# Corruption-free Religions are Possible

Integrity – Stewardship – Accountability

Christoph Stückelberger (Editor)

Globethics.net

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# 1

# INTRODUCTION

*Christoph Stückelberger, Editor*

Fighting corruption has been a global effort for over three decades. Corruption, the abuse of public or personal power for private interests is almost as old as humanity. In recent decades, it has become rampant and was first visible in the relation between private companies and the public sector, and many instruments, policies, sanctions have been developed and implemented during the last decades, from local to global level. Then focus expanded to looking at corruption in other sectors of society such as sport, media, culture, education – and religions. The boom of internet connectivity magnified concerns: from cyberbullying to fake sales and promises, from online buying certificates to online plagiarism. Many successes of reducing corruption in specific institutions, sectors, countries or projects can be shown. However, the overall picture remains dark in the sense of ongoing rampant corruption, as the corruption indices and many reports and analyses prove.

*This book focuses on the sector of religious institutions.* This sector is not often in the focus of anti-corruption efforts but has gotten more attention in recent years due to famous cases and official efforts by religious institutions. "Religious organizations are organizations whose identity and mission are derived from a religious or spiritual tradition and which operate as registered or unregistered, nonprofit, voluntary

entities."[1] This broad definition of religious institutions includes institutionalized historic churches, registered Hindu temples or Buddhist monasteries, international Islamic finance networks, traditional Shamanist practitioners etc. However, it also includes non-registered religious networks, free preachers, evangelization movements, charity volunteers etc.

Religious institutions are normally *non-profit* in character; however, I use the more recent term *not-for-profit.* Religious organisations run 100,000s of profit-making specialized services such as hospitals, universities, schools, elderly homes, companies, banks, micro-finance-institutions, farms etc. They often have the legal form of a not-for-profit foundation, trust or association with a supervisory control by the religious institution. Profiting from these activities is then not distributed to shareholders, but serves to build reserves for the sustainability and stability of the serving institution and if possible, to support core activities of the religious institution such as administration, leadership, worship, temple services, charity for the needy, advocacy work etc.

The *holy texts* of all world religions are clear in refusing corruption for ethical reasons and consider it an obstacle to enlightenment and salvation.[2] One would therefore assume that religions have a strong commitment against corruption and are corruption-free. Some religious institutions, leaders and members are spearheads and pioneers in fighting corruption with organizational and educative measures and campaigning, especially the Lutheran, Presbyterian Churches and parts of the Roman-Catholic Church, and in recent years, the evangelical free churches within the Lausanne Movement.[3] However, many studies and

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[1] Julia Berger, *Religious Organisations*, article in A. Farazmand (ed.), *Global Encyclopedia of Public Administration, Public Policy, and Governance*, 1. DOI 10.1007/978-3-319-31816-5_2514-1.

[2] More below in chapter 2.

[3] www.fpinetwork.org, https://lausanne.org.

experiences show that many religious institutions are heavily affected by corruption and just mirror the corrupt environment in which they live.

*All religions* are potentially and — in reality — affected by corruption. *All religions are part of the problem, but also part of the solution.* Between them, there are substantial differences in the size of the problem and the commitment to solutions. Main factors for these differences[4] are interpretations of the holy texts and theological foundations, leadership concepts, level of control and accountability of the religious leadership, the relation between the religious organisations and the state, the income structure (e.g. only donations, church tax, income from business or dependency from few wealthy donor persons).

*This book has three objectives*: 1. to understand the mechanisms and roots of corruption in religions by analysis and information, 2. to encourage stronger commitment of religious institutions in fighting corruption as core part of their commitment to their faith and values, 3. to strengthen cooperation between people of different faith and religious institutions in order to increase impact in all sectors of society.

*This book* includes twenty contributions from all continents in *four parts*:

    A)  Values (2)
    B)  Case Studies on World Religions (3-11)
    C)  Praxis: Standards and Procedures (12-18)
    D)  International Policies (19-20)

*My introductions* to a number of articles in this book aim at putting a text in its broader context, especially where the text is an excerpt of a larger text. *I have been engaged* in reducing corruption for over 25 years. As founder of the Swiss Chapter of Transparency International

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[4] The differences between Christian denominations are analyzed in Christoph Stückelberger, *Corruption-free Churches are Possible. Experiences, Values and Solutions*, Geneva: Globethics.net Focus 2, 2010, 42-55.

(TI)[5] in 1995 (only 18 months after TI[6] in 1993) the focus was first on corruption in international private business and its relation to the public sector. Hence, it became more and more obvious, that legal measures and economic sanctions were not enough to overcome corruption. I therefore focussed more and more on education and religions as foundations to overcome corruption, as these sectors did not get much attention at the time. At the "Global Forum II on Fighting Corruption and Safeguarding Integrity" in The Hague on 28-30 May 2001, I co-founded INFOC, the International Network of Faith-based Organizations Against Corruption. Apart from successful initiatives such as INFOC Uganda, it did not fly on an international level.

Campaigns for corruption-free *schools* including *Christian schools* (implemented with support of development agencies such as Bread for all, where I was General Secretary until 2004) and manifold trainings for *church leaders and policy* development for churches in Africa, Asia and Latin America[7] led to concrete results of awareness and structural changes towards accountability.[8] The African Church Assets Program (ACAP)[9], initiated as Executive Director of Globethics.net in 2013 together with the All African Conference of Churches (AACC) and continued in its fourth Programme ACAP IV (2021-2022)[10], looks at managing assets (land, forest, buildings, institutions etc.), the major areas where corruption in religious organisations happen. The anti-corruption cooperation between different world religions has been one of my goals for a long time.

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[5] www.transparency.ch.

[6] www.transparency.org.

[7] See Christoph Stückelberger, 2010, 65-124.

[8] Among others a social audit of the Secretariat of the All African Conference of Churches in 2003 with support of Bread for all in Switzerland.

[9] Christoph Stückelberger/ William Otiende Ogara/ Bright Mawudor, African Church Assets Handbook, Geneva: Globethics.net, Praxis Series 10, 2018.

[10] https://www.globethics.net/de/african-church-assets-programme.

# A

# VALUES AND VIRTUES

# 2

# INTEGRITY, STEWARDSHIP AND ACCOUNTABILITY OF RELIGIOUS LEADERS AND BELIEVERS

*Christoph Stückelberger, Switzerland*

## 2.1    Abuse of Power: Potentially Everywhere

Corruption as 'abuse of entrusted power for personal interests' (the most recognised definition, originally from Transparency International) can happen wherever power is entrusted to somebody: with any person, in any institution, in any sector and in any country. The reason lies in the fact of human nature with the weakness of humans in handling power and with the temptation to abuse it – or to use it for the benefit of society. In order to resist this temptation of abuse, - inherent in each piece of power - a strong character, a personality with values, virtues and surrounding persons and institutional structures are needed. As these internal and external conditions are very different, there are huge differences within families, communities, cultures, institutions, sectors and countries in dealing with corruption.

In this book, we focus on the religious sector. In this chapter, we look at core values and virtues to strengthen the individuals as well as

core structural standards and mechanisms to support and protect the individuals.

Corruption as abuse of entrusted power for personal interests can happen in all phases of life. It starts from childhood, where the older child should protect the younger siblings but abuses the little power he/she has, and can continue towards the end of life, such as in sneaking inheritance from people close to death. Small power leads to small or petty corruption such as a policeman who coerces passengers to pay an unjustified bribe to waive an offence, and grand power comes with the grand corruption of a minister in a self-serving deal for a new energy power plant or highway. The larger the power, the larger the temptation and the larger the devastating effects of corruption - and the larger the responsibility to resist corruption. In this chapter we focus on leaders, especially religious leaders. They have – potentially – a high credibility, but abuse of their power is even more devastating than a corrupt politician or businessperson. Corruption in religious institutions undermines not only the credibility of the religion, but often serves as justification for other sectors to continue: "If the monk, imam or bishop accepts or pays a bribe, I am also entitled to do it."

The following chart shows the perception of corruption by institution. Whereas public officials are perceived as most corrupt, religious leaders are seen as least corrupt. However, 19% of the respondents say that "most" or "all" religious leaders are corrupt! It means that trust in religious leaders is still high, but every fifth person perceives high corruption in religious institutions.

Perception of Corruption by Institution, World, 2017
Percentage of survey respondents who answered that either "Most" or "All" are corrupt.

| Institution | Percentage |
| --- | --- |
| Police | 38% |
| Legislature | 38% |
| Government officials | 37% |
| Local government councillors | 36% |
| Business executives | 35% |
| Tax officials | 34% |
| Prime Minister / President | 33% |
| Judges and magistrates | 31% |
| Traditional leaders | 25% |
| Religious leaders | 19% |
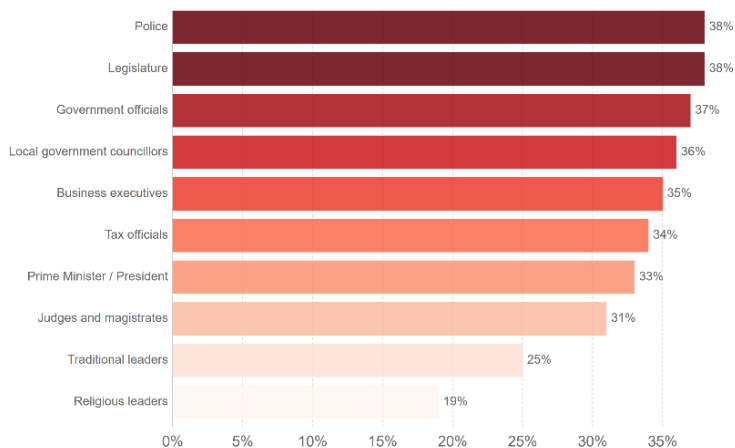
Source: Transparency International - GCB (2017)                    CC BY

## 2.2    Global Values Common to All Religions

### 2.2.1 Common Values and Virtues

Religions are very different in their beliefs, values, virtues and world views. However, religions also have much in common. One overarching element is that religious worldviews count on a deeper reality "beyond" the visible world, called the divine, the eternal, the creator, the almighty the dharma and thousand other expressions with the attempt to express the non-expressible, the reality within, below, above, beyond the daily perceived reality. All religions search for the transcendence beyond the immanence in order to enlighten, orient, qualify and fulfil the life in the immanence.

Within this common perspective of religions, the differences are substantial. We distinguish three main types of religions[11]:

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[11] See also Stückelberger, Christoph, Globalance. Ethics Handbook for a World Post-Covid, Geneva: Globethics.net, 2020, 104-124.

The *Animist religions* on all continents, with a strong representation in Africa, as oldest expression of religions, are 'natural religions' with a strong unity of humans and nature, of the living and the dead, of spirits and the body, of the material and the immaterial.

The so-called *Dharmic religions* with their origins in Asia (Jainism, Hinduism, Buddhism, Daoism, Shintoism and others), search for the true self, the fulfilment in the Dharma, in the Dao, the perfection in Buddha. Many with a more individualistic approach of the inner purification by meditation and religious praxis.

The *so-called Abrahamic religions* with their origin in the Middle East (Judaism, Christianity, Islam) is other large group of world religions today. They are monotheistic believing in one God, the ability of a personal relation with this God – with Yahwe, with the Triune (Creator/Christ/Holy Spirit), with Allah – and with the community-orientation of the believers in their faith-community.

All religions - with different metaphysics, views of the absolute, the emphasis of the individual or the community, more focus on the life after or before death – have some common values and virtues for living together.

Such common values are also based on human existence of survival and living in community. Such *values* as benchmarks for orientation of individuals and societies are peace (peaceful conflict resolutions in communities, from family to state), reciprocity (the Golden Rule of mutually equal treatment), solidarity (of the stronger with the weaker), sustainability (maintaining the basis of life also for future generations), freedom (as space of respect for the other, as long as it does not threaten the community),  justice (as equal treatment), responsibility (as responsiveness to the needs of oneself and the other), dignity (as respect for the life in dignity of the other) and others.

*Virtues*[12] are benchmarks for individual orientation and behaviour. They are essential for living together and building communities and society as well as for personal character and – in religious terms – salvation and the path to the deity. Core virtues are honesty (no double standards), transparency (as part of honesty), respect, modesty, reliability, compassion, generosity, thankfulness, courage (to resist lack of fairness and evil) etc.

Let us select in our context three virtues, which are valid in all world religions and highly relevant for efforts to overcome corruption: integrity, stewardship and accountability.

### 2.2.2 Integrity

Integrity[13] means to decide and act in coherence with virtues and values, without double morality, with honesty and transparency, committed to the values of the common good and not to private interests, target-oriented, reliable, accountable and credible. A person with integrity is highly respected, but may also be feared and attacked, as such a person cannot be corrupted by whatever temptations.

Integrity is the virtue of virtues, as it integrates manifold virtues. A person with integrity does not mean to be perfect, without mistakes and sin. But it means to be open to look at them, to ask for pardon, to correct them as expression of modesty. A person with integrity can be somebody on each level of social status, poor or rich, employee or employer, king or servant. Integrity is the most precious wealth somebody has. If one loses it, he/she loses credibility, reputation and trust. However, to remain with integrity in conflict situations often has a high price: losing friends, becoming lonely, being confronted with

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[12] More on values, virtues, and their relationality: idem, 165-196.

[13] More in Stückelberger, Christoph, *Integrity. The Virtue of Virtues*, in Christoph Stückelberger, Walter Fust, Obiora Ike (Editors), Global Ethics for Leadership. Values and Virtues for Life, Geneva: Globethics.net, 2016, 311-327. Free download: www.globethics.net/publications.

criticism, losing chances and jobs, in the worst case even their life. Religious and political leaders know it. From Buddha to Jesus, from Martin Luther King to Mandela, from unknown slaves to unknown servant heroes.

### 2.2.3 Stewardship

Stewardship[14] means to decide and act as steward of entrusted goods and services, on behalf of the owner and responsible to him/her. Whereas integrity is a term for an inner individual character, stewardship is term for a relationship. Stewards are not the 'boss', but execute the mandates given by the superior. They are not blind executing machines, but responsible human beings. They remain faithful, including where necessary critical, to the superior.

The stewardship concept is relevant in all religions, with different terms and aspects. The key element is that the Divine, Almighty, God, absolute truth and ultimate goal such as the Dao is the 'boss' for believers, the reference point. We humans are servants with all dignity, which it includes. Stewards are self-confident adults while acting as servants, they are critical while faithful to the mandate giver, they are self-responsible while listening carefully to the new callings of God/the Divine. Stewards resist exploitation and oppression by superiors. Superiors as good stewards always act with the conscience that they are responsible to the Absolute and are not themselves absolute. Their power is entrusted to them for responsible use not for abuse as autocratic and absolute rulers. The biblical story of the good and the bad steward (Luke 12: 42-48), is crystal clear. It exists in similar form in the holy texts of other world religions.

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[14] More in Stückelberger, Christoph, *Integrity Leadership as Good Stewardship,* in Christoph Stückelberger/ William Otieno Ogara/ Bright Mawudor (Eds.), African Church Assets Handbook, Geneva: Globethics.net, 2018, 37-59. Free download: www.globethics.net/publications.

### 2.2.4 *Accountability*

Accountability means being accountable for decisions and actions of oneself, or the institution entrusted to oneself. Accountability is again a term for a relationship and is closely linked to stewardship and responsibility. One is accountable to another person or instance, e.g. a superior, a board, a parliament or God. Even one's own conscience is an instance of reference. Being accountable to my conscience means to feel the obligation to be faithful to my own values and virtues. Accountability in the ethical sense includes, but goes beyond financial accountability.[15] It includes faithful management of all resources entrusted, be it financial, institutional, physical, intellectual or spiritual assets.

In all religions, *donations* to the needy are part of religious piety and even part of the way to salvation[16]. Donating and sharing is expression of compassion, thankfulness, peaceful mind and 'giving back' to what believers received from God. Donations as collection in the Sunday service, offering in the temple or giving property to a religious organisation is often given to religious authorities such as priests, pastors, monks, imams, trusting them as persons with integrity. Thus, donors often do not control as they trust. This is the pitfall for corruption in religious organisations. Trust has to be linked to accountability. Donors have the right and even obligation to ask the recipient person

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[15] Financial accountability is the hard core of accountability. Thus, Accountants and their ethics are essential players for it. See Rossouw, Deon et al (Eds.), *Ethics for Accountants and Auditors*, Johannesburg: OUP Southern Africa, 2019.

[16] Among the rich literature on donations for religious institutions see as analysis in Buddhism Köberlin, Gerhard, *Die erste Fähre ans andere Ufer. Warum ist 'das Geben' im Buddhismus die erste der zehn 'Fähren ans andere Ufer'?,* in Ekué, Amélé Adamavi-Aho/ Biehl, Michael, Gottesgabe. Vom Geben und Nehmen im Kontext gelebter Religion, Frankfurt a.M.: Lembeck, 2005, 81-93.

and religious organisation to give receipts, transparent bookkeeping and public transparency as expression of accountability!

### 2.2.5 *Relevance for Corruption*

These three core virtues integrity, stewardship and accountability are examples for an ethical foundation and benchmark to counter corruption. Corruption as abuse of entrusted power for personal interests violates the integrity, the stewardship and the accountability for entrusted assets. This violation of integrity is often not an obvious and immediately visible situation, but rather a slow slippery slope where one suddenly realises to be on the wrong path, as Brittany Kaiser, a key actor in the disastrous case of manipulating American election campaigns later confessed: "Perhaps the truest reason of all was the fact that somewhere along the way I'd lost my compass, and then myself. I'd entered this job believing I was a professional who knew how cynical and messy the business of politics was, only to learn time and again how naïve I'd been."[17]

Let us now look into the anti-corruption position of the different world religions. The hypothesis is that they all have a clear no to corruption, based on the core values and virtues as mentioned.

## 2.3 World Religions against Corruption

Corruption[18] as a reality is well known in all countries and in Christian, Jewish, Islamic, Hindu, Buddhist or Confucian traditions as is shown in various chapters of this book. At the same time a clear opposition to corruption can be found not only in the biblical revelation, but also in the holy scriptures and traditions of these other world

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[17] Kaiser, Brittany, *Targeted,* Harper: Kindle Edition, 3.

[18] *This chapter 2.3 is an update of Stückelberger, Christoph* Corruption-free Churches are possible. Experiences, Values, Solutions, Geneva: Globethics.net, 2010, 143-147 (sub-chapter 4.3).

religions![19] I could not find one single justification of corruption in a holy scripture; but there are numerous texts against corruption and greed in all world religions. Business ethics of all world religions can contribute substantially to overcoming corruption.[20] Various articles in this book show respective references.

### 2.3.1 In Judaism

The Judeo-Christian answer to corruption is the same in many points. The majority of the biblical verses quoted belong to the same Old Testament tradition. The Hebrew terms for bribes (*sochad*, *baetza*, *kopaer*) all put emphasis on unjust profit and non-transparent relationships.

### 2.3.2 In Islam

The Koran refuses corruption in a very clear way. To bribe judges is condemned in the Koran as in the Bible (Koran 2:188; 5:8). The Islamic tradition makes a clear difference between gifts (*hiba*, *hadiya*) and bribes (*raswa*). 'Corruption has appeared on land and sea because of the evil deeds that men's hands have done' (30:41). 'But seek with what

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[19] *Careful analysis of the world religions' views on corruption can be found in Rennstich, Karl. W.,* Korruption und Religion, *München: Rainer Hampp Verlag, 2005; Rennstich, Karl,* Korruption. Eine Herausforderung für Gesellschaft und Kirche*, Stuttgart: Quell, 1990; Bürkle, Horst,* Einführung in die Theologie der Religionen*, Darmstadt: Wissenschaftliche Buchgesellschaft, 1977; Tworuschka, Monika und Udo (eds.)*, Handbuch Religionen der Welt, *München: Bertelsmann, 1992; De Bary, W.M. Theodore,* Asian Values and Human Rights. A Confucian Communitarian Perspective*, Cambridge, MA: Harvard University Press, 2000; Enderle, Georges (ed.)*, International Business Ethics. Challenges and Approaches*, Notre Dame/London: University of Notre Dame Press, 1999.*

[20] *Religious foundations in business ethics get great interest since a few years. E.g. Nutzinger, Hans G. (ed.)*, Christliche, jüdische und islamische Wirtschaftsethik. Über religiöse Grundlagen wirtschaftlichen Verhaltens in der säkularen Gesellschaft, *Marburg: Metropolis, 2nd edition 2006;* Religion und Wirtschaftsethik*, Forum Wirtschaftsethik 18, 2010/1, 6-47.*

Allah has given you the Home of Hereafter; and not neglect your share of this world, and do good as Allah has done good to you, and do not seek corruption in earth. Allah does not love those who do mischief' (28:77). This was addressed to King Karun (probably Croesus) who became arrogant, extravagant, too happy and mischievous because of his abundant wealth. A fortune of money corrupts, indeed. This was also an example of an economic society that treasured accumulation of wealth to the extent of turning corrupt. Rich King Karun forgot both his lord Allah and his fellow human beings. Because sharing wealth by being good to others is imperative for Moslems. According to the Koran true believers in faith should not be mischievous at all.[21] Believers of Islam are warned by the Koran (Al-Rum 30:39): 'That which you seek to increase in usury will not be blessed by God, but the alms you give shall be repaid to you many times.' In most African religions, the term 'satisfaction' is used against greed (*ulafi*). It is when desire for wealth supersedes all other desires that 'need' turns into greed. A person consumed by greed will do whatever it takes to fulfil his or her desire for wealth. Islamic Finance Islamic Banking, Insurances etc.), with its ethical rules of sharing risks, no (classical) interest and no speculation, is growing worldwide. It can be an instrument against fraud and corrupt practices though it is not a guarantee.[22]

### 2.3.3  In Hinduism

In India corruption was and is well known, just like everywhere. But Hindu ethics is based on three central virtues: *dharma*, *artha*, *kama*. The famous fundamental Hindu book the *Kama-Sutra* of Vatanayana begins

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[21] *Al Hamar, Abdul Malik, op. cit.*

[22] *E.g. Usmani, Muhammad Taqi,* An Introduction to Islamic Finance*, The Hague: Kluwer Law International, 2002; Siagh, Lachemi,* L'Islam et le monde des affaires. Argent, éthique et gouvernance*, Paris: Editions d'Organisation, 2003; Mahlknecht, Michael,* Islamic Finance. Einführung in Theorie und Praxis*, Weinheim: Wiley-VCH, 2009.*

with these three virtues. *Dharma* means good conduct, probity and honesty. Usury, gambling and bribes are seen as dishonest ways of income and against the way of *dharma*. The good king and the good citizen should follow the way of *dharma*. It leads the king to responsible leadership. He must be impartial. In Hinduism greed is the foundation of corruption. To overcome material greed is the centre of *Karma-Yoga*. Material profit – according to Hinduism – is never acceptable if it prevents one from following the way of *dharma*. Corruption is seen as moral decline and as such visible especially in the last, shortest age of human history, the Yuga age. One of the famous modern Hindu fighters against corruption was Mahatma Gandhi (1869-1948). He lived and preached a simple lifestyle and called on all ministers and politicians to remain modest and resist all temptations of private profit from public power. For Gandhi, nonviolence and the fight against corruption was the same virtue of *ahimsa*, a careful life. A new book on moral dilemmas from a Hindu perspective, especially for Hindu business ethics, written by Gurcharan Das, former CEO of Procter & Gamble India and a philosopher, became a bestseller in India in a short time. Analysing the Hindu story of the Mahabharata, he describes 'the difficulty of being good' and the 'subtle art of *dharma*'.[23] The struggle between the reality of lies, war, sex, unfair competition and revenge on one side and the attempt for honesty, transparency, truth, peace and reconciliation on the other side on the way to *dharma*, the virtuous life, is described.

### 2.3.4  In Buddhism

According to Buddhism, to overcome the evil in this world is the goal of human existence. The first and only goal is to reach this Nirvana. Corruption is part of the evil in the world. Therefore, corruption as stinginess, both rooted in human greed, prevent us from reaching

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[23] *Das, Gurcharan,* The Difficulty of Being Good. On the Subtle Art of Dharma*, New Delhi: Penguin Books, 2009.*

Nirvana, which means to wipe out all wishes and desires. The eight Buddhist virtues in the Noble Eightfold Path and the Five Rules build the basis and orientation for the Buddhist ethics. In Buddhism there is a clear relationship between one's behaviour or action and the consequences for one's salvation. According to Buddhist conviction human beings have the choice between good (fixed in the *dharma* principle) and evil. They are fully responsible for the way they choose. The Buddhist country Bhutan and its king developed the concept of Gross National Happiness as an alternative to Gross National Product, putting human well-being in the centre of all development efforts. Fighting corruption is a centrepiece of these efforts: '... without justice human beings cannot have happiness and peace.'[24] Buddhist business ethics reminds the business sector 'to operate with compassion and kindness to others to overcome benefiting the self at the expense of others… and to rectify the corruption of enterprises of the present age' by applying Buddhist doctrines.[25]

### 2.3.5 In Confucianism

Confucianism is not a world religion but rather a philosophical system. Nevertheless, it played in the past and plays again a crucial role in China – like a religion. The Communist Party in China fights against corruption, but nevertheless Confucianism is known in China today as everywhere in the world and it was widespread in some ages in the past, especially in times of rapid cultural changes, e.g. with the Roman empire during the time of trade relations along the silk route. In Confucianism, corruption is condemned as an enemy of honesty and community. In Confucianism the community and broader family plays an important role. This community-oriented ethics avoids individualism

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[24] *Shabdrung Ngawang Namgyal, 18th Century, quoted on the website of the Anti Corruption Commission of Bhutan www.anti-corruption.org.bt (accessed 4 January 2010).*

[25] *Chen, Chien-Jen, op. cit.*

but on the other hand can be the soil for nepotism. Relations play a central role in all sectors of life. This 'Guanxi' is the lubricant of society. In Confucianism as in most of the above-mentioned religions, corruption is mainly seen as a personal moral problem whereas in the modern Western social and political sciences it's seen as a structural political and economic challenge.

Hans Küng's detailed analysis of cross-cultural ethical values and standards covered the major world religions and philosophies not based on religion. His conclusions, leading to a global ethic, reaffirmed that 'do not lie' and 'do not steal' are common global core values and standards, and that the Golden Rule with its principle of reciprocity – 'Do not do to others what you would not wish to be done to yourself' – is common to all world religions and philosophical traditions.

### 2.3.6   *In Zombie Religious Institutions*

A zombie in science fiction is a walking dead person, in Voodoo belief it is a dead body reanimated by a supernatural power. A zombie religious institution looks like a religion, but is 'fake', meaning it is a business entity disguised as a religious institution. Elisabeth Sepper chiefly analysed health services which could register as religious organisations with all respective benefits, without being a religious organisation. She writes in the introduction to an article on zombie religious institutions[26]: "This Article uncovers and names a phenomenon of pressing importance for healthcare policy and religious liberty law: the rise of zombie religious institutions—organizations that have contractual commitments to religious identity but lack actual attachments to churches or associations of religious people. Contracts create religion—sometimes in perpetuity—for institutions that are not, or never have been, religious and for providers who do not share the

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[26] Sepper, Elisabeth., *Zombie Religious Institutions*, Northwestern University Law Review 112 (5), Jan 2018, 929-988 (929).

institution's religious precepts. This Article details religion's spread across healthcare through affiliations, mergers, and—most surprisingly—sales of hospitals that continue religious practice after their connection to a church ends. These contracts require hospitals — secular and religious, public and private, for-profit and non-profit — to comply with religious tenets. 'Religious' institutions far removed from the paradigm of the church populate the marketplace. In this way, private law impedes public policy, expanding the universe of institutions eligible for religious exemption from otherwise applicable laws. Moreover, as the category of religious institution loses its specialness, theories of religious institutionalism founder. The presumption of autonomy of religious institutions from regulation cannot survive in the marketplace where religious identity can be bought and sold."

Religious institutions often do business in order to serve the needy and generate income for their needs. Therefore, it is often not easy for regulators such as governments to decide if a religious institution has a real religious mission, or is an undercover business. Corruption in religious institutions by lack of transparency is often linked to such zombie religious institutions. They exist especially under the cover of an indigenous, Pentecostal or Charismatic religious face, but also under syncretistic new religions or traditional services in all world religions. Often, they are not transparent and in the hand of a founder/leader and his/her family and run as a family enterprise.

We can distinguish true from false religion by 5 C's[27]:

The 5 C's of a true religion are Creed, Cult, Code, Conduct and Community. 5 C's of a false religion are Cash, Credit card, Car, Condominium, Country Club.

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[27] Küng, Hans, Weltethos für Weltpolitik und Weltwirtschaft, München: Piper, 2000, 365.

## 2.4 The Better Sinner: Practical Steps in Corruption Dilemmas

So far so good: everybody may agree on the principles of integrity, stewardship and accountability. Everybody may acknowledge that the world religions in their holy texts unanimously refuse and criticise corruption. But – then come the great 'buts' to justify corruption: "I am not a saint", "I have to save the jobs of my employees which is only possible by following the rules of bribes", "I am a believer, but I cannot risk my job, I have to feed a family", " In our society, everybody pays and receives bribes, we do it for good services for the society", "Corruption is as old as humanity" [28], and so on.

These are not the arguments of hard-core criminals, but of persons and believers with a conscience. They, we all, have a real dilemma: we want to feed our family and at the same time want to resist corruption. We seem unable to implement both and must decide between the two. An ethical dilemma exists when we have to decide between two bad solutions (in the best case between two good solutions). Many people, therefore, publicly and in their own institution subscribe to a "zero tolerance" policy, which means: no to any corruption. However, they know that - de facto - they cannot implement it.

"Zero tolerance on corruption" is the official policy in many companies, government entities, NGO's and religious institutions. [29] It means that corruption in all its forms must be refused and sanctioned with all means. But surveys about perception and reality of corruption in all sectors of society and most other countries around the globe show

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[28] Ronald Kroeze/ André Vitoria/ G.Geltner (eds.), Anticorruption history. From Antiquity to the Modern Era. Oxford University Press: Oxford 2018.

[29] The following text in 2.4 and 2.5 is also published in modified form in Cui, Wantian/ Christoph Stückelberger, *The Better Sinner – A Practical Guide on Corruption*. Geneva: Geneva Agape Foundation/Globethics.net, 2020. pp 5-6, 25-27, 37.

that with all these efforts corruption still exists to great extent and in some countries even still increases.

The contradiction between the encouraging regulations and increasing awareness on one side and the disappointing reality on the other side leads us to the question: how can we develop a more realistic and effective way to reduce corruption instead of this double moral standard of nice anticorruption declarations and continuation of corrupt practices?

For faith-based persons and institutions, double morality is not a solution because it undermines the integrity and credibility of a person or institution and is a lack of honesty towards God and society.

From a Christian perspective, all human beings are sinners because they cannot implement God's will at every moment. The gap between good intention and real action is the fundamental characteristic of human beings. Otherwise, we human beings would be God where will and action are inseparably united. But Christian faith also teaches us that human beings cannot and must not be perfect. That's the reason why, especially in Protestant faith, salvation cannot be reached by good action but only by the grace of God. Therefore, liberated from the constant fear of failing vis-à-vis God and being condemned, believers are liberated to try their best to improve ethical behaviour. Human beings remain sinners but can become "better sinners". This is the approach we try to develop in this article, encouraging an honest, realistic, step-by-step approach to reduce and finally overcome corruption.

The Bible is harsh in criticising corruption and calling for justice; but the Bible offers also solutions: by God's grace humans are accepted as sinners. By faith in God's grace sinners will be liberated from the addiction to sin, step by step. But they will fail again and again, a lifelong journey in the struggle between good and evil. And the Bible offers many stories of conversion as liberation from the addiction of greed, like the corrupt tax collector who became a follower of Jesus and

as a result, became a change-maker. The Bible tells encouraging stories of how God's spirit inspired faithful persons to find new solutions, to share their goods, to change their priorities. The Bible is not at all a book of saints and perfect people, on the contrary: it is shocking how many unethical people are listed – and selected to become ambassadors and followers of God in Jesus Christ! Apostle Paul is realistic: "Are we any better? Not at all! We have already made the charge that Jews and Gentiles alike are all under sin. … Therefore no one be declared righteous in his sight by observing the law, rather, through the law we become conscious of sin." (Romans 2:9.20).

1.   The first step to overcome corruption is to recognize it as evil in faith terms called sin. As long as we justify corruption with all kind of economic, cultural, political and religious arguments we will not be able to overcome it. "Become conscious of sin" means to acknowledge that corruption is unfair and unjust. This leads to liberation from hiding and denying unethical behaviour. This first step of liberation can then lead to the second one: finding solutions to overcome this behaviour. As the Bible knows about the weakness of individual human beings, it invites communities of people who share these values to find solutions. "It is for freedom that Christ has set us free. Stand firm, then, and do not let yourselves be burdened again by a yoke of slavery. … You, my brothers, were called to be free. But do not use your freedom to indulge the sinful nature: rather, serve one another in love" (Galatians 5:1.13). Christian community of love means also to inspire and correct each other, as Paul writes to the Christians in Galatia, "If someone is caught in a sin, you who are spiritual should restore him gently. But watch yourself, or you also may be tempted. Carry each other's burdens and in this way, you will fulfil the law of Christ." (Galatians 6:1-2).

## 2.5    Corruption Dilemmas: Options, Steps, Rules

### 2.5.1    Six Options for Honesty

Once we recognize that corruption in all its forms should not be justified, how do we then deal with honest communication? To report to authorities when asked to pay bribes: is it dangerous and can it backfire? To be silent and turn a blind eye: is it best to avoid troubles? To quit activities in the business sector or other institutions to avoid the ethical dilemma? Let us look at six options.

Option 1: Justification: "We have no choice. Everybody has to play the game."

Option 2: Silence: "Do not talk about corruption, just do what is needed and do not inform me as superior. I do not want to know."

Option 3: Double moral: "We strongly support President Xi's anticorruption efforts." (silently: "But we have to continue to pay and receive bribes.")

Option 4: Radical: "No corruption accepted in our company. Strong sanctions are needed if somebody violates this rule."

Option 5: Honesty: "We will never ask for or accept bribes. We try by all means to avoid paying bribes and instead find creative solutions. But we honestly confess that we have not yet reached this goal fully."

Option 6: Position Change: "I cannot change the company or institution I am working for. I have to quit to be faithful to my values."

### 2.5.2    Healing as Process in Six Phases

Corruption is like a cancer in some societies. Cancer affects with cancer cells all parts of the body. Similarly, a corrupt society is infected

in all sectors and on all levels. Another analogy we can use is that corruption can be like an addiction. Greed for more money, the repetition of unfair practice because no alternative can be seen, which can mean that a person is not free in decision but enslaved by structural constraints or a kind of addiction. Strategies for healing from corrupt practices can also be compared to processes to reduce weight of the body (weight-watcher strategies) or to stop smoking (zero smoking strategy).

What to do? Let us look at medical therapy and treatment methods as comparison. How can e.g. an alcoholic or a smoker (with compromised health) be healed? Healing from addiction can be described in six phases:

1. Denial, belittlement, devaluation: "I do not have a problem. My behaviour is normal, as everybody behaves."

2. Increased pressure, burden of bribe payments become too much, danger of legal sanctions increases: "I can no longer support the pressure of the problem."

3. Recognition of the problem, accept that there is a problem: "I now realize from my faith and values that my behaviour is wrong. I also have to overcome the pressure of the problem. But I do not know how."

4. Setting goals, develop a strategy to overcome the problem, comparable to a medical therapy plan for a serious sickness or an anti-alcoholic therapy plan: "I have developed a strategy and a plan with timeline to overcome the problem (of corruption) step by step, just as I develop strategies and plans for other business challenges."

5. Seeking support, with peers, regulations, coaching, like a sick person needs a doctor and a supportive family/community: "I

cannot implement the healing plan alone. I seek support from my family, company management, business partners, friends in the Kingdom Business College."

Progress measurement and healing, monitor progress, revise goals, set ambitious new goals if needed. Regression may occur, but not a reason to give up. "I see that I made good progress with much less corrupt practice. But recently I had a regression, a recurrence. I shared with my friends and re-strengthened my efforts. I will not give up. I ask for forgiveness as a sinner, but will also try to become a 'better sinner'."

### 2.5.3   Summary: Ten Rules to Deal with Corruption Dilemmas

1.   Be honest. Never ask for or accept bribes. Whenever possible pay no bribes. Also, recognize that you may not be without sin.

2.   Ask for a receipt for each payment.

3.   Share your ethical dilemmas and inner struggle with your wife/husband/closest friends, confidentially as a safe space.

4.   Pray to God for guidance and forgiveness.

5.   Develop solutions/alternatives in small groups of friends

6.   Report corruption as far as possible to authorities (if needed anonymously, whistleblowing)

7.   Refer to legal obligations (public laws, governmental policies, company-code of conduct and other regulations) which do not allow you to pay bribes if you are asked to do so.

8.   Use IT-solutions for increased transparency in payments, via traceable bank transfer.

9.   Walk ethics as a journey. With each decision you can improve your ethical behaviour, step by step.

10. Enjoy life. You must not be perfect. Be thankful for all support, guidance and encouragement God gives you.

## 2.6   International Anticorruption Standards

Individual virtues and steps as described in chapters 2.2-2.5 are important expressions of individual and interpersonal ethics. However, humans also need the support of institutions, rules, standards and laws for ethical behaviour. Structural ethics looks at such contributions. International anti-corruption standards are very important also for religious leaders and institutions.

International standards have been adopted especially in the last twenty years. The following list is sorted by year of decision, which shows the developments. The list is not complete, as many continental, regional, national and sectoral standards have also been adopted during the last twenty years.

*OECD Guidelines for Multinational Companies*[30]*,* adopted by OECD country governments in 1976 in order to facilitate international trade by respecting investment standards and codes. The guidelines are the oldest multilaterally agreed and comprehensive code of responsible business conduct that governments have committed to promoting. It is a non-binding standard for business conduct in a global context. The guidelines have been updated in 2011.[31]

*OECD Anti-Bribery Convention*[32], adopted by the OECD in 1997, entered into force in 1999. It was the first international convention against corruption in modern times. It led to national legislation in many OECD countries which made payment of bribes to foreign officials an

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[30] http://mneguidelines.oecd.org/guidelines/ (in Chinese)

[31]   http://www.oecd.org/daf/inv/mne/oecdguidelinesformultinationalenterprises.htm.

[32] http://www.oecd.org/corruption/oecdantibriberyconvention.htm.

official crime in the country where the head-office of the bribing company is located. This was a major step in international anti-bribery efforts for large scale companies.

*UNGC[33], the United Nations Global Compact* was launched by the UN Secretary General Kofi Annan in the year 2000. It consists of ten principles for fair business, signed by 13,000 companies, mainly large companies, from 170 countries. The tenth principle, added in 2004, is about corruption-free business. The Global Compact China Network[34] includes hundreds of companies. UNGC is a voluntary standard, its monitoring has increased, but violations of the principles are not really enforced.

*UNCAC[35], the United Nations Convention against Corruption,* was adopted by the UN General Assembly in 2003. It "is the only legally binding universal anti-corruption instrument. The Convention's far-reaching approach and the mandatory character of many of its provisions make it a unique tool for developing a comprehensive response to a global problem. The Convention covers five main areas: preventive measures, criminalization and law enforcement, international cooperation, asset recovery, and technical assistance and information exchange."[36]

*UN Guiding Principles on Business and Human Rights*[37]*,* adopted by the UN in 2011, with a UN Working Group for its implementation[38]. These Principles concentrate on respecting human rights by international companies and promoting them through business. Annual reporting, including non-governmental organisations, are done in Geneva at the UN.

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[33] https://www.unglobalcompact.org/.

[34] http://www.gcchina.org.cn/.

[35] https://www.unodc.org/unodc/en/treaties/CAC/.

[36] Ibid

[37] https://business-humanrights.org/un-guiding-principles.

[38] https://business-humanrights.org/en/un-guiding-principles.

*ISO 37001*[39] is a new Standard for Anti-Bribery Management Systems of the International Standardization Organisation ISO, with headquarters in Geneva. It was adopted by ISO in 2016 and is operationalising anti-corruption mechanisms in the management systems of companies, but also other organisations including NGOs and religious organisations.

All these standards are accompanied by manifold materials, handbooks, checklists, reporting and monitoring mechanisms. The trend is that over the years, the reporting and enforcement mechanisms have been strengthened even though the majority of these standards remain voluntary. Many of them influenced and have been enforced in national, binding legislation. Nevertheless, the level of existing corruption shows that many of these regulations are not yet sufficiently implemented.

## 2.7    Cooperation Strategies

### 2.7.1  Cooperation Between State and Religious Institutions

International standards as mentioned in chapter 2.6 are also relevant and should be applied not only by governmental, but also by private sector, civil society and religious institutions. State authorities have the right and even the obligation to carefully check e.g., applications of religious organisations for tax exemption in order to avoid exempting zombie religious organisations (above 2.3.6) or non-transparent, corrupt religious entities. Governments have the right and obligation to ask for transparency in all financial matters and respect the international standards as they are binding for the government sector and the private sector.

On the other hand, state supervisory authorities of religious organisations have an obligation for the objective, equal and fair treatment of all religious institutions – without discrimination against

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[39] https://www.iso.org/standard/65034.html.

minority religions or negligent control of majority religions. In some countries, when corruption in religious institutions is found, the government and legislature punish all religious institutions (including the serious ones) by cancelling special benefits such as tax exemption. It often leads to a situation where religious institutions are hindered from doing social services for the society. Examples exist on all continents.

An example of the important compliance of religious institutions with international standards is the Vatican Bank: The international laws against money-laundering and new anti-corruption legislations for banks and public and private institutions forced the Vatican Bank, as well as churches and religious institutions around the world, to be compliant with state regulations (see also below chapter 10.1). Until the 21$^{st}$ century, governments respected some religious institutions – in all world religions – to such a degree that they were allowed to have their own management rules and were not strictly subjected to state rules. Two reasons have been relevant in the past: governments try to avoid conflicts with religious authorities (except if they want to damage or dominate it) and/or accept the specificity of religious organisations in their internal affairs.

Anti-corruption efforts for religious institutions need the efforts from inside the respective institutions as well as the constructive support of and cooperation with state legislation and the judiciary!

### 2.7.2   *Cooperation Between Civil Society and Religious Institutions*

Religious institutions in the engagement to overcome corruption can and should also benefit from cooperation with civil society organisations. They often have specific expertise, tools, educational instruments, campaigning capacities and are often (not always) interested in cooperating with religious institutions. Three examples:

*Transparency International (TI)*[40] with its over 100 country chapters is well recognized as a global anti-corruption NGO. In a number of countries, the chapter is led by religious leaders such as a bishop or imam.

1. International Aid Transparency Initiative (IATI)[41] offers a project database of over 1200 organisations with detailed data about development and humanitarian projects funding and implementation. It contributes substantially to transparency, accountability and monitoring of donated funds.

2. Partnership for Transparency Project Database[42]: "Over the past 20 years, PTF has collaborated with 162 civil society partners in 54 countries across Africa, East Asia, South Asia, Eastern Europe, and Latin America to complete more than 250 projects with around $7 million in corresponding grants. We engage a network of experienced development professionals who work directly with our civil society partners to create, implement, and monitor citizen-led transparency and accountability initiatives. Search our full list of projects below. Over the past 20 years, PTF has collaborated with 162 civil society partners in 54 countries across Africa, East Asia, South Asia, Eastern Europe, and Latin America to complete more than 250 projects with around $7 million in corresponding grants. We engage a network of experienced development professionals who work directly with our civil society partners to create, implement, and monitor citizen-led transparency and accountability initiatives. Search our full list of projects below."

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[40] www.transparency.org.

[41] https://www.iatiregistry.org/.

[42] https://www.ptfund.org/projects-database/

3. Pilgrimage agencies: a pilgrimage of believers to a holy place or the perceived centre of a religion (such as the Vatican for Catholic Christians and Mekka for Muslims) is a religious exercise of purification for millions of believers in many world religions. At the same time, it is often mingled with commercial interests and a mechanism for fraud or corrupt practices, in the extreme case promising 'salvation for sale', as it was done in the Roman-Catholic Church in the medieval age, which then led to the protest of Luther and the Reformation. Today, pilgrimages are often organized by specialized travel agencies. In Indonesia, the State Pilgrimage Fund was criticized for its exaggerated high prices, payment requests (sometimes many years in advance of the pilgrimage), and other non-transparent mechanisms. Saudi Arabia as host country of Mekka also came under scrutiny. Jewish, Hindu and Buddhist places of pilgrimage have been observed.

4. Training Institutions: education and training for anti-corruption experts are important to have the necessary expertise. Transparency International, universities, UN agencies, NGO's offer a variety of tools, courses and trainings. They can benefit from each other in trainings. An example is the International Anti-Corruption Academy (IACA)[43] near Vienna in Austria, an international organization to empower professionals in their fight against corruption with master courses and open trainings, initiated by the UN Office on Drugs and Crime UNODC, Interpol, the European Anti-Fraud Office (OLAF) and the Republic of Austria.

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[43] https://www.iaca.int.

