Ethical Dimensions of International Grantmaking: Drawing the Line in a Borderless World

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*The views and opinions of the authors expressed herein do not necessarily state or reflect those of Carnegie Corporation.

By their very nature and purpose, foundations are powerful leaders in society. Pressure to maintain the public trust has consequently focused attention on their behavior. While codes of conduct have been produced, foundation officers have yet to make explicit the values that shape their work. The pressure and complexity of foundation decision making — the ways in which priorities are identified and strategies implemented — compel recognition of the multiple ethical dimensions that underlie those actions. This paper is thus proffered as a contribution toward developing the ethics of international grantmaking.

The overriding purpose of the institution of philanthropy is to improve the world and all its aspects, particularly those that pertain to values. This purpose cannot be accomplished well if philanthropic agencies do not themselves exemplify the highest ideals and values. (Hooker, 1987)

By their very nature and purpose, foundations are powerful leaders in society. The specific leadership role they occupy can be characterized in two ways: foundations are agenda-setters, driving social and political reform; and, they are financial investors whose sustained funding can “make or break” an idea, individual or field (Kuper, 2004). Foundations have the ability to set social and political agendas of national and international importance. Often, through the provision of financial, intellectual or professional support, they are a key force motivating social change over the long-term. Furthermore, the provision or cessation of funding from foundations can determine the sustained success of any one or a set of projects, ultimately leading to the victory or failure of nascent research, a path-breaking teaching approach, an innovative organization or a critical new field of study.

From the establishment of Carnegie Corporation in 1911 as the first general-purpose private foundation (Wall, 1989), it was recognized that philanthropies are privileged institutions. Not only do they maintain their own endowments, their fiscal survival is not dependent on external accountability. In 1984, Alan Pifer, president of the Corporation from 1967 to 1982, articulated the special prerogatives and freedoms afforded to private American foundations:

First, the American foundation is a highly privileged institution. Since it is endowed, it does not have to use valuable time or energy raising money or shape its activities so as to appeal to donors. Since it does not have to make a profit, it is not subject to the vicissitudes or disciplines of the market… it avoids accountability except to itself. A second feature of foundations is their dual private and public nature.

They are private in the sense that they are incorporated as private entities, arise from private wealth and initiative and are self-
governing and self-perpetuating. They are public in the sense that, once they have been granted tax-exempt status, they exist solely for public benefit. A third feature of foundations is that the funds they have available for expenditure are a particularly precious resource to the society. This is not because of their size, since the funds are quite small, but because they are constantly replenishable pools of organized but uncommitted money that can be freely, and if need be, quickly, deployed to meet existing or new social needs. (Pifer, 2001, pp. 2-3.)

With this liberty comes great responsibility as well as intense public scrutiny. In the face of such corporate scandals as Enron, WorldCom and Parmalat, private U.S. foundations, such as the Irvine Foundation, have not been immune to concerns about their ethical practices. Various echelons of the U.S. government, the media and the public have leveled increasing criticism of foundations regardless of size, ideology or focus (see Boston Globe, 2003; Strom, 2004). Government officials, academics and other critics have lodged increasingly vocal demands for foundations to spend their endowments more rapidly (Wooster, 1998; see Independent Sector, “CARE Act of 2003”). The rationale is to tap into the financial resources of private foundations in order to meet pressing public problems during a period of economic recession and unemployment in the U.S. Philanthropic debate has turned on the issue of whether foundation resources should be deployed now, at the expense of future generations (Shuman, 1998). Some critics complain that the powers of foundations are too vast and foster an institutional culture that is not responsive to current needs and conditions. Nielsen suggests: “The foundations created for unlimited general purposes and endowed with enormous resources, their ultimate possibilities are so grave a menace, it would be desirable to recommend their abolition,” (2002).

The unfolding discourse over ethical conduct in nonprofit and corporate America is not only about the acts of greed and ill-gotten gains of a few individuals. It also focuses attention on the ripple effects of such conduct. Corporate shareholders and nonprofit grantees are obviously affected by unethical conduct; yet it is the impact of such lapses of judgment on the public at large — through loss of public confidence — and the broader social forces put into motion as a result of such decisions that require examination (Christiansen, 2004). The ethical dimensions inherent in human interaction have long been the basis of religious creeds coded as far back as the early Egyptians (“Ethics,” 2003). Given the increasingly global scale of human interaction, the urgency to examine and address both the effects and consequences to prevent unintended negative outcomes is imperative.

In response, foundation leaders have exhorted the sector to increase transparency and accountability. Vartan Gregorian, current president of Carnegie Corporation, has written: “Foundations should stand for the best ideas and impulses of the American people, their idealism, altruism, and generosity. Because of this, their values and how they conduct themselves must be higher than the prevailing standards. We are accountable not only before the law and the court of public opinion, but before history as well,” (Gregorian, 2004, p. 43). Michael Bailin, president of the Edna McConnell Clark Foundation, has also made explicit the values that led to a reorientation of that foundation (2003). Regrettably, the recent literature on the ethical underpinnings of philanthropic decision making is sparse; too few practitioners of philanthropy have written about the values that shape their work in the field.

The pressure and complexity of foundation decision making, the ways in which priorities are identified, and strategies crafted and implemented, compel recognition of the multiple ethical dimensions that underlie those actions (Jones, 1991; Paine, 1997). The power of philanthropy, stemming from unequal access to resources, knowledge, and influential individuals, can make foundation decision making vulnerable to abuse if the guiding ethical

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1 For example, see Strom’s discussion of the Omaha Foundation.

dimensions of such decisions are not made explicit. The importance of maintaining the public trust, which has served to amplify the need for good philanthropic conduct, culminated in the release in January 2004 of a major statement of values and a code of ethics by Independent Sector, the professional association of nonprofit organizations in the United States (2004). Directed specifically at the nonprofit and philanthropic sectors, this statement now joins the cluster of ethical codes governing such fields as public relations, fundraising, and journalism as well as those produced within the private sector. Their common denominator is the mandate to set forth principles governing the way those institutions working on behalf of the public sector achieve and maintain the trust and confidence of their constituents: “Public trust is the single most important asset of the nonprofit and philanthropic community,” according to Independent Sector (2002, p. 6).3

It could be argued that the relationship between ethics and philanthropy is a tautology. We define ethics as the system of moral values and principles that govern the conduct of individuals and institutions. Then philanthropy — by definition, the love of humankind — is at its core an ethical endeavor (Gregorian, 2004). The impetus to establish foundations, long before the popular rationale of tax benefits, is an acknowledgement of a distinct set of ethical principles articulated on behalf of the public good. The application of these ethical principles is particularly challenging when an American foundation works beyond US borders in differing social, economic, political and institutional contexts. The debates about the injustices of globalization and the growing concerns about the “American empire” highlight the continuing importance of understanding differences in perspective and perception in making grants internationally.

