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# GOD'S GRACE AND THE MARKETPLACE:

## Mainline Protestant Church, Faith and Business

by

*Sarah Helene Duggin*<sup>1</sup>

### INTRODUCTION

A number of years ago, when I worked in a large law firm, I found myself talking with the CEO of one of our clients at the end of a long, hard day. We had spent the last several hours with a team of legal and financial experts in an effort to avoid a looming problem that threatened to turn into a major crisis for the company. The CEO was exhausted. He put his head in his hands and sighed: "What am I going to do? There are no good choices here." I responded, "Perhaps you need to do what you think is right – what your conscience tells you is best." The CEO looked at me in surprise, and then just shook his head. "I'm afraid I don't have that luxury," he said. "I have a company to run."

I knew the CEO to be a good man who attended church regularly and truly cared about others. But he was trapped in the tangled web of a business culture that too often sacrifices true goodness to the supposed good of profit at any price and elevates obeisance to the false gods of the market above fidelity to God.

I would like to believe that my encounter with the CEO that day was an isolated instance, but experience as a corporate defense lawyer, a general counsel, and, more recently, as an Episcopal priest, has brought me to the opposite conclusion. Far too often, I have witnessed business managers and employees at all levels of organizations struggle with perceptions of the competing demands of business and faith, only to decide that they need to put faith aside to survive in highly pressured work environments. Business leaders devote enormous amounts of resources to figuring out what "the market wants," but applying the basic tenets of their faith occupies far less of the time and attention of most. Some simply don't think about the implications of their faith for their work; others make no pretense of finding anything useful in religious teachings when it comes to business decisions.<sup>2</sup> The purpose of this paper is to look at the role of Mainline Protestant denominations with respect to this business-faith divide.

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<sup>2</sup> See, e.g., Julie Zauzmer, *Pope Francis Suggests It's Better To Be an Atheist than a Hypocritical Catholic*, THE WASH. POST (Feb 23, 2017), [https://www.washingtonpost.com/news/acts-of-faith/wp/2017/02/23/pope-francis-praises-the-torah-and-suggests-its-better-to-be-an-atheist-than-a-bad-catholic/?utm\\_term=.bab43ac79e3c](https://www.washingtonpost.com/news/acts-of-faith/wp/2017/02/23/pope-francis-praises-the-torah-and-suggests-its-better-to-be-an-atheist-than-a-bad-catholic/?utm_term=.bab43ac79e3c) (quoting a recent sermon by Pope Francis observing that some people who profess strong faith lead "[a] totally double life: 'I am very Catholic, I always go to Mass, I belong to this association and that one; but my life is not Christian, I don't pay my workers a just wage, I exploit people, I am dirty in my business, I launder money. . . . ' A double life. And so many Christians are like this, and these people scandalize others.'").

At the macro level, many religious leaders have spoken out against the harsh social impacts of extreme capitalism, particularly with respect to the poor and vulnerable.<sup>3</sup> Mainline Protestant denominations – including the Disciples of Christ; the Episcopal, Lutheran, Methodist, Reformed and Presbyterian churches; the Society of Friends; the United Church of Christ; several Baptist denominations, and some nondenominational churches<sup>4</sup> – have played a significant role in challenging extreme capitalism at national and global levels for more than a century. These churches have a long history of support for the labor movement in the United States; they were active in the boycott of Nestlé products in the 1970s after the company’s marketing of baby formula in the third world proved harmful to infant health, and many worked aggressively to persuade major corporations to cease doing business in South Africa during the waning years of apartheid.<sup>5</sup> Mainline Protestant groups have a tradition of environmental activism, and, more recently, Mainline denominations and church pension funds have vigorously pursued social justice objectives as investors and shareholders.<sup>6</sup>

On the micro level, however, Mainline churches – like many faith traditions – have been less successful in engaging congregants in the kinds of teaching, reflection, and discussion needed to help people in their daily work lives. Yet, the business behaviors Mainline churches have challenged at national and global levels were the result of the decisions of many individual managers, some of whom are members of Mainline congregations. Unfortunately, business people, like the CEO mentioned above, often believe that faith has no place in the corporate world.<sup>7</sup> Our Constitution mandates the separation of

<sup>3</sup> See, e.g., *Why Pope Francis Wants Us To Stop Worshipping Capitalism*, PBS NEWSHOUR (Sept. 17, 2015), <http://www.pbs.org/newshour/bb/pope-francis-wants-us-stop-worshipping-capitalism/>; *Archbishop of Canterbury: No Repentance in the City*, THE TELEGRAPH (Sept 15, 2009), <http://www.telegraph.co.uk/news/religion/6195694/Archbishop-of-Canterbury-No-repentance-in-the-City.html>.

<sup>4</sup> The definition of “Mainline” Protestant denominations varies to some extent. The denominations listed in the accompanying text as Mainline Protestant churches in Appendix B of the Pew Research Center Report on *America’s Changing Religious Landscape*. The Pew survey also includes a few “ecumenical” and nondenominational churches. Pew Research Center, *America’s Changing Religious Landscape, Appendix B: Classification of Protestant Denominations* (May 12, 2015), <http://www.pewforum.org/2015/05/12/appendix-b-classification-of-protestant-denominations/>.

<sup>5</sup> See John C. Bennet, *Protestantism and Corporations*, in THE JUDEO-CHRISTIAN VISION AND THE MODERN CORPORATION 83, 95, 100-101 (Oliver F. Williams & John W. Houck eds., 1982); see also NANCY T. AMMERMAN ET AL., *THE QUIET HAND OF GOD: FAITH-BASED ACTIVISM AND THE PUBLIC ROLE OF MAINLINE PROTESTANTISM* (2002).

<sup>6</sup> See Lynn D. Robinson, *Doing Good and Doing Well: Shareholder Activism, Responsible Investment*, in THE QUIET HAND OF GOD: FAITH-BASED ACTIVISM AND THE PUBLIC ROLE OF MAINLINE PROTESTANTISM 343-351 (2002) (providing an overview of the evolution of Mainline Protestants as shareholder activists and the formation of the Interfaith Center for Corporate Responsibility); Michael Moody, *Caring for Creation: Environmental Advocacy by Mainline Protestant Organizations*, in THE QUIET HAND OF GOD: FAITH-BASED ACTIVISM AND THE PUBLIC ROLE OF MAINLINE PROTESTANTISM 237-264 (2002) (discussing the influential, albeit limited, role of Mainline organizations in the environmental movement); Social Investment Forum Foundation, *Snapshots of the Community Investing Experience of Faith-Based Institutional Investors*, CMTY. INVESTING TOOLKIT FOR THE FAITH CMTY. 10-18, [https://www.cdfifund.gov/Documents/\(15\)%20Community%20Investing%20Toolkit%20for%20the%20Faith%20Community.pdf](https://www.cdfifund.gov/Documents/(15)%20Community%20Investing%20Toolkit%20for%20the%20Faith%20Community.pdf) (noting accounts of social investment by funds associated with several Mainline denominations).

<sup>7</sup> A number of scholars have commented on the separation of faith and business in our culture. See, e.g., LAURA NASH, *BELIEVERS IN BUSINESS* 240-41 (Thomas Nelson Publishers, 1994); IAN I. MITROFF & ELIZABETH A. DENTON, *A SPIRITUAL AUDIT OF CORPORATE AMERICA: A HARD LOOK AT SPIRITUALITY*,

church and state,<sup>8</sup> but, in many respects the separation of faith and business is even more striking.

This separation persists despite recent, highly publicized legal battles over religious liberty, such as the dispute over federal contraceptive coverage regulations that reached the United States Supreme Court in 2014 in *Burwell v. Hobby Lobby Stores, Inc.*,<sup>9</sup> and the 2017 wedding services litigation before the Court in *Masterpiece Cakeshop, Ltd. v. Colorado Human Rights Commission*.<sup>10</sup> These cases and others in the same vein throughout the country reflect concerns over laws that impose obligations contrary to the teachings of some faith traditions.<sup>11</sup> These controversies are relevant to faith and business issues, but the principal focus is on the regulatory power of federal and state governments, rather than the decisions business managers make each day independent of government obligations or the extent to which faith infuses daily interactions at all levels in the workplace.<sup>12</sup>

RELIGION AND VALUES IN THE WORKPLACE 4 (San Francisco: Jossey-Bass Publishers, 1999); HELEN J. ALFORD & MICHAEL J. NAUGHTON, MANAGING AS IF FAITH MATTERED: CHRISTIAN SOCIAL PRINCIPLES IN THE MODERN ORGANIZATION 7 (2001) (“[O]ften we act as one person, following one set of goals and standards in our private lives, while we become a strikingly different person – someone molded by expediency and necessary compromise – at work.”); Lyman P.Q. Johnson, *Faith and Faithfulness in Corporate Theory*, 56 CATH. U. L. REV. 1 (2009) (noting that the corporation “is thought to be a wholly secular institution best understood solely in secular terms.”); Susan Stabile, *A Catholic Vision of the Corporation*, 4 SEATTLE J. FOR SOC. JUST. 181 (2009) (observing that, even people of faith often “see the world of business and the world of God as two separate spheres. . .”).

<sup>8</sup> The First Amendment to the United States Constitution provides that “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.” U.S. CONST. amend. 1.

<sup>9</sup> 134 S. Ct. 2751 (2014).

<sup>10</sup> 137 S. Ct. 2290 (2017) (discussing the court’s granting of certiorari).

<sup>11</sup> The *Hobby Lobby* litigation involved a lawsuit brought by the owners of two closely-held, family run corporations. The lawsuits alleged that regulations issued by the Department of Health and Human Services requiring the companies to provide insurance coverage to employees for contraceptives that included four abortifacient drugs contrary to their sincerely held religious beliefs violated the Religious Freedom Restoration Act of 1993, 42 U.S.C. § 2000bb (1993), Pub. L. No. 103-141, 107 Stat. 1488 (1993) [hereinafter RFRA]; *Burwell*, 134 S. Ct. at 2759. The majority assumed without deciding that the government’s interest in requiring contraceptive coverage was compelling, *id.* at 2780, but held that the HHS regulations were not narrowly tailored to achieve that compelling objective and therefore failed the strict scrutiny RFRA requires courts to apply in reviewing alleged violations of the Free Exercise Clause of the First Amendment by the federal government. *Id.* at 2782.

The *Masterpiece Cakeshop* matter is a constitutional challenge to Colorado’s Public Accommodations law. The statute prohibits those who provide public accommodations from discriminating against customers and potential customers on the basis of sexual orientation. The owner of the Masterpiece Cakeshop – who styles himself as a “cake artist” – contended that requiring him to choose between providing wedding cakes to same-sex couples or paying heavy fines for refusing to do so violates his First Amendment rights to free speech and the free exercise of religion. *Mullins v. Masterpiece Cakeshop, Ltd.*, 370 P.3d 272 (Colo. App. 2015). The United States Supreme Court granted certiorari to consider “[w]hether applying Colorado’s public accommodations law to compel the petitioner to create expression that violates his sincerely held religious beliefs about marriage violates the free speech or free exercise clauses of the First Amendment.” *Masterpiece Cakeshop, Ltd. v. Colorado Human Rights Comm’n*, 137 S. Ct. 2290 (2017).

For in-depth discussion of the law on First Amendment rights of business corporations, see RONALD COLOMBO, *THE FIRST AMENDMENT AND THE BUSINESS CORPORATION* (2014).

<sup>12</sup> Issues of integrating faith and work encompass not only issues of public policy and government authority, but far broader questions pertaining to the extent to which one brings one’s faith into daily interactions and decision-making in the workplace.

The prevailing business-faith divide impacts business people in ways that go far beyond debates over the religious liberty of business owners. Most of us devote a great deal of time to our jobs, but we are only just beginning to comprehend the real impact of the prevailing business ethos on our lives.<sup>13</sup> Business decisions do not touch us quite so intimately as the choices we make about healthcare and other aspects of our private lives, but they do affect our lives in very significant ways. The perception that business decisions must be based primarily – even solely – on the goal of profit maximization, for example, creates a deeply troubling cognitive dissonance for many people. The resulting anxiety and stress can adversely affect both mental and physical health. Nothing good comes of feeling forced to leave our consciences at the workplace door or to choose between doing what we believe is right and keeping our jobs.

During the last several years, however, a dynamic new perspective on workplace spirituality increasingly has gained momentum. There have always been voices calling for the integration of faith and work, but the grassroots effort to connect faith and work that began in earnest in the late 1980s has become increasingly energized.<sup>14</sup> In recent years, we have witnessed a burgeoning desire to find spiritual dimensions in the workplace; some companies have even created workplace chaplaincies.<sup>15</sup> There is no shortage of relevant teachings for those who seek to integrate faith and work.<sup>16</sup> Jesus often talked about the generation, accumulation, and uses of wealth; so did the Hebrew prophets, the Prophet Mohammed, and other revered religious figures.

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<sup>13</sup> The technological changes of the last few decades make it easier to work remotely, but technology has also greatly extended the reach of our jobs into spheres once reserved for family time or other aspects of private life. According to one senior business manager, “[w]ork is no longer a place; it’s a state of mind. It’s become less about when I turn off the office lights and more about when I turn off (at least, mentally) the inbox.” Laura Vanderkam, *How Many Hours Should You Be Working*, FORTUNE (June 6, 2011), <http://management.fortune.cnn.com/2011/06/06/how-many-hours-should-you-be-working/> (quoting Xerox Corp. Chief Marketing Officer Christa Carone).

<sup>14</sup> Michael Novak, for example, began writing about faith, business and capitalism more than thirty years ago, MICHAEL NOVAK, TOWARD A THEOLOGY OF THE CORPORATION (AEI Press rev. ed. 1981) [hereinafter NOVAK, TOWARD A THEOLOGY], and he has authored a number of works about the intersection of faith and business in the intervening years. See, e.g., MICHAEL NOVAK, BUSINESS AS A CALLING (1996); see also MICHAEL NOVAK, THE CATHOLIC ETHIC AND THE SPIRIT OF CAPITALISM (1993). Tom Chappell, founder of Tom’s of Maine, was another advocate for the role of faith in business in the 1980s and 1990s. See TOM CHAPPELL, THE SOUL OF A BUSINESS: MANAGING FOR PROFIT AND THE COMMON GOOD (1993). For an excellent comprehensive discussion of the emergence and impact of the Faith at Work Movement, see DAVID W. MILLER, GOD AT WORK: THE HISTORY AND PROMISE OF THE FAITH AT WORK MOVEMENT (2007).

<sup>15</sup> See Ronald J. Colombo, *Religious Liberty and the Business Corporation*, 17.1 J. INT’L BUS. & L. (2017); see also, e.g., Jane Lampman, *A New Spirit at Work*, THE CHRISTIAN SCIENCE MONITOR (Nov 17, 2003), <http://www.csmonitor.com/2003/1117/p14s03-wmgn.html>; PBS, *Faith in the Workplace*, RELIGION & ETHICS NEWSWEEKLY (Jan. 28, 2005); Os Hillman, *The Faith at Work Movement: Opening “the 9 to 5 Window,”* CHRISTIANITY TODAY (2004), <http://www.christianity9to5.org/the-faith-at-work-movement-opening-the-9-to-5-window/>; Marc Gunther, *God & Business: The Surprising Quest for Spiritual Renewal in the American Workplace*, FORTUNE (July 9, 2001), <https://eric.ed.gov/?id=EJ628918>; Michael Conlin, *Religion in the Workplace: The Growing Presence of Spirituality in Corporate America*, BLOOMBERG (Nov. 1, 1999), <https://www.bloomberg.com/news/articles/1999-10-31/religion-in-the-workplace>; see also, e.g., Keith Starcher, *Should You Hire a Workplace Chaplain*, IN THE WORKPLACE, <http://www.intheworkplace.com/apps/articles/default.asp?articleid=22241&columnid=1935> (last visited Dec. 1, 2017).

<sup>16</sup> See Mark Rienzi, *God and the Profits: Is There Religious Liberty for Moneymakers*, 21 GEO. MASON L. REV. 59, 65-74 (2013).

Even so, applying scriptural teachings in contemporary business settings is not always easy. The Holy Scriptures Christians refer to as the Old and New Testaments – the texts Protestants believe contain all things necessary to salvation<sup>17</sup> – emerged in the context of agrarian societies with economies that bear little resemblance to today's business environment. Jesus drew on familiar experiences of shepherds, farmers, and craftsmen to teach about the Kingdom of God. There are no parables about moral mergers or ethical acquisitions; most sacred scriptures offer teachings about the moral acceptability of reductions in force, plant closings or loan foreclosures; nor is there a great deal of guidance on performance evaluations or balancing the conflicting demands of work and family life. Yet, if we want faith to make a difference, we need to help one another understand what it means to be faithful in a complex corporate world. This inquiry goes far beyond high-profile controversies over “religious liberty.”

