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Backlash Hits Business Ethics: Finding Effective Strategies for Communicating the Importance of Corporate Social Responsibility

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ABSTRACT. Recently, several articles have asserted that corporate social responsibility programs have gone too far and need to be reigned in. These critics have charged that corporate social responsibility is to be regarded with skepticism and that any changes in corporate accountability should be superficial at best. I will examine a number of these objections; I conclude that these critiques are largely ill founded, but that their increasing frequency in popular media is a cause for concern. I argue that these purported objections are better understood as one part of a long-term cycle that generally accompanies positive moral change in institutions. Using the feminist movement as a touchstone, I examine the similarities between backlash against the movement for corporate accountability as compared to backlash against feminists. I also suggest ways in which successful strategies adopted by feminists could be used effectively to communicate the aims of those working to increase awareness of business accountability.

KEY WORDS: backlash, business ethics, corporate accountability, corporate social responsibility, media

In January of 2005, the *Economist* devoted an issue to a critique of corporate social responsibility, stating that triple bottom line reporting was ''a license to obfuscate'' (4).[1] Nor is *The Economist* alone. Since mid-2002, over 100 articles have been published, which are critical of the drive towards business ethics and corporate social responsibility with a greater proportion of these articles having been published during the spring and summer of 2005 (Rembert, 2005). One might wonder why there has been such a concerted attack on something so seemingly fair and worthy as corporate social responsibility, especially in the wake of the Enron and Worldcom debacles. I argue that just as feminists faced a backlash counter-movement when their efforts stood poised to effect truly deep change, so too, the drive for corporate social responsibility is facing a backlash effort precisely because of its potential to become even stronger. The United Nations' Global Compact alone, despite its many flaws, could signal a powerful shift towards a more equitable playing field with a brighter horizon for companies that can be competitive as a result of their commitment to the triple bottom line. Thus, I argue that this kind of backlash is better understood as one part of a long-term cycle that generally accompanies positive moral change in institutions. Using the feminist movement as a touchstone, I examine the similarities between backlash against the movement for corporate moral accountability as compared to backlash against feminists. I suggest ways in which successful strategies adopted by feminists could be used effectively to communicate the aims of those working to increase awareness of business accountability and moral duty.

The attack on corporate social responsibility

Perhaps the most prominent and concerted set of recent arguments against corporate social responsibility is to be found in the January 2005 edition of *The Economist*. In it, several articles argue that not only ought business reign in charitable donations, but that perhaps the idea of business moral accountability beyond what the law explicitly requires ought to be eliminated. In, ''Profit and the Public Good,'' the author argues that officials of the World Bank, the United Nations, and the

Organization for Economic Co-Operation and Development who argue for corporate social responsibility (CSR) simply fail to understand the basic principles that define capitalism as delineated by Adam Smith. Smith had argued that so long as economic actors are rational and self-calculating, they will be able to affect a better set of consequences than if their intentions had been benevolent. The author contends that proponents of CSR have not only forgotten their Smith, but also that CSR proponents believe business has wrought great harms, which thereby entail a duty on the part of business to make up for these wrongs beyond what mere obeisance to the law would require. Since companies are believed by proponents of CSR to have harmed the public good, companies, on their view, have a duty to make up for it with charitable giving. But the author simply denies that companies have harmed the public good. Rather, they have improved upon it.

In another piece in that same issue, ''A Survey of Corporate Social Responsibility'', Clive Cook argues that not only is CSR unjustified, but that it may actually distract companies from the real issues in business ethics. On this view, CSR is nothing but PR. It is noted, for instance, that despite all the lip service paid to the admirability of corporate giving, companies of the FTSE 100 in the United Kingdom only gave away about .97% of their pre-tax profits. For most, corporate giving is merely cosmetic and does not affect the deep systematic reforms that CSR adherents deem desirable. Nor ought it be otherwise, at least according to the rest of the *Economist* articles on the good company. In the section on capitalism and ethics, the author argues that merely by being efficient profit maximizers, companies benefit the public good and so ought not to be required to benefit the public good further by giving to charity. It is not the right of corporate leaders to give money away to Tsunami relief, for instance, that strictly speaking belongs to stockholders, not corporate leadership. This is not to say, of course, that no one ought to help the needy. The author tells us that ''All things considered, there is much to be said for leaving social and economic policy to government. They, at least, are accountable to voters'' (*Economist* 9).[2]

