

# **Transparency and Accountability to Build Trust in the Public Sector: Judiciary, Media, Education, Churches**

**Coimbra/Portugal, Course of Christian Lawyers  
from Brazil and Portugal, 5 Dec 2017**

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## 1.0 Crisis of Trust

There is a worldwide crisis of trust in institutions. Most severe is it, when institutions of the public sector are affected. Public sector is here defined as those sectors which should serve the public common good and not partial interests. These are

1. Governments/Public Administration
  2. Judiciary
  3. Publicly Owned Media
  4. Public Education Institutions
  5. Religious Institutions representing large part of population
  6. Finance institutions with systemic relevance eg National Banks
- Credibility of these institutions is vital for society**

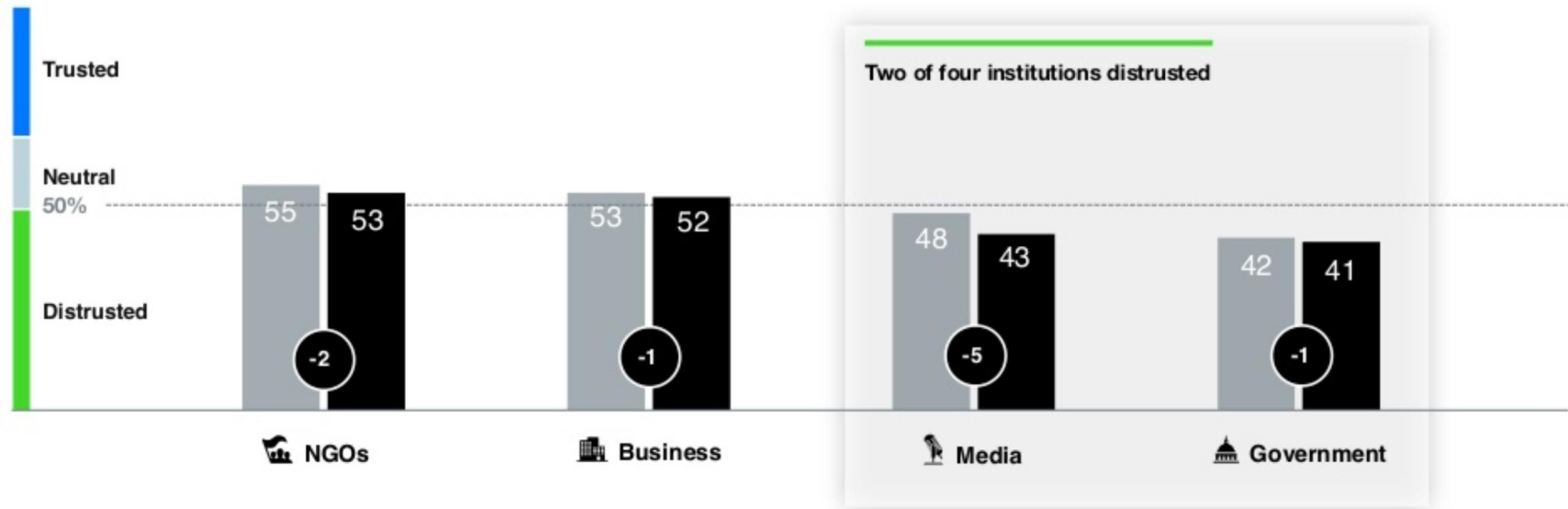
# 1.1 Crisis of Trust: in all Sectors

## Trust in All Four Institutions Declines

Percent trust in the four institutions of government, business, media and NGOs, 2016 vs. 2017

Clip slide

2016 2017



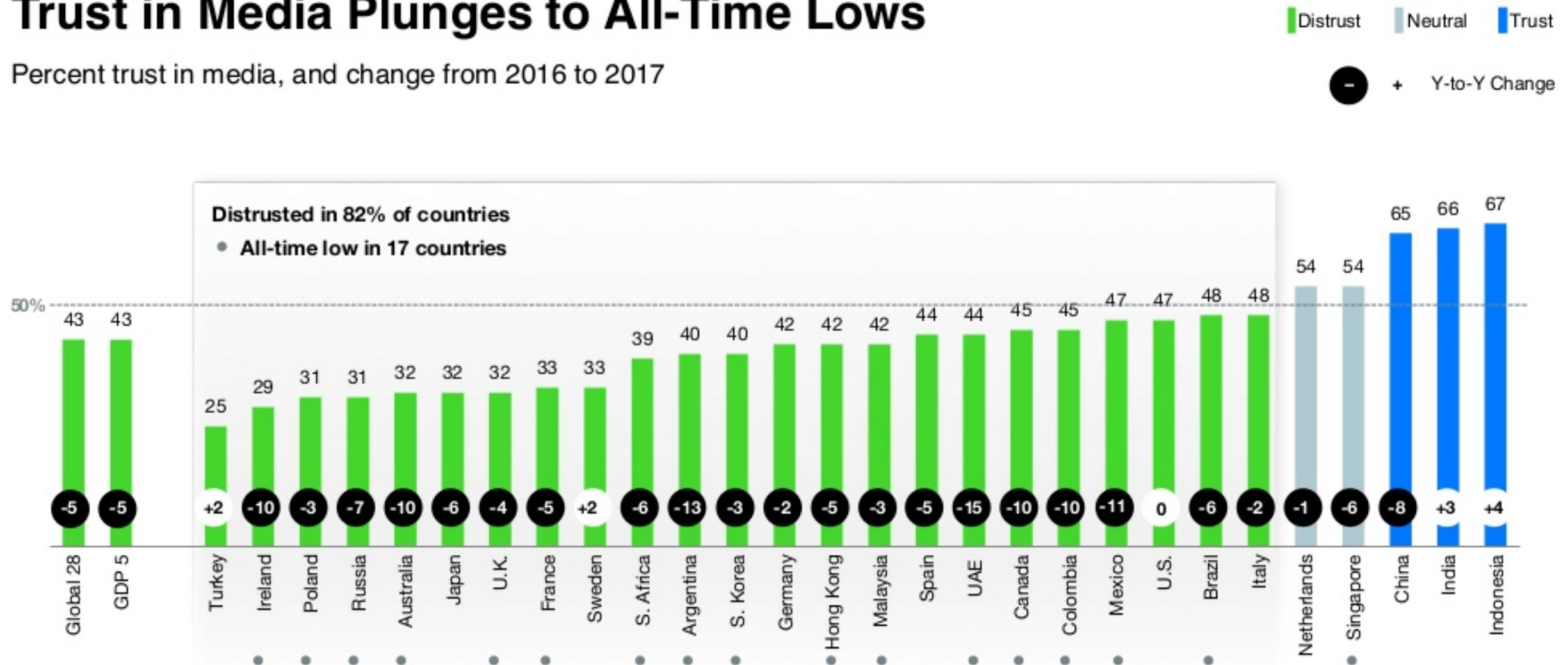
Source: 2017 Edelman Trust Barometer Q11-620. Below is a list of institutions. For each one, please indicate how much you trust that institution to do what is right using a nine-point scale, where one means that you "do not trust them at all" and nine means that you "trust them a great deal." (Top 4 Box, Trust) General Population, 28-country global total.

