WILLING TO GIVE?

Christian teaching on giving
and the case for legacies

A theological brief for 'Good Will Sunday'

Jubilee Policy Group

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> *"I've often had to notice that a man'll sometimes do the foolishest thing or the meanest thing in his hull life after he's dead"*[1]

It is estimated that 13% of current wills include legacies, and that legacies provide some £700 million for charities annually.[2] They remain, however, an underused form of giving. The growth in personal wealth in Britain (£2,350 billion in 1989) means that congregations today may command considerable financial resources although much of it is tied up in housing and pension funds. Death can provide an opportunity to release these assets and give from wealth which was previously inaccessible.

Attitudes to any form of giving will be influenced by our understanding of the ownership and use of money. Christian teaching can prove uncomfortably challenging here and it will be important to appreciate the difficulties that both churches and individuals have in changing their attitudes and practices. A comprehensive discussion of these issues is beyond the scope of this brief, but some of the key aspects are surveyed to provide a context for considering the case for legacies.

Teaching about money

Adrian Mann points one of the difficulties churches have in teaching about money:

> *Stewardship has been 'debated ad nauseam at the institutional level, justified at the theological level, diluted at the pastoral level, abused at the parochial level, misunderstood at the individual level, and avoided at the personal level.'*[3]

There is a widespread perception of the Church as a 'receiver' soaking up money to maintain its own buildings and structures rather than as a 'giver' to the world. Teaching on stewardship is often suspected of being no more than a device to increase church revenue, rather than as a genuine commitment to stewardship in all areas of church life and the lives of church members. The failure of churches as institutions to be seen as good examples of stewardship is further fuel for the cynics.

Not only will any initiative that involves teaching on money have to overcome these suspicions, but it also involves addressing a sensitive issue which is often avoided in the Church. It is not that money in contemporary culture is a taboo subject. Far from it: wealth, power, status, value, success are all closely linked with money. Newspapers, radio, television and magazines are full of money advice, economic statistics, or stories of riches and ruin. No; the problem is that we are all so influenced by our culture that teaching on money can very easily be threatening. It is much simpler to keep faith and money separate and not to face the challenge.

The influence of our culture on our attitudes to money should not be underestimated. Consumerism and materialism drive personal finance towards consumption and the use of credit.[4] 'Economism' by which public policy and national life is assessed only in terms of economic variables focuses attention on the material dimension of life and puts money centre stage. Money and finance seem to become increasingly complex, and as we become tied into financial structures and institutions through mortgages, savings, pensions, etc. it becomes harder to challenge our use of money. The growth of individualism and lack of interdependence

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1 Westcott, E. N. *David Harum* in *The Penguin International Thesaurus of Quotations*

2 Abacus Research, Legacy survey

3 Mann, A. 'The value of wealth to Christians" in *Theology* Vol. 91, November 1988, p.482. See also Mann, A. *No Small Change: Money, Christians and the Church*, The Canterbury Press, Norwich, 1992

4 A good discussion of this can be found in Starkey, M. *Born to Shop,* Monarch, 1989

encourages the pursuit of individual financial security. Mobility, family breakdown and the growth of anonymous communities limit the provision of security through relationships. Churches have not escaped this and also appear limited in their capacity to provide a community of security as an alternative to the individual accumulation of wealth.

These difficulties are also an opportunity. It is precisely because money touches on almost all areas of our life that any change in our attitudes to money, and our use of it, would transform our lives and that of the churches. And because money is so dominant in our society this transformation would be a powerful witness to the world.

Attitudes to money[5]

Our understanding of the ownership and use of money influences our approach to giving. There are perhaps three distinct traditions in Christian teaching on this issue. At one extreme is prosperity teaching or the 'health and wealth gospel'. The other can be termed 'anti-mammonism' which draws on Jesus' sharp division between the love of God and mammon (Matthew 6:24). This has often been associated with an emphasis on the ideal of Christian poverty. The third approach, stewardship, is probably the dominant contemporary approach.

