Compliance & Ethics Professional

July 2015

A PUBLICATION OF THE SOCIETY OF CORPORATE COMPLIANCE AND ETHICS

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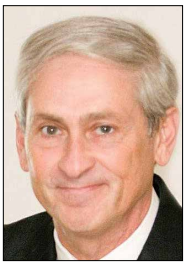
by Jeffrey M. Kaplan

Happy birthday, Magna Carta

The Magna Carta was not the first effort to put limits on the power of the English crown. Moreover, this "Great Charter" was evidently forgotten by several of the kings who immediately followed its issuance and was even annulled by a Pope. Still, by guaranteeing liberty and justice—at least for the nobles and clergy—it has played an essential role promoting the rule of law. Therefore, its 800th birthday deserves to be commemorated, as is indeed happening in various places this year.



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Of course, compliance and ethics (C&E) professionals should celebrate the rule of law for the same basic reason that others do, as we receive its extraordinary benefits in our everyday lives. But we also have special reason to give thanks, as the rule of law makes possible nearly everything we do professionally.

Many years ago, I was part of a group that was asked by the State Department to provide C&E training to individuals from a country where the rule of law was weak and who wanted to set up C&E programs in that country. We did our best to delve into methods for code writing, training, whistleblower protection, C&E investigations, and so on. But at some point during the program, one of the attendees—who could have been speaking for all of them—noted how fundamentally impossible it would be to implement these measures in any meaningful way without a foundation of the rule of law. Indeed, we did not have to be told this, as the point was painfully obvious.

Today, in countries around the world, many C&E professionals are struggling to implement the same sorts of measures discussed as part of the State Department program. Some of what they do is heroic and may make a real difference. Other efforts are truly quixotic, but no less heroic. All deserve to be celebrated.

Eight hundred years after the Magna Carta was issued, there is still much to be done to fulfill what could be seen as its global promise (although that was definitely not on the minds of the English barons who were responsible for its issuance).

Eight hundred years after the Magna Carta was issued, there is still much to be done to fulfill what could be seen as its global promise (although that was definitely not on the minds of the English barons who were responsible for its issuance). Perhaps the spread of C&E around the world—in some cases through domestic legislation; in others from treaties or laws with extraterritorial impact; and in still others from expectations being raised by customers, shareholders, and employees—will ultimately be a force for promoting liberty and justice broadly too. ✳

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