Bringing religious teachings to life in contemporary business settings necessitates engaging texts and traditions in new ways. As Bruce Baker points out, one of our most critical tasks at the intersection of faith and business is “to discover ways to reconnect business ethics with a narrative capable of reinvesting capitalism with moral legitimacy.”<sup>18</sup> People of faith have embarked on this kind of work with respect to other disciplines. Religious perspectives developed with respect to medical and environmental issues, for example, have yielded an abundance of fruit. In the medical context, this work has helped people wrestle with wrenching decisions such as choices about end-of-life treatment for loved ones. The emergence of religious perspectives on environmental ethics has encouraged people of faith to support clean energy, recycling, and other forms of good stewardship of the earth and its creatures. Religious traditions have invaluable perspectives to offer in the realm of business ethics as well. However, just as faith-based perspectives on medical and environmental ethics have taken time to develop, so will faith perspectives on business ethics. Some traditions – most notably Evangelical Protestants and Roman Catholics – have entered enthusiastically into the faith and work arena in recent years.<sup>19</sup> Mainline Protestant churches, too, have an opportunity to play a major role in this process.

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<sup>17</sup> See, e.g., *Article VI: Of the Sufficiency of the Holy Scriptures for Salvation, Articles of Religion as Established by the Bishops, the Clergy, and the Laity of the Protestant Episcopal Church in the United States*, THE BOOK OF COMMON PRAYER 868 (1982) (“Holy Scripture containeth all things necessary to salvation . . .”); *Article V: Of the Sufficiency of the Holy Scriptures for Salvation, Articles of Religion*, THE DOCTRINE AND DISCIPLINE OF THE METHODIST EPISCOPAL CHURCH 20 (1808) (“The Holy Scripture containeth all things necessary to salvation . . .”); *Article VI*, THE 1646 WESTMINSTER CONFESSION OF FAITH BY THE WESTMINSTER ASSEMBLY (1646) (“The whole counsel of God, concerning all things necessary for his own glory, man’s salvation, faith, and life, is either expressly set down in Scripture, or by good and necessary consequence may be deduced from Scripture . . .”); ROBERT COLB, THE BOOK OF CONCORD: THE CONFESSIONS OF THE EVANGELICAL LUTHERAN CHURCH 486 (ROBERT COLB & TIMOTHY WENGERT eds., 2000) (“We believe, teach, and confess that the only rule and guiding principle according to which all teachings and teachers are to be evaluated and judged are the prophetic and apostolic writings of the Old and New Testaments alone. . .”). Martin Luther is credited with originating the concept of *Sola Scriptura* reflected in these tracts. See generally, JUSTO L. GONZÁLEZ, 2 THE STORY OF CHRISTIANITY, 29-31 (1985).

<sup>18</sup> Bruce D. Baker, *Setting the Story Straight: The Role of Narrative in Establishing the Moral Imperatives of Capitalism*, Henry Kaufman Business & Religion Conference Paper (on file with author).

<sup>19</sup> For a discussion of implications of the Catholic Social thought tradition and the corporation in Stabile, see Stabile, *supra* note 7. In 2012, for example, the Vatican published a document entitled *Vocation of the Business Leader: A Reflection*, PONTIFICAL COUNCIL FOR JUSTICE AND PEACE (MAR. 2012), <http://www.pcgp.it/dati/2012-05/04-999999/Vocation%20ENG2.pdf>, and numerous publications in the United

This paper explores the engagement of Mainline Churches with business ethics in the workplace and offers some ideas for how Mainline churches can participate more fully in the work that needs to be done. Part I suggests that, for many years, Mainline churches were less active than one might expect in supporting the development of robust faith perspectives on business ethics, and it identifies possible cultural, financial, and structural factors why this may be so. Many of these factors are common to other religious traditions, although some are particularly relevant to Mainline denominations. The discussion in Part II begins with a brief look at the overriding focus on profit maximization that characterizes the prevailing business ethos in the context of the relevant legal framework. It then turns to the emerging faith-and-business dialog and why Mainline churches have valuable contributions to make as this work progresses. Part III, the final section of the paper, offers ideas for ways that Mainline churches – as well as other religious traditions – can expand efforts to help bring the rich array of Christian teachings to bear on moral and ethical questions relevant to both business decisions and workplace ethics.

## I. MAINLINE CHURCHES AND BUSINESS ETHICS

Mainline Protestant denominations historically have enjoyed a unique position of power and prestige in the United States. By 1900 the United States was home to the largest Protestant population of any country – greater even than the European nations that gave birth to the religious traditions now known as the Mainline denominations.<sup>20</sup> While American Protestantism has always been diverse, for many decades “a coalition of the largest Protestant denominations. . . shaped the public religious culture of the United States.”<sup>21</sup> These denominations and their members “collaborated in shaping the educational, cultural, political and moral life of the United States” throughout much of our nation’s history.<sup>22</sup>

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States at national and local levels have stepped up efforts to address faith and work issues. See, e.g., Michelle Martin, *Bringing Catholic Faith to Business Success*, OUR SUNDAY VISITOR (Aug. 29, 2012), <https://www.osv.com/MyFaith/Article/TabId/586/ArtMID/13752/ArticleID/1499/Bringing-Catholic-faith-to-business-success.aspx>; Randy Hain, *Six Practical Ways for Integrating Our Catholic Faith at Work*, INTEGRATED CATHOLIC LIFE (June 26, 2014), <http://www.integratedcatholiclife.org/2014/06/randy-hain-six-practical-ideas-to-integrate-our-catholic-faith-with-work/>. There are also Roman Catholic organizations for business people, such as *Legatus*. See *LEGATUS: AMBASSADORS FOR CHRIST IN THE MARKETPLACE*, [www.legatus.org](http://www.legatus.org) (last visited Dec. 1, 2017).

Evangelical Protestants have been even more enthusiastic: “[A] faith and work movement has been exploding among American evangelicals, with tens of thousands of ministries reaching tens of millions of people.” Greg Forster, *The Evangelical Work Ethic*, CHRISTIANITY TODAY (Oct. 21, 2013), <http://www.christianitytoday.com/ct/2013/october-web-only/evangelical-work-ethic.html>. Tips for integrating faith and work appear in many Evangelical fora. See, e.g., *14 Tips for Sharing Your Faith in the Workplace*, EVANGELICAL ALLIANCE (Sept. 2, 2016), <http://www.eauk.org/church/stories/14-tips-for-sharing-your-faith-in-the-workplace.cfm>; *How To Share Your Faith at Work*, THE GOSPEL COALITION (June 6, 2014), <http://www.thegospelcoalition.org/article/how-to-share-your-faith-at-work>.

<sup>20</sup> See RANDALL BALMER & LAUREN F. WINNER, PROTESTANTISM IN THE UNITED STATES 11-14 (2001).

<sup>21</sup> Maria Erling, *American Mainline Protestantism I*, RESOURCES FOR AMERICAN CHRISTIANITY, [http://www.resourcingchristianity.org/sites/default/files/transcripts/study\\_guide/MariaErling\\_American\\_Mainline\\_Protestantism\\_StudyGuide.pdf](http://www.resourcingchristianity.org/sites/default/files/transcripts/study_guide/MariaErling_American_Mainline_Protestantism_StudyGuide.pdf) (last visited Dec. 1, 2017).

<sup>22</sup> *Id.*; see also WILLIAM HUTCHISON, RELIGIOUS PLURALISM IN AMERICA: THE CONTENTIOUS HISTORY OF A FOUNDING IDEAL (Yale University Press, 2003).

Today, Mainline Protestants constitute a significantly smaller percentage of the population of the United States than in earlier eras.<sup>23</sup> Still, nearly fifteen percent of all Americans – some 50 million people – belong to Mainline denominations,<sup>24</sup> and Mainline Protestants remain well represented in our nation's power structures. They comprise more than 30 percent of the members of the United States Congress,<sup>25</sup> and nearly ninety percent of our Presidents have been affiliated with Mainline denominations.<sup>26</sup> The influence of Mainline churches manifests itself in a number of other culturally significant ways as well. For example, the National Cathedral in Washington, D.C. – designated by Congress as the “National House of Prayer” and the scene of many inaugural prayer services, state funerals and other major events – is Episcopalian.<sup>27</sup>

Members of Mainline churches tend to be highly educated and active in their communities.<sup>28</sup> When the leaders of these churches speak out on social issues, they generally

<sup>23</sup> In 1900, approximately 64 to 66 million Americans, out of a total population of approximately 79 million, were Protestants. More than 10 million of these Protestants belonged to just three Mainline traditions: Lutheran, Anglican/Episcopal and Reformed. H.K. Carroll, *The Christian Advocate*, in CHRISTENDOM ANNO DOMINI 1901, 530-31 (W.D. Grant ed., 1902). Today, the percentage of Americans who identify themselves as members of Mainline Protestant denominations is considerably smaller. Michael Lipka, *Mainline Protestants Make Up Shrinking Percentage of U.S. Adults*, PEW RESEARCH CENTER (May 18, 2015), <http://www.pewresearch.org/fact-tank/2015/05/18/mainline-protestants-make-up-shrinking-number-of-u-s-adults/>.

<sup>24</sup> See Lipka, *supra* note 23 (citing Pew Research data showing that 14.7% of Americans belong to Mainline Protestant denominations). In addition, United States Census Bureau figures reflect that the population of the United States was 326,697,446 million on August 3, 2017. WORLDMETERS, <http://www.worldometers.info/world-population/us-population/> (last visited Aug. 3, 2017). While it is difficult to discern President Donald Trump's religious affiliation, he was raised by Protestant parents, first in the Presbyterian Church and then at New York's Marble Collegiate Church during the tenure of Norman Vincent Peale, a well known Reformed minister who presided there. M.J. Lee, *God and the Don*, CNN POLITICS (Jun. 2017), <http://www.cnn.com/interactive/2017/politics/state/donald-trump-religion/>.

<sup>25</sup> See *Faith on the Hill: The Religious Composition of the 113<sup>th</sup> Congress*, PEW RESEARCH CENTER: RELIGION & PUB. LIFE PROJECT (Jan. 2, 2013), <http://www.pewforum.org/2012/11/16/faith-on-the-hill-the-religious-composition-of-the-113th-congress/#new>.

<sup>26</sup> See *The Religious Affiliations of U.S. Presidents*, PEW RESEARCH CENTER: RELIGION & PUB. LIFE PROJECT (2009), <http://www.pewforum.org/The-Religious-Affiliations-of-US-Presidents.aspx>.

<sup>27</sup> For a brief history of the National Cathedral and some of the important events that have taken place there, including inaugural prayer services and presidential funerals, see the Washington National Cathedral Website. *National Services*, WASH. NAT'L CATHEDRAL, <https://cathedral.org/history/prominent-services/national-services/> (last visited Dec. 1, 2017); see also *Presidential Funerals*, WASH. NAT'L CATHEDRAL, <https://cathedral.org/history/prominent-services/presidential-funerals/> (last visited Dec. 1, 2017).

<sup>28</sup> JAMES D. DAVIDSON & RALPH E. PYLE, *RANKING FAITHS: RELIGIOUS STRATIFICATION IN AMERICA 5* (Rowman & Littlefield Publishers, 2011); see also Carlyle Murphy, *The Most and Least Educated U.S. Religious Groups*, PEW RESEARCH CENTER (Nov. 4, 2017), <http://www.pewresearch.org/fact-tank/2016/11/04/the-most-and-least-educated-u-s-religious-groups/>; Robert Wuthnow, *Beyond Quiet Influence*, in *THE QUIET HAND OF GOD: FAITH BASED ACTIVISM AND THE PUBLIC ROLE OF MAINLAND PROTESTANTISM* 381, 382 (2002); Mark Chaves et al., *Religious Variations in Public Presence: Evidence from the National Congregations Study*, in *THE QUIET HAND OF GOD: FAITH BASED ACTIVISM AND THE PUBLIC ROLE OF MAINLAND PROTESTANTISM* 108-28 (2002); see also, Nancy T. Ammerman, *Connecting Mainline Protestant Churches with Public Life*, in *THE QUIET HAND OF GOD: FAITH BASED ACTIVISM AND THE PUBLIC ROLE OF MAINLAND PROTESTANTISM* 129-58 (2002) (discussing the work done by Mainline congregations in the public arena through encouraging and contributing volunteers and resources to the work of other education, development and social service organizations). Religion researcher Robert Jones observes that “Mainline Protestants as a whole . . . tend to be more educated and have more income than the general public, and that



have the ability to make their voices heard. Perhaps most significantly for present purposes, Mainline Protestants continue to be well represented in the ranks of business leaders.<sup>29</sup> Consequently, Mainline churches have the capacity to make a difference when it comes to offering faith-based perspectives on business ethics.

### A. Engagement of Mainline Churches with Business Ethics to Date

Mainline churches, as noted above, have endeavored to promote ethical business behavior at national and global levels in a number of ways. These churches have been active individually and ecumenically in connection with high profile human rights campaigns and other social justice issues.<sup>30</sup> Several Mainline denominations are members of the Interfaith Center for Corporate Responsibility,<sup>31</sup> most have committed to socially conscious investment of church pension funds; and some denominations have developed guidelines designed to educate members on the subject of responsible investment of private funds.<sup>32</sup> These are all valuable and important steps, but – with a few notable exceptions<sup>33</sup> – the help Mainline churches provide to congregants and the wider community – particularly the business community – in developing useful faith perspectives on ethical issues in the workplace traditionally has been more limited.

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often puts mainline Protestants on nonprofit boards [and] in civic organizations at the local level . . . .”, Robert P. Jones, *Don't Write Off Mainline Protestants*, FAITH AND LEADERSHIP (Feb. 26, 2013), <http://www.faithandleadership.com/qa/robert-p-jones-dont-write-mainline-protestants>. The report of the recent Mainline Protestant Clergy Voices Survey notes that “[m]ainline Protestants retain considerable influence beyond their numbers. With relatively high socio-economic status, Mainline Protestants wield considerable social capital. Also, the financial resources of the mainline denominations are considerable, topping \$106.8 billion in 1997.” ROBERT P. JONES & DANIEL COX, CLERGY VOICES: FINDINGS FROM THE 2008 MAINLINE PROTESTANT CLERGY VOICES SURVEY 6 (2009), available at <http://publicreligion.org/site/wp-content/uploads/2011/06/2008-Mainline-Protestant-Clergy-Voices-Survey-Report.pdf>.

<sup>29</sup> See DAVIDSON & PYLE, *supra* note 28.

<sup>30</sup> See *supra* note 6 and accompanying text.

<sup>31</sup> Mainline Protestant denominations, organizations and affiliated entities with membership in the Interfaith Center on Corporate Responsibility include the National Council of Churches, the American Baptist Churches, the Reformed Church in America, The United Church of Christ – Pension Boards, the United Methodist General Board of Global Ministries and the United Methodist Church Foundation. *About ICCR: Member Organizations*, INTERFAITH CENTER ON CORPORATE RESPONSIBILITY, <http://www.iccr.org/membership/iccr-members> (last visited Dec. 1, 2017).

<sup>32</sup> INVESTMENT STRATEGY STATEMENT, WESPATH BENEFITS AND INVESTMENTS AND ITS DIVISION, WESPATH INVESTMENT MANAGEMENT 6 (2017), available at [http://www.gbophb.org/sri\\_funds/InvestmentPolicyUpdates.asp](http://www.gbophb.org/sri_funds/InvestmentPolicyUpdates.asp); Ann Haften, *That Socially Responsible Thing: Some Lutherans Find Love of Neighbor Influences Buying, Investing Behavior*, LIVING LUTHERAN (Apr. 22, 2015), <https://www.livinglutheran.org/2015/04/socially-responsible-thing/>. A number of Mainline Protestant denominations have also become active corporate shareholders by introducing shareholder resolutions and shareholder proposals. See, e.g., Office of Faith-Based Investing and Corporate Engagement, *Presbyterian Faith-Based Investing*, PRESBYTERIAN CHURCH (USA), <https://www.presbyterianmission.org/ministries/mrti/> (last visited Dec. 1, 2017). For an account of shareholder activism on the part of Mainline denominations, see Robinson, *supra* note 5. See also Social Investment Forum Foundation, *supra* note 6, at 10-18 (summarizing history of faith-based sector in socially responsible investing and providing examples from Protestant, Roman Catholic and Jewish traditions).

<sup>33</sup> See *infra* notes 39-40 and accompanying text.

For the most part, the culture that Mainline churches were so influential in creating has failed to embrace religious teachings in the workplace. The notion that faith and business occupy separate spheres remains a powerful force in the corporate world.<sup>34</sup> While they have helped lead many social justice initiatives, Mainline churches have been remarkably quiet on the subject of how faith can and should inform our work lives, and there is little in the way of a theology of work or the workplace.<sup>35</sup> A number of university, business, and divinity schools in universities originally affiliated with Mainline denominations, are making important connections with the faith-and-business dialog, through new centers – for example, Yale University's Center for Faith and Culture, launched in 2003<sup>36</sup> and Princeton University's Faith and Work Initiative inaugurated in 2008<sup>37</sup> -- as well as innovative course offerings and co-curricular activities. Many Mainline churches, however, are lagging behind. Sermons and congregational programs touching on business ethics are uncommon, despite compelling evidence that people of faith hunger for help in making connections between their faith and their work.<sup>38</sup> Fortunately, during the past few years there have been a number of promising developments such as the establishment of an Office of Faith, Work and Economics at Asbury Seminary,<sup>39</sup> and congregational efforts such as the Center for Integrating Faith and Work at

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<sup>34</sup> See sources cited *supra* note 8.

<sup>35</sup> As Miroslav Volf noted some years ago, the absence of a theology of work and the workplace is a “dire deficiency in Protestant social ethics.” MIROSLAV VOLF, *WORK IN THE SPIRIT: TOWARD A THEOLOGY OF WORK 7* (Oxford University Press, 1991).