# B

# CASE STUDIES ON WORLD RELIGIONS

# 3

# FINANCIAL STRUCTURES
# OF INDIAN TEMPLES

*Isha Shah, India*

## 3.1 Facts and Figures, Aim and Method

- *4000 tons of gold*: Indian temples own up to 4000 tons of gold, which is around 4 percent of total gold in India.
- *15 million rupees of government funding*: In 2019, the Indian government announced funds towards Hindu temples, which should be used in marketing government social welfare programs and supporting cultural programs.[44]
- *More than 500,000 temples:* The richest among them receives 6 million USD in donations every day.
- *Donations to religious organizations*: Survey finds that Indians prefer religious charity more than secular charity.

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[44] https://economictimes.indiatimes.com/news/politics-and-nation/govt-funding-up-to-rs-1-5-crore-to-temple-trusts-to-add-sheen-to-aarti/articleshow/70780172.cms?from=mdr.

This report aims to, firstly, provide insights into the organizational structures of different temples in India, largely drawn from different Hindu sects, it will also focus on tracing the economic activities of the temple as a part of social welfare. Secondly, it aims to understand the different inflows of capital into the temples and the way it is utilized for social impact. Lastly, it attempts to draw parallels with faith-based investment and identify the potential for impact investment strategies in Hindu institutions.

The data collection for this report was through articles published in Indian media, which are subject to biased opinions. Further, it is to be noted that most of the information regarding organizational structures of religious institutions is not widely available on their websites. Primary sources were used to gather this information, i.e., those who hold a credible position or who are actively involved in the temple and who could voluntarily provide information regarding their activities and organizational structure. However, the primary sources are also the reason this paper is rather subjective.

## 3.2 Hindu Philosophy

Although we often look at Hinduism as one of the widespread religions in the world, it is not an 'ism', meaning, it is not a religion but it is, as they call it, "a way of life". Fortunately, wide-ranging philosophies behind the Hindu way of living can be extensively found and we do not need to repeat more than a summary of what they say. In this case, the aim is to concentrate particularly on the philosophy that comments on Hindu perspectives on investment, capital allocation, and social welfare. As it is not a religion, Hindu philosophy is free from a strict book of principles, which makes it difficult to not only trace back, but find a concise list of values that Hinduism seeks to uphold while performing economic activities. Knowledge was transmitted largely

through word of mouth and documentation was generated much later on, although some ideas can be found in the religious texts or the reinterpretations of these texts about the way businesses should run.

Businessmen should ideally follow seven principles, some of those are: protecting animals, donation, and earning interest. The amount one is supposed to donate depends on their profession. For instance, it is widely believed that businessmen should donate one-third of the business surplus or profit, whereas farmers should donate 1/20th of their profit. Furthermore, human-oriented donations are considered separate from temple donations, so one is supposed to allocate another 1/20th towards God (temple).

The beneficiaries of donations should ideally also give away one-fourth of what they receive to keep the chain of donations active, creating a domino effect. Many temples believe in trusting their beneficiaries to give away further and continue the chain so that more and more people benefit.

There are also variations of interest rates as well as rules in what circumstances and how much they should be paid along with suggestions for reduced interest during challenging times such as a pandemic or a natural disaster. It is worth reiterating that Hinduism is not necessarily a religion and these aforementioned 'rules' are merely beliefs and suggestions. Meaning, these principles are not an obligation as much as they are a suggested benchmark of morality according to Hinduism. However, the brief summary allows an understanding of the prominent themes in Hindu beliefs about business and charity that has shaped generations of collective thinking.

However, the 'rules' concerning businesses are not strictly followed by the temples because they are not considered a place of business but only of donation in good faith. In this sense, temples do not traditionally play a direct role in economic development, but they do have an indirect contribution. This is because of the longstanding Hindu philosophy

about the rituals and traditions creating a balanced ecosystem that views a world where everyone is connected in a circle of life.

Various actors of society are interlinked with each other. For instance, looking at the role of temples through a historical lens shows that empty land was usually seen as an opportunity to develop a temple to attract tourists, which allowed for the creation of a town around the temple because of the need for housing, alimentation and leisure activities for the tourists. Thus, helping to boost the socio-economic sphere of the surroundings. This still holds for many temples and temple towns around India that attract millions of tourists who support the livelihood of people and provide an entrepreneurial ground.

## 3.3 Family-Owned Temples

As the name suggests, family-owned temples are usually headed by an individual or a family. There can be variations in the size of the temple, although often smaller than government-owned temples, they could be sizable. The size often determines the relationship the devotees have with the temples as well as the transparency, which in turn affects the donations and the management of the funds. The smaller ones might even act as a platform for the locals to interact, build networks, and ameliorate trust within the community.
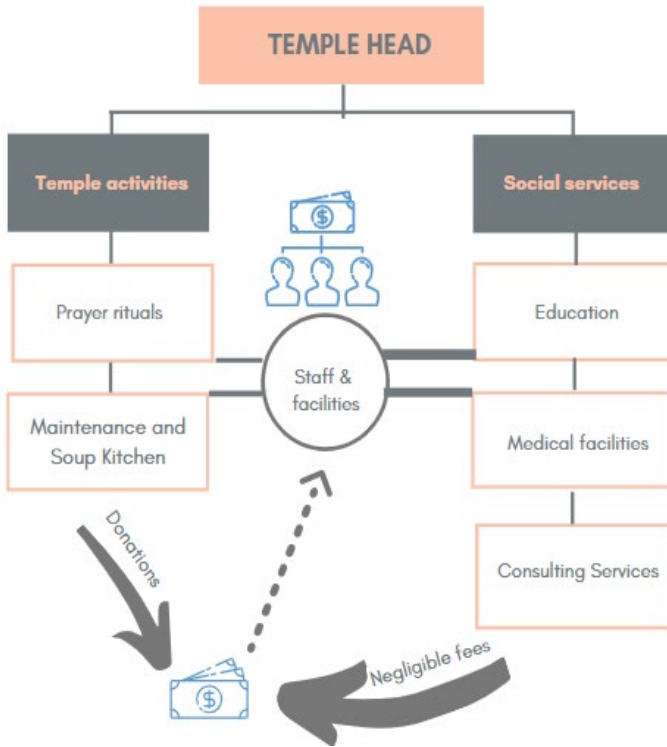
The flow chart helps visualize the flow of capital – donations are often generated by local devotees, that is invested back into the social projects in the local community in order to sustain them. A portion of it is also dedicated towards temple maintenance and food services in the temple. Unlike churches, temples do not directly allocate their funds toward entrepreneurial projects or social impact projects other than schools or hospitals but they create a feedback loop that may work in a couple of different ways.

First, they encourage the students in the temple funded schools to give back to the community. They also encourage private donors to fund these children's futures so they can be capable to serve the community

someday. Second, smaller temples have an intimate structure and close networking with other members in the community who may help in times of need.

Once people receive donations from either of these two methods, they are encouraged to give back to the temple by going ahead and donating somewhere else, in this manner they intend to continue the chain of supporting impactful activities without direct funding.

The structure is very self-sustaining, community focused and localized in its approach. The donations and the social welfare schemes are focused within a community or a village, which makes them crucial actors in the development of the area.

## 3.4 Government-Owned Temples

There are hundreds if not thousands of other huge government-funded temples with diverse structures, this chart provides the most common and simple version.

Region-based Charity Commissioners oversee the trusts of all the temples in the region where the trust includes at least one government official to verify the optimal use of funds. This trust is in charge of all the bank accounts, donations, gold, and any fund allocation or movement. Donations could be in any form - cash, services, or recently temples have opened Demat accounts to allow donations in the form of stocks and securities mentioned in the flow chart below. The Tourism Development Board also pumps money into these temples to obligate the temple to
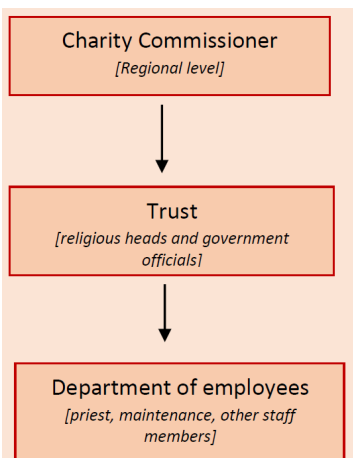


**Charity Commissioner**
*[Regional level]*

**Trust**
*[religious heads and government officials]*

**Department of employees**
*[priest, maintenance, other staff members]*

allocate resources towards government activities. All of it is then allocated according to the ratio mentioned in the flow chart below.

A swarm of social media debates have circulated since the time government decided to take over some big temples. Devotees worry of
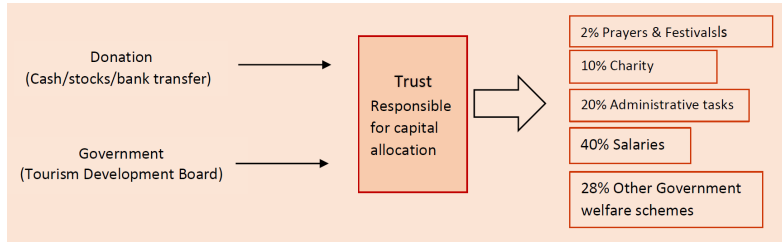


their misuse and corrupt practices indicating a greater trust in religious institutions than in government to carry out social welfare activities. Government is therefore seen to have an ulterior motive while religious institutions are considered to follow God's word. Political debate is relevant but not necessary in this report, but it is important to keep in mind the recent debates around temples opening Demat bank accounts in the name of God and government proposing to use the temple gold for economic purposes, both receiving major backlash. It is interesting to note that many people donate to these religious institutions rather than other secular institutions on the basis of trust, despite the fact that they might not trust the government who is actually in charge of these institutions. Therefore, transparency is necessary to assure that the institutions we trust due to our faith in God are actually utilizing the capital in a manner consistent with our values.

## 3.5 Jain Temples

Jainism, despite its similarity with Hindu traditions, is a separate religion – one of the three most ancient religions of India. Its spirituality is centred around the belief of self-help because unlike Hinduism, it does not believe in God. However, Jains worship idols that are believed

to have surpassed a certain spiritual level and they pray to them only to reach a stage more like them. Religious scholars have taken up the studies of Jain philosophy in depth, which saves us time to only focus on the way donation, social welfare and fund utilization works in a Jain temple. The chart helps summarize the structure in a concise manner.
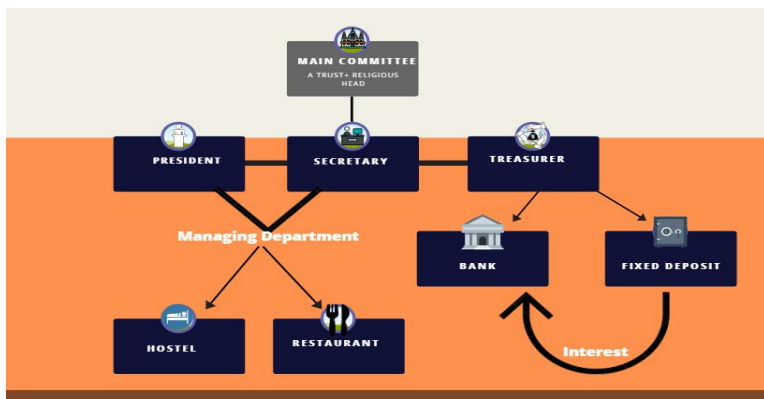


The money is often used in a very particular manner. For instance, money generated through prayers should only be use for the purpose of the idols in the temple and their maintenance. Like other religious institutions, these temples do not have direct channels through which devotees can demand aid, but they provide a strong platform for social networking which builds ties between people who share belief in the same dogma, trust one another and would support each other when in need. There is a structure in place to help their Jain community grow and provide for their members' wellbeing, such as retaining a common bank account that helps provide cheap loans to those experiencing financial hardship. This account has, not only donations from devotees, but also the interest from the temple's fixed deposit which generates more capital to help their community.

For long term community projects, they raise capital through donations which are deposited in the bank to generate interest through which the welfare activity is carried out, and so the donations are

returned to the people. In this manner, the structure is transparent, and the people know which activity their money is being used towards. People may also be more inclined to donate as their capital is returned, but they have still contributed to the impact.

## 3.6 Swaminaryan Temples

*'Swaminarayan'* is a modern sect of Hinduism, whose leader 'Sahjanand Swami' was born in Northern India and whilst touring in the west of India he prescribed to nonviolence, abstinence from intoxicants, strict vegetarianism (including no onion and garlic), sexual continence and frugal living. Today, it is widely practiced in Western India, specifically Gujarat but its influence can be seen worldwide. Founded on the pillars of practical spirituality, this sect thoroughly engages in public welfare.

The organizational structure works in a hierarchical manner in the sense that all significant monetary transactions need to be approved by the 'main temple'. All the decision making is largely done through the committee of the main temple, although all the individual temples around the
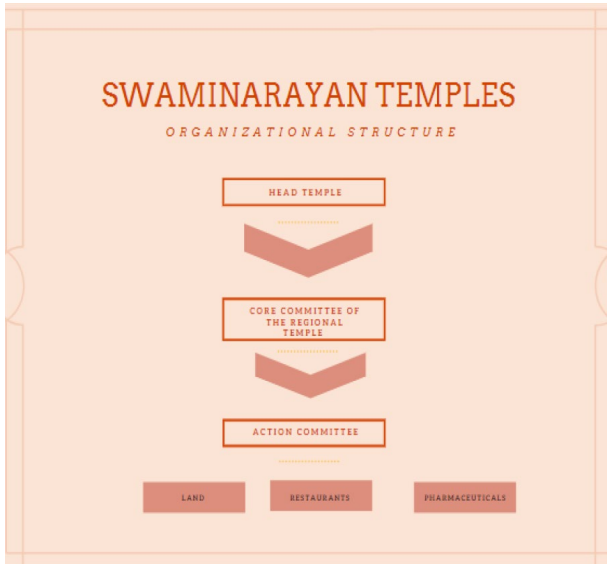


SWAMINARAYAN TEMPLES
*ORGANIZATIONAL STRUCTURE*

HEAD TEMPLE

CORE COMMITTEE OF THE REGIONAL TEMPLE

ACTION COMMITTEE

LAND          RESTAURANTS          PHARMACEUTICALS

world have some level of autonomy in the charitable activities they run and the decisions they make.

## 3.7 Recommendations and Conclusions

The proliferation of faith-based investment is seen worldwide with churches allocating funds towards impactful projects or Islamic networks that want to use the financial resources in a *halal* manner. There is minimal literature about Hindu impact investing, and there are no established networks that practice Hindu-based investment which is believable because Dharmic principles encourage individuality and for people to recognize their values and decisions as well as bear its consequences. This principle makes it difficult to organize a network with a commonplace value structure. Nevertheless, there is a Dharmic index that allows people to pick from companies that are in line with Hindu and Buddhist values. On a spectrum of faith-based investment, one can go from purely philanthropic to conventional investing and Dow Jones Dharma Indexes falls rather close to conventional investing. But, when considering a philanthropic angle to faith-investment, religious organizations should play a central role. Church networks have pioneered philanthropic faith-investments by utilizing their capital in a socially and environmentally sound manner. Temples certainly have the potential to use their capital towards impact investment projects, this view is strengthened when one looks at the disposable funding in these religious institutions. A debate worth insinuating in this context is a reformulation of the temples' structure to allocate funds to SRI and to designate departments to deploy those funds efficiently. Hindu institutions have already sought a global outlook; therefore, they should not be reluctant to involve international organizations or seek the support of their well-established facilitation in the impact-investment arena. There is great potential but also a greater challenge because

government interference was greatly condemned in these organizations. When the Indian government suggested that these temples should put the gold to an effective and economical purpose, the temple heads did not appreciate the intervention. This may or may not show the lack of trust in the government, but it certainly demonstrates the willingness to work independently of any interference. However, various temples are structured in a way that allows for any involvement that is beneficial for the community at large suggesting that Hinduism is untapped in its potential to serve the community further and proliferate the ideas it stands for by its involvement in the faith-investment community.

There is enough evidence to suggest that Indians donate abundantly towards their faith-based institutions and this report shows the usage of these funds which is often very local. Serving one's own community is most certainly an ethical way to give back, nevertheless, these institutions can make more effective use of peoples' trust by mobilizing the development of cross community networks to invest in socially responsible projects at large, even outside their communities. One of the major challenges in the proliferation of faith-based investment and impact investment in general is the lack of funding and sufficient network. Whereas Hindu institutions have abundance of funding and rely largely on social capital through networking amongst their fellow devotees, they lack structure and exposure of the impact investment domain.

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<center>**4**</center>

# THE DIFFERENCE BETWEEN TEMPLE MANAGEMENT AND BUSINESS MANAGEMENT

<center>*Nilesh Madhusudan Shukla*</center>

## 4.1   Introduction

Our purpose in this study[45] is not just to provide 'better governance' to temples but to also run it with a vision, responsibility and accountability - in one sentence, "to be able to run temples in an efficient manner". Indeed, it is easier said than done. A temple is not like a factory that uses finance from investors and manufactures a product with laborers, machines and raw materials. In the case of a factory, its efficiency is well defined and can be easily measured using just a calculator. It is not the case with a temple, its production is not tangible, and its value is immeasurable. But, on the other hand, even if we cannot compute the numbers, we must certainly define, even in descriptive terms, what intangible service or produce a temple provides to the community. We must know it clearly. If not, how else would we

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be able to steer the temple? If we do not know the direction or the path, we cannot decide how to run it, how to run it efficiently – or much less, measure the success of running it efficiently.

At macro-level, an ideal temple is that which acts as a throbbing community-center that is freely open to every single member of the community without any bias, where one worships the resident deity, prays to God, receives spiritual, intellectual and moral guidance and meets other members with whom he or she celebrates common festivals, feasts. Members are also given the opportunity to volunteer to help the temple itself or those in the community who are in need. The community is provided protection, shelter and solace in times of crisis, and all possible help during natural or manmade calamities.

So, if one asks, what does a temple produce? What is its output? We know that it cannot be quantified as a figure on a calculator. That is why the easy answer, "to run temples in an efficient manner" needs more elaboration and a methodical approach.

Using this handbook, a person who is new to a temple would gain working knowledge of the temple operations, a practicing temple-manager would extract for himself new ideas to improve temple functions, the owners or trustees of the temple would be able to set benchmarks for their temple-team to comply with, and an average reader would begin to expect a better service from his temple, including responsible and accountable behavior from temple staff. Thus, a whole lot of rejuvenation should occur in everything concerning a temple.

## 4.2   Temple Management and Managing a Property

Management of a temple may sound like managing a property. There may be some similarity but, in its essence, temple management is a completely different kind of management discipline. It is vastly different than managing a firm, a school, a museum, a fun-park or any other

commercial or semi-commercial activity. It is even different than management of a charitable institution. A temple, though it serves the community, is neither a manufacturing nor a service organization in usual sense of the word. A temple provides non-authoritarian leadership to a community by serving the community around it with activities that promote healthy progress. In addition to providing physical, moral, cultural and spiritual development to the society, a temple has its own independent intrinsic activity, serving the resident deity. These factors make it difficult to set performance parameters, benchmarks or rate the performance.

There are literally millions of temples in the world and most of these are run very well with well-learned priests who have considerable knowledge of Hindu rituals. However, the new age has brought new challenges. The new-age more-aware generation and forces of the modern world want the temples to really stand up to its true role as source of inspiration and guidance to the whole community. In fact, that is what was envisioned by ancient Rishis, proving to us that they were more modern than us. They want temple to be a clean and efficient center of worship where community congregates regularly.

They want the governing body to be sensitive, knowledgeable and spirited towards social causes. They want a pro-active temple staff that provides protection to community, recognition to followers of Dharmic path and respect of individuals among the society so that every member of the community can walk the earth with his head held high.

With increased awareness and heightened community interest in the temples, the number of people visiting temples has increased. The interest in looking at ancient Indian culture, coupled with relative ease of travel, more people than ever are now taking holy pilgrimages. These people are mainly modern individuals from a variety of backgrounds, they are no more the traditional 'oldies', but young, even globalized individuals. Under the circumstances, it is no more an option but a

definite need that Hindu temples present a professional look besides being true to ancient traditions, sacredness and spirituality, and temple staff exhibit responsible and accountable behavior. Temple must lead the way by showcasing themselves as laudable centers of excellence.

Other important disciplines are closely related to the affairs of temples. These are teaching the Deva-Bhasha (Sanskrit Language).

However, it is important to keep in mind that those are specialized disciplines and are best left to the experts in the respective fields. Therefore, these three subjects are beyond the scope of this handbook and in order not to confuse students, this book carefully avoids an attempt to teach them. However, a list of such institutions, traditional Ashrams, Vidyapeeths and Gurukuls is provided in the book from where interested students can learn independently.

The Business Management study has become an important discipline in recent times. Forward-looking modern firms prefer to run their organizations with efficiency and accountability. Those who have studied the discipline of Managing the Business are predisposed to the skills required for meeting objectives of business owners and shareholders in an efficient way. Some people may find it hard to connect the discipline of 'business' management to managing the 'very-unbusiness' institution that a temple is. This is understandable. However, the purpose here is to make a temple manager, trustee or a priest alert to the expectations from the temple, the 'house of God', and use practical methods to run their temples in an efficient manner without diluting their sacredness. It has now become more essential than ever before due to a very perceptive gen-next who want temples to be cleaner and well-organized to face modern challenges. With increased literacy and level of knowledge among the new generation, along with a more sophisticated onslaught of rival faiths on Hindus, the temple priests, managers and trustees have no alternative but to raise their own competency. This demands, not only knowledge of Sanskrit and Hindu

holy scriptures but also communication skills, up-to-date information of political and social developments, methods of engaging the community, ensured transparent financial accounting, computer literacy, knowledge of state laws and awareness of the need for 24/7 security against theft and terrorists.

The Hindu temple is certainly not a business, nonetheless, as the most respected institution of Hinduism which also serves as face of the faith, it is important that the temples are organized and run in an efficient, orderly and useful manner for the society it intends to serve. Temples not only serve the Hindu community but they are also the de facto window through which others who are not Hindus get a glimpse of Hinduism. Over and above these two concerns, the Dharmic dictate of Hinduism asks Hindus to consider the entire world as one family, necessitating open arms and hearts to every individual around them and thereby challenging a Hindu to a much higher degree than an equivalent Christian or Muslim whose religious dictate restricts them to 'people of the book'. To fulfill this grand role, it is but imperative for the temple managers to be single mindedly dedicated to the task of running the temple in a professional yet sensitive manner that is carefully cultivated by regular studies and diligent practice. Temples have been run for years on these very lines and they have always fulfilled their role and ensured leadership position of India in the field of spirituality. However, recent decades have seen many new developments never witnessed earlier. India has recovered from slavery of foreign rulers and after 75 years of freedom and hard labour, she has once again arrived on the world stage in terms of finance, industry and research. Their citizens and global diaspora have started traveling more often than ever to the places of pilgrimage; their temple visits have become more frequent, and their younger generation has become more conscious of their glorious ancient traditions. This new polity abhors, and rightly so, unseemly filth, lack of transparency, unconcerned attitudes of temple, ill-educated priests,

selfish or egoist behavior of authorities and absence of community-engaging programs. What the new polity wants is more than just a 'swanky' look. Temple is a 'house of God', and therefore no Hindu wants it to remain filthy, corruption-plagued and uncaring. Which Hindu could want temple staffed by ignorant or selfish or egoist personnel? New temple goers are more in number, more sensitive and more perceptive than their earlier counterparts. In line with the time, the new managers of temple are required to lead the community in a scholarly, truthful and efficient manner and at the same time, certainly without diluting Hinduism's core Dharma, philosophy and spirituality. A tall order? Certainly yes, but made a notch simpler if the tools suggested in this book are diligently deployed.

## 4.3    Staff Salary and Benefits

There are many ways temple priests and rest of the staff members are paid. Some temple trusts pay priests a percentage of funds generated from fees paid for requested ritual services. Those generally unaware of their income would be surprised to know that the yearly income of some priests run into crores of rupees (or millions of USD). In a written reply to a member of Gujarat assembly, the government stated that at the Dwarkadheesh Temple at Dwarka, an earned income of INR 13.08 crores was split between the trust and the priests in a ratio of 17:83. Thus, the temple trust received 17% while the priests, 83%. The Dwarkadheesh temple, although important, is among many other temples with an even larger number of devotees that exist in India. At those celebrity temples, the earned amounts come to astronomical figures. Indeed, all staff members of the temple are not covered by the percentage scheme. They are paid normal salaries. Some priests are also paid normal salaries.

Despite the fact that some priests are paid a very handsome amount, it is not the rule. Most often, the income is barely enough to survive and, in many cases, for smaller temples, not enough to survive (unless helped by family members and friends). In a large number of temples, the income of priests and temple staff is meager and is restricted by a peculiar mindset that can be expressed in following sentences:

1. "Temple employees are not usual money-minded employees, who gloat in luxuries and spend time at clubs, restaurants and bars. They are service-minded simple people, who do not need too much money."

2. "Temple money should be used sparingly, as the income is only on account of donations and its quantum cannot be predicted. What, if at some point in time, there isn't enough fund to pay salary?"

3. "If temple staff is paid lavishly, the donors would shy away alleging careless mishandling of funds by temple managers."

4. "Salary of temple staff is supplemented by direct 'dakshina' by visitors and those for who they perform 'puja' or other rituals."

5. "Some employees and priests themselves opt to receive only a small remuneration, citing own Sanyaasi-hood."

All the above may be true, may be partially true or even false. However, the employers must now seriously think about what the proper remuneration should be. It should not be concerned with other incomes possibly generated by the staff. Employees, if well looked after by way of salary and benefits and kept engaged with specific goals and targets in mind, would perform in the best possible manner. A most important management principle should not be forgotten here, every employee needs to be supervised continuously and guided from time to time. If the managers fail to properly supervise and pay attention to day-to-day happenings of a temple, only they are to be blamed for inefficiency, corruption or any other evil.

Manager, priests and rest of the staff should be paid in accordance with the norms applied in a commercial organization. Although a temple

is a public service 'trust' with limited resource, its staff should not be made to feel that had they joined a commercial company, they could have been better-off. In fact, it feels that the temple staff should be paid better than the staff of commercial enterprises. With better pay, temple owners-trustees-managers are creating an atmosphere of self-esteem and pride in working for the temple. Remember, better pay attracts better talent.

Thus, salary is one of the critical issues. Pay packages of temple staff should include basic salary, yearly bonus, relevant allowances (house rent, transport, etc.) and leave benefits. They should also be rewarded for any extra-ordinary service provided during community crisis.

Giving a share of income to the priest or staff members is a patently faulty system, which has great potential to corrupt the minds of even selfless workers. It also tends to increase cost of the service to end-users. This apart, priests of celebrity temples get disproportionately higher income as compared to priests of smaller temples. If at all, a small percentage (2% to 5%) may be given to the temple staff to supplement their salary. The remainder of the amount should be used by temple trust to support and enhance Hinduism.

Temple should maintain a proper dossier of its staff and all references provided by the employee should be positively verified. One wrong employee is enough to tarnish the image of any good institution, especially in the field of public service.

## 4.4    Staff Recruitment

How would you recruit new staff for your temple? From time to time need arises for the temple to recruit new staff to meet its growing work. As of now, it is not very common to find a newspaper advertisement or employment exchanges as a means of sourcing the required manpower. However, in recent times that trend has become increasingly visible.

Nonetheless, the most common way the temple staff is recruited today is by sourcing them from family or friends. This method has not always produced good results. The best way is to source the required manpower from those groups who are actively involved with one or other Hindu organizations. This background is not a guarantee for the best performance but at the least it provides a helpful pre-selection screening of candidates. These candidates are expected to have intrinsic drive towards Hindu causes. Half the battle is considered won with people who are naturally self-motivated and zealous towards the cause.

If a temple has inherited staff that does not belong to any Hindu cultural, Dharmic or spiritual group, the administrator must encourage them to be a member somewhere. This would keep the staff updated and inspired to be self-motivated, saving them from becoming a proverbial well-frog who does not know anything beyond his well.

Periodic training of old as well as new employees and volunteers need to be part of the temple calendar and should be taken up seriously by both, the teacher and the taught. For this a visiting scholar, saint or even an experienced manager from nearby temple could be utilized. New volunteers can be mentored and trained for their programs and duties by those volunteers who have performed well in the past.

## 4.5  Code of Conduct for Temple Officials & Trustees

Do we need a code of conduct for temple officials? Why is it necessary? They are perceived as keepers of faith, possessors of Dharmic knowledge and non-partisan conservatives. This should not solely be a perception but must exist in reality and be nurtured by conscious efforts.

**Dressing:** Nothing against any specific mode of dress, however, temple staff on duty should represent the traditions that they are expected to uphold. This objective places some restrictions on what they

should wear while on temple duty. Therefore, they should be traditional by choice. The wearer of traditional dress stands out as someone who is steeped into non-fanciful simple living, who cares more for his Dharmic mission. A missionary cares for his objective more than personal liberties. Traditional dressing offers one major advantage over western outfits - it affords convenience that is required for performing Hindu rites.

**Protecting traditions:** In the rut of looking modern, some have succumbed to criticizing Hinduism, its traditions and customs. Let it be done by those who want to do it, but by virtue of being a committed protector of faith, a temple staff is not at liberty to criticize any aspect of tradition without fully understanding the Dharmic angle behind a specific practice. As good examples, many well-meaning Hindus and others have criticized the custom of disallowing same - 'Gotra' marriage, sati, caste system, child-marriage, religious celebrations, discouraging marriages of widows etc. This seems fair and 'politically correct' to criticize. It is seen that even Dharmic Hindu leaders are quick to criticize these as 'Hindu-religious-evils', without proper knowledge of Dharma, history and social orders of the time gone by.

A smart Hindu Dharma leader should be able to discern between Dharmic and social tradition and should not succumb to berating Hindu Dharma. (It is worth noting, how a typical Christian priest or a Muslim priest handles such issues. How many mullahs and church ministers have criticized any of their religious practices? Not many. However abhorrent one may think of the practice of triple-talaq, fatwas, female circumcision, purdah, etc., religious leaders have vehemently upheld their traditions, citing their scriptures.

**Differentiate between Dharmic tradition and social tradition:** Hindu leaders and priests should differentiate between "Dharma-sanctioned" practice as opposed to "social practice".

Child-marriage is a typical example of social custom. It was not a Dharmic dictum but began as an instinctive reaction for protecting young girls, during medieval period from the clutches of Muslim rulers and their officers. Even though the system of child-marriage was adopted, the bride was never sent to her husband before reaching puberty. There may be some exceptions, but they are far and few and in any case this custom cannot be branded as "religious" or "Dharmic". It was a "social custom". By unfair criticism, we unnecessarily prove our ancestors to be foolish. Today that system may not be needed; however, it can be explained to the community without having to prove our ancestor stupid or Dharma to be antisocial. Silence is golden when full facts are not known. Also, Hindu leaders need to know that some of the traditions that have attracted criticism are not followed by all Hindus. Sometimes only a small community follows a certain tradition but the critics lump it as if it is a pan-Hindu tradition. It is patently unfair to criticize a whole community when only a small number follow an evil practice. Thus, Hindu leaders should learn to distinguish truth from what essentially could be an unfounded criticism.

It is fashionable to criticize expenses on 'Yagna', 'Abhishek', temple decoration, 'Prasaad' etc. It is very trendy to call practice of Upvaas and placing tilak-mark on the forehead 'antiquated nonsense'. It is 'great modernity' to label the observation of Dharmic festivals, such as traditions of Holi (color sprinkling), Diwali (firecrackers), Uttarayan (kite-flying) etc. as polluting and barbaric. I have come across several 'educated' individuals, who are unaware of the lofty concept behind wearing of 'Yagnopavit'. A Dharmic Hindu leader should ill afford to subscribe to unfounded criticism. A thoughtful Hindu leader would never criticize these tools of Hinduism, which is keeping Hinduism alive in the people's consciousness. The political leaders, corporate honchos in India are more wasteful a million times over, follow silly traditions (using fuel guzzling cars, private jets, luxury palaces, fireworks on

corporate and other occasions, drinking wine, wearing suit and tie even if it is 42°+ Celsius, printing unnecessary documents etc.), which remember, go uncommented upon. How many tundra trees are cut to become show piece "Christmas-trees" and how much cooked but uneaten turkeys get wasted away on Christmas? Ask anyone in the oil-rich Persian Gulf states: how much food gets wasted during the holy month of Ramadan?

## 4.6   Priests and Priesthood

Traditionally, the temple priests are derived from priestly families among Brahmins. These families used to bring up their children and educate them in the skill required to well manage a temple. Thus, from early age, the children of priestly families learned and mastered Sanskrit language, scriptures and rituals. Along with this training that taxes the brain, the children of priestly families had to learn to enjoy living a frugal life, devoid of even minimum necessities. It is considered meritorious for them to shower with cold water, sleep on hard floors, fast frequently, sleep for not more than 6 hours in a day, and possess just a bare minimum of clothes and other household items.

Due to rigors of the priestly life, there have always been only a few who have voluntarily taken up the career of priesthood from time immemorial. Well qualified priests are usually in short supply. Probably due to shortage of well-trained priests; many untrained or ill-trained Brahmins also joined the bandwagon of priesthood as it made good business sense. But priesthood is a non-business profession that should never work on profit-loss concept. On the contrary, priest is a profession that relies on self-less service. However, the 'business' element meant more profit at less investment. This attitude gradually led to falling standards of temple service. Hinduism has always been ready to reform, refocus and rework. This inbuilt architecture of Hinduism allowed

reformers to create alternative 'Brahmins' to work as priests. About fifty years ago, pained at unavailability of priests for the large communities of fishermen along the western seacoast of India, Revered Pandurang Shastri Athavale trained and appointed some of the fisher folks as priests for their community. His initiative was welcomed by everyone including the priests who were born Brahmins. Recently the government of Gujarat has announced plans of social reforms whereby they would train members of the Dalit community in performing religious rituals.[46] Some other organizations took a lead in removing gender bias and have created a large pool of learned women, who work as priests. Some organizations in India have actively taken up training of non-Brahmin young boys for becoming practicing priests. In India, many state governments have appointed priests, managers and other temple staff who are not born Brahmins and occasionally also those who are even non-Hindus. I would however like to caution against appointment of anti-Hindu forces to occupy positions in temples.

History has recorded many instances when kings used to invite scholarly Brahmins from centers of learning such as Varanasi. Even the family history of the author is said to trace their roots to Varanasi. As told and retold by family seniors, it was the well-known ruler, Siddharaj Jaysinh (1093-1143 CE) of Solanki Dynasty, a cultured king, who had brought in authors ancestors along with some hundred scholarly Brahmins from Varanasi to enrich cultural and spiritual life of Gujarat, about a thousand years ago. Priests who are traditionally educated within their families are not enough in number to meet current demand of the society. Hence, to meet the requirement of well-qualified priests, a large number of religious and educational institutions are now offering courses in learning of Sanskrit language, scriptures and rituals. More often than not, modern and well-managed temples source priests who

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[46] http://zeenews.india.com/news/gujarat/narendra-modi-govt-for-dalits-as-priests_830975.html.

have had some training in Ashram, Gurukul, Math, Vidyapeeths, universities and other institutions where they have learnt the required art under masters. Mostly Brahmin boys tend to join these institutes and become practicing priests, probably due to their aptitude. However, a new trend has emerged where students, other than Brahmins have taken to learning priesthood.

## 4.7    New Generation Priests and Temple Managers

What is different for the new-gen temple personnel as compared to the situation faced by old generation temple staff?

1.  Pressures from modern day highly skilled evangelizers, backed by rich and powerful people and nations.
2.  Pressures to perform better from within the Hindu community who are now much more aware and needs scholarly response with demonstrable efficacy.
3.  Ability to decode authentic knowledge from various available new-age channels of the 'information-age'.
4.  Pressure to appear 'good' and 'proper' under the international gaze by global community in the current globalized era.

Slowly but certainly, new generation temple staff is taking over. They are welcome fresh air. However, if it means change of attire, from Dhoti to pants or from open chests to t-shirt covered chests, it may not make any big difference to the situation of the temples. Fortunately, new-gen priests and temple staff are more aware of the world around them. They are conscious of the concerns and alert to the responsibilities they have on their shoulders. All that is needed is for them to be shown the general direction and provided with the confidence and reassurance to walk that route without fear or favour.

At one time, the traditional temple managers and priests were confined strictly to performing rituals for temples and in their free time,

to privately perform rituals for the community around. They were not much concerned with concepts of social and spiritual responsibility towards society. However, current competitive scenario demands change and temple personnel are willing to make the change to meet new challenges.

To understand the role cut out for new generation priests and temple staff, we need to understand how the religious world has changed in the last few centuries. Buddhism slowly gave way to Islam in the countries around India. Islam became a dominant religion of the world and spread up to Europe. After bloody crusades, Islam weakened in Europe and Christianity emerged as a dominant religion powered by wealth obtained by colonial powers from their colonies. The colonial powers continue to be wealthiest nations post-colonial period and continue to support Christianity. After discovery of oil in the Middle East, powered by petrodollars, the sagging Islam once again began fresh forays in the world and has become the world's fastest growing religion. Thus, Christianity as well as Islam have the world's mightiest financial and evangelical support. Hinduism has neither that kind of financial support nor that kind of evangelical agenda.

New generation priests have the responsibility of understanding the power and plans of Christianity and Islam in order to steer Hindus from succumbing to uninformed consequences.

A second element that distinguishes role-play of new generation priests from the older generation is the need for scholarship and efficiency in their field. This comes as natural demand from Hindu society, which is now more educated, more aware and more demanding than their forefathers. The current 'age of information' has put tremendous pressure on new generation priests and all the rest of temple staff, managers and trustees.

As a by-product of the 'information age', temple personnel are exposed to all sort of authentic and unauthentic information, which, if

not careful, could confuse and sometimes mislead. On many occasions, the incorrect information also comes hidden in the garb of 'authentic-look'. There are many instances where information comes from genuinely knowledgeable personalities, who have based their work, inadvertently, on incorrect translations or inadmissible evidence. The average person accepts what is stated by them due to perceived 'authenticity'.

A third element, a new generation priest or temple manager is expected to decode what really is the truth. A simple ground rule to follow by every Hindu leader is to compare whatever he comes across with truths stated in the ancient Shrutis, Smrutis and Itihas. In case you think that there are conflicting claims among these ancient volumes, it is better to leave those claims alone rather than give personal opinions as we are ill qualified by virtue of our limited experience and ability.

The fourth factor is related to how the global community looks at Hinduism. At one time the global reach was limited only by traveler's tales; it did not matter too much how you conducted or presented yourself. However, under the spotlight of audio-video media, web and faster means of travels, the new generation priests and temple staff are pressured to perform in a certain way, which has benefits beyond appearances. A temple staff can no more ignore their own conduct as they are under constant gaze in the globalized world.

Collectively, the above places demand on the new generation priests and temple staff to be more educated, knowledgeable, smart and efficient.

## 4.8    Finance: Purchase, Sales, Inventory, Reserves

Many items are required to be purchased by every temple to meet day-to-day temple activity. These include Puja necessities, cleaning items, lightbulbs etc. Due to the recurrent necessity, it is very convenient

to shortlist a few suppliers for materials. For occasional items, they may be sourced from other outlets. These may include books for library, notebooks for accounts, electronics, IT products, audio-video-computer software, and other miscellaneous items. However, remember that God should never become a debtor. Hence, all purchases should be made with cash (or by current dated check) on delivery. This may be inconvenient, but if ensured, would help curb corruption, book-keeping lethargy and any future disputes. Paying cash would (should) command a better price and make your temple a good business proposition for suppliers. In the very same way, the temple, if it sells any item (from its convenience store, excess inventory or even scrap), it must be sold on cash or current dated cheque. In both cases, whether sales or purchase, the payment voucher or receipt voucher should be instantly prepared. Never ever a transaction be done without either voucher being signed by the concerned staff.

Meticulous maintenance of official records (purchase or sales) such as quotes, bills and vouchers etc. should be maintained. Items purchased are to be considered as having been bought for God's home and hence should be accorded respect commensurate with that status and be protected by maintaining proper inventory control.

Book-keeping: What is book-keeping? Is it to maintain a library? Is it necessary? Is it difficult? Book-keeping is keeping accurate account of income and expenses. This is an important function and probably least attended to due to variety of reasons. Notwithstanding any reasons, it is absolutely essential to maintain book-keeping discipline for corruption-free clean administration. Transparency of financial discipline breeds confidence of the community it serves.

Income is derived from various sources; the most common being small anonymous donations (needing no receipts) either dropped in the donation-boxes, left at feet of deity, dropped in the Aarati-plate by the devotees, or obtained from service charges for special Puja, Abhishek,

Yagna etc. The other sources of income include the specific donations (needing receipts) by community members, the income from rentals of parts of premises and the sale proceeds of miscellaneous Puja-convenience items.

Anonymous donations do not need receipts and therefore a portion of the temple income has potential to remain unknown and undeclared. This is bad accounting for a temple and damaging to the temple staff, as lack of accountability can lead to their moral and spiritual degradation; the very qualities that temples want eliminated.

In cases of official donations where a receipt is made, the donations should be deposited in the bank and accounted for in the books. At the end of a day or after a specified time-cycle, all cash-donation boxes must be periodically emptied and the collected amounts deposited in the bank accompanied by a 'general cash donation' receipt as 'received from donation boxes'.

Book-keeping is easier than what it has been made out to be. Even if one is not a qualified accountant, one can keep accurate account with a minimal effort. Initially the temple manager may need the help of an expert accountant to prepare format of bookkeeping but after brief familiarity with the system, virtually any staff member could update the books of account, properly filing sale, purchase, and payment vouchers as well as payment receipts. In my considered opinion, if anyone gives the excuse that he or she cannot do proper accounting of temple funds, the main culprit is corruption. Audited books of account inspire confidence among the community. After having completed independent audit, have the information on the temple notice board and/or websites for all to see.

Once every quarter, the temple manager should compare budgetary provisions, the actual data. Also, they should periodically verify the physical stock/cash etc. with the available data on reports. Variations should be discussed with temple trustees, and if required, with other

staff to reconcile the accounts for missing stocks or cash. Such periodic monitoring also helps to assess the income-expense situation and determine whether a campaign for donations is required. In the case that income is more than expenses, the temple can decide to increase their 'Sanskriti' benefitting projects.

## 4.9 Politics, Security

**Should temple managers get into politics?** If not, why should the political scene be of interest? Politics and spirituality do not mix. However, a good temple manager would be well aware of political developments and yet remain far away from it. Managers need to know the political situation surrounding the Hindu community in order to guide them better.

The temple manager is required to remain far away from politics because a temple is meant for everyone equally; for a person of the ruling group, and a person that opposes the ruling group. If the temple was partial to any one side, automatically the other group would consider temple to be against them. Temple is the seat of God and cannot be against anyone. Having said that, this handbook does not wish to prevent Hindu temples from skillfully promoting Hindu causes within governments, political parties, or every statutory body and other segments of society who draft, propose or make laws that affect the society. Hindu temple should be a powerful influence in discouraging anything that would go against the interests of Hinduism and Hindus at every level in the society, including politics. After all, it is an important function of temples to safeguard Hindus. A temple manager can strike a perfect balance in their action, if he also remembers that Hinduism is committed to safeguard every individual, Hindu or not.

A temple can play a useful role in bringing communities together in healthy coexistence and reconciliation. With a good understanding,

disputes may not arise, and in the eventuality, they do arise, it could be discussed in a friendly atmosphere. Author is aware, how much highly charged and motivated attempts are made by Muslim and Christian groups to thwart temple attempts at harmony. Many of those hostile elements have habit of getting things resolved in their favor even if it is causing injustice to Hindus. However, Hindus are Hindus and would not and should not copy those tactics but would and should remain committed to persuasion and reasoning and appealing to the better sense of opponents.

Temple could never play second fiddle to any politician, however big or mighty he or she may be. While politicians have a limited time horizon, a temple must look beyond; a politician might come and go but the temple and the Hindus are going to outlive individual politicians and political parties. Shrewd politicians and greedy (sometimes naive) leaders of Hindu Dharma have sabotaged Hindu causes. They have, by their behavior, put in disrepute many good Hindu saints. Hindu Dharmic leaders should be smart enough to differentiate between politicians who are wedded to Hindu causes and those who are not. Also, they should be smart enough to see through an individual, even if he be a saffron-clad sanyasi; some may be acting as 'moles' and may be 'sell-out' agents to adversaries. History has ample evidence of such practice.

Although not involved in political battles, as responsible citizens, the temple managers should unfailingly exercise their franchise and be counted. By their example, temple managers should encourage all members of the community, to not waste away the opportunity to vote. In India, the government has passed several laws that are patently damaging to Hindu faith. But hardly any temple authority has tried to create public awareness about them. The government of the day would make a law based on their wisdom, but if it affects Hindus, the temple managers need to put up a counter point in a scholarly manner without resorting to 'Zindabaad-Murdabad' Jingoism and street battles. It is the

duty of every Hindu, and more so of temple managers to protect Hinduism.

