Received: 21 June 2021 | Revised: 7 February 2022 | Accepted: 18 March 2022
DOI: 10.1002/nvsm.1754

SPECIAL ISSUE ARTICLE

WILEY

Identifying and addressing fundraising's overarching ethical questions through ethical theory

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Abstract

Purpose: This paper seeks to build on MacQuilllin and Sargeant's (2019) framework for normative fundraising ethics by considering how fundraising professionals might use these theories to support their fundraising practice. In the paper we will seek to identify the higher-level ethical questions that underpin the majority of ethical decisions fundraisers will need to make: decisions around the acceptance and solicitation of donations and we will then seek to address each of these questions through the lens of MacQuilllin and Sargeant's (2019) normative ethical theories.

Approach and methodology: We will abstract from common ethical dilemmas the higher-level or overarching questions that can encompass them. We will then consider each question through the lens of the normative theories developed by MacQuillin and Sargeant (2019), drawing on available evidence to support our arguments.

Findings: Two core questions were identified:

1. ***Where are the lines in who we approach for/receive resources from for our organisation***?

2. ***Where are the lines in how we approach people for resources for our organisation?***

Originality: To our knowledge, this will be the first academic paper that a) identifies the overarching ethical questions that affect fundraising practice, and b) applies the various normative theories of fundraising ethics directly to them. In practical terms, it may also be particularly useful to fundraising practitioners who want to explore the theories of ethics in relation to the dilemmas they encounter in practice.

1 | INTRODUCTION

Like all professionals, fundraisers are likely to have to grapple with ethical dilemmas on a regular basis. MacQuillin and Sargeant (2019) point out that there is a relative lack of theory to support their ethical decision making, and posit several normative theories which could underpin fundraisers' ethical decision making (each of which is discussed in more detail below). This paper aims to take MacQuillin and Sargeant's ethical theories, and apply them to fundraising practice by:

- Identifying overarching ethical questions which are likely to impact on fundraising practice
- Considering how those questions can be addressed through the lens of each theory, working logically through available evidence

We would stress, however, that the conclusions we reach here are not necessarily the 'right' ones - nor do they reflect our personal ethical positions. Rather they are an attempt to work through each position logically, and with evidence. Ultimately, for fundraising practitioners, each organisation will need to decide on their own ethical positions, and weigh the evidence as it pertains to them.

2 | APPROACH

As outlined above, with fundraising ethics having received surprisingly little theoretical attention (MacQuillin & Sargeant, 2019), fundraising practitioners have often had to think about ethics as a series of individual scenarios (i.e., what would I do if x organisation wanted to make a gift to my charity? Should I ask x person to support my charity?) However, thinking about ethics in this way can be challenging: in a rapidly changing world, it's almost impossible to develop a definitive list of all possible scenarios. For the purposes of writing this article, therefore, we sought to identify, and then address, the higher level ethical questions which would encompass the most common ethical questions which practising fundraisers face on a day-to-day basis.

In order to identify these higher level questions, we considered a range of real-life scenarios which fundraisers commonly face. With many individual potential scenarios to consider, for the sake of brevity, we do not repeat them all here. However, in our thinking, it became apparent that most, if not all, ethical questions boil down to two core issues: centred around who to ask/receive donations from and how to ask for those donations. These two questions are explored in more detail below.

3 | THE OVERARCHING QUESTIONS

The first overarching question relates to who the organisation should approach for support or accept resources from. We posit the overarching question, and a range of potential sub-questions below:

1. Where are the lines in who we approach for/receive resources from for our organisation?

- How do we decide who we cannot (proactively) approach?
- How do we decide who we cannot (reactively) accept money from?
- Underpinning both of the above decisions, how do we decide how far an organisation should enquire into potential donors' assets and income (for example, what if, several 100 years ago, an individual donor's family assets were increased through investments in slavery?)
- If money is identified as problematic, how do we decide whether it can be accepted?
- How are the above decisions affected by category of donor? (e.g., normal supporters versus major donors; where the donor is giving a gift whilst alive versus receiving a legacy from someone who has died; giving from a company, individual or charitable trust)
- How are the above decisions affected by requirements of donors? (e.g., anonymity or benefits requested?)