<sup>36</sup> See YALE CENTER FOR FAITH AND CULTURE, [http://www.yale.edu/faith/esw/business\\_conference\\_06.htm](http://www.yale.edu/faith/esw/business_conference_06.htm) (last visited Dec. 5, 2017).

<sup>37</sup> PRINCETON UNIVERSITY CENTER FOR THE STUDY OF RELIGION, FAITH AND WORK INITIATIVE, <http://www.princeton.edu/csr/current-research/faith-and-work/> (last visited Dec. 5, 2017).

<sup>38</sup> A few examples of sermons touching on business ethics are just beginning to appear in on-line postings. As one Presbyterian minister recently reflected:

I am . . . convicted about some of what I did not do as pastor, and ways I did not lead my church into a wholistic, biblical understanding and practice of lay ministry in the workplace. For example, as I mentioned above, we prayed regularly for people in certain vocations: government officials, soldiers, teachers and administrators, police officers, fire fighters, and medical doctors. But, to my knowledge, we never prayed specifically for bankers, lawyers, gardeners, accountants, contractors, etc. etc. etc. This oversight might have suggested that we saw certain kinds of work as ministry, primarily service-related jobs, whereas other kinds were not real ministry. I never believed this or preached it. But I might have inadvertently implied it by what I did not say in prayer.

Mark D. Roberts, *God at Work: A Review of the Book by David Miller*, PATHEOS, <http://www.patheos.com/blogs/markdroberts/series/god-at-work-a-review-of-the-book-by-david-miller-2/> (last visited Dec. 5, 2017). David Miller offers a thorough discussion of the failure of churches to preach and teach on faith and business and suggests that the faith-at-work movement is, at least in part, a response to the lack of support from the church and the theological academy to support congregants yearning to integrate their faith and work lives. See MILLER, *supra* note 14, at 79-103; see also Laura L. Nash, *How the Church Has Failed Business*, 38 *ACROSS THE BOARD* 26 (2001).

<sup>39</sup> “The Office of Faith, Work and Economics was created to provide resources to leaders that will encourage them to mobilize congregations and communities in the integration of faith with work and economics.” *Office of Faith, Work, and Economics*, ASBURY THEOLOGICAL SEMINARY, <http://asburyseminary.edu/resources/ofwe/> (last visited Dec. 5, 2017).

the Redeemer Presbyterian Churches in New York,<sup>40</sup> but Mainline churches have a long way to go to make the integration of faith and work a significant part of their ministries.

## **B. Why Haven't Mainline Denominations Entered More Deeply into the Faith and Business Dialog?**

Criticizing churches for failing to do more in particular areas is a popular pastime. We expect religious denominations to take on social and ethical problems for society while offering moving worship services and providing pastoral care and wise counsel to individuals. It can be easy to forget that Church resources are finite, and churches cannot possibly engage every aspect of our lives. Most Americans, however, spend a large part of their waking hours at work, and cares and concerns about what happens in the business world often occupy us even when we are not working. When churches miss the chance to help congregants understand how faith can and should impact work, they miss out on a critical opportunity to support people of faith in their lives and in their spiritual journeys. Why have Mainline churches failed to play a larger role in the faith and business dialog in recent years, particularly at the congregational level? The following discussion offers some possibilities.

### *1. Criticism of market capitalism can be divisive.*

Whether or not Max Weber correctly concluded that liberal Protestantism created the conditions essential to the development of the free market economy,<sup>41</sup> religious freedom has become closely associated with capitalism.<sup>42</sup> In theory, socialism actually resonates more with the early Christian ideal of the appropriate way of life for believers. The Acts of the Apostles, part of the New Testament in the canon of Christian Holy Scripture, describes the life of the first Christian communities as follows: "Now the whole group of those who believed were of one heart and soul, and no one claimed private ownership of any possessions, but everything they owned was held in common."<sup>43</sup>

In practice, however, socialist systems – the former Union of Soviet Socialist Republics, for example – often have given rise to authoritarian states openly hostile to

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<sup>40</sup> REDEEMER: CHURCHES AND MINISTRIES, <https://www.redeemer.com/> (last visited Dec. 5, 2017). Articles on faith-and-work topics are beginning to appear in the Mainline fora as well. See, e.g., Joe Iovino, *Can Your Work Bring You Closer To God*, UNITED METHODIST COMMUNICATIONS, <http://www.umc.org/what-we-believe/can-your-work-bring-you-closer-to-god> (last visited Dec. 8, 2017).

<sup>41</sup> Max Weber published *The Protestant Ethic and the Spirit of Capitalism* in 1904. The essay was reprinted in 1920 as the first of a series of articles on religion and sociology, but Weber died before he could complete these works. See MAX WEBER, *THE PROTESTANT ETHIC AND THE SPIRIT OF CAPITALISM* (Talcott Parsons, trans. 1958) (1930).

<sup>42</sup> See, e.g., MILTON FRIEDMAN, *CAPITALISM AND FREEDOM* 7-8 (1962). In a related vein, Michael Novak argues that the corporation has been a powerful force in destroying class distinctions. NOVAK, *TOWARD A THEOLOGY*, *supra* note 9, at 36.

<sup>43</sup> *Acts* 4:32. The passage continues:

With great power the apostles gave their testimony to the resurrection of the Lord Jesus, and great grace was upon them all. There was not a needy person among them, for as many as owned lands or houses sold them and brought the proceeds of what was sold. They laid it at the apostles' feet, and it was distributed to each as any had need.  
*Acts* 4:33-35.

religion and biblical teachings. Socialist regimes have been infamous for persecutions and pogroms, as well as for imposing a forced idolatry of the state and its leaders in place of “the opium of the people.”<sup>44</sup> Even western democracies more oriented toward social welfare capitalism than the United States, while affording their citizens expansive religious freedom, tend to be less religious in terms of church attendance and other traditional measures. Sweden is perhaps the clearest example. Although its generous social support network seems to embody the Christian virtue of loving one’s neighbor, recent studies show that most Swedes are not religious in the traditional sense. More than 60 percent of Swedes are nominally members of the Church of Sweden, but only about 8 regularly attend church services.<sup>45</sup> In addition, despite innumerable examples of exploitation of people and resources and the now growing gap between rich and poor,<sup>46</sup> capitalism has paved the way to economic prosperity for hundreds of millions of people.

The association of capitalism with religious freedom and the material prosperity market economies have engendered is among the reasons why there is a sense that capitalism, prosperity and God are inextricably intertwined. American political leaders are fond of professing their faith in God and the free market with almost equal fervor, and a favorite political weapon is to cast aspersions on another politician’s faith in capitalism. A number of President Barack Obama’s opponents, for example, regularly accused him of being a “socialist” in terms that brook no doubt that they find socialism inconsistent with fidelity to God and country.<sup>47</sup> The politics surrounding economic issues are potentially explosive, even

<sup>44</sup> In 1843, in the introduction to his unfinished work entitled *A Contribution to the Critique of Hegel’s Philosophy of Right*, Marx wrote: “Religion is the sigh of the oppressed creature, the heart of a heartless.” KARL MARX, *CRITIQUE OF HEGEL’S ‘PHILOSOPHY OF RIGHT’* (Joseph O’Malley, trans., Cambridge Press, 1970). “The Soviet Union was the first state to have as an ideological objective the elimination of religion.” *Revelations from the Russian Archives: Anti-religious Campaigns*, LIBRARY OF CONGRESS, <https://www.loc.gov/exhibits/archives/anti.html> (last visited Dec. 18, 2017).

<sup>45</sup> *Ten Fundamentals of Religion in Sweden*, SWEDISH INSTITUTE (Apr. 11, 2017) <https://sweden.se/society/10-fundamentals-of-religion-in-sweden/>.

<sup>46</sup> A study published by the National Bureau of Economic Research in December 2016 found that “in 1980, top 1% adults earned on average 27 times more than bottom 50% adults, while they earn 81 times more today.” Thomas Piketty et al., *Distributional National Accounts: Methods and Estimates for the United States*, The National Bureau of Economic Research (Nat’l Bureau of Econ. Research, Working Paper No. 22945, 2016), <http://www.nber.org/papers/w22945>. As the *Economist* has pointed, inequality in the United States is greater than at any time since the Gilded Age: “the share of national income going to the richest 1% of Americans has doubled since 1980, from 10% to 20%, roughly where it was a century ago. Even more striking, the share going to the top 0.01% -- some 16,000 families with an average income of \$24 million—has quadrupled, from just over 1% in 1980 to almost 5%. This is a bigger slice of the national pie than the top 0.01% received 10 years ago.” *For Richer, for poorer*, *ECONOMIST*, Oct. 13, 2012 at 13; *Gap in Employment Rates Between Rich, Poor at Widest Levels in Records Dating Back a Decade*, *WASH. POST* (Sept. 13, 2013), [http://www.washingtonpost.com/business/gap-in-employment-rates-between-rich-poor-at-widest-levels-in-records-dating-back-a-decade/2013/09/16/40f2a0cc-1ea2-11e3-9ad0-96244100e647\\_story\\_1.html](http://www.washingtonpost.com/business/gap-in-employment-rates-between-rich-poor-at-widest-levels-in-records-dating-back-a-decade/2013/09/16/40f2a0cc-1ea2-11e3-9ad0-96244100e647_story_1.html).

<sup>47</sup> See, e.g., Monica Crowley, *Socialist red is the new black: Obama’s leftist policies are changing the very nature of America*, *THE WASH. TIMES* (June 24, 2015), <http://www.washingtontimes.com/news/2015/jun/24/monica-crowley-obamas-rising-red-tide-of-socialism/>. A 2011 *New York Times* article on the presidential campaign reported that Republican Michele Bachman referred to President Obama as an “out-of-control socialist” and that “[a]mong the Tea Party base that [Republican Michele] Bachman courts, it is second nature to call President Obama a ‘socialist.’” Trip Gabriel, *THE CAUCUS: Bachman Sees Rivals as ‘Frugal Socialists’*, *N.Y. TIMES* (Nov. 8, 2011), <http://query.nytimes.com/gst/fullpage.html?res=9F05E6DC1E3CF93BA35752C1A9679D>. See also, e.g., Jonathan Alter, *Five Myths About Barack Obama*, *WASH. POST*. (Jan. 12, 2012),

with respect to business and workplace ethics. If not handled adeptly, discussion of business ethics could bring these kinds of divisive politics into congregations.<sup>48</sup> Understandably, clergy seeking to build Christian community may be reluctant to take on matters they believe may polarize their congregations, particularly if they have little or no experience in the business world themselves.

2. *As the financial health of congregations becomes more precarious, church leaders may hesitate to raise issues they believe might antagonize business people.*

a. *Congregations*

The vitality of a congregation, and sometimes its very survival, often depends on economic, as well as spiritual, factors. Many of the buildings owned by venerable religious denominations in the United States are quite old. As church physical plants age, maintenance demands increase and costly repairs impose major burdens at all levels. The average size of Mainline Protestant congregations has decreased, and the median age of congregants and clergy has risen.<sup>49</sup> There are fewer people physically able to pitch in to help with building maintenance and a smaller number of members available to bear the increasing financial burdens imposed by aging facilities. As a result, there is also a great deal less money to fund programs ranging from education to outreach.

At the congregational level, these demographic and financial realities have led to several significant changes in relationships among clergy, lay leaders and members. For example, congregations have become more dependent on volunteer services in key areas such as financial services and property management. Business people often have the skills needed to help their churches in these and other respects. It seems to be a universal law that church roofs always leak, and even sacred spaces need periodic repairs to electrical, plumbing and HVAC systems. Businesses owned or managed by congregants are often willing to provide in-kind contributions for free or at significantly reduced rates.

In addition, with fewer people in the pews on Sunday, collection plates have been lighter than in prior decades, particularly in the years immediately following the financial crisis of 2008.<sup>50</sup> Donations of parishioners able to provide significant help to their

[http://articles.washingtonpost.com/2012-01-20/opinions/35439712\\_1\\_barack-obama-tarp-bailout-buffett-rule](http://articles.washingtonpost.com/2012-01-20/opinions/35439712_1_barack-obama-tarp-bailout-buffett-rule); Jonah Goldberg, *What Kind of Socialist Is Barack Obama*, COMMENTARY (May 1, 2010), <http://www.commentarymagazine.com/article/what-kind-of-socialist-is-barack-obama/>. Recent data compiled by American National Election Studies concludes that “[b]y two to one, 53-26, Democrats believe that capitalism and Christianity are not compatible. Republicans, in contrast, believe there is no conflict, by a 46-37 margin. Tea Party supporters are even more adamant, believing that capitalism and Christian values are compatible by a 56-35 margin.” Thomas B. Edsall, *Hello Heterogeneity*, N.Y. TIMES (June 4, 2012), [http://campaignstops.blogs.nytimes.com/2012/06/04/hello-heterogeneity/?\\_r=0](http://campaignstops.blogs.nytimes.com/2012/06/04/hello-heterogeneity/?_r=0).

<sup>48</sup> For a discussion of the impact of declining church attendance on white male Protestants and the nature of contemporary politics, see Peter Beinart, *Breaking Faith*, THE ATLANTIC, <https://www.theatlantic.com/magazine/archive/2017/04/breaking-faith/517785/> (last visited Dec. 18, 2017).

<sup>49</sup> See MARK CHAVES, ET AL., AMERICAN CONGREGATIONS AT THE BEGINNING OF THE 21<sup>ST</sup> CENTURY, NATIONAL CONGREGATIONS STUDY 11 (2009), available at [www.soc.duke.edu/natcong/](http://www.soc.duke.edu/natcong/).

<sup>50</sup> See, e.g., *Church Giving Drops \$1.2 Billion Reports 2012 Yearbook of Churches*, NAT’L COUNCIL OF CHURCHES NEWS (Mar. 20, 2012), <http://www.nccusa.org/news/120209yearbook2012.html> (reporting that “[c]hurches continue to feel the effects of ‘the Great Recession’ of 2008 as contributions [for some 25 reporting

congregations have taken on even greater importance in light of decreasing trends in attendance over the last few decades.<sup>51</sup> Business leaders who have prospered in the world of commerce are often in a position to provide the financial support necessary to keep a congregation going. In my own parish, for example, when our aging pipe organ was gasping for breath, a generous entrepreneur stepped forward to contribute the sizeable sum required to build and install a new instrument.

Evangelism, education, outreach, and fellowship are, of course, even more essential to the church community than physical plants. Sunday schools, youth groups, homeless shelters, soup kitchens, and a host of community outreach projects require money for materials and utilities, among other things. Evangelism, too, takes money when it involves events, brochures, and other tangible materials, even the resources to develop new and better digital ministries. Once again, business people may be the best hope of congregations in need of financial support, materials, and technical expertise.

Business executives are often essential members of congregational leadership and a major source of the financial support essential to a congregation's well-being, many clergy are concerned about tackling issues that might create antagonism.<sup>52</sup> To begin a conversation about business behavior or workplace ethics requires a willingness to risk offending people who may be among a congregation's most important lay leaders and most significant financial supporters. This risk is even greater for the clergy who have little or no experience in business or any real understanding of the kinds of dilemmas congregants face in making business decisions. To some extent, the same is true with respect to the ethical issues many congregants at all levels face in the workplace. It can be hard to engage in conversation without at least some knowledge of the issues and the vocabulary to discuss them; writing a relevant sermon offers even greater challenges.

Anxieties about the financial vitality of their churches are intensified by the increasingly tight job market for clergy in many Mainline denominations. Clergy, like most people in today's economic environment, worry about job security. There is plenty of work to be done to address the spiritual and emotional needs of parishioners encompassing theological concerns, illnesses and anxieties, family conflicts, financial worries, substance abuse and addiction, and a host of other matters. The concerns that frequently lead people to seek pastoral care are at least as prevalent as in earlier eras. Unfortunately, churches can no longer

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churches] dropped \$1.2 billion. . ."); *Tithing at 40-Year Low in Mainline Churches, Study Finds*, CHRON. OF PHILANTHROPY (Oct. 14, 2011), <https://www.philanthropy.com/article/Tithing-at-40-Year-Low-in/214833> (reporting on a Religion News study showing a continuing decrease in tithing by congregants of Mainline Protestant denominations). Although overall charitable giving began rising a few years after the "Great Recession of 2008, "giving to churches has been relatively flat for about 15 years." David Crary, *Giving Increases for Some Sectors but Not for Others*, WASH. EXAM'R (June 17, 2014, 12:07 AM), <http://www.washingtonexaminer.com/giving-increases-for-some-sectors-not-for-others/article/2141909>.

<sup>51</sup> See, e.g., Chaves, *supra* note 49; Lovett H. Weems, Jr., *No Shows: The Decline in Worship Attendance*, THE CHRISTIAN CENTURY (Sept. 20, 2010), [www.christiancentury.org/article/2010-09/no-shows](http://www.christiancentury.org/article/2010-09/no-shows); Kelly Shattuck, *7 Startling Facts: An Up-Close Look at Church Attendance in America*, CHURCH LEADERS (Dec. 14, 2017), <https://churchleaders.com/pastors/pastor-articles/139575-7-startling-facts-an-up-close-look-at-church-attendance-in-america.html>.