(a) Prosperity teaching

Prosperity teaching is not a major influence within most British churches (it has been much more influential in America and some African countries) so will only be referred to briefly. It does, however, illustrate the dangers of an unbalanced emphasis on some biblical themes to the exclusion of others, the ease of accommodation to culture and attitudes to money are closely related to the understanding of faith and discipleship.

Two strands of biblical teaching are frequently used in this approach. The first is the image of God as a loving father committed to providing for his children. This is taken to include material and financial prosperity. It is then argued that because creation is inherently good, there need be no guilt in enjoying what God has provided. Old Testament material depicting wealth as a blessing is another important source for this approach (e.g. Psalm 25:13, 1-8:1-2; or Proverbs 13:21, 21:21, 22:4, and 28:20). In particular those who are generous to the poor and obedient in tithing will be rewarded (e.g. Psalm 112 or Proverbs 3:9-10, 11:24, 22:9. Also Malachi 3:9-10). Thus the depiction of wealth as a reward informs the approach to giving. Giving becomes a step of faith rather than a sacrifice because of the belief in the greater reward in return. The most simplistic accounts of prosperity teaching claim this literally:

> *"Give one house and receive one hundred homes or one house worth one hundred times as much...Give one car and the return would furnish you with a lifetime of cars. In short, Mark 10:30 is a very good deal.'*[6]

(b) 'Anti-Mammonism'

This approach, which has continued throughout Christian history, has a deep rooted suspicion of wealth which has at times led to a rejection of property. It was a common approach in the Early Church. Elements of this tradition have been restated in modern times by Jacques Ellul[7] and Richard Foster[8] among others. Both writers emphasise the power of money, referring back to Jesus' teaching on mammon, wealth is personified as a slave owner in competition with God for the love of mankind. The power of money is both its power over us, and the power it gives us over other people.

The New Testament, and the teaching of Jesus in particular, has often been depicted as hostile to wealth.[9] While there are some very strong statements, such a blanket condemnation of wealth cannot be maintained.

5 This section draws on a paper by Paul Mills 'Christian values for the accumulation of wealth and ownership of property' for Credit Action, 3 Hooper Street, Cambridge.

6 Copeland, G. *God's Will is Prosperity,* Harrison House, USA, 1978, p.54.

7 Ellul, J. *Money and Power,* translated Neff, L. IVP, Illinois, 1984.

8 Foster, R. *Money, Sex and Power,* Hodder & Stoughton, London, 1985.

9 Schmidt: T. provides a comprehensive analysis of this in *Hostility to Wealth in the Synoptic Gospels,* Journal for the Study of the New Testament Supplement Series No.15, Sheffield, JSOT Press, 1987. See also Mullin, R. *The Wealth of Christians,*, Paternoster, 1983

The disciples may have been enjoined to leave all they had to follow Jesus but Peter was able to return to both his house and boat and it appears that Jesus was supported in his ministry by a group of women of independent means. The rich young ruler was told to sell all his possessions and give the money to the poor but this same condition was not applied to Zacchaeus or to Joseph of Arimathea (Mark 10:21; Luke 19:8; 25:50-53). The Early Church in Jerusalem may have held its wealth in common, but the story of Ananias and Sapphira shows that this was neither a universal or a compulsory requirement (Acts 4:32-35; 5:1-11). The epistles indicate the continuing presence of rich people in the church.

Christians have often found it difficult to resolve this tension. France comments:

> *There are two sides to Jesus' attitude to private property, and his modern interpreters tend to emphasise one or the other, depending on their prior commitment. Emphatic black and white statements and commands suggest that no true disciple should own property, while incidental comments and inferences from both his teaching and his practice indicate that private ownership is normal, and indeed essential, not only for the society at large, but for the majority of Jesus' followers.'*[10]

In practice this has resulted in many people shying away from the more radical demands, emphasising prudence and the needs of society. Thus, for example, the common ownership in the church described in Acts is seen as a mistake by some commentators: "the trouble in Jerusalem was that they had turned their capital into income and had no cushion for hard times, and the Gentile Christians had to come to their rescue."[11] However, it is likely that famine rather than improvidence in the expectation of the imminent return of Christ was the cause of their problem.