## 1.2 Crisis of Trust: Media

2017 Edelman Trust Barometer - Global Results

### Trust in Media Plunges to All-Time Lows

Percent trust in media, and change from 2016 to 2017



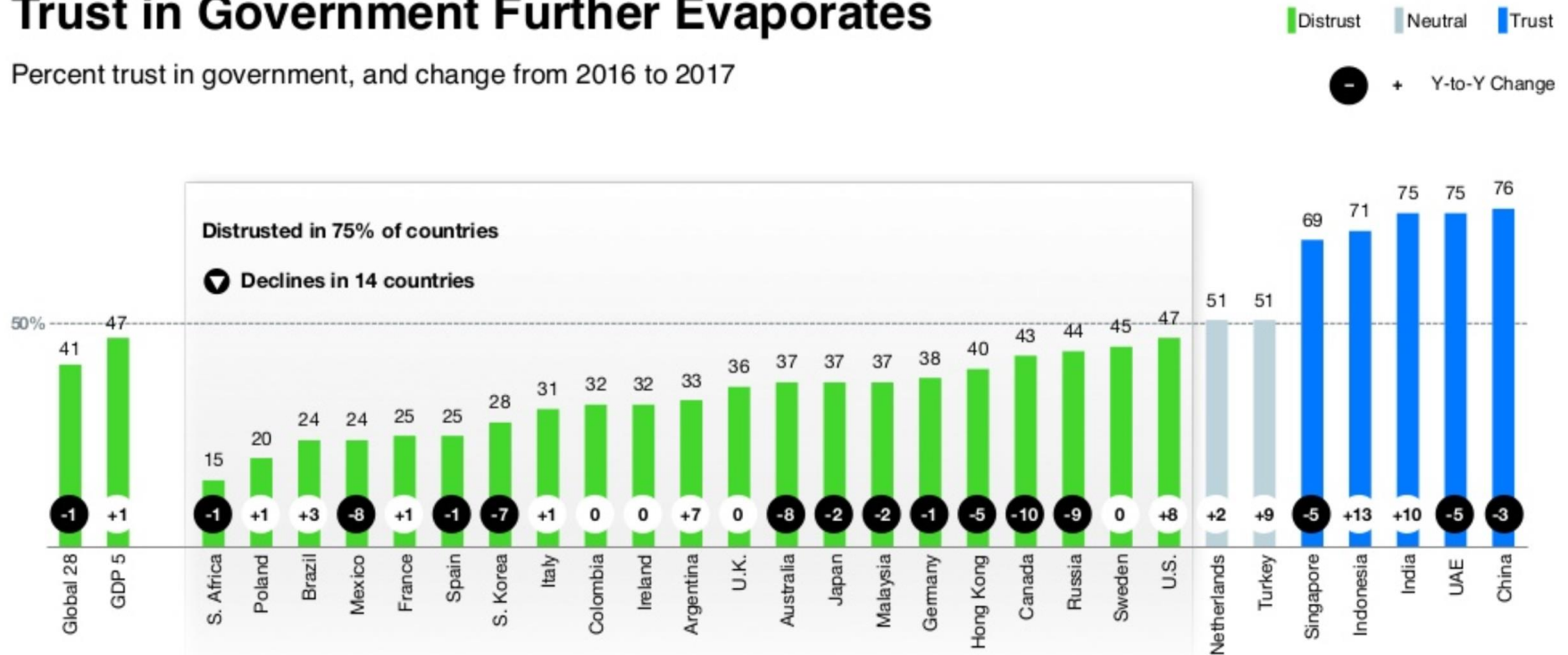
Source: 2017 Edelman Trust Barometer Q11-620. [TRACKING] [MEDIA IN GENERAL] Below is a list of institutions. For each one, please indicate how much you trust that institution to do what is right using a nine-point scale where one means that you "do not trust them at all" and nine means that you "trust them a great deal." (Top 4 by Trust) General Population, 28 country global total