**Security and Safety:** In the home of God, are we not secure and safe? A safe and secure environment for the visitors and staff is but a basic necessity for any place, however it is more important for where one needs to pray and concentrate on God. It is often said that the prayer made with full concentration is heard by God. Temple is home of divinity, and it should never need any security from the people it serves. Especially because Hindus and Hindu temples take pride in being non-enemy and in turn, they do not expect anyone to harm them. However, we are not in an ideal world, and we need to save temples from thieves, vandals and extremist elements. This apart, the managers of the temples must be well prepared to handle inadvertent accidents such as fire, fall or injury.

## 4.10  Wealth Collection and its Use

Is wealth collection necessary for a temple? More than its collection, the deployment of collected wealth really matters. However, deployment comes in play only once collection is made. Therefore, collection of funds, its security and its proper accounting is a vital activity that a temple cannot disregard.

No matter how poor a devotee may be, he would drop at least a token few coins in the donation box as a mark of his 'thank you' to God. The Hindu temples thus receive funds mostly from donations made by devotees. Most donations are anonymous small change dropped in the donation boxes kept for the purpose. However, many Hindus prefer to donate larger sums on occasions such as birthdays, anniversaries, weddings, or festival celebrations. For collecting funds, various means can be used, such as appeal made by a pamphlet or by direct-mail shot. However, the appeal should be well drafted to include objectives and

supported by some pictures and records of successful past activities. A professional artist and a marketer should be engaged for this task rather than a shoddy job done by inexperienced hands.

All these donations collectively go towards maintenance of the temple and wages to the staff including the priest. The remainder goes to charities, Prasaad etc.

Smaller temples have a small collection of funds but major Hindu temples have sufficiently large funds. With this fund, they run charitable hospitals, clinics, schools etc. Hindus consider education to be the most important development tool and hence the temple, if it has funds in excess of their needs, would (and should) deploy either running its own school, college or vocational institutes and/or help other charities who may be running similar educational services. Temple's money is well-spent only if it helps uphold the Dharma and goes to build its goodwill capital. Instituting prizes for good marks in Sanskrit, classical Indian music, Bhagavad Gita-recitation competition, essay competition topics on Hindu Sanskriti etc. could be considered legitimate and good use of the fund. Prize money should be respectfully and sufficiently large to generate excitement among participants. If you are short on funds, you may reduce the categories of prizes. You may give a smaller number of prizes, but let the value not diminish.

If you are running a school or helping others to run a school, you must emphasize implementation of Hindu values. Surya-Namaskaar, Prabhat-feri, prayers and a once-weekly period on Hindu Sanskriti. If you have acquired land for your temple on certain conditions at low rates, or have accepted government assistance/grant/concessions, beware, you cannot complain against their interference or dictating terms on what to and what not to teach in your schools, as governments can put up conditions that may compromise your intention of providing Hinduised education. Ancient Hindu Rishis have provided guidance that education institutions should be fiercely independent, just as Maata

Saraswati, a fiercely independent Goddess who would never accept anyone's domination or interference in matters related to her domain - the "Vidya"; knowledge.

In the schools where the teaching is compelled by government interference and textbooks are 'officially approved', the teachers can still provide 'alternative views' as 'general knowledge' to the students to widen their horizons beyond what is compelled by the government dictates. A version approved by governmental educational syllabus would help students pass their exams and the alternate view would provide comparison and enhance their knowledge.

For a rich temple, the best use of funds would be the startup of an independent university to impart knowledge on all aspects of Hinduism. Hindu college, by Annie Besant and BHU by Pandit Madan Mohan Malaviya were started with similar intentions. Hindu university should engage brilliant students in research that delves into historical details of Hindu scriptures as well as the scriptures and histories of rival faiths with a view to help protect and spread Hinduism.

**What is the best use of extra funds generated by temples?** Funds deployed for promoting ideas of Hinduism, creating goodwill for Hinduism and Hindus should be considered money well spent because it would automatically go to benefit every animate and inanimate object in the universe. Hindus teach conservation of resources, love and respect for every object and that the whole world is one family under fatherhood of God. Extra funds should be spent on creating a seat for learning in well-established universities in India and abroad for doing research and working on Hinduism in Sanskrit language. When this is done using European languages, it creates self-defeating work and eventually has contributed to degradation, and thus, damage to Hinduism due to inherent limitation of translations and inaccurate inferences borne out comparison with European values.

## 4.11  Laws and Bylaws of the State

Governments of all the countries have made laws to regulate temple activities with a view to protect temples as well to protect others from them. These rules are enforced using civic authorities and in case of violation, by police, courts or other state enforcement agencies. Temple managers, owners and trustees should be well aware of the laws applicable in their country. Rule of laws begin from registering a temple, constructing it and running it. These laws are in addition to the usual secular laws of the country that protect everyone from theft, injury, insult, obstruction etc.

A temple manager is not expected to be an expert on legal matters, as a lawyer; however, he should have broad idea of how and what laws are laid down for the following activities in the day-to-day running of a temple:

1. Employment, employee related laws.
2. Income-tax, financial transactions, legal requirements, purchase and sales, book-keeping related laws.
3. Safety related laws, safety of the property, inmates and visitors.
4. Laws concerning obscenity, sex offence, child abuse.
5. Sanitation, pollution, noise-level, use of loudspeakers, related laws.
6. Laws concerning possession, use or abuse, of drugs, alcohol, tobacco, etc.
7. Laws concerning freedom of speech, derogatory language, slander, libel, injury to sentiments, insults, malice, contempt and defamation.
8. Laws concerning possession, use or abuse of weapons and explosives.
9. Traffic, parking, vehicle ownership related laws.
10. Laws concerning trespass. For the temple managers in India, following additional laws are also important as they govern the

lives (and death) of Hindus. In India, every religion has their specific laws unlike most countries of the world, where all laws are common for every member of the population irrespective of their religion.

11. Basics of Hindu Marriage Act, the Hindu Succession Act, the Hindu Minor and Guardianship Act, the Hindu Adoptions and Maintenance Act.

12. Laws on prevention of untouchability and discrimination and laws to help Harijans to secure full enjoyment of all rights guaranteed to them by Art. 17 of the Indian Constitution.

Knowledge of these rules, as related to temple, would not only help staff steer-clear of wrong doings but would also inform them of their rights so they would know if any wrong is being done to them by someone. Additionally, this knowledge would enable temple staff to help devotees if and when need arises.

What is the definition of a 'place of public worship' as enshrined in the Indian Laws? "'Place of public worship' means a place, whether a temple or by any other name called, to whomsoever belonging which is dedicated to, or for the benefit of, or is used generally by, Hindus, Jains, Sikhs or Buddhists or any section or class thereof, for the performance of any religious service or for offering prayers therein; and includes all lands and subsidiary shrines appurtenant or attached to any such place, and also any sacred tanks, walls, springs, and water courses the waters of which are worshipped, or are used for bathing or for worship."

What does the law say on admissibility of individuals into a place of worship? Notwithstanding any custom, usage or law for the time being in force, or the decree or order of a court, or anything contained in any instrument, to the contrary, every place of public worship which is open to Hindus generally, or to any section or class thereof, shall be open to all sections and classes or Hindus; and no Hindu of whatsoever section or class, shall in any manner be prevented, obstructed or discouraged

from entering such place of public worship, or from worshipping or offering prayers, or performing any religious service therein, in the like manner and to the like extent as any other Hindu of whatsoever section or class may so enter, worship, pray or perform. The section or class of Hindus includes any division, sub-division, caste, sub-caste, sect or denomination whatsoever of Hindus.

Does law permit everyone to enter Garbha-Gruh? No, the relevant judgments have been passed by Supreme Court of India that upholds the right to entry into the Garbh-Gruh only to the authorized people. As much as you can help, try to avoid court cases in frivolous matters. Remember, laws are laws and from history. We have learnt more often than not, that they have been given bad publicity and have hardly ever solved problems to the satisfaction of both parties. Moving courts in a petty matter indicates egoist mind-set, a quality not considered as desirable for temple manager to possess or exhibit.

Remember, if your temple is formed into a 'trust' as defined by Indian laws and also laws of many other countries, its trustees are liable to official enquiries, proper record keeping, claims by members of general public and governments. There is also a danger of temple being taken away from trustees if it is proved that the trust is mismanaged or that its funds are misappropriated. Sometimes due to animosity among managing trustees, litigation takes place and on many occasions, government takes over the functioning of temple trusts. Usually, rich temples with prime real estate are eyed by greedy or jealous individuals and occasionally, even a well running temple falls into undesirable hands who misuse people's funds. India has witnessed several temple management takeovers. It is a well-known fact that once government appointed trustees take over the temple management, there is no saying what they would do with it. There are many known cases where the funds collected by the temple for the promotion of Hinduism was

disbursed to institutions that primarily benefitted those who have been harming the Hindu community.

In earlier times, many temples belonged to individuals who took care of daily maintenance and Puja. With passage of time, successors inherited those temples and could still manage the temples well. However, these days such families have mostly lost interest due to demanding services a temple calls for. They have made the temples into trusts, exposing them to the inherent dangers of being a 'trust'. Consider the cases of famous Shirdi Saibaba temple trust (Shirdi's Shri Saibaba Sansthan) with an annual turnover of over Rs 300 Crore (USD 64 Million) and vast reserves of gold and investments and the well-known Siddhivinayak temple trust in Mumbai, which has currently an annual income of approximately Rs. 56 Crore (USD 12 Million). Both these and innumerable other temples are embroiled in litigation due to real or imaginary mismanagement, misappropriation or financial irregularities and they are either under threat of or in possession of the government and other undesirable elements. Thus, the wealth, gods and causes of Hinduism are lost to those who know next to nothing of spirituality, Dharma or steps required for preserving and promoting Hinduism. When proper trustees are replaced by new appointees by government, effectively funds and management shifts into the hands of politically connected individuals for whom Hinduism is not a priority, or those who are fashionably secularists. In worst scenario, the temple wealth has gone into the hands of diabolically dangerous individuals who have diverted funds to organizations who promote the interest of those religions who have openly indicated their resolve of targeting India for conversion of people to their religions.

Temple trustees could safeguard appropriate use of funds by immediately deploying them for Hindu causes, as soon as surplus funds become visible in the books of account. Do not let the surplus funds lie unutilized. With the kinds of fund some of the Hindu temples have, they

could open tens of Hindu universities and fund scholarships for education research and spread of Hindu influence.

Temple trustees should create new charitable/religious/ educational/medical/etc. trusts to manage different activities instead of clubbing together all the activities under one trust. For example, if a temple trust runs a school, or a clinic or a hospital or any other activity along with the running of a temple, it is advisable that there be separate trusts for each of those activities with a new board of trustees. In this way, you are using the funds of community in the activity intended by the donors and simultaneously, having spread the assets for different objectives you have minimized the risk of losing all the temple wealth, should one set of trustees of a trust prove ineffective.

In India, trusts are registered by the office of the Charity Commissioner. A minimum of 4 trustees are necessary for registering any trust. Trusts legally allow acceptance of donations. However, it is governed by strict rules so as not to take unlawful advantage of public money or cause loss of public confidence. Proper books of account need to be maintained by every trust and their annual audit is compulsory by a registered auditor.

## Conclusion

It is clear from the foregoing that the management of Hindu temples is not mere management of a building or a business firm. It is much more and hence needs much more effort, much more knowledge and much more skill. Only then, can a responsible and conscientious temple manager do the task justice. Hopefully, temple managers would be able to benchmark their activities, compare notes and in general use the information this book contains as a force multiplier for fulfilling their task of effective and efficient dispensing of service that the community expects from them. The temple trustees, managers, rest of the staff, and

volunteers can easily provide a great service to Hindus, to Hinduism and the world at large by their proper conduct and understanding. All in all, with efficient management of temple, a temple manager automatically becomes proud upholder of Rig Vedic appeal. The world is looking at them with expectations.

# 5

# MODERNIZATION CHALLENGES OF CHINESE BUDDHIST COMMUNITIES AND THEIR ETHICAL RESPONSE

*Zhang Zhipeng, China*

Based on their supernatural beliefs and group activities, religions usually have more significant advantages in ethical judgment. Religious leaders and organizations also have greater influence on ethical issues than ethicists and the general public. In traditional religions, fairness is the core of their ethical principles. The understanding about fairness depends on the interpretation of classics by religious masters. With the appearance of the modernization of market economy as its main content, modern ethical standards with efficiency and rights at the center has been gradually established. Chinese Buddhism must respond and change when facing modern ethical standards. In this article, we just briefly outline the general clues of the changes, focusing on the analysis of the new changes in recent years. More systematic analysis and in-depth investigation still require the participation of other scholars.

## 5.1 Ethical Innovation as One Subject of the Modern Buddhist Innovation

The modernization challenge faced by Chinese Buddhism is not recent but started more than a hundred years ago. In the context of the decline of Buddhism, the rapid expansion of Christianity, the occupation of temples, and the transformation of society, Master Taixu and other revolutionaries in the Buddhist world put forward the idea of "Secular Buddhism entering society". Master Taixu believes that Buddhism must place human beings at the center in order to adapt to modernization. The first task for life of Buddhism is to solve the problems of human beings in the modern society. In 1912, Master Taixu proposed three revolutionary theories in Buddhism, namely organizational revolution, property revolution, and doctrinal revolution. While actively improving the development of the Buddhist system and teachings, Master Taixu also put forward many innovative ideas on Buddhist ethics. Generally speaking, these innovations include four aspects:

a) Recognizing the *ethical value of various professions* and granting their ethical state equal to Buddhist studies. For example, Master Taixu said: "The Buddha's cause and deeds is based on respecting the three treasures and repaying the four graces. It should be different from time to time. In a free society, in order to achieve the cause and deeds of Buddhahood, one should participate in agriculture, medicine, education and art; while under the peaceful ownership of a whole nation; this may extend to the occupations of police, lawyers, officers, parliamentarians, merchants, etc."[47]

b) Attaching importance to the ethical value of *education and social charity*, and actively promoting the establishment of modern Buddhism education and charity.

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[47] Seng Zi Zhi Shou, *Monk Autonomy.*

c) Regarding *civic ethics* as the ethical foundation of Buddhists. It is believed that Buddhists must first perform the duties and responsibilities of citizens.

d) Recognizing the value of modern rights while protecting temple properties and opposing aggression, introducing the *principle of rights* into Buddhist ethical practice.

These valuable resources of Buddhist ethical innovations have been inherited and spread as well as practiced in many places under the name *Secular Buddhism*. Although it was inherited to a certain extent in mainland China, it was almost cut off after the "Cultural Revolution".

## 5.2 Ethical Construction: Neglected in the 30-year Restoration of Buddhism

In the 1980s, Buddhism in Mainland China began to gradually recover. Generally speaking, during the first 30 years of the Buddhism revival in China, one thing was mainly done, and that was building temples. Whether taking back occupied temples or raising funds to build new temples, monks, and householders focused on building temples. This is not only a continuation of the traditional Buddhist development method, but also a practice owing to the limit of relevant government regulations. According to China's *Regulations on Religious Affairs*, "In general, religious group activities by religious citizens should be held in religious venues and organized by religious venues, religious groups, or religious schools."[48] Only under the condition that temples are built, can religious followers get the right to carry out religious activities and large-scale religious activities be organized to attract more believers to

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[48] Religious Affairs Regulations of China. Published first on 30/11/2004 by The State Council of the People's Republic of China. Then it was revised and passed by The State Council of the People's Republic of China on 14/06/2017 and came into effect on 01/02/2018.
http://www.gov.cn/zhengce/content/2017-09/07/content_5223282.htm.

participate and contribute to funds. Some temples rely on selling entrance tickets to raise funds, while most of them survive by selling incense ('incense money'). Although many masters learned the lesson about marketing from the temple system, sensed and practiced the market ethics of fair trade, the Buddhist ethics itself was ignored and evaded intentionally or unintentionally. It was true that some believers hoped to obtain ethical answers to the puzzles of life from masters, but most masters could only teach the principles, and rarely made ethical judgments clearly, especially those about social phenomena. For example, some believers asked Master Xuecheng, the abbot of Longquan Temple, who is also the former president of the Chinese Buddhist Association, "Master, if we always have evil intentions in our hearts, what should we do to get rid of it? Is there any specific way to manage it, so as to purify our mind?" Master Xuecheng answered: "Read more books such as 'The Bible of Long Life and Health' (*Shou Kang Bao Jian*). "Getting out of the Sea of Desire" (*Yu Hai Hui Kuang*) to understand the harm of adultery; find yourself more meaningful things to do; make more friends with positive thoughts, clean body and pure mind. Even in large-scale seminars gathered by masters and Buddhist scholars, most of the papers focus on the textual research of historical documents or the interpretation of a certain scripture. Discussions about the current problems and ethics of Buddhism are however very few.

## 5.3   Various Challenges Facing the Buddhist World

However, any religion that attempts to exist in modern society will always be forced to make ethical judgments sooner or later. In recent years, although the Chinese Buddhist community has not directly declared its ethical position, it has been forced to express an ethical attitude in some unexpected events. In short, the challenges derive from

the following three aspects that trigger ethical reflection inside the Chinese Buddhist community.

a) The first challenge comes from inside the Buddhism system, namely the illegal behavior of monks which forced the Buddhist community to regard laws as the bottom line of ethics. In August 2018, Master Xuecheng, the President of the Chinese Buddhist Association, was reported by two supervisors of Longquan Temple about his long-term mental control, sexual assault of female disciples, and the disappearance of huge funds, which shocked the public world. As a result, Xuecheng resigned the post of President of the Chinese Buddhist Association, however, he was not prosecuted. This incident hugely impacted the Chinese Buddhist community. It not only led to questions about the internal management system of Buddhism, but also brought concerns about the decline of Buddhist ethics.

b) The second challenge comes from the outside world, including events related to rights protection against demolishing of temples and counterfeiting of names. Facing these incidents, Chinese Buddhists make appeals on various media and fight with legal means, showing that Buddhism is conscious of rights in the modern society. This can also influence the direction of Buddhist ethics.

c) The third challenge comes from the deepening development of charity activities. Most of traditional Buddhist charity activities were just donations of money or goods. With the establishment of some foundations based on Buddhist beliefs, Buddhist charity activities encounter complex and diverse social problems, which force them to make their own judgments and choices.

## 5.4. Positive Ethical Responses by the Buddhist Community

Questions and arguments may lower the trust of some people in Buddhism, but they also encourage more people to consider and push

forward the development of Buddhist ethics. Facing the three challenges above, some people from inside the Chinese Buddhist community have begun to make responses about the ethical problems, showing the trend of reconstruction of Buddhist ethics today.

a) First of all, the incident of Master Xuecheng shows that the modern law is the bottom line and the minimum requirement of Buddhist ethics. Furthermore, it also shows that the teachings of Buddhism are not just talk, but the unity of knowing and doing. The two Longquan Temple supervisors who reported Master Xuecheng had both obtained a doctorate in engineering from Tsinghua University before they became monks. As disciples of Master Xuecheng, they risked the world's great misfortune to report the abbot, and they themselves must have had great ethical courage. Although the Buddhist community was silent after the incident, they all must have reflected on the importance of building Buddhist ethics to various extents.

b) Secondly, the Buddhist community gradually learned about modern concepts of rights and the principle of nomocracy (rule of law) from safeguarding its own rights and interests, which provided necessary materials for the reconstruction of Buddhist ethics. In a deeper sense, modern concepts of rights and the rule of law (nomocracy) are also fundamental for the establishment of a market economy. By accepting these ideas, the traditional Buddhist ethics about fairness became connected and merged with the principles of efficiency and convention implied in the modern market economy.

c) Thirdly, the development of Buddhism-based charity activities further pushes forward the innovation of Buddhist ethics. Charity and public welfare activities should help a wide variety of help-seekers, not only to sort the ethical value, but also to analyze the causes of various social problems in depth. The analysis of the causes of social problems must involve ethical judgments, and these ethical judgments will be applied to the practice of Buddhist charity. For example, a foundation

based on Buddhist beliefs has developed the traditional action of "releasing animals" as a public welfare action for protecting wild animals, which demonstrates the concept of modern environmental ethics. The foundation also adopted the action of "caring for left-behind children", through which some knowledge of educational ethics is formed and established, and the content of traditional Buddhist ethics becomes enriched.

## 5.5    Ethical Actions to Push Buddhist Innovation

Ethics is not only a theory and slogan, but a guideline for daily actions. Although in recent years, the responses by Chinese Buddhism about ethics are not direct and conscious, the concept was formed during the practice of responding. Once these ethical principles are formed, they can be turned into actions, providing a basis for future activities. Therefore, although Chinese Buddhist ethics, as a whole or in the aspect of written form, still lacks a set of clear and systematic declarations, changes about the substantive application of Buddhist ethics have taken place quietly and significantly. The fact of this change is reflected in the adaption and integration of traditional Buddhist ethics into modern market economy and nomocracy society. According to my observation and investigation, a number of Buddhists in mainland China already accepted the ethical principles of efficiency, integrity, fair trade etc. followed by the market economy. They also accepted the ethical requirements about rights, equality, and procedural justice in a nomocratic society. This shows that Buddhism and modern ethics are not essentially opposed to each other. In a relatively free environment, Buddhist ethics can quickly be adapted into society through innovative development. In this regard, Buddhism in Japan, South Korea, and Taiwan are all successful models. The innovation of Chinese Buddhist ethics has its in-depth value, and it will continue to improve the

development of Buddhist teachings, Buddhist systems and Buddhist organizations towards modernization, diversification, and clarity.

# CONFUCIANISM:
# THE IDEAL OF JUNZI LEADERSHIP AND
# EDUCATION FOR THE COMMON GOOD

*Yang Hengda / Dennis P. McCann, China*

*Confucianism is one of the major world philosophies of values and virtues. Not being a religion itself, Confucius and manifold Confucian successors and schools influenced religions and societies across Asia and the world. This is the reason to include the article[49] in this volume on overcoming corruption in and by religions.*

## Abstract

The concept of the common good in both Western and Confucian philosophy presupposes a specific practical approach to moral education roughly identified as "virtue ethics". This paper will attempt to outline this approach as proposed in the Confucian classics, by focusing on the ideal of Junzi (君子) leadership—that is, the personal embodiment of moral excellence—and its relationship to the Grand Union (Datong, 大),

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[49] First published in Hengda Yang / Dennis P. McCann, *The Ideal of Junzi Leadership and Education for the Common Good,* The Journal of the Macau Ricci Institute, Issue 3, November 2018, 15-25. Republished with permission of the Journal Editor. Section in italic by the volume editor.

Confucius' symbol of the common good. Our focus will be on the practice of moral leadership—represented by the Junzi—describing how in Confucius' Analects (Lunyu, 論語) it unfolds in a process of self-cultivation whose goal is specified in the Golden Rule (Analects 15:24). Its outcome is a form of moral leadership capable of sustaining common good, inasmuch as the proper ordering of personal and social relationships becomes as natural as breathing. The concentric circles of responsibility, extending from personal to social - inclusive of care for family (jiā, 家), country (guó, 国), and the whole world (tiān xià,天下) - provide a basis for envisioning an educational practice intending the common good. What takes root in the individual person naturally has social consequences.

## 6.1   The Junzi as Student and Teacher of Virtue

Can virtue be taught? Confucian ethics does not answer this question directly or in abstract philosophical terms. Its focus is practical, and therefore it demonstrates how virtue can be taught by actually teaching it. The Analects (Lunyu, 論語) is a collection of mostly aphorisms and a few extended narratives attributed to Confucius (551– 479 BCE), China's universally acknowledged moral authority. The Analects, as well as the other Chinese classics attributed to Confucius, are meant to teach a Way of living that is consistent with human nature, the mandate of Heaven, and the testimony of one's venerable ancestors. Though the examples discussed in the Analects exhibit a specific concern for training Chinese elites in the art of governing well, Confucius makes clear that the Way forward is open to anyone who is willing to study hard and practice the art of self-cultivation.

The Analects do not present a systematic summary of Confucius' teaching. Such a summary might actually be counterproductive pedagogically, since the point of Confucian study—which consists

primarily of conversations with the Master among his students—is to learn from concrete examples of how and how not to behave, think and feel, consistent with becoming genuinely human. Education in the Confucian Way, therefore, is not about memorising a series of basic principles and concepts. While Confucian tradition, like all moral traditions, has tended to prioritise the Master's sayings as if his teaching could be captured in a single aphorism, or list of virtues, when the actual meaning can only be learned through the practice of self-cultivation. The sayings presented in the Analects are to be savoured, explored through meditation, through repeated attempts to reflect deeply on experience over a lifetime, the results of which should be shared with one's teacher and explored in common with his or her other students.

This much we can infer from the narratives of the Analects. Occasionally, however, the Analects offers a concise statement of principle that unlocks the meaning of the collected narratives. One such statement is the so-called Golden Rule, so readily used to summarise Confucius' teaching.

Zi Gong asked, saying, 'Is there one word which may serve as a rule of practice for all one's life?' The Master said, 'Is not RECIPROCITY (shu 恕) such a word? What you do not want done to yourself, do not do to others.' (Analects 15-24, Kindle Locations 2847-2849).

Reciprocity is best understood by considering the parent-child relationship, and the ideal of filial piety (xiào, 孝). The parent nurtures the child for three years, and the child eventually mourns the parent for three years. Note, however, that reciprocity occurs within a relationship that unfolds over time; it cannot be experienced except in a relationship that is inevitably asymmetrical. At the end of three years nurturing at its mother's breast, a child is not expected to start supporting its parents. Over time the child will learn what is expected by way of filial piety, and those expectations will change as the child eventually becomes responsible for its parents. Fulfilling the meaning of the "one word

which may serve as a rule of practice for all one's life" will evolve as relationships change. What may not change is the common desire to be treated as a human being, and the common aversion to all things that detract from our humanity: "What you do not want done to yourself, do not do to others".

Even today, though the contexts in which filial piety and reciprocity may have changed, the ideal of Junzi leadership is still informed by these constants. A leader following the Junzi ideal will start with a core assumption about his rivals, his employees, and all the stakeholders based on what he knows about himself. For example, since he does not expect hate from others, he should be inclined toward benevolence (jen, 仁) and righteousness (yi, 義) in his relations with others. A Junzi leader must love all people and be just and fair to them. The attitude to oneself and to others should be equally the same.

How one learns to live by the Golden Rule is not a spontaneous result of experience. The education of anyone becoming fully human must proceed through the study and practice of ritual propriety (li, 禮). The proper rituals communicate who we are—that is, the objective nature of the relationships in which we find ourselves—and what we must do to achieve harmony with Heaven, Earth, and Humanity as a whole. What is accomplished through such practices Confucian tradition remembers as "the rectifications of names" (zhèngmíng, 正名). This is a hallmark of Junzi leadership, insofar as good governance depends on calling things by their proper names and acting accordingly.

The duke Jing, of Qi, asked Confucius about government. Confucius replied, 'There is government, when the prince is prince, and the minister is minister; when the father is father, and the son is son.' 'Good!' said the duke; 'if, indeed, the prince be not prince, the minister not minister, the father not father, and the son not son, although I have my revenue, can I enjoy it?' (Analects 8:2; Kindle Locations 2083-2087).

The rules of propriety (li, 禮) provide us with the proper understanding of the roles and situations in which a person must act virtuously. To rectify names, for example, the role of husband in relation to wife, or parent in relation to child, one must correct one's way of thinking and acting by narrowing the distance between one's actual practices and the ideal expressed in the rules of propriety and their concrete realization in the moral leadership of a Junzi. If the prince is truly a prince and therefore known for his exemplary virtue, his ministers and the families they rule will be virtuous as well.

Where to begin, then, in achieving the harmonious relationships that Confucius thinks are possible? The answer is the ultimate in ritual propriety, namely, the practice of self-cultivation. How can a leader reach the point of always keeping *ren*, *yi* and *shu* in mind, and responding to others through *li*? The ever-expanding virtuous circle depends upon universalising the practice of self-cultivation "from the Son of Heaven down to the mass of the people."

The Analects provide a number of insights into the practice of self-cultivation. Achieving such a state of personal equilibrium or tranquillity requires more than study in the conventional sense. Apparently, maintaining ritual propriety requires some form of meditation or personal reflection, beyond what is normally associated with acquiring knowledge through mastering facts and theories:

Zi Lu asked what constituted the superior man. The Master said, 'The cultivation of himself in reverential carefulness.' 'And is this all?' said Zi Lu. 'He cultivates himself so as to give rest to others,' was the reply. (Analects 14:42; Kindle Locations 2690-2693)

Reverential carefulness is a habit of mind, the fruit of the practice of self-cultivation, which enables persons to detach themselves from the ways of the world and its all-too-human striving for pleasure, recognition, and power over others. Without such detachment, any claim to moral leadership is spurious, as Confucius points out in the Analects'

occasional comments on the attitudes of disciples who are not quite Junzi yet. The Analects do not describe in detail how the state of reverential carefulness is to be achieved; but its possession is clearly recognisable in the ways of the Junzi. Major clues for recognizing the Junzi are scattered throughout the Analects in the form of aphorisms contrasting the Junzi with small-minded people—or as Legge would have it, "the mean man" (xiaoren, 小人). Here are two memorable examples:

The Master said, 'The superior man thinks of virtue; the small man thinks of comfort. The superior man thinks of the sanctions of law; the small man thinks of favours which he may receive.' (Analects 4:11) (Kindle Locations 538-543)

The Master said, 'The mind of the superior man is conversant with righteousness; the mind of the mean man is conversant with gain.' (Analects 4:16) (Kindle Locations 569-571)

## 6.2 The Social Implications of Junzi Leadership

Although Confucius commends the Junzi as the embodiment of human benevolence and righteousness, this ideal is not an unattainable state of perfection symbolised in the legendary figure of the sage (shengren, 圣人). The Junzi is meant to convey a live option for all people who aspire to moral leadership. A leader must know very clearly his or her responsibility as a member of society, the moral equal of all other members of society. Confucius summarises four of the characteristics of the Junzi— "in his conduct of himself, he was humble; in serving his superiors, he was respectful; in nourishing the people, he was kind; in ordering the people, he was just" (Analects 5:16)— indicating that the virtues aspired to are inherently social. The Junzi's moral leadership is to be exercised in social organizations, starting with the family, and expanding outward in his business or profession,

whether for-profit or not-for-profit, whether in the agencies of government or social services. The Junzi defines a moral ideal that transcends the institutional limits of the Warring States period in which Confucius lived, answering the question of how the common good is to be achieved in any social setting.

The Confucian classics contain a vision of the common good that could be realised, which were the Junzi ideal to animate the efforts of leadership in all walks of life. It is evident in the discussion of the Grand Union (Datong, 大同) presented in the Book of Rites (Liji, 礼记). When the Grand Union was observed, "a public and common spirit ruled all under the sky" in which all leaders strove for "harmony" based on "sincere words". Their spontaneous aspiration was toward a universal love, reminiscent of the teachings of Mozi:

Thus, men did not love their parents only, nor treat as children only their own sons. A competent provision was secured for the aged till their death, employment for the able-bodied, and the means of growing up to the young. They showed kindness and compassion to widows, orphans, childless men, and those who were disabled by disease, so that they were all sufficiently maintained. (Book of Rites 9 禮運, Kindle Locations 5636-5639).

Full employment, apparently, was the aim of public policy, and all members of society contributed their labour toward the common good. "In this way (selfish) schemings were repressed and found no development. Robbers, filchers, and rebellious traitors did not show themselves, and hence the outer doors remained open, and were not shut." (Book of Rites 9 禮運, Kindle Locations 5641-5643) Confucian social philosophy starts with the assumption that working for the common good is natural, and that a society focused on the common good will expand naturally through its attraction for others. Thus "outer doors remained open, and were not shut." One can imagine how

immigrants might be treated in such an open society. All are welcome who are willing to contribute to the common good.

But Confucius recognises that the Grand Union is a legendary dream. While the Datong is not likely, what can be achieved is an approximation of the common good described as the Small Tranquility (Xiaokang, 小). Unlike the Grand Union, the Xiaokang is characterised by an overriding loyalty to one's own family.

Great men imagine it is the rule that their states should descend in their own families…The rules of propriety and of what is right are regarded as the threads by which they seek to maintain in its correctness the relation between ruler and minister; in its generous regard that between father and son; in its harmony that between elder brother and younger; and in a community of sentiment that between husband and wife; and in accordance with them they frame buildings and measures; lay out the fields and hamlets (for the dwellings of the husbandmen); adjudge the superiority to men of valour and knowledge; and regulate their achievements with a view to their own advantage. Thus, it is that (selfish) schemes and enterprises are constantly taking their rise, and recourse is had to arms; and thus it was (also) that Yu, Tang, Wen and Wu, king Cheng, and the duke of Zhou obtained their distinction. (Book of Rites 9 禮運, Kindle Locations 5654-5663).

Clearly, the Xiaokang is not Confucius' ideal of the common good fully realised, but it may be as much of the common good as can be achieved in history as we know it. Instead of the spontaneous benevolence toward all people envisioned in the great Way (Dadao, 大道), everyone favours their own families. Even "the kingdom is a family inheritance." Given society's commitment to family as its organising principle, achieving the common good consists in practicing filial piety (xiào, 孝), the rules of propriety establishing the proper norms for all social relationships. Moral leadership in a Xiaokang society, inspired by the example of the sage kings "Yu, Tang, Wen and Wu, king Cheng, and

the duke of Zhou"—is exercised by Junzi who observe the rules of propriety, providing good example whenever possible, and sufficient law enforcement whenever necessary:

Of these six great men, each one was very attentive to the rules of propriety, thus to secure the display of righteousness, the realisation of sincerity, the exhibition of errors, the exemplification of benevolence, and the discussion of courtesy, showing the people all the normal virtues. Any rulers who did not follow this course were driven away by those who possessed power and position, and all regarded them as pests. (Book of Rites 9 禮運, Kindle Locations 5663-5666)

The common good achievable in a Xiaokang is a realistic possibility so long as those who aspire to become Junzi are properly educated. Confucius' destiny is to show how this might be done, through his words and his actions.

We have seen that the challenge facing anyone who aspires to Junzi leadership is to live within a tension between the Grand Union—which may animate his or her deepest moral ideals—and the never finished business of maintaining and improving the Small Tranquility in which our lives unfold. Of course, Confucius and his disciples knew that even the Xiaokang is but a hope for the best; if the morality defining the Xiaokang is ignored or perverted, an "Infirm State" (Ci Guó, 疵國) is the likely outcome, as society descends into "a state of darkness" characterised by war and poverty, while leaders become usurpers, bent on nothing higher than their own immediate advantage. Avoiding "the Infirm State" can happen only if society as a whole, and its leaders, embrace the morality embodied in the practices of the Xiaokang, which themselves imperfectly reflect the ideals of the Dadao. Understanding the Junzi's role in avoiding disaster and guiding everyone toward the harmony achievable in a Small Tranquillity is central to any Confucian vision of education for the common good.

## 6.3    Junzi Leadership Intending the Common Good

What we all may yet learn from this Confucian perspective should include the following elements:

First, the pursuit of the common good requires education, even more fundamentally than legislation or public policy reform.

Second, education for the common good must reflect sound moral values, substantively embedded in wisdom traditions like the Confucian classics.

Third, if it is to be pedagogically effective education for the common good must focus on training in moral leadership. It cannot simply be a recital of general concepts reflecting moral ideals and aspirations, detached from a concern for the responsibilities of those who are capable of exercising leadership.

Fourth, within such a focus on developing moral leadership, the emphasis must be practical, that is, it will investigate and propose the rules of propriety—or moral norms and virtues—that must be internalised by anyone claiming a leadership role.

Fifth, this practical focus on cultivating a capacity for leadership must be grounded spiritually, that is, like the Confucian practice of self-cultivation which is central to Junzi leadership development, education for the common good will bear fruit or will wither on the vine depending on whether students master a technique of self-reflection or meditation that will create an habitual attitude of "reverential carefulness."

Sixth, while making no claim to be a sage, the person trying to exercise moral leadership, must seek to acquire virtues conducive toward inner harmony and personal tranquillity, such as those that Confucius taught were characteristic of the Junzi: humility, filial piety, benevolence, and righteousness (Analects 5:16).

Seventh, an authentic Junzi—that is, one who sincerely practices these virtues—will be recognised on account of them. A Junzi's

goodness will inspire goodness in others, who will naturally trust and cooperate with him or her in the pursuit of the common good.

Eighth, the common good, if it is to be truly common, must emerge from the interaction of moral leaders with their followers, who will associate freely because of their mutual interest in achieving a truly common good.

In Confucius' own time—which is remembered as the close of the relatively peaceful Spring and Autumn period and the onslaught of the chaotic Warring States period—the ideal of the Junzi was proposed as a model for political leadership, for training rulers, ministers, and heads of families in their responsibilities for the common good. In our own day, in China's period of economic and social reform, this same idea should challenge us as a model for leadership in business and the professions, the need for which is just as pressing as the need for a recovery of moral responsibility among all who would take up leadership roles. As we have indicated, Junzi leadership always demonstrates care for family (jiā, 家), country (guó, 国), and the whole world (tiān xià, 天下).

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**7**

# ISLAMIC TEACHING ON CORRUPTION

*Islamic Education Trust, Nigeria*

*The following text is part of educational material for Muslims in Nigeria.[50] In this country with the largest Muslim population in Africa, the brochure shows that efforts to resist and overcome corruption is not only government policy, a need of business and a requirement of international standards, but at the core of Islamic faith itself. In the same series, a booklet for Christians was published.* (CS, Editor)

## 7.1 How Islamic Teaching Tackles Corruption

Due to the effect of corruption on the individual and the societies, Islam takes measures to ensure that corruption does not get entrenched in the society, to begin with. Where corruption already exists, Islam takes measures to combat it before it becomes overwhelming. The prevention and treatment of corruption must be holistic and

1.   [50] *Islamic Education Trust, Islam and the Challenge of Corruption in Nigeria*, published by Islamic Education Trust and Lux Terra Leadership Foundation, Minna/Abuja, Nigeria, 2018, 26-37 and 42-45. www.dawahinstitute.org and www.ltleadership.org. The publisher granted the right to publish in this book.

multifaceted. It has to aim at the heart and conscience of the individual, his/her beliefs and motivations behind behaviour and character, while also targeting the structures, systems and functioning of society's various institutions. Approaches to anti-corruption, therefore, must be ideological and spiritual, moral and ethical, administrative and political, economic, social, legal and cultural. It should be both individual and collective. While followership is critical, leadership is imperative.

Below are some of those measures:

### 7.1.1  Teaching religious ethics, rites and inculcating good morals

A lot of attention is given to good conduct and character by Islamic injunctions just as it gives attention to acts of worship/religious rites and other aspects. This is because of the vital role they play in molding people and shaping their behaviour. Good behaviour and conduct help people become God-conscious, upright and God fearing.

Furthermore, they serve as immunity from vices and all forms of ungodly activities and deeds such as oppression, theft, bribery, lack of modesty, which often lead to corruption.

Prophet Muhammad (pbuh) is reported to have said: "Among the early prophetic teachings that have reached people is this: if you do not feel shame, (you will) do what you wish" (Sahih al-Bukhari, hadith no. 6120). In order for people to see the importance of good manners, Allah says: 'And verily, you (O Muhammad) are on an exalted standard of character.' (Q68:4)

The prophet (pbuh) was also reported to have said: "The heaviest deed in the scale of a believer on the Day of judgment is good character." (al-Adab al-Mufrad, hadith 464)

He was also reported to have said: "The most beloved of you to me and the closest to my seat on the day of Judgment are the best among you in character." (Sunan al-Tirmidhi, hadith no. 2018)

"I was only sent to perfect good characters" (al-Sunan al- Kubra, baihaqi, hadith no. 21301)

In an effort to explain the importance of good manners, a renowned Muslim poet, Ahmad Shawki, said: "Nations will exist provided their good manners exist; If their manners disappear they will also not exist; Good manners are the source of your uprightness; Assess the people based on characters, you will be correct."

Concerning religious rites, Allah said in a number of texts that those rites were ordained in order to achieve certain things or benefits. These include God consciousness, abstinence from evil deeds and imbibing good behaviour.

Regarding fasting Allah says: "O you who believe! Observing As-Sawm (the fasting) is prescribed for you as it was prescribed for those before you, that you may become pious" (Q2:183).

On prayer He says: "...and establish regular Prayer; for Prayer restrains from shameful and unjust deeds; and remembrance of Allah is the greatest without doubt..." (Q29:45).

If all parents, teachers, Imams and all concerned are engaged in nurturing their wards on good conduct and morals, immoral acts will certainly not overwhelm the society.

### 7.1.2 *Appointing the right people in position*

This is one of the measures Islam took to prevent corruption. Whoever will be given responsibility, particularly important positions, should be competent, trust-worthy, upright and God fearing. Ignoring those qualities can easily lead to perpetuation of evil acts. Prophet Muhammad (pbuh) is reported to have said:

It has been narrated on the authority of Abu Dharr who said: "I said to the Prophet (pbuh): Messenger of Allah, will you not appoint me to a public office? He stroked my shoulder with his hand and said: Abu Dharr, you are weak and authority is a trust, and on the Day of judgment it is a cause of humiliation and repentance except for one who fulfils its obligations and (properly) discharges the duties attendant thereon" (Sahih Muslim, hadith no.1825).

Narrated by Abu Hurairah that the Messenger of Allah (pbuh) said: "If the trust is misplaced, then expect the Time. People asked: O Messenger of Allah. How can the trust be misplaced? He said: If a task is given to a person who does not deserve it, then expect the Time." (Sahih al- Bukhari, hadith no.6496).

### 7.1.3 *Allah declared corruption as a forbidden act*

The explicit declaration of corruption as a forbidden act by Allah is to make people flee from it.

In Q2: 205, Allah says: "Now there is a kind of man whose views on the life of this world may please thee greatly, and (the more so as) he cites God as witness to what is in his heart and is, moreover, exceedingly skilful in argument." But whenever he prevails, he goes about the earth spreading corruption and destroying (man's) tilth and progeny: God does not love corruption (Fasad).

This is a categorical statement from Allah that corruption, in all its forms, is an unwanted and undesired practice.

### 7.1.4 *Stories of corrupt people in the past and how they were dealt with by God*

One of the effective measures Islam takes in addressing corruption is to tell stories of some corrupt parties and how they were punished. This is intended to serve as deterrent to those who will come after them and may want to be corrupt.

Allah says: "Did you (O Muhammad) not see how your Lord dealt with 'Ad (people)? Who were very tall like lofty pillars. The likes of which were not created in the land? And (with) Thamud (people), who cut (hewed) out rocks in the valley (to make dwellings)? And Fir'aun (Pharaoh), who had pegs (who used to torture men by binding them to peg)? Who did transgress beyond bounds in the lands (in the disobedience of Allah). And made therein much corruption/mischief

(fasad). So your Lord poured on them different kinds of severe torment. Verily, your Lord is Ever Watchful (over them)" (Q89: 6-14).

### 7.1.5 *Severe punishment for the corrupt people in the world and in the Hereafter*

Allah says: "The punishment of those who wage war against Allah and His Messenger, and strive to make mischief through the land is: execution, or crucifixion, or the cutting off of hands and feet from opposite sides, or exile from the land: that is their disgrace in this world, and a heavy punishment is theirs in the Hereafter." (Q5:33)

Allah specifically condemned a corrupt act which is taking part of booty illegally in the following terms: "It is not for any prophet to take illegally a part of booty (Ghulul), and whosoever deceives his companions as regards the booty, he shall bring forth on the Day of Resurrection that which he took (illegally). Then every person shall be paid in full what he has earned, - and they shall not be dealt with unjustly." (Q3:161)

### 7.1.6 *Make fighting corruption a religious obligation*

Another measure Islam considers is to make the fight against corruption a responsibility and an obligation for those who know and have the capability. Neglecting this part attracts Allah's wrath, which may engulf both the corrupt and others equally. Corruption is an evil act and a wrongdoing. Allah and His Prophet (pbuh) had commanded us to enjoin right and forbid evil.

He says: "Let there arise out of you a band of people inviting to all that is good, enjoining what is right, and forbidding what is wrong: they are the ones to attain felicity." (Q3:104)

Prophet Muhammad (pbuh) was also reported to have said that: "Whoever sees an evil act among you should correct it with his hand. If he is not able, then with his tongue, if he is not able, then with his heart, but that is the weakest of faith" (Sunan Abu Dawud, hadith no.1442).

The consequences of not forbidding such an evil act is also emphasized in both the Qur'anic and prophetic texts.

Prophet Muhammad (pbuh) said: "You either enjoin good and forbid evil, otherwise God will engulf you with punishment, then you will invoke him and he will not answer you." (Sunan al-Tirmidhi, hadith no.2169)

Allah also tells us that a group of people among the Israelites became disbelievers, and they were cursed due to their negligence towards forbidding wrong.

He says: "Those of the children of Israel who were bent on denying the truth have (already) been cursed by the tongue of David and of Jesus, the son of Mary. That was because they rebelled (against God) and persisted in transgressing the bounds of what is right. They would not prevent one another from doing whatever hateful things they did: vile indeed was what they were wont to do." (Q5:78-79)

## 7.2 Consequences of Condoning Corruption

Islamic scriptural texts emphasize that corruption, just like other grave sins, has consequences for the corrupt, which is certain. The consequences include Allah's anger, humiliation, and punishment in the world and in the Hereafter.

