. Online at OnCourse.

Marion Fremont-Smith and Andras Kosaras, "Wrongdoing by Officers and Directors of Charities: A Survey of Press Reports 1995-2002," *Hauser Center for Nonprofit Organizations Working Paper No. 20*, John F. Kennedy School of Government, 2003. Online at:
http://papers.ssrn.com/sol3/papers.cfm?abstract_id=451240#PaperDownload

Matthew Hale, et. al., "The Nonprofit Sector and the Press: Coverage of Philanthropy and Nonprofits in Nine Major Newspapers," Research Paper 22, The Center on Philanthropy & Public Policy, University of Southern California, February 2005. Available on OnCourse.

Marcus S. Owens, "Charity Oversight: An Alternative Approach," Working Paper No. 33.4, The Hauser Center for Nonprofit Organizations, Harvard University, October 2006.

Online at:

http://www.ksghauser.harvard.edu/PDF_XLS/workingpapers/workingpaper_33.4.pdf

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FINAL EXAM TO BE DISTRIBUTED

May 7

FINAL EXAM DUE