Chapter I

A Proposal for a Universal Taxonomy of Foundations

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1. Introduction

Throughout human history, various terms have been used to describe what will be referred to as 'foundation' in this paper. While some of these terms, such as the Hebrew term *heqdesh*, have fallen in disuse over time [EStmG, 1:53–54], others, like the Germanic term *Stiftung*, have undergone remarkable shifts in meaning [EStmG, 1:29]. Still others, like the Arabic term *waqf*, seem to have resisted semantic change for many centuries [EStmG, 1:38, 42].

The choice of the term 'foundation' is by no means a matter of course. Of all possible terms this one is no more general than any other. Because of its Western origins, it could even be rejected as colonialist [EStmG, 1:104]. However, such objections only make it clear that there are no unbiased concepts in world history. Like *heqdesh*, *Stiftung*, or *waqf*, the term 'foundation' has its own etymology that needs to be reflected to avoid naïve use.

In the first millennium of the Common Era, the word 'foundation' was derived from Latin *fundatio*, which was the nominalized abstract form of the verb *fundare*. In classical Latin, *fundare* referred to the process of establishing something, such as a building, city, or idea [Robbert 1912–26]. This range of meanings did not change significantly in the course of anglicization [Latham 1975, 1029–1030]. While the process of setting up a charitable institution was already referred to as 'foundation' early on, it was only in the last centuries of the Middle Ages that the abstract form became used for the establishment itself [Feenstra 1956, 441; 1998, 317–318; EStmG, 1:27–28]. 'Foundation,' however, like *fundatio* never turned into being the standard designation for such institutions in Latin Christendom. Mediaeval individuals could engage in a variety of activities related to pious foundations without the need for a general term to describe them [EStmG, 1:26–28].

2. The Ideal-Type as a Scholarly Concept

At first glance, it may appear perplexing to select a term that appears rather rarely in written documentation as the generic term for scholarly analysis. However, it is precisely the difference between historical and scientific terminology that can unleash analytical potential, because it means that what is supposedly self-evident becomes in need of explanation. This is particularly important as all comparative scholarship on reciprocal gift-giving encounters two general issues: firstly, the imprecise and ambiguous word usage of written testimonials, and secondly, the tendency of modern academic terminologies to uncritically refer back to contemporary laws of charity [Chitwood et al. 2017, 2–6].

To address the confusion stemming from the inconsistency of fundamental concepts and to avoid anachronistic patterns of interpretation, Michael Borgolte and other scholars have suggested the adoption of an ideal-type [Borgolte 2005, 10]. The ideal-type perspective defines a foundation as a self-sustaining social system consisting of beneficiaries, administrators, and supervisors, which is able to achieve an immutable purpose by continually receiving income from an imperishable asset. In other words, foundations are gifts encumbered with irrevocable claims of earmarking, whereby specified (groups of) individuals act vicariously on behalf of the founder and in accordance with his or her aspirations.

As a result, foundations must be clearly distinguished from donations, which are defined here as any form of gifts, presents, or bestowals that enrich the recipients in a single transaction without committing them to any future obligations.[1] Although many donations are purposeful, too, they do not aim to establish a timeless arrangement with temporary means. In contrast to donations, foundations cannot be disposed of freely. They require constant human intervention in order to survive under historically changed conditions, and all these interventions must be carried out in (purported) accordance with decisions that have been made once and for all [Lohse 2011, 14–19, 212–214].

3. A Taxonomy for Comparative Research

Foundations often deviate from the ideal-type described above, but comparing real examples of foundations to this ideal-type can reveal their unique characteristics. Additionally, the ideal-type may serve as a *tertium comparationis* for comparisons

[1] Conditional donations are obviously a borderline case. However, in the long run the enrichment of the recipient usually overcomes its conditionality in such legal instruments, because the fulfilment of the conditions does not have to be financed by the donated property. For a different, yet unconvincing view cf. Theisen [2001].

between foundations from very different times, regions, or cultural backgrounds [Weber 1949].