<sup>52</sup> As Lutheran Pastor Keith Anderson has written regarding young clergy, "[t]hey are worried about job security - not just about getting paid (which is not always a given) - but whether they can do the job they feel called to do in congregations that don't want to change. Being prophetic is an attribute we laud in seminary, but it can get you fired in the parish," Keith Anderson, *What Young Clergy Want You to Know*, EPISCOPAL CAFÉ (July 27, 2012), [https://www.episcopalcafe.com/what\\_young\\_clergy\\_want\\_you\\_to\\_know/](https://www.episcopalcafe.com/what_young_clergy_want_you_to_know/).

afford to support the number of clergy they once would have called to minister to the needs of their congregations, nor do most parishes have the funds to hire and retain the same numbers of lay staff members. Mainline churches are struggling to provide living wages to clergy and staff, and rising healthcare and pension costs have imposed additional financial burdens. As a result, in many congregations, clergy and staff are stretched to the limit. Associate and assistant clergy positions, along with staff slots ranging from children's ministries to parish administrators, have been significantly reduced or eliminated. Many congregations no longer have the money to retain even one full-time clergy leader.<sup>53</sup>

While the Roman Catholic Church has had to adjust to a significant decline in vocations to the priesthood and other religious orders,<sup>54</sup> many Mainline churches have an abundance of clergy and a wealth of aspirants to holy orders. This is particularly true for churches that have been ordaining women over the last several decades. As the Episcopal Bishop of Washington recently mused, there is no shortage of clergy in the Episcopal Church, "What we have is a shortage of lay people."<sup>55</sup>

These circumstances are difficult for clergy as well as for congregations. Unlike Roman Catholic priests, Mainline clergy generally do not have guaranteed room, board and shelter, and most have families to support. Clergy may have a special call to do God's work, but they are not immune to personal financial pressures. With Mainline congregations shrinking, it can be very difficult for new clergy to find positions and for experienced clergy to move into new jobs.<sup>56</sup>

<sup>53</sup> See, e.g., Jeffrey MacDonald, *Unpaid Pastors May Be the Future of the Church for Protestant Congregations*, HUFFINGTON POST (Sept. 18, 2013, 6:19 AM), [http://www.huffingtonpost.com/2013/09/18/unpaid-priests-protestants\\_n\\_3943828.html](http://www.huffingtonpost.com/2013/09/18/unpaid-priests-protestants_n_3943828.html); Adelle M. Banks, *Church Attendance Down, Congregations Getting Older, Report Says*, ON FAITH <https://www.onfaith.co/onfaith/2011/09/30/church-attendance-down-congregations-getting-older-report-says/21006> (last visited Dec. 8, 2017) (citing a Hartford Seminary study); Weems, *supra* note 51.

<sup>54</sup> See, e.g., David Gonzalez, *Facing Decline: An Effort to Market the Priesthood*, N.Y. TIMES (Apr. 15, 2008), <http://www.nytimes.com/2008/04/15/us/nationalspecial2/15seminarians.html?pagewanted=all>. The number of Roman Catholic priests in the United States has steadily dropped from nearly 59,000 in 1975 to just under 39,000 last year while the number of Catholics in the United States has increased by 17 million. Elaine Quijano, *Catholic Church Turns to Anglicans to Fill U.S. Priest Shortage*, CBS NEWS (March 20, 2013, 7:57 PM), [http://www.cbsnews.com/8301-18563\\_162-57575474/catholic-church-turns-to-anglicans-to-fill-u-s-priest-shortage/](http://www.cbsnews.com/8301-18563_162-57575474/catholic-church-turns-to-anglicans-to-fill-u-s-priest-shortage/).

<sup>55</sup> Jeffrey Walton, *Episcopal Church: I've Got 99 Problems but a Priest Shortage Ain't One*, JUICY ECUMENISM: THE INSTITUTE ON RELIGION AND DEMOCRACY'S BLOG (Dec. 27, 2012), <https://juicyecumenism.com/2012/12/27/episcopal-church-ive-got-99-problems-but-a-priest-shortage-aint-one/>. While the Episcopal Church, like other Mainline denominations, has experienced a decline in the number of ordinations in recent years, given the decline in Sunday attendance, common in many dioceses there are more clergy than needed. In January 2012, Bishop Mariann Budde explained, "There are currently almost 30 people in the ordination process, a number that well surpasses the diocese's current need for clergy for traditional parish positions. In addition, there is a significant number of unemployed and underemployed priests in the diocese who are seeking to be called to stipendiary ministries." *Id.* See also Bob Smietana, *Protestant Pastor on the Job Hunt? Good Luck in this Market*, USA TODAY (June 7, 2010, 6:31 PM), [http://usatoday30.usatoday.com/news/religion/2010-06-08-onlineministers08\\_ST\\_N.htm?csp=obinsite](http://usatoday30.usatoday.com/news/religion/2010-06-08-onlineministers08_ST_N.htm?csp=obinsite).

<sup>56</sup> See, e.g., Gary Gilbertson, *Rectors (Pastors): The Odds Are Against You!*, EPISCOPAL JOURNEY OF HOPE (May 24, 2013), <http://episcopaljourneyofhope.blogspot.com/2013/05/rectors-pastors-odds-are-against-you.html>; William Doubleday, *Forced Clergy Terminations*, EPISCOPAL CAFÉ (Mar. 10, 2013), [http://www.episcopalcafe.com/lead/clergy/forced\\_clergy\\_terminations.html](http://www.episcopalcafe.com/lead/clergy/forced_clergy_terminations.html) (post by seminary professor stating that "forced clergy terminations are growing more common week by week across our church"); Robert Terrill, *Rector (Pastor): You're Fired!*, EPISCOPAL JOURNEY OF HOPE (May 7, 2013, 12:03 PM),

Moreover, concerns over financial security are not necessarily the only, or even the most important, career issue for Mainline clergy. The path to holy orders is not an easy one. Surviving the many screening processes that are part of discernment in most Mainline denominations appropriately requires a deep commitment to the call to ordained ministry. Consequently, the thought of risking one's position in a congregational setting raises personal and spiritual issues that go far beyond financial security and economic well-being.

Taken together, these various considerations may create a reluctance to focus on subjects that clergy believe might antagonize business people, even though such perceptions – at least insofar as they pertain to the subject of business ethics – are often misplaced. As noted earlier, the impetus for much of the recent exploration of the intersection of business and religion comes from business people themselves.<sup>57</sup> Even so, concerns about parish and personal financial well-being may well contribute to the dearth of dialog on business ethics in Mainline congregations.

b. *Regional and national bodies*

The impacts of economic and demographic trends on local congregations are magnified for churches at regional and national levels, as well as for ecumenical organizations. In recent years all Mainline denominations have had to deal with the consequences of reduced revenues at regional levels (e.g., dioceses or synods) and national levels. This new reality has led to a number of changes not only at the congregational level, but in regional and national operations as well.

Congregations in most Mainline Protestant churches support dioceses, synods and other regional church bodies through contributions from parish collections. For example, in the Episcopal Church, congregations are asked to tithe to their dioceses – i.e., pay ten percent of their revenues to support their dioceses. In turn, the dioceses offer leadership in the person of bishops or other ecclesiastical authorities, conduct regional governance matters, administer benefits programs, offer legal guidance, provide administrative and educational resources to congregations, and offer educational, and programmatic resources.<sup>58</sup> With the financial resources of local congregations diminishing, regional and national church resources have decreased as much or more. As a result, dioceses, synods, and other regional and national church entities have had to engage in painful processes of reducing staff positions and cutting

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<http://episcopaljourneyofhope.blogspot.com/2013/05/rector-pastor-youre-fired.html>. Anne L. Hurst *et al.*, *The State of the Clergy 2012: A Report for the Episcopal Church*, CHURCH PENSION GROUP: OFFICE OF RESEARCH (2012), <https://www.cpg.org/linkservid/DC3EE5A8-F95C-2278-107475F87BFDB2AA/showMeta/0/?label=State%20of%20the%20Clergy%202012> (citing “[w]ithin the past decade, both the absolute and relative numbers of curate, assistant, and associate positions have declined precipitously in several provinces.”).

<sup>57</sup> For discussion of the origins of the contemporary movement in the 1980s and its subsequent development, see Miller, *supra* note 7 at 63-78. Miller also explores the nature of Faith at Work as a social movement. *Id.* at 105-123.

<sup>58</sup> Examples of these kinds of resources can be found on the websites of synods and dioceses. See, e.g., *For Congregations*, METROPOLITAN WASHINGTON, D.C. SYNOD: EVANGELICAL LUTHERAN CHURCH OF AMERICA, <https://metrocelca.org/for-congregations/> (last visited Dec. 9, 2017); *Resources and Forms*, EPISCOPAL DIOCESE OF WASHINGTON, [www.edow.org](http://www.edow.org) (last visited Dec. 9, 2017).



programmatically and educationally. <sup>59</sup> The past several years have not been an auspicious time to enter into entirely new programs.

c. *Ecumenical settings*

Ecumenical organizations, too, are feeling increasing pain. In 2011, the National Council of Churches was forced to move out of the New York headquarters building originally donated by John Rockefeller because it could not afford the maintenance costs. <sup>60</sup> As the *Washington Post* recently reported, “some of the oldest and best-known [ecumenical organizations] have slashed staff as their revenue shriveled.” <sup>61</sup> Like their member churches, ecumenical organizations are finding it difficult to balance the many demands on increasingly scarce resources.

It is difficult for any organization to expand into new areas of inquiry when resources are inadequate to support existing programs, and churches are no exception. It takes people, time, and resources to identify and retain experts, assemble task forces, and create new programs. With local, regional, and national staff members stretched to the limit, congregations, churches, and ecumenical bodies have difficulty taking on new areas of inquiry unless the relevance to the core religious mission is very clear to their leaders.

3. *Academic resources useful in the faith-business dialog are in short supply.*

While the body of scholarship pertaining to faith perspectives on business ethics is expanding, it remains in short supply. There may be any number of reasons, but four factors stand out: (1) the highly secular nature of business analysis and corporate legal theory that has dominated in the business and legal academies for many years <sup>62</sup>; (2) a lack of experience and interest in business ethics on the part of seminary faculties; (3) concern on the part of untenured business and law school faculty members that scholarship pertaining to religion and business will not be given full credit when tenure and promotion decisions are made; and

<sup>59</sup> See, e.g., NAT’L COUNCIL OF CHURCHES NEWS *supra* note 50; Annalisa Musarri, *Report Says Giving on the Rebound but This Has Been the Worst Season of Our Lives*, WASH. POST (Mar. 27, 2012), [http://articles.washingtonpost.com/2012-03-27/national/35447735\\_1\\_matt-branaugh-maximum-generosity-american-and-canadian-churches](http://articles.washingtonpost.com/2012-03-27/national/35447735_1_matt-branaugh-maximum-generosity-american-and-canadian-churches); see Banks *supra* note 53.

<sup>60</sup> Lauren Markoe, *National Council of Churches to Move to D.C.*, HUFFINGTON POST, (Feb. 15, 2013, 8:06 AM), [http://www.huffingtonpost.com/2013/02/15/national-council-of-churches-move-to-dc\\_n\\_2684882.html?view=print&comm\\_ref=false](http://www.huffingtonpost.com/2013/02/15/national-council-of-churches-move-to-dc_n_2684882.html?view=print&comm_ref=false); see also Mark Tooley, *End of the Mainline* THE AMERICAN SPECTATOR, (Mar. 1, 2013, 10:08 AM), [https://spectator.org/33823\\_end-mainline/](https://spectator.org/33823_end-mainline/). See also, e.g., Sarah Pulliam Bailey, *Alban Institute, Mainline Protestant Resource Organization, Closes After Forty Years*, HUFFINGTON POST (March 21, 2014, 8:43 AM), [http://www.huffingtonpost.com/2014/03/21/alban-institute-closes\\_n\\_5002796.html](http://www.huffingtonpost.com/2014/03/21/alban-institute-closes_n_5002796.html).

<sup>61</sup> Michelle Borstein, *Older Interfaith Groups Work to Reverse Decline*, WASH. POST (Aug. 17, 2013), <https://www.highbeam.com/doc/1P2-35022938.html>. It may be, however, that “Americans are living interfaith” and that the work of older interfaith organizations is now being done by different and smaller organizations less closely identified with faith traditions. *Id.* (emphasis in original).

<sup>62</sup> See, e.g., Lyman P.Q. Johnson, *Faith and Faithfulness in Corporate Theory*, 56 CATH. UNIV. L. REV. 1 (2006); ALFORD & NAUGHTON, *supra* note 7, at 10-11, 16-17.

(4) insufficient outlets for scholarly articles pertaining to faith perspectives on business and business ethics in the religious, business and legal academies.<sup>63</sup>

The scarcity of scholarship addressing business and religion is not simply an academic matter; it is a practical issue for churches and congregations at all echelons. At the national and regional level, Mainline denominations depend on seminary faculty, religion professors, and people of faith in the wide variety of disciplines that comprise the academy, to alert church leaders to emerging issues and provide expert advice on matters of national and regional importance, to offer insights on important social trends to gatherings of clergy and lay leaders, and to work with task forces seeking to develop programmatic materials to make available to local congregations.

Scholars and the work they do are equally important to local parishes. Many Mainline congregations offer educational forum programs and similar opportunities for parishioners to engage in dialog about religious perspectives on contemporary social issues. For example, the "rector's forum" is a Sunday staple in Episcopal congregations. While the speakers who appear in these programs come from diverse backgrounds, academics from nearby seminaries, as well as colleges and universities that offer religion and theology courses, are often featured. These scholars not only possess relevant expertise, they tend to be quite generous with their time when congregations call. At present, however, there are few scholars available to lead programs on faith and business.

4. *Clergy spiritual formation processes seldom include exposure to business ethics.*

Protestants generally do not consider clergy to be spiritually distinct from lay people; all believers have equal access to God and corresponding responsibilities. Even so, professional clergy are essential to all Mainline denominations, and the process of spiritual formation for Mainline clergy plays a critical role in shaping the wider church.

Mainline Protestant denominations operate more than sixty seminaries in the United States today, and these denominations have significant representation on the faculties of divinity schools located within secular universities.<sup>64</sup> With few exceptions, all major Mainline Protestant denominations require those seeking ordination to holy orders to obtain a Master of Divinity degree or a similar professional academic credential.<sup>65</sup> Churches and

<sup>63</sup> See Richard Martinez, *Defining and Developing a Space for Business Scholarship in the Christian Academy*, 34 CHRISTIAN SCHOLAR'S REV. 55 (2004). In a related vein, law professor David Skeel observes that "by the 1990s, distinctively Christian legal scholarship had finally begun to emerge in a few areas. But even today, the scope of Christian legal scholarship in the American legal literature is shockingly narrow for such a nationally influential movement." David Skeel, *The Unbearable Lightness of Christian Scholarship* 57 EMORY L. J. 1471, 1476 (2008).

<sup>64</sup> The Commission on Accrediting of the Association of Theological Schools publishes a complete listing of theological schools by denomination. *Denominational List*, THE ASSOCIATION OF THEOLOGICAL SCHOOLS: THE COMMISSION ON ACCREDITING, <https://www.ats.edu/member-schools/denominational-search> (last visited Dec. 5, 2017).

<sup>65</sup> Many seminaries also offer degrees for persons interested in lay ministry in subjects such as theological studies, Christian education, and pastoral care. For example, Wesley Theological Seminary in Washington, D.C., a United Methodist seminary, offers masters degrees in divinity, theological studies and a mater of arts in theology. *Masters*, WESLEY THEOLOGICAL SEMINARY, <http://www.wesleyseminary.edu/Degrees/Masters>. The Lutheran Theological Seminary at Gettysburg offers a master of divinity, a master of arts and ministerial studies, a master of arts in religion, a master of sacred theology and a doctorate of ministry, in addition to

seminaries collaborate to set the academic requirements for these professional degrees and ordination.

Seminary curricula are designed to equip aspiring clergy for work in many different areas of ministry, particularly in local congregations. As one might expect, spiritual formation is the primary concern. Seminarians must master the theological, pastoral, and practical tools they need to proclaim the gospel, minister to God's people, and manage parishes and other ministry settings. In particular, clergy need to be equipped to take on theological and ethical questions in extraordinarily difficult contexts. A great deal of prayer and reflection goes into the formulation of ordination requirements and the design of seminary curricula.

There is never enough time to prepare aspiring clergy for the work they are about to do, but Mainline denominations and the faculties of the seminaries that train aspirants to holy orders have reached a remarkable degree of consensus on the basic elements of the required training. To obtain a Master of Divinity and qualify for ordination, most Mainline Protestant seminarians must take courses in biblical studies, theology, church history, denominational polity, sacred music, liturgy, preaching, ethics, pastoral care, and church administration. Additional requirements common to Master of Divinity curricula – and mandatory prerequisites for ordination in most Mainline denominations – include fieldwork in a parish congregation or faith-based organization, an internship in Clinical Pastoral Education, and a cultural immersion experience as a prerequisite to either their professional degree or ordination. The ethics and pastoral care curricula, both the classroom components and practical applications, are of particular interest in this discussion.

