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Volume 29, Number 1 (January-March), 2020



Research Foundation International, New Delhi Affiliated to United Nations Organization (UNO) (Autonomous, Regd. Recognized Charitable Organization of Social Scientists, Authors, Journalists & Social Activists)

Contemporary Social Sciences

Double-blind Reviewed, Indexed & Refereed Quarterly International Journal Index Copernicus ICV : 62.45; General Impact Factor : 2.495 Global Impact Factor : 0.765; NAAS Rating : 2.88; InfoBase Index : 3.64

Founder Padma Shri S. S. Shashi

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Contemporary Social Sciences (CSS) is a quarterly peer reviewed & refereed international journal published since 1972 under the auspicious of Research Foundation (an autonomous, registered (1972), recognized charitable organization of social scientists, authors, journalists and social activists). The journal is published regularly in the months of March, June, September and December. The annual subscription is ₹ 2000 in India and US \$ 80 abroad, including postage by Registered Post/Airmail. All the subscriptions must be prepaid in favour of M/S Saksham Computers, payable at Meerut.

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ISSN 0302-9298; DOI : 10.29070/CSS

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Journal of National Development

Aims and Scope

The Journal of National Development (JND) is an interdisciplinary bi-annual peer reviewed & refereed international journal committed to the ideals of a 'world community' and 'universal brotherhood'. The Journal is a joint effort of likeminded scholars in the field of social research. Its specific aims are to identify, to understand and to help the process of nation-building within the framework of a 'world community' and enhance research across the social sciences (Sociology, Anthropology, Political Science, Psychology, History, Geography, Education, Economics, Law, Communication, Linguistics) and related disciplines like like all streams of Home Science, Management, Computer Science, Commerce as well as others like Food Technology, Agricultural Technology, Information Technology, Environmental Science, Dairy Science etc. having social focus/implications. It focuses on issues that are global and on local problems and policies that have international implications. By providing a forum for discussion on important issues with a global perspective, the JND is a part of unfolding world wide struggle for establishing a just and peaceful world order. Thus, the JND becomes a point of confluence for the rivulets from various disciplines to form a mighty mainstream gushing towards the formulation and propagation of a humanistic world- view.

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Subscription and Business Correspondence GIF : 2.8186

The annual subscription is ₹ 1500 in India and US\$ 80 abroad, including postage by Speed-Post/Airmail. Special issue in Hindi is free with annual subscription. All the subscriptions must be prepaid in favour of *The Journal of National Development*, payable at *Meerut*.

ISSN 0972-8309; GIF : 0.842; NAAS Rating : 3.12; IBI FACTOR : 3.46

All correspondence pertaining to subscription, change of address, purchase of back numbers, books for review and advertisements should be addressed to :

The Managing Editor Journal of National Development D-59, Shastri Nagar, Meerut-250 004 (India) Tel : 91+121-2763765; Mobile : 91+99997771669, 91+9412200765 <e-mail : managingeditor@jndmeerut.org> Website : www.jndmeerut.org

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Is there a Role of Religion towards Enhancement of Public Accountability?

Angelos Giannakopoulos*

The presentation is mainly based on empirical research on corruption and anti-corruption carried out in the frame of an EU-funded project.¹ It, first of all, analyses codes of conduct and ethics from a sociological point of view by providing a genuine sociological frame of analysis about corruption and accountability in general. By pointing out the important aspect of codes of conduct implementation the article focuses, moreover, on the dimensions of norm-consciousness and norm application. Regarding the latter the article analyses different methods of norm application and underlines their insufficiencies. In sum, codes of conduct are considered to be mechanisms of self-regulation. If self-regulation is indeed the striking aspect here, one indispensably observes similar structures in the field of religious ethics, which are based on a very similar principle: namely on the acceptance by the free individual of behavioural rules that guide his doings consciously. While this is the case in religiously driven "codes of conduct", the sustainable implementation of non-religious codes of conduct presupposes their internalisation by social actors, or to put it in the context of business ethics : it presupposes the emergence of a professional habitus. The success of codes of

* DAAD-Fellow, Department of Sociology, University of Konstanz Germany and Visiting Professor, European Studies Programme, HHU Düsseldorf (Germany) E-mail: <angelos.giannakopoulos62@gmail.com>

CONTEMPORARY SOCIAL SCIENCES, Vol. 29, No. 1 (January-March), 2020

conduct is not a mere administrative but instead a complex educational and cultural issue finally depending on the individual's consciousness and selfreflexion. Against this background the final question to be answered reads, if religious ethics can fulfil a similar function towards enhancement of public accountability.