Allah categorically said: "And Allah does not love the mischief maker (Mufsidin)." (Q5:64)

He also said: "And Allah does not love corruption (Fasad)." (Q2:205)

Numerous verses of the Qur'an have shown how Allah dealt with those evil perpetrators before us which are lessons enough.

About 'Ad, Thamud and Fir'aon who spread fasad on earth, God says: "Did you (O Muhammad) not see how your Lord dealt with 'Ad (people)? Who were very tall like lofty pillars, the likes of which were

not created in the land? And (with) Thamud (people), who cut (hewed) out rocks in the valley (to make dwellings)? And Fir'aon (Pharaoh), who had pegs (who used to torture men by binding them to peg)? Who did transgress beyond bounds in the lands (in the disobedience of Allah) and made therein much corruption/mischief (fasad) so your Lord poured on them different kinds of severe torment? Verily, your Lord is Ever Watchful (over them)." (Q89: 6-14)

Allah tells us how He warned Qarun not to spread corruption on earth for which he was later punished. The Qur'an says: "But seek, with the (wealth) which Allah has bestowed on thee, the Home of the Hereafter, nor forget thy portion in this world: but do thou good, as Allah has been good to thee, and seek not (occasions for) mischief in the land: for Allah loves not those who do mischief." (Q28:77)

Then Allah informs us how he was punished saying: "And thereupon We caused the earth to swallow him and his dwelling; and he had none and nothing to succour him against God, nor was he of those who could succour themselves." (Q28:81)

It is evident from the above-mentioned verses that corrupt individuals shall not go unpunished, because corruption is oppression and an evil act which Allah does not overlook due to its effects on innocent people and on the society.

Punishment of corrupt people in this world, which could come in different forms, is sometimes delayed for various reasons. Corrupt people are sometimes seen as being prosperous, praised and even celebrated in some communities.

God had informed us that this is just a mere enticement and respite (lstidraj) and that they will certainly be dealt with. Prophet Muhammad (pbuh) said: "Verily, Allah Almighty will give respite to the wrongdoer until He seizes him and he cannot escape." Then the Prophet (pbuh) recited the verse, "Such Is the seizure of your Lord when he takes hold

of the cities while they are committing oppression. Verily. his seizure is painful and severe." (Q11:102) (Sahih al-Bukhari, hadith no.4686)

Similar to this is another Hadith where the Prophet (pbuh) said: "If you see a sinner been given what he desires for in this world with his sin, know that that is just an enticement" (Istidraj). Then he recited the word of Allah: Then, when they had forgotten all that they had been told to take to heart. We threw open to them the gates of all (good) things until- even as they were rejoicing in what they had been granted - We suddenly took them to task: and lo! They were broken in spirit. (Silsilah al-Ahadith al- Sahiha, hadith no. 413)

A Muslim scholar Ibn al-Jawzi said: "It is compulsory for a sensible person to beware of the consequence of sins. Indeed its hell is beneath the ash; its punishment may be delayed and it could be early."

Regarding consequences of corruption in the hereafter, Allah said that they will not be granted paradise. The Our'an says: "As for that (happy) life in the hereafter, We grant it (only) to those who do not seek to exalt themselves on earth, nor yet to spread corruption; for the future belongs to the God-conscious." (Q28:83)

## 7.3 Fighting Corruption

1. Corruption is not only about bribes: People especially the poor get hurt when resources are wasted. That's why it is so important to understand the different kinds of corruption to develop smart responses.
2. Power of the people: Create pathways that give citizens relevant tools to engage and participate in their governments – identify priorities, problems and find solutions.
3. Cut the red tape: Bring together formal and informal processes (this means working with the government as well as non-

governmental groups) to change people's behaviour and monitor progress.

4. Use the power of technology to build dynamic and continuous exchanges between key stakeholders: government, citizens, business, civil society groups, media, academia etc.

5. Deliver the goods: Invest in institutions and policies-sustainable improvement in how a government delivers services is only possible if the people in these institutions endorse sensible rules and practices that allow for change while making the best use of tested traditions and legacies. Imported models often do not work; they may be modified to suit local needs.

6. Get incentives right: Align anti-corruption measures with market, behavioural, and social forces. Adopting integrity standards is a smart business decision, especially for companies interested in doing business with the World Bank Group and other development partners.

7. Sanctions matter: Punishing corruption is a vital component of any effective anti-corruption effort.

8. Act globally and locally: Keep citizens engaged on corruption at local, national, international, and global levels- in line with the scale and scope of corruption. Make use of the architecture that has been developed and the platforms that exist for engagement.

9. Build capacity for those who need it most: Countries that suffer from chronic fragility, conflict and violence are often the ones that have the fewest internal resources to combat corruption. Identify ways to leverage international resources to support and sustain good governance.

10. Learn by doing: Any good strategy must be continually monitored and evaluated to make sure it can be easily adapted as situations on the ground change.

11. Self-disclosure - Speak out or send out clear signals right at the beginning of your career that you stand by certain ethical values and demonstrate such values in your work and exhibit your honesty. Remember, honesty is doing the right thing even when no one is watching! For entrepreneurs, it is important to come out with a code of ethics while evolving the systems for the enterprise and equally important is to stand by those laid down codes;

12. Be sure that you do not become an object for blackmailing. Do not do anything which gives room for others to blackmail you.

13. Be fair and transparent in all your actions. Fairness comes when your action or decision does not cause the other party loss. Such fairness must be visible to others. If at all you had to violate any of the existing systems and procedures, it must be only to benefit the organization and done in a transparent way. Soon you will realise that such violations get updated to the existing systems and procedures!

All the principles above can be put into practice only *when you know yourself and believe in yourself.* With this belief comes an absolute faith in God, no matter what; you are bound to succeed. Indeed, these principles of persuasion have also been analysed as strengths that could be harnessed to gain business economic, managerial and political advantages. However, because they neatly codify our intuitive understanding of the ways people evaluate information and form decisions, nothing changes them from what they are- principles of social influence that can be deceptively and coercively applied to foster corruption and many other social vices. It is thus very important to

recognize the impact of these tendencies upon us and play safe in order to avert the persuasive traps of corruption.

## 7.4    Principles of Corruption Prevention

*Below are some principles for preventing corruption culled from the Corruption Prevention Training Manual of the Anti-Corruption Academy of Nigeria (2007).*

Corruption prevention represents those plans and mechanisms employed by entities in order to attain a specific objective aimed at inhibiting corruption. These strategies or mechanisms for crime prevention can also be applicable to corruption prevention within any social structure.

1.  Target Hardening: Using the instrumentality of policy to make targets more resistant to attack or more difficult to remove or damage. This can include instruments such as the Treasury Single Account, Regular transaction report to stakeholders or Board, etc.

2.  Target Removal: Permanent or temporary removal of vulnerable person(s) or property or process. Quite simply, this means making sure that any object, which the corrupt individual is interested in is not visible or not reachable.

3.  Reducing Means of Committing Corruption: Using the policies, especially administrative direction, to make sure that material capable of being used to help a criminal commit a crime is not accessible. E.g. transiting to a cashless system.

4.  Surveillance: Improving surveillance to obtain information to nip corruption in the bud and deter perpetrators. This includes financial intelligence tracking (Suspicious Transaction Reports [STRs], Cash Transaction Reports [CTRs]) and lifestyle checks.

5. Environmental Change: Creating an environment of integrity, which spurs individuals to act ethically. Setting a system that encourages reward for hard work and recognition for excellence.

6. Rule Setting: Developing standard operating procedures and regulations that reduce ambiguity and opportunities for arbitrary exercise of discretion. And even where discretions are to be exercised, clear guidelines should be provided for exercising such discretions with requirement for accountability.

7. Increase the chances of being caught: Developing standard operating procedures and regulations that reduce ambiguity and opportunities for arbitrary exercise of discretion, impunity in criminal administration of justice, using multiple check systems and improving reporting systems such as whistle-blower policies.

8. Deflecting Potential Offenders: Monitoring past offenders/perpetrators and ensuring there is adequate support to boost their confidence to desist from practices and avoid stigmatization.

## 7.5 Tips for Resisting Negative Influence

Below are some tips to resist negative influence, offered by Philip Zimbardo in his *The Lucifer Effect: Understanding How Good People Turn Evil*.

1. Let go of illusions of "personal invulnerability": Do not assume that you are invulnerable to acts of corruption. If it can happen to them, it can happen to you.

2. Be modest in self-estimates: It's better to perceive yourself as vulnerable and take precautions.

3. Engage in life as fully as possible, yet be prepared to disengage and think critically when necessary.

4. Be ready to say the three most difficult phrases in the world: "I was wrong"

5. "I made a mistake", and "I've changed my mind". Dissonance and consistency go limp in the face of self-honesty.

6. Separate your ego from your actions. Maintain a sense of positive self-esteem that is independent from the occasional failure and your imprudent actions at times.

7. Separate the messenger from the message in your mind: Be aware of mental fatigue, wanting simple answers or short cuts, and giving in to non-verbal tricks. There are no free lunches and no quick paths to anything worthwhile - sloth and greed breed gullibility.

8. Insist on a second opinion: Think about opportunities, contracts, proposals, and requests for commitments away from the situation; never immediately sign on the dotted line. Develop mental and intuition systems that acknowledge your vague feelings of something wrong.

9. Try playing devil's advocate, be the deviant in a positive way! Assess the reactions against you when the influence agent says he/she is only doing this for your good.

10. In all confrontations with authority: be polite, individuate yourself, describe the problem objectively, do not get emotional, state clearly the remedy sought, and the positive consequences expected.

11. Never allow yourself to be cut off emotionally from your familiar and trusted reference groups of family, friends, neighbours, co-workers – do not accept putdowns against them.

12. Remember that many ideologies are abstractions used for particular political, religious, social, economic purposes -

always relate these to your values and question if the means justify the ends.

13. Think hard before putting abstract principles before real people in following other's advice to act in specific ways.

14. Trust your intuition and gut feelings. When you sense you are becoming a target of influence, put up your counter arguing mentality and dig down for sources for resistance.

15. Rules are abstractions for controlling behaviour and eliciting compliance and conformity - consider when, where and why we have rules. Ask: who made the rule? What purpose does it serve? Who maintains it? Does it make sense in this specific situation? What happens if it is violated?

16. When trying to figure out reasons for unusual behaviour - yours or others - start by considering possible situation forces and variables vs judging the behaviour as 'character'.

Overall, the tradition in Islamic heritage is concerned with high moral standards, ethics, values and norms of behaviour, which govern personal, professional and business life of individuals, groups and nations. These standards, ethics and values have much in common with other world religions and are consistent with any socio-political and economic mechanism of accountability, transparency, social inclusiveness, and the rule of law. More to that, Islam recognizes the illicitness of offenses such as fraud, bribery, and the seemingly inconsequential offenses like forgery of documents. On the other side, Islam recognizes and encourages the bringing to book of offenders by way of commensurate penalties, which include fines, seizure of property, removal from office and confinement. It is pertinent therefore to say that Islam detests corruption to the letter and is in tandem with all relevant course, effort and framework that seek to combat corruption.

# 8

## ISLAMIC FINANCE AND INNOVATION: GOVERNANCE STRUCTURES AND FINANCIAL SERVICES

*Omar Shaikh, United Kingdom*

Corruption is limiting economic growth and economic justice around the world. The World Economic Forum estimate that more than \$1 trillion is paid in bribes each year, and that corruption reduces global GDP by 5% each year[51]. Issues such as industrial scale money laundering as described in the Panama Papers, Paradise Papers et al, misselling, price fixing and the LIBOR scandal, unethical lending practices leading to the global financial crisis have grabbed headlines across the world over the past decade.

The charge sheet for the financial services sector does seem to be long, but there are plenty of attempts and initiatives to deal with this. As Lord Turner noted banking had become "socially useless", there has been a desire to refocus our banking system away from highly speculative structured products to a more traditional prudent and more purposeful sector that serves society. Perhaps the most prominent growth in the sector has been within the broader 'ESG' arena. Falling

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[51] Lack of detailed *knowledge* about corporate corruption — and how to fight it effectively — is limiting economic growth around the world, Armando Castro, Nelson Phillips and Shaz Ansari (2020) in Academy of Management Annals.

within a broad umbrella of ethical finances approaches, ESG stands for 'environment, social and governance' and refers to the practice of understanding how these factors affect financial performance and incorporating them into decision-making.

## 8.1   ESG & Corruption in Financial Services

The challenge of corruption in financial services is not a new one. As Thomas Jefferson said, "I sincerely believe that banking institutions are more dangerous to our liberties than standing armies."

Any time one group of people are looking after money that is not theirs, or handling large quantities of money, there is some potential for mis-aligned interests and malpractice. To some extent, any contract between unequal parties has some potential for corruption. Economics describes this as the principal-agent problem: how do you make sure the interests of those who truly own the money line up with the interests of those who manage it? This basic problem is often behind most corruption and governance scandals.

Corruption can affect investors in two basic ways. The first is that they are the direct victims of it. Someone charged with executing their interests is instead looking after their own – a purchasing manager taking a bribe, for example. The second is that someone acting on their behalf is engaging in corrupt practices, which will cause them to suffer reputational damage and, in the long term, loss of business.

ESG sits within a broad umbrella of 'ethical' approaches. Bridges Fund Management describes a 'spectrum of capital', ranging from ESG investing, which seeks to improve returns by understanding how environmental, social and governance factors affect financial performance, to socially responsible investing which seeks to avoid excessive harms in its activity, to impact investing, which actively seeks to generate positive social outcomes.

All of these approaches view the adoption of good governance practices as essential to avoiding the commercial harm of scandals, with a variety of outlooks on how important avoiding the ethical harm of scandals is. Good governance practices broadly refer to ensuring that those responsible for business practice effective stewardship towards it, enhancing and maintaining transparency through disclosures and professional integrity.

Practical examples of how ESG investors are improving governance include:

- Improving governance codes
- Improving board quality and independence
- Controlling executive remuneration
- Enhancing disclosures
- Improving shareholder rights to table and vote on motions.

## 8.2 Islamic Finance – An Alternative Form of Governance?

Islamic finance is a form of faith-based ethical finance, which is rooted in values found across the Abrahamic traditions. While there are proscriptions on involvement within certain 'sin' sectors such as alcohol or gambling, a core principle of Islamic finance is that of banning interest (or *riba*). This, however, is not uniquely Islamic, but is found in both the Jewish and Christian traditions as well. Christians had banned interest 600 years before Islam and for many centuries, up to the Franciscan period, the charging of interest (*usury*) was outlawed within Christianity, only opening up 500 years ago among others with the Reformer John Calvin.[52]

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[52] Note from the Editor: See Christoph Stückelberger, *No Interest from the Poor. Calvin's Economic and Banking Ethics*, in: Christoph Stückelberger/Reinhold Bernhardt (eds.), Calvin Global. How Faith influences Societies, Geneva: Globethics.net, 2009, 53-70. The author shows that Calvin developed very strict

To cope with the demands of creating a form of finance that complies with religious principles without the state itself banning interest, as was the case in medieval Europe, Islamic Finance has created a unique set of shari'ah governance structures, the like of which has not been seen before across conventional financial markets. This contemporary experiment has given rise to a fascinating set of results, which can inform the broader industry debate on both governance but also systemic stability and transparency issues.

In the context of shari'ah governance, Islamic finance practitioners cannot sell any product without formal shari'ah signoff. This formal certification and signoff is typically accompanied by an explanation of exactly what the product is, what it does, and why it is *halal*. Sign off is provided by a unique additional layer within the governance and risk framework of the financial institution which also provides and touchpoint for concerns or complaints for customers.

This article will explore shari'ah governance to examine how it has enhanced integrity and transparency within financial markets, as well as some of the challenges faced in implementing this.

## 8.3 Shari'ah Governance

### 8.3.1   What is Shari'ah?

The fundamental requirement for any Islamic finance product is simply for it to be in compliance with shari'ah (Islamic law). Shari'ah is the sum of Islam's teaching and system, which was revealed to Prophet Muhammad, peace be upon him (p.b.u.h.), recorded in the Qur'an as

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six limitations on taking interest, which are in fact quite close to modern Islamic Finance. The author also compared Calvin and Islamic Finance. Calvin was far from being the inventor of capitalism, as some authors claim, based on a misinterpretation of Max Weber. He rather aimed at a social market economy.

well as deducible from the record of the Prophet's divinely-guided life called the Sunnah (i.e. words, actions and tacit approval of the Prophet).

Scholars have often viewed shari'ah as a pyramid with the Maqasid (purpose of the shari'ah) at the top, followed by usool-ul-fiqh (principles, which derive rulings from shari'ah), thereafter qawaid fiqhiyyah (legal maxims) and finally the fatwa (specific rulings issued by scholars) as illustrated in the diagram below.

Fiqh, (Islamic jurisprudence) is the product of a deeper understanding of shari'ah and allows interpretations based on the relevant context. The study of the basis of fiqh is referred to as usool-ul-fiqh (principles of Islamic jurisprudence) and utilises elements such as scholarly consensus (ijmaa), analogy (qiyas) and scholars' reasoning (ijtihad). These principles and guidelines are applied by a scholar (faqhi) to formulate a legal ruling (fatwa). Shari'ah scholars determine that a financial product or structure is shari'ah compliant by issuing their opinion as a legal ruling.

The maqasid is seen as the pinnacle of the system and in this regard certain current Islamic financing structures have received criticism for their apparent dearth in applicability or focus on maqasid. The law of Allah and its inner meaning is not easy to interpret and shari'ah regulates all human actions. This is why it is not "law" in the narrower modern sense as it contains a comprehensive set of principles and legal and ethical doctrines. It is basically a doctrine of duties, a code of obligations. For this reason, although legal considerations and individual rights have a place in it, these are only aspects of the broader role of shari'ah in providing a religious perspective and evaluation of the affairs of life as a whole.

### 8.3.2 How is Shari'ah compliance assessed?

Shari'ah compliance of financial products is assessed and certified by shari'ah scholars either in their individual capacity or more typically by the collective decision making of Shari'ah Supervisory Boards (SSB)

within Islamic Financial Institutions (IFI). Ongoing assurance of shari'ah compliance is provided to stakeholders through the Shari'ah Compliance Certificates included in the annual audit report of an IFI.

The need to reinforce and enhance shari'ah governance frameworks to keep pace with the rapid growth of the industry is paramount in maintaining stakeholder confidence. Inherently, assurance and governance practices designed for smaller scale emerging sectors valued at a few hundred billion USD may not necessarily be suitable for an industry, which is now reportedly circa $3 trillion with a continually increasing global footprint.

There is a considerable body of literature available on the nature and form of current shari'ah governance frameworks. These frameworks have evolved over the past decades with the industry and are typically governed by local central bank regulatory guidance and international frameworks provided by AAOIFI and IFSB.

## 8.4 Current Assurance Frameworks in Islamic Finance

The development of contemporary shari'ah governance frameworks in Islamic finance has been primarily led by selected central banks and two international organisations: the Accounting and Auditing Organisation for Financial Institutions (AAOIFI) and the Islamic Financial Services Board (IFSB). The International Islamic Fiqh Academy, established by the Organisation of Islamic Countries (OIC), has also played an important role historically in the issuance of fatwa regarding certain financial structures.

Alongside these multilateral bodies, central banks that set guidelines on shari'ah governance and assurance typically do so by considering the guidance provided by AAOIFI and the IFSB. Most of the central banks in countries where Islamic banking is well established require IFIs to have an SSB and they have detailed its composition, the qualifications

of its members, etc. They have also outlined the structure and reporting lines for internal shari'ah review/audit functions, amongst other requirements. In addition, where central banks themselves have established an SSB, they regulate the centralised SSB's mandate as well as scope and level of binding authority over IFIs.

There are broadly *three different models of shari'ah governance* adopted by various jurisdictions. The first is *centralized* shari'ah governance, which applies to jurisdictions having their own centralized bodies governing Islamic finance such as Malaysia, Indonesia and Pakistan. Second is an *exclusive* shari'ah body, which applies to jurisdictions having their own central body governing Islamic finance, but is restricted to its Central Banks alone such as the UAE and Bahrain. The third category is *self-regulatory* shari'ah governance, applying to jurisdictions where shari'ah decisions are made at the institution level with very little, or no, government intervention, such as the UK and France.

AAOIFI issues standards and guidance on accounting, auditing, governance, ethics and shari'ah standards for Islamic financial institutions and the Islamic finance industry. Other areas covered by IFSB include standards and guidance on capital adequacy, corporate governance, risk management and transparency. Shari'ah governance standards published by both AAOIFI and IFSB include guidance on areas such as Shari'ah Supervisory Boards, Central Shari'ah Boards, Shari'ah Compliance Manual, Fit and Proper Criteria, Conflict of Interest rules, Disclosure requirements and Shari'ah Review Units. AAOIFI has published 54 shari'ah standards (as at Nov 2017).

## 8.5. Shari'ah Governance in Review – Summary, Criticisms and Lessons for other Religions and Secular Institutions

Fundamentally, shari'ah governance structures can create enhanced integrity within banking operating frameworks by having a religious authority in the room alongside the bankers. Conventional bankers are typically used to being governed by profits alone; what is profitable is right. Religion brings its inherent moral position, acting as a source of justification for any action outside of worldly affairs. Having this authority applied to worldly affairs – such as finance – has created an interesting natural check and balance.

This embeds an expected level of social conscience and moral values into financial practice and products. A recent project - the Edinburgh Finance Declaration - initiated by the UK Islamic Finance Council (UKIFC)[53] and the Church of Scotland - highlighted that much of these values are indeed shared across faith groups. On the basis of a series of workshops between different faith scholars and financiers, a 'Shared Values Framework'[54] towards finance was created which identified six common values and links them to contemporary financial markets and also the UN Sustainable Development Goals.

This injection of values into banking could not only be beneficial for finance, but for religion too. In their own sphere, religious authorities are supreme, but by providing this check and balance to worldly affairs they can not only contribute to public life, but also guard against any abuse or corruption within their own organisations and address challenges as to their relevance to contemporary society.

Despite the positives of Shari'ah governance structures, the Islamic finance industry has not been immune to concerns regarding

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[53] www.ukifc.com.

[54] https://www.globalethicalfinance.org/edinburgh-finance-declaration.

governance. Scholars are respected religious authorities but are nonetheless on the payroll of the institutions whose conduct they are supposed to be governing. There is a natural human tendency not to want to bite the hand that feeds you, and while the vast majority of scholars will act with integrity, it cannot simply be assumed that this will always happen.

The same dynamic affects mainstream auditing sector, which has been involved in numerous governance scandals, such as the ENRON scandal. Auditors were perhaps willfully blind to the poor conduct of those they were supposed to be auditing particularly where the non-audit fee income was considerable. Likewise, history has shown where religious scholars are on the payroll of the state their pronouncements/fatwa's can sometimes be impaired. Through the centuries, in all religions, this issue has played out. Naturally, processes and disclosures are in place to address such risk, and these have been constantly improving over the last couple of decades in Islamic finance.

In addition, like their conventional counterparts, Islamic financial institutions are not insulated from the impacts of corruption on the economy around them, with various scholars finding that corruption reduces the potential of Islamic finance to alleviate poverty[55], decelerates the overall growth of loans[56] and impacts upon bank profitability[57]. These concerns do not fundamentally compromise the governance structures, or the value of Islamic banking. Rather, they are tendencies that must be guarded against.

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[55] Khemaies Bougatef, *The impact of corruption on the soundness of Islamic banks*," Borsa Istanbul Review, Research and Business Development Department, Borsa Istanbul, vol. 15(4), Dec 2015, 283-295.

[56] https://onlinelibrary.wiley.com/doi/full/10.1002/ijfe.2011

[57] Yunan, Z.Y, *Does corruption affect Islamic banking? Empirical evidence from the OIC countries*, *Journal of Financial Crime*, 2020, Vol. ahead-of-print No. ahead-of-print. https://doi.org/10.1108/JFC-06-2020-0101. Download as .RIS.

Overall, the implementation of a moral authority within the corporate structure offers lessons both to other religions and to secular institutions as we increasingly discuss the need to move from a model of shareholder capitalism to one of stakeholder capitalism.

Consider a scenario in which banks in the UK had embedded powerful ethics boards within themselves, comprised of a broad representation of religious and secular moral authorities to reflect their client base and the wider public. Like a shari'ah board, these ethics boards would be required to give moral signoff on products offered, to force managers to explain the social and environmental impact of a particular product and how it would be beneficial to the bank's customers and society at large. Under these conditions, it seems unlikely that scandals such as PPE or subprime mortgages could ever have reached the systemic proportions that they did.

Implementing boards such as this across the economy would be a challenging task, though not – as the experience of Islamic finance shows – an impossible one. It would represent a profound shift away from our current economic model, which places the shareholder above all, towards a capitalism in which what is right is a permanent consideration alongside what is profitable.

**9**

# PROTESTANT CHRISTIANITY AND CONTROL OF CORRUPTION. PAST AND PRESENT

*Martin Allaby, United Kingdom*

## Abstract

This article[58] is structured around six key statements about corruption:

1. Corruption is a major obstacle to ending extreme poverty.
2. The World Bank strategy for reducing corruption lacks focus on incentives and hazards.
3. Protestant Christianity has motivated individuals to control corruption in the past.
4. Protestant Christianity continues to motivate some individuals to control corruption in the present.
5. There are, however, serious weaknesses in the wider Protestant response to corruption.

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[58] *With permission republished with the same title from Martin Allaby,* Christian Relief, Development and Advocacy, *The Journal of the Accord Network*, 1 (2), 2020, 83-92. https://crdajournal.org*. Sources in this article are not in footnotes, but referring to the references at the end of the article.

Christians have a major role to play in the fight against corruption, but they must address three areas if they are to realize their potential: adequate funding, reflection on their current status in relation to corruption in society, and good theology. Finally, interested readers are invited to connect with the Faith and Public Integrity Network[59].

## 9.1    Introduction

Corruption is widely understood to play a causal role in the persistence of global poverty. The World Bank makes this argument, as do Christian scholars such as Gary Haugen and Victor Boutros (2014) and Roberto Laver (2018). True, corruption may not be poverty's only cause, but the important role it plays requires us to fight it. After some introductory comments about how corruption and poverty are linked, this paper outlines the World Bank's strategy for controlling corruption, but critiques the Bank for being slow to acknowledge the lack of incentives for rulers to control corruption, or the hazards faced by champions of reform. If the World Bank is not up to the task, from whence might help come? The paper points out that Protestant Christianity has played an important role in the past in limiting corruption and goes on to argue that at least some Protestant Christians are taking up the task of fighting against corruption today. Two such organizations are introduced, one from the Philippines and the other from Honduras. Unfortunately, we must acknowledge that Christian organizations today are not as engaged in fighting corruption as their secular counterparts. Why is that? The paper explores three reasons why Christians are not taking up the fight as they should, and concludes with a call to Christians everywhere to take the Bible seriously and to get involved.

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[59] https://fpinetwork.org.

## 9.2 Corruption as a Major Obstacle to Ending Extreme Poverty

Let us begin with a look at the nature of corruption, and its powerfully negative impacts, especially on the poor. There is no universally agreed definition of corruption, but this one developed by Transparency International is widely used: "the abuse of entrusted power for private gain." Transparency International classifies corruption as grand, petty, or political, depending on the amounts of money lost, and the sector where it occurs:

Grand corruption consists of acts committed at a high level of government that distort policies or the central functioning of the state, enabling leaders to benefit at the expense of the public good.

Petty corruption refers to everyday abuse of entrusted power by low- and mid-level public officials in their interactions with ordinary citizens, who often are trying to access basic goods or services in places like hospitals, schools, police departments and other agencies.

Political corruption is a manipulation of policies, institutions and rules of procedure in the allocation of resources and financing by political decision makers, who abuse their position to sustain their power, status and wealth (Transparency International 2019a).

The discourse on corruption is located within the broader concept of governance, which has to do with the way decisions are made and implemented and with how citizens and other organizations are involved in that process. Control of corruption depends on good governance, in which the legislature, the executive and the judiciary – the three main institutions of the state - operate as they should.

The World Bank considers corruption a major challenge to its twin goals of ending extreme poverty by 2030 and boosting shared prosperity for the poorest forty percent of people in developing countries:

Corruption has a disproportionate impact on the poor and most vulnerable, increasing costs and reducing access to services, including

health, education and justice … Corruption erodes trust in government and undermines the social contract. This is cause for concern across the globe, but particularly in contexts of fragility and violence, as corruption fuels and perpetuates the inequalities and discontent that lead to fragility, violent extremism, and conflict. Corruption impedes investment, with consequent effects on growth and jobs. Countries capable of confronting corruption use their human and financial resources more efficiently, attract more investment, and grow more rapidly (World Bank 2018).

Although corruption is often seen as a problem that mainly affects lower-income countries, there are no grounds for complacency in high-income countries. Using a scale where 100 represents perfect control of corruption, Transparency International's Corruption Perception Index (CPI) score for the USA fell from a high point of 76 in 2015 to 69 in 2019. More fundamentally, some observers raise concerns about the influence of global finance on government policies, particularly in high-income countries (Monbiot 2015), but such issues require a discussion that is beyond the scope of this article.

## 9.3 The World Bank Strategy for Reducing Corruption Lacks Focus on Incentives and Hazards

The World Bank's official engagement with corruption began in 1996 when James Wolfensohn, President of the Bank at the time, delivered a ground-breaking speech in which he called on the world to take action against the "cancer of corruption" (Wolfensohn 1996). Over the next few years Bank staff developed a strategy for reducing corruption that comprises reforms intended to achieve the following:

1. Capable, transparent, and accountable states.
2. Multi-stakeholder engagement with civil society, media, and communities.

3.  A competitive and responsible private sector (World Bank 2007, 47-54).

In its early assessments of progress with the strategy, the "World Bank:Anti-Corruption Strategy" was candid about the enormous difficulty of combating corruption: "global trends in governance and corruption indicate that, while some progress may have been made in strengthening state capacity and accountability worldwide, there is little evidence that this has had a significant aggregate impact on reducing corruption overall" (World Bank 2007, 40). To tackle the more deep-rooted institutional and political problems that underpin grand corruption and political corruption, the strategy pinned great hopes on "the key role of country-level reformers in moving forward the governance reform agenda" (World Bank 2007, 47).

While it is certainly true that leadership by country-level reformers can be very important, the "World Bank:Anti-Corruption Strategy" pays little attention to factors that might generate or strengthen the motivation those reformers need. Several writers have noted the lack of incentives for rulers to control corruption, and the hazards faced by champions of reform. The economist Robert Neild observes that the institutions required to keep corruption in check are well known, but poses the question "What has sometimes given rulers the will and the ability to introduce these institutions which, in their very nature, constrain the degree to which they, the rulers, can pursue power and wealth?" (Nield 2002, 201). In his assessment of the task faced by country-level reformers in the most corrupt countries, the economist Paul Collier gives a stark account of the challenge they face (Collier 2007, 180, 192):

Within the societies of the bottom billion there is an intense struggle between brave people who are trying to achieve change and powerful groups who oppose them. The politics of the bottom billion is not the bland and sedate process of the rich democracies but rather a dangerous contest between moral extremes… Although the reformers have truth on

their side, truth is just another special interest, and not a particularly powerful one. The villains willing to lie in order to defeat change have an advantage over those constrained by honesty. Reformers do not have it easy.

To be fair to the Bank, some of their more recent statements have been more forthcoming about the dangers inherent in fighting corruption, and the moral nature of the task. For example, in his speech at a 2016 Anti-Corruption Summit in London, Bank President Jim Yong Kim said:

While information is becoming more accessible, it is troubling that the space for citizens and non-state organizations to voice their objections is often diminishing. The death of activists, such as Berta Caceres, Nelson Garcia and so many others in Honduras, has had a chilling effect on accountability. We must do all we can to protect the defenders of transparency … We will rededicate ourselves to fighting the cancer of corruption and move ahead with urgency to stop those who are stealing from the poor. This is both our moral duty and one of the best possible strategies for economic development (Kim 2016).

## 9.4 Protestant Christianity has Motivated Individuals to Control Corruption in the Past

It is thus of great importance to discover what it is that motivates people to live with integrity in public office and to establish a civil society that protects against corruption. Historically, there is evidence that Christianity, particularly Protestant Christianity, has played an important role in controlling corruption. Consider the work by two contemporary social scientists, Francis Fukuyama and Robert Woodberry. Fukuyama provides a narrative account of the top-down reforming role of political leaders motived by their Christian faith. Woodberry uses the power of statistical analysis to show that Protestant

missionaries have played a major role globally in improving control of corruption through strengthening civil society.

Both these scholars emphasize the role of Protestants, rather than Roman Catholic or Orthodox Christians, and this emphasis is consistent with statistical evidence that, after adjusting for other factors, countries with a Protestant majority tend to do slightly better at controlling corruption (Treisman 2000).[60] Proposed explanations for this finding range from the religious, in which Protestants are characterised as people who emphasise personal responsibility for avoiding sin, to the cultural, according to which Protestant societies are more likely to discover and punish abuses by government officials because dissent is the norm in the religious sphere. Attempts to find statistical support from international datasets for any of the proposed explanations have so far not proved successful (Ko & Moon 2014), but the fact remains that there is a small, but significant, relationship between Protestantism and control of corruption.

### 9.4.1 Reform from the top down

Fukuyama seeks to explain why the state performs better in Germany, Britain, and America than in Greece or Italy. Of the former countries, he writes:

"In each of these countries, individual leaders of reform movements were motivated by personal religiosity. They included the Great Elector and Frederick William 1 of Prussia, whose Calvinism induced them to import coreligionists from abroad and gave them a disciplinary vision of an austere and moral society led by an upright state … From well before the English Civil War, Puritanism was an important driver of reform in England, and it continued to shape the behavior of the new middle

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[60] *As with all statistical findings, it is important to note that there are numerous exceptions to the general finding that countries with a Protestant majority tend to do slightly better at controlling corruption: there are many Roman Catholics who take a strong stand against corruption, and many Protestants who do not.*

classes in the nineteenth century. This was true as well of the upper-crust Progressive Era reformers in late-nineteenth century America, who did not think merely that political bosses and patronage politics got in the way of making money. They were morally outraged that public offices were being perverted for private ends … Individual leaders like Gifford Pinchot were driven by a kind of Protestant religiosity that has largely disappeared from contemporary American public life." (Fukuyama 2014, 206).

The Protestant King Frederick William 1 of Prussia (1688-1740) is remembered for transforming Prussia from a second-rate power into an efficient and prosperous state, through reforms that included dissolving his extravagant court, freeing all serfs and abolishing hereditary leases, encouraging industry and manufacture, and instituting compulsory primary education (Britannica Library 2019).

Gifford Pinchot (1865-1946) was a conservationist and Chief Forester of the United States. He is remembered as part of a generational cohort that one historian has called "ministers of reform," who eschewed the Protestant ministry but invoked Protestant values to push for social reform. His concern to use forests and rivers for "the greatest good for the greatest number for the longest time" thrust him into battles against monopolistic corporate abusers of the land and cast him as a crusader for the public good (Naylor 2005).

The so-called Clapham Evangelicals exemplify the influence of Puritanism in nineteenth century England. The historian Herbert Schlossberg described their activities in these terms:

Apart from the issue of slavery, their most consistent legislative activity was directed at economic and administrative issues. They were invariably proponents of reforms that would make the government more honest and efficient, and they and their allies made significant contributions in reforming the navy, chancery law, the East India Company, and abuses such as bribery and purchase of governmental

offices. They found offensive the corruption that was endemic in the government and had long been tolerated, and they did what they could to bring the problem to the forefront of debate (Schlossberg 2000, 253).

These individuals and groups illustrate some of the diverse ways in which Christians occupying leadership positions within the state have been motivated by their faith to reform the state and control corruption.

### 9.4.2 Reform from the bottom up

The sociologist Robert Woodberry analysed a large global dataset to generate evidence that the Christianity practiced by "conversionary Protestant" missionaries over the past 200 years fostered democracy, rule of law, and control of corruption through their efforts to enable people to read the Bible in their own language and to facilitate lay religious involvement:

As conversionary Protestants tried to spread their faith, they catalyzed mass education, mass printing, and civil society—hampering elite attempts to monopolize these resources ... These resource transfers to non-elites helped alter the class structure, fostered the rise of political parties and nonviolent political movements, and facilitated broader political participation.

Non-state-supported Protestant denominations historically suffered from discrimination and persecution by governments and state churches. Thus they fought for religious liberty and against state interference in civil society.

Finally, non-state missionaries moderated colonial abuses, particularly when abuses undermined conversions and in British colonies (where conversionary Protestants had greater influence). To reach their religious goals, non-state missionaries punished abusive colonial officials and counterbalanced white settlers … When missionaries were financially independent of the state, of slave owners, and of white settlers, missionaries undermined these elite co-religionists in ways that fostered democracy (Woodberry 2012, 244).

Woodberry tested these arguments using a wide array of statistical data and found that the most powerful predictor of a country's mean democracy scores, and of indicators of rule of law and control of corruption, during the period 1950–94 was the number of Protestant missionaries per 10,000 population in 1923. He concluded that Max Weber was correct in his intuitions about the importance of religious beliefs and institutions: "What we consider modernity was not the inevitable result of economic development, urbanization, industrialization, secularization, or the Enlightenment, but a far more contingent process profoundly shaped by activist religion" (Woodberry 2012, 270).

## 9.5 Protestant Christianity is Motivating Some Individuals to Control Corruption in the Present

Moving from the past to the present, this section briefly describes two examples of ways in which Protestant Christians are contributing to controlling corruption today: a top-down approach in the Philippines, pursued by the Fellowship of Christians in Government (FOCIG), and a bottom-up approach in Honduras, adopted by the Association for a More Just Society (AJS). These two organizations warrant attention because they have been established for a relatively long period, and because there is some evidence that they have made an impact on a national scale.

### 9.5.1 A top-down approach in the Philippines

Since 1989 FOCIG has been pursuing a Christian faith-based approach to countering corruption in the Philippines. Although they initially pursued a bottom-up approach that involved public education and support for legal cases, in 2005 they shifted to a top-down strategy, seeking reform from within the state itself. Recognizing the huge

influence of the military in the Philippines, they began there. Their founder, Niels Riconalla, described their approach as follows:

If you want to solve a lot of problems in this country, notably corruption, then we as Christians in the government should play a key role. We're on the inside and we can do something about it. In 2005 the Secretary of National Defence approved our proposal to conduct moral values training for the top brass of the Armed Forces of the Philippines. We have seen amazing results in the Army (Allaby 2013, 74-5).

Generals who have been influenced by conversion to Christ describe changes in their behavior that include refusing large kickbacks on high-value contracts for military hardware, and adopting a zero-tolerance approach to extra-judicial killings. Probably the most dramatic impact of this approach came during the Philippines Presidential election in 2010. The Army Chief at that time, General Bangit, had been converted from nominal Catholicism to active Christian faith in 2005 through attending FOCIG moral values training seminars.

In 2010, subversive political forces offered him the opportunity to lead a military junta, provided he would promise to lead a coup in the event of victory by the reform candidate Benigno Aquino. But General Bangit maintained that his duty as a Christian was to protect the Philippine constitution, so he refused the offer to lead a military junta. Instead, he facilitated a free and fair election by ordering the army to assist in the distribution of electronic voting machines, and Benigno Aquino was duly elected.

Although the incoming president Aquino decided to replace General Bangit as Army Chief, his decision to support a free and fair election had a continuing impact. According to the Asian Development Bank (2016, 3), Aquino's administration made the fight against corruption one of its major thrusts, pursuing major corruption cases and creating more trust in the functioning of the state. These efforts resulted in higher tax collection, increasing investment, and stable economic growth.

It is difficult to measure changes in corruption over time, but Transparency International's CPI score is a widely used measure of the perceived extent of corruption. During Aquino's time as president, the Philippines CPI ranking among countries in the Asia Pacific region improved from 25th out of 33 in 2010, to 11th out of 27 countries in 2014, before falling back to 18th out of 30 countries by the end of his term in 2016 (Transparency International 2019b). Such dramatic changes in any country's CPI ranking are rarely seen over such a short period of time.

Limitations of FOCIG's approach to reform include the relatively high rate of turnover among the Philippine generals, who typically spend only a few years in the post before facing compulsory retirement at age 56, and the risk that a reform-minded president will be succeeded by one who lacks such goals: since Rodrigo Duterte was elected president in 2016, the Philippines CPI ranking has fallen to 22nd out of 31 countries in the Asia Pacific region (Transparency International 2019b). Turnover of senior personnel causes similar problems in other government agencies with which FOCIG has worked, such as the Philippine National Police, the Bureau of Internal Revenue, and the Bureau of Customs.

To help address this limitation, in 2019 FOCIG entered a partnership with Trident Integrity, a Malaysia-based consultancy that helps governments develop comprehensive national integrity programs, which typically include the design and installation of software that makes it much easier to detect theft or fraud from public accounts. At the time of writing it is too early to say whether this combination of the personal approach (encouraging Christian leaders to apply their faith to the challenge of corruption) with technical innovation will succeed in institutionalizing better control of corruption, so that if reform-minded leaders are replaced by corrupt officials it will be harder for them to revert to corrupt practices.

### 9.5.2 A bottom-up approach in Honduras

Moving from a top-down to a bottom-up approach to controlling corruption, the Honduran organization AJS was founded in 1998 by a group of four Hondurans and a North American couple working in Honduras. Their mission statement is: 'We strive to be brave Christians, dedicated to doing justice in Honduras and to inspiring others around the world to seek justice in their own contexts' (Association for a More Just Society 2019a). Their anti-corruption work encompasses land rights, investigative journalism, reform of education and public health services, a corruption hotline, and legal assistance. Their successful track record in these areas is evidenced by the decision of Transparency International (a non-religious organization) to designate AJS as its national chapter in Honduras.

An important part of AJS strategy involves empowering local citizens to know their rights and to hold their local governments, including their schools, accountable. They train people in communities on their civil rights and the role they can play as monitors of educational practice in their local schools. These empowered citizens initially focused on monitoring the presence of teachers and principals in the schools. In recent years, however, in response to student weakness on standardized test scores, they have started training local teams of monitors to assess the quality of education (Hernandez et al. 2019, 26). AJS efforts in education reform have produced particularly impressive results:

AJS helped discover how corruption was preventing Honduran children from getting the education they deserve. Although 200 days of class are required by law, children in Honduras met for school an average of only 125 days per year, significantly preventing their opportunities for learning. Additionally, 26% of teachers that were on the payroll weren't in the classroom. Because of corruption and poor management, Honduras was spending more per capita on education than

any other Latin American country, but their test results were the lowest in Latin America.

By making these reports public and working with the Ministry of Education, we helped open up an opportunity for education reform: days in class have increased to over 200 on average, and teachers missing from classrooms have dropped from 26% to 1%. We continue to push for a quality education so that Honduras' children have opportunities for a bright future (Association for a More Just Society 2019b).

Although the relationship between these reforms in the education sector and corruption as a whole needs further exploration, it is noteworthy that the education reforms coincided with a modest improvement in Honduras' CPI ranking, from 25th out of 28 countries in the Americas in 2010, to 19th out of 26 countries in 2015 (Transparency International 2019b).

## 9.6 There are, However, Serious Weaknesses in the Wider Protestant Response to Corruption

Despite the evidence that Protestant Christianity has helped to control corruption in the past, and is inspiring some Protestants to fight corruption today, Christian scholar Roberto Laver noted that, on the whole, corruption is receiving far more attention from secular organizations than religious ones (2010); and recent research suggests that Protestants today are not seen as particularly effective in opposing corruption (Allaby 2013). What might account for the lackluster contemporary Protestant response to corruption?

This important question can usefully be explored from three different perspectives: The economic strength of Protestants; whether they form a majority or minority in society; and their guiding theology.

### 9.6.1 Economic strength

As noted above, taking a stand against corruption is often costly. Although almost everyone is better off when corruption is controlled, apart from a few elites who lose out financially, efforts to fight corruption are hindered by a "prime mover" problem: anyone who starts to fight against corruption is likely to face personal losses. So potential reformers may be more likely to act if they start out with sufficient economic strength to be able to accommodate such losses.

That was the situation of all the top-down reformers described in this article and also, but less obviously, for the bottom-up "conversionary Protestant" missionaries described by Woodberry, and for AJS in Honduras. In the nineteenth- and early twentieth-centuries, Protestant missionary organizations dwarfed most commercial companies, and they were institutionally and financially independent of the state; this gave them an ability and willingness to challenge the state when it abused its power (Woodberry 2011). In a similar way, AJS receives substantial support from international donors, which gives them a strong economic base from which to campaign against corruption.

This contrasts with the relative poverty of many Christians and churches in the Global South today. Indeed, Christian leaders report poverty and fear of poverty as among the most significant factors that lead Christians and churches to act in corrupt ways themselves (Allaby 2013, 182).