Gonzalez argues that the practice of sharing continued well into the second century.[12] He suggests that there is evidence of the continuity of this practice of sharing within the New Testament (1 Timothy 6:18 commands the rich 'to do good, to be rich in good deeds, and to be generous and willing to share') and that other passages such as 1 John 3:17 which command generosity to brothers in need may also presume this practice. Advocacy of sharing is also found in the Early Church Fathers. The Didache, for example, states that:

> *Thou shalt not turn away from him that is in want, but thou shall share all things with thy brother, and shall not say that they are thine own; if you are partakers in that which is immortal, how much more in things that are mortal.*[13]

Clement of Alexandria marks the beginning of a shift away from this emphasis on a generous response to those in need in his treatise 'Who is the rich man that may be saved?'. Here the focus is on the soul of the giver rather than the need of the receiver and Clement emphasises the rich man's attitude to wealth, encouraging a spiritual detachment to wealth, rather than an actual sharing. The growth of the monastic tradition saw the development of two levels of Christian life, the monastic orders seeking a more rigorous fulfilment of Christ's teaching with less being expected of lay people.

Consistent characteristics of this approach throughout Christian history have included an emphasis on money as a dangerous power and snare from which we must be freed; antipathy towards the accumulation of wealth (often associated with injustice); and a commitment to give generously all that is surplus to one's own need (however that is to be defined) to meet the needs of others. The purpose of wealth is seen as providing the opportunity to meet the needs of others. The emphasis on sharing (koinonia) suggests the context of strong and close relationships within the church for this giving.

Although such approaches may appear at times to be unduly negative about wealth, rather idealistic, and difficult to relate to the complexity of the modern world, they maintain a valuable witness to the radical demands of the gospel. The close relationship between attitudes to money, faith and life is again demonstrated.

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10 France, R. 'God and Mammon' in *Evangelical Quarterly,* 1979, p.3-21.

11 Zeisler, J. *Christian Asceticism,* Eerdmans, 1973, p.110.

12 Gonzalez, J. *Faith and Wealth: A History of Early Christian Ideas on the Origin, Significance and Use of Money*, Harper & Row, San Francisco, 1990.

13 Didache 4.5-A, Ante Nicene Fathers.

(c) Stewardship.

This is probably the dominant contemporary approach. It refers back to both the creation mandate to subdue and care for the earth and to Jesus' allusions in his parables to his followers as stewards in charge of their master's possessions until his return, when an account will be demanded as to their faithfulness and diligence (Matthew 25:14-30; Luke 16:1-9, 19:11-27). The reference to creation encourages a more positive attitude to wealth.

The essence of this approach has changed little. Calvin argued that "All the endowments which we possess are deposits entrusted to us for the good of our neighbour ....we are (God's) stewards and are bound to give account of our stewardship."[14] The Lambeth conference in 1958 defined stewardship as "the regarding of ourselves - our time, our talents and our money, as a trust from God to be utilised in his service."

There are a number of difficulties with this popular approach. While rightly pointing to God's ultimate ownership, the implications of this for the way in which wealth is used and its impact on all areas of life is too often less fully explored. This may be coupled with a tendency to assent mentally to the idea of God as ultimate owner, but for this to have little effect in practice. Mann suggests that 'responsible ownership' may now be a better term than stewardship to communicate the responsibilities that wealth brings with it.[15]

There is also the danger that stewardship becomes a rule bound technique rather than a relationship. Ellul complains that stewardship "becomes downright vicious when we use it to justify ourselves, when it permits us to fix in concrete what God wants us to submit to the Holy Spirit".[16] Stewardship does not just concern the relationship between creator and creature (leading to responsibility, honesty and accountability in the use of wealth), but also between redeemer and redeemed which should lead to gracious, repentant and costly response.[17]

Stewardship must also be set in the context of human relationships. Without an adequate understanding of the nature of our obligations to others, stewardship too easily becomes empty. It is the acceptance and nature of a duty or commitment to care for the needy, pursue justice and work for the kingdom that defines how we should use our wealth and decide our priorities. Without such a context, there is no basis on which to assess a commitment to give via legacies or any other means.