To date, no foundation has undertaken a comprehensive reflexive analysis of the ethical dimensions of international grantmaking over a significant duration. This paper is thus proffered as a contribution toward developing the ethics of international grantmaking as a field of study to be applied in practice. Working within the general schema of sound philanthropic practices, we examine two cases that exemplify distinct approaches to international grantmaking, spanning different periods of Carnegie Corporation’s history. The analyses reveal the deep complexities of such an undertaking; therefore, this examination can only be considered as propaedeutic (Kessel, 2004). We conclude with suggestions for further research to strengthen future inquiry and promote grantmaking that is ethically sound.

The paper is divided into the following parts: 1) a schematic for incorporating ethics into international grantmaking; 2) two distinctive case studies of Corporation grantmaking in sub-Saharan Africa; and, 3) a summary of lessons learned to inform ethical decision making, together with questions for future research.4

### Decision Making Process: A Schema for Incorporating Ethics Into International Grantmaking

While traditional ethicists emphasize a consistent ethical stance from planning through action to evaluation, the ethics of philanthropic work is not dependent on adopting a single standpoint but rather on consistency in accordance with the major ethical traditions (see Anderson, 1996; Kuper, 2004). A promising approach, drawn from experience and review of the cases, is the development of a meta-framework building on, for example, Aristotle’s moral perspective, Kant’s notion of moral obligation, Mill’s utilitarian perspective, Rawls’ veil of ignorance, Gilligan’s caring model and Kidder’s global ethics model (Gordon, 2004; Kidder, 1999; Kuper, 2004; McNamee, 2001; Rawls, 1999; White, 2002).

In designing such an approach for ethical grantmaking, the first step is to focus on the nature of the deliberative process. As indicated in the schematic below, a wider range of questions must be asked. Ethical decision making relates to the types of questions asked

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3 See also Chapter one of Powell and Clemens, eds., for a discussion of the contested term “public good.”

4 The research methods for the paper included a critical review of published and unpublished Corporation documents, archived grant files located at Columbia University, and other program-related materials, including annual reports.
during the review of proposals and the process by which they are answered, and it involves not just questioning the intent of a grant but also the results over the long term. Ethical grantmaking must necessarily take a longer-term view. It also requires “…vigilance — continual awareness of the forces that can cause decision making to veer from its intended course and continual adjustments to counteract them,” (Banaji, 2003, p. 62). As elaborated by Independent Sector, “It is not only the… law that challenges us but also the much more difficult task of choices, some clearly ethical, and some representing ethical dilemmas. The essential test of ethical behavior is ‘obedience to the unenforceable’…” (Independent Sector, 2002, p. 8). Ethical conduct in international grantmaking transcends good grantmaking: It requires moral action in the social context of the institution and explicit attention to the wide range of questions that need to be asked to ensure public trust is fully sustained (Fumari et al., 2000; McNamee, 2001; Van Wart, 1996).

The following schematic traces the main phases of grantmaking, illustrating the particular choices that confront international grantmakers at U.S. foundations. While a number of the questions and issues raised may appear as routine grantmaking practice, it is explicit attention to such concerns as the opportunity cost of choices made; power relations among groups; costs vs. benefits; and, sustainability, which extend good grantmaking practices into ethically sound ones (Jones, 1991). Each stage below builds on the previous one, creating a trajectory that represents the decision making process (Key and Popkin, 1998). If organizational learning is achieved, the arc of grantmaking becomes a positive feedback loop, where previous sets of grants then inform future grants, to create ethically sound and effective grantmaking.

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**Decision 1: Preparation and Selection of Grant Program**

<table>
<thead>
<tr>
<th>Rationale and Relevance</th>
<th>What is the problem and rationale for funding this program (e.g., need, import and timing)?</th>
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<td>What is the context and theory of change?</td>
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<td>What is the goal of the program?</td>
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<td>What is the relevance of the activity to the national context?</td>
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<td>How does it fit within larger national development objectives and those of the sector (e.g., higher education sector)?</td>
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| Strategic Fit and Viability | Does the proposed program align with the foundation’s larger objectives for the international program? What is the fit with strategy? What are the major alternative scenarios? What are the opportunity costs of investing in this program versus alternative programs? Is the initiative viable? Is there sufficient leadership, staffing and expertise to launch the activity? |

| Peer or Technical Review | How will external peer review and foundation staff review be undertaken and incorporated? |

<table>
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<tr>
<th>Selection Process</th>
<th>How has the problem or issue been selected? What is the selection process (competition, request for proposals from specific agencies, or other)? What preparatory work (research, interviews, consultations with experts, site visits) has been conducted to understand the context in which donor funds will be located and to lay the groundwork for the grant program?</th>
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<td>Have local experts been consulted?</td>
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<td>If consultants will be utilized, how were they identified? What is their role in shaping the program and what is their source of authority? Do they have conflicts of interest or biases?</td>
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<td>What relationship do the consultants have to the issue?</td>
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<td>Have opposing views been considered and incorporated?</td>
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<td>Have all major issues of concern been discussed and adequately addressed?</td>
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<td></td>
<td>Is there adequate capacity at the site to implement the program? If not, how will this be addressed?</td>
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5 Adapted from the structure of Carnegie Corporation of New York’s “Confidential staff evaluation.” This is the primary document that describes and defends the proposal to internal staff and leadership. It accompanies the internal circulation and review of the grant proposal. See also Carnegie Corporation, “Code of Ethics,” 2004.
Decision 2: Design and Activities to Fund (within the Grant Program)

**Objectives, Main Elements and Structure of Initiative.** What are the objectives of the initiative and its principal activities?
Who is responsible for designing the initiative? If prospective grantee did not design it, did he/she provide feedback on the design? Have they been involved in the planning and design? Does the set of activities support the proposed initiative?
What baseline information and preparatory work has been conducted to inform the design?
Who will benefit? Who is the target audience? Who bears the risk if the activity is unsuccessful?
Will the donor funds privilege one group over another or create some form of inequity?
Does the activity give too much influence to one voice or group?
What is the source of authority and level of experience of the project leader? Does he or she have a track record of delivery?