When comparing foundations, scholars are well advised to focus on three key elements: the foundation's purpose, capital, and organisation.[2] By examining each of these 'pillars,' scholars can identify sub-types of foundations and develop a taxonomy that allows for discussing the three main questions of comparative scholarship on foundations:

(1) How similar were the foundations examined in terms of purpose, assets, and organisation (seen alone or even in the respective correlation)?
(2) Did the prevalence of similar economic, political, legal, or religious conditions support the emergence of similar types of foundations?
(3) Were similar types of foundations a result of knowledge transfers or of parallel, yet independent inventions and innovations?

4. Categorising Purposes

Typically, the founder of a foundation determines its purpose, although administrators can subsequently clarify or adjust the original objectives. Such reconfigurations often take place within a legal grey area. However, the founder can expressly delegate corresponding powers to the foundation board, for example in order to comply with mortmain legislation, to adapt the foundation mandate to social changes, or to balance the expenses for the fulfilment of the foundation purpose with the actual income from the foundation capital.

Traditionally, foundations serve at least one of four distinct purposes: commemoration, worship, charity, and education. A generous interpretation may even include more modern goals, such as environmental protection, as falling under one of these categories.

Memorial foundations aim to promote the commemoration of their founder. In pre-modern times, the deceased—and therefore physically absent—founder was often envisioned to be personally present among the beneficiaries in order to participate in the recurring gift exchange. Such an imagined presence could be reinforced by paintings, sculptures, emblems, or re-enactments of the generous benefactor [EStmG, 1:431–555]. However, the performance of memorial foundations was not limited to such imaginations. Depending on the prevailing ideas about the afterlife, many beneficiaries were expected to intercede for the soul of the founder [EStmG, 2:92–96, 148–152 (Christians); 112–113 (Muslims); 129–132 (Jews)].[3] Due to pro-

[2] For different approaches cf. Borgolte [2017]; Miura [2018]; Adam [2019].
[3] Cf. Borgolte [2015].

cesses of secularisation the liturgical techniques of memory maintenance have been supplemented by more secular ones in modern societies [Borgolte 2003, 15]. Nevertheless, even in pre-modern times, memorial foundations served the purpose of preserving earthly memory, i.e. the fame of the founder [EStmG, 2:97–98, 157–159 (Christians); 111–112 (Muslims); 481 (Jews); 2:75, 80, 90, 168 (multireligious Indian subcontinent)].

Worship foundations aim to increase the quantity and quality of religious services. Quantitative increases are most easily realised by establishing new places of worship: temples, synagogues, churches, mosques, or the like [EStmG, 2:98–100, 160–161 (Christians); 113–115 (Muslims); 139–141 (Jews); 173–174 (Buddhists); 175–176 (Hindus); 177–178 (Jainas)]. The erection and maintenance of sacral buildings is not limited to questions of the construction burden, but also includes the material provision of liturgical experts and communities of worship who usually perform their duties in these buildings [EStmG, 2:100–102 (Christians); 118–121, 123–124 (Muslims); 137–139 (Jews); 169–171, 177 (Brahmins); 173 (Buddhists); 175–177 (Hindus); 177–178 (Jainas)]. Qualitative increases are characterised by augmented efforts. This can be, for instance, a more extensive liturgical workload of prayers, chants, and recitations or an increased attendance of celebrants achieved by extra portions of nutrition or monetary allowances [EStmG, 2:103 (Christians), 115 (Muslims), 178 (Jainas)]. More often, however, it means a greater number or a more precious design of cultic objects, such as books, garments, candles, oil lamps, flowers, or an upgrading of the interior decoration by stained glass, paintings, carvings, tapestries, or the like [EStmG, 2:103–104 (Christians), 132–137 (Jews), 172 (Buddhists)].