The second relates to how fundraisers ask for support, and again, is broken down into a number of potential sub-questions:

2. Where are the lines in how we approach people for resources for our organisation?

- How do we balance the rights of non-donor, potential donor, donor and beneficiary (Koshy, 2017)? (e.g., the right not to be asked versus the right to receive services; how donors and beneficiaries should be described)
- How do we balance the needs of current and future beneficiaries (Koshy 2017) (e.g., investing in long-term and short-term sources of income)
- How do we balance the needs of individual charities versus those of the wider sector (e.g., suggesting we have zero cost of fundraising can benefit our charity but make others' performance appear comparatively poor)?
- How do we decide what other factors should be considered in ethical decisions (e.g., privacy, choice, dignity, capacity)?

Having identified the overarching questions which most commonly form the basis of fundraisers' ethical dilemmas, we go to consider each question through the lens of the normative theories (trustism, donor centrism and rights balancing) developed by MacQuillin and Sargeant (2019), drawing on available evidence to support our arguments. For brevity, our analysis will tackle the overarching question, but, by implication, will touch on several of the sub-questions identified above.

4 | QUESTION 1: WHERE ARE THE LINES IN WHO WE APPROACH FOR/RECEIVE RESOURCES FROM FOR OUR ORGANISATION?

4.1 | Trustism

We begin by applying the trustism theory to this overarching frame. Trustism is a consequentialist theory that says that fundraising is 'ethical when it promotes, sustains, protects or maintains public trust, and unethical when it damages these things' (MacQuillin & Sargeant, 2019). Interestingly, although the theory is consequentialist, a recent study shows that whilst there is a positive relationship between trust and giving, trust has a relatively small impact on giving, accounting for just 5% of the difference in charitable giving decisions The authors also point out that it is unclear whether the relationship is correlational or causational - whether trust causes giving, or whether it is a consequence of it (Chapman et al., 2021).

Although Chapman et al.'s (2021) study shows there is more to be understood about the relationship between trust and giving, MacQuillin and Sargeant (2019) point out that stewarding the public trust has been foundational to thinking about fundraising ethics. In practice, however, it can be a difficult theory to apply. As Routley et al. (2020) describe, it can be very difficult to accurately measure the effect of particular fundraising activities on public trust as firstly, trust is impacted by multiple factors, and, secondly, 'the public' is not a homogenous group: what might impact on the trust of one section of the public might not impact on another.

There are, however, examples in fundraising practice, of non-profits being encouraged to consider ethical questions through the (arguably trustist) lens of how a decision might be interpreted by the press. For example, the Institute of Business Ethics (2018) suggests that one question in a wider ethical decision making framework might be "how you would feel if your decision appeared on the front page of a newspaper", whilst several practitioner articles refer to "the Daily Mail test" or how newspapers would perceive a particular decision (see, for example, Burne James (2014), Pegram (2015) and Slack (2016)).

There does appear to be some correlation between sustained negative media stories about fundraising and population-level trust in charities. In 2015, 92 year old Olive Cooke took her own life, with some media outlets reporting that this may have been due to over-solicitation from charities. (See, for example, West (2015)). This story was followed up by a number of others focusing on the misuse of data, and practices in telephone and face-to-face fundraising. These stories may have resulted in a reduction in trust: the UK's Charity Commission and Populus regularly survey a demographically representative sample of the population as to their trust in charities. Their research showed a drop in trust from a mean of 6.7/10 in 2014, to 5.7 in 2016 (Charity Commission/Populus, 2020). This dip in trust in 2015/16 was echoed in other longitudinal studies from NFPSynergy (Murphy, 2020) and Edelman's Trust Barometer (Charity Commission/Populus, 2020).

Although admittedly this evidence is correlational rather than causational, this apparent correlation between negative coverage and public trust–repeated across several studies–suggests that, in the absence of better evidence, considering firstly if, and then how, newspapers would report a decision would be one reasonable way of applying the trustism theory to ethical decision making in practice.

When considering whether a newspaper would cover a fundraising story, NGOs could refer to the work of Harcup and O'Neill (2001) who analysed every news article published in three UK newspapers over the course of a month in order to identify what made a story newsworthy. They proposed that stories generally had to include one or more of the following news values to be deemed newsworthy:

1. The power elite–powerful individuals, organisations or institutions.
2. Celebrity.
3. Entertainment for example, sex, showbusiness, drama.
4. Surprise.
5. Bad news.
6. Good news.
7. Magnitude - involve a significant number of people or impact.
8. Relevance - issues, groups and nations, relevant to the audience.
9. Follow-ups–about subjects already in the news.
10. Newspaper agenda–fit with the news organisations' own agenda.