This sentiment is echoed in ''The Good Company: The ethics of business,'' where the author emphasizes that managers do not own the company. When moral duty and the requirements of profit maximization clash, what ought managers do? The author notes, ''Sometimes the aims of business and rational self interest will clash with ethics, and when they do those aims and interests must give way'' (17). Thus, it sounds as if merely meeting fiduciary duty would not suffice to meet moral duty. But at the same time, the author explicitly rejects stakeholder views which say that managers ought to consider duties to stakeholders beyond mere stockholders, calling it ''muddled thinking.'' The author further asserts that even if it is not in the interests of the public good, management should strive towards monopoly and lobby government to further business ends. The author asserts that these sorts of practices are, in fact, ethical even though it is clearly not in the best interests of society as a whole. The author even suggests that thinking one has a duty as a manager to contribute money from corporate coffers to charity may be partly to blame for the Enron debacle. Both, after all, stem from a refusal to meet one's moral duties to stockholders. The author concludes, noting that ''Good management and delusional CSR raise no new difficulties from an ethical point of view: the first, which increases profits and improves social welfare, is plainly a good thing and the second, which reduces both, is plainly not'' (*Economist* 17).

The Economist is not alone in its rejection of Corporate Social Responsibility. In June of 2004, Fox News went so far as to launch what it calls the ''CSR Watch'' to report on the purported ills of corporations striving for social responsibility (Rembert, 2005). In ''Ethics Shmethics; CIO's should stop trying to do the right thing,'' Michael Schrage argues that thinking about moral questions undermines productivity and wastes time. Schrage claims that 'ethics' and 'integrity' have become the buzz words of the 1990s just as quality was once the buzz word of the 1980s. All, he argues, have been fundamentally stripped of any real meaning. Successful information technology leadership, in his view, should have fewer, not more conversations about ethics. Schrage claims that there is:

> an accelerating and dangerous trend infecting board room and office suite discussions. That trend is the pea-brained ''ethics-ification'' of business decision-making and implementation: CEO's are supposed to be Chief Ethics Officers;

> CIO's should be chief integrity officers. How noble. How politically correct. How silly... Unfortunately, today's ''ethics industry'' provides little to no meaningful guidance to any serious IT executive. Take a few moments to review the academic literature and ''business ethics'' curricula; you'll burst out laughing at their naivete and fundamental dishonesty. They're conjobs in idealism (12).

Schrage argues that business decisions can be resolved by weighing business values, but if those decisions are re-envisioned as moral disputes, there can be no resolution and no answer. He notes ''To treat basic business decisions as ethical challenges is the road to paralyzed and impotent madness. Why? Since businesses have competing values for good reasons. How much information we will disclose, or how we set our goals, should be business—not ethical—judgments'' (12). More so, than the other pieces that I have examined, this piece is explicitly opposed to introducing the term ethics into business decision-making.

Nor has the attack on business ethics been limited to mainstream media. Across the country the number of business graduate schools requiring business ethics or business and society courses has dropped, with a number of Catholic graduate programs being the one consistently notable exception. Even the Katz Graduate School of Business at the University of Pittsburgh dropped its ethics requirement from its full time MBA program for the fall of 2005 (Kelley, 2005a, b).

Backlash?