Giving

Different understandings of the ownership and use of money lead to different approaches to giving. Prosperity teaching promises rewards; 'anti-mammonism' commends a generous response to need and injustice as well as the importance of freeing oneself from the power of money; and stewardship stresses effective giving (which has at times led to a distinction between the deserving and undeserving poor).

There are many motives for giving: pity, compassion, embarrassment, altruism, self- interest, guilt, commitment to a cause, justice, solidarity, worship and thanksgiving, obedience, duty, obligation and responsibility.[18] Some of these motives will be considered better than others, but in practice our motives are usually mixed. A particular feature of Christian giving is that it is about giving all - not just a part. It should therefore be an integral expression of a way of life. It is not giving what is owned absolutely, out of any of the above motives, but part of the proper use of all that God has given. The New Testament does not spell out how far the individual should go in changing life style and the amount given in response to the recognition that all of a Christian's wealth belongs to God. It is left to conscience rather than imposed rules. Nevertheless, while it is right to emphasise free giving, there is some benefit in having the discipline of some rules or guidelines as selfishness can always creep in and limit our free response.

14 Institutes of Christian Religion III. vii. 1 and 5

15 Mann, A *No Small Change*

16 Elllul, J. *Money and Power*

17 Church of England Central Board of Finance, *Receiving and Giving: The Basis , Issues and Implications of Christian Stewardship*, General Synod, 1990.

18 This list is taken from Mann, A. *No Small Change*, p.144.

Christian giving should also be characterised by love and a repentant response to God's grace:

> *We are not charitable in order to rid ourselves of guilt, since we know that we are guilty and that our guilt is not rid through our puny actions. Rather we are charitable because it is in being charitable that we are most like the extravagant God, who has been so effusively charitable to us*.[19]

The way in which we resolve different calls upon our resources influences our giving. One aspect of this would be balancing different responsibilities to family, to friends, the local community, the church and the whole range of charities and good causes, as well as our own needs. Conflict between responsibility to family and the desire to support good causes is often felt with regard to making legacies and is discussed later.

Related to this is the tension between prudence, which requires the retention of resources to meet future needs and responsibilities, and faith advocating generous giving while trusting in God that future needs will be met. What prudence retains, faith cannot give. Jesus' commands not to store up treasure on earth and to trust entirely upon God for one's material security, have lead some Christians to reject the accumulation of wealth. Yet the wisdom of those who see future needs and take precautions against them is attested to throughout the Book of Proverbs[20] and the obligation to provide for relatives (1 Timothy 5:8) would be difficult to fulfil without savings.

The two approaches find some reconciliation in the observation that the condemnation of storing treasure seems to be directed at those who hoard wealth and possessions selfishly and without using them, motivated by the desire to achieve material security in the future (e.g. Luke 12:16-21). On this basis it might be argued that precautionary saving is not sinful as long as there is a definite goal in sight rather than an abstract desire for security and the resultant accumulation of possessions are used, especially for the benefit of others.

It is estimated that church members currently give 2% of post-tax income to the church.[21] The experience of the Church of England indicates that levels of direct giving to the church have been maintained, but that fewer people are giving more in order to stand still. In 1988 direct giving to the Church of England totalled £190 million, the same in real terms as 1964 despite a 40% decline in the electoral rolls during this period. The needs to which churches and charities are seeking to respond outstrip their resources. Increases in direct giving are sought, but if, as we shall see, a substantial proportion of personal wealth is locked up in savings, pensions and housing, then legacies provide an opportunity to give from a substantially untapped pool of wealth.