As an example, Olive Cooke's story included several of these elements. By involving large, brand-name charities, it arguably involved the power elite. There was an element of surprise, in that charities, generally seen as a force for good, were portrayed as behaving badly, and, of course, the bad news of her tragic death. The later stories would have been more newsworthy as follow-ups to that original piece.

Considering the core question of soliciting or accepting donations, there would potentially be press interest in either soliciting or accepting donations from particular individuals or corporations which may link to Harcup and O'Neill's (2001) news values of:

- The power elite and/or celebrity–involving, for example, wealthy philanthropists or large companies
- Entertainment for example, if there is an interesting or perhaps salacious backstory
- Surprise for example, if there is a perceived mismatch between the NGO's and the potential donor's values or if it were seen to be ethically dubious for an NGO to approach that donor - if, for example, they were vulnerable
- Good news for example, if a gift was likely to be particularly impactful
- Relevance/follow-ups for example, if the donor was relevant to news outlet's audience or related to a topic already in the news
- Magnitude for example, if the gift was particularly large/impactful

Applying the trustism lens might therefore suggest an apparently simple solution to questions of whom to accept monies from or solicit for funds: to consider each potential donor or donation in light of Harcup and O'Neill's (2001) news values and reject any that might (a) appear particularly newsworthy, and (b) where that donation is likely to be reported negatively. For example, there have been particular examples of negative publicity around donations from the Sackler Trust (BBC, 2019) linked to the opioid crisis in the US, which may mean that donations from that organisation attract attention due to 'follow-ups', where donations from other organisations, even though linked to that crisis, may not receive the same attention.

However, this apparently simple solution is complicated by the difficulty of knowing how a solicitation or donation might be reported. Evidence that suggests there may be growing polarisation in news media, at least in some countries including the UK and the US (Fletcher, 2017). In practice, this can mean that what one outlet might report in a positive way, another might report negatively. For example, in 2017, an NHS Trust turned down a donation which had been raised by men dressed as female nurses. The (right-leaning) Sun described how 'killjoy health chiefs snubbed…kind-hearted locals' (Christie, 2017). Other outlets led with comments from the Trust calling the approach 'sexualised, demeaning and insulting' (e.g., Viggo, 2017). This difference in reporting could mean that accepting or rejecting the same donation might boost trust amongst one public, consuming a particular type of media, whilst reducing trust amongst another.

Of course, of increasing relevance in the 21st Century - and increasingly difficult to disentangle from the impact of the print media - is how a solicitation or donation might be viewed on social media channels. Space precludes us from applying the same detail as above, but practitioners could undertake a similar analysis using research into what makes content viral (for example, as described in Berger & Milkman, 2012).

Although, as MacQuillin and Sargeant (2019) point out, trustism has been foundational to the thinking around fundraising ethics, as our analysis above demonstrates, it's extremely difficult to apply in practice. Instead, we would suggest an NGO seeking to apply this lens might be better served by narrowing its definition of its public, which might enable a more nuanced application of the theory.

4.2 | Donor centrism

We move on to apply the donor centrist theory to the question of who to approach/accept gifts from. The donor centrist perspective can be deontological, with donor centrism being the right thing to do, in and of itself that is, 'fundraising is ethical when it gives priority to the donor's wants, needs, and wishes'. It can also be consequentialist that is, 'fundraising is ethical when it gives priority to the donor's wants, needs, and wishes *provided that this maximizes sustainable income for the nonprofit*' (MacQuillin & Sargeant, 2019).

4.3 | Asking

There is a range of research that suggests there are benefits to the donor in giving to charity, from tangible benefits such as tax breaks (HMRC 2022), to psychological benefits such as feeling happier (Annik et al., 2009), to improved physical health (Yörük, 2014). Indeed, it's difficult to find research that suggests a negative outcome of giving - although, the overall experience can be challenging, if, for example, a donor feels that their money has not been spent well (Lawson, 2013). With one of the primary drivers of giving being asked (Schervish & Havens, 1997), it can be argued that a donor centred fundraiser has a duty to ask their donors to give in order for them to access these multiple benefits.

It may arguably be possible to cause harm by asking those who choose not to give. However, one study found that saying no to a request carried an emotional cost, although - at least in that study - the emotional gains to those who did give outweighed the costs to those who did not (Aknin et al., 2015), suggesting that, on balance, fundraisers using this ethical lens should lean towards asking.