Charitable foundations aim to establish institutions of vicarious benevolence. With respect to their beneficiaries such institutions may be either open to virtually all needy people or limited to a specified group. Foundations of the first subtype are executed mainly by monetary or material giving [EStmG, 2:249–250 (Christians); 209–210 (Muslims); 225, 227–228 (Jews)]. In addition, all sorts of infrastructure for the public good that is maintained by a foundation may be numbered among this species, too. The oldest examples are wells, cisterns, and common bridges, but also libraries [EStmG, 2:214–215 (Muslims), 260–261 (Brahmins); Lohse [forthcoming] (Latin Christendom)]. Foundations of the second subtype may be subdivided as well. On the one hand, their service usually focuses on feeding, clothing, providing shelter, or something similar. On the other hand, they are mostly aimed at a specified audience, such as poor, elderly, disabled, sick, foreign, orphaned, imprisoned, unwedded, or widowed people [EStmG, 2:194–195, 246–249 (Christians); 208–209, 211–214 (Muslims); 228–229 (Jews); 2:261–265 (multireligious Indian subcontinent)].

Educational foundations support the insemination of learning. They are either institutional or situational in character. The first group encompasses prebends and benefices for individual teachers and students as well as educational institutes, such as colleges, universities, madrasas, and yeshivot [EStmG, 2:197–199 (Christians), 218–220 (Muslims), 232–233 (Jews), 269–271 (Brahmins), 271–274 (Hindus), 274 (Buddhists)]. The second group includes monetary or material gifts with a close relationship to learning, for instance, scholarships or books [EStmG, 2:201, 294 (Christians, see also EStmG [1:175–176]); 220–221 (Muslims); 2:275–276 (multireligious Indian subcontinent)].

5. Categorising Assets

The wealth of a foundation encompasses both its capital stock and the earnings generated from it. The founder's initial contribution to the capital stock is known as the initial endowment, while subsequent contributions are referred to as additional endowments.

Due to its 'imperishability,' land has always been the first choice for long-term financing of foundations [EStmG, 2:290–291, 326–328 (Christians); 303 (Muslims); 707, 714 (Buddhists); 718–719 (Daoists); 2:338–342 (multireligious Indian subcontinent); 2:311, 315–317 (Jews)]. Accordingly, the people having the most land at their disposal, i.e. kings and noblemen, usually distinguish themselves as founders [Borgolte 2019]. In earlier times, however, those rulers who lacked estates transferred to foundations what no-one else was able to provide: either tax-exemptions or concessions to collect taxes, customs, and tithes on their own account [EStmG, 2:294–296, 331–333 (Christians); 307–308 (Muslims): 2:339–341 (multireligious Indian subcontinent)][4]. Burghers, on the other hand, endowed typically urban forms of land ownership: dwelling and business houses [EStmG, 2:292 (Christians), 304 (Muslims), 313–315 (Jews)]. Women who did not own real estate or could just dispose of it to a limited extent, often provided precious objects. However, such gifts were only accepted by the foundation's administrators if they were critical to achieving the foundation's goals or could be sold and otherwise invested [EStmG, 2:293, 329–330 (Christians); 306–307 (Muslims); 319 (Jews)]. In societies characterised by a monetary economy, it was obvious to endow foundations with money, too [EStmG, 2:289–290, 293, 331 (Christians); 305 (Muslims); 317–319 (Jews); 2:342–346 (multireligious Indian subcontinent)]. Nevertheless, the investment of endowed cash in bonds, rents, or loans regularly presupposed a circumvention of the prohibition on usury.[5]

Apart from their outward form, endowed assets can also be classified based

[4] Also compare Zachary Chitwood's contribution to the present anthology (pp, 13 to 32).
[5] Western Europe: Gilomen 1994; Munro 2003. Ottoman Empire: Mandaville 1979; Çizakça 1995. Indian subcontinent: EStmG, 2:343 (Brahmins), 344 (Buddhist).

on how the property is cultivated. This seems particularly useful when comparing foundations that have been endowed with more than one asset.