Christian ethics courses at most seminaries cover general ethical principles and basic analytical tools for addressing moral quandaries. Students learn to apply these tools through case studies of particular ethical dilemmas. In so doing, they reflect on the moral aspects of life from a Christian perspective and work on developing the skills necessary to address, and to help others address, ethical issues that arise at both individual and societal levels. Topics that frequently serve as the basis for exploring Christian ethical principles focus on both societal issues, such as distributive justice, environmental stewardship, and just war theory, and individual dilemmas, such as sexual orientation, reproductive choices, and termination of life support.<sup>66</sup>

Pastoral care classes offer lessons in family dynamics and other issues likely to arise in counseling contexts – e.g., marriage and divorce, parent-child relationships, eldercare, and illness and injury. Often these classes also touch on common sources of domestic conflict, support for individuals faced with physical or mental illness, and techniques of finding help for those suffering from addiction and substance abuse. Decisions about family interactions

certificate programs for lay leaders in theological studies, leadership of faith based organizations and youth ministry. Academic Programs, Lutheran Theological Seminary at Gettysburg. *Academic Programs*, GETTYSBURG SEMINARY, [www.ltsg.edu/academic-programs](http://www.ltsg.edu/academic-programs) (last visited Dec. 7, 2017).

<sup>66</sup> For examples of typical Mainline Protestant seminary curricula, see, e.g., *Catalog 2016-2017*, LUTHERAN THEOLOGICAL SEMINARY AT GETTYSBURG, [http://www.ltsg.edu/images/upload/2016\\_17\\_CATALOG\\_web%20-%20Copy%20.pdf](http://www.ltsg.edu/images/upload/2016_17_CATALOG_web%20-%20Copy%20.pdf), (last visited Dec. 2, 2017); *2017-2018 Course Catalog*, VIRGINIA THEOLOGICAL SEMINARY, [https://vts.myschoolapp.com/ftpimages/95/download/download\\_2299941.pdf](https://vts.myschoolapp.com/ftpimages/95/download/download_2299941.pdf) (last visited Nov. 15, 2017); *Catalog 2017-2018*, WESLEY THEOLOGICAL SEMINARY, <https://www.wesleyseminary.edu/wp-content/uploads/2017/07/2017-18-Academic-Catalog.pdf> (last visited Dec. 1, 2017).

and healthcare issues often figure prominently in training exercises. Typical pastoral counseling texts focus on techniques of eliciting and responding to information and emotions and offer guidance for discerning and addressing associated theological issues.<sup>67</sup> Many pastoral care courses also assist students in learning techniques for creating and working with small groups, a tool that is often invaluable in congregational settings.

Seminary and denominational experiential requirements are designed to help aspiring clergy apply the knowledge they acquire in the classroom in actual ministry settings. In most Mainline denominations seminarians must complete at least two or three different kinds of experiential learning: fieldwork at a congregation or religiously affiliated organization; cultural immersions; and clinical pastoral education. Some denominations require seminarians to do their fieldwork almost exclusively in local congregations, while other churches and seminaries permit students to work in social justice organizations and other religiously affiliated entities. Clinical pastoral experiences are generally in hospital or other healthcare facilities, while immersion experiences focus on exposure to cultural settings different from a seminarian's own experience, often through extended stays in regions or countries new to the seminarian. Workplace chaplaincies are rarely listed as potential fieldwork placements.

Given that most Master of Divinity programs usually require a minimum of 75 or more hours of academic credit to complete degree requirements,<sup>68</sup> seminarians also have opportunities to choose from an array of elective course offerings. Many Mainline seminaries offer specialized theology and applied ethics courses in fields such as human rights and the environment. A number of Mainline seminaries offer advanced theology and ethics courses in many fields, but these courses tend to focus on larger social justice issues rather than the moral quandaries of management or other workplace dilemmas.<sup>69</sup>

At the end of their courses of study most seminarians will find themselves with little or no exposure to business ethics, unless they happen to attend one of the few university divinity schools that have begun to offer elective courses touching on faith and business. Unless he or she enters a Master of Divinity program with a business background and significant experience in one or more secular workplaces, an aspiring cleric may well complete his or her formal education without an appreciation for the moral complexity of business decisions or effective tools to help congregants address business ethics issues.<sup>70</sup> As

<sup>67</sup> For examples of texts typically used in pastoral care courses, *see, e.g.*, CARRIE DOEHRING, *THE PRACTICE OF PASTORAL CARE* (Westminster John Knox Press, 2006); JOHN SAVAGE, *LISTENING & CARING SKILLS* (Abingdon Press, 1996); SARAH A. BUTLER, *CARING MINISTRY: A CONTEMPLATIVE APPROACH TO PASTORAL CARE* (Bloomsbury Academic, 2007). *See also, e.g.*, WESLEY THEOLOGICAL SEMINARY, *supra* note 66 at 151-153 (describing various pastoral care courses).

<sup>68</sup> *See, e.g.*, *Master of Divinity Program: Catalog 2017-2018*, WESLEY THEOLOGICAL SEMINARY, <https://www.wesleyseminary.edu/wp-content/uploads/2017/07/2017-18-Academic-Catalog.pdf>, VIRGINIA THEOLOGICAL SEMINARY, *supra* note 66.

<sup>69</sup> For examples of typical Mainline Protestant seminary curricula on relevant topics, *see, e.g.*, *Academic Programs*, GETTYSBURG SEMINARY, *supra* note 65; VIRGINIA THEOLOGICAL SEMINARY, *supra* note 66; *Catalog 2017-2018*, WESLEY THEOLOGICAL SEMINARY, *supra* note 65.

<sup>70</sup> In a speech delivered at a conference of Jesuit Business Schools, James Nolan reported that a clergy member explained: "I don't have the vocabulary to communicate with business people." JAMES L. NOLAN, *DOING THE RIGHT THING AT WORK* (1996). Michael Novak has observed that "church leaders often err because they have no rigorous training in economics or public policy." MICHAEL NOVAK, *THE CATHOLIC ETHIC AND THE SPIRIT OF CAPITALISM* 6 (1993).

one commentator notes, often “professional church people . . . do not understand and cannot speak to the spiritual yearnings of people in business.”<sup>71</sup>

5. *Other important social issues, particularly with respect to gender and sexual orientation, have absorbed energy and resources.*

Two social issues have commanded a significant share of the energy and attention of Mainline Protestant leaders at national, regional and local levels for the last four decades: the controversy over the ordination of women and the difficulty of discerning denominational positions on the relationship of sexual orientation to marriage and ordination. The Episcopal Church provides an example.

Episcopalians called the Right Reverend Katherine Jefferts Schori to serve as Presiding Bishop of the Episcopal Church of the United States in 2006.<sup>72</sup> Her consecration came about only after a long struggle over the role of women in the church. While the Episcopal Church began the authorized ordination of women to the priesthood in 1976, for many years a number of congregations and a few dioceses continued to resist their ordination and opposed the consecration of Bishop Jefferts Schori.<sup>73</sup> Yet another controversy erupted over the issue of ordination of openly gay and lesbian clergy in the 1990s and again in 2004 with the consecration of the Reverend Gene Robinson as Bishop of New Hampshire. The House of Bishops’ approval of Bishop Robinson’s consecration was the catalyst for the separation of a number of congregations from the Episcopal Church, and the cause of major tensions within the worldwide Anglican Communion.<sup>74</sup> The Episcopal Church was forced to expend significant resources to deal with the fallout from these controversies, including litigation over property used by congregations that left the church.<sup>75</sup>

<sup>71</sup> Nolan, *supra* note 70, at 2; Cf., MITROFF & DENTON, *supra* note 7, at 19 (noting “serious mismatch” between language employed by writers addressing spirituality and business people).

<sup>72</sup> Neela Bannerjee, *Woman Is Named Episcopal Leader*, N.Y. TIMES (June 19, 2006), <http://www.nytimes.com/2006/06/19/us/19bishop.html>; For a discussion of Bishop Jefferts Schori’s tenure as Presiding Bishop, see Diana Butler Bass, *Reflecting on Outgoing Presiding Bishop Katharine Jefferts Schori’s tenure as Episcopal Church Brings in New Leader*, WASH. POST (June 27, 2015), [https://www.washingtonpost.com/news/acts-of-faith/wp/2015/06/27/reflecting-on-outgoing-presiding-bishop-katharine-jefferts-schoris-tenure-as-episcopal-church-brings-in-new-leader/?utm\\_term=.c2fcee56c5c6](https://www.washingtonpost.com/news/acts-of-faith/wp/2015/06/27/reflecting-on-outgoing-presiding-bishop-katharine-jefferts-schoris-tenure-as-episcopal-church-brings-in-new-leader/?utm_term=.c2fcee56c5c6).

<sup>73</sup> See, e.g., Alicia Mundy, “*It Is Wrenching to Realize How Fragile*” *Church Family Is*, SEATTLE TIMES (Feb. 19, 2007), [http://seattletimes.com/html/nationworld/2003578838\\_episcopal19m.html](http://seattletimes.com/html/nationworld/2003578838_episcopal19m.html). For a brief history of the ordination of women in the Episcopal Church, see *Female Ordination in the Episcopal Church, USA (ECUSA)*, RELIGIOUS TOLERANCE, <http://www.religioustolerance.org/femclrg14.htm> (last visited Dec. 12, 2017).

<sup>74</sup> See, e.g., Laurie Goodstein, *Episcopal Vote Reopens a Door to Gay Bishops*, N.Y. TIMES (July 14, 2009), <http://www.nytimes.com/2009/07/15/us/15episcopal.html>; see also Laurie Goodstein, *Episcopal Split as Conservatives form New Group*, N.Y. TIMES (Dec. 3, 2008), [http://www.nytimes.com/2008/12/04/us/04episcopal.html?pagewanted=all&\\_r=0](http://www.nytimes.com/2008/12/04/us/04episcopal.html?pagewanted=all&_r=0); Brenda Goodman, *A Church Is Divided and Headed to Court*, N.Y. TIMES (Dec. 5, 2007), <http://www.nytimes.com/2007/12/05/us/05church.html>.

<sup>75</sup> Michelle Boorstein, *After Prolonged Legal Battle, Virginia Episcopalians Prepare to Reclaim Property*, WASH. POST (Feb. 11, 2012), [https://www.washingtonpost.com/local/after-prolonged-legal-battle-virginia-episcopalians-prepare-to-reclaim-property/2012/02/08/gIQAhfJ17Q\\_story.html?utm\\_term=.091d96347088](https://www.washingtonpost.com/local/after-prolonged-legal-battle-virginia-episcopalians-prepare-to-reclaim-property/2012/02/08/gIQAhfJ17Q_story.html?utm_term=.091d96347088); Lori Arnold, *Disgruntled California Congregations Leaving Episcopal Church*, CHRISTIAN EXAMINER (Aug. 6, 2004), [http://www.christianexaminer.com/Articles/Articles%20Aug06/Art\\_Aug06\\_04.html](http://www.christianexaminer.com/Articles/Articles%20Aug06/Art_Aug06_04.html); Michael Conlon, *Anglican Church Turmoil Over Gay Issues Deepens*, REUTERS (May 8, 2007),

Issues pertaining to ordination of women and gay and lesbian clergy have raised equally divisive issues for other Mainline denominations as well. Virtually all Mainline denominations have devoted spiritual emotional and financial resources to resolving the critical related question of whom God has called to lead both individual congregations and the wider church.<sup>76</sup>

In a related vein, questions about same-sex marriage have also consumed a great deal of time and resources in many Mainline denominations.<sup>77</sup> The churches have had to address these issues theologically and pastorally in the midst of highly politicized legal battles in federal and state legislatures and the courts. These issues, like friction over the ordination of women, have commanded a significant share of the resources and energy of Mainline churches.

6. *Many church leaders do not fully appreciate the moral complexity of business decisions.*

Clergy with little experience in secular workplaces – particularly those with little or no experience in the corporate world – may find it hard to understand the pressures business people face. One can easily say, “Do the right thing,” but what does that mean in practice? I have often heard clergy ask, “Why do we need a special set of ethical rules for business or the workplace? The teachings of the Gospel should apply in the workplace as in the rest of our lives.” As business people are well aware, however, many of the decisions they make involve a high degree of moral complexity. Even the most basic decisions can raise very difficult questions in contexts in which it is accepted that the economic welfare of the firm trumps most, if not all, other considerations.<sup>78</sup>

For example, is a reduction in force ever appropriate to meet target profit projections in a company that is doing well? What if the needs of employees appear to differ significantly from those of small investors counting on the profits from an investment fund to retire?

<http://www.reuters.com/article/2007/05/08/us-episcopals-split-idUSN0737733620070508>; Daniel Burke, *South Carolina Diocese Disaffiliates from Episcopal Church*, RELIGION NEWS SER., [http://www.huffingtonpost.com/2012/10/19/south-carolina-diocese-episcopal-church\\_n\\_1983161.html](http://www.huffingtonpost.com/2012/10/19/south-carolina-diocese-episcopal-church_n_1983161.html) (last visited Dec. 12, 2017); Laurie Goodstein, *Episcopalians Shaken by Division in Church*, N.Y. TIMES (July 2, 2006), <http://www.nytimes.com/2006/07/02/us/02episcopal.html?pagewanted=all>.

<sup>76</sup> See generally, Wendy Cage, *Vital Conflicts: The Mainline Denominations Debate Homosexuality*, in THE QUIET HAND OF GOD: FAITH BASED ACTIVISM AND THE PUBLIC ROLE OF MAINLAND PROTESTANTISM 265-286 (2002); Matt Smith, *Within Gay Marriage Battle, a Quiet Struggle in Churches*, N.Y. TIMES (Feb. 18, 2012), [http://www.nytimes.com/2012/02/19/us/within-gay-marriage-battle-a-quiet-struggle-in-churches.html?pagewanted=all&\\_r=0](http://www.nytimes.com/2012/02/19/us/within-gay-marriage-battle-a-quiet-struggle-in-churches.html?pagewanted=all&_r=0); Editorial, *Methodists Live in a House Divided Over Same-Sex Issues*, KANSAS CITY STAR (May 20, 2016), <http://www.kansascity.com/opinion/editorials/article78916977.html>.

<sup>77</sup> See, e.g., Religion & Ethics Newsweekly, *Mainline Protestants and Same Sex Marriage*, PBS (July 5, 2009), <http://www.pbs.org/wnet/religionandethics/2009/07/10/july-10-2009-mainline-protestants-and-same-sex-marriage/3512/>; Michael Paulson, *Protestants Weigh Same-Sex Marriage*, BOSTON GLOBE (Nov. 11, 2003), [http://www.boston.com/news/local/massachusetts/articles/2003/11/30/protestants\\_weigh\\_same\\_sex\\_marriage/](http://www.boston.com/news/local/massachusetts/articles/2003/11/30/protestants_weigh_same_sex_marriage/).

<sup>78</sup> As Jeff Van Duzer and Tim Dearborn observe, “many Christians understand neither business nor the issues facing church members who work in it,” Jeff Van Duzer & Tim Dearborn, *The Profit of God*, CHRISTIANITY TODAY (Jan. 27, 2003), <http://www.ctlibrary.com/ct/2003/february/2.42.html>. For a discussion of obstacles all clergy face to preaching about faith and the workplace, see Scott M. Gibson, *6 Problems of Preaching on Faith and Work*, PREACHING TODAY, <http://www.preachingtoday.com/skills/2014/august/6-problems-of-preaching-on-faith-and-work.html?start=2> (last visited Dec. 14, 2017).

Should a manager consider the personal circumstances of his employees in considering who goes and who stays? Does it matter if an employee has little hope of getting another job anytime soon? What if an employee needs to support a family or has other pressing financial needs? What should a manager do if she comes face to face with evidence that her boss is acting unethically? What if speaking up could cost her the job she enjoys and needs? What safety precautions are necessary to mitigate the hazards of a dangerous work environment or ensure that consumers are safe from potentially dangerous products? To what extent is cost a morally acceptable consideration? How does one balance the need to support a family financially with the need to spend time with a spouse and children?

What should happen when managers learn that consumers are using their company's products in unanticipated ways? Portable sonography machines, for example, have helped save lives, but they have also facilitated gendercide – the selective abortion of female fetuses – in a number of Asian markets.<sup>79</sup> Should this reality cause manufacturers to withdraw from particular markets? How does one balance the good a product does against the harm? What about profit considerations?

Moreover, without business experience or a sense of the nature of workplace dilemmas, it can be difficult to connect large social issues to the decisions individual business people make each and every day. Several years ago, serious moral and ethical questions were raised about Pfizer's testing of experimental drugs in Africa; the Nigerian government later brought criminal charges against the company.<sup>80</sup> Wherever one comes out with respect to the propriety of these clinical trials, it is important to recognize that the program could not have gone forward without input from many different managers and employees. At least some of these individuals must have realized the moral and ethical problems inherent in the decisions they made. Did they draw on their faith in reaching their decisions: Did their religious traditions offer them support and guidance; did they simply compartmentalize faith and work; did they believe that their faith had nothing to offer in the context of their work?

What about the Nestlé managers whose decisions led the company to market baby formula in poverty stricken regions with devastating impacts on infant health?<sup>81</sup> In the 1970s many churches encouraged the boycott of Nestle products designed to persuade the company

<sup>79</sup> See, e.g., *The Worldwide War on Baby Girls*, THE ECONOMIST (March 10, 2010), <http://www.economist.com/node/15636231>.