There are also some specific circumstances in which asking may cause harm. For example, if a fundraiser was to ask someone to give who did not have mental capacity or was in vulnerable circumstances (Institute of Fundraising, 2016). Whilst describing vulnerabilities in detail is beyond the scope of this paper, there are guidelines available that suggest common signs that fundraisers can be aware of (Institute of Fundraising, 2016). Although power dynamics are more commonly considered in the context of the donor holding the power, asking might also potentially cause harm when the donor is at a power disadvantage from the solicitor, for example if senior charity staff imply that junior staff should donate back to their charity. Charities may wish to consider the power dynamics at play within their solicitation approaches.

4.4 | Receiving

From the donor centrist perspective, it may seem that refusing a gift is inherently the wrong thing to do, as this is likely to cause upset to the donor who has offered it. Indeed, for donor centrist fundraisers, particularly those looking through a deontological lens, there may also be a particular argument for accepting gifts from those people who may have committed ethically dubious acts in the past in order to give those individuals an opportunity to make up for potential wrongs.

However, there may be situations in which accepting a gift from one donor could cause upset to others; for example, accepting a single large donation from a donor that is perceived to be in some way unethical or morally dubious, might cause upset to a large number of other supporters.

NGOs seeking to apply the donor centrist lens to accepting a potentially ethically challenging donation will therefore need to weigh-up firstly, whether news of the donation is likely to be shared amongst its supporters; secondly, how donors are likely to feel about that gift; and thirdly, how to balance the needs and wants of its different donors.

When considering whether news of the donation is likely to be shared amongst its supporters, an NGO could consider most obviously whether the donor has requested publicity or, conversely, has asked for anonymity. Then, as discussed for trustism, how newsworthy is the gift likely to be, according to Harcup and O'Neill's (2001) news values.

In order to weigh-up how donors may feel about the acceptance of a gift, the most obvious solution would be to carry out research amongst those donors in order to understand whether there were any categories of people or organisations that they feel the organisation should not accept funds from, and their strength of feeling about these prospective gifts. Where budget or time is not available, organisations may be able to access data about public attitudes more generally, or, if other data is not available, impute donor reaction from knowledge of its own causal area - an environmental charity, for example, may well be justified in believing that its donors would not be happy about accepting a gift from a major polluter.

The final step would be to balance the needs and wants of different donors. In its deontological form, one could argue that this would be a mathematical question: what would create the greatest level of positivity amongst donors (potentially a combination of the greatest number of donors with the strongest positive strength or feeling)? However, in its consequentialist form, an NGO would arguably need to weigh up the monetary value of the various supporters and choose the path most likely to result in sustainable future income. This may mean attaching a higher weight to the wants and needs of supporters who are likely to give more, or for a longer time period.

4.5 | Rights balancing

The final frame we apply is rights balancing. Rights balancing theory says that 'fundraising is ethical when it balances the duty of fundraisers to solicit support on behalf of their beneficiaries, with the relevant rights of the donor' (MacQuillin & Sargeant, 2019). This theory can be particularly conducive to an evidence-based approach, as, rather than depending on difficult to quantify principles such as trust or benefits/harms to donors, the theory is based on rights (for example, the right to privacy), which can be more precisely determined. These rights are often enshrined in law, conventions or prevailing norms which are wider than fundraising (for example, the rights of children under 18 or the right not to be discriminated against).

Applying a rights balancing lens would, most obviously, point to the potential harms to beneficiaries through reduced services caused by either not soliciting monies from as wide a pool of donors as possible, or by turning down gifts that have been offered.

However, this does not mean that rights balancing offers NGOs a complete carte blanche to accept all gifts that are offered. Firstly, it may be that particular gifts come with conditions that may cause harm to beneficiaries or sub-groups of beneficiaries. For example, the Girls Scouts of Western Washington returned a donation of $100,000 which specified that it could not be used to support transgender girls (Le, 2015). Accepting this donation could have had a positive impact on some beneficiaries by providing additional services. However, a decision would also need to consider the negative impact on a sub-group of beneficiaries–transgender girls–who would not be able to access those services. In this case, the organisation decided that that negative impact of having to adopt a discriminatory approach to a group that already often suffers societal discrimination outweighed the potential positives of accepting the donation.

Secondly, there might plausibly be a situation in which giving is used strategically to benefit the donor. Arguably, this is not a negative in and of itself, but, in certain situations it may benefit the donor in a way that might cause harm to current or future beneficiaries. For example, it has been argued that one motivation for corporate giving might be political influence (Bertrand et al., 2018). It is feasible, hypothetically, that a corporate might choose to support an NGO in an attempt to avoid regulation; for example, a polluting organisation might choose to work with an environmental charity in order to be seen to mitigate their harms, and evidence that there is no need for government to impose regulation upon them. This could ultimately harm beneficiaries if it affected regulation which might be beneficial to their interests. Similarly, individuals may also attempt to 'charity-wash' their reputations; Dean (2020) describes how a Georgia senator bought advertising space to promote her charitable giving following accusations of inappropriate stock-market trading.