**Implementation.** Are the plans for implementation, together with the time frame and budget, feasible?
If employment will be provided as a result of the grant, what are the conditions of service? What severance is available for individuals when the project ends? What recourse is available for employees in the case of dispute?
What are the workplace policies related to recruitment and staffing?

Decision 3: Strengths, Weaknesses, Risks and Evaluation of Proposed Activities

**Defining and Measuring Progress.** What are the key indicators for measuring progress? Are the indicators reasonable? What are the short and long-term impacts of funding selected project: local, institutional, national (if appropriate)? What are the outcomes expected of planned activities?

**Methods.** Are there methods for assessing the project’s results and are they sufficiently robust?

**Risks.** Who are the other funders and what is their level of commitment?
Does this initiative duplicate others? What is the value-added?
Are there specific management, financial and personnel risk factors?
If so, how will these factors be addressed?
Is their individual and organizational capacity to ensure delivery and to disseminate the research results?

**Likelihood of Achieving Results.** What will constitute success overall? What will constitute failure? What are the prospects for achieving sustainability?
If unsuccessful, what steps will be taken to ensure some gains, i.e., skill-building, capacity building or related? If jobs will be lost, what redress will be available for grantees?
Is there an exit strategy and plan for sustainability beyond foundation support?

Decision 4: Feedback and Organizational Learning

If supported, what activities will be undertaken to assess whether the grant generated some benefits: locally, nationally and internationally?
During the period of the grant and at the end, what external or internal evaluation will be conducted to determine whether the foundation’s preparation and selection of the issue and activity were sufficiently rigorous?
How will the activities completed under the grant, and the attendant results (if generated) be recorded to capture lessons learned, and to disseminate the results to those within the foundation (in order to enhance understanding and organizational learning); to the public; and, to the field?
How will the results be used to inform future grantmaking in this field?
Ethan B. Yablon

Case Studies

Foundation Context

Established in 1911, with an initial endowment of approximately $135 million, the Corporation’s mission — “the advancement and diffusion of knowledge and understanding” in the United States — reflects the progressive vision of its founder, Andrew Carnegie (Carnegie Corporation of New York, 2003). In keeping with Woodrow Wilson’s idealism and views of international cooperation following World War I, nationalism and internationalism were seen to be reinforcing identities. As Morag Bell has observed, “in reflecting a modern…spirit associated with American liberal developmentalism, Carnegie’s emphasis on international responsibility combined with the need to bring other countries into America’s consciousness, underpinned his vision of a progressive society” (2000, p. 487). U.S. involvement in the developing world, particularly American philanthropic work, was couched in terms of “altruism, evolution and world progress,” (Bell, 2000, p. 487). It was in this spirit that Carnegie Corporation initiated its grantmaking in sub-Saharan Africa in 1925.

By highlighting the starkly different outcomes of two Corporation-funded initiatives—Jeanes education and public interest law—together with the common ethical issues that came to the fore when decisions are made in New York and implemented on another continent, the examples demonstrate the need for ethical analyses as an integral part of foundation decision making, policies and practices. As will be shown, the two sets of grants were significant, first, in shaping education policy in East and southern Africa for two decades and, second, in galvanizing political and social changes during the anti-apartheid era up to South Africa’s transition to democracy. The intent of the case studies is not to place contemporary moral and ethical judgments retroactively on the Corporation’s earlier work but rather to understand the intended and unintended consequences of grantmaking, and thus illustrate the importance of sound, effective and ethical decision making.

Case 1. Jeanes Education: 1925 to 1935

Corporation interests in the British Dominions and Colonies closely parallel those in the United States. In the administration of grants in remote areas, the Corporation suffers the handicaps of distance and lack of accurate current information, but attempts to overcome these by use of local quasi-trustees, advisers, visitors, and others who are interested in helping the recipients of Corporation subsidies to secure the most advantageous returns for their efforts in educational and social progress. (Lester, 1935).

From 1911 to 1932, Corporation grants totaling more than $1.7 million were earmarked for education of African-Americans, including Jeanes education in the American South (Lagemann, 1989, pp. 124-125). The Jeanes philosophy of vocational education, as contrasted with a math, science and liberal arts curriculum associated with secondary and higher education, was based on the assumption that the black population was located, and would continue to remain, in rural, agricultural areas. Modeled on the Hampton-Tuskegee approach heralded by Booker T. Washington and others, Jeanes had originated from the industrial and agricultural education taught in southern schools for African-Americans in the U.S. Students were taught better farming techniques, improved sanitation, hygiene, low cost building, adult education and literacy. In 1907, Anna T. Jeanes, a Philadelphia Quaker and friend of Booker T. Washington’s, bequeathed a fund in her name to support African-American master teachers known as Jeanes teachers, who traveled to the

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6. According to Carnegie Corporation policy, up to 7.4 percent of the funds may be used for the same purpose in countries that are or have been members of the British Commonwealth, with an emphasis on Commonwealth Africa. From the Corporation’s home page, see “Mission” http://www.carnegie.org/, retrieved 1 October 2003.