# 1.3 Crisis of Trust: Governments

2017 Edelman Trust Barometer - Global Results

## Trust in Government Further Evaporates

Percent trust in government, and change from 2016 to 2017



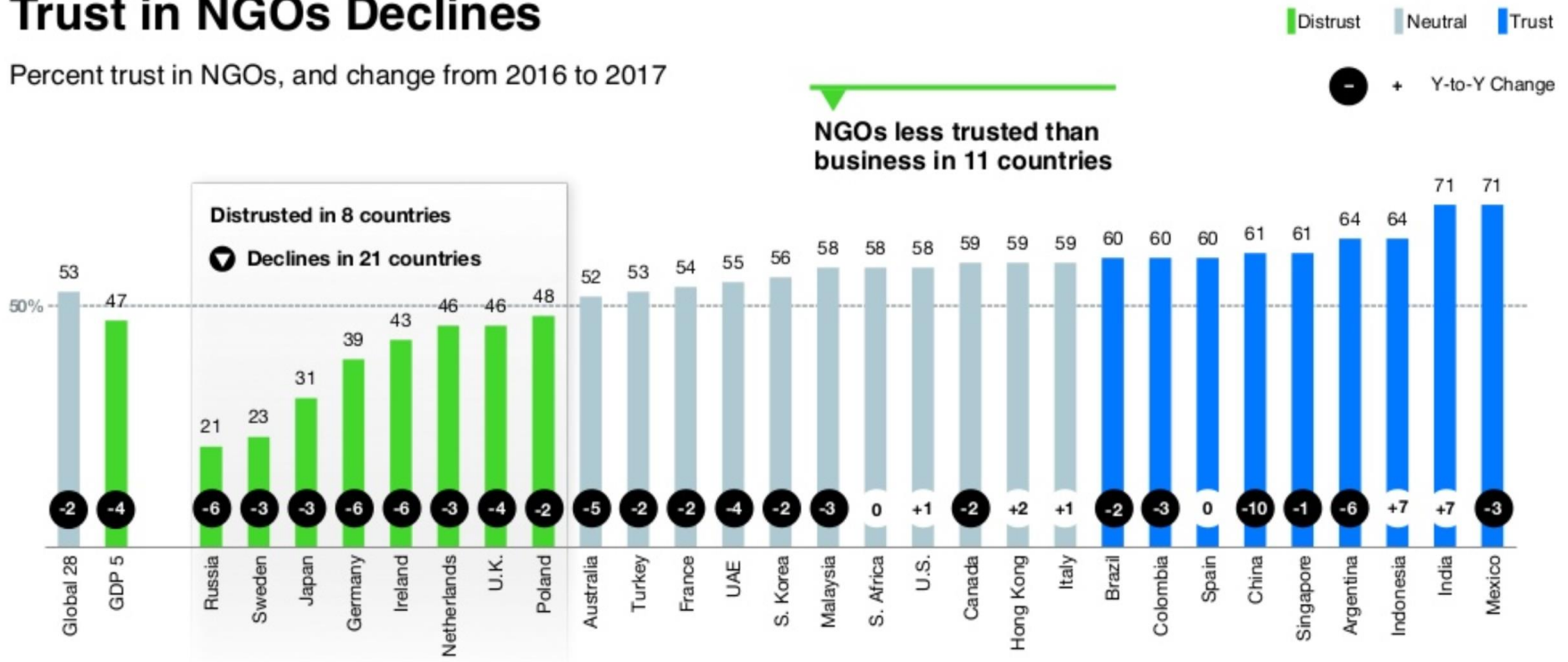
Source: 2017 Edelman Trust Barometer Q11-620. [TRACKING] [GOVERNMENT IN GENERAL] Below is a list of institutions. For each one, please indicate how much you trust that institution to do what is right using a nine-point scale where one means that you "do not trust them at all" and nine means that you "trust them a great deal" (Top 4 Box Trust) General Population, 28-country global total

# 1.4 Crisis of Trust: NGOs

2017 Edelman Trust Barometer - Global Results

## Trust in NGOs Declines

Percent trust in NGOs, and change from 2016 to 2017



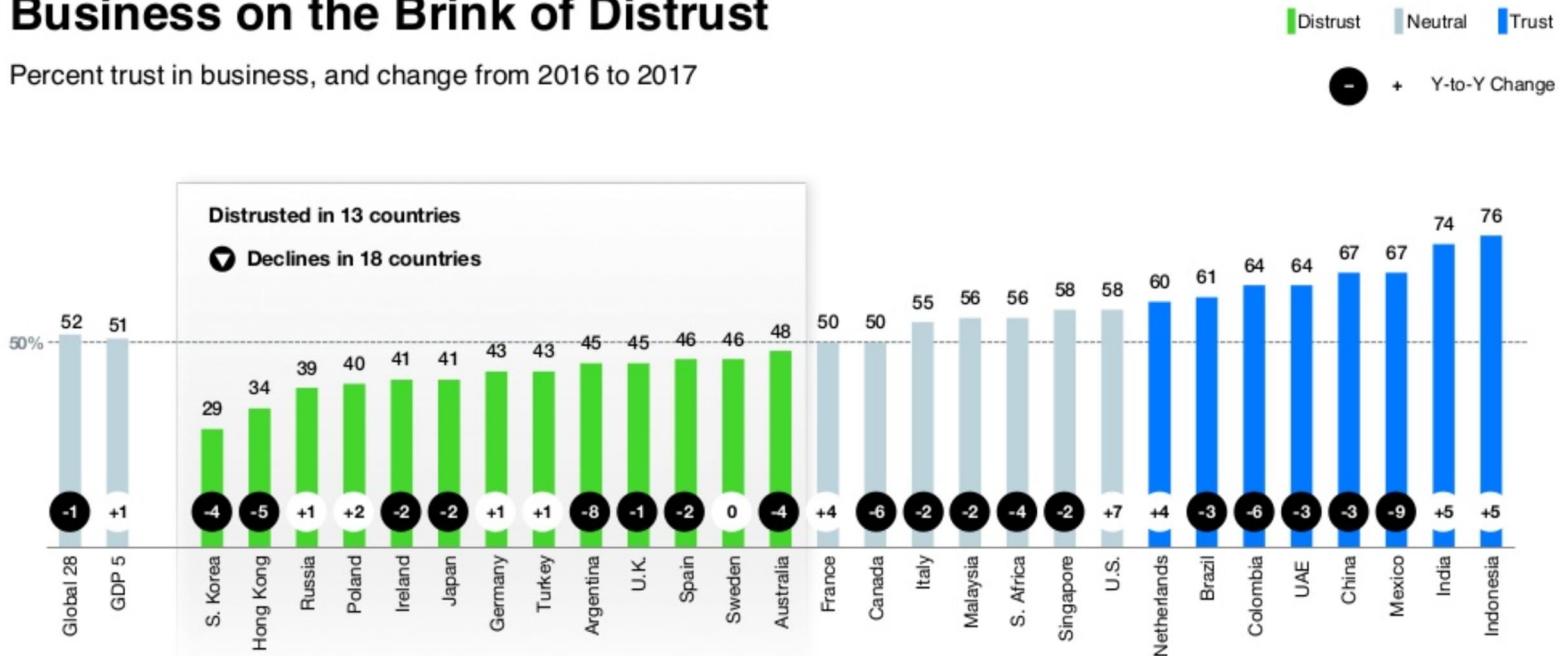
Source: 2017 Edelman Trust Barometer Q11-620. [TRACKING] [NGOs IN GENERAL] Below is a list of institutions. For each one, please indicate how much you trust that institution to do what is right using a nine-point scale where one means that you "do not trust them at all" and nine means that you "trust them a great deal." (Top 4 Box: Trust: General Population, 28 country, global total)