Thirdly, of course, this theory attempts to balance the rights of beneficiary and donor. This presents an interesting and yet not insurmountable challenge because each party does have a set of inviolable rights that should never be violated. Each society may have a slightly different variation on which of these is considered significant such as consent, volition, and dignity. While there is opportunity to assess the degree to which each of these is held. Privacy in some contexts may have an opportunity to be balanced in the cases of publicly available data while significant, and yet legal, invasions of privacy would skew the balance. This also creates the opportunity for practitioners to balance the rights of beneficiaries and donors in areas that are contextually driven. Therefore, it may be decided that potential harms to donors' rights from asking outweigh the potential benefits to beneficiaries. This may be the case in soliciting donations from vulnerable donors, for example, or from soliciting donors who are both beneficiaries of, and donors to, an NGO.

5 | QUESTION 2: WHERE ARE THE LINES IN HOW WE APPROACH PEOPLE FOR RESOURCES FOR OUR ORGANISATION?

The second frame for practitioners is around the question of how we ask for donations. There are myriad examples where the fundraiser or charity itself has faced criticism for a seemingly unethical means of asking, process of asking, or failure to stop asking. In each of the instances, the fundraiser has a limited normative ethical framework upon which to draw to assist them in proactively understanding what may cross the line of how donors are approached.

This section will address several examples as we discuss the various models available to practitioners and conclude by identifying continuing opportunities for practical guidance.

5.1 | Trustism

As discussed earlier, the lens of trustism is a consequentialist ethical theory that stipulates a fundraiser ought to do what enhances trust in the sector. However, without a clear causal understanding of what results in increased or decreased trust, the practitioner is forced to quite literally become a fortune-teller.

Trustism is particularly poorly suited to evaluate this particular frame as most often, the question was not whether the effort raised money but whether a moral line was crossed. Take for example what is commonly called 'poverty porn' (Ong, 2015) where a charity uses shocking images particularly of people of colour in situations that appeal to the pity of a Western audience. The question of whether the appeal makes money is rarely questioned. After all, if it did not work, the fundraiser would likely not deploy it. Rather from a trustism lens, the question is whether the use of such images, testimonials, and stories increase or decrease trust in the sector. Another real-life example might be the 2020 data breach at Blackbaud which reached international attention (BBC, 2020). Through no fault of any fundraiser, the incident required nonprofits to alert donors that their data had been compromised and resulted in numerous negative media articles, and may well have led to a reduction in trust. This problem is only likely to grow with 41% of charities saying they experienced a cyber attacked in 2021, up 13 percentage points on the year before (Ricketts, 2022).

While no direct research has yet been conducted, various trust studies (Bayram, 2017) all reaffirm the correlative nature of certain activities such as emotional appeals towards general trust. As a result, practitioners are forced to generalise and make predictions when using a trustism lens about whether trust will increase or decrease and in what quantities. Because of its consequentialist nature, this lens would actually require the fundraiser to act in particular ways right up to the threshold of decreasing trust. For example, on a spectrum of time decay and other reasons for donor fatigue (Brown & Minty, 2008), the fundraiser would be encouraged to toe the line, so to speak, ensuring that all efforts went right up to the line of what would be perceived as reducing trust in the sector. However, for a wide variety of issues the concern is not *how much* but *whether* an activity undermines trust. As discussed earlier, this is compounded by the reality that absent a means to measure changes in trust or whether actions uniformly alter trust–if poverty porn reduces trust for some but increases it for others–the practitioner would have no guidance for action.

5.2 | Donor centrism

As previously, donor centrism looks exclusively at the lens of the donor's "needs, wants, and desires," and can be either deontological or teleological. The criticism of the primacy of donor ethics is not the remit of this project. However, the assumption behind donor centricity is that the donor knows what is best for the donor and for themselves. Each assumption has its own implications on how solicitations occur from the fundraiser's perspective.