<sup>80</sup> See Joe Stephens, *Where Profits and Lives Hang in Balance; Finding and Abundance of Subjects and Lack of Oversight Abroad, Big Drug Companies Test Offshore to Speed Products to Market*, WASH. POST (Dec. 17, 2000), <https://pqasb.pqarchiver.com/washingtonpost/doc/409050546.html?FMT=ABS&FMTS=ABS:FT&date=Dec+17%2C+2000&author=Stephens%2C+Joe&desc=Where+Profits+and+Lives+Hang+in+Balance%3B+Finding+a+n+Abundance+of+Subjects+and+Lack+of+Oversight+Abroad%2C+Big+Drug+Companies+Test+Offshore+to+Speed+Products+to+Market+Series%3A+THE+BODY+HUNTERS%3A+Exporting+Human+Experiments%3B+1%2F6>; Donald G. McNeil, Jr., *Nigerians Receive First Payments for Children Who Died in 1996 Meningitis Drug Trial*, N.Y. TIMES (Aug. 11, 2011), <http://www.nytimes.com/2011/08/12/world/africa/12nigeria.html>; Joe Stephens, *Panel Faults Pfizer in '96 Clinical Trial in Nigeria*, WASH. POST (May 7, 2006), [www.washingtonpost.com/wp-dyn/content/article/2006/05/06/AR2006050601338.html](http://www.washingtonpost.com/wp-dyn/content/article/2006/05/06/AR2006050601338.html).

<sup>81</sup> For an in-depth discussion of the controversy, see Stephen Solomon, *The Controversy Over Infant Formula*, N.Y. TIMES (Dec. 6, 1981), <http://www.nytimes.com/1981/12/06/magazine/the-controversy-over-infant-formula.html?pagewanted=all>.

to modify their practices.<sup>82</sup> The boycott undoubtedly was an important factor in persuading Nestle to change its practices, but what did those churches do to help business people in their own congregations develop a sense of how their faith might influence their business decisions? What did the churches do after the boycott to help congregants draw on their faith in making other business decisions?

7. *It just hasn't been done.*

When clergy and lay leaders want to engage their congregations in Bible study, a course of spiritual disciplines or new outreach programs, they are rarely on their own. Dioceses and other regional bodies, as well as national churches, seminaries and other organizations generally have resources to offer. They can often provide model programs or provide relevant information to help congregations engage in these kinds of efforts. At least so far, these resources are in short supply for leaders and congregations seeking to engage in faith-and-work initiatives. Engagement in questions of faith and work is simply not part of the culture of most Mainline congregations. There are few if any models to follow, and there is little information on how to approach faith-and-work issues successfully. Instead, there seems to be a sense that there is no real need for a particular exploration of faith and work. A study published in the 1990s reflected that fewer than one in ten members of Christian churches (including Roman Catholics and Protestants) reported ever hearing a reference to faith and work in a sermon.<sup>83</sup> The participants rated the pastoral care they received with respect to workplace issues quite low, and church programs even lower.<sup>84</sup> According to the study, Evangelical Protestants “[o]nly 6 percent [of Mainline Protestants] frequently talk over work problems or conflicts with their clergy, only 10 percent with friends in the congregation and only 4 percent with support groups in the congregation. . . . Overall, it appears that the congregations are not providing much relevant and useful support or members are not taking advantage of it.”<sup>85</sup> While there has been some movement,<sup>86</sup> there is a long way to go.

Religious leaders spend a great deal of time worrying about how to persuade people that faith is relevant to their lives, yet they often seem unaware of the need to support congregants seeking to integrate faith and work. Consequently, the churches are missing opportunities to help their people understand the relevance of their faith to activities that occupy a major portion of their lives. As Robert Wuthnow has written, “In giving up its ability to shape our behavior in the workplace, contemporary religion has lost a great deal of its power.”<sup>87</sup>

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<sup>82</sup> Marjories Hyer, *Church Council Backs Boycott of Nestle Co.*, WASH. POST. (Nov. 10, 1978), [https://www.washingtonpost.com/archive/local/1978/11/10/church-council-backs-boycott-of-nestle-co/2608eec4-b461-4ece-8a2e-6abd42c8b8a5/?utm\\_term=.ebc186f5642a](https://www.washingtonpost.com/archive/local/1978/11/10/church-council-backs-boycott-of-nestle-co/2608eec4-b461-4ece-8a2e-6abd42c8b8a5/?utm_term=.ebc186f5642a).

<sup>83</sup> Stephen Hart & David Kreuger, *Faith and Work: Challenges for Congregations*, 22 CHRISTIAN CENTURY 109 (July 15, 1992).

<sup>84</sup> *Id.*

<sup>85</sup> *Id.*

<sup>86</sup> See *supra* notes 40-41 and accompanying text.

<sup>87</sup> ROBERT WUTHNOW, *GOD AND MAMMON IN AMERICA* 37 (The Free Press, 1994).



## II. THE LEGITIMACY AND IMPORTANCE OF FAITH-BASED PERSPECTIVES ON BUSINESS ETHICS

When I first began teaching corporate law, I introduced a unit on ethics, morality, and corporate social responsibility. I provided the class with the late Nobel laureate Milton Friedman's famous statement that "there is one and only one social responsibility of business – to use its resources and engage in activities designed to increase its profit so long as it stays within the rules of the game. . . ."<sup>88</sup> I then asked the students to comment on that statement in light of an excerpt from *Economic Justice for All*, the 1986 pastoral letter from the United States Catholic Bishops, stating that the responsibility of managers to make a profit for investors "may be exercised only within the bounds of justice to employees, customers, suppliers, and the local community."<sup>89</sup> In the course of the ensuing class discussion, a student raised his hand to ask a question. "Professor," he said, "I consider myself a deeply religious person, but I don't understand why we are talking about faith and morality in a course on corporate law. After all, faith is faith and business is business. What does one have to do with the other?"

I was taken aback by that comment the first time I heard it, particularly because I teach at a religiously affiliated university, but the same thing happened again the following year. I found my students interested in controversies over the First Amendment rights of corporations vis-à-vis governments, but not in the impact of faith on managerial decisions or workplace ethics. Eventually, I realized that many of my students, some of them otherwise quite devout, had a deeply ingrained perception that faith has little or no legitimate role in corporate decision-making or workplace ethics. I hope I've become more adept at raising the question of how faith – in the sense of religious, moral and ethical principles – can be an invaluable resource to business people and their lawyers, but I continue to encounter resistance to the idea. Colleagues have told me of similar reactions.

Perhaps this attitude should not be surprising given the long reign of neoclassical economic ideas with respect to the marketplace. Even so, I doubt that most Americans would claim that our lives are all about money, although that is certainly a criticism that is often directed at our society. We like to think of ourselves as brave, free, caring and compassionate. We teach our children the golden rule, and we honor people who give generously of themselves to help others.

When we consider how much of our lives most of us devote to our work, it is particularly devastating to think that what we do boils down to a soulless exercise in utility maximization. Can it possibly be true that the moral rules that govern other aspects of our lives do not apply in business settings? Can the notion that "faith is faith and business is business" possibly be right? As business people have been pointing out for many years, there is an ethical and moral void in many contemporary business organizations. The following discussion focuses on the faith-business divide and indications that the rift may be narrowing.

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<sup>88</sup> Milton Friedman, *The Social Responsibility of Business Is to Increase Its Profits*, N.Y. TIMES MAGAZINE (Sept. 13, 1970).

<sup>89</sup> U.S. Conference of Catholic Bishops, *Economic Justice for All: Pastoral Letter on Catholic Social Teaching and the U.S. Economy* ¶305 (1984), available at [www.usccb.org/upload/economic\\_justice\\_for\\_all.pdf](http://www.usccb.org/upload/economic_justice_for_all.pdf).

### A. The Separation of Faith and Business:

Many of the individuals involved in the corporate scandals of the last several years have been people who regularly attended religious services. Why, then, haven't religious teachings impacted business ethics to a greater extent? Research on the degree to which religious affiliation influences business decision making has produced mixed results, but it is clear that faith does not necessarily result in fidelity to moral and ethical obligations in the business world.<sup>90</sup> Perhaps the temptations are just too great when so much money and power are at stake.

Clearly, unscrupulous people who lied, cheated, and took advantage of their companies, clients, and colleagues were major players in recent corporate and financial scandals. Even so, for every person who actively engaged in wrongdoing in connection with the corporate debacles of the first years of the twenty-first century and the financial crisis of 2008, there were undoubtedly many more who turned a blind eye to their activities, even if they neither supported nor approved of them. Managers in many companies also bear responsibility for creating compensation incentives that exacerbated the tendency to cut corners and ignore moral considerations and ethical rules in the name of enhancing shareholder value.

Why did otherwise good and honorable people act so badly? Perhaps, like the CEO described in the introduction, they simply believed that the moral and ethical teachings of their faith have no place in the business world. As one of my parishioners explains, "Many of the people I work with believe that the best way to make the world a better place is to make business decisions on the basis of the bottom line and save faith for home and church. They sincerely believe that faith just isn't relevant to the corporate world." In 1996, Robert Wuthnow described this viewpoint the "tendency to compartmentalize the spiritual from the material"<sup>91</sup>; in 1999, Ian Mitroff and Elizabeth Denton referred to this compartmentalization as "the divided soul of corporate America."<sup>92</sup> Whether this attitude is somehow related to our notions of the separation of church and state, a structural by-product of the corporate form itself, or something else entirely, it is undeniably real, and it influences the behavior of businesses and business people.<sup>93</sup>

<sup>90</sup> Cf. Gustavo Grullen et al., *Religion and Corporate (Mis)Behavior* (Feb. 12, 2010), <http://ssrn.com/abstract=1472118> (finding evidence that religious beliefs deter unethical behavior in business settings and that this evidence is strongest with respect to Mainline Protestants) with S. Brammer et al., *Religion and Attitudes to Corporate Social Responsibility in a Large, Cross-Country Sample*, 71 J. BUS. ETHICS 229 (2007) (finding evidence suggesting "that, broadly, religious individuals do not prioritize the responsibilities of the firm differently," although they "do tend to hold broader concepts of the social responsibility of business than non-religious individuals.").

<sup>91</sup> ROBERT WUTHNOW, *POOR RICHARD'S PRINCIPLE: RECOVERING THE AMERICAN DIMENSIONS OF WORK, BUSINESS AND MONEY* 305 (1996).

<sup>92</sup> MITROFF AND DENTON, *supra* note 7 at 31, 37-38.

<sup>93</sup> Stephen Bainbridge suggests that the attitude of corporate elites to religion "ranges from indifference to outright hostility." Stephen M. Bainbridge, *Catholic Social Thought and the Corporation* 5 (UCLA Sch. of Law, Research Paper No. 03-20, Oct. 22, 2003), [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=461100](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=461100). Richard Martinez observes that markets have been hostile to Christian business owners and entrepreneurs. Martinez, *supra* note 63, at 62. Susan Stabile, Sr. Helen Alford and Michael Naughton observe that some business people flatly reject religious teachings as a source of valuable insights for the business world. See Stabile, *supra* note 7, at 202 (quoting ALFORD & NAUGHTON, *supra* note 7, at 10-11). There is a significant

### 1. Moral flexibility, profits and the contemporary business ethos

In 1984, long before the Enron collapse or the recent financial crisis, sociologist Robert Jackall wrote about individual morality and ethics in large corporations. “What is right in the corporation,” concluded Jackall, “is not what is right in a man’s home or in his church. What is right in the corporation is what the guy above you wants from you. That’s what morality is in the corporation.”<sup>94</sup> In *Moral Mazes* and a number of subsequent works, Jackall came to the conclusion that the contemporary business ethos is “situational” and “relativistic.” The dominant corporate culture values moral flexibility and rewards those who strive to fit in rather than to raise ethical questions.<sup>95</sup> The events of the last several years provide very real corroboration of the resulting moral and ethical shortcomings in a number of corporate settings.

The focus on profit as the sole measure of success in business compounds the moral flexibility problem. Profits have come to be viewed as the best indicator of whether managers have fulfilled their fiduciary duties. For decades, a critical question has been *for whom* managers are fiduciaries. The Supreme Court of Michigan’s 1911 ruling in *Dodge v. Ford Motor Co., Inc.*,<sup>96</sup> a case that arose out of a disagreement between Henry Ford and some Ford Motor Company shareholders, is often cited as an early forerunner of the shareholder primacy theory<sup>97</sup> because of the court’s language about the duty of directors to shareholders: “it is not within the lawful powers of a board of directors to shape and conduct the affairs of a corporation for the merely incidental benefit of shareholders and for the primary purpose of benefiting others.”<sup>98</sup> The constituency question also featured prominently in one of the most famous debates in corporate law – the exchange between Columbia’s Professor Aaron Berle and Harvard’s E. Merrick Dodd that began in the 1930s.<sup>99</sup> Berle and Dodd took divergent positions with respect to whose interests corporate managers are bound to protect –

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history of this kind of hostility. When the United States Conference of Catholic Bishops published *Economic Justice for All* in 1986, “[i]n surprisingly angry editorials Business Week and Fortune magazines and the Wall Street Journal excoriated the bishops for daring to address economic issues.” Manuel G. Velasquez, *Ethics, Religion and the Modern Business Corporation in THE JUDEO-CHRISTIAN VISION AND THE MODERN CORPORATION* 55 (Oliver F. Williams & John W. Houck eds., 1982).

<sup>94</sup> ROBERT JACKALL, *MORAL MAZES: THE WORLD OF CORPORATE MANAGERS* 6 (1988, 2009).

<sup>95</sup> Many years later, Professor Jackall explained, “Corporations want men and women who are smart, quick-witted. . . willing to subordinate themselves to their bosses’ judgments. . . and morally flexible, able and willing to live with constant ambiguity.” In his view “there’s no necessary connection between a corporation’s public pronouncements of its virtuousness and the day-to-day moral rules-in-use of its executives and managers.” Hervé Laroche, *Interview with Robert Jackall, Author of Moral Mazes*, 24 *EUR. MGMT. J.* 439, 446 (2006). See also, e.g., Leo L. Clarke, Bruce P. Frohnen & Edward C. Lyons, *The Practical Soul of Business Ethics: The Corporate Manager’s Dilemma and the Social Teachings of the Catholic Church*, 29 *SEATTLE UNIV. L. REV.* 139, 163 (“the assumption is that managers check their consciences at the door when they become corporate employees.”).

<sup>96</sup> 170 N.W. 668 (Mich. 1919).

<sup>97</sup> For discussion of the shareholder primacy theory and its negative impacts, see Lynn A. Stout, *The Toxic Side Effects of Shareholder Primacy*, 161 *U. PENN. L. REV.* 2003 (2013).

<sup>98</sup> *Dodge v. Ford Motor Co.*, *supra* note 96, at 507.

<sup>99</sup> See Harwell Wells, *The Cycles of Corporate Social Responsibility: An Historical Retrospective for the Twenty-first Century*, 51 *U. KAN. L. REV.* 77, 87-99 (2002).

shareholders or a broader group of stakeholders – advancing arguments that provided a foundation for the evolution of shareholder primacy and stakeholder theory.<sup>100</sup>

In later years the shareholder primacy theory gained traction. *The New York Times* printed Milton Friedman's oft-quoted statement that profit-making as the sole social responsibility of business managers in 1971,<sup>101</sup> and the notion of shareholder primacy became a staple in both business and law schools in the following decades.<sup>102</sup> As Steven Pearlstein recently wrote, "For too many corporations, 'maximizing shareholder value' has provided justification for bamboozling customers, squeezing suppliers and employees, avoiding taxes, and leaving communities in the lurch."<sup>103</sup> Shareholder primacy is often – albeit wrongly – understood as a dictate of contemporary corporate law. In reality, the law accords directors broad discretion in determining both corporate objectives and management strategies.<sup>104</sup> Well-intentioned decisions to use stock prices as executive performance benchmarks and to link incentive plans to stock options and other short-term rewards undoubtedly exacerbated the tendency to focus solely on profits as a measure of success.

Profits are also attractive as a way to gauge performance because they are easy to quantify and provide a good indicator of the health of a business and the efficiency of its operations.<sup>105</sup> As the internet made financial figures increasingly available online, profits offered investors a readily accessible way to evaluate their investments. Profits also offered the benefit of appearing to be morally neutral.<sup>106</sup> At a time when our society was wrestling

<sup>100</sup> See Lynn A. Stout, *Bad and Not-So-Bad Arguments for Shareholder Primacy*, 75 SO. CAL. L. REV. 1189, 1208 (2002) (noting that "[s]ince the days of Berle and Dodd, scholars, commentators, lawmakers and businesspeople have debated the purpose of the corporation.").

<sup>101</sup> Milton Friedman, *The Social Responsibility of Business Is To Increase Its Profits*, N.Y. TIMES MAG. Sept. 13, 1970 ("[T]here is one and only one social responsibility of business—to use its resources and engage in activities designed to increase its profits so long as it stays within the rules of the game, which is to say, engages in open and free competition without deception or fraud.").

<sup>102</sup> Roger L. Martin, *The Age of Customer Capitalism*, HARV. BUS. REV. Jan./Feb. 2010 (noting the influence of a 1976 article by Michael Jensen and William Meckling in the emergence of the shareholder primacy as a corrective to the actions of managers who "were squandering corporate and societal resources to feather their own nests," as well as the role of high-profile CEOs such as General Electric's Jack Welch and Coca-Cola's Roberto Goizueta).