8. The influence of Tuskegee on African education can be traced to 1901 when Michael E. Sadler, an English educator, toured the US and determined it would have relevance for Africa. In 1902, J.P. Rodger, Governor of the Gold Coast (Ghana) visited Tuskegee and, upon his return, promptly ensured that manual training would be compulsory in the schools within his jurisdiction.
The Jeanes case throws into sharp relief the subsequent evolution in the sophistication of Corporation grantmaking. It demonstrates that the foundation relied heavily on the judgment and expertise of several key individuals with deep-seated, shared ideological assumptions, rather than casting the net more widely to incorporate different or opposing views (Glotzer, 1995; Murphy, 1976). Moreover, at the time, the emphasis on Anglo-American cooperation in the former British colonies in Africa (and elsewhere) was a dominant feature of the Corporation’s work (Glotzer, 1995; Murphy, 1976; Wall, 1989), which perpetuated the colonial structure by reinforcing the existing social and political hierarchy, and the resulting power inequities. The case reviews the Corporation’s role in championing the Jeanes approach of vocational and technical training in East and southern Africa from 1925 to 1935 and explores the longer-term consequences for the education of Africans. It reveals the deeply divided ideological debate over whether blacks in the U.S. and in Africa should receive higher — or solely vocational — education. As E. Jefferson Murphy, historian of Corporation funding in sub-Saharan Africa, noted, it is unlikely that Jeanes education would have been introduced into Africa had it not been for Carnegie Corporation’s support (1976). This example outlines the choices faced by foundation staff within an ideologically divisive terrain and the implications of decisions rendered.

In the mid-1920s, when the Corporation provided funding for Jeanes education in Africa, there was no formal Corporation program on the continent; funding over the period 1925 to 1935 occurred on an ad hoc basis. Indeed, the Corporation’s general decision making style was “actually directed more by hunch, coincidence, opportunity, friendship, and a wish to help than by clear, specific, consistently applied scientific goals or principles,” as Ellen Condliffe Lagemann observes (1989, p. 7). The activities funded in Africa manifested the same style. Frederick P. Keppel, president of Carnegie Corporation from 1923 to 1941, preferred to concentrate grants in areas known to him from personal experience, and where he could trust individuals and institutions to administer the project (Murphy, 1976, p. 23-24). The Corporation’s focus on African education was thus profoundly influenced by the recommendations of the Commissioner of “Native Affairs” in the Union of South Africa, Charles T. Loram (Davis, 1976; Glotzer, 1995), an alumnus, like Keppel, of Teacher’s College, Columbia University.

During the early part of the British colonial period, direct government funding and provision of formal education was minimal, “restricted by and large to providing subventions to educational institutions founded and run by missionaries,” (Lulat, 2003). In a letter to Keppel in 1928, Loram reiterated his educational philosophy for Africans: Africans suffered from genuine social and economic disabilities, but they were as yet immature in their stage of civilization. They constituted a people who were in the process of development; whites therefore had to decide what was best for Africans (Davis, 1976). According to Loram’s philosophy, whites would continue to rule and Africans would continue to be ruled. He also assumed that Africans were a rural people whose future remained in the countryside (Davis, 1976). Reflecting his burgeoning interest in the application of Jeanes education to the African context, Loram visited Tuskegee and Hampton institutes. Following his visits in the American South, the relevance of the black American educational experience to African education in South Africa became a centerpiece of Loram’s dissertation.11 Loram returned to South Africa, funded in Africa manifest...
later serving as a member of the Phelps-Stokes Education Commission, through which he met its director, Thomas Jesse Jones.

Jones, the leading American scholar of African education at the time in the United States, also strongly advocated the vocational and technical training of African-American and African students. Jones, an ordained Presbyterian minister, had taught at the Hampton Institute from 1902 to 1909 (Berman, 1972; Davis, 1976; King, 1969). Like Loram, Jones assumed that blacks would remain on the land indefinitely. Believing that rural education was critical for “the welfare of the race, but also to the successful development of the Southern States,” he called for the teaching of manual arts and household economics and for rural schools to address the realities of low standards of living in the rural south. Jones also believed that vocational education was the foundation on which to build rural civilization for black Americans and Africans. He derided the importance of liberal arts curricula and dismissed the calls of black leaders eager for higher education, notably William Edward Burghardt (W.E.B.) Du Bois, the first black Ph.D. to graduate from Harvard University, and a stalwart champion of higher education for blacks and of black emancipation from white domination (Berman, 1972, pp. 101-102).

During a visit to Africa in the 1920s, Du Bois wrote that his chief question was whether “Negroes are to lead in the rise of Africa or whether they must always and everywhere follow the guidance of white folk,” (Appiah and Gates, Jr., 1999, p. 636). Booker T. Washington held an opposing view. In his famous “compromise speech” in Atlanta in 1895, he urged blacks to accept “their inferior social position for the present,” encouraging their self-development through vocational training and economic self-reliance.

This divergence of views forms the crux of the ethical dilemma illustrated by the Jeanes case. Murphy notes that black American analysts in the tradition of W.E.B. Du Bois criticized the Jeanes-Booker T. Washington-Tuskegee philosophy, believing that it kept Africans in a submissive position, subjecting them to a low standard of existence dictated by the economic needs of the colonial administration. Adherents of this view attacked the Phelps-Stokes Fund’s program. As Murphy observes: “The Carnegie Corporation effort would, if it were more widely known, undoubtedly have incurred the same criticism,” (1976, pp. 22-23).

In the selection and design of Jeanes education for Africans, the Corporation thus stepped into the midst of an intense and widespread transatlantic debate, the results of which would determine the education of Africans for two decades (Ajayi, Goma and Johnson, 1996; Du Bois, 1918; Du Bois, 1926; Lulat, 2003; Murphy, 1976). Between the diametric views of Thomas Jesse Jones and Du Bois, the Corporation endorsed one particular approach, by providing the necessary funds for the implementation of Jeanes education (Berman, 1972; Davis, 1976; King, 1970; Lulat, 2003; Patterson, 1959). As noted by Kenneth King, “The eventual clash between the Africa programmes of Jones…on the one hand and Du Bois on the other must be seen as an extension to the African continent of the fundamental New World conflicts over Negro education and political status,” (1969, p. 659). Jones regarded Du Bois’s ideas as a threat to the plans for the transfer of insights of the American South to Africa (King, 1969, p. 659). As Edward Berman observed: “The [Phelps-Stokes Education Commission] report reads like that on Negro education [in the U.S.], only with a different locale,” (1972). Jones’ report had sweeping implications as the colonial governments,

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12Loram wrote to Anson Phelps-Stokes (the President of the Fund) that it was his contact with Thomas Jesse Jones, the head of the commission and educational director of the Phelps-Stokes Fund, “which had altered the course of his life.” Quoted in Davis, 1976.