Where the donor centric model has near sacrosanct quality from an ethical perspective is in the cessation of solicitation whether in advance, during, or in the refusal to make a gift. A donor ought to remain in complete control of whether they are asked for a gift or if they prefer not to receive a solicitation. To abridge this would be to remove agency and dignity of the donor. The donor should likewise retain a right to privacy. Requiring the disclosure of their data, including their name, would have potentially far reaching consequences especially for particular types of donors. Finally, donors ought to retain complete control over whether they are able to refuse to make a gift or refuse to continue to make a gift. Volitional choice is sine qua non of any ethical system, so to require a gift or require that a gift continue would eliminate the moral framework entirely.

So then are there areas where donor centricity generates additional useful guidance for the practitioner? Unfortunately, the framework provides little additional guidance in terms of how to conduct asks except to directly ask the donor what they prefer. Even this however, assumes that the donor is able to articulate and understand their own preferences appropriately. To be clear, it's not the authors' intention to violate explicit choice or consent. However, there are instances where a donor's stated preferences change or where their preferences may be nudged.

Take for example the widely held belief in 2020 (during the Covid pandemic) that talking about death with donors would be faux pas (for more, see Routley et al., 2020). In this case, the practitioner intuited the preference of the donor to believe that discussions about legacy giving and will planning would not be appropriate. Likewise, it's entirely possible that many donors (particularly younger people) would state a preference against will planning or legacy giving had they been asked in 2020. The evidence demonstrates the contrary. More Americans were searching "online will" on Google in April 2020—in the thick of the COVID-19 pandemic in the U.S.—than at any other time since 2011 (LegalZoom, 2021). In 2020, only 16% of Americans aged 18–34 said they have a will or another estate planning document. In 2021, that percentage rose by 9 points–an increase of 63% in just 1 year (Caring.com, 2021). Will writing and legacy planning are consistently issues that demonstrate the gap between stated preference and action. While more than 2/3rds of the population indicate that having a will is important, fewer than 1/3rd has a will. Anecdotally, this also occurs when donors are asked about their preferences towards email versus print newsletters. While email newsletters are the preferred option by the vast majority of respondents, donors actually read print newsletters and ignore email newsletters. Likewise, there are myriad examples of donors who believed that they could not make a significant gift but upon understanding various creative strategies were able to make transformational gifts and were grateful for the opportunity to do so, especially when it resulted in tax-wise strategies.

Without getting into the issue of whether there is a substantial distinction between overriding a preference and overriding a choice, it is clear that donor centrism does not aid the practitioner in even knowing what would be the right action from the donor's perspective.

There is then considerable discussion and further research as well as dialogue necessary on whether donor choice should override (or separately be overridden) on the grounds that a particular solicitation undermines the donor's long term interests or their own social obligations, however determined. A full investigation of these and similar topics are outside of the realm of this paper and yet raise the larger issue of the insufficiency of donor centricity as a paradigm for ethical decision making. Even when approached from a consequentialist perspective, the telos of the donor themselves may not be served by foreclosing a long term choice due to an incorrect present choice or a more universal understanding of the greater good may impact what donor centricity means.

As a rapid-evolving framework, donor centricity provides little useful or meaningful guidance for practitioners at the current time. Adherents would be imperilled by the inability to faithfully apply donor centricity in cases where the donor makes a preference known that is contrary to their own short or long term interests. Rejectionists would obviously simply eliminate or replace this framework.

5.3 | Rights balancing

Of all of the frameworks discussed, rights balancing holds the most promise. By taking into context the various parties involved including donors and beneficiaries, as well as the larger community, practitioners may find more useful guidance on how to approach donors.

There are three areas where balancing aids the fundraiser in better understanding their role and what courses of action might be most appropriate.

First, is the balance between the donor's explicit preference and their implicit needs. Again, donor decisions should carry serious moral weight. However, one case study presents the hypothetical scenario of a fundraiser calling a prospective grateful patient. Upon telephoning, the fundraiser quickly realises that the prospective donor's mother has passed and asks not to continue the conversation with a firm, "no, I would not like to talk about this." The fundraiser immediately obliges but then wonders the following:

a/ does the prospective donor's 'no' mean not right now or not ever?

b/ does the prospective donor's 'no' mean not on the telephone or no solicitation, and for how long into the future?

While this is a hypothetical, it bears on the question of whether the donor can be re-solicited after rejecting an overture in the past. How strongly does 'wrong time' hold for the fundraiser? As with any hypothetical, the answer is that it depends on a wide variety of factors that the narrative scarcely provides. However, rights balancing would enable the fundraiser to say that perhaps a memorial opportunity mailed to the prospective donor might appropriately balance the donor's internal conflicts whilst ensuring that the rights of beneficiaries to services were protected.