# 1.4 Crisis of Trust: Business

2017 Edelman Trust Barometer - Global Results

## Business on the Brink of Distrust

Percent trust in business, and change from 2016 to 2017



Source: 2017 Edelman Trust Barometer Q11-620. [TRACKING] [BUSINESS IN GENERAL] Below is a list of institutions. For each one, please indicate how much you trust that institution to do what is right using a nine-point scale where one means that you "do not trust them at all" and nine means that you "trust them a great deal." (Top 4 Box, Trust) General Population, 28 country global total

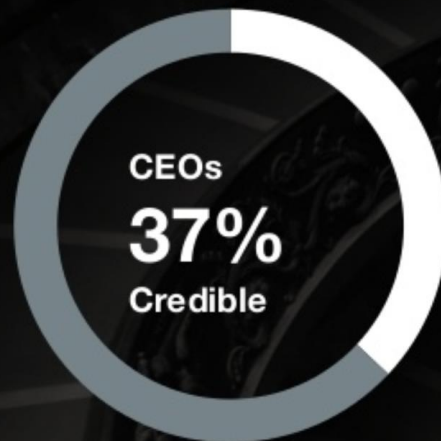


## 1.5 Crisis of Trust: Leadership

2017 Edelman Trust Barometer - Global Results

### Credibility of Leadership in Crisis

Percent who rate each spokesperson as very/extremely credible



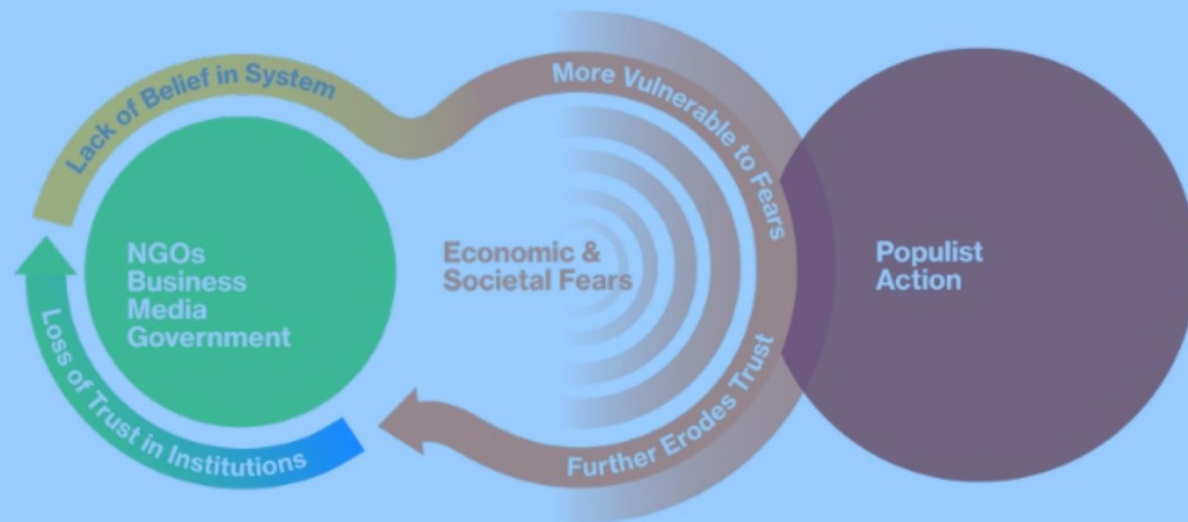
Source: 2017 Edelman Trust Barometer Q130-747 Below is a list of people. In general, when forming an opinion of a company, if you heard information about a company from each person, how credible would the information be—extremely credible, very credible, somewhat credible, or not credible at all? (Top 2 Box, Very/Extremely Credible) General Population: 28 countries/global total, question asked of half the sample

## 1.6 Crisis of Trust: Vicious Circle

2017 Edelman Trust Barometer - Global Results

Clip slide

### The Cycle of Fear and Distrust



# 1.7 Trust in Peers, not Public Sector

2017 Edelman Trust Barometer - Global Results

## Peers Now as Credible as Experts

Percent who rate each spokesperson as extremely/very credible, and change from 2016 to 2017

– + Y-to-Y Change

“People in this country have had enough of experts.”