[**Keywords :** Religion, Public accountability, Corruption, Codes of conduct, Religious ethics]

1. Basic Approach to Corruption

"QUIS CUSTODIET IPSOS CUSTODES?" ("Who will guard the guards?", Juvenal, Satires, Satire VI, Line 347) should be understood as a long-standing problem of democracy and in fact, all our modern democratic institutions are in principle nothing but an answer to this challenge. Corruption can only be understood in conjunction with the stage of development of a particular state or society. It hardly makes sense to discuss corruption in relation to a patrimonial, absolutist, pre-modern state or in a dictatorship. Max Weber, for example, differentiated between arbitrary personalistic relations between rulers and the ruled which characterized the pre-modern times with impersonal and functional relationships of the modern, ideal type of bureaucracy, which is based on abstract, impersonal and written rules. Ethical universalism, by contrast, is the equal and fair distribution of public goods to all citizens of a given society. Under its rule, the "government officials shall not take anything into consideration about the citizens that is not beforehand stipulated in the policy or the law". In a broader sense, a corrupt regime is one which systematically deviates from the norm of ethical universalism as a governance principle. Accordingly, corruption takes always place across the line of modern and pre-modern and is, thus, caused through a weak differentiation or confusion between public and private sphere.

From a sociological point of view institutional change, in order to be sustainable, requires not only a formal institutional import (for instance, adoption of a legal treaty against corruption at state level or specific anti-corruption regulations and standards at state authorities level, such as the judiciary or the police, etc.). In the long term it requires a change of collective norms and behaviour endorsed by the public opinion, that is, endorsed by an active civil society participation.

In a theoretical perspective corruption is an expression of the inescapable conflict in modern societies that results from the simultaneous pursuit of particular economic interests and orientations on the one hand and universally valid norms of justice, solidarity and participation on the other. In this situation are globally operating civil society organisations that fight for social justice and have been called upon to articulate and put to practice universal norms of solidarity and social justice. In this context anti-corruption rather represents a normative body of human and civil rights to which actors can directly appeal in order to promote the goals of participation as well as of accountable and transparent public policies. Referring to the discussion that took place yesterday in the frame of the discussion forum "The role of society in fighting police corruption" I may against this background remark that not leadership should be our focus in the fight against corruption but rather the promotion of active citizenship.

However, the reality of anti-corruption policies still strongly differs from these goals. It is to a great extend based on a rather economistic understanding of corruption. Corruption is assessed in terms of causing economic or political ineffectiveness and anti-corruption then becomes merely a matter of efficient control of deviant misconduct that requires technocratic problem solving and punitive reaction. In order to overcome this understanding a new orientation has to be established that anti-corruption is essentially the implementation of human rights in the sense of democratic participation. Anti-corruption is not a technocratic affair but primarily a matter of political action. What is in many countries around the world finally needed is a new social contract that allows civil society organisations to play a crucial role in political processes, including the fight against corruption. Significantly, in the frame of an EU-funded project on citizens' participation against corruption we have underlined the need of a "democratisation of anticorruption".

Furthermore, specific problems with corruption in some sectors of society or state must be seen or they can only be understood against the background of the general level of corruption in that particular country or society. This means in turn, that fighting corruption within a specific institutional frame, like in the police for example, can only be successful if the problem of corruption as a whole is addressed and awareness about the problem in society is given.

The importance of the comments above is that they might explain why so many anti-corruption strategies endorsed by the international community in developing and developed countries as well fail, and show how important it is that public policies are grounded in a thorough understanding of the governance regime of a country, of single actors and social groups' motivations, of the dominant allocation mode and the degree of informality in that particular society's economy and politics.