Making wills

Legacies depend upon people making wills. However, most adults (61%) have not made a will.[22] Not surprisingly this varies with age: 87% of those aged 18-34 have not made a will compared to 33% of those over 65. There are three main reasons for this. Eighty-two percent of people who have not made a will claim to have nothing against making a will, but simply haven't got around to it. Those who are young are often reluctant to make wills because they expect their circumstances to change, and do not expect to die for many years.

The second main reason is that people feel they have no need to make a will: believing that if you want to leave everything to your spouse it will go them anyway (56%); that there is no need unless your family situation is complicated (33%); or you want to exclude someone (32%); or because they don't have enough to leave (39%).

The third reason is related to attitudes to death. Sixty-one percent of people who have not made a will prefer to put the subject of dying to back of their mind, or think it morbid to plan what will happen when they die (27%), or think it's tempting fate to make a will (21%).

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19 Willimon, W. 'The Effusiveness of Christian Charity,' *Theology Today*, April 1992, p.75.

20 Proverbs 6:6-8; 14:15; 16:3; 21:5; 22:3; and 30:25.

21 Church of England Central Board of Finance, *Receiving and Giving: The Basis , Issues and Implications of Christian Stewardship*, General Synod, 1990.

22 Abacus Research, Legacy survey p.8

There are many good reasons for making a will. It is often prompted by changes in circumstance or responsibility such as birth of children, marriage, or a death in the family. Intestacy may result in surviving spouses being worse off as some of the estate (above a threshold) will go to the deceased person's children, or other relatives.[23] Without a will it is impossible to remember or thank someone with a bequest. Divorce and family breakdown mean that many family situations are no longer straightforward, and in any situation a will can make things easier for relatives and help avoid family disputes.

Responsibility is one of the key principles to guide our use of money. We are accountable to God and to other people for the way in which we use our wealth. This responsibility is finally discharged at our death. The Old Testament talks of people 'putting their house in order' before they die to describe this final discharge of responsibilities (e.g. 2 Kings 20:1 or 2 Samuel 17:23).

How much do we have to leave?

Wealth is not evenly distributed. In 1990 the most wealthy 10% of adults owned 51% of the marketable wealth (excluding pensions).[24] The distribution of wealth is as follows:

% of population owning: (£)	
1 - 5,000	33.2%
5,001 - 15,000	17.3%
15,001 - 50,000	32.8%
50,001 - 100,000	9.7%
100,000+	7.0%

Thus some people will have very little to leave, but others will have large estates. It is worth looking more closely at the wealth of older people, as this gives an indication of the likely size of estates in the future. On average older age-groups are wealthier than younger ones. 36% of those aged 65-84 had net wealth (including net housing equity) of over £40,000 in UK in 1986/7 compared to an average of 31% for all age groups.[25] There is however, considerable disparity of wealth among older people. Owner occupiers with mortgage paid estates accruing from deceased parents and with an occupational pension are worlds apart from municipal dwellers with state pensions.[26] Fifty one percent of those aged 65-70 own their house outright[27] with average net housing equity of homeowners aged 65-74 being £50,000 (1985 prices).[28] Homeowners over retirement age have average savings of £17,100 compared to £2,800 for tenants.[29] Retired homeowners are therefore likely to have savings and net housing equity averaging about £67,000, a sizeable amount to leave.

Predictions about the size of estates are uncertain and there are a number of factors which could reverse the expected increase. One obvious caution is the recent fall in house prices: repossessions and the problem of negative-equity have dented the rise in capital accumulation. It is also possible that older people will use up a greater proportion of their wealth, including net housing equity, before death thus reducing the size of their estates and the potential for legacy income. Two likely reasons for this would be the need to use housing equity to pay for long-term housing care in old age, and the desire for increased leisure and consumption by future retirees who have grown up more leisure oriented than the current generation of pensioners.

In 1991 approximately nine million people (15.8% of the UK population) were over 65. By the year 2025 the number of people over 65 is likely to rise to 11.4 million (18.6% of the population). The rise of the numbers of

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23 If there are children, all personal effects and movable property, together with the first £75,000 of the estate go to the surviving spouse. The remainder is split in half with the spouse having a life interest in one half, and the other half being divided among the children.