### 9.6.2 Protestants as a majority or minority in society

An important factor that can influence the ways in which Protestants interact with corruption is whether they constitute a majority or a minority in society. A century ago, the German Protestant theologian Ernst Troeltsch used the terms "church" and "sect" to describe these two different circumstances:

The church is an institution which is able to receive the masses, and to adjust itself to the world, because, to a certain extent, it can afford to

ignore the need for subjective holiness for the sake of the objective treasures of grace and of redemption.

The sect is a voluntary society, composed of strict and definite Christian believers bound to each other by the fact that all have experienced "the new birth." These "believers" live apart from the world, are limited to small groups, emphasize the law instead of grace, and in varying degrees within their own circle set up the Christian order.

Whenever a particular Christian denomination or church forms the majority in society, they are at risk of accepting prevailing social norms that may be contrary to justice and integrity, despite the strong emphasis throughout the Bible on upholding justice and living with integrity (King 2018). My own research finds that Protestants in two countries where they represent a majority of the population (Kenya and Zambia) correspond to Troeltsch's "church" type: they are seen as no less corrupt than anyone else, having lost their moral authority, particularly through being compromised through co-option by the state. The same research shows quite different findings for Protestants in two mainly Catholic countries (the Philippines and Peru). They correspond instead to Troeltsch's "sect" type: although they have a reputation for honest behavior, they are seen as too detached from society to have much impact on corruption (Allaby 2013, 189).[61]

Most of the Protestant reformers described in this article correspond to the "sect" type: the conversionary Protestant missionaries were "strict and definite Christian believers" who volunteered to join a missionary society; and the leaders of FOCIG and AJS are Protestants operating in Catholic countries, and as minority groups they can be characterised as

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[61] The vision and work of FOCIG, described in section 4a above, is not typical of Protestants in the Philippines, who are generally seen as lacking interest in social reform.

"strict and definite Christian believers." [62] Where FOCIG and AJS differ from many "sect" types is that their theology encourages them to engage with social problems, including the challenge of corruption.

### 9.6.3 Theology

That brings us to the third major influence on the relationship between Protestantism and control of corruption: theology. Although Martin Luther's program of reformation gave birth to Protestantism and arguably contributed to modern democracy, his dualistic doctrine of the "two kingdoms," in which the kingdom of God deals with that which is spiritual and inward, while the worldly kingdom has authority over that which is bodily and outward, has been associated with passivity in the face of abuses of power, including corruption (Phillips 2012, 62). The continuing widespread influence of this dualism was acknowledged in the final statement from the 2010 global meeting of the Lausanne Movement in Cape Town:

The falsehood of a 'sacred-secular divide' has permeated the Church's thinking and action. This divide tells us that religious activity belongs to God, whereas other activity does not … We name this secular-sacred divide as a major obstacle to the mobilization of all God's people in the mission of God (Lausanne Movement 2010, 28).

This framing of Christianity as a spiritual or otherworldly religion has continued despite official statements from several international Protestant bodies, from the 1970's onwards, that have attempted to correct it. In 1974 the International Conference on World Evangelization (Lausanne Movement 1974) affirmed that (evangelism and socio-political) involvement are both part of our Christian duty. For both are necessary expressions of our doctrines of God and man, our love for our neighbour and our obedience to Jesus Christ.

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[62] There are also a good number of Roman Catholics employed by AJS, and they are just as committed to fighting corruption as the Protestant staff.

In 1983 the World Evangelical Fellowship made this declaration in their Wheaton '83 Statement (Lausanne Movement 1983):

Evil is not only in the human heart but also in social structures … The mission of the church includes both the proclamation of the Gospel and its demonstration. We must therefore evangelize, respond to immediate human needs, and press for social transformation.

In 2001 the Micah Network produced a declaration that developed an evangelical Protestant understanding of the relationship between evangelism and social involvement:

It is not simply that evangelism and social involvement are to be done alongside each other. Rather, in integral mission our proclamation has social consequences as we call people to love and repentance in all areas of life. And our social involvement has evangelistic consequences as we bear witness to the transforming grace of Jesus Christ.

Although a growing number of Protestants have embraced this kind of theology, which sees God as concerned with matters of earthly justice, they remain a minority among Protestants in many countries, which constitutes a major obstacle to their constructive engagement in the fight against corruption. For example, one Filipino Protestant campaigner for social justice reported this frustrating experience:

There's only a minority of Christians in this country who would like to engage in good politics or good governance, who believe that part of their Christianity is a call to be involved in society. The belief that 'politics is evil, Christians should not be involved in that, Christians should just pray about all this evil' - that is a huge problem amongst Evangelicals in the country. Young people are being taught the theology of 'You can grow as a Christian and not care about the world. God doesn't care whether you're helping the needy people around you; as long as you're not hurting other people, as long as you're doing Bible study and praying, that is alright' ... You need a pastor who's going to tell the congregation: 'When you do not care about the poor around you

and when you don't care about society, you're actually committing sin'. But no pastor would say that. It's very difficult to break that theology (Allaby 2013, 97).

A second, and relatively novel, theological impediment to Protestants as they try to fight corruption is the so-called "prosperity gospel." In this theology, selected "proof-texts" from the Bible are interpreted to mean that God wills all believers to prosper in this life, and that he will bring this about by rewarding them financially in proportion to the amount they give away, particularly to the pastor (Asamoah-Gyadu 2004). This kind of theology not only distracts Christians from addressing the true causes of poverty, which include corruption, but also prevents the church being seen as a credible critic of corruption.

Even when Christians adopt a theology that can potentially equip them to fight corruption, careful attention is needed to the way that theology is used in the formation of the attitudes and behavior of Christians. As Heather Marquette (2010, 31), Professor of Development Politics at the University of Birmingham, has written:

There is little evidence to suggest that religion, in terms of religious content, impacts upon individuals' attitudes towards public morality. Membership of a religious community that rejects behaviour seen as being 'corrupt' seems more likely to have an impact, but a lot depends upon the way in which members of the community are encouraged (or discouraged) to engage in principled reasoning.

So, although the Bible can be a rich resource for fighting corruption, its potential can only be realized when Christian leaders and teachers derive sound theology from it, and use that theology to help Christians interpret and apply its teachings to the challenges of corruption in their own context.

## 9.7 Christians have a Major Role to Play in the Fight against Corruption

It follows from the analysis in the preceding sections that Protestants have a major role to play in the fight against corruption, but will only fulfil this God-given mandate if certain conditions are fulfilled.

First, individuals with economic resources need to take the lead as prime movers, recognizing that they are better placed than most to deal with the personal costs that reformers are likely to face. As Jesus said, "From everyone who has been given much, much will be demanded" (Luke 12:48). Christian donor organizations need to ask whether their funding allocations reflect the importance of controlling corruption for achieving development goals, and the God-given mandate of the Church to be salt and light in society. It is estimated that Protestants in Europe and North America donated more than US$120 billion to Christian causes in 2015 (Johnson, Zurlo and Hickman 2015). Formal data are not available, but personal experience leads me to believe that only an extremely small proportion of that giving is focused on fighting corruption. Even a small increase in the proportion of those funds allocated to fighting corruption could make a big difference.

Second, Protestants need to take stock of their status in relation to corruption in society. Do they match the "church" type, so that they are indistinguishable from others in terms of corruption? If so, no progress will be possible without serious reflection and internal reform. Or do they match the "sect" type and, if so, are they using their reputation for integrity to be salt and light in society?

Finally, we need to strengthen and promote theologies that reflect God's concern for justice in the here and now, as well as educate Protestants away from "dualism" and "prosperity theology". Theology needs to be taught in ways that lead the faithful to apply the Bible's teachings to the challenges of corruption in their own contexts.

One initiative that seeks to promote all these things is the Faith and Public Integrity Network[63]. This network convenes regular webinars and a biennial global summit of Christian anti-corruption activists, and publishes country profiles, case profiles of Christian anti-corruption initiatives, and other anti-corruption resources. It welcomes new members who are seeking to develop a Christian faith-based approach to fighting corruption. If reading this article inspires you to join forces with other Christians who are actively engaged in fighting corruption, please visit the website and introduce yourself.

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[63] https://fpinetwork.org

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# 10

## POPE FRANCIS FIGHTS CORRUPTION - IN THE WORLD AND IN THE VATICAN

*Pope Francis and Authors*

*Pope Francis has fought corruption in the world and especially in the Vatican and the Catholic Church since his election as Pope in 2013. He has already published related views as Cardinal Jorge Bergolio in Argentina.[64] As newly elected Pope, he expressed his clear anti-corruption policy in a kind of thunderstorm in front of the Cardinals on 3 July 2013 in the Vatican.[65] A wake up for this fight was, among others, the unexpected and historically rare resignation of his predecessor Pope Benedict XVI on 28 February 2013 and the leak of many documents of the Vatican, related to financial irregularities in the Vatican, by Paolo Gabriele, the former and then dismissed butler of Pope Benedict. Since taking office in 2013, Pope Francis established a large number of instruments and measures: a commission for the reform of the Curia, new internal rules and regulations, the legal basis to bring church dignitaries up to the top level of cardinals to the Vatican court, new rules for the compensation of victims of sexual abuse and much more.*

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[64] Bergolio, Cardinal Jorge (Pope Francis), *Fighting Corruption and Sin*, London: Catholic Truth Society, 2013.

[65] Nuzzi, Gianluigi, *Merchants in the Temple. Inside Pope Franci's Secret Battle against Corruption in the Vatican*, New York: Henri Holt, e-book, chapter 1.

*Even though he was criticised for not being curious enough on all fronts, it must be acknowledged that he is the most courageous Pope committed to structural reform towards more transparency and accountability in the church. It is his Christian faith and ethical conviction that "corruption is worse than sin" and that "the spirit of the world leads us to corruption", whereas the Holy Spirit "is the guarantee that God remains in us".[66]*

*The Pope was also pressed by the economic reality, when – in 2013 – the auditors of the Vatican dismantled the disastrous mismanagement of the Vatican's finances, which led to a very substantial decrease in donations to the Vatican and thus almost led to its bankruptcy. At the same time, the international laws against money-laundering and new anti-corruption legislations for banks and public and private institutions forced the Vatican Bank as well as churches and religious institutions around the world to be compliant with state regulations. As already explained in above in chapter 2.7.1: Until the 21st century, governments respected some religious institutions – in all world religions – to such a degree that they were allowed to have their own management rules and were not strictly subjected to state rules. Two reasons have been relevant for this: Governments try to avoid conflicts with religious authorities and rather look for their political support (except if they want to damage or dominate them) and/or accept the specificity of religious organisations in their internal affairs. In addition, the Vatican represents not only the head of the Roman-Catholic Church, but is also a state with sovereignty. As a state, the Vatican must also comply with international conventions such as OECD- and UN-rules against corruption.[67]* (Christoph Stückelberger, Editor)

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[66] Alessandro Di Bussolo, *Pope at Santa Marta: No to the spirit of the world that leads us to corruption*, Vatican News, 7 January 2020.

[67] See chapters 19 and 20 in this book.

## 10.1 New Anti-corruption Law for the Vatican Members of Management

*Pope Francis[68] released a Motu proprio requiring a declaration on the part of senior management and administrators* stating that they are clear of convictions or investigations regarding terrorism, money laundering or tax evasion. They will also be prohibited from placing assets in tax havens or investing in companies whose principles are against the Church's doctrine. All employees are prohibited from receiving gifts worth more than 40 euro.

"According to Scripture, faithfulness in matters of little consequence is related to faithfulness in more important ones." These words introduce Pope Francis's new *Motu proprio* on transparency, released on Thursday, through which the Pope will require everyone in a management position in the Holy See, and all who carry out administrative, judicial or supervisory functions, to sign a declaration stating they have never received a conviction, and that they are not subject to any pending criminal trials or investigations regarding corruption, fraud, terrorism, money laundering, exploitation of minors, or tax evasion. The declaration also covers cash holdings or investments in countries at high risk of money laundering or the financing of terrorist activities, in tax havens, or in companies whose policies are against the Church's social doctrine.

The crackdown follows that of 19 May 2020, when Pope Francis promulgated new regulations regarding procurements. The new regulations are necessary, the Pope explains, because corruption "can be manifested in different manners and forms even in various sectors other than that of procurement. Because of this, internationally accepted regulations and best practices require transparency from those holding

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[68] New anti-corruption law for members of Vatican management, Vatican News, 29 April 2021. Source: https://www.vaticannews.va/en/pope/news/2021-04/pope-francis-motu-proprio-anti-corruption-law-vatican.html.

key roles in the public sector for the purpose of preventing and combatting conflicts of interest, patronage practices and corruption in general." Therefore, the Holy See, which has adhered to the "United Nations Convention Against Corruption" (UNCAC), "has decided to conform itself to these best practices to prevent and combat" this phenomenon "in its various forms".

Along these lines, the Pope has decided to add some articles to the General Regulations of the Roman Curia, with a provision that concerns all those whose roles fall under the categories C, C1, C2 and C3 (that is, from Cardinal heads of Dicasteries to deputy directors holding five-year contracts), and all those who carry out administrative, judicial or supervisory functions. They will have to sign the required declaration when they are hired, and every two years thereafter.

They will be required to declare that they have never been convicted either in the Vatican or in another country, that they have never received a pardon or amnesty, and that they were never pardoned due to statute of limitation; that they are not subject to a criminal trial or being investigated for participation in organized crime, corruption, fraud, terrorism, laundering money from criminal activity, exploitation of minors, human trafficking or the exploitation of human persons, or tax evasion.

They will also be required to declare that they do not hold, even through third parties, cash or investments or stakes in corporations or companies in places included in the list of countries at high risk of money laundering (unless their relatives are residents or domiciled in those countries for valid reasons including family, work or study). They must ensure, that, to their knowledge, all assets or movable and immovable goods owned or held by them, as well as remuneration of any kind, originate from licit activity. Also significant is the requirement "not to hold" shares or "interests" in companies or businesses whose policies are contrary to the Church's social doctrine.

The Secretariat for the Economy (SPE) will have the capacity to verify the veracity of the written declarations. The Holy See, in the event of false or mendacious declarations, can dismiss the employee and require the payment of damages incurred.

Finally, something new concerning all employees working in the Roman Curia, Vatican City State and related entities, is the prohibition of accepting gifts in connection to their employment, whose value is greater than 40 euro.

## 10.2  The Pope Admits Corruption in the Vatican

Financial corruption[69] exists in the Vatican, admitted Pope Francis who described it as a "scandal", but he also pointed out that the Vatican has taken necessary steps to deal with it, the Vatican News reported Tuesday. "What happened is a scandal,", the pope said during an in-flight press conference on his way back from Japan, commenting on financial scandals linked with the Vatican Bank and US$200 million investment in luxury properties in London's Chelsea neighborhood. The money, as the Italian magazine L'Espresso reported earlier, was obtained partly from the Peter's Pence funds -- donations that go directly to the pope.

On Oct. 1, the Holy See Press Office issued a communique, confirming that Vatican police had raided "certain offices of the First Section of the Secretariat of State and the State Financial Information Authority (AIF)," following a search warrant by a Vatican magistrate investigating the shady purchase in London. A few days after the raid, five Vatican employees were suspended, including AIF Director Tommaso di Ruzza.

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[69] Chapter 10.2 is from Ljubas, Zdravko, *The Pope Admits Corruption in the Vatican,* Organized Crime and Corruption Reporting Project (OCCRP), 28 Nov, 2019.

"Five offices were searched. Today, although there is a presumption of innocence, there is capital that is not administered well, even corruptly," the pope told journalists aboard his flight. He added he believes that "within a month the depositions will begin of the five people who were suspended because there was evidence." "They did things that appear not to be clean," Pope Francis told journalists and repeated that the London property purchase case "was corruption nonetheless" and that the results of the search will show whether they are guilty or not.

"It's a bad thing, it is not good for these things to be happening inside the Vatican, but they are being resolved by internal mechanisms that Pope Benedict XVI introduced, and that are beginning to work", Pope Francis said. While waiting for the results of the investigation in the Vatican, the pope on Wednesday named the former head of supervision at the Italian central bank, Carmelo Barbagallo, the new AIF head, according to the Vatican News.

## 10.3  Vatican's New Law to Prevent Corruption

Pope Francis promulgated a new law intended to prevent corruption and control spending in Vatican City State and Holy See financial transactions.[70]

The Apostolic Letter in the form of a *Motu Proprio* released by Pope Francis is the result of four years of work carried out by several Vatican offices. The text will serve as a single reference point for awarding public contracts to external entities.

The Letter is entitled *On transparency, control and competition in the procedures for awarding public contracts of the Holy See and*

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[70] Chapter 10.3 from *Pope Francis enacts new Vatican law for awarding public contracts*, Vatican News 1 June 2020. https://www.vaticannews.va/en/pope/news/2020-06/pope-francis-motu-proprio-vatican-public-contracts.html.

*Vatican City State*. [71] It is composed of 86 articles with an additional 12 relating to juridical protection in cases of litigation.

The piece of legislation is in conformity with the United Nations Convention Against Corruption, signed in Merida. It replaces previous regulations in force at Administration of the Patrimony of the Apostolic See (APSA) and the Governorate of Vatican City State. It extends to all Entities of the Holy See which up to now lacked their own laws governing contracts and public works.

### Like a good family father

"The diligence of a good family father," writes Pope Francis, "is the general principal and of the utmost respect, on the basis of which all administrators are required to perform their functions." Good management of public goods, he adds, requires "faithful and honest administration."

"The global economy and increased interdependence have brought to the fore the possibility of achieving significant cost savings through the work of multiple suppliers of goods and services."

The new regulations are aimed at "fostering transparency, control and competition in the procedures for the awarding of public contracts stipulated on behalf of the Holy See and Vatican City State."

Companies and entities which supply goods, services, and public works will be guaranteed "equal treatment and the possibility of participation through a special Register" and special procedures.

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[71] Text in English, Spanish, Italian, Portuguese: http://www.vatican.va/content/francesco/en/motu_proprio/documents/papa-francesco-motu-proprio-20200519_procedure-aggiudicazione-contrattipubblici. html. *Full text in Italian*: http://press.vatican.va/content/salastampa/ it/bollettino/pubblico/2020/06/01/0315/00705.html.

### On guard against corruption

The President of the Vatican Tribunal, Giuseppe Pignatone, says the new legislation incorporates internationally-recognized best practices, "in order to achieve significant cost savings, efficient resource management, and a renewed commitment against the risk of corruption."

"The new norms are a warning to rediscover how important, and urgent, a better management of resources is," according to Vincenzo Buonomo, Rector of the Pontifical Lateran University, and professor of international law.

### Purpose of new norms

Article 1 explains the purpose of the new law, which are: the sustainable use of internal funds, transparency of award procedures, "equal treatment and non-discrimination of tenderers, in particular through measures to combat illegal competition agreements and corruption."

### Basic principles

Article 5 lists the fundamental principles which are founded on "ethicality orienting the economic choices and the interlocutors upon parameters of respect for the Social Doctrine of the Church; administrative autonomy, and subsidiarity in the management choices of the Body; loyal collaboration between the Entities and the different sections of the Governorate."

The goal is to obtain "cost-savings, effectiveness, and efficiency", through "planning and rationalization of expenditure" while avoiding unnecessary operations, and in particular an award procedure which "must be transparent, objective, and impartial."

### Avoiding conflicts of interest

Measures are taken against conflicts of interest, illegal competition agreements, and corruption. These serve to avoid "any distortion of competition and ensure equal treatment of all economic operators."

### Reasons for exclusion

Economic operators who become subject to investigation, prevention measures, or convictions at first instance for "participation in a criminal organization, corruption, fraud, terrorist offences", "laundering of the proceeds of criminal activities", and "the exploitation of child labour" must be excluded from the Register and participation in tenders.

One of the causes of exclusion is the failure to fulfill "obligations relating to the payment of taxes or social security contributions in accordance with the regulations of the country in which the operator is incorporated", as well as residing or having settled in States "with privileged tax regimes."

### Centralization

Except in certain cases established as exceptions, "all goods and services, under penalty of nullity of the relevant contract, are ordinarily acquired by the Entities in a centralized manner." The "centralized authorities", reads Article 15, include both APSA "in matters concerning the Dicasteries of the Roman Curia" and institutions connected to the Holy See, as well as the Governorate. There are exceptions to centralization, but they must be duly justified.

Every six months, the Secretariat for the Economy, having consulted with APSA, will publish and update "the list of prices and the reference fees for goods and services", together with the labour costs of the professionals registered in the Register. These will take into consideration prices and fees in the markets where the Vatican institutions are supplied. Vatican Entities are required to plan their purchases by 31 October of each year.

### Vatican employees on selection boards

The *motu proprio* also establishes a list at the Secretariat for Economic Affairs with the names of those employees and temporary professional appointees who are authorized to act as expert planners and members of the selection board. These members will be drawn by lot.

They will rotate among the committees, but always in accordance with their specific professional qualifications.

A detailed list of "incompatible characteristics" is laid out, among which is a familial relationship "up to the fourth degree" or affinity "up to the second degree" of a person who has submitted a bid. Another disqualifying trait is if the person has been a member in the previous five years of an economic operator who has submitted a bid.

### International rules

The new legislation promulgated by Pope Francis takes into account the fundamental principles and aims of Canon Law and the peculiar nature of the Vatican City State. It is also a treasure trove of the effective rules and "best practices" in force in many States.

# 11

## STOPPING SEXUAL ABUSE
## OF RELIGIOUS AUTHORITIES

*Various Authors*

*Corruption is the abuse of public or personal power for private interests. This widely used definition of corruption includes also one specific, widespread form of corruption: Sexual corruption is the abuse of public or private power by using sexual services of subordinates for personal interests. Religious sexual corruption is the abuse of the power position of religious authorities for getting sexual services. This said reality exists in all religions with their priests, pastors, evangelists, gurus, monks, imams, shamans as well as administrators, directors, teachers, officers and dignitaries of religious institutions.*

*What to do in reaction of regularly reported scandals? "Stopping abuse for good" is the title of the last part of the courageous book, published by the World Council of Churches with the World Student Christian Federation.[72] The book contains articles of seven authors, re-published with permission, and show seven concrete steps: Identifying sexual predators, moving beyond shame, criminalizing misconduct,*

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[72] Valli Boobal Batchelor (Ed.), *When Pastors Prey. Overcoming Clergy Sexual Abuse of Women*, Geneva: World Council of Churches and World Student Christian Federation, 2013, 145-167. Republished with permission.

*fundamental reform, dragging sextortion into the light, protecting the vulnerable and offering a safe place.*

*These steps are – unfortunately – still very important, also seven years after their publication. It is a long way to go, in Christian churches and all other religions. Some Christian churches are more criticised than other religions, but are also more pro-active to overcome it. These articles are also an invitation to other religions to put the problem on the table. The more interfaith cooperation is achieved on overcoming sexual abuse by religious authorities, the less victims will suffer in future and the more the integrity of all the righteous and respected religious authorities will be protected.*

(Christoph Stückelberger, Editor)

## 11.1 Identifying Sexual Predators

*Marie M. Fortune*

One sexual predator in our midst is one too many," said Morris Chapman, president of the Southern Baptist Convention Executive Committee. "Sexual predators must be stopped. They must be on notice that Southern Baptists are not a harvest field for their devious deeds." Good so far. But the Executive Committee has also determined that the denomination will not create a database to identify sexual predators nor establish a national office to respond to complaints. Not so good.

Their reasoning: polity problems. They say local autonomy of their congregations precludes a centralized list or investigative body. The Convention does not have the authority to prohibit known perpetrators from doing ministry. The local church can hire anyone it wants as a pastor. Now I appreciate the value of a congregational polity. My denomination, the United Church of Christ, also uses this way of organizing itself. But I also have spoken with victims and survivors of Southern Baptist pastors who are very frustrated with the unwillingness of their church to take some institutional action to stop clergy offenders.

The words are important. The SBC statement is strong. Their website provides some excellent articles on the sexual abuse of children. But words are not enough.

When the study began in 2006, Oklahoma pastor Wade Burleson suggested the database to track ministers who are "credibly accused of, personally confessed to, or legally been convicted of sexual harassment or abuse." The Executive Committee nixed that idea and now urges local churches to use the U.S. Dept. of Justice database of sexual offenders to do their background checks. Here's the problem: this database or any state police database will only include convicted sex offenders. A minister will show up in that database if he has been reported, prosecuted and convicted of a sex offense. The database will not include ministers who may have been fired by a local church. How is a Baptist church to know that their pastoral candidate is in good standing if there is no Baptist database for sexual predators?

Local churches need all the help they can get to deal with a complaint about clergy misconduct, even if it is their decision what to do about it. The national denominational structure can and should make resources available for training and preparation of local church policies. When the Southern Baptist Convention decides to do a mission project, it doesn't worry about local church autonomy. It provides a mechanism for its local churches to participate in mission efforts. Yet when the health and well-being of its members is on the line, it chooses to speak but not to act. It was fourth-century Bishop John Chrysostom who said, "At all times it is works and actions that we need, not a mere show of words. It is easy for anyone to say or promise something, but it is not so easy to act out that word or promise."

This is an issue that independent, non-denominational churches struggle with all the time. They literally have no denominational structure to turn to for support. Their independence means they are isolated and often lack policies when a complaint comes to them. Even

if they want to, they often lack the capacity to act to remove an offending pastor. A lawsuit is their only option. Victims have no other recourse. The Roman Catholic Church in the U.S. has put in place a mechanism with standards and policies to address the abuse of children by clergy. Because of its hierarchical polity, it can mandate action by the dioceses and provide resources to assist them. In responding to clergy misconduct, this is an advantage. Still one wonders why it has taken the Catholic Church so long to begin this process.

All of which serves to remind us that polity is not the problem. Regardless of the structure of a religious institution, it has the capacity to act to address clergy misconduct. It is a matter of using the structure and values it has to guide its action. It is a matter of the will to use every institutional resource available to try to ensure that congregations will be safe places for congregants rather than looking for structural excuses why church leaders don't have to act.

## 11.2  Supporting Survivors

*Martin Weber*

Shame is the reason I'm so proud to be connected with the Hope of Survivors. Perhaps I should explain. More than any organization I've known in several decades of pastoral ministry, including law enforcement chaplaincy, The Hope of Survivors (THOS) helps victims feeling ashamed from sexual abuse find dignity, confidence, hope and even joy. And so I'm proud to serve on the executive board of THOS. Shame afflicts most of us to some degree. It's part of the human condition. As a chubby child, I was ashamed of my weight. Parents might be ashamed of their teenagers' bad choices. Reformed "party animals" may feel shame for years of carousing. But the human spirit knows no shame to match that of a sexual abuse victim who has been manipulated into feeling guilty for her predator's sins. And those among

them most deeply sunken in shame may be victims of clergy sexual abuse.

It's terrible to be raped by a stranger and worse to be assaulted by one's own biological father. In some ways it is most damaging of all to be the sexual victim of one's spiritual leader. Reasonable people are outraged at a sexual predator who drags a jogger off the trail into the bushes. Society springs to the defence of such victims. As for incest, everyone except enabling relatives is furious about paternal predators. But when it comes to clergy sexual abuse, congregational sympathy usually gravitates to a popular, powerful, preacher. Ironically, victims of clergy sexual abuse often must go outside the church to find a sympathetic heart. Tragically, they may lose not only their trusted spiritual leader but also most, if not all, of their faith community—even close friends. This is where THOS has been such a lifesaver for hundreds of lonely victims of clergy sexual abuse who suffer in solitary shame. THOS helps them realise that:

- As with all professionals, a pastor has the responsibility of not abusing trust. For example, allowing—and often planning—the sexualisation of what began as normal interaction between himself and a vulnerable parishioner.
- Sexual abuse is not necessarily scary or painful; often unsuspecting victims are drawn into a close friendship with a pastor that unexpectedly becomes romanticised and then sexualised.
- Clergy romance or sex with a parishioner is not an "affair," because it arises from a power imbalance. Physicians, educators and workplace supervisors understand this. Somehow it seems harder for many churches to accept this, perhaps because of the hero status of a star pastor.
- Most pastors are persons of integrity who never would abuse a member. To preserve this propriety, clergy need education and

sometimes counselling to manage their own emotions and attractions as they interact with the vulnerable members of their flock.

- Victims of clergy sexual abuse need and deserve advocates in the church to guide them through a resolution process that emphasises healing rather than vindictiveness.

- Those who survive clergy sexual abuse need not bear the burden of proving to anyone—not even themselves or God—that they are perfect and completely innocent about what happened to them. The Bible says all of us are sinners in need of the grace and forgiveness of God.

- It is possible to forgive one's abuser while also establishing boundaries of protection against further abuse by anyone inside or outside the body of Christ.

- Women who have suffered clergy sexual abuse need to find their primary identity in being God's beloved children; this is more than having merely survived something evil done to them.

### *To summarise the tragedy of clergy sexual abuse:*

- It is normal, for Christian men and women faithful to their spouses, to feel attracted to other people. Unmet emotional needs tend to multiply this chemistry.

- When a pastor finds himself attracted to a parishioner, it is his or her responsibility as a professional caregiver to recognize the danger and use the responsibility of leadership to prevent the relationship from becoming romanticised.

- Some predatory pastors are so corrupt as to be strategically and compulsively abusive, but many fine pastors become sexually abusive simply because they allow their love for God and their spouses to become less important than their ministry to church members.

- Paradoxically, victims of abuse often take much or most of the blame and shame upon themselves after being drawn into inappropriate sexuality.
- The more likeable and admirable a pastor is, the more a victim of his sexual abuse may suffer shame and guilt. This also is true at the opposite extreme: the more deceptive and manipulative a career predator is, the more likely his victim may suffer increased shame and guilt—the most clever abusers manage to download all blame to the victim.
- Adult victims of clergy sexual abuse need not prove to anyone, even to themselves or to God, that they are totally innocent— all human beings are sinners in need of Christ's saving grace.
- Church leaders and other members typically rally around a popular pastor, despite credible evidence that he is guilty of sexual abuse. Often the church would rather blame his victim than lose a beloved spiritual leader.
- In the aftermath of clergy sexual abuse, most efforts to aid recovery are devoted toward the abuser and his spouse rather than to the victim, who often is abandoned or even expelled from the community of believers. In such cases, the hope of survivors often becomes the only hope of surviving clergy sexual abuse.

## 11.3  Criminalizing Misconduct

*Darryl W. Stephens*

In 2009, the National Organization for Women (NOW) of the U.S. called for the criminalization of sexual exploitation of women by clergy.[1] NOW urges state legislatures to make it illegal for a pastor to have sex with a congregant, just as a physician, psychiatrist, or licensed counsellor may be held criminally liable for "unlawful sexual relations"

with those in their care.[2] Should churches join in this effort to criminalize clergy sexual misconduct?

Sexual misconduct is an immoral act, a violation of the sacred trust of ministry. Religious institutions have been notoriously slow to hold their own clergy accountable for sexual misconduct. This commentary argues that churches are in a much better position to respond to sexual misconduct among clergy than the state, even if churches need the pressure of the state to prompt them to action.

### Abuse of Power

Sexual misconduct is not an "affair." Rather, it is professional malfeasance in ministry. The clergyperson has a duty to act in the best interests of the parishioner, to maintain professional boundaries, and to refrain from using that relationship to personal advantage. Sex in a pastoral relationship violates the sacred trust of ministry.

The United Methodist Church (UMC) defines sexual abuse in ministry as "a form of sexual misconduct [that] occurs when a person within a ministerial role of leadership . . . engages in sexual contact or sexualized behaviour with a congregant, client, employee, student, staff member, co-worker, or volunteer."[3]

The power of the pastoral office creates a context in which meaningful consent by the parishioner is often impossible. The concept of "meaningful consent" is based on the ability of each party to say "no" without fear of reprisal. Consent is maximized in a relationship of equals. The ability of the more vulnerable party in a relationship to consent to sexual activity is diminished as the power differential increases. In a fiduciary relationship, the professional is trusted not to exploit the imbalance in power to his/her own advantage. Because of the authority of the clergyperson, the disparate power between pastor and parishioner, and the emotional vulnerability of the parishioner, sexual contact within a ministerial relationship lacks true consent even if the parishioner agrees to it. There is no meaningful consent possible in such

a relationship because of the disparity of power between the minister and person seeking care.[4]

### *Confession of Sin*

Historically, faith communities have been slow to respond to abuses by clergy. Even as recently as twenty years ago, predatory clergy routinely were given "geographic therapy" by being reappointed somewhere else in the hope that their misconduct would be kept quiet.

It has only been within the past fifteen years that the UMC has explicitly addressed clergy sexual misconduct. General Conference, this denomination's highest policy-making body, passed its first resolution addressing sexual abuse within pastoral relationships in 1996. The same year, "sexual misconduct" entered the UMC lexicon of chargeable clergy offenses.

Sexual misconduct remains a problem, nonetheless. Three percent of women attending church in the past month reported being sexually harassed or abused by a clergyperson at some point in their adult lives, according to a nationwide study in the U.S.[5] Ongoing news reports about clergy sexual misconduct should provide a sobering reminder to every church to confront its own abuse crisis before it blows up as a scandal in national headlines.

We must confess our collective sin: "We have failed to be an obedient church...and we have not heard the cry of the needy." In secular language, NOW President Terry O'Neill explains: "Law enforcement authorities need to step up their investigations of sexual abuse in religious organizations because it is apparent that many church officials will not act in a prompt and responsible manner."

### The State[73]

NOW's resolution would add clergy to existing state laws covering other counselling relationships. Nearly every state in the United States criminalizes sexual contact between secular counsellors or "mental health professionals" and their clients. Only thirteen states include clergy in these laws, which are based on legal concepts of fiduciary duty and professional standard of care. Only two states criminalize sexual contact between clergy and congregant outside of a formal counselling relationship.

From a legal standpoint, though, NOW's approach may not be as effective as taking a different tack to avoid unnecessary entanglements between church and state in U.S. constitutional law. A statutory focus on lack of meaningful consent rather than fiduciary duty may provide the legal traction necessary for states to criminalize clergy misconduct.

Courts are hesitant to intervene in cases involving adult-to-adult relationships in religious institutions. The U.S. criminal justice system is constitutionally limited in its ability to address clergy misconduct due to separation of church and state. As a consequence, secular courts cannot rule on the standard of care appropriate to a pastoral counselling relationship. Clergy cannot be convicted of malpractice because the state cannot legally define the "practice" of a religious professional.

Identifying the lack of consent within a relationship based on power and authority is within the court's purview, though. As with laws protecting minors, the mentally impaired, intoxicated persons or others whose consent might be easily coerced, this approach would protect the vulnerable party and does not ask courts to rule on religious questions.

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[73] I am indebted to researchers at Baylor University for data and legal strategy presented in this section. Toben, Bradley J.B., and Kris Helge, *Sexual Misconduct of Clergypersons with Congregants or Parishioners—Civil and Criminal Liabilities and Responsibilities*, http://www.baylor.edu/content/services/document.php/96096.pdf.

### The Church

While state laws may provide some degree of public accountability for clergy, the church is much better situated than the state to protect the integrity of the ministerial relationship. Churches can clearly communicate appropriate interpersonal boundaries, the differential in power inherent in a pastoral relationship, and the fiduciary duty of the minister. Churches must also hold all persons in a ministerial role of leadership accountable to these standards. Lack of clarity about the nature of the pastoral relationship and lack of moral will to address the problem of clergy misconduct are at the root of the church's failure to provide justice for the vulnerable.

Criminal statutes would help bring accountability to churches. For example, churches in the U.S. did not begin to address sexual harassment until the 1980s, prompted by the Equal Employment Opportunity Commission (EEOC) and a U.S. Supreme Court case upholding EEOC guidelines and reporting mechanisms. Only then did the UMC make its first official stand against the sin of sexual harassment in 1988.

From a practical standpoint, criminalizing clergy misconduct may also provide external support to churches seeking to investigate allegations of misconduct. Judicatory leaders would be able to rely on the trained expertise of law enforcement officers to conduct investigations and handle evidence (such as DNA samples), in the same that way child abuse cases are handled now. The state would also maintain clear jurisdiction even when a clergyperson surrenders ministerial credentials. The church often has difficulty bringing an investigation to conclusion if an accused clergyperson leaves the ministry prior to adjudication. Justice is derailed for all parties when there is no determination of guilt or innocence.

The church cannot delegate responsibility to the state for determining ethical standards for clergy, but where a clear professional

relationship exists that restricts freedom of consent, abuse of pastoral power should be against the law. Criminalization of clergy misconduct may have the positive effect of deterring would-be clergy sexual predators, protecting potential victims and promoting clarity about sexual activity in ministry as an abuse of power. State intervention would call the church to accountability.

## 11.4 Fundamental Reform

*Terry O'Neill*

Law enforcement authorities need to step up their investigations of sexual abuse in religious organizations because it is apparent that many church officials will not act in a prompt and responsible manner," National Organization for Women President Terry O'Neill stated. "In addition, state laws must clearly define the role of a priest or pastor as one involving a 'fiduciary duty' between a licensed caregiver and a client—like those accorded psychiatrists or physicians.

Sexual relations in those instances should be grounds for appropriate civil as well as criminal sanctions." Recent reports from European and other countries about physical and sexual abuse of children by Catholic priests and cover-up by those in authority demand swift and effective action. The emerging facts about the church's behind-the-scenes actions are appalling: allowing the sexual exploitation of girls and women, including nuns; procuring abortions for those who became pregnant and intimidating them into silence; and using church officials to "wipe down the crime scene." "When an all-male church hierarchy poses as unquestioned authority, the potential for abuse and cover-up is great," O'Neill said. "Religious organizations without a strong laity or democratic governance have failed to take the necessary steps. Church members, abuse survivors and their advocates must demand accountability."

"In addition to stepped-up legal recourse, fundamental reform of the male-dominated Catholic Church is needed if children and women are to be protected from predatory priests—and if the church is to regain some modicum of moral authority," O'Neill said. "The best reform would begin with bringing women into positions of power. Until that happens, with its current track record of sexual exploitation, the church is in no position to make pronouncements on the roles or rights of women."

NOW's membership is speaking out against clergy sexual abuse. Not only are children—girls as much as boys—the victims of sexual exploitation, but adult women also are at risk. Reports of the latter cases are slow to surface, perhaps because of the shame felt by the victims and efforts by church leaders to keep reports from becoming public. A number of studies in the United States show that adult women are even more likely than children to be targets of clergy who use their positions of trust for sexual exploitation. A Ford Foundation-Baylor University survey in 2008 found that one in 33 women had experienced sexual abuse by their priest or pastor. These are not "relationships" but rather the abusive exercise of power. The outcomes can be devastating. Clinical reports indicate high rates of post-traumatic stress disorder, other anxiety disorders, depression, physical illness and suicide, according to the FaithTrust Institute.[1]

### National Organization for Women

Call to Criminalize Sexual Exploitation of Women by Clergy

**Whereas**, the National Organization for Women (NOW) has fought hard to shatter societal silence regarding all forms of sexual violence; and

**Whereas,** public misunderstanding and lack of knowledge regarding adult victims of sexual exploitation by clergy have contributed to silencing the voices of these victims; and

**Whereas,** the overwhelming majority of victims of sexual exploitation by clergy are adults, predominately female congregants victimized by male clergy; and

**Whereas,** adult victims of clergy sexual exploitation are routinely blamed for this abuse and re-victimized by the public, severely ostracized by their own congregations, and disbelieved by religious authority figures from whom they seek solace and protection, resulting in devastating social isolation and confusion; and

**Whereas,** in addition to coping with the physical and emotional impacts of sexual violation, victims of sexual exploitation by clergy often also suffer loss of faith, loss of religious tradition, loss of spouse, loss of employment within religious organizations or with faith-affiliated educational institutions, self-blame by the victim, and loss of support from family, congregation, and community;

Therefore, Be It Resolved, that NOW chapters be encouraged to participate in educational and advocacy campaigns to increase public awareness that the majority of victims of clergy sexual exploitation are adult women and that sexual violation by a spiritual leader has profound life-altering impacts; and

Be It Further Resolved, that NOW entities be encouraged to support state legislative campaigns for statutory reform, in particular to add clergy to the enumerated categories of professionals covered in fiduciary-duty laws in states having such laws, and for criminalization of sexual relations between similarly enumerated categories of professionals in states not having fiduciary-duty laws; and

Be It Finally Resolved, that NOW disseminate information on the extent and impacts of clergy sexual exploitation of adult women, including legal avenues of redress and model legislation, on the NOW website and via other media outlets that NOW regularly utilizes for its advocacy campaigns.

## 11.5  Dragging Sextortion into the Light

*Cléo Fatooreh Chi*

In their 2010 book *Half the Sky,* Pulitzer Prize-winners Nicholas Kristof and Sheryl WuDunn write about a disturbing but not uncommon problem in Southern Africa—male teachers who trade good grades for sex with students. The authors note that "half of Tanzanian women, and nearly half of Ugandan women, say they were abused by male teachers."

### *What Is Sextortion?*

There's a word for this—*sextortion.* The main characteristic of sextortion cases is that they involve a perpetrator in a position of influence or authority, Joan Winship, executive director of the International Association of Women Judges (IAWJ), told the United Nations Inter Press Service (IPS). This includes teachers but also policemen, priests or employers, for example. "There is (also) an element of *quid pro quo,* where, if you agree to have sex, then I will be able to give you a promotion, or a raise, or your visa, or I will not give you a traffic ticket. So there is an element of exchange there, which can be either explicit or implicit," she explained.

These elements of exchange and power imply consent from the victim, and "that makes it a challenge (to prosecute)," said Winship. "It's part of the problem why it hasn't been defined, and this is what we're trying to do." The IAWJ used a recent meeting of the Commission on the Status of Women in New York as an opportunity to shed light on sextortion.

### *Ending Impunity*

Sextortion is a widespread phenomenon, found in all countries of the world. But since it is mostly unreported, impunity is common for perpetrators. It is with the goal of ending this impunity that IAWJ launched a programme entitled "Stopping the Abuse of Power for

Purposes of Sexual Exploitation: Naming, Shaming, and Ending Sextortion" in March 2009 in The Hague. Aided by the government of the Netherlands through its MDG3 Fund, the programme pulls together three of IAWJ's partners, from Tanzania, the Philippines, and Bosnia-Herzegovina. The concrete outcome of this initiative is the creation of a toolkit that will provide judges with a range of current laws that can be applied to cases of sextortion (see www.IAWJ.org). As Hon. Teresita de Castro, from the Supreme Court of the Philippines, highlighted during a panel on the issue, when people understand that sextortion is a crime, then justice can be done.

Victims of sextortion also need to see it as a crime and overcome their fear of speaking out, even though "when they do come forward, there are other obstacles [for prosecution]," said Nancy Hendry, IAWJ senior legal advisor. "She or he stands alone, not only against the individual defendant, but also against the entire institution that the defendant represents—and historically, the community that has invested its trust in the defendant," Anne Goldstein, IAWJ human rights education director, told IPS.

IAWJ is not advocating for a new legal framework on this issue, either at the country or international level. "The problem is not an absence of law, the problem is the absence of will to enforce [existing] laws," Goldstein said.

IAWJ considers sextortion "a form of corruption," in which it is not money but sex that is at stake. But while reparations can be made for financial corruption, sextortion brings psychological and physical damage, and overall is much more dangerous, Justice de Castro underlined.

IAWJ is lobbying to have existing anti-corruption laws used to prosecute sextortion perpetrators. Goldstein told IPS their purpose is to "draw together in one place both the anti-Gender Based Violence laws and the anti-corruption laws that are generally looked at separately

but—IAWJ believes—need to be integrated." "A successful strategy against sextortion would mainstream anticorruption efforts into gender—and vice versa," she said. As Winship concludes, "We want to change the thinking that the currency does not have to be only money; the currency can be asking for sex."

### Using the Internet to Fight Back

The internet is usually viewed as increasing the potential for various forms of sexual abuse, such as by the hacking of webcams or computers in search of compromising photos. Teenagers are the most affected by this new trend, since they are easily intimidated.

However, IAWJ considers the internet a useful tool "for victims [of sextortion] to find each other, share stories and offer support," Goldstein told IPS. "Thus, you have groups springing up such as SNAP (the Survivors Network of those Abused by Priests) and STAMP (Survivors Take Action against Military Personnel)."

She also pointed out that if "it's easy to brush aside a single allegation of sexual abuse/sexual harassment/sextortion, it's much harder to ignore thousands." She cited the examples of the 2004 John Jay College of Criminal Justice report, "The Nature and Scope of the Problem of Sexual Abuse of Minors by Catholic Priests and Deacons in the United States," which "brought together 10,667 complaints against 4,392 individual priests." In addition, "sexual harassment—the *quid pro quo* form of which is a canonical example of sextortion—went from being something that "just happened" to women, to "a violation of the law."

Finally, new technologies represent a tremendous tool for providing allegations of sexual extortion. "It is no coincidence that many of the sextortion cases that have led to actual court convictions involved compromising e-mails, texts, audio or video recordings," said Goldstein.

Thanks to these new tools, concluded Goldstein, "at least we have been able to move from denial or blaming a few rotten apples to the

acknowledgment that sexual abuse/harassment/sextortion are serious problems embedded in institutional cultures—and they need to be addressed."