Three management systems may be distinguished: those that conserve the basic stock perpetually, those that successively consume the basic stock, and those that must augment the basic stock to execute the foundation's goal entirely.

Capital-conserving foundations are the closest to the ideal-type mentioned above. In pre-modern times, this management system was probably the most widespread in all civilizations.

Capital-consuming foundations are erroneously believed to be a modern invention by some scholars [Borgolte 2017, 79]. However, we can find them in Europe already in late-medieval times. Founders who sought to endow post-mortal intercessions for a limited period had no incentive to aim for the eternal maintenance of their foundation's basic stock. As a result, capital-consuming foundations became popular in the West after the dogma of purgatory was established in 1274.[6]

Capital-increasing foundations do not augment their assets by chance, as is the case for many capital-conserving foundations. Rather, their founders establish an institution that initially cannot execute its purpose entirely since the initial endowment does not generate sufficient profit. As a result, the basic stock must be supplemented with many additional endowments. Consequently, capital-increasing foundations typically have the character of collective projects. In pre-modern China such institutions seem to have been the norm [EStmG, 2:740]. In the Occident the earliest examples stem from the fourteenth century: while the Jewish community of Munich established a capital-increasing foundation to build a synagogue [EStmG, 2:141], poor Christians in towns and villages got together to finance priestly benefices for collective memorial services [Haas 2011, 241–248; Othenin-Girard 1994, 31, 39].

6. Categorising Organization

The functioning of a foundation is contingent upon the interplay between administrators, beneficiaries, and supervisors. Administrators are entrusted with the preservation and management of the foundation's capital stock, as well as the distribution of surplus to the beneficiaries. In return, beneficiaries are required to undertake specific tasks or performances in order to contribute to the foundation's objectives, such as intercessions, recitations, or vicarious sacrifices. Meanwhile, supervisors play a dual role in ensuring that administrators effectively manage the assets and

6 Exemplary cases were already discussed by Dobson [1967]. However, Dobson did not discern the connection between the temporal limitation of the foundation's execution and the doctrine of purgatory. Cf. Lusiardi [2005, 52–54].

that beneficiaries fulfil their obligations.

Scholars attempting to classify the organisational structure of foundations often rely on their legal nature. Based on contemporary legal doctrines of Civil and Canon Law, independent/autonomous ('proper') foundations are distinguished from dependent ('improper') ones.[7] However, this categorisation is insufficient and anachronistic when applied to historical studies, because it employs legal personality as the key criterion—a concept that was largely unknown or insignificant in most pre-modern and non-Western legal traditions until the nineteenth century [Borgolte 1988]. A more useful approach is to differentiate between self-governing and non-self-governing foundations [EStmG, 1:172–173].

Self-governing foundations can be based on either trust or distrust. Founders who are distrustful establish intricate systems of mutual control that regulate the relationship between administrators, beneficiaries, and supervisors. In extreme cases all of the 'internal bodies' are subject to permanent probation, as they can be replaced in the event of the slightest misconduct [EStmG, 2:527–529]. Conversely, founders who are confident strive to empower the beneficiaries, such as by granting them the right to administer the endowment themselves [EStmG, 2:565 (Christians), 535 (Muslims), 571–572 (Brahmins), 577–578 (Jainas)] or by appointing supervisors who *de facto* lack the ability to intervene [EStmG, 2:529, 564 (Christians)]. Convent communities of ascetics or other cooperatively organised groups provide classic examples of such foundations.[8]

Non-self-governing foundations are invariably founded on distrust, especially of unreliable beneficiaries. We can distinguish three basic constellations in terms of power balance: If a manager must carry out their duties officially, then we speak of a ministerial administration. If a manager is nominated or elected by some supervising authority, then we speak of a derivative administration. And if such a manager is also bound by instructions from this authority, then we speak of a bound administration [Pleimes 1938, 26–29].