– Michael Gove,  
Member of Parliament, U.K.



Source: 2017 Edelman Trust Barometer Q130-747 Below is a list of people. In general, when forming an opinion of a company, if you heard information about a company from each person, how credible would the information be—extremely credible, very credible, somewhat credible, or not credible at all? (Top 2 Box, Very/Extremely Credible)

Global Base (n=28,000) or global total, question asked of half the sample

## 1.8 Public Trust in Judiciary

<https://www.transparency.org/topic/detail/judiciary>

The screenshot displays the website of Transparency International Romania. At the top, the contact information (004) 031-6606000 and office@transparency.org.ro is shown, along with a login button. The navigation menu includes Home, Who we are, What we do, and Research. The main banner features a blue background with a large gear graphic. On the left, a list of activities is presented in white boxes: 'Developing diagnose tools', 'Set up standards and principles for judiciary', 'Knowledge management: judicial wiki and helpdesk', and 'Engage people nationally, regionally and globally'. On the right, a vertical list of values is shown in blue boxes: 'LAWFULNESS', 'INDEPENDENCE', 'IMPARTIALITY', 'INTEGRITY', 'ACCOUNTABILITY', 'TRANSPARENCY', and 'PROPER ADMINISTRATION OF JUSTICE'. The central text reads 'Judiciary Centre of Expertise'. Below the banner, the full name 'TRANSPARENCY INTERNATIONAL CENTRE OF EXPERTISE IN THE JUDICIARY' is displayed, followed by a description of their work: 'Working to strengthen the TI Movements' capacity to advocate for integrity, independence & accountability in the judiciary and to engage and empower people to demand reform and strengthen judicial capacity to sanction the corrupt.' A 'Get Started' button with an external link icon is located in the bottom right corner.

(004) 031-6606000 | office@transparency.org.ro Login

TRANSPARENCY INTERNATIONAL ROMANIA

Home Who we are What we do Research

Developing diagnose tools

Set up standards and principles for judiciary

Knowledge management: judicial wiki and helpdesk

Engage people nationally, regionally and globally

**Judiciary Centre of Expertise**

LAWFULNESS

INDEPENDENCE

IMPARTIALITY

INTEGRITY

ACCOUNTABILITY

TRANSPARENCY

PROPER ADMINISTRATION OF JUSTICE

**TRANSPARENCY INTERNATIONAL CENTRE OF EXPERTISE IN THE JUDICIARY**

Working to strengthen the TI Movements' capacity to advocate for integrity, independence & accountability in the judiciary and to engage and empower people to demand reform and strengthen judicial capacity to sanction the corrupt.

Get Started

## 1.9 What Undermines Trust

Trust is key for a relations and institutions. Before speaking about trust, we have to recognize what undermines trust:

- Greed (dependency from material needs)
- Egoism (own interests, no balance with onterest of others)
- Powergame (increase own power as ultimate goal)
- Satisfaction (through pleasure, gambling, violation, exploitation)
- Narcism (lack of ability for compassion)
- Destruction (Criminal or destructive energy)
- Nepotism (Peergroup-solidarity first, ethnicism, racism, sexism)
- Mistrust (caused by/linked to corruption, intransparency)

## 2. How to Rebuild Trust?

### 2.1 What is Trust?

- Trust is the ability to be in a relation to and start an interaction with a person or an institution in spite of some uncertainty and a lack of full clarity.
- Trust is a pre-condition of every relation and interaction.
- Trust increases the security in the interaction without giving and needing a total certitude.
- There is a direct, measurable economic benefit of trust: Trust reduces the transaction costs in economic and political relations. But trust almost by definition includes also the risk of its abuse. Without this risk the relation is a dictatorship and right round the clock anxious control.

## 2.2 What Builds Trust?

- The relations/environment of persons/institutions
- The ability to recognize and deal with risks
- The ability to think ahead and long term
- The ability to build majorities/find political coalitions
- Trustworthy are persons and institutions with the following characteristics:
  - Competence (professional, social, communicative)
  - Reliability, Faithfulness
  - Integrity, honesty
  - Openness (information policy)
  - Caring attitude (respect, take people serious, loyalty)

See results of studies such as Gabarro 1978, Butler & Cantrell 1984, Butler 1991; Clark & Payne 1997, Meifert 2003]



## 2.3 Trust Needs Mistrust

- Control is the enemy of trust. Many people repeat this wrong view, suggesting that trust is blind trust. But blind trust can easily be abused. It is not a stable foundation for a sustainable personal or institutional relation.
- Trust does not come out of nothing. Trust is built step by step and grows by experience of reliable interactions.
- Mistrust is not the enemy of trust, but a necessary component in establishing trust.
- Trust is neither in opposition to contracts or control. On the contrary: contracts need trust to be signed and they strengthen trust while being respected and implemented.
- Trust is also strengthened by control as well as by criticism. Democratic criticism builds trust.