2. Codes of Conduct, Anti-Corruption & Accountability

Against this background and in view of the question how public accountability can be enhanced, this article focuses in the following on the specific issue of the importance of codes of conduct. We begin here with a short citation of some typical codes of conduct for the police around the world the source of which should remain anonymous.

First citation : "Police services are often judged by the way its employees represent it. It is therefore necessary to maintain a high standard of personal and professional conduct. The cornerstone of the Code of Conduct is that all employees of the Police will work to the highest ethical standard."

Second citation : "The purpose of having a code of conduct is to provide all members of the Police Force with a set of guiding principles and standards of behaviour while on or off-duty. It is intended to be used by Police officers in determining what is right and proper in all their actions. The code should set an outline which every member of the Force can easily understand. It will enable Policemen to know what type of conduct by a Police officer is right and what is wrong."

Third citation : "Integrity : A police officer will not engage in acts of corruption or bribery, nor will an officer condone such acts by other police officers. The public demands that the integrity of police officers be above reproach. Police officers must, therefore, avoid any conduct that might compromise integrity and thus undercut the public confidence in law enforcement agency. Officers will refuse to accept any gifts, presents, subscriptions, favours, gratuities or promises that could be interpreted as seeking to cause the officer to

refrain from performing official responsibilities honestly and within the law. Police officers must not receive private or special advantage from their official status. Respect from the public cannot be bought; it can only be earned and cultivated."

First of all, codes of conduct are not exclusively attached to the problem of corruption. Instead, they intend to provide guidance for ethical behaviour in general. Codes of conduct basically combine three types of behavioural guidance: a) codes of ethics, that is abstract principles expressing value statements, b) codes of conduct which are aspirational and expectation values are less abstract and more applicable to concrete situations, and c) codes of rules and regulations that codify concrete behavioural expectations and set up disciplinary law consequences.

Based on analyses carried out in the field of codes of conduct so far, one can argue that the extensive introduction of codes of conduct does not seem to carry the desired impact. The reason for that is located in practical defects of the self-regulatory system of public authorities' personnel. Prominent experts in this field argue that science should, thus, rather pay attention not to the codes as such but to the individuals addressed by the codes. This remark leads us to two further dimensions of codes of conduct to which a attach a great importance, to the general problem of norm-consciousness and to the principal problem of norm application.

Regarding the first question it is still no clear if the ethical behaviour aimed-at should follow from the internal conviction of the individual or rather from externally imposed directives? From particular parts of the data analysed one can read out the desire for internalisation (or habitualisation) of the intended norms and values by the individuals. But they are outnumbered by those parts which point to the individual's obligation to inform oneself about the rules of conduct provided by the authority as well as to distribute them, thus evoking the idea of command and obedience (one could also speak of the opposition of "internal" versus "external" social control). Favouring this idea seems to presuppose that internal convictions are not sophisticated to an adequate degree. The general idea seems to be something like: as long as we are not able to change the internal convictions of our officers we control their overt behaviour. The latter is not only done by threat of punishment but also by giving advice, whereby the second moment may be seen as some kind of link between the guidance of behaviour and of attitude, insofar one can assume that it also intends a pedagogic effect.

Whereas above considerations denote a principal tension within the data in general, all the following aspects are more or less connected with the issue of guidance of behaviour. This, for example, is the case with regard to the second question stressed above relating to the principal problem of norm application. In order to act in compliance with norms which have not been internalised it is not sufficient that a person has knowledge of the general norm, this norm must also be applied in concrete action situations. General guidelines like: "Conduct which jeopardizes the authority's integrity will not be tolerated on any account!" must necessarily remain at an abstract level. Hence there is the need for a second rule. The authors of the codes are obviously aware of this although some formulations in this context sound like the square of the circle, for example: "The aspect of appropriateness ... must be appropriately applied"!).

An approach to promote ethical behaviour frequently mentioned in the data is to install executives or managers as role models. Some codes distinguish between high standards applying to the whole staff and highest standards applying to the "Senior Officers". Surprisingly, the according reasoning is not that executives have to be measured by higher standards because in their position erratic behaviour has more serious consequences as in case of the "common" employee. The strategy of providing role models reminds at Merton's theory of reference groups, yet this theory presupposes that those who adept their behaviour do so because they want to join the reference group (usually in combination with advancement) - a premise which not seems to be the case in the field under scrutiny.