<sup>103</sup> Steven Pearlstein, *Businesses' Focus on Maximizing Shareholder Value Has Numerous Costs*, WASH. POST (Sept. 9, 2013), [https://www.washingtonpost.com/business/economy/businesses-focus-on-maximizing-shareholder-value-has-numerous-costs/2013/09/05/bcdc664e-045f-11e3-a07f-49ddc7417125\\_story.html?utm\\_term=.62221085869f](https://www.washingtonpost.com/business/economy/businesses-focus-on-maximizing-shareholder-value-has-numerous-costs/2013/09/05/bcdc664e-045f-11e3-a07f-49ddc7417125_story.html?utm_term=.62221085869f).

<sup>104</sup> State corporations law generally accords wide discretion to directors to make decisions, and courts rarely interfere with those decisions. Under the law of Delaware – the state that is home to more Fortune 500 companies than any other jurisdiction – directors are required to focus solely on maximizing value for shareholders only when a bust-up takeover becomes inevitable. *Revlon v. McAndrews & Forbes Holdings, Inc.*, 506 A.2d 173, 176 (Del. 1986). See generally, Lyman Johnson, *Re-Enchanting the Corporation*, 1 WM. & MARY BUS. L. REV. 83, 99-100 (2010); Einer Elhauge, *Sacrificing Corporate Profits in the Public Interest*, 80 N.Y.U. L. REV. 733 (2005); Janet Kerr, *Sustainability Meets Profitability: The Convenient Truth of How the Business Judgment Rule Protects a Board's Decision to Engage in Social Entrepreneurship*, 29 CARDOZO L. REV. 623 (2007).

<sup>105</sup> See Scott Waalkes, *Money or Business? A Case Study of Christian Virtue Ethics in Corporate Work*, 38 CHRISTIAN SCHOLAR'S REVIEW 15, 21 (2008), available at <http://www.csreview.org/XXXVIII1/waalkes/> (discussing the "rise of cash values" in business from the perspective of Aristotelian virtue ethics).

<sup>106</sup> As Susan Stabile cautions, "The prevailing secular discourse about corporations is clearly rooted in a particular vision of the human person that is not morally non-neutral. . . . [T]he law and economics model of the

with efforts to expand civil rights to all people, large corporations were emerging from an era when managers were almost exclusively white and male. Amid concerns about discrimination against various groups, performance measures based on the bottom line offered, at least in theory, a quantifiable means of assessing managers' performance without regard to race, gender or class.

In time, the dominant ethos began to look to profits as the *sole* measure of success for businesses and business people. In many contexts, business managers who might once have worried more about employees, consumers, and other stakeholders were constrained to narrow their focus to profit measures to succeed. At least some business people came to the conclusion that ordinary rules of morality and ethics do not and should not apply in corporate settings – corporations need not have a conscience.<sup>107</sup> But what of their managers?<sup>108</sup> In an environment that already rewarded moral flexibility, the focus on profit as the ultimate virtue made it all too easy to marginalize the moral and ethical notions that constrain behavior in other contexts. In the words of corporate law professor Lawrence Mitchell, the “general mandate of profit maximization. . . defines the role of every actor within the corporation. And by so defining and constraining their roles, it excuses corporate actors from moral responsibility for . . . no feelings of guilt are required, no attributions of moral blame permitted, when the stream is polluted, the baby food is diluted or the Pinto explodes.”<sup>109</sup>

## 2. Costco and profit-based morality

In 2004, an article in the *Wall Street Journal* reported that investment analysts were concerned that Costco was “too good to its workers,” and that Costco shareholders [were] suffering as a result.”<sup>110</sup> According to the article, entitled “*Costco’s Dilemma: Be Kind to Its Workers, or Wall Street,*” analysts were concerned that Costco’s payroll comprised a higher percentage of revenue than competitor Wal-Mart’s Sam’s Club.<sup>111</sup> One analyst asserted: “From the perspective of its investors, Costco’s benefits [were] overly generous. . . Public companies need to care for shareholders first.”<sup>112</sup> Costco CEO Jim Sinegal responded that paying higher wages reduced turnover and promoted good service, enhancing the value of the company over the long term.<sup>113</sup> It is telling that he did not defend Costco’s worker compensation policy on moral or ethical grounds. Perhaps he didn’t dare.

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corporation is based on a view of the individual as self-existent and separate, a view that generates a vision of social welfare as meaning no more than the maximization of the preferences of these self-existent individuals.” Stabile, *supra* note 7, at 202.

<sup>107</sup> See Kenneth E. Goodpastor & John B. Mathews, Jr., *Can a Corporation Have a Conscience?*, HARV. BUS. REV. Jan./Feb. 1982, <https://hbr.org/1982/01/can-a-corporation-have-a-conscience> (discussing the moral responsibility of corporations).

<sup>108</sup> “[T]oday’s company man [has] little reason to seek the common good.” Timothy L. Fort, *The First Man and the Company Man: The Common Good, Transcendence, and Mediating Institutions*, 36 AM. BUS. L. J. 391, 392 (1999).

<sup>109</sup> See also Lawrence E. Mitchell, *Cooperation and Constraint in the Modern Corporation: An Inquiry into the Causes of Corporate Immorality*, 73 TEXAS L. REV. 477, 523-24 (1995).

<sup>110</sup> Ann Zimmerman, *Costco’s Dilemma: Be Kind to Its Workers, or Wall Street*, WALL ST. J. (Mar. 26, 2004), <https://www.wsj.com/articles/SB108025917854365904>.

<sup>111</sup> *Id.*

<sup>112</sup> *Id.*

<sup>113</sup> *Id.*

What have we come to as a society when business managers are criticized for paying line workers wages marginally higher than those of competitors on grounds that investors were suffering a lower return on their investments? By 2013, Costco was outpacing its competitors, and a number of commentators speculate that the decision to pay its employees a bit more than Walmart wages is one of the ingredients of Costco's success.<sup>114</sup> In 2017, Costco stores continue to outperform Walmart with respect to revenue per square foot.<sup>115</sup> Perhaps it is, but a critical issues remains: has our focus on profit as the sole measure of success become so extreme that business rewards are to be shared only with those who invest money in the business and not with those who invest their lives and labor?

Market discipline undoubtedly stimulates entrepreneurial creativity and promotes efficient utilization of resources. But from a religious perspective, a radical focus on profit maximization as the only legitimate good is idolatry. It is also a clear indication of the separation of faith and business that still dominates the prevailing business ethos and its concomitant moral hazards.

### B. Emerging Efforts to Integrate Faith and Work

While the faith-business divide persists, it has become increasingly clear that many business people are profoundly unhappy with the moral and ethical ambiguities they encounter in their workplaces. Individuals who find themselves unable to reconcile their consciences with their work are in a bind. The perceived need to acquiesce in moral standards in the business world that are at odds with the beliefs that govern our life outside the workplace can lead to anxiety, stress, and other negative effects that sometimes extend far beyond the workplace.<sup>116</sup> Is it any wonder that many business people have expressed a yearning to integrate their work and faith lives?

Since the 1990s, a number of grassroots efforts to integrate faith and work have sprung up throughout the country. In 1999, a study entitled, *A Spiritual Audit of America* concluded that many business people wanted to find ways to bring spirituality into the workplace, but shied away from doing so because of fear of offending others.<sup>117</sup> Seven years later, however, the *Christian Science Monitor* reported that “[s]igns of spirituality in the workplace keep turning up: thousands of prayer or meditation groups; company-sponsored chaplains, conferences and executive training sessions that experiment with spiritual exercises on how to incorporate values in decision making,”<sup>118</sup> and an article in *Fortune* described “a

<sup>114</sup> See, e.g., Brad Stone, *Costco CEO Craig Jelinek Leads the Cheapest, Happiest Company in the World*, BLOOMBERG (June 7, 2013, 4:54 PM), <http://www.businessweek.com/articles/2013-06-06/costco-ceo-craig-jelinek-leads-the-cheapest-happiest-company-in-the-world>.

<sup>115</sup> Trefis Team, *The Key Difference Between Costco and Walmart*, FORBES (Feb. 6, 2017, 1:45 PM), <https://www.forbes.com/sites/greatspeculations/2017/02/06/the-key-difference-between-costco-and-walmart/#29d6e9b84306>.

<sup>116</sup> See, e.g., Clarke, Frohnen & Lyons, *supra* note 95, at 141 (observing that “every Manager’s Dilemma begins with a situation where economic decisions trigger the consciences of managers and employees and raise questions about doing the right thing.”).

<sup>117</sup> MITROFF AND DENTON, *supra* note 7, at 44.

<sup>118</sup> Jane Lampman, *A New Spirit at Work*, CHRISTIAN SCI. MONITOR (Nov. 17, 2003), <https://www.csmonitor.com/2003/1117/p14s03-wmgn.html>. See also, e.g., Hillman, *supra* note 15. See also, e.g., Starcher, *supra* note 15.

diverse, mostly unorganized mass of believers – a counterculture bubbling up all over corporate America – who want to bridge the traditional divide between spirituality and work.”<sup>119</sup> Many others have chronicled this outpouring of spirituality in the workplace during the past several years, but it is clear that its genesis is in the business world rather than in churches.<sup>120</sup>

As the faith-and-business dialog has evolved, scholars have begun to explore a number of ideas about the role of faith in the workplace and the ways in which faith is relevant to corporate decision making. Ron Colombo and a number of Roman Catholic scholars have focused on the role of virtue ethics in business, while others have sketched out a communitarian view of the corporation on the basis of Catholic social teachings.<sup>121</sup> To a large extent, however, an observation the late Michael Novak, author of *Toward a Theology of the Corporation*, made in 1981 remains true today: “We lack a moral theory for work in corporations, especially large corporations.”<sup>122</sup>

We also lack in-depth explorations of the ways in which the tenets of our faith apply to particular kinds of ethical dilemmas in the workplace. It may be that we need better ways of articulating the nature of the moral and ethical issues business people encounter and more effective methods of expressing faith perspectives on business ethics. As corporate law professor Lyman Johnson observes, the language of fiduciary duty is cast in terms of good faith and faithfulness – language that invites religious faith into the mix – yet the prevailing discourse of business law remains secular.<sup>123</sup> Timothy Fort and other scholars suggest that corporations can do a great deal to promote the common good, including global peace.<sup>124</sup>

Whatever the shortcomings, however, dialog about faith and business is well underway. People of faith – and people interested in faith – are striving to connect their work to their spiritual lives. Churches need to help. Judaism has a venerable tradition of business ethics;<sup>125</sup> Evangelical denominations have actively engaged members in discussion of faith and work for some time;<sup>126</sup> and the Roman Catholic Church has a rich tradition of Catholic

<sup>119</sup> Marc Gunther, *God & Business*, MARC GUNTHER BLOG (July 9, 2001), <http://www.marcgunther.com/god-and-business/>.

<sup>120</sup> For a detailed history of the genesis and evolution of grassroots efforts to integrate faith and work, as well as a wealth of information on the responses of religious traditions, see MILLER, *supra* note 14.

<sup>121</sup> See Colombo, *supra* note 15; Michael Naughton, *The Corporation as a Community of Work: Understanding the Firm from within the Catholic Social Tradition*, 4 AVE MARIA L. J. 33 (2006); Stabile, *supra* note 7; Scott Fitzgibbon, “True Human Community”: *Catholic Social Thought, Aristotelian Ethics, and the Moral Order of the Business Company*, 45 SAINT LOUIS UNIV. L. J. 1243 (2001); Mark A. Sargent, *Competing Visions of the Corporation in Catholic Social Thought*, 1 J. OF CATHOLIC SOC. THOUGHT 561 (2004).

<sup>122</sup> Novak, *supra* note 14, at 27.

<sup>123</sup> Johnson, *Faith and Faithfulness in Corporate Theory*, *supra* note 7.

<sup>124</sup> See, e.g., TIMOTHY L. FORT, *PROPHETS, PROFITS AND PEACE: THE POSITIVE ROLE OF BUSINESS IN PROMOTING RELIGIOUS TOLERANCE* (2008); TIMOTHY L. FORT, *THE ROLE OF BUSINESS IN FOSTERING PEACEFUL SOCIETIES* (2004). See also, e.g., Don Mayer, *Corporate Citizenship and Trustworthy Capitalism: Cocreating a More Peaceful Planet*, 44 AM. BUS. L. J. 237 (2007) (“[C]ontrary to prevailing mindsets – corporations do have an important role to play in moving themselves, nation-states, and citizens toward a more peaceful planet”); Shirley J. Roels, *The Christian Calling to Business Life*, 60 THEOLOGY TODAY 357, 368 (2003) (“Business, like never before, has the potential to be the church’s partner in global evangelism and ministries of compassion.”).

<sup>125</sup> See MOSES PAVA, *BUSINESS ETHICS: A JEWISH PERSPECTIVE* (Norman Lamm 1997).

<sup>126</sup> See note 19 *supra*.

Social Thought encompassing faith and work that has expanded exponentially in recent years.<sup>127</sup> Mainline Protestant churches can and should enter into this conversation.

### C. Voices of Mainline Protestant Churches Are Important to the Faith-and-Business Dialog

Mainline Protestants have a great deal to offer to the faith-and-business dialog for many reasons, including the fact that Mainline churches provide spiritual homes to nearly fifteen percent of the U.S. population and a considerably greater percentage of those who serve in business management, government, and other positions of influence in our society.<sup>128</sup> Mainline denominations do not have a body of doctrine comparable to Catholic Social Thought or Judaism's venerable tradition of exploring religious perspectives on business ethics. Even so, as evidenced by the work of the Redeemer Churches in New York City,<sup>129</sup> while our churches undoubtedly embrace many of the same teachings that support existing work in these and other traditions, Mainline denominations offer the faith-and-business dialog unique perspectives that should be included in the conversation.

If people of faith are to succeed in enhancing the role of faith in the business world – and thereby help to build a stronger basis for faith in business as well – different religious traditions will need to work cooperatively. We have seen the tragic effects of religious strife throughout the world. Teachings that create divisions in the workplace are unlikely to be embraced by businesses or to do any lasting good. While there is certainly room for theological differences, business people need spiritual resources to help them resolve moral and ethical dilemmas in positive ways, resources capable of making it easier to bridge divisions among colleagues and facilitate healing in times of trouble. The most effective way to accomplish these goals and avoid religious strife is through ecumenical efforts that encompass many different religious traditions, including Mainline Protestant denominations. Mainline churches have a tradition of tolerance and a history of participating in ecumenical endeavors. Both characteristics should prove beneficial as the faith-and-business dialog continues to develop.

From a theological perspective, the liberal Protestant perspective of Mainline churches embraces views shared by many other Christians, but our tradition also offers its own unique insights as well. For example, most Mainline traditions teach that all people of faith are called to be God's ministers in the world. This notion – often referred to as the priesthood of all believers<sup>130</sup> – means that clergy and laity are not spiritually distinct. The

<sup>127</sup> See note 19 *supra*.

<sup>128</sup> See *supra* Part I.

<sup>129</sup> The Redeemer family of Presbyterian Churches in New York City has created a Center for Faith and Work. See *supra* note 40.

<sup>130</sup> There are several scriptural bases for this claim, most notably in chapter 2 of the Epistle of Peter: "You also, as living stones, are being built up a spiritual house, a holy priesthood, to offer up spiritual sacrifices acceptable to God through Jesus Christ." 1 Peter 2:5. In addition, the Epistle of Peter states, "you are a chosen people, a royal priesthood, a holy nation, God's special possession, that you may declare the praises of him who called you out of darkness into his wonderful light." 1 Peter 2:9. The origin of the doctrine of the priesthood of all believers dates back to Martin Luther's 1520 Open Letter to the Nobility of the German Nation Concerning the Reform of the Christian State. See generally, Martin Luther, Open Letter to the Nobility of the German Nation Concerning the Reform of the Christian State (1520), available at <https://web.stanford.edu/~jsaboll/certainty/readings/Luther-ChristianNobility.pdf>.



practical impact of this theology is evident in a number of church leadership structures. In the Episcopal Church, for example, lay people are full participants in the governance of the church in parish vestries and diocesan governance committees, as well as the principal governing authority of the national church, the General Convention.<sup>131</sup>

From a practical point of view, this means that the Episcopal Church and other Mainline denominations have clergy who are accustomed to working with lay people to resolve a wide range of issues, as well as many lay members who are experienced in making governance, financial, and programmatic decisions in light of the tenets of their faith. This experience should provide a distinctive and helpful perspective in the faith-and-business dialog.

Turning to the spiritual side, as the *Outline of the Faith* in the *Episcopal Book of Common Prayer* explains, we believe that all people are called to follow Christ, and “to work, pray, and give for the spread of God’s kingdom.”<sup>132</sup> We therefore share with other Protestant traditions the conviction that a Christian’s spiritual obligations go beyond simply following church teachings. We believe that God calls us to “hear, read, mark, learn, and inwardly digest” Holy Scripture and to live out our faith in everything that we do.<sup>133</sup> We have fewer rules than some denominations, but we have a tradition of encouraging each person to read the Bible and to seek to understand the meaning of its teachings in every aspect of our lives. The challenge, of course, is to live out those teachings.