## 11.6  Protecting the Vulnerable

*M. Garlinda Burton*

Once again, the Roman Catholic Church is in the hot seat in the wake of allegations of sexual misconduct by priests and cover-ups at the highest levels of church leadership. Once again, the leadership has flubbed it— blaming news media, playing the victim, making excuses and generally not taking responsibility. The pope, arguably the world's most prolific theologian, can't even offer a simple apology.

However, lest the rest of us in the religious community yield to the temptation to sit in smug and detached judgment of our brothers in the Catholic hierarchy, let's consider the planks in our own eyes.

Church Mutual Insurance, a company that insures churches and church-related entities from several denominations, reportedly receives more than 350 claims per year regarding alleged sexual abuse of adults and children by clergy or laity in ministerial leadership.

In the United Methodist Church, adjudicating cases of sexual misconduct by clergy has cost us $100 million in the past 10 years alone. (And those are just the cases we know about. There is no central repository for such records. So, if you don't have enough money to pay your pastor's salary, give scholarships to all your college-age members, or send a mission team to build a well in Haiti, this is one reason why.)

Beyond that, so far in 2010, the church wide Commission on the Status and Role of Women has fielded 40 complaints of alleged sexual abuse against women, children and men by United Methodist clergy and laity in ministerial and church leadership roles.

The United Methodist Church has a commendable track record in terms of on-the-books policies and procedures for screening clergy

candidates, prevention training for active pastors, adjudication of complaints and cooperating with civil authorities. However, our actual track record for effective prevention, intervention and holding errant clergy accountable for abuse is another thing. As in the Roman Catholic situation, too often we protect bad pastors by simply moving them to new assignments, we don't communicate well with affected congregations and we neglect and marginalize those who are abused— sometimes even ostracizing and punishing "whistle blowers" for reporting misconduct.

In fact, too often, the corporate United Methodist Church neglects our primary call to be caring and pastoral to wounded disciples of Jesus Christ in the name of protecting the institutional church, discrediting those who complain and engaging in stonewalling and legal manoeuvring instead of justice making.

And each time we fail to protect the vulnerable we sacrifice a bit more of our integrity, credibility and ability to reflect and represent the loving and liberating gospel of Jesus Christ.

I've been asked by journalists and church leaders alike: "What do you think about the Catholic situation?" and "What advice would you give to Catholic church leaders?" My answer, humbly, is, that every Christian community— its leaders and everyday members alike—must take the following steps to reclaim moral authority, using this to-do list.

***Confront sexism, ageism and racism.*** Most perpetrators of sexual abuse are men; most of the abused are women and children. One reason Christians can't get a handle on abuse is because we privilege males— particularly clergy males—and we discount and dismiss women and children. We as a society believe that women are intentionally provocative and are "asking for it." We believe that children lie and that teenage girls asserting their sexual beings can seduce and lead a grown man astray. Too often, we people of color and those from the Southern Hemisphere defend sexism and sexual violence as "cultural norms" and,

therefore, acceptable. However, in claiming the Gospel of Jesus Christ as our road map for individual and corporate life, we also declare that the sacred worth of all people trumps sexism, ageism and culture. We need to say that and live it.

*Remove errant pastors.* Period. Being ordained or licensed as a minister is not a right—it is a calling and a privilege. Ordination is the church's imprimatur on our representatives, who are not perfect, but who are called and set apart by God as servant leaders. Clergy (and laypersons serving ministerial roles)—who use their parishes as their harems, who exploit children and vulnerable adults and who operate out of a sense of maverick entitlement harm the church and its members. They are not effective ministers of grace, they cannot be trusted to represent the Gospel of Jesus Christ in a hurting world, and they have no place teaching and preaching in the name of our church. Errant clergy are, of course, recipients of God's love, redemption and forgiveness. Removing pastors who exhibit bad behavior and offering them redeeming love and pastoral support are not mutually exclusive.

*Support and reward good pastors.* Being an effective, caring, healthy pastor is a hard job, and a disproportionate number of pastors neglect their personal lives and let boundaries between church and home slide. When this happens, even good pastors are at risk of losing their perspective, crossing personal boundaries, and messing up. Clergy need regularly scheduled renewal leave and pastoral care outside their official assignments. Pastors need days off; married pastors need date nights; single pastors need time and space to date and socialize. In a recent conversation, a pastor-friend told me she has so much paperwork, so many meetings and so much day-to-day work that she seldom has time for group Bible study and intense prayer, and that her district superintendent has never asked her, "How is it with your soul?" Nurturing and sustaining effective pastors requires us to tend to their souls, to make discipleship development an ongoing part of our support

and continuing education, and to have systems in place to intervene when a clergyperson is in trouble. The first step in preventing sexual misconduct by clergy is to ensure that the pastors we claim—beginning in seminary and in the local-pastor licensing processes—are supported and affirmed for their ongoing spiritual and emotional well-being.

*Engage laypeople in prevention.* Most laypeople depend on pastors and church administrators to set the standards, know the rules about professional boundaries and abuse-of-power issues, maintain the appropriate boundaries and hold clergy accountable. However, I believe educating laity and letting laity take part in both prevention education and adjudication would help prevent secret keeping and the temptation for clergy to shield errant colleagues. Laity need to know that misconduct does happen in the church and that we have policies and procedures for addressing it, and that their protection and their spiritual and physical well-being are uppermost in the minds of pastors, bishops and other church leaders. Back-room deals, hiding behind "confidentiality" agreements, and moving bad pastors to other appointments has not stemmed the number of sexual abuse cases. There are laity in the pews who are psychiatrists, therapists, educators, lawyers and teachers; they've dealt with professional boundary issues for decades and can only help the church get its house in order.

*Uphold non-negotiable, binding church wide policies, procedures and adjudication.* Currently, except for minimum standards, each annual conference of The United Methodist Church sets its own standards for ordaining/licensing ministers. Each conference designs its own method and manner for training and orienting pastors and church members, and each conference has its own processes and standards for dealing with sexual misconduct (and any other complaints), including caring for the accuser, accused, their families and congregations. These standards, practices and processes can vary widely according to the competency of bishops and other administrators and their interest and

sensitivity. They may also vary by geographical location and cultural history. That's not good enough. If we are The United Methodist Church of Jesus Christ, seeking to transform the world in his name, then we need to assure that wherever the Cross and Flame is found, that clergy and laity in leadership are bound by equally high standards and will be held accountable if they cross certain strict boundaries, i.e., perpetrating sexual abuse or misconduct.

***Confess our sins publicly and then make it right.*** As anyone who has ever fought with a spouse knows, saying, "I'm sorry you feel hurt" is worse than saying nothing at all. Still worse is playing the victim, as some Catholic leaders have done when they claim that the media is picking on the church by reporting on the sexual abuse scandal. Reality check: "The only victims are the ones who were abused by the church and saw their abusers go unpunished." The only godly stance when a Christian has wronged another, who is made in God's image, is to humbly admit wrongdoing (publicly and often), to beg forgiveness from and offer restitution to God and the survivors, to seek justice for those affected, and to work tirelessly to ensure that the wrongdoing is not repeated.

Yes, the current news is full of the 'Catholic problem, but be assured that clergy sexual misconduct is an ecumenical problem that requires all Christians be equipped to know the issues, act appropriately, pray for forgiveness and wisdom, and to humbly pledge that we will cease making protections for errant clergy and negligent denominational leaders a higher priority than serving and protecting the people God has placed in our care.

## 11.7 A Safe Place

*Gary R. Schoener*

The church, even for non-believers, is a *sanctuary—a safe place.* Beyond a place to worship, a church is a place where one may bring one's concerns and problems. While the Nathan Network has been focused on dealing with sexual abuse in the church—a way in which the church is not a safe place— parishioners and others may bring to the church a number of problems from the outside world:

> (1) Family violence—abuse by spouse who may, or may not be a church member
>
> (2) Family violence caused by abusive kids who may be engaging in drug use and criminal activity
>
> (3) Being a victim of physical or sexual violence in the community
>
> (4) Being a victim of economic crime, such as fraud
>
> (5) Serious economic hardships
>
> (6) Bullying and sexual harassment in the workplace
>
> (7) Sexual exploitation outside the church.

Besides sexual harassment or sexual exploitation by ordained persons–a pastor or deacon–these same things may be the result of actions by other church staff or church members. In addition, there are also non-sexual offenses, such as someone who is excessively manipulative or who engages in "power plays" or someone who is abusive or harassing. Within each area, the questions are: What role does the church want to play? What is involved in taking on this role? What tools does the church have to resolve such problems?

### Our Experience and Knowledge

How far have we come in dealing with the abuse of women in the church? ***Response and Resolution.*** There are many models for response

and resolution, depending on how organized the church is and the situation. If the offense is admitted, one can focus on remedy. If it is denied, there may be a battle over the truth. In this case, it is more difficult to reach a solution.

*Processing and Mediation.* These are two ways of resolving disputes and problems, but both have limitations. One of the big challenges is that people have very different views of what is an acceptable outcome. We should be clear about our goals and clear about confidentiality.

*Accountability.* Beware of quick admissions of guilt and confessions. Is there really remorse? Is there accountability for the outcome? Rev. Marie Fortune and others feel that restitution is a key component. There is disagreement as to whether this must come from the offender, from the church or from the church's insurance company. Be aware that there is a tendency to jump to conclusions before an investigation is undertaken.

*Truth Telling.* This has to do with communicating with the congregation. The particular congregation and parties involved have a major influence on how truth is discovered or revealed.

> (1) Be very careful about asking the involved parties how the situation should be revealed; do not promise to do it their way.
>
> (2) Do not assume that the Parish Council or church leaders will maintain confidentiality.
>
> (3) Do not delay too long because the rumors (started with by the offender or victim) will travel quickly
>
> (4) What is written may find its way around the community.
>
> (5) Having people (pastor or victim) tell their version sometimes helps clear the air but it may so be used for manipulation.

*Assisting Victims.* Because most communities do not have support groups, much of the counseling will be individual.. There is a clear role

of the church to pay for services. Some internet options are helpful (FORUM, HOPETALK, ADVOCATEWEB).

**Evaluating the Offender.** There is no one accepted approach or protocol. There is the problem of evaluating rehabilitation.

### Stages in Handling the Crisis

**Pre-Crisis.** Sometimes persons know about the situation and either don't act or act in a fashion which is ineffective. *We struggle with truth while we want to avoid suspicion and reporting on each other.*

**Crisis.** There is no formula for what to do when a story breaks or a complaint is received. Confidentiality makes a difference. Keep in mind that emotions and confusion are central and that the key need is to begin the investigation while providing information as needed and assuring people that you will get to the bottom of it.

**Processing.** After the crisis has broken, the congregation and leadership begin trying to deal with the situation:

> (1) Victim-blaming is common.
> (2) Polarization occurs with those divided by those who support and those who condemn the offender
> (3) There may be considerable fear for the future of the church.

**Resolution.** The crisis will end and solutions will be found. The final version of the story will be disseminated. Some leave, some stay with the church. Decisions will be made on the fate of the pastor and the fate of the victim.

There will be sometimes a second group of those who have been the victims of exploitation, who feel that the church has not done enough for reconciliation. They appeal to people for a mediation or reconciliation. It is unclear whether anything would actually bring that about, because the more they make a point of their alienation, the more others exclude them, which creates more alienation, and so on.

**Some Questions**

Many further questions naturally arise:

(1) How far should the church go in addressing social problems which affect both individuals and families?

(2) What has priority?

(3) How does one balance ministries that help individuals and families? They compete for time and resources.

(4) Are support groups a resource?

(5) Are partnerships with other organizations and groups an option?

(6) With declining resources, the church is challenged monetarily in *how much the church can do.*

(7) The church's own house has to be "clean." Attempts must be made to remove power politics and social games as much as possible.

**Related Issues**

Joint ventures and social programming out of churches might be a useful way to address broader societal issues. Interfaith task forces or consultative groups have great value in terms of consultation regarding troublesome cases. The Mennonite Reconciliation Service and Women's Committee are examples of mediation.

There are in Minnesota (and elsewhere) joint ventures among churches for social projects. A number of churches put together a Neighbourhood Involvement Program which has many services. They also collaborate on housing. One local social justice foundation sponsors a walk involving many of non-profits, including my own (www.walkforjustice.kintera.org). Another group sponsored guest lectures.

Last but not least, when the church gets involved there is always liability, not just legal liability but challenges if efforts fall short in someone's eyes.

# C

# PRAXIS:
# STANDARDS AND PROCEDURES

**12**

# GLOBAL ETHICS AND
# INTEGRITY BENCHMARKS

*Joan Elise Dubinsky / Alan Richter, USA*

*How can ethics and integrity be improved in organisations, and religious institutions? The following text is the introduction to the practical and tested integrity benchmarks.[74] The Benchmark includes 15 categories, in three groups: Foundation, Culture and Risk. The authors have extensive experience in public and private institutions. Joan Dubinsky is internationally recognized expert in business ethics and corporate compliance and was Chief Ethics Officer of the United Nations and the IMF. Alan Richter is founder and president of QED Consulting and co-author of the Global Diversity and Inclusion Benchmarks. (CS, Editor)*

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2. [74] Dubinsky, Joan Elise/ Richter, Alan, *Global Ethics and Integrity Benchmarks,* 3rd Edition January 2020, I-IX. All rights reserved. We thank the authors for the permission. The full text with the extended Checklist can be *downloaded for free* as pdf: https://www.qedconsulting.com/component/content/article/104-services/products/160-global-ethics-integrity-benchmarks?Itemid=566.

## 12.1  Introduction

Welcome to the Third Edition of Global Ethics & Integrity Benchmarks! Since 2009, we have offered these benchmarks for free to help organizations make a formal, practical and tangible commitment to ethics and integrity.

Global Ethics & Integrity Benchmarks (GEIB) is a tool for helping organizations assess and measure their progress in integrating ethics and integrity throughout their workplaces. It enables organizations, leaders, and their boards to identify specific actions to enhance performance. Although conditions and attitudes can vary, these benchmarks are global because of their worldwide applicability. Making these benchmarks global has certainly been a challenge. We believe they address the need for a universal systemic approach to workplace ethics and integrity.

Organizations around the world should operate in similar fashion when selecting ethical courses of action. Though governance, legal standards, and expectations for organizations may differ somewhat, the fundamentals of workplace ethics transcend national boundaries and legal systems.

Global values (e.g., truth, fairness, family, justice, freedom, and respect for life) are at the foundation of the Global Ethics & Integrity Benchmarks. Global values rooted in integrity can be found in all religions, texts on moral philosophy down through the ages, the United Nations Universal Declaration of Human Rights, and all rights-related conventions and principles. Though there is significant "play" in how global values can be defined and applied, what unites us as human beings is this ethical dimension. Different cultures, nations, and societies may differ about how to prioritize specific values. Nevertheless, all human societies accept that a set of global values exists and that these values tend to unite rather than divide us.

We have written *Global Ethics & Integrity Benchmarks (GEIB)* to apply to all types of organizations in all sectors. The benchmarks can be

used by for-profit, not-for-profit, government and civil society organizations - wherever individuals care that their workplaces and community are known for a commitment to ethical action. The benchmarks will be most relevant to large and medium-sized organizations. However, small organizations can also benefit from working with this tool.

Since 2009 when we launched the first edition of the *GEIB*, we have observed that ethics and integrity expectations are rising around the world. Thousands of organizations around the world are using this tool, freely downloading the document from our website. Our ever-expanding Expert Panel continues to provide up to the moment feedback on how *GEIB* applies to their organizations. In this third edition, we include a new benchmark on *Interpersonal Misconduct,* one of the most significant emerging ethical risks facing us today as diversity and inclusion have become critical to organizational success, as well as the growing global movement against harassment, sexual harassment and sexual assault.

The following model represents what is needed to build a house for ethics and integrity, in a systemic and sound manner. The four Foundation categories are essential to supporting the structure; the five Culture categories represent living in the "house"; and the six Risk categories provide protection from internal and external ethical risks.

In using *GEIB* as part of an organizational assessment, you can select from the categories offered – not all need apply, nor need they be weighted equally. Much will depend on the state of maturity and nature of your organization. For example, if you are just starting out with ethics and integrity, then we suggest you start with the Foundation categories.

## RISK

| | |
|---|---|
| Ethics Risk Assessment | Interpersonal Misconduct |
| Whistleblowing & Retaliation | Conflicts of Interest |
| Confidentiality & Transparency | Bribery & Corruption |

## CULTURE

| | |
|---|---|
| Organizational Culture | Ethics Communication |
| Rewards & Discipline | Ethics Training & Education |

Social Responsibility & Sustainability

## FOUNDATION

| | |
|---|---|
| Vision, Purpose & Goals | Ethical Leadership |
| Ethics Resources | Legal Compliance, Policies & Rules |

These benchmarks reflect emerging standards and best practices. They will continue to change and evolve over time, responding to the changing environments in which we work. Context is critical in assessing the importance and relevance of these benchmarks. In one situation, you might not adopt a best practice while in another context it may be a critically desired factor. You will want to review these benchmarks, and evaluate the relevance and importance of each category to your own organization.

***The levels.*** The best practices in each category are shown as 100%. For each category, the benchmarks are divided into five levels that indicate progress toward the best practices in that category – from 0% (where work has yet to begin) to 25% (where minimum compliance is the mindset) to 50% (where significant proactive work has begun to take hold) to 75% (where the work is ethically robust and progressive) and then on to global or world-class best practices at 100%. Reviewers may select benchmarks in more than one level in any category, but this is not a mathematical exercise. So, for example, if your organization's practices generally match the 50% level in a category, you can consider your organization to be at the 50% level of best practice in that category.

***Defining terms.*** We define ethics and integrity broadly. Ethics (right action) and integrity (personal character) refer to a commitment to virtuous thought and action in all aspects of how an organization is governed and run. We like to draw distinctions between legal compliance and ethics and integrity. Legal compliance describes the necessary and minimum conditions for following the law and avoiding punishment. Legal compliance focuses on what one has the right to do and by implication what one cannot do by law. By way of contrast, ethics and integrity describe the moral choices that individuals and organizations should make. In those parts of the globe where the rule of law is not fully respected, a focus on ethics and integrity is all the more imperative.

We believe that healthy, high-performing, and successful organizations must pay close attention to ethics and integrity, above and beyond legal compliance. Sovereign governments set legal standards. Legal standards and compliance expectations may be similar but are rarely identical across national borders. Organizational life today is global, as the flow of ideas, products, data, and services transcend the limits of political boundaries. As a result, ethics and integrity standards should flow through your organization and across your partners and suppliers without restriction.

By "global," we simply mean that these benchmarks are universally applicable, not specific to a country, culture, or industry. However, cultural, country, and industry considerations may impact which categories you prioritize. Over time, priorities may change.

***Conceptual frameworks.*** There are competing frameworks for understanding and categorizing how global ethics and integrity work. Some of the prominent schools of thought include: 1) stakeholder prominence; 2) substantive and procedural due process; 3) corporate social responsibility and the purpose of the organization; 4) social contract theory; and 5) rights, duties and obligations of individuals and

institutions. Our benchmarks include aspects of all of these, sometimes competing, frameworks.

**Background on the source and development.** We are indebted to the diversity field. *Bench Marks for Diversity* was first published by the Tennessee Valley Authority (TVA) in the early 1990s based on groundbreaking research. Julie O'Mara and Alan Richter then updated, reconfigured, and made the original research global to create the *Global Diversity & Inclusion Benchmarks* (2006, 2011, 2017). The idea behind the GEIB was to use the structure of the *Global Diversity & Inclusion Benchmarks* and apply it to Global Ethics & Integrity. This is now the third, updated version of the GEIB.

**Permission to use.** The Global Ethics & Integrity Benchmarks tool is provided free of charge with the provision that our copyright is always respected and acknowledged.

**The authors.** Both of us reside in the United States and are aware of the cultural consequences of our location and background in compiling these global benchmarks. Alan grew up in South Africa, lived in the United Kingdom, and has been doing ethics and diversity consulting around the world for over 30 years. Joan grew up in the Midwest of the United States, has lived in several U.S. cities, has travelled and consulted in several countries, previously served as both the Chief Ethics Officer for the International Monetary Fund, and for the United Nations. She is one of the leading business ethics practitioners in the U.S. and among international organizations operating globally.

**The panel of experts.** To enhance and validate our global view, we have called on expert panellists (EP) who reside and/or work globally. We continue to expand the members of our EP. They are listed and acknowledged for their invaluable contributions in the full text.

We encourage you to incorporate an unwavering commitment to ethics and integrity into every aspect of organizational life. Ethical organizations recruit and retain ethical employees and partner with

ethical suppliers, vendors, and other stakeholders. We believe that a fundamental commitment to ethics and integrity in organizational practices is key to making this a better world in which to live and work, one organization at a time.

## 12.2 How to use the Global Ethics and Integrity Benchmarks?

Here are some ways to use these benchmarks:

- *Create clear and aspirational organizational standards.* Standards are helpful for employees, managers, executives, and board members because they help define excellence. Use the benchmarks to set standards for achieving ethics and integrity in your organization as part of your strategic planning process.
- *Educate senior leaders and governance teams* on expectations, goals, and structures for effective ethics and integrity programs within an organization.
- *Engage employees and promote accountability for progress.* Obtain buy-in from management and the board. Have groups discuss selected categories and try to reach consensus on the level at which their departments or organizations currently compare to the benchmarks. If no consensus can be reached, then discover what is the narrowest agreed-upon range. Over time, this iterative process can chronicle your organization's progress in the chosen categories. Report back to management and the board regularly.
- *Evaluate organizational progress* towards short-term and long-term program goals. Use your organization's benchmark scores to determine which of the categories are most important, and then set concrete goals as you work toward increasing the overall percentage/score.

- *Engage in continuous improvement of your organization's ethics and integrity systems and processes.* This set of global benchmarks is one tool — but not the only one of its kind — that can be used to conduct rigorous self-assessments resulting in measurable program improvement.
- *Assess ethical risk.* These benchmarks can help organizations identify, describe and assess a wide range of ethical and reputational risks.
- *Inform internal audit's* assurance arrangements and the effectiveness of the organization's control framework.

These benchmarks have been created based on our experiences and the experiences of the expert panel. While we are confident that the benchmarks represent realistic and successful practices, they are not based on a systematic empirical study. Therefore, please use these benchmarks as guidelines, not as requirements. They should not be used to determine whether an organization has met specific legal standards set by any one national jurisdiction. Do not use them to make compensation decisions or judge the effectiveness of individuals who have organizational responsibility for implementing ethics and integrity programs. The benchmarks do not constitute legal advice, and are in no way a substitute for consultation with your organization's legal counsel. We are not legally responsible for any misuse of these benchmarks beyond their specific intended purposes.

Finally, these benchmarks do not provide organization-to-organization comparisons. This tool is not designed to create a sector scoreboard. It is solely designed for any organization to benchmark against global best practices and chart its own development over time. *GEIB* does not replace codes of conduct adopted by associations representing licensed professionals (e.g., doctors, lawyers, or accountants).

## 12.3  Category Descriptions

**FOUNDATION**

1.  **Vision, Purpose & Goals**. Covers the organization's overall approach to ethics and integrity, including how it formally articulates its underlying commitment to ethical conduct, how these aspirations and expectations are embedded throughout the organization, and how they are reflected in the organization's purpose or reason for being. This category includes how an organization identifies and defines its core ethical values or principles.

2.  **Leadership**. Covers the responsibilities of the organization's leadership in shaping, guiding, and supporting the organization's ethics and integrity initiatives. It examines how board members, leaders and managers show commitment, lead by example, and are held accountable for promoting ethics and integrity throughout the organization. This category includes an assessment of its "Tone from the Top".

3.  **Ethics Resources.** Covers how the ethics function (standalone or integrated) is structured, staffed, and resourced, as well as its formal and informal reporting relationships. This category includes the qualifications, roles and responsibilities of those individuals who are assigned to implement the ethics and integrity function.

4.  **Legal Compliance, Policies and Rules.** Addresses how laws, policies, rules, and country or industry guidance create the legal system within which ethical behavior will flourish. It includes compliance with the legal framework, established by the multiple jurisdictions within which the organization operates. This category covers the systems and controls used to ensure that the organization, board and all employees are legally compliant.

**CULTURE**

5. **Organizational Culture**. Addresses how the organization promotes ethical conduct in the context of its mission, vision, purpose, structure, and strategy. This category explores the degree to which an organization focuses on shaping its organizational culture (both the written and unwritten rules, values and behaviors that dictate how work is performed and goals reached) and whether that culture actively promotes ethical conduct. This category addresses how culture promotes trust, respect and goodwill among all stakeholders.

6. **Rewards and Discipline**. Describes how the organization sets and enforces its standards for ethical conduct and behavior. This category addresses rewards and punishments, incentives that promote ethical behavior, and disciplinary action taken to deter or punish unethical conduct. This category includes how the organization promotes accountability through performance management, and whether ethical conduct is linked to compensation and/or other types of non-monetary benefits.

7. **Social Responsibility and Sustainability**. Describes the relationship between the foundational principles of the organization and service in the common good. This category covers the organization's efforts to establish links with, engages with, and invests in the communities and stakeholders with which it interacts. This category covers government relations, environmental stewardship, philanthropy, sustainability, human rights, social justice, and community impact.

8. **Ethics Communication**. Describes how the ethics and integrity strategy is articulated and promoted, both internally and externally. This category covers how the organization presents itself, defines its stakeholders and how it crafts key messages for distinct audiences. This category considers both opportunities and ethical risks arising from the use of social networks and social media.

9. **Ethics Training and Education**. Explores ethics and integrity awareness, skill-building training, and the integration of such training into the overall development of employees. This category addresses the provision of ethics training throughout the life cycle of employees, and the degree to which these initiatives are integrated into other organization-wide training commitments.

**RISK**

10. **Ethics Risk Assessment**. Explores how the organization articulates and assesses ethical and reputational risk. This category describes how risk is defined, measured, and managed to ensure that the ethics and integrity strategy addresses those risks that are the most serious and most likely to occur.

11. **Interpersonal Misconduct.** Covers how the organization addresses harassment, sexual misconduct, discrimination, bullying, abuse of power, favouritism and nepotism, whether committed by board members, leaders, managers, employees, vendors, suppliers, or others with whom the organization has interactions.

12. **Whistleblowing & Investigations**. Explores how the organization encourages individuals to make reports about questionable conduct. This category describes the methods and protections offered to individuals who wish to make the organization aware of possible unethical behaviour, misconduct, or illegal actions. This category covers how complaints are investigated while ensuring that the principles of fairness and due process are observed.

13. **Conflicts of Interest.** Covers the organization's ability to effectively manage personal and organizational conflicts of interest, including favouritism, nepotism, and self-dealing. This category considers the systems for recognizing, managing, and resolving personal conflicts of interest in the best interests ethically and in the interests of the organization.

14. **Confidentiality & Transparency**. Covers the organization's ability to effectively balance its duty to maintain an appropriate level of confidentiality and privacy with its obligation to promote transparency in its interactions with stakeholders.

15. **Bribery & Corruption.** Covers the organization's ability to effectively prevent, detect, and address fraud, waste, abuse of authority, bribery and corruption in all aspects of its operations. Bribery and corruption are defined as the offering, promising, giving, or receiving of any undue advantage, whether directly or indirectly, to or from a government official, a political candidate, party or party official, or any individual, including a person who directs or works for a private sector enterprise in any capacity.

## 12.4 Guidelines for Use

Each category follows the same format. The benchmarks are grouped by levels. There are 5 levels of achievement, from 0% (inactive), 25% (reactive), 50% (proactive), 75% (progressive), to 100%. The 100% level indicates current global best practices for each ethics and integrity category as perceived by the authors and with our expert panelists. Going beyond 100% would make your organization a pioneer and a model for the next update.

The 0% level typically identifies an organization that has not yet begun to focus on this specific ethics consideration. The 25% through 75% levels show progressively where an organization might be situated as it improves in that category, finally reaching the 100% or best-practice, level. The 100% level describes current best practices as of January 2020.

The benchmarks combine both processes and outcomes; however, the outcomes become more important at the higher level benchmarks. The positive outcomes are to be read cumulatively, so that 100% descriptions incorporate the positive outcomes of 25%, 50% and 75%.

For example, if at 25% or 50% the benchmark says "some managers," assuming this is a positive outcome, then at 75% and 100% one can assume that "some managers" become "most (if not all) managers." The cumulative effect is strongest between 75% to 100%, but less so below the 50% range.

## 12.5 Terminology

To clarify definitions and avoid repeating lengthy terminology, please note the following:

- We refer simply to *"ethics"*, which in many places is shorthand for "global ethics and integrity."
- We use *"chief ethics officer"* to designate the most senior person responsible for leading ethics and compliance initiatives in an organization. This person has expertise in organizational ethics but may or may not be a full-time ethics professional. We want to distinguish the top executive or leader of the entire organization from the highest-ranking person in the organization with specific programmatic responsibility for ethics. The titles used for this role will vary around the globe.
- We use the term *"leaders"* to describe everyone in the organization who has responsibility for accomplishing some or all of the organization's ethics and integrity vision and goals. In some cases these leaders will be board members and senior executives. In other cases, "leaders" will include managers and supervisors and/or individual contributors.
- We use the term *"code of conduct"* and *"code of ethics"* interchangeably.

*As mentioned at the beginning of this article, the full text of* Global Ethics and Integrity Benchmarks *with the extended practical Checklists can be downloaded for free as pdf: https://www.qedconsulting.com/*

*208 Corruption-free Religions are Possible. Integrity - Stewardship*

*component/content/article/104-services/products/160-global-ethics-integrity-benchmarks?Itemid=566.*

# 13

## ISO 37001
## ANTI-BRIBERY MANAGEMENT SYSTEMS

*International Standardization Organisation ISO*

*How can organizations reduce corruption and related risks by respective management systems? ISO standards are voluntary standards, elaborated by international teams and broadly signed by companies, governmental and non-governmental institutions. ISO 37001, published 2016, serves this anti-bribery goals. Even though mainly applied by private sector organisations, it can also be signed by religious organisations and their specialised entities like schools, hospitals, universities etc. the following text is the short introduction brochure of ISO.[75]* (CS, Editor)

Bribery is one of the most destructive and complex problems of our times, and despite national and international efforts to combat it, it remains widespread. The World Bank estimates that over USD 1 trillion is paid in bribes each year, with disastrous impacts such as eroding political stability, increasing the cost of business and contributing to poverty. On a global level, it is a significant barrier to international trade, while within an organization it has a highly negative impact on employee morale. Many governments have taken measures to address

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[75] ISO, *ISO 37001. Anti-Bribery Management Systems*, Geneva: ISO, 2016.

bribery through national laws as well as international agreements such as the United Nations Convention against Corruption, but more can be done. Institutional change and an anti-bribery culture within organizations can contribute significantly to the fight against bribery and complement national and international measures.

### What is an Anti-Bribery Management System?

An anti-bribery management system is designed to instil an anti-bribery culture within an organization and implement appropriate controls, which will in turn increase the chance of detecting bribery and reduce its incidence in the first place. ISO 37001, *Anti-bribery management systems – Requirements with guidance for use*, gives the requirements and guidance for establishing, implementing, maintaining and improving an anti-bribery management system. The system can be independent of, or integrated into, an overall management system.

It covers bribery in the public, private and not-for-profit sectors, including bribery by and against an organization or its staff, and bribes paid or received through or by a third party. The bribery can take place anywhere, be of any value and can involve financial or non-financial advantages or benefits.

### What benefits will it bring to my business or organization?

ISO 37001 is designed to help your organization implement an anti-bribery management system or enhance the controls you currently have. It requires implementing a series of measures such as adopting an anti-bribery policy, appointing someone to oversee compliance with that policy, vetting and training employees, undertaking risk assessments on projects and business associates, implementing financial and commercial controls, and instituting reporting and investigation procedures.

Implementing an anti-bribery management system requires leadership and input from top management, and the policy and

programme must be communicated to all staff and external parties such as contractors, suppliers and joint- venture partners.

In this way, it helps to reduce the risk of bribery occurring and can demonstrate to your management, employees, owners, funders, customers and other business associates that you have put in place internationally recognized good-practice anti-bribery controls. It can also provide evidence in the event of a criminal investigation that you have taken reasonable steps to prevent bribery

### Who is ISO 37001 for?

The requirements of ISO 37001 are generic and are intended to be applicable to all organizations (or parts of an organization), regardless of type, size and nature of activity, and whether in the public, private or not- for-profit sectors. This includes state-owned enterprises, large organizations, SMEs and non-governmental organizations.

### How does ISO 37001 fit in my organization's other efforts to combat bribery?

The measures required by ISO 37001 are designed to be integrated into existing management processes and controls.

ISO 37001 is based on the ISO High-Level Structure (HLS) for management system standards. This means it can be easily integrated into other existing management systems (such as quality, environmental and safety).

### What about certification?

Third parties can certify an organization's compliance with the standard in the same way they do for other ISO standards such as ISO 9001.

While it cannot guarantee that there will be no bribery in relation to your organization, certification or compliance with this standard can help you implement robust and proportionate measures that can

substantially reduce the risk of bribery and address bribery where it does occur.

***Find out more***

Learn more about ISO 37001 and the technical committee that developed it.

> **www.iso.org/iso/iso37001**

# 14

# COMPLAINT MECHANISMS FOR RELIGIOUS ORGANIZATIONS. A PRACTIONER'S GUIDE

*Luise Ammerschuber, Switzerland*

## 14.1  Increasing Demand for Accountability

Recent years[76] have seen an increase in the desire and need of NGOs to strengthen their accountability in order to reinforce their legitimacy and position as agents of change within society. To become more transparent and accountable, many NGOs are putting measures in place ranging from policies to improved governance and systems. However, there also needs to be a way to ensure commitment to them and to enforce them in case of non-compliance. A specific tool for this purpose and to increase accountability and better governance are complaint

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[76] This chapter is an adapted summary of the guide book "Complaint Mechanisms for Non-Governmental Organisations – A Practitioners' Guide" (2017) by Luise Ammerschuber & Elisabeth Schenk. The guide was developed for the Community of Cooperation of Bread for all and its partners (cfd, Connexio, DM – échange et mission, Horyzon, International Blue Cross, Mission 21, Mission Evangélique Braille (MEB), Foundation Salvation Army, Service de Missions et d'Entraide (SME) and TearFund). Reprint permission of the summary from the author and publisher.

mechanisms. The latter are formal channels through which victims and witnesses of misconduct within an organization – ranging from mismanagement and corruption to physical and sexual abuse – are given the opportunity to file a complaint, without any fear of retribution, and can expect to see a response in a timely manner. Complaint mechanisms have proven to be a very effective tool to identify misconduct, give victims a voice and ultimately improve operations. Nevertheless, they remain a relatively new concept within the NGO sector.

The purpose of this chapter is to help organizations and institutions interested in establishing a complaint mechanism to understand how best to develop and run it to make it successful. The *Practitioner's Guide* which this chapter is based on was originally developed for NGOs but is also applicable and relevant to any organization interested in getting involved in this area. It is based on an identified need and provides practice-oriented guidelines based on the experiences of various NGOs. It shows what needs to be taken into consideration when planning, establishing and implementing a successful complaint mechanism.

**The most important message is: you do not need to reinvent the wheel when designing your complaint mechanism.**

## 14.2  What is a Complaint Mechanism?

In NGOs, complaints can emerge from various situations: project mismanagement, corruption, misuse of funds, nepotism as well as psychological, physical and sexual abuse. These incidents leave victims or witnesses of wrongdoing with the question of how to voice their complaints, and organizations with the question of how to receive and handle them. A complaint mechanism offers a solution by providing a formalized mechanism which offers giving victims and witnesses a chance to report a case through a formal and safe channel and allowing organizations to deal with complaints in a formalized manner.

Complaints are an expression of dissatisfaction or discontent about misconduct. A complaint mechanism can receive a wide range of complaints. It caters to both operational complaints (e.g. about programs, quality of work, donor registration, project participant selection) and serious complaints (corruption, nepotism, misuse of funds, physical/psychological/sexual abuse). The mechanism should be designed in such a way that it can be used by everyone, including employees, volunteers, project participants, partners or anyone else who has observed misconduct by the organization. The mechanism needs to be characterized by the following essential qualities: safety, confidentiality, transparency, accessibility, quality, verifiability, timeliness, assistance to those reporting, documentation.

## 14.3 Reasons for and Benefits of a Complaint Mechanism

The reasons for establishing and the benefits of having a complaint mechanism are manifold. All stakeholders – leadership, employees, donors and project beneficiaries alike – can benefit from its existence. A complaint mechanism is a unique tool that allows victims and witnesses of misconduct to have their voices heard, and allows organizations to detect misconduct, enforce policies and improve operations and thus the efficiency and the impact of the organization.

Complaint Mechanisms allow NGOs to live up to their responsibility toward donors, project participants, the NGO sector and society at large to deliver the best help they possibly can to those they intend to serve. The most important reason for having a complaint mechanism is to give victims and witnesses of misconduct tools to access to their right to be heard. In many cases where a complaint mechanism is absent, there is no possibility to report in a safe manner. Through a complaint mechanism, this gap is filled: an open ear in a safe and formalized setting is offered to victims and witnesses and their problems are taken

seriously and handled professionally. The opportunity to complain brings real meaning to the rights contained in the Code of Conduct and statutes of an organization. Dealing with the complaint can challenge the status quo, improve the situation, and potentially prevent similar cases from happening in the future.

Tips by observers of misconduct, e.g. by filing a complaint through a formalized mechanism, are the most effective way to discover cases of occupational fraud.[77] The misconduct pointed out through these tips demonstrates weaknesses in the system of the organization. The establishment of a complaint mechanism is a chance to detect these, to enforce existing policies and procedures and thus to improve the system as a whole. A complaint mechanism thus also functions as an early warning mechanism.
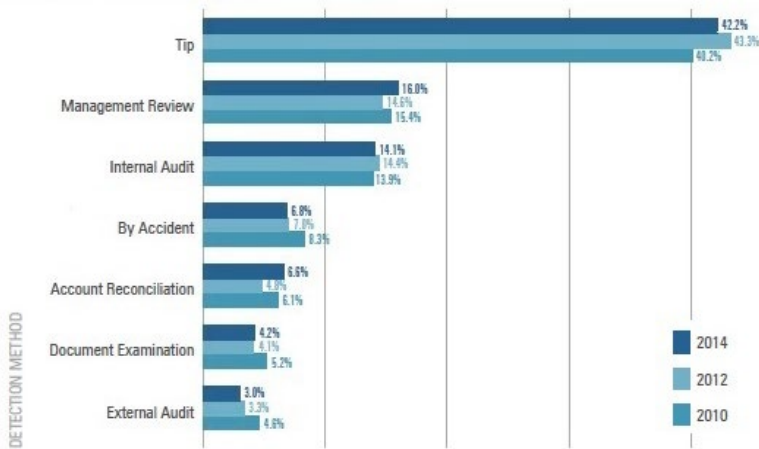


*Initial Detection of Occupational Fraud[78]*

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[77] Initial Detection of Occupational Fraud, in Association of Certified Fraud Examiners, *Report to the Nations on Occupational Fraud and Abuse – 2014 Global Fraud Study*, 2014, 19, available at http://www.acfe.com/rttn-download-2014.aspx.

[78] Association of Certified Fraud Examiners: *Report to the Nations on occupational Fraud and Abuse – 2014 Global Fraud Study*.

The systematic analysis of the complaints enables an organization to uncover structural malfunctions and patterns of misuse, and in some cases problems that have appeared consistently for years in many projects. This analysis helps to identify how the problem emerged and which weaknesses of the organization enabled the problem to occur, adapt and improve guidelines and policies and decide which new instruments to develop, and explain the reasoning behind and benefits of these guidelines and instruments to the employees. The mechanism also helps NGOs to save money by detecting misappropriation of funds. Through inefficient systems organizations lose a significant amount of money through corruption, nepotism and other misconduct. By establishing a system through which misappropriation of funds and similar cases can be discovered, weak spots are identified and the misuse and loss of money diminished.

In the long term, the establishment of new systems and minimization of cases of misconduct improves trust not only by outside actors but also within the organization. Furthermore, it allows an organization to send a strong signal of zero tolerance. The complaint mechanism acts as a deterrent against potential future misconduct.

## 14.4  Design of a Complaint Mechanism

Complaint mechanisms can be of diverse nature and many different examples can be found. Depending on the needs and structure of your organization, an organization can choose a complaint mechanism design that is *centralized or decentralized:*

A *centralized* complaint mechanism is established by and at headquarters and remains centralized there. Complaints may thus be received at the local, regional or country level but are not handled there but forwarded to the headquarter itself. At the headquarter, the number of people responsible for handling the complaint is restricted.

In a *decentralized* complaint mechanism, one level of the mechanism exists at the headquarter but local partner organizations are responsible for setting up their own mechanisms. The mechanism thus has multiple levels, one at headquarters, a second level at regional/country level and sometimes even a third level at the micro local level.

Entry points of both the centralized or decentralized mechanism and their receivers of the complaints can be *internal* (Complaints Officer/Department, internal email/phone number/website/office hours etc.) and/or *external* (e.g. ombudsperson, external phone number/website/office hours etc.). Combining internal and external ways of receiving a complaint can ensure that even if a victim or witness of misconduct does not feel comfortable with one way of complaining, it can chose another channel to complain.

**Assign staff:** In order to ensure that the mechanism is handled well, a person or team needs to be defined for the official complaints handling. This can be a full-time, part-time and/or pro bono position depending on the size and needs of the organization. If necessary, consider pooling resources with other organizations for this purpose. Oftentimes a percentage of an existent position within the organization is dedicated to the complaints handling and the task included in the job description to ensure sufficient time is available.

**Create entry-points:** Depending on the age, gender, literacy, personality and circumstances of the potential complainant, some way to hand in a complaint might be more popular than others. Therefore, it needs to be ensured that the complaint handling has multiple entry-points to cater to different users, e.g. complaint boxes, phone line, email address, office hours of the complaints officer. The entry-points need to be adapted to the needs of the end user an evaluated and adapted regularly based on feedback of potential users.

**Create ownership:** A complaint mechanism works best if it is known and supported throughout an organization and among its partners

and beneficiaries. First and foremost, include senior management right from the start to ensure its full support as this is important for the long term success of the mechanism. Furthermore, create commitment by discussing the complaint mechanism before and throughout its creation with the wider organization as well as representations of potential user groups (beneficiaries, employees, volunteers, partners, suppliers etc.).

## 14.5 Establish an Effective Complaint Mechanism



| 1. Commit to the process, consider potential risks, work together with other agencies, define roles for all parties in the CRM | 2. Let "end-users" decide what's best, know the context you work in | 3. Have an awareness discussion with all employees, enable them to complain | 4. Enable communities to complain | 5. Finalize guidelines and policy | 6. Receive complaints and feedback |
| 7. Enter complaints into a complaints register and forward them to relevant manager. | 8. Investigate complaints | 9. Respond to complaints based on the findings of the investigation | 10. Report lessons learned to management and implement recommendations | 11. Annual report on complaints | 12. Assess the CRM and make necessary adjustments |

*12 Steps of Complaints Handling*[79]

**Commit to the process:** The idea for a complaint mechanism can emerge out of a simple discussion by motivated colleagues, arise from cases of mismanagement in the absence of a mechanism to handle them, or be initiated by senior management due to legal or societal pressure or for other reasons. Once the idea takes hold, the process gets under way when there is full commitment within the organization. For this to happen, it is important to broaden the discussion to the wider organization. There should be a general consensus within the

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[79] Diakonia, *Guidelines: Complaints and Response Mechanism*, 6 (unpublished, approved on 09.08.2012).

organization on the purpose and objectives of the complaint mechanism. Basic prerequisites include support by (senior) management and having appropriate resources in place. In this initial stage, potential risks and dangers should be identified and strategies to handle them should be developed. It is also at this stage that roles and responsibilities must be defined. This includes decisions on who will receive, handle and investigate the complaints as well as who will train and communicate about the mechanism internally as well as externally. To fully commit to the process, both an open-minded organizational culture as well as human and financial resources are crucial.

**Work on organizational culture and create trust:** In order for the mechanism to work effectively, it is important to help foster an open-minded organizational culture that is self-critical and open to feedback and improvement. Trust is key in this equation. The mechanism needs to ensure confidentiality for potential users to feel comfortable. The person handling the complaints should be a trusted individual and have the right qualifications to handle complaints. The implemented policies regarding the mechanism should be handled consistently.

**Assign resources:** In addition to organizational culture, another key element for the establishment of a complaint mechanism are human and financial resources. Ensure that they are available, including in the long run. Regarding human resources, in addition to the complaints officer(s), at different points, other departments will need to contribute e.g. a person to become part of the investigation process for a limited time frame. Financial resources are needed to develop training and training material and to sustain the mechanism. The long-term success and credibility of a mechanism are at risk if funds run out. As NGOs are under constant pressure to keep their administrative costs as low as possible, the organisation needs to communicate and justify the importance of the mechanism to protect its finances and deliver high-quality projects.

