Ethics Inf Technol (2009) 11:145–153
DOI 10.1007/s10676-009-9192-z

ORIGINAL PAPER

Transparency rights, technology, and trust

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Published online: 9 April 2009

Abstract Information theorists often construe new Information and Communication Technologies (ICTs) as leveling mechanisms, regulating power relations at a distance by arming stakeholders with information and enhanced agency. Management theorists have claimed that transparency cultivates stakeholder trust, distinguishes a business from its competition, and attracts new clients, investors, and employees, making it key to future growth and prosperity. Synthesizing these claims, we encounter an increasingly common view: If corporations voluntarily adopted new ICTs in order to foster transparency, trust, and growth, while embracing the redistributions of power they bring about, both corporations and stakeholders would benefit. The common view is short-sighted, however. In order to realize mutual benefit, transparency can not be conceived merely as efficient or economical. The implementation and use of new ICTs will be morally unsatisfactory unless they stably protect stakeholders. Moreover, without such protections, transparency is unlikely to produce lasting trust and growth. More specifically, corporate disclosures ought to be guided by a theory of stakeholder rights to know about threats or risks to stakeholders' basic interests. Such rights are necessary moral protections for stakeholders in any business environment. Respect for transparency rights is not simply value added to a corporation's line of goods and services, but a condition of a corporation's justifiable claim to create value rather than harm, wrong, or injustice in its dealings.

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Keywords Corporations · ICT · Right to know · Technology · Transparency · Trust

Introduction

Information and Communication Technologies (ICTs) are part of a rapidly expanding culture of information accessibility. As conventional wisdom has it, putting more information in the hands of corporate stakeholders will require corporations to become more honest, fair, and accountable. Moreover, since stakeholders will prefer transparent companies to opaque ones, ICTs offer businesses a means for increasing competitive advantage by enhancing stakeholder confidence, trust, recruitment, and retention. Technology and trust thus emerge as twin drivers of corporate transparency.

By and large, corporations have been urged to embrace this new transparency (Tapscott and Ticoll 2003; Oliver 2004; DiPiazza and Eccles 2002; Pagano and Pagano 2003; Johnson 2004). As commentators such as Brey (2007) and Introna (2007) have noted, however, a central issue facing any implementation of ICTs is their relationship to individual and community values and conceptions of the good. The best account of this relationship is by no means settled: interpretations of human interests may evolve as our theories evolve. Yet it is necessary for us to defend acceptable and unacceptable uses of technology as they regard widely shared and stable human interests such as health, fair treatment, autonomy, and privacy. The same can be said of business and economic practices at large, which will not wait for moral theory to catch up to them. Thus, we have a critical need for accessible moral reasons regarding the creation of transparency and the preservation and promotion of the interests (including non-technological and non-economic interests) of literally billions of corporate stakeholders.

Moral rights are part of such a powerful, widely recognizable, and publicly accessible moral language. As I see it, they offer the best available vehicle for the public grounding of a balanced, but robust corporate transparency. I begin below by introducing what I take to be the most plausible account of moral rights to know. On this instrumentalist account of rights to know, corporations have strong prima facie moral duties to provide stakeholders with certain kinds of information so that stakeholders might better advocate for and protect their basic interests. In the ensuing sections, I turn to transparency's connections to technology and trust. The common thread in these sections is that we need a theory of transparency rights because technology and trust have no independent claim to guide corporations toward morally appropriate disclosures. Without such a guide, we risk creating a transparency that is shallow, arbitrary, and biased toward corporate interests. Finally, I consider the objection that rights to know would undermine trust and stunt the corporation's pursuit of its ends, and hence that it is not the best moral language for the justification of transparency. I maintain that instrumental rights to know do not succumb to these criticisms. If my arguments are successful, theorists and practitioners alike should make stakeholder rights to know a centerpiece of their thinking about corporate-stakeholder communications.

Transparency rights

Rights theorists disagree about the aims and limits of moral rights (Waldron 1984). One central disagreement exists between classical or liberty rights advocates and advocates of welfare or interest rights. For classical rights theorists, rights protect freedom by imposing duties on others not to trespass or infringe on one's choice or action except when one's choices or actions threaten the rights of another person. Classical rights theorists have little grounds for recognizing a general right to know about business.[1] At best, they might concede rights to know as a variety of special rights, voluntary arrangements by one party or institution to provide or allow others to access information in its possession. What others have a right to know about an agent or corporation is thus conditioned by what the agent or corporation consents to tell them. The model for special rights is not the natural or moral right to freedom of speech or freedom from persecution, but the rights created by special moral relationships such as promising or the signing of contracts. In these arrangements, special rights are created by an agent or corporation's consent to disclose information; the specific others (customers, regulators, employees, community stakeholders, etc.) who are party to this arrangement then have a moral claim against the agent or corporation to follow through in providing the promised information. Examples of such special rights include rights to information created by the voluntary commitments of multinational corporations to the United Nations Global Compact (United Nations 2007) or the Organization for Economic Co-operation and Development Guidelines (Transparency International 2008).