13 Many whites and blacks accepted Washington as the chief spokesperson of the American black.

lacking a coherent approach to education in what was then called the “British colonies and dominions,” embraced this type of education (see Berman, 1972; Davis, 1976; King, 1970; Patterson, 1959). In the process, Jones’ critics, such as Marcus Garvey and Carter Woodson, accused the Phelps-Stokes Commission of encouraging vocational education to “create an obedient, docile, fundamentally conservative black underclass,” (original quote from Hull, 1990, quoted in Teferra and Altbach, 2003; also see Scally, 1991). Meanwhile, almost all of the African nationalists calling for, and associated with, the establishment of higher education institutions in Africa, Nnamdi Azikiwe, J. K. Aggrey, Edward Blyden, D. D. T. Jabavu and James Johnson, received their education overseas (Lulat, 2003, p. 25).

Outcomes

From 1925 to 1935, the Corporation provided more than $172,000 for the promotion of the Jeanes system in Africa. With this funding, Jeanes became the dominant pedagogy and practice in sub-Saharan Africa (Murphy, 1976). Corporation grants consolidated Jeanes education in East Africa and established training schools for Jeanes teachers in Kenya, in Northern Rhodesia (Zambia), Southern Rhodesia (Zimbabwe) and Nyasaland (Malawi). Y.G.-M. Lulat wrote of the far-reaching conclusions, which were applied by the British in drawing up the first colonial education policy initiated in the mid-1920s: “The commission embraced the adaptation of Western education to the colonial circumstance of the Africans by emphasizing industrial and vocational training at the expense of literary and academic education,” (see Y.G.-M. Lulat, 2003). Despite its dominance, as Edward Berman notes: “The rejection [of Jeanes] was, with few exceptions, total… The most important obstacle to the implementation of the theory of [vocational] ‘adapted education’ based on the Hampton-Tuskegee model was the African himself,” (Berman, 1972, p. 112). In a review of Southern Rhodesia’s experience with Jeanes during the 1920s and 1930s, Summers observes:

The Native Development Department and the missions [in Southern Rhodesia] failed to develop and sustain a program… Rather than bringing Africans together or taking advantage of any common interests they might have, development programs such as the Jeanes teacher program split them into groups battling with each other for control of time, labor, resources, and authority. Ultimately, the programs promoted faction and dispute about obligations and the distribution of existing resources…. [T]he program’s controversies revolved around the question of power, and who had the authority to give orders, rather than around any question of what would benefit the most people or create new communal institutions for development (1998).

African resistance to the implementation of education policy by the colonial office in the 1920s and 1930s is well documented (see Foster, 1965; Sithole, 1959, Gold Coast Times, 1924; Gold Coast Leader, 1924). In following Loram’s counsel, the Corporation did not take into account other viable options, such as working with the mission schools. Instead, the foundation relied on Loram’s set of values, which aligned with the Corporation’s. The focus on Jeanes delayed liberal education for Africans at the secondary and post-secondary levels. According to Lulat, perennial demands for higher education by Africans, taken up by nationalists such as J. E. Casely Hayford, the Ghanaian intellectual and founder of the National Congress of British West Africa, went unheeded by the colonial authorities (Lulat, 2003, p. 18).

With the appointment of John W. Gardner to Carnegie Corporation, the foundation began to introduce a focus on higher education in Africa in the 1950s. From 1957 to 1964, after the wave of independence swept through most of the former British and French controlled states in East and West Africa, a new era of national universities was heralded on the continent (Lulat, 2003, pp. 24-25).

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15 For criticism by African-American critics, see Du Bois, 1918; 1921.
Case 2. establishment of public interest law in South Africa: 1976 to 2001

Against the backdrop of the Cold War and a U.S. foreign policy of continuing engagement in South Africa, Carnegie Corporation saw nongovernmental organizations as important catalysts for law reform and socio-political change in South Africa. This case study focuses on the Corporation’s grantmaking in South Africa from 1976 to 2001, in the area of public interest law. Within the constraints of apartheid’s legalized race discrimination, the Corporation sought to establish two public interest law organizations, the Centre for Applied Legal Studies (CALS) at the University of the Witwatersrand (Wits) and the independent Legal Resources Centre (LRC). The LRC-CALS human rights law enterprise dovetailed with the increasing commitment of the Corporation to social justice under President Alan Pifer. Through close American–South African collaboration and engagement of individuals and their institutions involved in this work, including the National Association for the Advancement of Colored People (NAACP) and Columbia University’s law school, legal activism and law reform were fostered in South Africa.

By 1976, grantmaking in South Africa had evolved from the Corporation’s earlier dependence on a few key individuals to more widespread consultation with local and national actors in the field, including staff of the Ford Foundation and the Rockefeller Brothers Fund, as well as leaders from the different racial groups in South Africa. The director of the Corporation’s “Commonwealth Program” in South Africa, David R. Hood, initiated a concerted effort to contribute to strengthening black institutions in South Africa. Of 1976

South Africa, Hood observed: “This intensification of protest [of black South Africans] and government resistance continues to produce violence…. the pattern has been one of patient building of black community institutions, usually devoted to the delivery of some needed human service; government bannings of leadership and organizations; and then patient rebuilding,” (Hood, 1978; Hood, 1984).

Based on extensive field visits to South Africa and conversations with interlocutors, Hood called for the Corporation to support the efforts of South African black community leadership to achieve and promote black advancement, noting that the black community was desperately short of financial resources and that small amounts of funding could be used to good effect (Hood, 1984). However, Hood’s diligent planning was summarily halted by the bannings of black community leaders on the 19th of October 1977, which came in response to the death of Steve Biko. Biko’s murder set off a chain of events that fundamentally altered South Africa’s history (Hood, 1978; Hood, 1984).