I believe that one could easily provide a point-by-point argument against each of these pieces on moral grounds. The arguments against a simplistic reading of Smith, arguments concerning the limitations of stockholder theories from a moral point of view, or even a careful critique pointing out equivocatory and contradictory statements could easily be made. That said, I will not do so here. One can turn to the vast literature in business ethics if one really wanted a refresher. What I think, may be more important to note here, is what Tracey Rembert points out in her article, ''CSR in the Cross-Hairs.'' Rembert argues that this backlash against corporate social responsibility may actually show that CSR is more, rather than less powerful, than it had been in the past. If the business community at large was still of the mind that corporate social responsibility was itself irresponsible, there would be no need for its detractors to rail against it so much in the popular media. It is precisely because the rank and file of business organizations have basically been persuaded of their social duties beyond merely doing what the law requires that these detractors have been mobilized. Rembert notes that although the number of articles attacking CSR has been on the rise, a google search for CSR will yield 9.8 million hits. Rembert also points out that the same month in which *The Economist* derided CSR, its own Intelligence Unit reported that 84% of executives and investors believed that CSR would help the bottom line. Rembert points to Arnold Schwarzenegger's concerted attempt to oust Phil Angelides, because of how he ran the state pension fund, as further evidence of the backlash effect. Angelides focused upon socially responsible investment – pulling out of tobacco stocks, installing human rights screens, and highlighting environmental stewardship. All of this was achieved while earning a 13.5% return on investment in 2004 despite the fact that other large pension funds, without the social accounting, earned on average only 11.6%. Now one might wonder why the state would be upset because someone gave a better return for their employees while also pursuing investments that, arguably at least, would minimize public harms which the state would end up paying to remedy eventually anyway. Rembert argues that it is precisely because Angelides' strategy was working that he had to be taken out.

Indeed, Rembert could have pulled on even more evidence to support her point. With the passage of Sarbanese-Oxley legislation in 2002, AMR Research estimates that companies will spend $6.1 billion on compliance in 2005 (Hyatt, 2005). The National Benchmark Study by University of Michigan researchers and the research firm, Employee Motivation and Performance Assessment, looked at work condition measures for 1,000 major companies finding the only statistically significant change in 2004 was a jump in scores for ''ethics and fairness'' (Hyatt). And a study by Overnight Systems Inc. of Atlanta found that 49% of research participants said that Sarbanese-Oxley compliance cut the risk of both fraud and error while 48% also said that it increased efficiency (Hyatt). Meanwhile, corporate charitable donations in both time and money are at an all time high. Corporate giving hit $3.6 billion in 2004, up from $3.5 billion in 2003, according to philanthropy research group, the Foundation Center (Grow, 2005: 76–78). This same article in *Business Week* claims that stakeholder theories have largely supplanted stockholder theories of the firm amongst business leaders. Regrettably, the article does not provide statistical evidence to support this claim, but the increase in corporate giving would seem to bear witness to the likelihood that stakeholder views have begun to win out (especially since most of the more extensive studies showing that corporate giving is good for the bottom line have come out in 2005, long after the spike in donations).

Slightly more recent surveys, however, paint a somewhat less rosy picture. The National Business Ethics Survey run by the non-profit Ethics Resource Center found that there was an increase in the number of companies with ethics compliance programs and an increase in the number of employees who received ethics training over the last two years, but overall pressure for employees to engage in misconduct or to compromise standards is steady and willingness to report misconduct fell 5% (McAleavy, 2005). Still, might the media blitz on the side of opponents to CSR still indicate that the movement to increase corporate accountability really has come closer to being the status quo? Pick a database to scour and you are far more likely to see articles extolling the virtues of corporate social responsibility than to find articles arguing for a return to the stockholder paradigm. I argue, however, that rather than simply assuming that more vocal objections to Corporate Social Responsibility show it has largely won its battle, the truth is somewhat more complex.