Another approach to foster ethical behaviour is to establish additional sanctioning mechanisms or instances. Instead of leaving the sanctioning of unethical (or specifically corrupt) behaviour to governmental institutions (insofar this behaviour is illegal) many authorities react to the accusation of ethical deficits by threatening with own sanctions, to range from claims of recourse to dismissal.

This latter aspect has a close relation to the establishing of a so-called secondary norm. By this concept, the sociologist Heinrich Popitz means a directive which does not govern how to behave in a situation afflicted with norms (primary situation), but what must be done if such a primary norm has been breached. In other words, secondary norms govern the execution of sanctions. A superior employee who, for example, knows of the breach of a norm and gives no report breaches a norm, namely the secondary norm. A similar intention applies to the institutionalising of an authority whistleblower-system.

3. Basic Elements of Business Ethics Relevant to our Focus

In philosophy and social science the concept of power shifts from a substantial to a relational understanding of power, i.e. power as substance or force owned by an individual to power as a form of interaction. This development signalised a semantic turn from steering to administer and finally from domination to governance.

For a long time, management was understood as leadership, that is, as a mechanism of steering on the basis of an exclusive expertise, what makes sense only in a hierarchical organisation operating on the basis of command and control and within an economic understanding pushing only for a pure quantitative understanding of growth. Thus, management used to be understood as a form of dominance. Nowadays, in the time of demand economy and quality production, flat organisations need leaders with high social competence who just act as primus inter pares in a team. Knowledge is not anymore monopolised in the hands of an elite but shared as medium to coach processes of self-regulation. Teamwork tends, thus, to be rather a permanent project within everybody is more or less a manager of his own. Management appears to be the new utopia of self-realisation or self-management.

Instead of a top-down steering in a hierarchical organisation with a paternalistic bureaucratic structure, we increasingly observe a new management of contingencies and interdependencies in flat and open network organisations with temporary autonomous project groups, split authority and overlapping competences. Business is no longer justified exclusively by economic benchmarks like effectiveness, efficiency, output, success, and profitability but by values like transparency, accountability, responsibility, and sustainability as key concepts of a new governance. Respective phenomena observed could be summarised under the umbrella of an evolving instrumental rationality vs. social engineering and morality. A good example for this resetting is compliance that as a means of business legitimacy attracted attention especially in anticorruption policies. The figure of the extrinsic guided organisational man with restricted responsibility to role in a formal structure is substituted by the concept of the intrinsic motivated self-entrepreneur with full accountability to society.

4. The Role of Religion towards Enhancement of Public Accountability

Against this background at least two core observations can be made from the very view point of anti-corruption:

- 1. The first observation is a mere empirical one: traditional societies in which religion and not necessarily modern patterns of behaviour, as they have been described above, dominates the self-regulatory mechanisms are according to international data more corrupt (in terms of both petty as well as grand corruption). This is indeed a sticking observation that cannot be denied. Even a short look at international survey data over the last years (for example, a look at TI's Corruption Perceptions Index), indisputably confirms this basic observation. Bv arguing so, we are of course fully aware of the fact that religion fulfils a different role from society to society or even from social class to social class within the same society. There are differing "religions" within the same religion (from officially represented dogma to a so called popular type of religion), within the same society. In order, however, to come up with a more systematic argument one can indeed assume that a basic function of any religious system and structure is a set of rules (mostly) attached to individual behaviour (regardless if this set of rules fore mostly regulates sexual behaviour) out of which a system of behavioural guidelines emerges, to which in principle a quite similar function can be attached as to the "secular" one that emerged under specific conditions within modern society. The religiously driven individual consciously accepts a self-regulatory mechanism and bounds himself to behave according to this.
- 2. If this holds true and if the basic empirical observation above also holds true, why are traditional, i.e. more religious societies more corrupt than modern ones, since also to religious rules can