Because of the bannings of prominent black leaders, the Corporation’s program also changed course. In October 1977, the National Party, invoking the security laws, proscribed 18 organizations: Forty-seven black leaders were detained. David Hood observed that the organizations with which the Corporation had been working, such as black community programs and the Black Women’s Federation, had been banned. “Moderate leaders… were arrested… and are likely to be released under

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16This case study was presented as part of a larger research paper by Courtenay Sprague based on the Corporation’s archived grant files, and presented at a conference on the “Foundations of Globalization,” the University of Manchester (England), 6-7 November 2003, and titled: “The Carnegie Corporation, Public Interest Law, and Apartheid South Africa.”


18Biko became a symbol of Black Nationalism. He was one of the founders of the black consciousness movement, which aimed to liberate the minds of Africans by arguing that liberation grows out of “the realization by the Blacks that the most potent weapon in the hands of the oppressor is the mind of the oppressed.” The inquest revealed that he had been assaulted in detention and suffered brain damage and other injuries. He became a martyr in the struggle for black liberation. "Biko, Stephen," Microsoft® Encarta® Online Encyclopedia 2003; See also Saunders and Southey, 1998.

banning orders which will — to say the least — prevent the exercise of leadership we had hoped to support in the black community,” Hood wrote. “We were confronted with the inescapable difficulty of providing support to black organizations…while our appreciation of at least the negative importance of South African law was pushed toward awe,” he concluded (Hood, 1978). John Dugard, dean of the school of law at the University of the Witwatersrand, underlined the significance of human rights abuses in South Africa in the aftermath of Biko’s murder: “At that time the reputation of the South African legal system sunk to its lowest level and there was a manifest need for the creation of institutions … to work for justice and equality through law,” (Carnegie Corporation of New York archives, Columbia University Rare Book and Manuscript Library, University of the Witwatersrand Centre for Legal Applied Studies and Legal Resources Trust, abbreviated hereafter “Corporation grant files, Wits”; “Corporation grant files, Legal Resources Trust”). Consequently, by 1977, Corporation staff members moved to support law as a means for social change in South Africa.

The public interest law movement was part of a larger international movement following World War II based on the notion of ‘equal justice for all’ — all members of the community have a right to a lawyer when they need one, regardless of affordability, as emphasized by Felicia Kentridge in a 1976 document sent to the Corporation (Carnegie Corporation grant files, Wits; Legal Resources Trust).20 Ford Foundation had funded a seminal conference in Durban, South Africa in 1973 on this concept — what many considered a defining moment in the development of South African human rights entitled “Legal Aid in South Africa,” (Carnegie Corporation grant files, Wits; McClymont and Golub, 2000).21 South African experts in legal services, clinical legal education and human rights activists, with the head of the U.S. Lawyers’ Committee for Civil Rights Under Law, came together to discuss the role of law in apartheid South Africa. The goal was to gain some purchase in moving the state toward social and political reform. Ford program officers envisaged the conference as an opportunity to “bring together many of the country’s best progressive legal minds, and to add some foreign intellectual seeds to those already germinating domestically,” (McClymont and Golub, 2000).

Following that conference, individuals in South Africa actively solicited support from U.S. foundations to establish public interest law centers in South Africa. In the original proposal to the Corporation, Dugard, who was widely viewed as a luminary among South African lawyers, contended that the law could not be used to ensure radical reform, as he believed had happened in the U.S.: “If a Centre [CALS] and a [public interest law] firm [LRC] are established they will not bring about radical change of the kind prompted by Brown v Board of Education of Topeka” — the landmark U.S. 1954 desegregation ruling that declared racial segregation in U.S. public schools unconstitutional. Nonetheless, he stressed that the Centre would conduct research into socially relevant areas and reform of the law, and thus knit together a group of lawyers who would use the law to contribute to a more just legal order (Corporation grant files, Wits).22

Dugard, with Wits law colleague Felicia Kentridge, tirelessly championed the formation of CALS, as well as the freestanding Legal Resources Centre (LRC) (later to become a countrywide network of public interest law firms reaching across South Africa). In his proposal for the establishment of CALS, Dugard emphasized how the interstices of the apartheid legal structure could be exploited. Although the South African legislature had institutionalized discrimination and constructed a restrictive system to protect itself from further changes, were not well funded and did not tackle issues of law and justice in a systematic fashion but they served as precursors for the public interest law organizations to come later.


21 Several South African organizations were antecedents of the public interest law organizations, including the Black Sash, the Legal Aid Bureau, university legal aid clinics and the South African Defense and Aid Fund. However, these organizations were not well funded and did not tackle issues of law and justice in a systematic fashion but they served as precursors for the public interest law organizations to come later.

22 Quoted in original proposal, dated 14 February 1978.
and in spite of the glaring absence of a bill of rights and routine process of judicial review, there remained opportunities to use existing laws to bring about a modicum of change.

Based on his consultations with the South Africans, Hood sold the public interest law idea to the Corporation. The result was general core support for the establishment of CALS in 1977; core support continued until 1990. One year later, three American foundations — Ford Foundation (providing $210,000 over two years), Rockefeller Brothers Fund (contributing $120,000 over three years) and Carnegie Corporation (providing $140,000 over two years) — awarded the initial funds to establish the LRC. Notably, the foundation program officers involved in spearheading public interest law in South Africa, Bill Carmichael (Ford), David Hood (Carnegie), William S. Moody (RBF) and Sheila McLean (Ford), were all lawyers themselves.

Pointing out that the financial backing was essential but not sufficient, Ford program staff was particularly insistent that the LRC procure support from local sources as well as the South African law community in order to gain national legitimacy and to avoid dependence on external donors with Hood and Moody in agreement (Sprague, 2003). The LRC concurred and, as a result, local support was also procured from the outset. The LRC received funding from Anglo American and De Beer’s Chairman Fund, Barclays Bank, the Anglo-Vaal (mining) Group, and the Premier Milling Group (Corporation grant files, Wits; Corporation grant files, Legal Resources Trust).