What backlash really means

In her seminal piece, *Backlash: The Undeclared War Against American Women*, Susan Faludi argued that sexist social forces had made a concerted counterattack against the feminist movement. One might wonder, what does early 1990s feminism have to do with business ethics? Faludi notes that the backlash against feminism occurred in response, not to a battle won, but to a perceived threat that had not yet fully materialized. I would argue that movement for corporate social responsibility and greater awareness of business moral duty in general is in a similar position at the moment. Rather than agreeing completely with Rembert who sees the increase in vocal opposition as a sign of a strong movement that is ultimately winning, I would argue that an increase in vocal opposition is more likely an indication that the movement for corporate social responsibility and greater attention to business ethics is on the verge of making a great difference, but that this power has not yet been attained. While important changes have been effected, deeply powerful systemic changes are not yet fully in place and are by no means guaranteed.

Faludi describes the backlash against feminism as "an attempt to retract the handful of small and hard-won victories that he feminist movement did manage to win for women" (xvii); "if fear and loathing of feminism is a sort of perpetual viral condition in our culture, it is not always in an acute stage; its symptoms subside and resurface periodically. And it is these episodes of resurgence, such as the ones we face now, that can actually be termed "backlashes" to women's advancement" (xix). Faludi also notes that the reaction is usually to perceived gains, but that these gains may not actually have been realized. Note that the year following the highest support for the Equal Rights Ammendment (ERA) in American history was the year in which the ERA was defeated. The movement was on the verge of a huge success, but the counterattack saw that power building and undermined it before it could climax (xix). "In other words," argues Faludi, "the antifeminist backlash has been set off not by women's achievement of full equality, but by the increased possibility that they might win it" (xx). Thus, backlash is an indication that a movement has gained momentum, but it is also an indication that the opposition still believes, and perhaps not without good reason, that it can stop those changes in their tracks before too much is lost to the other side.

Imagine a basketball analogy. If one player is dangerously close to scoring, the other team will rush towards that player to intensify its defense. This "backlash" shows that there is real promise for a basket being made, otherwise the opposing team would devote their attention elsewhere. But we also know that the odds of the original player scoring go down the more heavily the other team guards her. Now you might think, she just needs to keep doing more of the same. That is, after all, what got her so close to making a basket in the first place. But more of the same may not be the best strategy in a changed environment. Analogously, I argue that rather than merely re-iterating our old arguments for corporate accountability, business ethicists might be better off taking a tip from the feminist playbook; we may need to revamp our strategies to meet the challenges of a changed environment. Rather than simply refuting the arguments made by the backlash movement, I think it is important to look at how these arguments borrow the same moves that the sexist backlash against feminism once employed. Just as mere reiteration of the arguments for women's equality did not undercut the backlash, so too, reiterating persuasive arguments that business obligation extends beyond merely what is required by law, may not suffice.

So how is the rhetoric similar? One might object that a movement fundamentally concerned with personal identity and gender politics is just too dissimilar to a movement that is fundamentally less about identity and more about economics and government. I hope to refute this worry simply by pointing out just how similar the rhetoric of those opposed to corporate social responsibility has been to the rhetoric used by sexist backlash to feminism.

First, I would note that in both cases, the backlash does not generally confront the movement in the academic literature. No, it starts out in the popular press. *The Economist* and Fox News are not really in the business of business ethics *per se*. Why the popular press? For one, it may be a lot easier to appeal to fallacious arguments in the popular press, but perhaps more importantly, the popular press is generally more powerful simply because it reaches more people. As Faludi notes with respect to the backlash against the women's movement, media and mass marketing can be more effective tools than coercive laws and punishments. Rather than using the legal system to crack down on those fiduciary duty ignoring corporate leaders that keep opening the corporate coffers to charity, it may be more effective for CSR opponents to hit up the mass media.

Popular media also makes it easier to caricature the opposition and to appeal to purely anecdotal evidence and mere assertions. Note that not one of the articles to which I referred relied upon empirical evidence to support its claims that business simply had not caused any great harm to the public good. Neither did they provide statistical evidence to show that business ethics reduces productivity nor that corporate giving deprived stockholders of value. Nor did the authors provide evidence to show that proponents of CSR were in fact generally opposed to all business or to the capitalist system as such. These crucial premises were merely asserted.