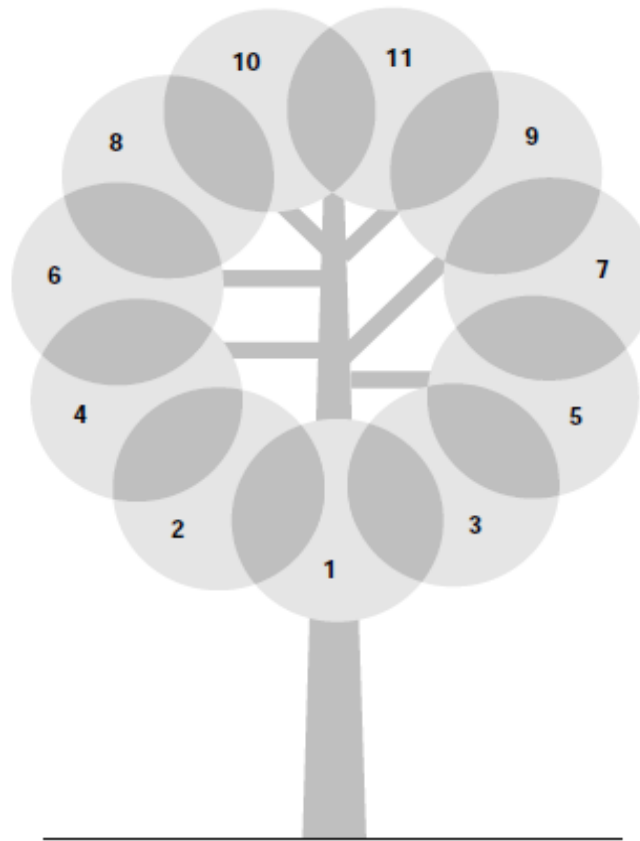


## 2.4 How to Re-Establish Trust + Reputation?

- Analysis: What is the reason for Mistrust?
- Coherence: between personel and institutionel values
- Courage: to defend positions against mainstream
- Respect: for Decision-makers/politicians
- Values and Virtues, not only money and power
- New persons, new rules, new institutions
- Associations for mutual support

## 2.5 Trust By **Values** and **Virtues**

1. Dignity
2. Freedom
3. Justice
4. Equity
5. Peace
6. Security
7. Community
8. Inclusiveness
9. Participation
10. Forgiveness
11. Stewardship



1. Integrity
2. Compassion
3. Care
4. Transparency
5. Accountability
6. Reliability
7. Respect
8. Humility
9. Courage
10. Gratitude
11. Generosity

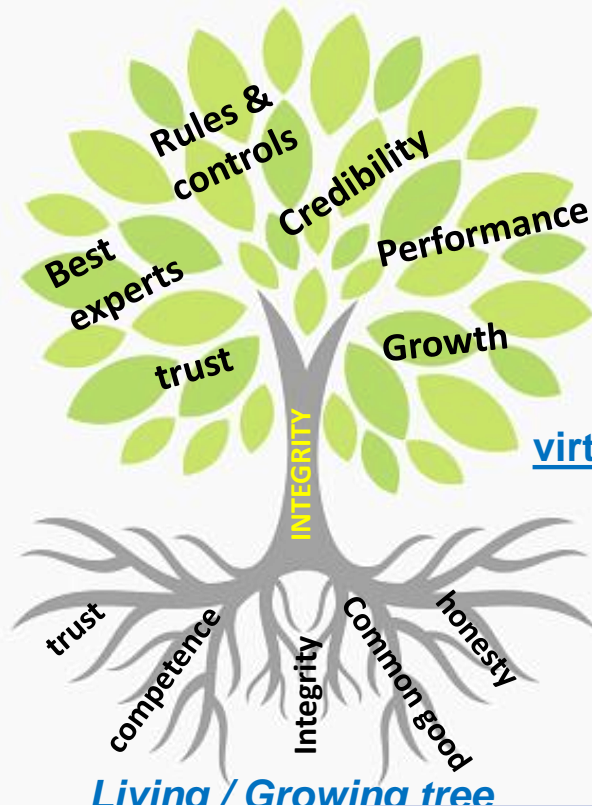
## 2.5.1 Integrity: The One-Letter-Revolution

From **ME** to **WE**

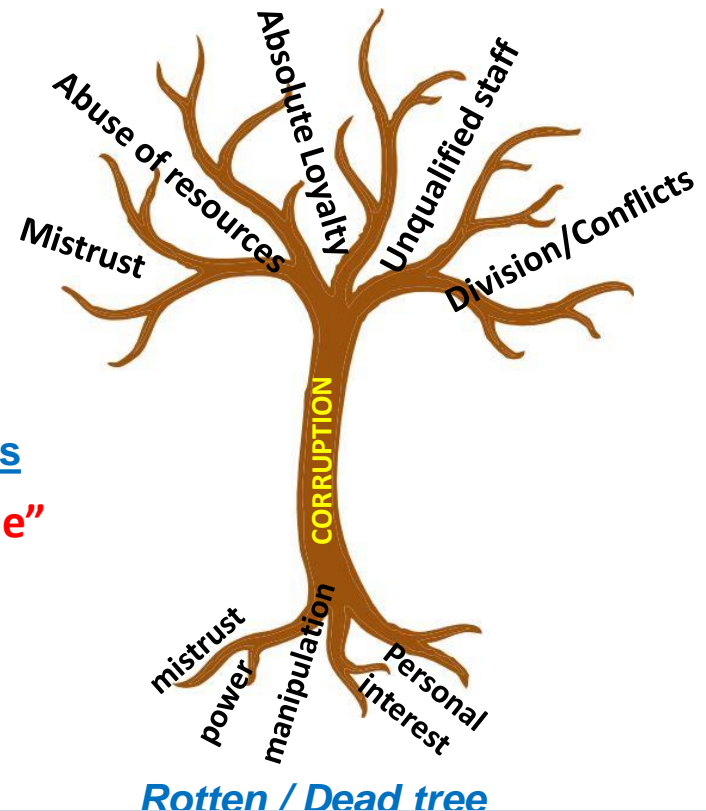


## 2.5.1 Integrity: the Core of Leadership

### Integrity Leadership



### Abuse-of-Power Leadership



virtues   vices  
“we”   “me”

## 2.5.2 Transparency. Reasons for

Christian ethical reasons for transparency:

- God is love: No love without trust. No trust without control. No control without openness and transparency.
- God is light: He came on earth, incarnated in Jesus from Nazareth. "The light has come into the world, and people loved darkness rather than light because their deeds were evil." (John 3,19-21)
- Stewardship: Christians are called to be good stewards in the management of goods, services and all gifts. (Luke 12, 42-48)
- Accountability: Christians are primarily accountable to God, but also to the brothers and sisters of the Christian community/society.
- Procedural justice: Procedural justice which means calculable, constitutional (publicly and privately) regulated, transparent, corruption free and thus fair procedures. Reliability.