24 Inland Revenue Statistics, HMSO, 1992

25 Inland Revenue cited in McKay, S. *Pensioners' Assets*.

26 Midwinter, E. 'Workers versus Pensioners?' *Social Policy and Administration,* Volume 23, No.3, December 1989

27 General Household Survey, 1989, table 8.61

28 Mackintosh, S. et al. *Housing in Later Life: the housing finance implications of an ageing society,* Schoool of Advanced Urban Studies, Bristol, 1990, p.35

29 McKay, S. *Pensioners' Assets,* PSI, p.28

those over 85 is even more dramatic. In 1901 there were some 57,000, by 1981 there were over 500,000. This figure is expected to double to over one million by 2011. Most care continues within the home; there are some six million informal carers in Britain, over 80% of whom are looking after a dependant aged 65 or over.[30] Nevertheless, there is concern that as the demand for long-term nursing care grows the extent of government and local authority provision and funding will increasingly fall short of demand. Family breakdown may also erode the capacity of the family to provide care. It is estimated that the average house price will pay for eight years of housing care so a significant increase in private care could significantly erode the size of estates.

Advertisers have targeted the WOOPIE (well off older person) who with the security of pensions and other investments is able to enjoy a full and active life of leisure. It is argued that attitudes to leisure are changing as our society becomes more leisure conscious with greater importance attached to self fulfilment and self expression. Yet many older people were brought up with different attitudes to leisure and, influenced by the legacy of the nineteenth century work ethic, have feelings of guilt and embarrassment about leisure and retirement. However the new generation of retirees have emerged from the youth and leisure centred culture of the 50s and 60s and their expectations and activities differ from their predecessors.[31]

These new retirees are also likely to have different attitudes to credit and borrowing. This may result in the greater use of home equity release schemes to finance this life style. This again would significantly reduce the size of estates and the scope for legacies. A survey of people currently using such plans showed that 38% believed that their heirs did not need their money, 28% had no heirs, 27% wanted to leave something but not all their wealth, and 21% were using their housing equity to avoid dependency.[32]

Legacies

(a) The case for legacies

Although the accumulation of wealth as a source of individual security should not go unchallenged, the fact remains that some people, particularly home owners, will have accumulated significant assets in the form of housing and investments such as pensions. Currently 38.5% of net personal wealth is in housing[33] compared to only 23% in 1971. If pensions are excluded, housing accounts for almost half of personal wealth. This reflects the growth in home ownership (25% in 1945 compared to 66% today) and the fact that house values have risen considerably faster than inflation during this period. The estates of people dying now reflect historical patterns of home ownership so housing may be expected to form a more sizeable proportion of estates in the future. The Henley Centre for Forecasting has predicted that home ownership will be 77% in the year 2000. They estimate that the value of housing inherited in 1989 was £5 billion but by the turn of the century this will have increased to £11 billion (in 1989 prices).[34]

The release of these assets at death, especially when an estate is not passing to a surviving spouse and this security is no longer needed, is an opportunity to give from wealth which was previously unavailable. This may be particularly true for those people such as some older home owners who are 'asset-rich, income-poor'. An example of someone in this situation would be a pensioner who receives only the basic state pension but is a home owner and the value of whose home may have increased considerably during their lifetime. Such people may not have been able to give large amounts during their lifetime but death provides an opportunity to do so. Surveys of legators supports this, with 19% believing a legacy to be the only way they could afford to leave a worthwhile sum to charity, and 13% claiming that they did not have enough money to give during their lifetime, but would like to leave it when they die.[35]

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30 OPCS, *General Household Survey 1985 Supplement A on Informal Carers*, HMSO, 1988.

31 Roberts, K. *Leisure,* Longman, 1981.

32 Hamnett, C., Harmer, M., and Williams, P. *Housing Inheritance: A National Survey of its Scale and Impact,* Housing Research Foundation, September 1989.