The viewpoint of the Episcopal Church and a number of other Mainline denominations on the breadth of God’s love offers another illustration of the theological perspective these churches bring to the faith-and-business dialog. As discussed in Part I, Mainline churches have struggled for many years with questions of gender roles and sexual orientation. The Episcopal Church and the United Church of Christ, among others, have now resolved those issues in favor of the ordination of women and gay and lesbian people, as well as the blessing of same-sex unions and marriages.<sup>134</sup> Along the way these traditions have developed a distinctive and inclusive theological understanding of the wideness of God’s love that has much to offer the faith-and-business dialog.

While it is useful to explore general principles, we need to move forward on the specific tasks necessary to continue identifying and lifting up connections between faith and business in ways that help all who work in business to be faithful in their daily lives and encourage business organizations to operate ethically.<sup>135</sup> A theology that helps us to understand the relationship of our beliefs to our economic system and offers faithful insights on our roles in the businesses that are its lifeblood is an essential component of this work. However, our paramount task is to continue to explore the ways in which religious texts, traditions, and teachings apply to the moral and ethical issues that confront business people.

<sup>131</sup> “All major decisions affecting the life of the Episcopal Church are made jointly by lay people, clergy and bishops.” House of Deputies of the Episcopal Church, *The Governance of the Episcopal Church*, House of Deputies, <http://houseofdeputies.org/governance/>.

<sup>132</sup> BOOK OF COMMON PRAYER, *Outline of the Faith*, *supra* note 17, at 856.

<sup>133</sup> *Id.* at 236.

<sup>134</sup> Sharon Sheridan, *General Convention Approves Marriage Equality*, EPISCOPAL NEWS SERV. (July 1, 2015), <http://episcopaldigitalnetwork.com/ens/2015/07/01/general-convention-approves-marriage-equality/>.

<sup>135</sup> “[T]he Manager’s Dilemma is a false one: . . . The real issue . . . is how to analyze the ethical issues presented by a given business situation.” Clarke, Frohnen & Lyon, *supra* note 95, at 203.

The final section of this paper offers ideas as to how Mainline Churches can contribute to this critically important work.

### III. PROCLAIMING GOD'S GRACE IN NEW WAYS: WHAT MAINLINE CHURCHES CAN DO TO HELP DEVELOP FAITH PERSPECTIVES ON BUSINESS ETHICS

There are many different ways for Mainline churches to contribute to the faith-and-business dialog and support the ongoing development of faith perspectives on business ethics capable of benefitting individuals, congregations and communities. This section discusses some of those opportunities in the religious academy, and at congregational, regional, and national levels, including both denominational and ecumenical endeavors.<sup>136</sup> As noted earlier, one of the unique gifts Mainline denominations bring to the faith-and-business conversation. The following suggestions are intended for lay leaders and members as well as for clergy. Business people, in particular, can help Mainline churches find their way by educating church leaders as to why such efforts are worthwhile and likely to bear fruit, and by providing financial support to enable the churches to take on this task.<sup>137</sup>

#### A. Introducing Business Ethics into the DNA of the Religious Academy

An understanding of business ethics needs to become part of the DNA of the church. The religious academy – the seminaries and divinity schools where many of the churches' clergy and many of their lay leaders are formed – is a good place to start. With more than sixty seminaries operating across the country and significant representation on the faculties of university divinity schools and religion departments, Mainline churches send these divinity schools and seminaries most of their students. Consequently, they can do a great deal to promote greater attention to business ethics issues in the religious academy. Among the many possibilities are the following:

1. *Encourage faculty exchanges and collaborative partnerships among seminaries, university theology and religion departments and business and law schools*

Business, law, seminaries, divinity schools, and religion and theology departments in universities are beginning to collaborate on course offerings and related projects, and law schools. Mainline churches should encourage this kind of cooperation in seminary and other denominational settings to create opportunities for aspiring leaders, particularly clergy, to learn more about business ethics and to facilitate a dialog between seminary faculty,

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<sup>136</sup> All religious denominations should have something to offer, as well as much to gain, by entering into the faith-and-business conversation. As Professor David Miller points out, "the church and the academy could help to give new ethical shape to marketplace activity and business institutions and could provide spiritual nurturance and sustenance," while "benefit[ing] from the theological insights and ethical contributions that emerge from the world of practice by laypeople called to and engaged in the business world." Miller, *supra* note 14, at 143-144.

<sup>137</sup> Professor Miller offers a number of similar suggestions in *God at Work*, but those included in this paper were derived independently before I found his wonderful book. I have cited to his specific points where there are parallel or complementary proposals.

particularly those who teach and write in the fields of ethics and theology, with their business world counterparts. These kinds of interactions could have the added benefit of engaging business scholars in helping to educate current and future clergy to master some of the administrative, financial, and management skills they will need to run parishes and other ministries.<sup>138</sup>

2. *Promote scholarship exploring faith perspectives on business ethics*

There is a vast amount of work to be done with respect to the intersection of faith and business in the realm of ethics, as well as fields ranging from theology to pastoral care. As in any academic discipline, however, it can be difficult to be a trailblazer. Faculty, particularly those who do not yet have tenure, need reassurance that their work will be taken seriously. It is long past time for seminaries, divinity schools, and religion departments to seek out and support scholarship on faith and business ethics and to make it clear to new faculty that work in this area will be acceptable for tenure and promotion purposes. Religious leaders – perhaps especially lay persons involved in higher education – should be in a position to help make this case to the Academy as a whole.<sup>139</sup>

3. *Include business and workplace ethics components in Christian ethics courses*

Basic Christian ethics courses could easily be modified to include the same kind of introductory exploration of business ethics currently offered with respect to other categories of ethical dilemmas. These topics could be explored in more depth in advanced courses similar to those many seminaries now offer in medical and environmental ethics, race and gender issues. The case study method used in business schools is ideally suited to this exercise and a good fit with the existing approach to ethics education in many Master of Divinity programs. In addition, some of the topics encountered in business ethics would be applicable to work in parishes and religiously affiliated organizations. As companies increasingly create staff chaplaincy positions, this kind of academic work would help prepare future organizational chaplains as well.<sup>140</sup>

4. *Add business and workplace ethics to continuing education offerings for both clergy and lay leaders*

Continuing education programs for clergy and lay leaders and pastoral care providers offer a wealth of opportunities to educate those working in parishes and other ministry settings on the kinds of issues the people they serve encounter in the workplace.

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<sup>138</sup> Professor Miller suggests that some schools and denominational bodies should develop centers or institutes devoted to faith and work matters, presumably such as those at Princeton Theological Seminary and Yale University. Although, even without costly new centers, there are many benefits to be gained from interdisciplinary cooperation among faculty in different disciplines. Miller, *supra* note 14, at 145; *see supra* note 36; *see supra* note 37.

<sup>139</sup> Professor Miller suggests that the American Academy of Religion is well positioned to develop venues for scholarship involving faith, business and workplace issues. Miller, *supra* note 14, at 144.

<sup>140</sup> Professor Miller also suggests creating new clinical pastoral education field sites in workplace settings. Miller, *supra* note 14, at 144.

Continuing education settings can provide safe places for discussion of theological, pastoral and other faith-based perspectives on business ethics. Including classes on business and workplace issues offers a way to help clergy and lay pastoral caregivers appreciate some of the issues their members of their flocks encounter virtually everyday at work and enhance their ability to offer effective spiritual insights and pastoral counsel.

5. *Develop congregational materials on faith and business ethics*

The religious academy is often the source of excellent materials designed to promote dialog on ethical and moral dilemmas in parishes and other congregational settings on topics such as family relationships, bioethics and end-of-life decisions. Academicians in seminaries, divinity schools, and religion departments could provide a significant service to Mainline churches by developing materials readily adaptable to discussion of business ethics in congregational settings.<sup>141</sup> This need also offers an excellent opportunity for ecumenical efforts that pool denominational resources and bring people of various faith traditions together.

6. *Take on the challenge of developing a multifaceted theology of capitalism*

Although the human impact of market capitalism is increasingly becoming the subject of commentary by both business and religious leaders, theological perspectives on capitalism remain in short supply. Members of the religious academy are uniquely situated to take on the challenge of developing a theology of capitalism. A truly useful theology would encompass overarching perspectives pertaining to the nature of market capitalism, but it would also provide a framework for engaging the kinds of ethical dilemmas that confront businesses and business people on a daily basis in the workplace. It would also address, for example, questions such as the nature of the corporation and the debate over corporate personhood and political rights.<sup>142</sup> Scholars from several faith traditions have begun this work, but much remains to be done.<sup>143</sup>

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<sup>141</sup> Professor Miller suggests the development of online resources by national churches for congregations. Miller, *supra* note 14, at 145.

<sup>142</sup> Since the Supreme Court's decision in *Citizens United v. Federal Election Commission*, scholars have devoted considerable energy to the question of corporate personhood and attendant rights. *Citizens United v. Federal Election Commission*, 558 U.S. 310 (2010). See, e.g., Margaret M. Blair, *Corporate Personhood and the corporate Persona*, U. ILL. L. REV. 785 (2013); Lyman Johnson, *Law and Legal Theory in the History of Corporate Responsibility: Corporate Personhood*, 35 SEATTLE UNIV. L. REV. 1521 (2012); William Quigley, *Catholic Social Thought and the Amoralism of Large Corporations: Time to Abolish Corporate Personhood*, LOY. UNIV. NEW ORLEANS SCH. L. <https://www.stthomas.edu/media/catholicstudies/center/ryan/conferences/2003-bilbao/Quigley.pdf> ("Corporations have excelled at making a profit but failed at working for the common good.").

<sup>143</sup> Conservative Roman Catholic Scholar Michael Novak has written a great deal on theology, capitalism and the corporation. See, e.g., Novak, *supra* note 15. See also, e.g., Stephen N. Bretson, *The Creation, the Kingdom of God and a Theory of the Faithful Corporation*, 38 CHRISTIAN SCHOLAR'S REV. 115 (2008); VOLF, *supra* note 35.

## B. On the Front Lines at the Congregational Level

Addressing the business-faith divide at the congregational level may be the most important task confronting all faith traditions, including Mainline Protestant denominations. It is important to offer overarching perspectives on our economic system and the social responsibility of business. If faith perspectives are to make a real difference in the workplace and in business decision making, however, religious leaders need to work together with business people on ways to integrate their faith into the daily relationships and decisions that create the ethical and moral cultures of organizations. It is one thing to say that businesses should serve the common good and pursue values broader than profit maximization. Each and every day, however, business people have to steer a course between efficiency and profitability the other values they hold dear. The same is true for corporate lawyers and those who work in other related professions.<sup>144</sup>

Businesses cannot function without keeping an eye on the bottom line. We have yet to develop coherent principles for when, how, and to what extent businesses and business people can faithfully balance profits against other values, yet this is exactly the kind of work that needs to be done in congregational settings where individuals seek spiritual nourishment and insight into living the gospel message. The following are among the many opportunities at the congregational level to help accomplish the task of developing meaningful faith-based perspectives on business ethics that translate into meaningful guidance to individuals.

1. *Emphasize the relationship between faith and ethical business practices in sermons and programming*

Congregations can emphasize the importance of identifying and applying religious perspectives to the ethical dilemmas that arise in business decision making and workplace settings through a variety of ways. Occasional sermons addressing the relationship of the Scriptural teachings to workplace dilemmas offer one place to begin the conversation. Other possibilities include educational programs, such the Sunday rector's forum popular in Episcopal churches, and small group activities. Another way to engage in discussion of faith and business ethics is to hold special programs within congregations that are large enough to support these kinds of events and/or to work in combination with other congregations to develop programs open to both participating congregations and the entire community where feasible. Business people and business scholars should be invited to participate in these activities whenever possible. As Professor Miller points out, however, churches need to develop a coherent pastoral and teaching ministries in this field, not simply random programs and occasional homilies.<sup>145</sup>

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<sup>144</sup> See Lyman P.Q. Johnson, *The Social Responsibility of Corporate Law Professors*, 76 TUL. L. REV. 1483 (2002) (suggesting that law professors can and should play a role in shaping corporate responsibility).

<sup>145</sup> Professor Miller suggests the need to develop ministries of presence and listening, preaching and prayer, teaching, spiritual integration, and gatherings in connection with faith at work programming. Miller, *supra* note 14, at 146-148.

2. *Engage in discussions of business ethics with congregations from other traditions*

Exploring business ethics in diverse settings makes a great deal of sense. Joining with other nearby congregations from different faith traditions can serve as a way to enrich reflection on faith and business and the impact of one's faith in the workplace. Roman Catholic scholars suggest that corporations should be understood as instruments of the common good.<sup>146</sup> Ecumenical efforts to address the intersection of faith and work would be a good way to embrace a communitarian understanding in the work of people of faith on these issues. Mainline Protestant denominations often excel at ecumenical efforts, and this is an excellent field in which to exercise those skills.

3. *Create safe havens for faithful discussion of business and workplace ethics*

In churches, as in secular organizations, one of the greatest challenges to successfully meeting the needs of constituents is the creation of an atmosphere of trust. With the possible exception of clergy-penitent encounters, it can be difficult to foster an environment in which people come together to exchange perspectives and concerns in meaningful ways. It can be all too easy to fear what others might think of us if we are truly open and honest, and we can rarely be sure that others will not repeat what we say in ways that are hurtful.<sup>147</sup> However, there are a number of small group models that have proven successful, including various kinds of support groups. The Wesleyan Covenant Discipleship Groups, common to many Methodist congregations, offer an example of the ways in which people of faith can come together in small groups to hold each other accountable for living into their faith and help one another to do so.<sup>148</sup> Discernment groups based on texts such as *Listening Hearts*<sup>149</sup> and Lenten anchor groups in which members explore particular issues of faith and life in the context of Lenten disciplines offer other promising examples. Congregations should find it relatively easy to adapt these approaches to the exploration of business and workplace ethics.

### C. National and Regional Levels

Mainline denominations historically have utilized the public pulpit to call attention to a broad range of national and global issues. Taking advantage of the public pulpit – particularly in an era when sermons and other messages are readily disseminated through social media – is an important and useful means of emphasizing the need for ethical business practices, particularly with respect to overarching social issues. In addition, other steps that Mainline churches can take at the national and regional level include the following.

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<sup>146</sup> See, e.g., Stabile, *supra* note 7 at 183.

<sup>147</sup> At times there may be legal concerns over disclosure of confidential information in a setting that is not privileged – just about any setting outside the narrow definition of the clergy-penitent privilege. It is probably neither necessary nor desirable to disclose sensitive specific information in these kinds of settings. Even so, a pledge of confidentiality should be required.

<sup>148</sup> DISCIPLESHIP MINISTRIES, *COVENANT DISCIPLESHIP GROUPS*, THE UNITED METHODIST CHURCH available at [https://gbod-assets.s3.amazonaws.com/legacy/kintera-files/covenant-discipleship-children/CovenantDiscipleship\\_Brochure2016-WEB.pdf](https://gbod-assets.s3.amazonaws.com/legacy/kintera-files/covenant-discipleship-children/CovenantDiscipleship_Brochure2016-WEB.pdf) (last visited Dec. 6, 2017).

<sup>149</sup> SUSAN G. FARNHAM ET AL., *LISTENING HEARTS: DISCERNING CALL IN COMMUNITY* (Morehouse 1991).

*1. National and regional conference programs*

By including business ethics and related topics in programs for national and regional conferences for clergy and lay leaders, Mainline denominations can encourage church leaders to enhance their understanding of business ethics and promote the kind of positive atmosphere necessary to develop faith-based perspectives on business ethics. For example, one of the most challenging questions facing all religious denominations is whether to advocate for the understanding of First Amendment religious rights for business entities proposed by Ron Colombo and others.<sup>150</sup> It is highly unlikely that people of faith will agree on the answer, but this is the kind of question that all religious traditions should explore before the answers become enshrined in law rather than afterwards.

*2. Participation in global and national ecumenical efforts*

A number of social issues continue to ignite inter-denominational controversy – particularly when the topics concern marriage and reproduction – but there is no reason that business ethics should create this kind of internecine strife. Religious traditions may disagree about same-sex marriage and other sensitive subjects, but they share an overriding interest in overcoming the false gods of the marketplace and the havoc they often wreak on human beings and the societies in which they live. They have every reason to work together to make religion a positive influence on the behavior of businesses and business people.

*3. Work with seminaries on enhancing relevant clergy education*

Religious leaders at national and regional levels have considerable influence over the seminaries divinity schools that train the clergy who serve their denominations. Their ability to impact these schools arises out of their leadership roles in the churches the graduates of divinity schools and churches serve and their influence over where aspirants for ordination will study. They are uniquely positioned to promote the incorporation of at least some exposure to business ethics into the curricula for the Master of Divinity degree and ongoing clergy education programs

*4. Call on business people to help*

Churches should invite business people, including people with jobs of all kinds and at all levels, to participate in developing programs and educational materials designed to encourage dialog about the relationship of business and religion and to provide financial support for these efforts.

#### IV. CONCLUSION

Faith is meaningful only when it is lived, and most of us spend a large portion of our lives at work. What happens in our workplaces affects virtually every other aspect of our

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<sup>150</sup> Colombo, *supra* note 11.

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lives, as well as the people we love and our wider communities. For almost everyone who holds a job in the secular world, the separation of faith and business creates a needless disconnect between life and work that has significant consequences for individuals, organizations, and society. People of faith need to work together to understand and apply faith teachings at all levels of the business world, and Mainline Protestant denominations have every reason to engage whole-heartedly in this effort. We need to help one another find God's grace in the marketplace.