No value/virtue is absolute, also not transparency. Has to be balanced with Confidentiality, keeping promises (e.g. of confidentiality)

## 2.5.3 Accountability as Responsibility

The word responsibility (in the ‚European‘ languages deriving from Latin) is composed of two words:

- „Spondere“ (Latin) means to promise, to offer, to commit, to sign a contract, to entrust power (in the monotheist theological perspective: God offers his earth, he commits it to humankind), he empowers (gives power) human beings.
- „Re-spondere“ (Latin) means to respond, to answer to this offer by responsible behaviour / responsible use of this offer/power.
- Power and Responsibility are interconnected: the more power one has, the greater the responsibility is!

## 2.5.3 Accountability as Obedience and Resistance

- Obedience is the capacity to be faithful to the promises made and to the objectives agreed or given and to implement them as well as possible.
- Obedience to authorities is ethically positive as long as the object is and common values are strengthened and implemented.
- Disobedience to authorities is ethically necessary if with obedience the objectives and values are in danger or weakened and if they can be strengthened by disobedience.
- Resistance as right, even obligation, is a Christian, especially protestant principle.
- Obedience to God (represented in the own conscience) is superior to obedience to human authorities (Paul in Acts 5)

## 2.5.4 Stewardship, not Ownership

- Stewardship is a core value in Christian Ethics. The steward acts not as owner, proprietor and shareholder of goods and services, but as steward, responsible manager, “careholder” even if he/she is owner.
- Luke 12,42-48 is the precise story of the bad oikonomos (economist, manager, steward) who behaves like owner and exploiter and the good economist who acts responsibly on behalf of the owner (God).



## 3.1 The Price of Ethics: Sacrifice

Ethics as values-driven behaviour has a price! One cannot be ethical without being ready to pay a price in situations where we have to decide between a benefit (power, money, promotion etc. with violation of my values) and my values. Price/sacrifice can be:

- Not to get or accept a position
- To be discredited by fake news
- Financial losses or missed gains
- Broken friendships (“I now see it was not a real friend”)
- Loneliness etc.

## 3.2 The Gain of Ethics: Reputation

What do I want people to say about me after my death?

“This was a personality of great wealth”

“This was a personality of great faith”

“This was a personality I could not trust”

“This was a personality with double morality”

“This was a personality of great integrity”

Reputation (fame) by integrity is the greatest asset a person has.

## 4.1 Corruption: Definition, Forms

Definition: Corruption is the abuse of entrusted power for personal gain and interests.

### Forms

1. Corruption of power (grand corruption) result of greed
2. Corruption of poverty (petty corruption): result of need
3. Corruption of acceleration: accelerate delivery of services
4. Corruption of procurement: selling goods/services
5. Corruption of donations: earmarked funds for other projects
6. Corruption of sexual abuse: sexual bribes/gain
7. Grey corruption: nepotism, favoritism, clientelism, collusion, tribalism/ethnicism/regionalism

## 4.2 Cultural Challenges

Five key cultural challenges / conflicts can be observed worldwide:

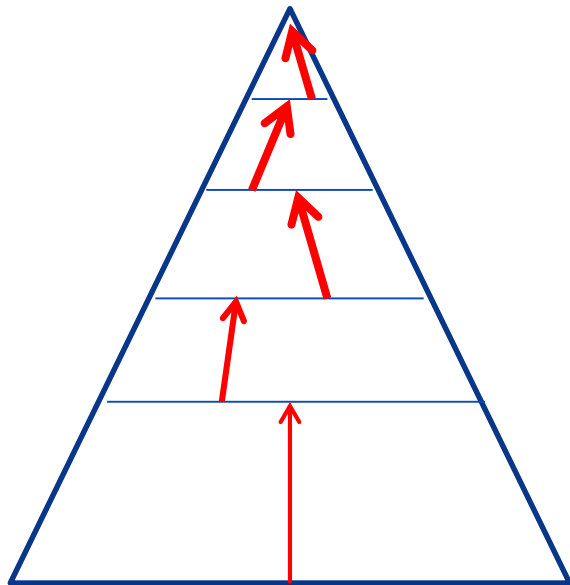
- 1 *Paternalistic versus democratic leadership*: based on leaders appointing successors, generally without a limitation of the leadership period. Family enterprises.
- 2 *Individual versus collective leadership*: Elite training is a top-down approach which looks for individual excellency in leadership whereas peoples' movements with a bottom-up approach rather look for collective leadership and peoples' empowerment.
- 3 *Inherited versus performance-related leadership*: Feudalism is characterized by inherited power, leadership and privileges.
- 4 *Respect for the elders versus promotion of the young leaders*
- 5 *Intercultural leadership* is a special challenge in a globally interdependent world.

## 4.3 Historical Challenges

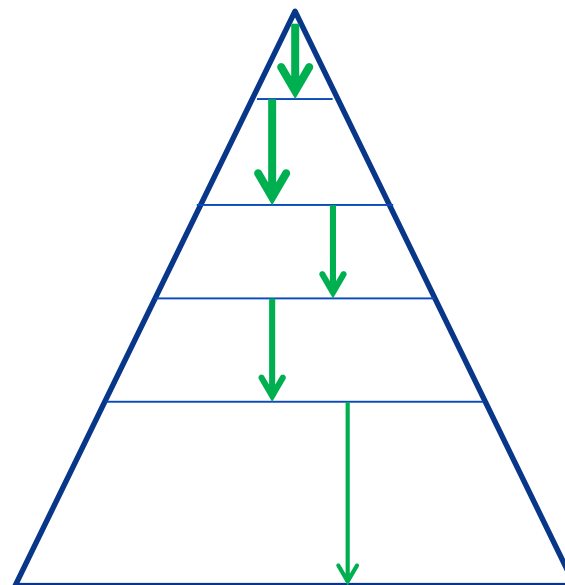
- Colonialism: divide et impera: divide and rule.
- Colonial institutions: not sufficiently rooted in the culture.
- Imperialism: authoritarian centralised oppressive leadership experiences.
- Mission history: European/American leadership models of the 19th century.
- Revolutions: the oppressed became often oppressors.  
Transformative leadership: How to transform violence to non-violence, sin to grace?