Unlike classical rights theorists, advocates of welfare or interest rights understand rights as protecting not only liberty interests, but interests in health, safety, just treatment, and other basic goods. Rights, on the interest view, establish expectations not only for negative duties to avoid violating others' freedoms, but positive duties to them as well, including duties to make provision for others in ways that sometimes impose social, material, or economic costs on oneself. Treating transparency rights as interest rights would impose liberty-limiting constraints on agents or corporations to provide information relevant to others' abilities to act, individually or in concert, to protect their basic interests. On a model of transparency rights as rights to information, a business or corporation's voluntary consent to disclose information to stakeholders, for instance, is not dispositive of its moral responsibilities: a corporation may have moral obligations to disclose regardless of its attitudes toward disclosure.

In addition to this dispute about the nature of rights, rights theorists disagree on the proper justification of rights, some seeing them as intrinsic or status rights, others as extrinsic or instrumental rights. I shall not explore these additional distinctions here. I have elsewhere defended an account of rights to know as interest rights, instrumentally justified by the need to protect basic interests via the sharing of knowledge or information (Elia 2008). Among the reasons to prefer an instrumentalist position on transparency rights is that it allows the interests protected by transparency rights to be weighed against losses created by these protections in a familiar consequentialist fashion. By conceiving of transparency rights instrumentally, we can also distinguish in principle between relevant and irrelevant disclosures of information in a fashion that rights to know founded in the intrinsic value of knowledge or autonomy cannot easily accommodate.

From a moral perspective, special contractual rights to know have the potential to create significant levels of

[1] I leave aside here the question of moral rights to know against government, media, or non-corporate institutions such as NGOs. For some helpful discussions of rights to know in these contexts, see, for example, Stiglitz (2003), Schauer (1983), Roberts (2001). Legal rights to know, as well as governance or policy implementations of moral rights to know, while important to regulating moral rights, also lay outside the purview of my essay.

transparency. They avoid problems of the motivation to disclose, since companies agree in advance to the information they will make available to stakeholders. But special rights create a transparency that is highly contingent on industry or business specific choices. They fail to impose any non-voluntary duties of disclosure. By contrast, general instrumental rights to know present the possibility of more limited transparency, given the need to balance the interests protected by rights to know with other individual, corporate, and community interests. Since other interests do matter, we have independent reason to think that transparency ought to be limited. Moreover, unlike special rights, general instrumental rights to know impose responsibilities of disclosure regardless of corporate preference. Specific companies or industries might choose to become more transparent than general instrumental rights to know require, but such additional disclosures or special rights for particular stakeholder communities would neither erode general instrumental transparency rights nor supplant them.

Rights to know are important elements in the language of business and communication ethics. The language of rights is powerful. Rights embody strong moral claims or protections for individuals' interests. Because the language of rights is widely recognized, it can contribute significantly to public dialog about corporate information, stakeholder interests, and ICT.[2] General instrumental rights to know would publicize standards for disclosure of information in this powerful moral language. They would both justify transparency and limit it, allowing for a reasonable balance of stakeholders' interests in safety, health, privacy, just treatment, and autonomy with companies' interests in remaining competitive, in protecting private data, or in meeting the demands of law. Applications of rights to know to specific corporate or IT contexts would require significant understanding of the context as well as extended deliberations about how the context affects interpretations of stakeholder interests. The process of moral thinking necessary to this task has been described as 'wide reflective equilibrium' (Rawls 1971; van den Hoven 1997). It is a methodological approach aimed at testing broad moral principles against empirical data, situational differences, and intuitions or judgments regarding specific cases in an ongoing and potentially revisionary way. More importantly, general instrumental rights to know would provide necessary moral protections on stakeholder interests in climates of uneven distribution of money, power, and information. Promotion of stakeholder rights is of special public, moral importance given the recent failure of mechanisms of corporate self-regulation and gatekeeping and the legacy of the classical theory of corporate social responsibility (Friedman 1962, 1970) and its failure to internalize the variations of agency among members of different stakeholder groups.[3]

Though calls for corporate transparency are growing, business is not obviously interested in stakeholder rights. Transparency is instead touted as a means of restoring credibility and trust in the marketplace, a means for business growth and profit. As long as ICTs make transmission of information to stakeholders easy and its costs marginal, transparency may flourish. But, as I shall argue in the next section, without a notion of stakeholder rights to guide it, a corporate transparency mediated by ICTs risks being shallow, arbitrary, and biased toward corporate interests.