33 Net personal wealth includes pensions and housing net of mortgage debt.

34 These estimates were before the recent decline of property values. A summary of the conclusions of the Henley Centre for Forecasting Planning for Social Change survey can be found in Ormerod, P. and Wilmot, M. *Poverty,* Volume 73, Summer 1989.

35 Abacus Research, Legacy survey, p.40

There are a number of possible objections to legacies. Some people, for example, will argue that they have given faithfully during their lifetime, that there is particular reason why death should be regarded as an opportunity for further giving and that giving via legacies is selfish in so far as it involves giving what you would not part with during your lifetime at the expense of the beneficiaries of your will. We have suggested that the answer to this is that legacies may involve giving out of wealth that was not available before rather than from what would not be parted with.

(b) Should everything be left to the family?

Perhaps the main objection to legacies is the belief that wealth should be left to the family (where there is one). There is a widespread belief that people only leave money to charity if they have no family (34% of people who have made a will) coupled with a strong belief in the duty to leave what you have to your family. In contrast to this 35% of legators, who are more likely to be older, single and have no family, agreed strongly with the statement that the next generation should fend for themselves without the prospect of inheriting their parents money.[36]

Studies of wills have shown that most people do leave their money to their family:

> *In most estates, it is the relatives of the deceased who are left the greater part of any resources. If there is a spouse then she or he is the main (often the sole) beneficiary. Where there is no spouse the principal beneficiaries are the children. Where a person dies leaving no children, other close relatives inherit any funds. This ordering is generally fixed and sequential in nature. Children are only minor beneficiaries if there is a surviving spouse, grandchildren only benefit where there are no surviving children, and so on. It is rare for any substantial inheritances to skip a generation and to go to grandchildren.*[37]

There is no set answer to the question of who we should leave our wealth to, not least because people 's circumstances vary. The person with no dependants is much freer to dispose of their wealth as they please than someone with, say, a young family.

Neither is there a simple biblical answer. Old Testament inheritance practices should not be regarded as normative as they reflect the social structure of an agrarian society. However they do draw attention to the wider social consequences of inheritance practice. Taken together, the land and inheritance laws in the Old Testament served to place some limits on the concentration of wealth, ensuring all families retained access to land which was the basic source of livelihood. (This at least was the ideal: the witness of the prophets shows that the alienation of land and concentration of wealth did in fact occur). This also served to keep families and communities together. These two concerns of seeking to keep families together, thus preserving the social fabric of society, and limiting the perpetuation of inequalities of wealth through inheritance should perhaps be considered when wills are made.

Two texts from the Law refer to inheritance (Deuteronomy 21:15-17 and Numbers 27:1-11) and these may be supplemented by incidental information from the biblical narratives. Inheritance practices appear to be those of an agrarian society with a commitment to keeping family landholdings together. Sons alone had the right to the inheritance with the elder son receiving a double share (Deuteronomy 21:17). Daughters did not inherit except when there were no male heirs. The principle behind this practice is shown in the case of the daughters of Zelophehad (Numbers 27:1-8) where they were allowed to inherit the land on the condition that they found husbands from a clan of their father's tribe, so preventing the family property passing to another tribe. Job's three daughters who received a share of the inheritance along with their brothers are an exception to this practice of male inheritance (Job 42:13-15). If a man died without issue, the property passed to male kinsmen on his father's side in the following order: his brothers, his father's brothers, his nearest relative in the clan (Numbers 27:9-11). The widow does not appear to have had the right to the inheritance and became dependent upon male relatives for their security. The New Testament has little specifically to say about inheritances other than Jesus' refusal to arbitrate a dispute between two brothers over an inheritance (Luke 12:13).

It is clear that there is a responsibility to provide for the family and that wills should reflect this responsibility. Indeed, the law allows dependants to make a claim upon an estate even if they are excluded from the will. A

36 Abacus Research, Legacy survey, p.39

37 McKay, S. *Pensioners' Assets,* Policy Studies Institute, London, 1992, p.53.

strong case can also be made for a less individualistic approach to wealth, seeing it more as a family resource, thus placing some limits on the absolute right of the individual to dispose of their estate as they wish.