## 4.4 From Vicious to Virtuous Circle

Problem: vicious circle  
Bribes buttom-up



Solution: virtuous circle  
Incentives/sanctions top-down



## 5. Practical Steps/Recommendations

### 5.1 Law and Ethics are Twins

3 main concepts/schools in history:

1. Unification: Law and ethics are one. King represents God. Political and judiciary power are one.
2. Separation: Positive law is the only existing law. Ethics/values have nothing to do with law.
3. Relation: Law is always influenced by values. Law can implement values only partially. Ethics goes beyond positive law, is in relation to law and innovator of law. The right or obligation to resist a law can ethically be necessary and justified.

## 5.2 Seven Steps against Corruption

1. Recognize the problem as problem. Dismantle moral and other justifications. Accept: you are part of the problem and the solution.
2. Set the personal values/virtues/goals to follow
3. Build group of peers for mutual support (consultation, prayer)
4. Build safety-net (family, financial, political) in order to be able to take courageous, measured, value-driven decisions
5. Build small «islands of integrity»: «This office is a corruption-free zone»
6. Support building a bit larger «islands of integrity»: «This court is a corruption free zone»
7. Act value-driven in the professional and political associations (bar association, political parties, churches etc.) and encourage each other by international cooperation.



## 5.3 Wisdom of value-driven persons

- «Those who have little in life, must have much in right» (*Helmut Simon, former High Court Judge, Germany*)
- Warning to the judges in early Old Testament, 500 BC:  
“You shall take no bribe, for a bribe blinds the officials, and subverts the cause of those who are in the right.” (Bible, Ex 23:8, similar Proverbs 17:23)
- My goal, your goal is to say:  
“I am proud of my integrity and reputation.”  
“ I am proud of my institution where I work.”  
“I am proud of my nation with its value-improvement.”

**Better is a little with righteousness  
than great revenues with injustice.**

Proverbs 16,8

**Mieux vaut un maigre salaire gagné honnêtement  
que de gros revenus tirés d'affaires louches.**

Proverbes 16,8

**Besser wenig Einkommen mit Gerechtigkeit  
als grosses Einkommen mit Unrecht.**

Sprüche 16,8

## 5.4 Personal Questions Working in Judiciary

1. What is my work motivation? (salary, contribute to justice, power, family, reputation, career, fear etc.)
2. What are my work values and virtues? (obedience, honesty, cleverness, freedom etc.)
3. What are the main obstacles which hinder me to live these values and virtues?)
4. How do I deal with bribes up and down in hierarchy (receiving and paying)?

*Be honest to yourself.*

*You keep the answers for yourself.*

## 5.5 Judicial Reform



<https://www.transparency.org.ro/JudiciaryReport.pdf>

May 2016: review of the Judicial systems and Corruption – a Typologies Report of the International Bar Association Judicial Integrity Initiative and Basel Institute on Governance:

<http://www.ibanet.org/Document/Default.aspx?DocumentUID=f856e657-a4fc-4783-806e-6aac6895d37f>



The International Bar Association Judicial Integrity Initiative: Judicial Systems and Corruption

May 2016

Conducted in partnership with the Basel Institute on Governance

## 5.6 Compliance and Ethics

- Compliance is very important and was strengthened by numerous international standards and regulations.
- But regulations and checklists are not enough.
- Self-responsibility has to increase
- Entrepreneurial energy should not be killed by compliance, but promoted. The top leader is responsible, not the head of compliance.

## 5.7 Instruments for Media, Educational Institutions, Churches,

- Education
- Spirituality (Prayer)
- Community Encouragement
- Voluntary Codes of Ethics
- Positive Incentives (economic, legal)
- Negative Sanctions (economic, legal, naming/shaming)
- Accountability by control of power on all levels
- Integrity Systems for all leadership functions
- Theological training for leadership as stewardship

شكراً جداً (Shokran Gidan)

merci

thank you

teşekkürler

ngiyabonga

baie dankie

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yn fawr धन्यवाद (Danyavad)

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asante sana

gracias Спасибо (spacibo)

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## 2.2 14 Aspects of Justice

In red those especially relevant for the Judiciary:

- |                                |                                                    |
|--------------------------------|----------------------------------------------------|
| 1. Capability-related Justice  | just recognition of capabilities, charisms         |
| 2. Performance-related Justice | just recognition of performance                    |
| 3. Needs-related Justice       | just recognition of needs                          |
| 4. Distributive Justice        | just balancing needs, capacities, performance      |
| 5. Justice as equal Treatment  | equal chances (of men and women)                   |
| 6. Intergenerational Justice   | just sharing of resources with future generations  |
| 7. Participatory Justice       | just participation in decision making              |
| 8. Procedural Justice          | just and transparent procedures                    |
| 9. Functional Justice          | just, efficient structures and resource allocation |
| 10. Punitive Justice           | just instruments to overcome injustice             |
| 11. Transitional Justice       | fair provisional justice in transformation periods |
| 12. Restorative Justice        | restore justice from occurred injustice            |
| 13. Transformative Justice     | healing and reconciling processes after injustice  |
| 14. On Time Justice            | act on time in order to avoid further injustice.   |