**Customize the complaint mechanism:** A basic challenge many organizations encounter is that there is no "one size fits all" solution to creating a complaint mechanism. Rather, the mechanism must be adapted to the needs of the "end-users." Regardless of whether you choose to establish a centralized or decentralized system, make sure the mechanism is discussed not only at headquarters but with end-users in each country. To establish a well-functioning complaint mechanism, it is essential to integrate the mechanism into existing structures and adapt it to the needs of end-users. You need to understand the context in which you work. The best way to achieve this is to have discussions with representative groups of potential end-users to debate the requirements and details of the complaint mechanism. Explore with stakeholders questions about traditional systems for lodging complaints locally, types of potential complaints, barriers and the best ways to submit a complaint.

By including people in the design process, you let end-users decide what is best, which helps create ownership of the mechanism. Moreover, by participating in the process, people are made aware of the mechanism and how to use it in the future. An inclusive design process typically includes awareness discussions, for example at team meetings, as well as end-user information sessions. If more input is needed, small task groups can be formed and mandated to assist in designing the mechanism. Internal end-users such as staff should also be reminded regularly of standards of conduct, complaint procedures and early-warning signs during their service.[80] Based on the feedback from end-users, you will be able to design and establish the mechanism.

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[80] For more information see Diakonia, *Guidelines: Complaints and Response Mechanism*, 9-10.

## 14.6 Example: Tearfund in Northern Kenya

In the framework of its project work in Northern Kenya, the organization Tearfund established *Beneficiary Reference Groups (BRGs)* to ensure queries, complaints and feedback from the communities could be received and processed.[81] The Beneficiary Accountability Officer had identified the need for an alternative channel for written (and if needed anonymous) feedback and complaints. Therefore, Tearfund discussed the idea of setting up complaint boxes in each community with the BRGs. They decided to call it *"suggestion boxes"* as "complaint" was seen as too negative and could keep people from filing complaints due to fear of losing the aid of Tearfund. As a result of the process, five boxes were established in the areas where Tearfund operated. The location of the box was chosen by the area chief together with the BRGs, based on factors such as access, security for users, etc. A descriptive summary was placed next to it and awareness raised within the community. Box 1 shows the complaint handling process. The total *cost* for the five boxes was *80 USD (16 USD each)*



Box 1: The complaint handling process

1 - Written complaints were placed into the locked suggestions box.

2 - A Tearfund staff member checked the box roughly every two weeks. Due to the remote access of certain locations the boxes were checked when opportunities arose, rather than on a regular given day.

The keys for the boxes were held by Tearfund, and by one member of the BRG in each community, so ensuring staff could always empty the box even if they forgot their keys.

3 - The relevant Tearfund staff member, or the Area Coordinator reviewed all complaints. These were then filed for the record.

4 – The feedback was first discussed with the BRGs and the relevant committees. The response from Tearfund was then posted on the community notice board for all to refer to.

in addition to the staff time needed to sensitize the BRGs and the

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[81] HAP & Tearfund, *Tearfund North Kenya Programme: Suggestion boxes for community feedback*, 2007, available at http://www.alnap.org/resource/10535.

committees. Within three months, Tearfund received 16 (mostly anonymous) complaints via the suggestion boxes, 15 of which were deemed relevant for Tearfund's work. Most focused on the beneficiary selection process and the recruitment process of agricultural workers. The staff and the BRGs felt the suggestion boxes were instrumental in getting feedback from the community that would not have been voiced in other ways.

**Barriers:** There are many barriers to reporting: for example, the fear of retaliation or cultural norms that consider it unacceptable to challenge authority. Other barriers include the fear of losing a job, status, prospects or a source of income by filing a complaint, but also a simple lack of knowledge about the complaint mechanisms.[82] When planning and establishing a complaint mechanism, you need to consider barriers that might prevent people from using the mechanism and find solutions for overcoming them.

A victim or a witness might abstain from reporting due to fear of repercussions (losing a position or advantages, physical threats etc.). The mechanism must ensure that complainant protection is in place. Potential complainants might be hesitant to use a complaint mechanism that is not adapted to their individual needs. A female victim of abuse, for example, might feel uncomfortable reporting the case to a male ombudsperson. A victim who faced unfair treatment based on his/her ethnicity or religion might not dare to file a complaint to a confidant of the same ethnicity or religion as the subject of the complaint. In designing the complaint mechanism, these factors thus need to be taken into consideration, e.g. by having trustworthy people of both genders and different ethnic or religious backgrounds available. Language is another component that should be taken into consideration. The

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[82] For more examples, see Diakonia, Guidelines: Complaints and Reporting Mechanism, op.cit., 28.

organization should clearly indicate in which languages complaints can be received and use translators where needed.

Many people who would like to complain are in a dangerous situation. Consequently, in some cases, only the possibility of anonymity encourages a victim or witness of misconduct to file a complaint[83] for reasons of identity protection and to avoid negative repercussions.[84] Although it is more challenging to verify the contents of an anonymous complaint, it is not impossible to investigate them. Modern technology, e.g. anonymized computer platforms allow the Complaints Officer to get in contact with the complainant without him or her having to reveal the identity. Trust needs to be created with the anonymous complainant to establish more contacts and to obtain the needed information. In some cases, the person ends up revealing his/her identity because (s)he understands how important it is for the investigation.

**Be aware of malicious complaints:** Many organizations are scared of receiving complaints made in bad faith through their complaint mechanism, which could accuse innocent people. Protect your organization from malicious complaints by including a zero-tolerance policy toward them. With experience, complaints professionals recognize malicious complaints quite easily. These complaints can be spotted because they are usually not very specific and not documented, and can contain angry language.

**Communicate about your complaint mechanism**: Communication is one of the most important aspects of creating an efficient complaint mechanism. However, it is also one of the most underestimated and neglected parts. In order for a complaint mechanism to work, it is essential that all potential users are informed about its existence and its functioning and the information about is always accessible. Thus,

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[83] Niels Bentzen, DRC, interviewed 3 November 2015.

[84] Diakonia, *Policy for Diakonia's Complaints and Response Mechanism*, 9.

communicate clearly the existence of the complaint mechanism, its purpose and its functioning. Internal communication – the communication on all levels within the organization – is especially important because management, staff and volunteers can both be potential complainants as well as subjects of the complaint. The mechanism can be communicated internally through regular staff trainings, a website, posters, flyers and during appraisal meetings. It is important also to promote the complaint mechanism externally. Examples are public meetings and presentations, newspapers, radio, theatre, etc.

**Engage your partner organizations:** One challenge can be the geographical distance to the end-users. Often, direct communication between the head office and the beneficiaries is difficult because the organization operates through local partners as intermediaries. In this case, make sure your partner organizations are fully committed to the complaint mechanism. Representatives of the regional office need to be involved in the process and have the task of ensuring the visibility and accessibility of the mechanism.[85] The extent of involvement depends on the type of mechanism chosen. In a centralized system, partners need to be involved in communicating the existence of a mechanism to stakeholders and how to use it. In this case, the headquarters can simply give a time frame within which the local trainings have to take place as well as provide informational material to assist partners.

In a decentralized system, the obligations of partners are more complex. They are responsible for establishing and running their own complaint mechanism as well as communicating it to their stakeholders. There are different ways for the headquarters to handle this. The most common is to ask every member or partner organization to install a

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[85] International Council of Voluntary Agencies (ICVA), Building Safer Organisations Guidelines. Receiving and investigating allegations of abuse and exploitation by humanitarian workers (2007).

mechanism in a specific period of time, but to give them the freedom to choose between the one proposed by headquarters or to create their own adapted version. For the latter case, headquarters may opt to define minimum standards that the local mechanism must fulfil.

**Create a policy:** All aspects of the complaint mechanism and the handling procedure need to be detailed in the complaint mechanism guidelines and policy. The guidelines set the overall framework of how to handle complaints within the organization. It should be compulsory reading for staff and can be the basis of trainings on how to use the complaint mechanism. Acknowledgement of the policy should be signed by each employee. The policy should be formulated in a clear and concise manner and entail links to other relevant documents. This serves end-users who want to inform themselves further, e.g. on the rules on sexual abuse or the investigation guidelines.[86]

## 14.7 Case Study – Child in Need Institute's Beneficiary Feedback Mechanisms, Kolkata, India

*The information in this case study comes from the "Beneficiary Feedback Mechanism Case Study: India", one of eight pilot studies compiled by World Vision and its partners[87]*

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[86] A very good example of a policy combining these best practice characteristics is LWF's *Complaint mechanism Policy and Procedure*.

[87] World Vision UK, together with the International NGO Training and Research Centre (INTRAC), CDA Collaborative Learning Projects, and The Social Impact Lab Foundation (SIMLab), were contracted by the UK Department for International Development (DFID) to manage a pilot designing, monitoring and implementing different approaches to beneficiary feedback mechanisms (2013-2016). Child in Need Institute, "Beneficiary Feedback Mechanism Case Study: India," 2016, available at http://cdn.worldvision.org.uk/files/9714/6056/3426/CINI_India1.pdf.

**Background**

Between 2014 and 2016, several NGOs were supported by the UK Department for International Development (DFID) to pilot Beneficiary Feedback Mechanisms (BFMs)[88] in their maternal and child health projects. One of the participants was Child in Need Institute (CINI), a local NGO supporting children, adolescents and women in disadvantaged areas of India. The BFM was piloted in CINI's urban Maternal and Child Health Nutrition Project in Kolkata.

**Raising community awareness**

CINI shared information about the BFM with the relevant stakeholders (community members, local government members, maternal and child care providers, etc.). CINI's volunteer Change Agents – community members themselves responsible for connecting mothers with health services – then played a critical role in raising community awareness.

**Collecting and responding to feedback**

All stakeholders – mothers, community members, government officials and health service providers - were involved in designing the feedback mechanism. Together they decided which issues could be reported on and through which methods and formats feedback could be made. They decided to provide feedback through group meetings, one-on-one monitoring visits and suggestion boxes. The community also agreed on indicators on which they would provide feedback regarding health centers and other services.

During *group meetings,* mothers gathered in small groups to fill out a pictorial form indicating whether they were happy with aspects of the

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[88] The definition of an effective feedback mechanism by the pilot studies was as follows: "A feedback mechanism is seen as effective if, at minimum, it supports the collection, acknowledgement, analysis and response to the feedback received, thus forming a closed feedback loop. Where the feedback is left open, the mechanism is not fully effective". Ibid, 2.

services, supported by written comments from literate mothers. The Change Agents collected the feedback and forwarded it to Ward Supervisors (CINI employees). During *one-on-one visits* further feedback was collected. Similar pictorial forms to those used for group meetings were developed for the *suggestion boxes* and distributed to families through the Change Agents, to be used when needed. The boxes were emptied once a month by Ward Supervisors, who forwarded all feedback forms to the Community Feedback Officer (CFO). All feedback was registered, followed by analysis and action: the CFO consolidated issues that needed follow-up. He then sent these to the Ward or met directly with service providers for feedback that was relevant to them. The CFO also monitored actions taken in response to feedback and recorded them until the case was closed. Decisions and progress were communicated back to the community during meetings and individually through a Ward Supervisor or Change Agent.

### Changes as a result of beneficiary feedback

Through the feedback received, CINI was better able to adapt its programming and advocacy approach by having a better understanding of women's experiences and lives and what barriers they face. Some could be implemented directly whereas others required advocacy to the local government.

### Results and Lessons learned

Initially little feedback was given as the concept was new. Through repeated sensitization by change agents, Ward Supervisors and the Community Feedback Officer more feedback was provided;

Feedback that could be responded to quickly showing quick results encouraged women to provide more feedback (through practical experience, it was easier for them to understand the methods and purpose);

Due to illiteracy, it was essential to use Change Agents who spoke the different languages of the area;

Consistent format between the suggestion box and meetings made the complaints system easier for Change Agents to administer and for the community to understand;

Increased buy-in and ownership was achieved through community-designed and -led approaches;

Women said that by hearing feedback during meetings they realized their own problems were not individual but common ones shared by others and became motivated to take action;

An end of pilot survey showed that almost 85% of respondents were aware of the feedback system;

Women were empowered (e.g. the Change volunteers). Some women started organizing a women's group that met weekly to discuss the feedback issues. The group then took action, e.g. by successfully mobilizing a community rally to keep the area cleaner.

## 14.8 Process of Handling Complaints – Step by Step

### Step 1: Receiving a Complaint

*Register complaint and acknowledge receipt:* The person responsible for receiving the complaint has a duty to respond adequately to the complainant. First, independent of whether the complaint was received verbally or in a written manner, it should be written down and registered in a standardized way (e.g. in a complaint form). In addition, a letter of acknowledgement should be sent to the complainant. The letter should inform the complainant that the organization or the ombudsperson has received the complaint and should summarize the steps that will be taken next. Register the complaint in a standardized, written form.

*Identify type of complaint:* The next step is to identify what kind of complaint or incident it is in order to decide how to handle it. For an *operational complaint* the best practice is the *principle of the nearest person*: Usually, the operational complaint should be handled as close to the case as possible, i.e. where it comes from. Thus, it needs to be

forwarded to the responsible staff, e.g. the project manager. Often, these cases can be resolved through a simple desk investigation. For a *serious complaint* however, the steps are more complex. It is recommended to use the *principle of the next higher person*: if the complaint is about the person's line manager, it should be forwarded to the next higher management level. In general, serious complaints are addressed by regional or senior management at the head office. This measure ensures consistency in how the complaint is handled. Serious complaints should be investigated if enough evidence is available. Safety risks should be identified and responded to immediately.

*Identify risky and provide protection ("Whistleblower Protection"):* People who file a complaint can face certain risks. Those in charge of the complaint mechanism should identify these risks, implement safeguards and ensure protection is provided. Protecting complainants means having rules and systems in place that ensure people who point out wrongdoings do not have to face negative consequences (e.g. losing their job or being discriminated against in the workplace). It also means protecting victims from continuing to suffer from the abuse about which they filed the complaint and providing other help such as medical and psychological assistance. Protection of the complainant is a priority. Threats should be taken seriously and not underestimated. In some cases the question might be how to get the information and proof without revealing the identity of the informant because it could put him/her in danger. If this is not possible, the informant might have to be taken off the case to protect him/her even if it harms the case. In some cases, the complainant might even choose to withdraw the complaint out of fear or for other reasons.

*Decide whether to conduct an investigation:* Upon receipt of a complaint, the responsible person needs to decide whether to initiate an investigation. For this purpose, the following questions can be raised:

Does the complaint or incident relate to a breach of Code of Conduct or violation of any of the organization's policies and guidelines?

Has the complaint been made in good faith?

Is there sufficient information and evidence to start an investigation?

Will the costs be higher than the benefits from the investigation (cost-benefit analysis)? This question concerns corruption issues in particular. Indicators for the decision include the age of the case, a remote location and the amount of embezzled money involved.

To answer these questions and reach a decision regarding launching an investigation, the responsible person conducts a desk research. This means he or she looks into files, enters into informal dialogue with possible informants, and so forth. In many cases, especially regarding operational complaints, the problem can be resolved at the stage of the desk research if there is good communication with the complainant.

*Schedule your process and have defined time limits:* For both the complainant as well as the person(s) under investigation, fixed maximum time frames for each step of the complaint and investigation process should be openly communicated. Time limits make a complaint mechanism more transparent and comprehensible. This goes hand in hand with continuous communication with the complainant and the subject of the investigation. The complainant feels safer and taken seriously if (s)he is informed about when to expect a reply, a decision etc. For the person(s) under investigation on the other hand, time limits are important for avoiding the uncertainty of a never-ending investigation. Many organizations seek to resolve a complaint within 30 working days of receipt for example.

### Step 2: Investigating a Complaint

*Appointing the investigation team:* Operational complaints are usually handled through desk research. A decision to investigate is taken only if a complaint is qualified as "serious" (as opposed to

"operational"). Regarding the investigation, a wide range of possible designs exists, and the type of investigation can be adapted to the needs of the organization. Nevertheless, strong similarities among the different investigation processes can be identified. The Complaint Officer(s) check(s) the veracity of the complaint and considers whether it is an operational or a serious complaint. In the latter case, the complaint is forwarded to a higher authority, e.g. an ad-hoc complaint handling committee, composed of senior management and the person(s) receiving the complaints. This committee recommends the necessary steps to be taken. In some organizations, this committee decides on its own, while in other organizations it makes recommendations to a higher authority (e.g. the board of the organization).

In serious cases that cannot be resolved through simple desk research, an investigation is necessary. The investigation team is established ad-hoc, as is the complaints handling committee. The composition of the investigation team is adapted to the needs of each case.

*Decide on the investigative methodology:* In cases of suspected corruption, the investigation process may require different types of tools and strategies, e.g. external and social audits. An investigative external audit (also called forensic audits) is the auditing of the financial statements of an organization or institution by an entity independent of the subject of the audit. (Please note that not all auditing companies are qualified to conduct forensic audits.) One of the primary aims of the external audit is not only to check finances but to send a clear signal against corruption and for transparency among partners. Even in the absence of a direct complaint, it is beneficial for an organization to conduct audits among randomly selected long-term partners who receive large sums. If a partner continually turns down or postpones an external audit for various reasons, it should be a warning sign for the organization, which can temporarily suspend payments until the audit is

undertaken.If corruption is suspected, it is recommended to proceed with the investigation without providing prior notification to the entity/person(s) being investigated.

In a social audit (also called "audit from below", "public audit" etc.), the target group of projects and programs is informed of how the money is used to be able to question the organization directly about it and to demand accountability. Social audits create full transparency by giving the target group information about project finances (and other relevant aspects), thus empowering communities to take on a watchdog function.

### Step 3: Decision Making, Sanctions & Appeal

*Decision making:* Based on the investigation report, conclusions and recommendations are made that form the basis for the final decision. The person investigating should never be the same individual taking decisions for action on a complaint.[89] Disciplinary decisions are taken by regional management or senior management, never by anyone involved in the investigation. The same practice is applied for decisions regarding the end of an investigation and the analysis of the lessons learned. This procedure helps to avoid conflicts of interest by diversifying decision making. Immediately after a decision is made, the complainant should be informed of the result.

*Sanctions:* Depending on the severity of the findings, the consequences can be handled internally in the organization or externally through legislative sanctions. Possible sanctions should be transparent and fair (proportional to the misconduct) as well as widely known and understood within the organization and among its external partners. Consequences can range from an official warning and a note in the personal work file to relocation to another department or demotion to a lower job. In severe cases, it can mean the loss of a job and expulsion from the organization. In the case of a partner organization, the sanction

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[89] Diakonia, Policy for Diakonia's Complaints and Response Mechanism, 14.

can be a temporary or complete cessation of cooperation, a demand of repayment or a contractual penalty. In the case of repetition, the sanction can become more severe. Sanctions and the communication thereof act as a clear signal that an organization does not tolerate any form of corruption and misconduct, and thus serve as a deterrent.

In case of suspicion or detection of a criminal offense under the law of the country in which the activity was conducted, the staff of the complaint mechanism is obliged to refer the case immediately to the law enforcement agents in the country. External legal consequences can include a financial penalty or a prison sentence.

*Inform complainant and the subject of complaint:* Both the complainant and the subject of the complaint should immediately be informed of the result including possible sanctions and of the right to appeal.

*Allow for appeal:* As in a court system, every person who is found guilty through an investigation procedure has the right to file an appeal against the decision. The appeal must be made in writing, provide justification and be lodged within a time frame specified by the organization.

*Document the process:* Throughout the complaint procedure, all steps should be documented in writing, in as detailed a manner as possible. The documentation, including the final report and all annexes, must be saved in a secured file with access limited to designated people. This procedure is important for several reasons. The establishment of a complaint mechanism entails the risk of court cases, for example, of persons who were sanctioned due to a breach of the Code of Conduct. In these cases, detailed documentation must be at hand and good communication in place. The files are also important for systematic analysis and eventual structural improvement of the organization.

**Step 4: Systematic Analysis, Reporting and Improvements**

A complaint mechanism also has a learning purpose. Through the systematic analysis of all cases structural malfunctions can be detected. This includes questions about the origin of the case and how it was handled as well as how similar cases could be avoided in the future. Addressing these aspects can lead to improved practices and processes within an organization.

*Analyze the cases:* With this purpose in mind, all complaints received – whether they lead to investigation or not – should be kept on record in written form. This way, complaints can be analysed systematically and used for institutional improvement by detecting structural malfunctions. Through the systematic analysis of a complaint, we can find answers about how a problem emerged, weaknesses of the organisation and which systems to adapt to prevent the occurrence of cases in the future. Once detected, these can be addressed through new (or revised) guidelines, policies or processes.

*Publish annual complaints report:* It is a good practice to produce an annual complaints report, containing information on all cases received and dealt with. The annual complaints report is a summary document of the cases the organization received and dealt with throughout the year. In the report, anonymized cases are published, leaving out any information about the complainant or the accused. The main purpose of the report should be to highlight lessons learned and how to improve both organizational structures and the complaint mechanism itself.[90] A good report therefore mentions the complaint, the course of action taken and the decision made as well as learning points from the case. Very good examples of ACR are provided by Diakonia and DCA. By openly communicating the results, the organization shows its proactive stance toward fighting misconduct.

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[90] Diakonia, Policy for Diakonia's Complaints and Response Mechanism, 15.

*Assess your complaint mechanism:* Systematic analysis of the complaint mechanism can help identify errors and weaknesses in the system. In order to adapt the complaint mechanism to the needs of the people and the organization, the mechanisms should be evaluated *regularly*, for instance every three years. It is up to the organization to designate the persons responsible for monitoring the complaint mechanism. These can be regional or senior management or the person receiving the complaints in coordination with the country program focal point persons.[91] The complaint mechanism can be monitored through liaison with staff at all levels. This may include local initiatives with staff in charge of handling the mechanism (for instance the complaints handling committee, focal persons etc.), exploring in detail how resolved complaints were handled to identify any possible lessons, improvements to complaints handling or suggestions for changes in practice, as well as good practice examples.

## 14.9 Conclusion

*A Practitioner's Guide* has shown how best to set up a complaint mechanism so that it can be an effective tool to identify misconduct in an organization, give victims a voice and improve operations. The *Guide* summarizes the most important best practices, lessons learned and challenges that might be encountered in order to enable organizations to develop well-functioning complaint mechanisms. Large international organizations and small grassroots NGOs alike can establish complaint mechanism. What type of mechanism an organization chooses – centralized or decentralized - and which type of recipients and entry points depends on its needs as well as the resources available. The existence of examples of NGOs operating simple complaint mechanisms in countries with difficult conditions prove that even with limited

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[91] LWF, *Complaint mechanism Policy and Procedure*, 18.

resources it is possible to provide a mechanism to process complaints systematically and to improve operations.

The key factor in making a complaint mechanism a success is establishing *trust* in it among those who are supposed to use it. This can be realized only if the mechanism takes into account the needs of different types of victims and witnesses of cases of misconduct. Therefore, *A Practitioner's Guide* aimed at covering the cases of a wide range of possible complaints, from operational to serious complaints such as corruption and abuse. *A Practitioners' Guide* has demonstrated the value of a complaint mechanism and what to take into consideration to make it efficient and effective. The more organizations follow the examples of NGOs which have already established a mechanism, misconduct can be challenged systematically. To confront cases of wrongdoing, corruption and abuse within the not-for-profit sector and society more broadly, it is vital for NGOs active in fighting misconduct to build a network. NGOs with established complaint mechanisms and those aspiring to do so, or in the process of establishing one, can share strategies and lessons learned to help one another improve operations. This will not only help each organization individually; it will also ensure that the whole NGO sector benefits, and victims and witnesses of misconduct are accorded more justice.

# 15

# THE COURAGE TO BE TRANSPARENT.
# A PROCESS OF GERMAN CHURCH-BASED
# DEVELOPMENT AND MISSION AGENCIES

*Willi Kawohl, Germany*

Courage is always required to clearly aim at transparency. True transparency is all about good stewardship and full accountability.

## 15.1  Churches with Transparency International

In early 2004, a small group of courageous staff members of church organisations and consultants in Germany formed a working group to support church development organisations and their partner organisations in preventing and fighting corruption. This group is registered with the German Chapter of Transparency International. Transparency International defines corruption as the misuse of entrusted power for private gain.

In 2007, we presented a working paper titled "Corruption in Development Cooperation" - a problem that equally affects Church Organisations.[92] Our analysis showed that development cooperation between church organisations is affected by corruption in various forms

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[92] Corruption in Development Cooperation - a problem that equally affects Church Organisations, Stuttgart: Bread for the World, 2007.

such as bribery, nepotism, misappropriation of funds, misuse of resources and assets and much more.

Based on our wealth of knowledge as consultants in church development projects and practical experience in dealing with various aspects of corruption in development cooperation, we were looking at present measures to prevent corruption and offered concrete suggestion for creating *greater transparency and accountability – which is, in our view, the most effective approach to fight and prevent corruption.*

Our key recommendation was that all church development organisations and mission societies in Germany should set up internal working groups/task forces to develop anti-corruption strategies and share their experiences, new insights and ideas with each other.

## 15.2  Trainings 2009-2018

In order to create and strengthen a collective practice we organized four conferences under the motto "Mut zur Transparenz" (Courage to be transparent) between 2009-2018. Each was an intense three day sharing of experiences and developing strategies. The founder and president of Globethics Professor Christoph Stückelberger has always been a strong source of encouragement, inspiration and ethica-guidance for us and made most valuable contributions to these conferences.

The first three conferences had been well-attended and produced a series of positive effects and qualitatively important impacts. A positive and continued cooperation of church development organisation, inter alia closer cooperation in handling corruption cases together wherever it makes sense to do so. Cooperation was intensified with TI Switzerland, Globethics.net, The Vatican (its Dicastery for Promoting Integral Human Development), DZI (Stiftung Deutsches Zentralinstitut für soziale Fragen), PHINEO and others. Networking between organisations is an important strategy for increasing impact.

All church development organisations and mission societies developed and introduced comprehensive anti-corruption policies, guidelines, codes of conduct and other anti-corruption measures and instruments. Our guidelines for central components of anti-corruption policies, published in 2014, had served as a valuable orientation for updating and improving the anti-corruption policies and guidelines of their organisations. Most church development organisations and mission societies have set up special task forces or teams of experts for processing and handling corruption cases. A few of these organizations have managed to recover misused funds.

## 15.3 Three-Phase Cycle against Corruption

During the last conference in March 2018, we shared and improved with participants a new instrument we have developed and named it *Cycle against Corruption* (Anti-Korruptions-Zyklus). Using a systemic approach towards the development of robust anti-corruption systems, the cycle distinguishes three phases.

*The Prevention Phase* includes risk analysis, rules and regulations, internal controls and procedures, internal and external communication, awareness raising activities, seminars and trainings.

*The Identification Phase* consists of regular controls, ad hoc controls and whistle-blowing procedures.

*The Reaction Phase* is composed of analysis of corruption cases, case management, sanctions, reporting, evaluations and documentation of lessons learnt.

So far, we have exclusively had positive experiences with guidelines we produced for colleagues and practitioners in development organisations who constantly strive to improve their anti-corruption efforts and instruments. Encouraged by the success and positive response from church development organizations to the conferences and guidelines we published in 2020 comprehensive guidelines, including

the three phases cycle and a *checklist with sixty questions for a self-evaluation process*[93] to achieve even greater effectiveness of anti-corruption systems of Non-Governmental Development Organisations (NGDOs).

In the months and years ahead, we hope to look at challenges in two areas: First, to attract more attention and active involvement of leaders and members of supervisory bodies (board of directors, advisory committee or similar bodies) of church development organizations. Only in that way it will be possible to ensure sustained and proper functioning of anti-corruption systems and consolidate the institutional integrity of church development organizations.

Up to now only very few church development organizations and missions have managed to involve other stakeholders, such as partner-organisations, beneficiaries, donors and the public at large, in an open and transparent manner to participate actively in preventing corruption in church development cooperation projects and programs.

## 15.4  Capacity Building Project

The *capacity building project,* initiated by the Bishop's Conference of the Romanian Greek Catholic Church RGCC), funded by Renovabis. (Solidarity initiative of the German Catholics with the people in Central and Eastern Europe) may serve as an encouraging orientation for value-based capacity building initiatives and programs.

This project started in early 2014 with a series of workshops to facilitate a highly participatory value based strategic planning process.

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[93] Transparency International Germany, Leitfaden zur Selbstbewertung der Antikorruptionssysteme in nicht-staatlichen Entwicklungsorganisationen, Authors Marie-Karin von Gumppenberg and Arbeitsgruppe Kirchliche Entwicklungszusammenarbeit, Berlin 2020, free download: www.transparency.de/themen/entwicklungszusammenarbeit.

After only nine month, all six eparchies had a strategic plan for the next five years and a corresponding value-based financing strategy.

The evaluation of this planning process by 129 participants revealed very interesting but also unplanned positive results and impacts. Asked about the most important result of this planning process, 78% of the participants stated that they felt a strong spirit of Christian unity of the RGCC and a sense of community across all eparchies/dioceses sharing experiences and working together. On the question, which values they have taken completely to heart, the almost unanimous answer was faith, love and hope.

The second phase of the capacity building process was geared towards strengthening value-based leadership behaviour with focus on developing leadership principles and management guidelines valid for all eparchies. Values, principles and guidelines have become the main management instrument for church leaders and managers of Caritas and other organizations in eparchies. As result of an initiative of the bishop's conference Vicar General, Economists developed an anti-corruption policy and relevant guidelines. Globethics.net facilitated a training program for the management of church assets by developing rules, regulations and guidelines for the sustainable management of lands, forests, buildings, schools and other organisation opened by the eparchies.

It is very likely that the next Bishops conference will consider "the creation of robust integrity systems" as a new strategic objective.

I would like to end this article by sharing one heart-rending wisdom of Buddhist Teachings: "Integrity is considered the keeper of our heart and the guardian of the world. Throughout the world, individual people and communities commit themselves to a life of integrity and joy. The words, designs and forms may differ, but the inner being remains the

same: live your life in such a way that our hearts and the well-being of the world are protected.*"94*

[94] Cited in Feldmann, Christina, Boundless Heart: The Buddha's Path of Kindness, Compassion, Joy and Equanimity, Buddhist's heart, Shambhala Publisher, 2017, Kindle Edition.

# THE ROLE OF RELIGIONS
# FOR COLLECTIVE ACTIONS
# ON CORRUPTION IN NIGERIA

*Leena Koni Hoffmann / Raj Navanit Patel*

*The following text is an excerpt of an extended survey on religion and corruption in four states of Nigeria: Lagos, Rivers, Enugu, Adamawa, Federal Capital Territory (Abuja) and Sokoto. The full text can be downloaded for free.[95]*

## 16.1  Summary

- According to the second household survey conducted in 2018 by the Chatham House Africa Programme's Social Norms and Accountable Governance (SNAG) project in Nigeria, Christians and Muslims in the country have similar beliefs with reference to corruption. This finding holds true whether the fictional person on whose actions the survey vignettes are based is Christian or

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[95] Hoffmann, Leena Koni/ Patel, Raj Navanit, *Collective Action on Corruption in Nigeria. The Role of Religion*, Chatham House (The Royal Institute of International Affairs), Briefing Paper, Africa Programme, London: March 2021. https://www.chathamhouse.org/2021/03/collective-action-corruption-nigeria/ religion-and-anti-corruption-efforts.

Muslim. Of the survey respondents, 88 percent said that the private appropriation of government funds (i.e. corruption) is unacceptable. Only around one in 10 thought it was acceptable.

- When the reason for corruption was changed in the survey, from personal benefit to religious community benefit, 80 per cent of respondents still believed this was an unacceptable practice. However, 20 per cent (or one in five of those surveyed) stated that taking government funds for one's religious community's use was acceptable.

- While religion in Nigeria provides the basis and language for morality and ethical behaviour, there are expectations, pressures and practices, related to norms of religious giving, in-group favouritism, communal financial obligations and material prosperity, which limit the negative consequences for individuals of participating in corruption that benefits a religious community.

- Faith-based anti-corruption interventions need to be reframed or developed to be sensitive to the potential acceptability of corruption or expectation of misuse of government funds for religious purposes; the influence of social expectations of religious giving, reciprocity and in-group favoritism; and the general association of religiosity or devotion with material prosperity and philanthropic behavior.

## 16.2  Religion and Anti-corruption Efforts

Although the language of religion is very frequently used to talk about corruption and to shape both policy and programmatic solutions to the issue, religion remains one of the most under-studied sociocultural influences on corrupt activity in Nigeria.[96] Likewise, how religious

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[96] For an overview of Nigeria's religious history and politics; the participation of religious groups in governance and development; and the politics of inclusion

values and institutions influence issues such as development, good governance and social cohesion remains unclear and is often misunderstood. For example, during Nigeria's democratic transition in 1998, the popular push for the reintroduction and implementation of Islamic law (*sharia*) in northern Nigeria was tied to the region's problems with corruption, inequality and poor governance. These issues were strongly characterized as moral problems that, correspondingly, required a strong moral response, paving the way for the adoption of *sharia* in 12 of Nigeria's northern states by 2002. However, despite almost two decades of the implementation of *sharia* criminal law, corruption, inequality and poor governance remain endemic and human development indicators have worsened across Nigeria's northern states.[97]

It is in this complex and ambiguous context that governments and non-governmental organizations have sought to frame and shape anti-corruption efforts using religious perspectives on moral standards and ethical behaviour. Partnerships with religious groups and faith-based organizations in anti-corruption programming are premised on a number of assumptions, including: 1) that integrity and ethics are central to the belief systems of the major religions practised in Nigeria (Christianity and Islam) and 2) that religious people are more likely to behave

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and exclusion of religious groups at the subnational level in Nigeria, see Nolte, I., Danjibo, N. and Oladeji, A. (2009), *Religion, Politics and Governance in Nigeria*, Working Paper 39-2009, Religions and Development Research Programme, University of Birmingham, http://epapers.bham.ac.uk/1644/1/Nolte.pdf.

[97] Hoffmann, L. K. (2014), *Who Speaks for the North? Politics and Influence in Northern Nigeria*, Research Paper, London: Royal Institute of International Affairs, https://www.chathamhouse.org/sites/default/files/field/field_document/20140703NorthernNigeria Hoffmann.pdf.

according to ethical standards established and expected by those belief systems.[98]

Following on from this, it is further assumed that anti-corruption efforts can therefore be more effective if they are communicated and conducted via religious organizations or leaders, appealing to the moral standards of these major religions[99]. However, evidence to support these assumptions and demonstrate the positive impact of religion-based anti-corruption interventions remains scant, or is conditioned on other enabling factors.[100] These factors tend to be overlooked in the design of most faith-based anti-corruption interventions.

Secondary literature points to important conditionalities for positive outcomes in religion-based anti-corruption interventions. For instance, a 2012 study of the politics of religion and corruption concluded that religion contributed to reducing corruption only in contexts where the public have strong democratic values and view corruption as destructive to democratic governance. The conclusion was that religion can be a source of good governance, but that this outcome is highly conditioned on the institutional context. So, in contexts 'where political corruption is not viewed as an unethical behaviour, religious cues are unlikely to suppress it'.[101]

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[98] Marquette, H. (2012), *'Finding God' or 'Moral Disengagement' in the Fight Against Corruption in Developing Countries? Evidence from India and Nigeria*, Public Administration and Development, 32(1): p. 14, doi:10.1002/pad.1605.

[99] Traditional leaders may be another authority through which such efforts are channelled, but they were not the focus of this survey and the question is therefore beyond the scope of this paper.

[100] The least religious countries of the world, such as Finland, New Zealand and Denmark, are often ranked among the least corrupt by Transparency International's Corruption Perceptions Index: Transparency International (2019), *Corruption Perceptions Index 2019*, https://www.transparency.org/en/cpi/2019#.

[101] Sommer, U., Ben-Nun Bloom, P. and Arikan, G. (2012), *Does Faith Limit Immorality? The Politics of Religion and Corruption*, Democratization, 20(2): 15, doi:10.1080/13510347.2011.650914.

It is also often the case that many assumptions of the role of religious beliefs and values in anti-corruption interventions tend not to be locally tested. As a result, faith-based anti-corruption interventions may be too broad; covering a range of group behaviours rather than specific forms, and symptoms rather than causes. Some Nigeria-focused research in this area has shown that while religion may have some impact on attitudes towards corruption, religious beliefs are unlikely to have a significant impact on corrupt behaviour.[102]   Religion is therefore a limited, or limiting, entry point for engagement on anti-corruption.[103]

## 16.3  Social Norms to Tackling Corruption

A social norm can be defined as when: "Most people in the relevant community conform to a certain behaviour; most of the people in the relevant community believe they *should* conform to that behaviour; and there is a preference[104][29] to conform with the group.[105][30]

Social norms surveys serve to identify whether a behaviour or collective practice is driven by a social norm, or by other beliefs or factors. The diagnostic tool provided by the approach in this case enhances understanding of people's expectations and judgments of

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[102] Marquette (2011), *'Finding God' or 'Moral Disengagement' in the Fight Against Corruption in Developing Countries? Evidence from India and Nigeria*, 4.

[103] Cheeseman, N. and Peiffer, C. (2020), *The unintended consequences of anti-corruption messaging in Nigeria: Why pessimists are always disappointed*, Anti-Corruption Evidence (ACE) Working Paper 024, London: SOAS University of London, https://ace.soas.ac.uk/wp-content/uploads/2020/06/ACE-WorkingPaper 024-Nigeria UnintendedConsequences-200608.pdf.

[104] Preference here refers to the disposition to act in a specific way in a specific situation. Preferences can be conditional or unconditional on expectations about other people's behaviours and beliefs.

[105] See Bicchieri, C., Norms in the wild: How to diagnose, measure, and change social norms, Oxford: Oxford University Press, 2016.

corruption for religious purposes, and therefore improves understanding of the role of religion in corruption or anti-corruption efforts.

## 16.4 Implications for Anti-corruption Efforts

Even though most people in Nigeria find the abuse of public office for religious reasons unacceptable, this research suggests that religious institutions should not automatically be seen as the most effective means of tackling corruption, because the context is more nuanced. Public sector corruption in Nigeria is a negotiated or fluid, rather than fixed, moral and cultural phenomenon,[106][43] as this quantitative data analysis demonstrates. While most respondents believe that corruption is unacceptable, for those who do find it to be acceptable, its acceptability almost doubles when it is for religious communities or purposes. This suggests that anti-corruption efforts that seek to leverage religious perspectives or authority may be undermined by the sociability and justifiability of abuses of public office for religious reasons.

In the Nigerian context, norms of religious giving, reciprocity and social pressures associated with expectations of prosperity as a reward for faith can tip the balance against norms of integrity, modest living or

[106] In a 2016 monograph, Steven Pierce discusses how corruption in the Nigerian context 'reveals an entire moral economy of citizen-state relations, a normative scheme for evaluating official practices and how much might 'legitimately' be diverted for unofficial ends', see, Pierce, S. (2016), *Moral Economies of Corruption: State Formation and Political Conduct in Nigeria*, Durham, NC: Duke University Press, p. 23 and p. 227. In Pierce's analysis of what he describes as the 'moral economies of corruption', he argues that in the 'Nigerian corruption complex', some 'corruption' can appear acceptable and other corruption not, and that as a category it functions more as 'a political performative through its use as a justification for official condemnation of officeholders' but also as a 'strategy for achieving discrete political ends. Ordinary people do have deep-rooted ideas about how to evaluate official conduct, but these ideas are applied in complex, shifting ways'; Ibid., 175.

ethical behaviour. Equally, the line between normal inclusive public goods and exclusive club goods provided by religious institutions to a community can be blurred, so moral and evaluative judgments about siphoning or diverting government funds to religious purposes are not clear-cut. Consequently, faith-based anti-corruption interventions need to be reframed or developed to be sensitive to:

- the potential acceptability or expectation of misuse of government funds for religious purposes;
- the influence of social expectations of religious giving, reciprocity and in-group favouritism; and
- the general association of religiosity or devotion with material prosperity and philanthropic behaviour.

In Nigeria, moralizing language, specifically religious discourse and expressions, is often used to justify corrupt behaviour and condemn individuals who refrain from engaging in corruption.[107] Descriptions of behaviours and actions as 'good' or 'evil', 'wicked' or 'virtuous' are very commonly used in public discourse on corruption in Nigeria.[108] Anti-corruption interventions that rely on or seek to appeal to moral beliefs may be misdiagnosing the problem or potentially exacerbating it, as the drivers of the corrupt practices tend to be complicated and require solutions that address a range of beliefs and expectations.

This analysis provides a basis for moderating expectations regarding the role of religious perspectives and for re-evaluating the role of religious leaders and institutions in addressing corruption. This does not invalidate a religious or faith-based approach to anti-corruption but rather shows how, in specific ways, religious reasons, language and rationale can have the opposite effect. Anti-corruption efforts – whether

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[107] Hoffmann and Patel (2017), Collective Action on Corruption in Nigeria, 11.

[108] Ibid.

faith-based or not – intervene in social contexts where other norms and values are present and can considerably influence outcomes.

Religion-based approaches and networks are valuable and can certainly be effective, for example by enabling coordination within communities to undertake collective action so that individuals do not carry the risks and costs of changing behaviour on their own. Religious leaders and institutions can support anti-corruption interventions with signalling and messaging built around evidence of communities' beliefs and expectations: for example, helping to highlight when people within a community have mistaken beliefs about the behaviours and beliefs of others with regard to corruption.

Alternative faith-based approaches to anti-corruption that focus on strengthening democratic values among citizens and supporting citizen-monitoring initiatives can also be very valuable. As an important part of civil society, religious leaders and institutions can be powerful advocates and partners in strengthening Nigeria's burgeoning citizen-led accountability movement, which is exploring and finding innovative ways to bridge gaps in the capacity of state institutions to respond to citizens. The proliferation and embeddedness of religious institutions in Nigerian society places them in strategic positions to amplify the voice of citizens, encourage democratic citizen–government engagement and support citizen advocacy for human rights protection. Faith-based interventions that focus more on encouraging civic engagement and citizen participation in demanding good governance, budget monitoring and human rights protection can be particularly effective, given the central role of religious leadership and institutions in Nigerian society.

Such approaches would mean a shift from the current emphasis on faith-based anti-corruption interventions built around integrity and morality messaging – which tend to emphasize individual choices and multiply costs to individuals if they reject corruption – to participation-enhancing efforts that encourage collective action. In this way, systemic

corruption is addressed through a nuanced collective action approach that is context-specific and avoids paying into or reinforcing pre-existing power and resource dynamics.

# 17

# THE ROLE OF CHRISTIAN LAWYERS
# IN STRENGTHENING INTEGRITY
# IN RELIGIOUS ORGANISATIONS

*Felipe Augusto Carvalho, Brazil*

Corruption frequently infringes upon human rights, and conversely human rights are infringed upon in order to conceal corruption. The social consequences of corruption are serious, as contributes to inequality, increases misery, harms economic growth and jeopardizes the provision of basic public services. As the former United Nations High Commissioner for Human Rights, Navi Pillay affirmed: "Corruption kills. The money stolen through corruption every year is enough to feed the world's hungry 80 times over. Nearly 870 million people go to bed hungry every night, many of them children; corruption denies them their right to food, and, in some cases, their right to life."[109]

In Brazil, the problem of corruption can be regarded as systemic, and was exposed to the world especially with the 'Car Wash Operation', which revealed a modern and sophisticated scheme of corruption between public and private sector agents, and culminated with high authorities in jail, including Ministers and former President. In the

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[109] *United Nations Office of the High Commissioner for Human Rights,* The Human Rights case against corruption", Geneva, 2013, 5. Download for free at: https://www.ohchr.org.

Transparency International's Corruption Perceptions Index 2019, which scores and ranks countries based on how corrupt a country's public sector is perceived to be by experts and business executives, Brazil fell another position in the ranking of 180 countries and territories of the IPC, reaching 106th place. The 2019 score (35 points) is the same as the previous year, the worst in the historical series.

## 17.1  Christian Lawyers in Brazil against Corruption

It is clear that corruption exists not only in public sector and business, but also in churches and church-related organizations. This is especially problematic because, in secular countries, religious leaders are often viewed as 'moral' authorities, which is undermined when faith-based institutions behave without integrity. On the other hand, there is potential for the Christian community to make a difference in fighting the root causes and long-term effects of corruption, and no one can deny that religious organizations and its leaders have become increasingly vocal in their condemnation of corruption. For instance, Pope John Paul II spoke repeatedly of the harms of corruption and encouraged Catholics to refrain from participating in corrupt acts. Similarly, the Eighth Assembly of the World Council of Churches meeting in Harare, Zimbabwe in 1998 made clear statements condemning corruption, and called on all of its member churches to urge governments to take legislative action against it.

*ANAJURE*[110] is the Brazilian Association of Christian Lawyers, a non-governmental organization focused on the defense of the fundamental civil liberties, in particular religious freedom, freedom of expression, and migrants' rights. Our advocacy commitment involves coming alongside legislators and policymakers to help shape legislation and policies according to international standards, working through

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[110] https://anajure.org.br.

international courts and institutions to engage world leaders, and conducting training programs to law students, young professionals and religious leaders.