Nevertheless, if God is the ultimate one's of all wealth, and it is acceptable to alienate family wealth through giving during one's lifetime, it may not be wrong to do so at death. This problem was specifically discussed by Cyprian, the third century bishop of Carthage. He argued that responsibility to children should not limit almsgiving as it is important to care for their heavenly state, and not just their earthly state.[38] The example of faithful giving may be as important as material provision.

It could be argued that if beneficiaries should choose to give out of their inheritance, that is to be welcomed, but that this choice should be left to the living and not to the dead. Making a will can be regarded as the final discharge of responsibilities in this life. Death is an end but also a continuity as the baton is passed to the next generation. The element of continuity is associated with the responsibility to provide for the future: 'a good man leaves an inheritance for his children's children' (Proverbs 13:22). Death as an end involves tying up the loose ends of life. Thus it may be right for the deceased person to make bequests clearing debts, thanking people for services offered, or concluding a commitment to support a church or charity. An example of this is a fifteenth century will which included forty shillings for tithes withheld or forgotten.[39]

Another factor which may encourage legacies is the growth in life expectancy. Seventy one percent of all beneficiaries of housing inheritance[40] are aged over 50 and thus likely to be well established in their housing career. (It should be noted that people receiving housing inheritance are likely to be home owners themselves. Low income groups and non home owners are less likely to receive inheritances). Beneficiaries of housing inheritance receive an average of £22,000. Thus some people may feel that their children do not need all that they have to leave. It is not, of course, an either-or choice. Many legacies are only a small percentage of the overall estate, 'depriving' other beneficiaries of little (particularly if the estate is subject to inheritance tax), but are of great value o the charities concerned.

(c) Motivation for legacies

We have looked at the importance of giving and have suggested that there are a number of reasons why death provides a particularly good opportunity to give. It remains only to look at some of the particular motivations people have for giving through legacies. A guidebook on legacies[41] suggests the following reasons:

- as a memorial to a loved one (or even to oneself!)
- in order to continue to influence events after death
- to cheat the tax man
- egalitarianism (a feeling that at least some of the wealth should be given to those with less)
- spite (leaving heirs less than they expected or hoped for)
- because there are no relatives
- as a way of saying thank you (this could be either to individuals or to charities or other organisations)
- or because it is seen as the done thing.

Thus, as with any form of giving, the motives for leaving legacies may be mixed. Surveys of people who have included legacies in their wills suggest that the desire to carry on supporting a favourite charity when they die is the most important reason (39% of legators agreed strongly with this[42]). In fact people who have included legacies in their wills are significantly more likely to be involved in charities, e.g. by serving on a committee or as a subscribing member, than are people who have not included legacies in their wills.

38 Cyprian, *De opere et eleemosynis, 18* cited in Gonzalez, J. *Faith and Wealth*

39 cited in Mullin, R, *The Wealth of Christians*, Paternoster, 1983

40 This includes the net equity of the deceased person's house but excludes other assets and savings such as stocks, shares or pension rights.

41 Norton, M. *Leaving Money to Charity,* Directory of Social Change, 1983.

42 Abacus Research, Legacy Survey, p.40

Conclusion

Our approach to giving, including legacies, is influenced by our understanding of who ultimately owns our wealth, and what it is to be used for. The desire to separate and compartmentalise money and faith results in the full force of Christian teaching in this area being avoided, and an easy accommodation to our culture stressing individual security and consumption.

The particular attraction of legacies as a way of giving is that it thrives on the accumulation of wealth, while other forms of giving may be constrained by it. It allows people who may have had little income to give, at their death, from wealth which was inaccessible while they were alive. Legacies should not undermine other responsibilities, but can coexist with them, and those with a commitment to giving should seriously consider including legacies among their bequests in order to give out of their accumulated wealth.

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