Second, is the balance between the donor and the beneficiary. While it seems appropriate to exclude some forms of poverty porn or extreme versions of pressure on a donor, there is also little question that prospective donors ought to be presented with an opportunity to give and existing donors with an opportunity to give again. In these cases, what pressure is appropriate and what are suitable images, statements, or emotions to elicit in order to encourage or nudge donors to give to something for which they have already expressed care and concern? Obviously, the use of images and testimonials or stories are acceptable so by balancing the rights of the beneficiary and the donors–or the charity–one can derive an ethically appropriate form of persuasive appeal. In this case, balancing the dignity and agency of the beneficiary with ways to raise funds from donors to support the organisation.

Finally, and most elusive, is the balance between the donor and the larger community. There continues to be robust discussion about the proper role of philanthropy, particularly through wealthy donors and private foundations. The basis of these discussions is the role that money plays in society: how it is earned, how it is contributed, and how it is recognised. Since this is a well traversed space elsewhere, the aim of this paper is simply to recognise that rights balancing appropriately challenges the status quo of donor centrism through the lens of beneficiary and/or community framing. While admittedly imperfect due to the embryonic stage of some of these discussions of appropriate and inappropriate balancing, this ongoing discussion lens is itself helpful.

The final challenge for practitioners is navigating the questions to be asked with the appropriate frameworks. Both discerning which question should be asked and how that question should be answered presents serious challenges for even the most adept of practitioners. MacQuillin and Sargent (2019) have offered up several frameworks and currently the most promising for the sector seems to be the right balancing lens as it provides the greatest ability for a fundraiser to contextualise their decision based on the relevant stakeholders.

However, when faced with which question to ask, practitioners tend to be focused on the circumstantial questions of how fundraising ought to occur. Our effort is not to provide a list of correct/incorrect answers but rather to aid the practitioner in thinking through the appropriate decision rules when it comes to how fundraising ought to be conducted. As such, while the following list is not exhaustive, it perhaps permits the fundraiser to begin considering these as 'decision rules' aligned with the frameworks discussed earlier.

(1) Should fundraisers solicit when an economy is doing poorly such as a recession, depression, or other market crash? It is important to consider that philanthropic giving has never in recorded market history reached zero. This means that even in the worst of possible economic circumstances someone is giving money to something. Data from the Fundraising Effectiveness Project (AFP, 2020) reveals that those who asked, received. On consequentialist grounds, it may seem acceptable to ask. While not without exception, the risk of not serving one's beneficiaries would override the risk of offence to someone who could not afford to give. On a deontological front, if the mission supports the public good, it would seem that the fundraiser would have a duty to ask lest they fail to meet their obligation to the beneficiary, the community, or to the public good of the mission. Likewise, even in good economic times, there are those that are unemployed or have insufficient means to support a charity. Unbeknownst to the fundraiser, they may inadvertently solicit someone who has recently lost a job. Therefore, arguments from trustism or donor centricity that might suggest prohibiting fundraising during an economic downturn would fail on the grounds that the same effect would occur in times of economic increase. Put simply, the rule would not effectively serve as a litmus test for decision making of the form: do not fundraise when the economy is bad.

(2) Should fundraisers solicit during a pandemic or during times of mass casualty such as war, insurrection, and so forth? While some instances of this decision rule may alter the context, we explore this question by addressing it in the frame of legacy giving in particular elsewhere (Routley et al., 2020). Here we explore whether types of fundraising would undermine trust, donor centricity, or imbalance the rights of donors versus beneficiaries. While bad fundraising practice is always bad, such as high pressure tactics particularly when it comes to bequests, there seems to be little basis from either a consequentialist or deontological perspective to cease fundraising work. Similarly, the premise behind not soliciting stems from the avoidance of presenting a planned gift at a time where death is prevalent. However, as in the earlier case, it is highly likely that every planned giving officer has inadvertently presented a bequest passively or actively, without knowing the life outlook of a particular person. In this respect, and

without knowing the specific circumstance of each donor at every time of solicitation, it would be impossible to avoid the negative impact on trustism (if it exists) or donor centrism. Yet again, the rule would not effectively serve as a litmus test for decision making.