Understanding that it is not possible to effectively protect and promote civil liberties without combating corruption, and recognizing that the Brazilian evangelical community has been failing to realise its potential contribution, part of our work has been to mobilize churches and church-related organizations (schools, universities, missionary agencies) to be examples of combatting corruption and promoting integrity.

This article seeks to present the efforts and approaches of the Christian lawyers at ANAJURE in fighting corruption, within the church and its related institutions, through promoting compliance and oversight mechanisms and also in the public sphere, in order to challenge and encourage those in positions of power whose policies or actions can make a difference, to bring about change.

## 17.2 Inserting Brazilian Churches in Global Anti-corruption Efforts

ANAJURE's performance in the engagement of prevention and fight against corruption includes participating in global campaigns and spreading their values and guidelines to the Brazilian church.

The first campaign in 2013 was called EXPOSED. It was designed with the objective to mobilize and encourage every individual to (a) promote initiatives against corruption, fostering good governance, integrity and accountability in personal, social and institutional relations; (b) refrain from committing any act of corruption, even if they are

considered as "part of the national culture"; and (c) expose and report any behavior of corruption to the competent authorities[111].

On December 9, 2017, at the International Day against Corruption, ANAJURE was one of the supporters of the Coimbra Charter on Combating Corruption[112], an initiative led by FCL LAW (International Institute for Research and Legal Studies on Fundamental Civil Liberties) and signed by distinguished scholars from Brazil, Portugal and Switzerland. The Charter raises awareness on the social and economic effects of corruption and affirms the commitment of the signatories with combating the impunity of authorities who behave corruptly in public life and the importance of citizens' involvement in efforts for building an ethical society.

ANAJURE also joined the Faith and Public Integrity Network (FPIN)[113], which aims to address corruption by nurturing an enduring global community of Christians who pursue public integrity work in their local communities, nationally, and globally. Besides building relationships among FPIN members, with non-members, and with outside organizations, it works in creating, curating, and publishing written content online. This content enables members to share ideas, proclaim stories, and advocate for change, which make faith-driven anti-corruption work relatable, accessible, and appealing to people not yet involved in such work.

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[111] ANAJURE. Available at: https://anajure.org.br/anajure-coordena-campanha-global-de-combate-a-corrupcao/.

[112] FCL LAW, with support of Anajure, Carta de Coimbra sobre o combate à corrupção, Coimbra 2017. https://www.anajure.org.br/com-apoio-da-anajure-fcl-law-emite-carta-de-coimbra-sobre-o-combate-acorrupcao-2017.

[113] https://fpinetwork.org.

## 17.3  A Christian Coalition Promoting Public Integrity

Through Legal Opinions and Advocacy Letters, ANAJURE leads a coalition of organizations from the evangelical segment, in order to facilitate a collective Christian response to corruption in the public sphere. The legal briefs aim to bring a technical perspective to the problems related to public governance, integrity and corruption, which result in recommendations to advance policies and lawmaking. Every brief is submitted to the relevant authorities, whether in the Parliament, Government, Prosecutor's Office or foreign Embassies.

On September 28, 2018, in view of the Presidential elections, ANAJURE issued a *"Letter of Theses and Principles"* to the candidates. It presented a compendium of the main theses defended by the members and the institutions it represents. Among the various values sustained, as religious freedom, freedom of expression, respect to democracy and political pluralism, there was an emphasis to the fight against corruption and the encouragement of good governance practices. The Letter was sent to the candidates for President and they were given the opportunity to declare commitment to the principles defended by the organization. Here, an extract of the letter regarding corruption and good governance practices:

"1. Good faith, probity and fairness are moral standards of conduct that are legally and constitutionally required, which is why fighting corruption, at any level of public administration, must be an objective of the new Brazilian government, as well as fostering transparency, accountability practices and good governance;

…

3. Public agencies in Brazil, despite the structural difficulties they face, must strive to fight corruption. In this sense, the Judiciary, the Public Prosecutor's Office, the Federal Police, the Federal Revenue Service, the Federal Comptroller General and the Courts of Accounts deserve to be mentioned, whose efforts resulted in recent successful

operations and investigations in the fight against corruption, with highlight to Operation Lava-Jato, Operation Zelotes, Operation Custo Brasil, Operation Unfair Play. It is worth pointing out, however, and we are aware that these operations are not perfect and need constant improvement on the part of their performers, and that any operations, measures and investigations aimed at combating corruption cannot violate the fundamental rights of the individual;

4. Under the terms of article 13 of the United Nations Convention Against Corruption, the Brazilian State must adopt "appropriate measures, within its means and in accordance with fundamental principles of its domestic law, to promote the active participation of individuals and groups outside the public sector, such as civil society, non-governmental organizations and community-based organizations, in the prevention of and the fight against corruption and to raise public awareness regarding the existence, causes and gravity of and the threat posed by corruption.";

5. To guarantee the effectiveness of legal institutes, the enforcement of criminal sanctions and curb the feeling of impunity, it is important to ensure the recent jurisprudence of the Supreme Federal Court (STF), in the sense of the immediate application of the custodial sentence after a collegiate decision in second degree of jurisdiction."[114]

On May 8, 2020, ANAJURE published an *Open Letter* to the Powers of the Republic on the evangelical action in the public sphere. Alongside with 29 partner organizations (evangelical denominations, associations of faith-based schools and missionary agencies), it reaffirmed the biblical and legal principles that guide the Christian-based sector as civil society. The organizations agreed, "One of the missions of the

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[114] ANAJURE, *Letter of Theses and Principles*, sent to the candidates for Presidency in Brazil during the election campaign, on Sept 28, 2018.

evangelical movement, in the public sphere, is the denunciation of corrupt practices, whether at the local, state or federal level"[115].

In addition to this work of spreading and expanding the voice and principles of the Brazilian evangelical movement in the fight against corruption, ANAJURE has been monitoring legislative projects and public policy proposals and issuing legal opinions, which are transformed into *advocacy campaigns* and sent to the relevant authorities.

For instance, ANAJURE analyzed the so-called "Anticrime Package", a legislation proposal by the Ministry of Justice. In March 2019, understanding that this project is an instrument capable of improving the national criminal system to combat corruption, we issued a Legal Opinion expressing support for the measures and calling on the Brazilian church and the Evangelical Parliamentary Coalition to engage publicly for the approval of the legislation.[116] The brief was distributed to Parliamentarians from all States of the Federation.

In December 2019, after the presidential sanction of the Anticrime Package, ANAJURE published a Press Release in which it congratulates the National Congress and the President of the Republic for the approval of the now Law no. 13,964/2019, recognizing the improvements that the legislation provides to the fight against corruption.[117]

Recently, in May 2020, ANAJURE issued a Public Note on the Provisional Measure no. 966/2020, from the President of Brazil, which regulates the liability of public agents related to the coronavirus pandemic. The Measure affirms that public agents can only be held responsible in the civil and administrative spheres if they act or omit

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[115] ANAJURE, Open Letter to the Powers of the Republic (Brazil), May 8, 2020.

[116] ANAJURE, Available at: https://anajure.org.br/nota-publica-pacote-anticrime-ministerio-justica-seguranca-publica.

[117] ANAJURE, Available at: https://anajure.org.br/plantao-anajure-nota-de-imprensa-sobre-a-sancao-presidencial-do-pacote-anticrime.

with intent or gross error for the practice of acts related to the measures to combat the economic and social effects of the pandemic. ANAJURE argued that the pandemic context requires the strengthening of mechanisms of transparency and accountability of public resources, not the opposite, and the diploma represents a step backwards in the current paradigm of compliance and good governance, especially in the context of the abuses and illegalities in the midst of the COVID-19 pandemic, as it discards negligence as a generator of civil liability for public officials[118]. The Public Note was sent to the Presidents of the Chamber of Deputies and the Federal Senate, and argued for its unconstitutionality.

## 17.4 Implementing Good Practices in Church Governance

*Governance* means the process of decision-making and the process by which decisions are implemented (or not implemented)[119]. The term can be used in several contexts such as corporate governance, international governance, national governance and church governance. The Economic and Social Commission for Asia and the Pacific of the United Nations considers the key dimensions of good governance: participation, respect for the rule of law, transparency, responsiveness; orientation towards consensus, equality and inclusiveness, effectiveness and efficiency, accountability.

There is no biblical model of church governance, i.e., a particular structure of decision-making and oversight that it is clearly spelled out

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[118] ANAJURE – Available at: https://anajure.org.br/nota-publica-sobre-a-medida-provisoria-n-966-2020-que-dispoe-sobre-a-responsabilizacao-de-agentes-publicos-em-atos-relacionados-com-a-pandemia-do-coronavirus.

[119] United Nations Economic and Social Commission for Asia and the Pacific, *What is Governance?*, available at:
https://www.unescap.org/sites/default/files/good-governance.pdf.

in the Scripture. However, churches can benefit from governance principles and mechanisms from both the profit and non-profit world, which may be useful to the oversight function that has been entrusted to leaders. The underlying idea is that Churches and related organizations should promote accountability and integrity within their own structure and relations, according to international standards of good governance usually applied to business and public bodies.

The objectives of good governance in the church realm are recovering and maintaining reliability, creating an efficient structure of risk management, evaluation and monitoring mechanisms, in order to ensure that the organization is based on ethical values and complies with external and internal laws and regulations.

Based on this, ANAJURE has been working, not to dictate a specific structure or model of church governance, but rather provide principals, tools and resources that can be appropriately applied to the Brazilian Christian community. For instance, introducing peer review mechanisms to churches and church-related organizations. As Christoph Stückelberger explains, a peer review mechanism (PRM) is a procedure to supervise the implementation of signed agreements (conventions, standards, codes etc.) by peers who also signed the agreement[120]. All partners are regularly reviewed by a mixed team of peers. The peer review report includes recommendations for improvement that are discussed in the governing body of the agreement. The goal of PRMs is mutual accountability of signatories, avoiding abuse of power, errors and fraud.

We have been encouraging the creation of an "oversight committee'' in the churches, made up of administratively gifted members, commissioned to make decisions on the administrative realm and oversee the financial management. The committee shall meet regularly

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[120] Stueckelberger, Christoph, Corruption-Free Churches are Possible. Experiences, Values, Solutions, Globethics.net, 2010, 169.

to discuss the topics that require their attention such as building maintenance, staffing issues and compliance with tax, labor and civil regulations. An important feature of the committee is to provide transparency and multi-personal decisions. Faithful implementation of this system helps the church to regain people's trust and contribute to enhancing transparency.

One of our current challenges is to prepare the Christian community to apply the Brazilian General Law for the Protection of Personal Data (LGPD). The LGPD has been effective since September 2020, and brought together principles already laid down in Brazilian legislation and important innovations, directly influenced by the structure of the General Data Protection Regulation (GDPR) from the European Union.

This new regulation will require an effective adaptation of social actors. The LGPD is applicable to any person and organization, public or private that "treats" personal data, virtually or on paper. According to the legal definition, treatment of data is "any operation executed with personal data, such as those referring to the collection, production, reception, classification, use, access, reproduction, transmission, distribution, processing, filing, storage, disposal, evaluation or control of information, modification, communication, transfer, dissemination or extraction" (art. 5, X). In turn, personal data is any information related to the natural person that identifies or has the potential to identify him/her. (art. 5, I).

Churches and church-related organizations deserve special attention, as they process not only personal data, but sensitive personal data, for instance data belonging to minors. Care for the safekeeping of personal data is necessary in behalf of members, employees, providers, anyone who relates with the institution. A church that does not comply with these regulations will run a serious risk of suffering some of the administrative sanctions listed in the legal text (art. 52), such as the

suspension of its activities or the payment of high fines, cumulated with other penalties arising from civil or criminal lawsuits.

Therefore, churches and church-related organizations must be aware of the implications of the LGPD, but also strive for its implementation. To be in compliance with the LGPD, it is necessary to undertake a process of interdisciplinary adaptation. It involves, at least, the areas of information technology and security, organizational processes and human resources, under legal guidance. Therefore, we are mobilizing our lawyers to support the organizations to apply the new regulations, and training leaders and managers with tools and resources to comply with the LGPD in effective and transparent manner.

## 17.5 Training and Equipping Individuals to be Agents of Change

Finally, the fourth pillar of our work is designing and promoting training programs for public officers, law professionals and religious leaders to be effective agents of change in promoting integrity. We value and seek to provide the attendants a platform for sharing experiences and receiving good practices from other countries, within an international and action-oriented methodology. This is executed through partnering with influential education and research centers, such as Globethics.net, International Institute for Research and Legal Studies on Fundamental Civil Liberties (FCL Law, Brazil), and Ius Gentium Coimbrigae (Portugal).

The purpose of the programs is a) to raise awareness among public institutions of the need for transparency, accountability and combating corruption in individual, collective and institutional relations, b) to encourage a deep reflection on the nature, concept and consequences of corruption, from a theological-historical-legal perspective and c) to equip the participants with resources and skills to implement ethical standards and structural changes in their public or private institutions.

# CORRUPTION IN UNIVERSITIES:
# PATHS TO INTEGRITY
# IN HIGHER EDUCATION

*Monica Kirya, Norway*

*Religions and institutions religiously affiliated are heavily involved in education. They include schools on all levels from kindergarten to universities, formal and informal education from Sunday school to adult education, from vocational training to professional continued education.*

*These educational institutions are offered and owned by all different world religions and many sects. Three examples: In higher education only, in the USA over 1000 universities and colleges are religiously affiliated. The International Federation of Catholic Universities (IFCU)[121] counts over 226 universities, the Federation of the Universities of the Islamic World (FUIW)[122] counts over 800 public and private universities.*

*Some religiously affiliated educational institutions are top in terms of quality, scientific outreach and reputation. Others are as corrupt and with as many sexual scandals as non-religious educational institutions. The following article addresses not specifically religiously affiliated*

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[121] http://fiuc.org.

[122] http://www.fumi-fuiw.org/en.

universities, but it is valid for them as well. The full version can be downloaded for free. [123] We have republished the short version. [124]

(Christoph Stückelberger, Editor)

After decades of inattention to higher education, the development community now recognises that universities provide the human capital necessary for technological catch-up and faster growth. Amid rapid liberalisation of the sector, higher education enrolments have increased across the developing world. However, corruption and fraud in higher education is a growing global problem, one with grave implications for institutions and for society at large.

Unethical practices deny access to applicants who lack special connections and produce graduates who may not be competent in their fields. Public health and safety may be jeopardised when research results are falsified or when unqualified graduates practice medicine or other professions. Dishonesty in higher education can further erode integrity and cohesion in the wider society, so addressing corruption in this sector is essential in breaking the vicious cycle of corruption society-wide.

## 18.1 Forms of Corruption in Higher Education

Manifestations of corruption and fraud in higher education include, among others:

*Political manipulation of university affairs.* Governments and ruling parties often interfere in the running of institutions, which may be captured for political or financial gain.

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[123] Kirya, Monica, Corruption in universities: Paths to integrity in the higher education subsector, U4 Anti-Corruption Resource Centre, Chr. Michelsen Institute, U4 Issue 2019:10), download: https://www.u4.no/publications/corruption-in-universities-paths-to-integrity-in-the-higher-education-subsector. Published under Creative Commons Copyright (CC BY-NC-ND 4.0)

[124] Short version: https://www.u4.no/publications/corruption-in-universities-paths-to-integrity-in-the-higher-education-subsector/shortversion.

*Corruption in licensing and accreditation.* As a degree is often the foundation for a professional license, the stakes for accreditation are high, creating incentives for bribery and fraud in the accreditation process.

*Corruption in student admissions*. In 2019, a scandal in the United States exposed unethical practices used by wealthy parents to fraudulently obtain university places for their children. In many countries, bribery can earn a pass mark on entrance examinations, or test questions may be leaked in advance to give some applicants an unfair advantage. Unscrupulous recruitment agencies may encourage and assist international applicants to fabricate their credentials.

*Corruption in staff recruitment and promotion.* Nepotism and favouritism affect the hiring and promotion of academic and non-academic staff, as highlighted by a scandal in Italy in 2017.*Financial mismanagement and procurement fraud*. Funds can be diverted through fraud linked to payroll and stipends, procurement, and travel. Internal control and external oversight of financial processes are often weak.

*Academic dishonesty.* Rampant in developed and developing countries, academic fraud includes plagiarism, essay mills, falsification of research results, fake journals and fake peer reviews, examination fraud, and diploma mills. Technological devices such as mobile phones have broadened the means for cheating.

*Sextortion.* Sexual harassment of female students, faculty, and staff by males in the university system is a serious problem. A 2018 report on sexual harassment from Makerere University in Uganda examines the problem in detail.

## 18.2 Combatting Corruption in Higher Education

Tackling corruption in academia is the responsibility of students, faculty, university administrators, ministry of education officials, higher education regulatory agencies, and professional regulatory bodies.

Governments must enforce adequate regulations and standards while also respecting academic freedom and avoiding political interference in university affairs. There is a large role for civil society, especially professional and trade associations, and for development partners.

Accreditation bodies should ensure that accreditation processes are transparent and adhere to the law. Conflicts of interest involving members of accreditation bodies with ties to university promoters must be prevented.

External quality assurance by independent regulatory agencies is crucial. In Romania, an independent university ranking system that includes academic integrity and financial probity as assessment criteria has helped improve university governance.

Professional regulatory bodies such as medical councils and engineers' boards, which licence graduates to practice, are gatekeepers to the professions. As such, they can prevent individuals implicated in academic corruption from being allowed to practice. They maintain registers of credentialed professionals, and should strike from the register those who engage in fraud. They also issue codes of conduct and regulations for professionals.

Every higher education institution should have a policy that defines plagiarism and other forms of academic dishonesty. The policy should set out procedures to be followed when wrongdoing is suspected or proved, along with sanctions. Curbing corruption should be an explicit feature of universities' internal quality assurance systems, which should ensure transparency in staff recruitment, student admission, and financial management.

The proliferation of diploma mills makes it imperative to verify academic credentials. For example, the South African National Qualifications Framework promotes genuine qualifications through its regulatory framework, national records, and counter-fraud strategy.

Strategies for improving admission and assessment processes include use of external examiners; cybersecurity measures to protect student records; external audits of admission decisions; sanctions on politicians and civil servants with fake degrees; and legislative protection of whistleblowers. International recruitment agencies should be vetted to ensure they have a track record in working with reputable institutions, are appropriately licensed, and use ethical recruitment methods.

Anti-corruption practitioners can harness information and communication technologies, including anti-plagiarism software such as Turnitin. Higher education institutions should have robust information management systems that are secure from manipulation by those who operate them as well as hackers and cyberattacks.

University policies on sexual harassment need to be better enforced. Training students and staff on appropriate sexual behaviour is important. So is ensuring that registration, finance, and results systems are streamlined and automated to reduce opportunities for sextortion.

## 18.3  A Role for Donors

Development assistance should support initiatives to improve integrity in higher education. Donors can help build networks of universities that work together to promote academic integrity. The Universities Against Corruption Initiative, supported by the United Nations Development Programme, mobilised 2,000 students at 23 universities in Jordan, Lebanon, Iraq, and Tunisia to combat corruption in academia.

Donors should require anti-corruption compliance in universities they partner with for scholarships and research grants. They should assess universities for compliance before they underwrite scholarship schemes, and thoroughly vet the qualifications of candidates. By supporting training on academic integrity, development partners can

encourage scholarship beneficiaries to become integrity trendsetters when they return.

Donors also support capacity-building, infrastructure, and research projects in developing-country universities. Within this framework, they can foster research, technical cooperation, and information technology solutions to promote academic integrity, such as by supporting acquisition of anti-plagiarism software.

Finally, donors should support efforts by accreditation agencies to develop integrated anti-corruption strategies in higher education that can promote transparency and accountability in all aspects of university life

# D

# INTERNATIONAL POLICIES

# 19

# THE IMPERATIVES OF
# BETTER GOVERNANCE:
# AN ETHICAL-RELIGIOUS LENS
# ON THE FIGHT AGAINST CORRUPTION

*G20 Interfaith Forum Policy Paper 2018*[125]

## Abstract

No public policy topic is more discussed across world regions than the scourge of corruption. Corruption takes different forms in different settings but it fuels anger and cynicism everywhere. Corrupt practices of many kinds undermine efforts to advance on virtually any front, including fighting poverty, assuring security, addressing climate change, and supporting vulnerable people and communities. Fighting corruption thus belongs at the center of global policy agendas, as a moral imperative and a prerequisite for practical results. Religious actors can be powerful allies in the effort but are insufficiently involved. Why so? They can document and pinpoint the daily corrosive effects of

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[125] From: *Policy Recommendations for the 2018 G20 Summit from the G20 Interfaith Forum in Buenos Aires, Argentina*, September 26-28, 2018, Appendix. https://www.g20interfaith.org/past-recs. (accessed Aug 3, 2020). The Editor of this book, Christoph Stückelberger, was co-author of the text.

corruption on poor communities and, building on shared ethical teachings, bolster effective action. To move forward, religious actors must address corrupt practices within their own communities; without such efforts they are crippled in contributing effectively and with trust to broader community, national, and global agendas. There are many priority, practical areas where focused action by religious actors can bolster integrity movements. Action can be global, national, and local, separate and in coalitions. Specific platforms include the global International Anti-Corruption Conference (IACC) in Copenhagen in October 2018, UN Forums, and the G20 Summit in November.

The G20 Interfaith Forum in September 2018 urged G20 leaders to heed the insights of religious communities and commit to continuing engagement with broad civil society and private networks that include religious actors, as they act decisively to rebuild trust and integrity in governance and public services.

### Contributors

*Katherine Marshall*, World Faiths Development Dialogue, km398@georgetown.edu. Elias Szczytnicki, Religions for Peace; Fr. Seamus Finn, Interfaith Center for Corporate Responsibility; Amb. Alvaro Albacete, KAICIID; Christoph Stückelberger, Globethics.net; Peter Eigen, Founder of Transparency International.

### Inspiration

Pope Francis is among religious leaders who point to corruption as a greater ill than sin but also highlight that it can be avoided: "It demands the commitment of one and all." Corruption undermines both the natural environment and human society, hanging like a dark cloud over progress in many countries. Shameful across cultures and religions, perceptions of widespread corruption feed the citizen disengagement and anger that help explain the appeal of both populism and extremism. Fighting corruption demands the engagement of all sectors of society, but perhaps

of religious communities more than any others. They can ideally offer a moral compass and practical eyes and hands to help navigate the complexities of corruption in our modern era.

## 19.1  Facets of Modern Governance Challenges

Corruption is as old as human societies. Widely held ideals and expectations that rule of law and notions of justice and fairness will govern societies speak to aspirations, shared across cultures, for honest government. This means prominently integrity and honest use of resources for the benefit of the governed. Global movements like Transparency International and the International Anti-Corruption Conference (IACC) address the complex forces at international, national, and community and municipal levels that undermine good governance. They focus on traditional issues like bribery and political corruption as well as more modern topics like mass communications; social media, for example, works both for good and evil, interrupting patterns that permit elites to capture power, even as they can sow misunderstanding, misinformation, and strife.

Corruption is the enemy of democratic values and systems, of human rights, of human dignity, and of equitable, sustainable, thriving societies. Global and national drives towards accountability and integrity are shaped by several factors:

- Corruption is a *widespread, shared concern across the world*. A 2011 survey covering 23 countries (carried out for the BBC), found that corruption was the topic most frequently discussed by the public, ahead of poverty, unemployment, and rising costs. Nearly a quarter of those surveyed said they have discussed corruption recently and many rank it the most serious problem facing their society. When people speak of ethics and politics, corruption is often the leading edge. The myth that

many societies accept corruption as a norm is patently false: people everywhere hate corruption.

- *National strategies to fight corruption systematically are relatively new* and important new tools and experience are available. Managing public procurement and finance and punishing theft have long roots but national approaches that look professionally and systematically at changing both public management systems and cultures that permit corruption are quite recent. Not long ago, mainstream economists and politicians often argued that corruption served as "grease for the motor", acceptable within a culture. Such arguments are rarely heard today. Corruption is widely seen as an evil, a cancer that eats away at social cohesion, "sand in the engine". Governments and nations are judged by their levels of integrity and quality of administration.

- We appreciate more clearly today that *meaningful efforts to fight poverty, assure security, and assure prosperous and equitable societies depend on public integrity*. Efficient use of resources is vital for delivering services like education and health. The damage to pension programs, social protection, quality education, and decent health care from corrupt systems go far beyond the direct damage inflicted because they erode trust. Businesses increasingly avoid investments in corrupt environments where governance is poor.

- *Democratic systems are threatened at their core by corrupt practices*. When young people see their societies as irremediably corrupt, the temptations of extremist promises have wide appeal. Likewise, populist and autocratic leaders feed on anger against corruption and the promise of strong, often authoritarian measures to right the society.

## 19.2 Religious Leaders Need to Be Concerned and Involved

Religious leaders and communities should be central to efforts to end corruption. Ethics and action are their business and religious figures commonly enjoy respect and attention. Potential roles range from contending with personal responsibilities to the tenor and core values of a society and nation. Each religious tradition has teachings that speak to the core values of trust and honesty. These teachings have much in common, as reflected, for example, in the principles set out in the Global Ethic (articulated by theologian Hans Kung) and in many common calls of interreligious bodies and gatherings. Courageous religious leaders in exemplary situations speak truth to power about ethical challenges to governance that include corruption.

That said, religious leaders have yet to take on leading roles in the modern efforts to address corruption that constitute an international and national integrity movement. This is partly because the leadership of anti-corruption movements has become quite secular and technocratic in language and ethos. Moral issues tend to take second place, for reasons that include, for example, a desire to focus more on the systems that make embedded corruption possible than on personal failings and to avoid the political taint sometimes associated with religious involvement in public affairs. The focus on environmental factors rather than moral failings has also reflected the multicultural nature of global anti-corruption movements. As a practical matter, close relationships between governments and religious authorities can dampen criticism as can the precarious situation of religious actors in many settings.

The pendulum has swung too far in a technocratic direction. Corruption will not be defeated by technical means alone. Ethics, values, and morality must be part of the equation in strategic plans. Religious leaders should have clear roles to play, in speaking truth to those in power and in guiding individuals as they navigate complex choices, for

example in how to combat corrupt practices they see or to avoid temptation to fudge rules or seek quick fixes. Religious leaders have central roles in articulating values and norms, including through religious education at many levels. Inter and intra faith alliances can look to the common good across society.

One explanation why some religious leaders are reticent to engage in anti-corruption efforts is awareness that their own organizations may not meet the highest standards of accountability. A tendency to view accounting and reporting as secondary matters is not uncommon. This obviously can and should change: there is no justification for tolerating careless oversight and use of funds and unethical management of personnel. With houses in order, religious institutions are well placed to demand high standards of their governments and leaders.

A further challenge is that many corruption issues are complex, with causes and consequences interlinked. Corrupt practices are linked to inequality among nations and within them, to the abuses of the powerful, to the underworld of trafficking and crime, and to concerns that social values overall are dominated by greed and uncontrollable market forces leading to a daunting erosion of morality. Conflict and corruption go hand in hand. None of these problems have easy solutions. Debates rage fiercely as to which matters most: mega-corruption –large-scale bribes and theft— or the widespread corruption that saps the trust and time of poor people when they try to obtain health care, succeed in school, register their child's birth, or seek justice. Anti-corruption strategies are complex as is judging performance fairly. Measuring progress is difficult; perceptions do not always fit well with objective reality. Even so, it is feasible and desirable to assure that anti- corruption measures are communicated in understandable terms and that accountability challenges are intelligently addressed. Partnerships and clear communication are vitally important.

## 19.3 What Measures Can Religious Actors Take to Advance Anti-corruption Efforts?

It is an assertion of faith, bolstered by examples from different times and places, that courageous and determined religious leadership can make a difference in turning societies around. Transnational and interreligious and cultural understanding and cooperation can play significant roles.

*Religious institutions and approaches are infinitely complex but several common themes and questions offer a frame:*

(a) There are specific and priority dimensions of the corruption challenge where *religious institutions and actors have special interest and comparative advantage*. Apart from the imperative effort to address internal issues (abuse of clergy, sloppy accountability), social priorities stand out (care for vulnerable groups such as refugees, widows, and orphans, poverty, quality education, holding governments to account).

(b) In the panoply of actors addressing corruption, *religious institutions and actors have some specific gifts and capabilities* that include:

- Speaking authoritatively about what is right and wrong in their tradition or their society's traditions.
- Mobilizing member to observe and report acts of corruption.
- Institutionally, helping with the design, implementation, and monitoring of programs addressing public issues aligned with (a) above (e.g., schools, hospitals, social work…).
- Communications media of certain kinds, building on trustworthiness, distinctive audiences, etc.

(c) *Examples of success can be documented* to form part of broad narratives, where religious institutions have made a difference in fighting corruption.

*The following suggestions look to defining promising areas for action.*

1. Undertake, publish, and disseminate a *systematic review of pertinent teachings and texts* that relate to corruption. This would ideally take an interreligious perspective. The goal would be to identify and highlight specific texts responding to priority issues, drawing on individual traditions and highlighting common threads. This could help build commitment and address common misperceptions, for example that cultural differences explain or even justify corrupt practices. The work of theologian Hans Kung to promote the values-based "Global Ethic" exemplifies this approach. The annex points to a few examples of pertinent texts and highlight both common themes and the rich insights that can be drawn from a spiritual framing of issues.

2. *Pilot and exemplary anti-corruption initiatives and programs* that build on critical ethical values that bolster honest government. This could feature in religious education and could form part of ongoing efforts to build religious literacy at different levels (from early childhood through professional training).

3. *Listen to specific grievances of vulnerable communities linked to corrupt practices, including as part of efforts to address extremist recruitment.* This could be linked to anti- poverty programs (Bolsa Familiar, for example) with a view to assuring that objectives are met and pointing to practical areas for improvement.

4. A closely related priority is *robust action to stop trafficking of women and children* and patterns of abuse.

5. *Build on ongoing efforts that address tangible topics like extractive industries* (where extensive religious initiatives are underway), identifying and promoting action on human rights violations, failures to assure protection of indigenous communities, and vigilant monitoring of environmental impact.

6. *Cooperate actively with promising integrity programs, for example at the municipal or community level;* youth prizes and support for women's initiatives are examples. Such efforts highlight what works and encourage promising efforts

7. With information and communication appreciated as powerful tools in fighting corruption, religious communities can have an impact by *focusing on governance topics through communication channels they manage and influence*. That means educational programs, radio, television, print, and social media.

8. Define specific efforts (initially at a pilot level) that support *robust monitoring and evaluation of initiatives and efforts to bring about change*. That means defining common, meaningful objectives and indicators of progress, that allow religious communities to contribute to broader community and national strategies.

9. Specific efforts to *support religious institution learning from the secular world in preventing sexual and financial abuses of many kinds*. Many industries and non-profits are struggling with these issues and it would be feasible and useful to pull together promising initiatives for the consideration of religious institutions. Religious leaders themselves might call for dialogue to highlight area for secular religious collaboration that could open windows of opportunity.

10. Leading *interreligious bodies working together* can focus on understanding patterns of corruption, defining meaningful tools to combat them, and agree on specific priority areas for action.

## 19.4 Action in the G20 Context

*Building on work at the September 2018 G20 Argentina Summit and potentially in the framework of Japan's hosting of the 2019 G20 Summit.*

- Good governance should be a central theme of G20 Summits, with specific commitments to action and continuing monitoring.
- The framework of the G20 Anti-Corruption Working Group should be addressed with specific reference to religious actors and voices.
- The issues of land reform and extractive industries, including fisheries and rainforests, which are of special concern to religious communities, should be a focus of the G20 Communique, with commitments to active consultation with pertinent religious groups. *Possible next steps*

These ideas need a time frame, committed actors, and specific audience.

## 19.5  Annex: A Few Relevant Religious Texts

Compiled by Robert Klitgaard

**Buddhism**

The Buddha discussed the importance and the prerequisites of a good government. He showed how the country could become degenerate and unhappy when the government becomes corrupt and unjust.

The Buddha once said, "When the ruler of a country is just and good, the ministers become just and good; when the ministers are just and good, the higher officials become just and good; when the higher officials are just and good, the rank and file become just and good; when the rank and file become just and good, the people become just and good." (*Anguttara Nikaya*)

In the *Jataka*, the Buddha gave rules for Good Government, known as *Dasa Raja Dharma*:

1) be liberal and avoid selfishness, 2) maintain a high moral character, 3) be prepared to sacrifice one's own pleasure for the well-

being of the subjects, 4) be honest and maintain absolute integrity, 5) be kind and gentle, 6) lead a simple life for the subjects to emulate, 7) be free from hatred of any kind, 8) exercise non-violence, 9) practise patience, and 10) respect public opinion to promote peace and harmony.

The Buddha further advised:

- A good ruler should act impartially and should not be biased or discriminate between one particular group of subjects against another.

- A good ruler should not harbour any form of hatred against any of his subjects.

- A good ruler should show no fear whatsoever in the enforcement of the law, if it is justifiable.

- A good ruler must possess a clear understanding of the law to be enforced. It should not be enforced just because the ruler has the authority to enforce the law. It must be done in a reasonable manner and with common sense. (*Cakkavatti Sihananda Sutta*)

### Islam

"The Apostle of Allah (peace be upon him) cursed the one who bribes and the one who takes bribes." *(Abd Allah ibn Amr ibn Al As, Abu Dawud, hadith no 3573)*

"The Prophet (s.a.w.) has condemned the giver or receiver of bribe in decision making (ruler, management, judges etc...)." *(Narrated by At-Tirmidzi, 3/622: Imam Tirmidzi said: Hasan Sahih)*

"And do not devour your property among yourselves by wrongful means, nor offer it as a bribe to judges, with intent that you may unlawfully swallow up a portion of other people's property, while you know." *(Al-Baqarah:188)*

"Woe to those that deal in fraud." *(Al Qu'ran 83-1)*

### Christianity

"Corruption is something that enters into us. It is like sugar: it is sweet, we like it, it's easy, but then, it ends badly. With so much easy

sugar we end up diabetic, and so does our country. Every time we accept a bribe and put it in our pocket, we destroy our heart, we destroy our personality and we destroy our homeland. … What you steal through corruption remains … in the heart of the many men and women who have been harmed by your example of corruption. It remains in the lack of the good you should have done and did not do. It remains in sick and hungry children, because the money that was for them, through your corruption, you kept for yourself." *(Pope Francis, Audience with youth in Kasarani Stadium, Kenya, Nov. 28, 2015)*

"The World Council of Churches' concern and response to the issue of corruption is founded on God's preferential option for people in poverty. Corruption is rooted in and propagated by our prevailing economic structures, cultures and value systems" which are driven by "greed, relentless pursuit of power, profit and material gain by corporations, political bodies, administrators and individual actors. Confronting systemic corruption is therefore a matter of upholding God's justice." *(Rev. Dr Olav Fykse Tveit, WCC General Secretary)*

# 20

## UNITED NATIONS:
## ANTI-CORRUPTION MEASURES
## AS DUTY TO PROTECT HUMAN RIGHTS

*United Nations High Commissioner for Human Rights*

*Many believers, religious leaders and religious institutions are engaged in Human Rights, based on the United Nations Human Rights declaration and conventions. The UN[126] and Religions (as shown in this book) are also involved in manifold anti-corruption efforts. The following UN Text[127] (excerpt) emphasises the close link between engagement for both Human Rights and overcoming corruption, and calls governments, private sector and civil society – including religious institutions – to strengthen the programmatic link between the two topics.* (CS, Editor)

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[126] A core text is the *United Nations Convention against Corruption* of 2004.

[127] Report of the Office of the United Nations High Commissioner for Human Rights: *Challenges faced and best practices applied by States in integrating human rights into their national strategies and policies to fight against corruption, including those addressing non-State actors, such as the private sector*, Human Rights Council, 44th Session, 15 June-3 July 2020. Free download in six languages from https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/44/27.

## 20.1 Combat Corruption: Corollary of Human Rights

*... [III.] States' duty to combat corruption as a corollary of their duty to take steps, to the maximum of their available resources, with a view to achieving progressively the full realization of economic, social and cultural rights*

[19.] As the Committee on Economic, Social and Cultural Rights has observed:

Corruption constitutes one of the major obstacles to the effective promotion and protection of human rights, particularly as regards the activities of businesses. It also undermines a State's ability to mobilize resources for the delivery of services essential for the realization of economic, social and cultural rights. It leads to discriminatory access to public services in favour of those able to influence authorities, including by offering bribes or resorting to political pressure.[128]

[20.] States have a duty to protect rights holders against human rights abuses, including those caused by corruption. Doing so requires taking appropriate steps to prevent, investigate, punish and provide redress for such abuses. In particular, States must ensure that those affected have access to an effective remedy, including reparations. By diverting public money, corruption clearly undermines the ability of Governments to make the maximum use of available resources to realize all human rights, including economic, social and cultural rights (E/2017/70, para. 39). While there is no human right to freedom from corruption in international human rights law, corruption is antithetical to human rights. It is notable that, in its submission, Guatemala reported that its Constitution referred to the right to a life free from corruption.

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[128] General comment No. 24 (2017) on State obligations under the International Covenant on Economic, Social and Cultural Rights in the context of business activities, para. 20.

## 20.2  List of Measures

The Report includes fifty measures under the following titles:

*[IV] Preventive Measures*

A. Preventive anti-corruption policies and practices (art. 5) and preventive anti-corruption body or bodies (art. 6)

B. Public sector (art. 7), codes of conduct for public officials (art. 8) and measures relating to the judiciary and prosecution services (art. 11)

C. Public procurement and management of public finances (art. 9)

D. Public reporting (art. 10) and participation of society (art. 13)

E. Private sector (art. 12)

F. Measures to prevent money-laundering (art. 14)

*[V.] Criminalization and Law Enforcement*

*[VI.] International Cooperation*

*[VII.] Asset Recovery.*

## 20.3  Conclusions and Recommendations

…[70.] The negative impact of corruption on the enjoyment of human rights is now widely recognized and corruption is increasingly raised with United Nations human rights mechanisms as an obstacle to the realization of human rights and as a potential cause of human rights violations and abuses.

[71.] As part of their duty to make the maximum use of available resources so as to realize all human rights, including economic, social and cultural rights, States have an obligation to combat corruption. This requires taking appropriate steps to prevent, suppress and provide redress for such abuses.

[72.] Human rights mechanisms increasingly include the topic of corruption in the lists of issues used in their interactive dialogues with the States parties to various international human rights treaties. They regularly adopt conclusions and recommendations to States under

review on the need to address corruption and include in them specific measures States should take in that regard.

[73.] States request advice from OHCHR on issues relating to corruption, including on the implementation of recommendations from human rights mechanisms. OHCHR is building its capacity to support States in their efforts to combat corruption from a human rights perspective and has identified corruption as a "frontier issue" in its 2018–2021 management plan.[129]

[74.] While national strategies to combat corruption and uphold human rights are generally developed on separate tracks, there is a growing momentum recognizing the potential of considering both in a holistic manner.

[75.] Anti-corruption efforts and efforts to promote and protect human rights complement and reinforce each other. They should be pursued in a mutually reinforcing manner that leverages their comparative strengths and minimizes their respective limitations. Both should contribute to a broader strategy for the promotion of good governance. States are called upon to fight corruption and protect human rights at the same time by upholding core good governance principles, such as participation, inclusion, transparency, accountability, integrity, probity and the rule of law.

[76.] Independent human rights mechanisms and anti-corruption institutions should consider analysing the linkages between corruption and human rights in their respective work. A/HRC/44/27

[77.] The Human Rights Council Advisory Committee (A/HRC/28/73, paras. 52–54) and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (A/HRC/40/59, para. 76) have recommended that the Council consider establishing a thematic special procedure mandate on corruption and

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[129] OHCHR, "United Nations Human Rights Management Plan 2018–2021" (Geneva, 2018), 44–45.

human rights and expressly integrating an examination of corruption and human rights into both the universal periodic review and the Council's complaints procedure.

[78.] The Human Rights Council may wish to consider undertaking studies on specific questions arising from a holistic examination of corruption and human rights, such as a study on the role of national human rights institutions in the fight against corruption.

[79.] The Secretary-General has established a global task force on corruption in order to develop a common United Nations position on corruption. Given the mutually reinforcing nature of anti-corruption efforts and efforts to protect human rights, it is essential that human rights be firmly embedded within such a common position.

[80.] The General Assembly has decided to hold a special session on challenges and measures to prevent and combat corruption and strengthen international cooperation during the first half of 2021 (resolution 73/191, para. 1). Member States are called upon to ensure policy coherence between the intergovernmental processes in Vienna, Geneva and New York and to ensure that the political declaration resulting from the special session is firmly anchored in human rights.

# AUTHORS

*Listed in the order and by the number of the articles in this book.*

1. *Christoph Stückelberger*, Prof. Dr Dr h.c., Professor of (protestant theological) Ethics, Founder and President of Globethics.net and other foundations. Founder and first President of Transparency Switzerland. Email: stueckelberger@president.foundation.

2. *Christoph Stückelberger*, see above, 1.

3. *Isha Shah*, India, Student of Finance at Bennington College, USA. She wrote this study during her internship at the Geneva Agape Foundation in spring 2020, during Covid from North India.

4. *Nilesh Madhusudan Shukla*, electronics engineer, worked with Bhabha Atomic Research Center in Mumbai and as HRD consultant for a multinational construction company. Dedicated to Rishi-Sansriti, the wisdom of ancient India.

5. *Zhang Zhipeng*, Visiting Professor at Nanjing Institute of Technology in Nanjing/China. His main research fields are religious economics, religion and social changes.

6. *Yang Hengda*, Professor of Comparative Linguistic Studies, Renmin University of China, Beijing. *Dennis McCann*, Director of Research, Rothlin Ltd., Beijing and Hong Kong. Former Professor of Ethics, USA.

7. *Islamic Education Trust (IET)*, Minna, Nigeria, is an Islamic NonGovernmental Organisation since 1969 for child education on religion and overcoming corruption in Nigeria.

8. *Omar Shaikh,* Advisory Board Member, UK Islamic Finance Council UKIFC, www.ukifc.com.

9. *Martin Allaby*, Dr, UK, medical doctor and public health specialist, worked for ten years in South Asia. Consultant clinical advisor at England's National Institute for Health and care Excellence. Author of Inequality, Corruption and the Church. Member of the Faith and Public Integrity Network www.fpinetwork.org.

10. *Pope Francis*. No need to further present. *Ljubas Zdravko*, journalist from Bosnia, writing for Organized Crime and Corruption Reporting Project OCCRP, www.occrp.org.

11. *Valli Boobal Batcheley, Marie M. Fortune, Martin Weber, Darryl W. Stephens, Terry O'Neill, Cléo Fatooseh Chi, M. Garlina Berton, Gary R. Schoener*, from different continents.

12. *Joan Elise Dubinsky*, USA, Prof. Dr., expert in business ethics, former Chief Ethics Officer of the United Nations and IMF, Ethics Advisor to th Global Fund. *Alan Richter*, USA, expert in business ethics, founder and president of QED Consulting, developer of ethics curricula.

13. *International Organization for Standardization*, Geneva/Switzerland with 165 national standards bodies for setting and monitoring ISO-norms, www.iso.org.

14. *Luise Ammerschuber*, Switzerland, Director and Co-Founder of YESS Impact, international speaker, independent consultant on social business and impact investing.

15. *Willi Kawohl*, Germany, independent consultant, finance expert and analyst for development programs, Germany, mandates among others for Bread for the World, Germany.

16. *Leena Koni Hoffmann*, Dr, Chatham House, London, Associate Fellow, Africa Programme and Nigeria Country lead of the social norms and Accountable Governance (SNAG) project;

*Raj Navanit Patel*, Dr, Consultant, Penn Social Norms Group (PennSONG), postdoctoral fellow at the University of Pennsylvania and SNAP advisor.

17. *Felipe Augusto Carvalho*, Executive Director, ANAJURE (Brazilian Association of Christian Lawyers), Brazil and Portugal, Editor-in-chief of the Brazilian Journal on Law and Religion, Projects Director of FCL (Federation of Christian Lawyers).

18. *Monica Kirya*, Norway, Lawyer , specializing in governance, anti-corruption and development in health and education. Senior Program Advisor at the U4 Anti-Corruption Resource Center.

19. *G20 Interfaith Forum* is a forum prior to the G20 summits with interfaith representatives of different world religions in order to prepare joint policy statements addressing the G20 political and economic powers.

20. *United Nations High Commissioner for Human Rights*, based in Geneva/Switzerland. The leading UN entity for Human Rights as set out in the UN Universal Declaration of Human Rights. www.ohchr.org.

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# Corruption-free Religions are Possible

Integrity – Stewardship – Accountability

**Christoph Stückelberger (Editor)**
Geneva/Switzerland, is emeritus Professor of Ethics in Basel/
Switzerland, Visiting Professor in Nigeria, China, Russia, UK. He is
Founder and President of Globethics.net and author of numerous
books, among others *Corruption-free Churches are Possible*.

Corruption is abuse of public or private power for personal interests. Paying
and receiving bribes in form of money, advantages, nepotism or sexual
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A book for religious leaders, lay persons, politicians, educators and all those
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