If the authors had been pressed to support these claims, it would have been difficult. Recent long-term studies have shown that corporate donations correlate with a stronger bottom line (Kelley, 2005a, b). Thus, rather than undermining global capitalism, CSR seems to help business compete. Moreover, opponents of all business as such, generally oppose CSR as a mere band-aid designed to prop up a corporate system they believe to be fundamentally unsalvageable. Proponents of CSR generally simply do not fall into that camp. If the proponents of CSR truly believed business to be incapable of treating workers fairly in any sense, incapable of striving towards sustainability, or utterly unable to do more good than harm by donating to charity, then they would not be proponents of CSR. This is not to say that opponents of the capitalist system might not have a point, but they are certainly by no means identical to the proponents of CSR as the backlash, at least as represented by Schrage, would seem to suggest. Proponents of CSR and opponents of all capitalism would likely reject any such conflation of their positions. Like the sexist backlash which merely asserted that depressed working women were rushing home to cocoon with their babies without any real evidence to support the claim, the backlash against CSR merely asserts that corporate giving and concern with management duty to stakeholders other than stockholders is damaging to business. Moreover, just as the backlash against feminism asserted all sorts of things about feminists that simply were not true, so too the backlash against business ethics merely asserts that proponents of CSR are opposed to all capitalism.

Second, like the backlash against feminism, the backlash against business ethics asserts that the original movement caused the problems that its society now faces. Faludi describes the tactic as follows, "(the backlash) stands the truth boldly on its head and proclaims that the very steps that have elevated women's position have actually lead to their downfall" (xviii). The backlash against feminism asserted that it was the dearth of equal opportunities women had recently achieved which had made them depressed. Meanwhile, surveys of women at the time showed that they were depressed, but not about their dizzying array of opportunities. No, they were depressed that after all that work they still faced a glass ceiling at work and sexist attitudes from their men at home (Faludi, 1991: 3). So too in an equally dizzying piece of circular logic, the backlash against CSR argued that it was the push towards corporate responsibility that was itself at fault for cases like Enron, because both, after all, tell management to look beyond the interests of stockholders. The backlash argues that it is too much focus on corporate moral accountability, not too little, that causes great moral scandals, just as it was supposedly all that freedom which was really enslaving women.

Third, both backlash movements try to reframe the terms of debate, especially if they can do so in non-moral terms. The backlash against feminism argued that it was not anti-woman, but pro-family (Faludi, 1991: 77–79). The backlash against feminism held that the problem with feminism is that it sought to politicize the personal, but that the personal realm is best left free of social concerns or public judgment. A good mother would never abandon her children to go to work nor would she ever have an abortion. By reframing the debate in terms of the old family and gender institutions that had formerly had their sway and arguing that the old institution lay in a justice-free zone, the backlash against women's rights could argue that women did not, in reality, deserve equal rights. A good woman, and especially a good mother, would not lay claim to her rights outside the home because this would undermine her role inside the home. Laying claim to her rights would prove incapacitating to her family and would make a formerly simple family situation too complex. In "Ethics Schmethics," Schrage argued that business decision-making simply was not ethics decision-making. Again, one sees the argument that business lies in an ethics-free zone. A good business person would not let the outside world or its judgments sway his business decision-making. To do so would complicate things far too much. So the good IT leader would not let the rest of the stakeholders in the firm, including (and perhaps especially) other workers lay claim to their rights because it would simply incapacitate business and complicate things too much. Neither of the arguments is convincing on moral grounds since both attempt to argue for the supremacy of some older institution besieged by moral critique but without addressing that moral critique. Both, however, might have power in real life, especially if repeated with sufficient frequency in the popular press.