Outcomes

By the mid-1980s, there was a clear need for the LRC and CALS to support the human rights of black South African citizens. Apartheid was reaching a crisis point in terms of state violence. As Wilmot James observed: “the army and police now have learned how to kill civilians regularly and get away with it. … This is the modern racial machine of apartheid, which derives its logic from the desire to oppress the majority of the populace,” (James, 1987, pp. 197-198). In response to state torture and abuse of black citizens, both CALS and the LRC researched and brought litigation on a range of issues, including forced removals, censorship, homeland policies, detention without trial, unfair labor practices, housing, citizenship, and bus tariffs. They won a number of significant cases with widespread implications. The legal campaigns helped lay the foundation for a decade of cumulative and ultimately victorious challenges to the state.

South Africans skillfully adapted the tactic of test case litigation applied by NAACP lawyers in the American civil rights movement. Landmark cases included the following: *Wendy Orr v the State*, which dealt with torture and abuse of political detainees, as well as *Komani v Bantu Affairs Administration Board, Peninsula Area 1980* and *Rikhoto v East Rand Administration Board*, which both sought improvements in “influx control” or the freedom of movement of black South Africans. The cases contributed to the gradual dismantling of apartheid laws regulating movement and torture, and became part of the process of chipping away at the edifice of apartheid policies (Abel, 1995, p. 65; Corporation grant files, Wits; Legal Resources Trust, Sprague, 2003).

A focus primarily on funding the work of two public interest law organizations in South Africa both led and managed by white men was not the original intent of the Corporation’s program during that period. David Hood, who had wanted to help build black NGOs and black leadership, had to overcome his own reservations, “Our hesitancy to commit ourselves to a legal program (and, then, in South Africa only) was born of two considerations: Doubt that the South Africa legal system offered adequate potential for reform; and a strong resolve to put a significant portion of our South Africa support into the hands of black leadership and into the employ of black organizations,” (Hood, 1984). But Hood’s meetings in South Africa with lawyers and advocates such as Felicia and Sydney Kentridge, Arthur Chaskalson and Geoff Budlender — as well as endorsement from leaders of the black

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23 Figures from “The Report of the Legal Resources Trust for the period ended 31 March 1980,” p.3. Emphasis, the authors.

community such as Desmond Tutu, Nthato Motlana, Nelson Mandela, and Mangosuthu Buthelezi — convinced him of the value and need to fund these organizations (Corporation grant files, Wits; Corporation grant files, Legal Resources Trust). His astute assessment paid off. Because of the quality of those leaders and the relevance of public interest law to the South African context, institutions were established and sustained; an inter-generational transfer of knowledge and the training of public interest lawyers in the rule of law occurred; and importantly, black public interest lawyers were also trained. In 1978, there were 5,000 practicing attorneys in South Africa. Of that total, approximately 200 were black. In 1994, there were 194 all-black law firms located in Johannesburg; by 1995, 15 percent of attorneys in private practice were black. In 1995, there were 17 black judges (compared to 1 in 1993), 13 were Supreme Court judges, of a total of 153 permanent judges (Carnegie Corporation grant files, Wits; Legal Resources Trust).

The role of the two civil society organizations in crafting and influencing South Africa’s new Constitution was significant. LRC and CALS’ staff members participated on the legal teams that prepared and considered legislation effected within the Constitution. This included legislative measures put in place after 1994 in the areas of labor, land, administrative and discrimination laws. The Gender Research Project at CALS, which was funded by the Corporation from 1991 until 2001, played a pivotal role in informing the constitutional framework by contributing sections on women’s rights and welfare. CALS staff was centrally involved in the final two rounds of negotiations leading to democratic national elections held on 27 April 1994 (Corporation grant files, Wits). Current national director of the LRC, Geoff Budlender, stated: “What can… be said without fear of successful contradiction is that the public interest law movement in South Africa made a significant contribution to the movement for democracy in South Africa (Budlender, 1997).

Summary of Lessons Learned

The historical case studies trace the evolution of the Corporation’s understanding and practice of funding programs, particularly in Africa, and demonstrate the divergent approaches taken, and results obtained. Together, the cases of Jeanes education and the establishment of public interest law in South Africa provide discrete snapshots of the far-reaching dimensions of international grantmaking and the ethical implications of the Corporation’s interventions.

The Jeanes example raises provocative ethical issues, even when viewed through the perspective of then-current thinking. Drawing on the Jeanes experience in the U.S., Corporation staff members were confident that they knew what was best for the intended project beneficiaries in Africa without their consultation. New to work overseas, staff members accepted the tutelage of the British colonizers, not the indigenous leaders. As noted above, we are fully aware of the trap of assigning meaning retroactively, namely, critiquing the past from a modern moral perspective. It is important to emphasize, however, that this critique was prevalent at the time the decision of vocational versus higher education was under consideration by the Corporation. The Jeanes interventions provide an instructive lesson. Accepting one set of values, even if in alignment with foundation leadership, without taking into consideration the validity of other approaches, may inappropriately privilege one individual and lead to deleterious results. In this case the results were not acceptable to the local population, in some cases they were harmful, and consequently the investments were unsustainable.

In distinct contrast is the case of the public interest law sector in South Africa. At the time the Corporation, together with the Ford Foundation and the Rockefeller Brothers Fund, was supporting the birth of public interest law organizations in South Africa, they were also funding U.S. organizations, such as the NAACP
Legal Defense Fund, the Lawyers Committee for International Human Rights, and the Lawyers Committee for Civil Rights under Law, which were tackling social welfare and equity in the U.S. Applying these same operating principles to a blatant example of racial injustice — apartheid South Africa — was a natural outgrowth. For the Corporation, this resonated within the foundation, given that Alan Pifer was pursuing a commitment to social justice and equity. By 1977 when the Corporation initiated support for human rights law organizations in South Africa, Corporation staff members had become familiar with the increasing disenfranchisement of the black majority and the evolution of South Africa as a police state, characterized by repression, torture and abuse of non-whites (Sprague, 2003). This case demonstrates the value of melding pervasive moral obligation with a deep understanding of the specific conditions of the intended beneficiaries and designing programs that resonate with local populations, such that it ensures sustainability.