(3) Should fundraisers use images or text designed to influence the emotions of the donor? As discussed earlier, there are extreme cases of poverty pornography that seem beyond the pale particularly when they are done without consent and in a way to undermine the dignity of the beneficiary. In this rule, it's important to evaluate a hard case rather than the extreme case. Is it appropriate for a direct mail pack to engender anger, guilt, or grief in order to solicit a donation? First, let us set aside the question of whether an image or text can be reliably used to engender a specific emotion in a wide range of donors. For the purposes of this hypothetical, we will assume that it does and assess whether it is appropriate for the practitioner to engage in the practice. Second, the use of some sort of influence is inherent to the role of the fundraiser.

One question that needs to be asked is whether it is avoidable to influence the emotions of a prospective donor at all. If donors are influenced by certain images or text and it were possible to measure the degrees of influence, distinguishing the difference between undue pressure and incidental pressure may be possible. However, such tools either do not exist or at least are not widely and publicly available. Absent such tools, it would be outside of the practitioners control to regulate the degree to which the donor were influenced.

However, not every aspect is outside of the fundraiser's control so we must assess to what degree the fundraiser manipulates images or text to enhance certain specific emotional responses in order to elicit a gift. Here there are serious implications for trustism and donor centered frameworks. If the perception is that fundraisers are manipulative, it would be easy to assume that public trust in the profession and the sector would be eroded, leading to wide scale problems. Likewise, if such perceptions led donors to assume that fundraising was in opposition to donor wishes, needs, and wants, it would likely have significant adverse implications. While no donor is likely to be persuaded to act completely contrary to their values (an avowed vegan is unlikely to generously fund a charity for cattle ranchers), there may be a possibility of nudging donors that activate the ethical obligations of fundraisers.

These examples are by no means exhaustive. However, they do serve to illustrate decision rules and the ways in which the ethical frameworks presented interact with them. Practitioners should be encouraged to assess similar additional decision rules, assess them through the available frameworks, and apply these decision rules when actual ethical conflicts arise. In so doing, fundraisers will not only be more prepared for ethical conflict but will also produce more sound judgements that align with the core values of the organisation.

6 | CONCLUSION AND FUTURE RESEARCH

This paper explored the application of MacQuillin and Sargeant's (2019) ethical theories to fundraising practice, by firstly, identifying two overarching ethical dilemmas fundraisers face, and, secondly, seeking to apply the theories of trustism, donor centrism and rights balancing to each.

The analysis suggested that, in practice, applying the theories can be challenging. Although often discussed as an approach to ethical decision making in practice (through the Daily Mail test, for example), when taking an evidence-based approach, trustism is challenging to apply to either question due to both a lack of data on precisely what affects public trust, and 'the public' not being an homogenous group. Even when using newsworthiness as a proxy, we discuss how media which take different stances might interpret stories differently, and reach different publics.

Although on balance, the evidence seems to suggest that giving - and therefore by association, asking - has positive benefits for the donor, there are challenges also to applying the donor centrism theory. Like the public, donors are not homogenous, and what benefits one donor or group of donors might have some negative impact on another. This theory would also point to the importance of adhering to donors' preferences; however, preferences might not always be explicit and may change over time.

We believe that rights-balancing is potentially the most practically useful ethical theory to support fundraisers' decision making, both because it includes a focus on beneficiaries and the wider community, alongside donors, and because it relies on rights which can be considered and clearly defined. However, it too is not without its practical challenges, such as balancing the rights of different groups of beneficiaries.

Whilst we have attempted to work through the overarching ethical questions using evidence, it has been notable that clear evidence is not always available to guide fundraising decisions. Future research could therefore seek to fill some of these evidential gaps, such as how fundraising practice is likely to impact on public trust, or, perhaps more usefully in a heterogeneous society, how fundraising practice may impact different publics. This may also have a benefit in fundraising education, helping to support fundraisers when making these decisions.

Research could also explore in more detail the overarching ethical questions we have posited here, considering whether there are others which could be added and explored, as well as potentially understanding more about how fundraisers seek to address these questions in their day-to-day fundraising practice. In particular, it may be helpful to explore how addressing these questions might align with the moral perspective of different stakeholders in ethical decision making such as fundraisers themselves, but also trustees, volunteers, beneficiaries.

CONFLICTS OF INTEREST

The authors have no conflicts of interest to declare.

DATA AVAILABILITY STATEMENT

Data sharing is not applicable to this article as no new data were created or analyzed in this study.

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How to cite this article: Routley, C., & Koshy, C. (2022). Identifying and addressing fundraising's overarching ethical questions through ethical theory. *Journal of Philanthropy and Marketing*, e1754. https://doi.org/10.1002/nvsm.1754