7. Conclusions

Scholarship on foundations in the socio-scientific realm should avoid advocating for legal, religious, or cultural essentialism. Instead, new insights will be gained through comparative research designs. An ideal-type approach can aid in identifying both common and uncommon characteristics of individual foundations. However, a general taxonomy is essential for a more profound understanding, as it en-

[7] Cf., for instance, Feenstra [1971]; Rickett [1979, 144–146].
[8] A telling example from Latin Christendom is discussed by Lohse [2019, 104–105]. For Buddhist communities see EStmG [2:572–574].

ables the identification of general patterns and trends. The benefit is already evident when comparing just a few cases, but it multiplies when it comes to macro-historical analyses.

Guided by the three key elements of foundations, we propose to categorise foundations according to a three-dimensional system of coordinates whose axes are (x) purpose, (y) asset, and (z) organisation. Distinguishing four objectives that may be pursued, three ways in which a capital stock may be managed and two sorts of governance that may shape the interaction of beneficiaries, administrators, and supervisors, any given foundation does match one of 24 possible types. However, it cannot be assumed that all of these 24 types have appeared equally throughout world history. The spatial and temporal predominance of specific variants may therefore serve as an empirical basis from which comparative endowment studies should draw their conclusions.

Admittedly, the proposed taxonomy seems quite schematic at first view. And indeed, there are many hybrids documented which cannot be classified easily. But in practical research, this taxonomy will prove itself, as comparing foundations usually requires the evaluation of very disparate documentation. Furthermore, what written sources reveal about them is often one-eyed and fragmentary, due to the inner logic of textual genres and the loss of records. That is why a simple taxonomy turns out to be so helpful for detecting, sorting, and weighing the information needed in order to identify the similarities and varieties of foundations from a comparative perspective.

8. Outlook

The effectiveness (and limitations) of the classification approach proposed herein can be illustrated with two examples.

In the archive of the Iviron Monastery on Mount Athos, a testament originally drafted in 1098 by the nun Maria has been transmitted. According to this document, Maria established a foundation through which the monks of the aforementioned monastery were to commemorate her late husband and herself on the anniversary of their death by distributing large quantities of wheat, wine, and meat among the needy at memorial banquets. The foundation was endowed with Maria's estate Radholibos which was to remain with the monastery perpetually, overseen by her trustees [Chitwood 2023, 17]. By applying the proposed typology Maria's foundation may be readily classified to be (x) commemorating, (y) capital-conserving, and (z) non-self-governing—or in numeric notation: 1 | 1 | 2.

The Goslar city archive contains a twelfth-century register of possessions and incomes, originating from the former chapter of SS. Simon and Jude. This document includes abbreviated excerpts from a now-lost memorial book of the said chapter [Lohse 2011, 220–224, 233]. From one of the entries, it is apparent that the provost was required to pay a certain amount of money annually to each canon who attended the service on June 26th in order to commemorate the elevation of Henry IV to the rank of co-king [Lohse 2011, 251, §86]. The money came from the unfree peasants who cultivated the endowed land in Duringerode. Additional documents indicate that this foundation was established around 1060 by Henry's half-sister Azela, an illegitimate daughter of the German King Henry III [Lohse 2013]. Using the proposed typology Azela's foundation also appears as (x) commemorating, (y) capital-conserving, and (z) non-self-governing—or in numeric notation: 1 | 1 | 2.

Accordingly, a typological comparison leads to the result that both foundations have a similar structure, regardless of their individual characteristics. This discovery warrants further investigation through typological studies involving a larger number of cases, taking into account, for example, foundations that were likewise established in the second half of the eleventh century (synchronous perspective) or set up already in the first half of the eleventh century (diachronic perspective). We argue that such an approach represents the most methodologically robust means of situating the foundations of Maria and Azela into broader patterns and trends in the world history of foundations.

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