Drawing on the issues raised by the schematic framework, the cases thus illustrate the following lessons:

- **Recognize that knowledge of context is critical**
  Both case studies exhibit the critical importance of understanding the complex environment in which the grant-funded program or stand-alone project will be located. For Jeanes, the colonization of Kenya by the British and the Corporation’s reliance on Anglo-American cooperation precluded direct involvement between the recipients of Jeanes education and Corporation staff and representatives. A greater understanding of context by mapping the social, political and economic terrain is essential. In South Africa, David Hood’s extensive consultation with local actors and keen awareness of unfolding national events allowed the Corporation to adapt programming expeditiously to accommodate local needs.

- **Ensure local design and ownership of the initiative**
  As David A. Hamburg has written, “Sensitivity to local conditions and authentic spirit of collaboration are essential for success in such [development] enterprises” (Carnegie Corporation, 1996). The selection of Loram and Jones as advisers to the Corporation and the endorsement of the Jeanes educational philosophy for Africans privileged one group over another, thus maintaining the existing power disparities. Not having gained on-the-ground support by Africans, Jeanes failed. In South Africa, on the other hand, the early champions of public interest law created a powerful movement for socio-political change that was cultivated by skillful individuals intimately familiar with South Africa’s complex legal and judicial system, who could identify where the cracks in the system were located. Local design and ownership were key to the growth of public interest law in South Africa and its continuing usefulness to South Africans.

- **Address institution-building and sustainability: Avoid dependence on external donors**
  The period highlighted in the South Africa case study, 1976 to 2001, marked a shift in the Corporation’s grantmaking in South Africa, to one of institution building: funding the growth of a few NGOs over a long duration. CALS and the LRC, together with the South African Institute of Race Relations, were the first African organizations to receive core, flexible institutional support for over a decade. More specifically, as Ford Foundation grantees note, under the right circumstances, offering institutional support (covering such essentials as salary, office rent, and travel, etc.), and not only project support, can be a useful device for ensuring the success of an organization. Grantees maintain that this flexible support has practical benefits (McClymont and Golub, eds., 2000). In the public interest law case, Corporation staff insisted on generating local support and local legitimacy for the LRC and CALS. Support from the South African business and law communities sealed their sustainability.

- **Give careful attention to engagement between developed and developing country representatives.**
  The case studies illustrate the changing communication and interaction between Americans and Africans. Unlike in the Jeanes case, where the American approach was adopted and transplanted, the South Africans did not accept the superiority of U.S. designs. Although the methods applied by the NAACP were
significant in shaping the strategies of public interest lawyers, the South Africans adopted what was useful to the South African environment and created their own methods, with law becoming one weapon in the collective arsenal of the struggle to overturn apartheid (Sprague 2003).

- **Perform assessment of foundation grantmaking and publicly disseminate the results**

A basic tenet of ethical grantmaking is accountability. Because assessment reveals strengths and weaknesses, it not only adds to the corpus of literature regarding what is effective and what fails, but more importantly, it ultimately improves decision making processes within foundations. Foundations consistently urge grantseekers to develop assessment activities but often fail to evaluate their own programming efforts. In a review of donor-funded capacity building initiatives in South Africa over two decades, Seekings and Oldfield rightly note: “Donors themselves have conducted or (more rarely) commissioned assessments of the projects they have funded, but most such studies have remained private, and there has been little in the way of dialogue between them and the more public, academic analysis,” (2004). Both case studies demonstrate that it is only through the assessment of funded projects that foundations can learn from their own activities, and use this knowledge to inform future work in the field, while also adding to the corpus of literature. Moreover, dissemination of such findings beyond the philanthropic community spurs greater awareness on the part of the public and policy-makers regarding what is effective and what fails.

**Recommendations for Future Research**

*The resistance among political science traditionalists to doing scholarly work based in the real as opposed to the nominal science of human political behavior threatens the entire field with terminal irrelevance* (Montville, 1991; authors’ emphases).

The special conditions inherent in funding initiatives overseas are due, in large part, to the prevailing conditions in foreign countries, the changing socio-economic and political contexts as well as the particularly fragile trust that may form the basis of the relationship between grantseeker and grantmaker. International grantmaking, in particular, calls for the careful incorporation of ethical considerations, made explicit within the types of questions asked and the process by which decisions are rendered. Integrating the values of respect, dignity, sensitivity and humility on the part of the program officer together with the application of local standards and norms will provide common language for both grantee and grantor. Coupled with extensive preparation and knowledge of the local context, this degree of care will enable international grantmakers to make effective decisions, ensuring thoughtful and right conduct in the complexity of settings in which the foundations operate (Joseph, 2003). As evident from the schematic presentation and the analyses of the case studies, the approach, which melds theories of ethics with the practice of international grantmaking, is in its early stages. We put forward a preliminary set of questions to prompt an action-oriented research agenda.

1. How can philanthropists identify, define and assess ethical traditions that shape international philanthropic activities as well as relevant stakeholders overseas? Is it feasible to mediate and accommodate differing ethical traditions or frameworks?

2. What are the dimensions of trust and how is it forged among different national contexts? Given that the potential for trust is influenced by distance that is geographic, social, cultural, economic, political, what is the nature of the experience that frames the management of distance so that trust will flourish?

3. What insights emerge from current research in political theory that can guide understanding of the nature of power dynamics between the grantseeker and grantmaker? How do those dynamics influence the building of trust?

4. How do differing agendas of foundation programs and national development objectives coincide to achieve mutual aims? In the context of these objectives, can small amounts of funding, relative to overall need, be effectively applied in terms of the implications of raising expectations about intended outcomes?
5. Is there a shared understanding of the meaning of sustainability and the approaches or achieving it on the part of both grantmaker and grantseeker?

6. Finally, what are the costs of not incorporating lessons learned from past experiences?

In conclusion, foundations are leaders on the international stage; their influence as financial investors and as agenda-setters has been significant in effecting social and policy changes. Because of their leadership role, we urge practitioners of philanthropy to reflect on the canon of ethical philosophy. A significant number of ethical codes capture and embody those principles to which philanthropic decision making should hold itself (Baker, 1997; Kidder, 1999; Nussbaum, 2001). Together with practical experience, they provide the fundamental ingredients to shape a new theory of the ethics of international grantmaking. The field of philanthropy is multidimensional, multifaceted and multinational, and the objective of designing and implementing a standard of ethical conduct to uphold the public trust, especially when working overseas, is therefore imperative.

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