Finally, the backlash against business ethics takes on yet another strange similarity to the attack on feminism. One of the ways in which the backlash against feminism placed doubt in the minds of women concerning the desirability of equal rights was to argue that fertility was undermined. Women could not be productive, as they ought to be for the good of society and themselves, if they held off on marriage and insisted on equality in the workplace or in their relationships (Faludi, 1991: 3). So too, Schrage and *The Economist* argued that business ethics brought to the board room undermines corporate productivity.[3] Now, neither the backlash against feminism nor the backlash against business ethics called up statistics to support their case. If they had, they would have found, as noted before, that in neither case did the facts bear them out. But note how both backlash movements try to get the self doubt ball rolling by appealing to the social role of those involved in the movement. The backlash argues that by redefining that social role, society as a whole will suffer. Neither backlash movement can prove it, but both rely upon the felt risk that idealistic innovators always face in effecting change. What if despite one's best intentions one does more harm than good by trying to change the status quo? But doubt is not proof. All human activities entail some risk, and here the evidence seems to show that the riskier behavior is to stay with the status quo. The backlash tries to exploit a fuzzy emotional unease to advance its own point, not by proof but by emotional manipulation.

So, what is the lesson to be learned from this foray into feminist history? I would argue that we cannot simply re-iterate the old points to make headway against the backlash. Business ethicists and business professionals committed to increasing corporate social responsibility and awareness must understand that not all critique is well meaning academic dialogue. Sometimes it is a deliberate, although not necessarily centrally organized, attempt to distract a movement precisely when it is on the verge of making a difference. The strategy is to divide and conquer or just plain to distract. When one side raises clearly spurious points designed to work more as sophistry than as reasonable argument, the appropriate reply may not be to simply reiterate the arguments against stockholder theory or against those who claim that amoral business is somehow magically the most moral business. The better reply might be to call out the disingenuous opponent on their manipulative tactics and to do so knowing fully well that this must be done with an eye to how the public will be affected. Unlike the feminists of the 1980s who had far more power than they realized and far less than their opponents knew, proponents of corporate social responsibility and moral accountability must realize exactly how much power they do have and use it wisely to maintain momentum.

Notes

[1] By corporate social responsibility, I generally have in mind the sorts of moral duties to which stakeholder theory holds that companies are morally obligated. That said, some theorists will argue that only stockholder theory provides an adequate account of the moral duties of management. Thus, on this view, moral duty must coincide exactly with fiduciary duty, at least in terms of management's role morality. Although the stockholder view is rarely defended in business ethics publications (which is not to say that there are not business ethicists who would, in fact, honestly defend such a view), it is far more commonly deemed a feasible approach in economic and business publications. For the purposes of this paper, I will assume a definition of corporate social responsibility that repudiates the narrower stockholder definition. In part, I take this approach simply because it more closely aligns with definitions usually upheld by those in the field of Corporate Social Responsibility and by the majority of business ethicists. I also believe that this view of corporate duty is not only more prevalent, but also more plausible (see Palmer, 1999 for an argument to this effect). I would note, moreover, that (1) many of the proponents of stockholder theory prefer to avoid the language of corporate social responsibility expressing a distrust of terms such as "social," much less usage of the term as applied to corporate obligation (see for example Bostock, 2005). And (2) most of the objectors to corporate social responsibility and business ethics that I address in this paper tend to conflate the term 'business ethics' with a stakeholder type view rather than a stockholder view. In any case, it is not my task here to argue against the stockholder view of corporate responsibility, but rather to point out the importance of paying attention to how proponents of business moral accountability are likely to be represented by the media.

[2] One would think that give this rhetoric, that proponents of the stockholder view would argue forcefully for greater taxation of companies to finance government good works in countries that have generously provided infrastructure for companies or that at least these same theorists would argue that since companies do not have the duties of citizens they should not be entitled to the privileges of citizenry, which include the right to petition government for more favorable policy and to give money to political campaigns to achieve that end. In a climate where corporations are the single largest contributors to campaign funds, it seems odd to argue that government should be left to deal with social problems because it is accountable to voters when government is often motivated to attend first to corporate entities in an effort to raise needed campaign funds.

[3] It is important to note here that in at least some of the articles in *The Economist*, business ethics as such was not repudiated, but rather any non-stockholder view of business ethics was characterized as counterproductive.

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