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Public Benefit and Love

Charities are regulated by the state, and the state is in process of tightening up its definition of what constitutes a charity. To enjoy charitable status, without which there are difficulties including the loss of tax rebate on some donations, charities must *prove* that their activities are of *public benefit*. “If the benefit is not capable of proof, the benefit cannot be recognised,” we are told on authority.^[1] Yet the responsible body is not called the Public Benefit Commission, which might be taken as a synonym of the Welfare State. It is called The Charity Commission (not The Charities Commission). The inference must be that the Charity Commission understands certain activities with proven public benefit as charity.

The interesting questions are the connections between the two terms *charity* and *public benefit*, what can constitute proof of public benefit, and why the politicians think themselves qualified to judge. What is public benefit? “We are the regulator for charities, not for religion,” writes Dame Suzi Leather, Chair of the Charity Commission.^[2] The two may not be so easily separated as she supposes, if *charity* is itself religion.^[3] Later on in Dame Suzi’s article appears a phrase that says much about how the verb *benefit* is understood, “benefit in a material way”.

The concept of *charity* is a Christian one. Human charity, as the Homily “Of Christian Love and Charity” explains, is firstly loving God, then loving one’s neighbour as oneself. Why should anybody love his neighbour as himself if we see the world from a Benthamite or a Darwinian point of view? Evolution works by the survival of the fittest, the direct opposite of the Christian “Greater love hath no man than this, that a man lay down his life for his friends” (or, in the best example, for his enemies). Charity is loving them that hate you, doing good to them that despitefully use you, for which there is no place in natural selection. Comte’s *altruism* is, in evolutionary terms, just suicidal. Without the descent from Christianity it makes no sense at all.

In English law as understood by the Charity Commission, an enclosed order devoted to prayer for the rest of us sinners cannot be classed as a charity, though it is one of the purest forms. “The value of intercessory prayers of a religious order is ‘*manifestly not susceptible of proof*.’” So according to the case law “the purposes of the organisations could not be accepted as charitable.”^[4] *Manifestly not susceptible of proof* is in fact debatable, though not by the criteria of proof demanded in English law. But if *charity* is restricted to *benefit in a material way* charity has in fact been lost.

Perhaps some material benefits are inherently charitable. The Samaritan shows his love to the man who fell among thieves just by looking after him. What he thought of the man, whether he liked him, we don’t know. It would not affect the story if the Samaritan resented having to waste his time on another bloody fool who travelled without protection. The deed shows the love. But in the case of old folks’ homes, it is easy enough to imagine the necessary actions without charity. *Carer* is a frequently used word, and care for human beings, and perhaps even for horses, does not consist just in the physicality of benefits. If parents have to make arrangements for the care of an autistic child after they are no longer capable themselves, it would be quite understandable if they put *loving care* ahead of comfort, the best diet, good clothes, though of course all these last can be expressions of charity. Or meals on wheels: the charity is not just in the food itself, though without the food there would be no charity. The meals can be cooked and delivered not as an act of love but just because of the odd requirement of the law, for the present, that the incurably infirm should be fed, not put out of their misery. (“Public benefit” might arguably include compulsory euthanasia instead of the very expensive system of old folks’ homes.) Or Water Aid. “Give water. Give life. Give £2 a month”, as one leaflet puts it.

Here *life* is not used in the same sense as in “I am come that they might have life, and that they may have it more abundantly.” Without water no life at all, but with water possibly a life of misery, unenlightened by charity.

Make *public benefit* the same as *benefit in a material way* and there is no standard even of what constitutes public benefit. The Charity Commission is in difficulties, for instance, about what public art deserves charitable status. The same goes for the *good causes* subsidised by the National Lottery. What made the Millennium Dome or what will make the Olympic Games a good cause?

When the state dissociates itself from the church but nevertheless thinks itself competent to judge what is and what is not charitable, any reliable notion of public benefit fades away along with *charity*, and decisions are made by people unqualified to make them. These decisions ought to be by the Queen in council acting on the advice of the Archbishop of Canterbury.

NOTES & REFERENCES

1 *Analysis of the Law underpinning Charities and Public Benefit* 2.6, p. 5; www.charitycommission.gov.uk

2 “Faith, Scope and Parity”[sic], *Church of England Newspaper*, 30 May 2008

3 “Pure religion and undefiled before God and the Father is this, To visit the fatherless and widows in their affliction” (James 1:27) “But whoso hath this world’s good, and seeth his brother have need, and shutteth up his bowels of compassion from him, how dwelleth the love of God in him?” (1 John 3:17)

4 As ref. 1

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