a higher behavioural quality towards responsible behaviour be attested (for example, "do not steal", "do not lie", etc.)? The basic reason for that can be detected in the fact that corruption, as stated above, always takes place across the line of modern and pre-modern and is, thus, caused through a weak differentiation or confusion between public and private sphere. Beyond this fundamental argument one should also take into consideration tha fact that religious self-regulatory mechanisms are mostly limited to bi-personal relations with limited loyalty requirements. The loyalty requirements stretch in this case from God himself to the members of the same religious community. The religious community of which one is a member delimitates the boundaries within of which such a lovalty takes place. This derives in the case of Christendom at least from the well known commandment by Jesus Christ to his disciples "render to Caesar the things that are Caesar's; and to God the things that are God's". Although this commandment is constitutional to the establishment of the religious and secular sphere, its contribution to the separation between private and public sphere is inexistent. Thus, religious selfregulatory mechanisms are not decisive towards the realisation of a functional and effective bureaucracy (as described by Max Weber, for example) committed in a modern society to the protection of public goods through transparency and accountability.

5. Conclusion

In sum, codes of conduct are most of all mechanisms of self-regulation. The sustainable implementation of codes of conduct presupposes their internalisation by relevant social actors, or to put it in the context of business ethics: it presupposes the emergence of a professional habitus, not comparable with any religious ethical system. After all, the success of codes of conduct is not an administrative or technical but indeed a complex educational and cultural issue finally depending on the individual's consciousness and self-reflexion.

Footnotes

1. This article derives from a paper presented at the conference "International Sociological Association Mid-Term Conference (Research

Committee 22, Sociology of Religion) "Rethinking Religion in the Public Sphere in the 21st Century Global South", Cedi Complex, University of Ghana, 14-18 November 2019, Accra, Ghana.

- 2. https://www.ancient-literature.com/rome_juvenal_satire_vi.html
- 3. A frame view of corruption in terms of social constructivism can be found in Dirk Tänzler/Konstadinos Maras/Angelos Giannakopoulos: The Social Construction of Corruption in Europe: An Introduction, in: Dirk Tänzler/Konstadinos Maras/Angelos Giannakopoulos (eds.), *The Social Construction of Corruption in Europe*, Farnham 2012: Ashgate Publishing Limited, pp. 1-40.
- 4. See for example Peter L. Berger and Thomas Luckmann, *The Social Construction of Reality : A Treatise in the Sociology of Knowledge*, Garden City, NY: Doubleday, 1966; Alfred Schutz, 'Common-Sense and Scientific Interpretation of Human Action', Maurice Natanson (ed.), *Collected Papers I*, The Hague et al.: Nijhoff, 1962, pp. 3-47.
- 5. Please see more at https://cms.uni-konstanz.de/fileadmin/archive/ soz-alacs
- 6. I would like to thank very much my colleague Dr. Andreas Göttlich for the insights on codes of conduct he provided me with.
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- 8. Popitz, Heinrich (1980): Die normative Konstruktion von Gesellschaft. Tübingen: Mohr.
- 9. Please see more on the issue of whistleblowing in a historical perspective in Allison Stanger: Whistleblowers, Honesty in America from Washington to Trump, New Haven 2019: Yale University Press.
- 10. The following considerations are based on the work by Dirk Tänzler "Corruption, Norms and Business Legitimacy", in J. D. Rendtorff (ed.), Handbook of Business Legitimacy, Cham 2019: Springer.
- 11. Ibid, p. 3.
- 12. Ibid, p. 3-4.
- See more in Katarzyna Bronzewska: Cooperative Compliance, Volume 38, Amsterdam 2014: IBFD Doctoral Series.
- 14. See Tänzler, ibid, p. 4.
- 15. If one takes into consideration the latest Corruption Perception Index of 2019, rang 1 to 10 (more "clean" societies) is dominated by countries to be grouped under the category "modern and developed" countries (fore

mostly by the Scandinavian ones). On the contrary, the greatest part of the list is dominated by semi-modern or traditional societies facing a serious corruption problem. See https://www.transparency.org/cpi 2019.

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Article Received on January 26, 2019, 2020; Accepted on March 14, 2020