Technology

As corporations become more dependent on their information technologies, more of their work turns on the collection, organization, storage, and communication of information (Johnson 2006). The new "networked" organizational environment is often portrayed as decentralized and nonhierarchical (Castells 1996; Malone 2004), in part, because it makes information more easily and widely accessible, subverting traditional information flows and the chains of authority they instantiate. If new ICTs continue to enhance productivity and efficiency, and costs are not prohibitive, one might expect networking, information sharing, and corporate democratizing to increase. Of course, this is by no means certain. Kallinikos (2007), for instance, cites social and organizational complexity and lack of empirical support as reasons to be dubious of such predictions. However, even if we suppose that ICTs will bring about substantial reorganization of the corporation and significant increases in information sharing, both internally and externally, stakeholders should be wary of counting on technological solutions to the protection of their interests. Technology may enable transparency but technology cannot guide it.

Technology is highly contingent as a means of growing transparency. In lean economic times, companies might not shed technologies but will implement only those technologies that keep them as competitive as the market requires, unless they see special implications for their businesses by doing more with IT or using IT differently. Thus, while technologies create the opportunity for more stakeholder access to corporate information than ever before, technologies are now also likely to be more tightly managed than

[2] How widely world cultures share (or could share) a notion of rights raises interesting questions. For an introduction to these issues, see Donnelly (2002, 2007)

[3] Attempts to shore up the moral thinness of the classical theory, such as Wagner-Tsukam's (2007) revision of Friedman's views, fall short of legitimizing business's recognition of stakeholders' moral rights.

ever before. Even when implemented, ICTs may limit hierarchy and control in one space or relationship within an organization, only to instantiate them elsewhere or to mitigate these gains with a more competitive or less trusting atmosphere (Kallinikos 2007). For external stakeholders, the contingency of technology's relationship to transparency is most evident in the variability of access to ICTs. The information gap between developed and developing countries, or more generally between rich and poor, suggests that members of the most structurally vulnerable groups are also those who are least likely to get information relevant to the protection of their interests (World Bank 2008).

Market forces may help overcome some of the structural inequalities in access to ICTs, especially as communications devices become smaller and less expensive. However, even with strong growth in the availability of new ICTs, the information accessible through them is still contingent on corporate will. Rarely does information technology create access to information that a company has not vetted for public consumption. The information gleaned from corporate home pages, for example, is often basic and superficial, rarely pointed or self-critical. The state and its agencies, the media, and public interest NGOs may help stakeholders secure rawer or more critical information about corporations. But unless business recognizes a moral responsibility to achieve full and relevant transparency, neither public access nor corporate investment in technology can be counted on to stably service stakeholder interests.

It is possible that partial or superficial transparency would be more damaging than none at all. If new ICTs help create a veneer of corporate integrity, or if minimal disclosures foster inflated impressions of stakeholder access, the push toward full and relevant transparency may lose its momentum. Limited transparency may be a sleight-of-hand technique for avoiding disclosures truly relevant to stakeholder interests. Or, as Coffee notes (2006, pp. 334–335; citing Cain et al. 2005), relevant but superficial disclosures may be viewed as giving the disclosing body license to pursue their activities without concern for minimizing or managing risk:

> Social psychologists find that disclosure of conflict may…have a perverse effect. It may cause the party to whom the disclosure is made to let down its guard and assume that those making full disclosure of their conflicts will for that very reason deal with them fairly. Worse yet, the conflicted party making the disclosure apparently feels that, having disclosed, it can now pursue its own interests aggressively.

We should analogize cautiously between individual and corporate behavior; environmental pressures may not be the same in each case. But it is a worthwhile empirical question how different uses of ICT for stakeholder communications correlate with future corporate disclosures and behavior as well as stakeholder attitudes and choices. Without such data, my point here is largely cautionary, though of a piece with what I said above. Disclosure practices governed by public relations departments, technology budgets, and the overall bottom line may create a semblance of transparency without really serving moral rights to know. Technology is no guarantor of transparency, as I have previously pointed out; here I add that, under the right circumstances, it might even inhibit progress toward fuller and more meaningful corporate disclosures.

ICTs, though coded with certain values and assumptions (Brey 2000), must be guided by a theory of morally appropriate disclosure. Consistent with ongoing efforts at achieving reflective equilibrium, we must make prescriptive judgments about what corporations should do with new information technologies. I have suggested here and elsewhere that the most adequate general theory for delivering these judgments with respect to corporate disclosure is a theory of instrumental moral rights to know. Indeed, these judgments will not simply guide implementation of new technologies, but obligate corporations to create opportunities for greater levels of disclosure.

If two similar businesses allow employee blogs, but one keeps them behind a firewall and another makes them public, how should we respond? If two similar corporations control access to their financial data differently, on what grounds should we demand more disclosure? Instrumental moral rights to know emphasize the duties that corporations have to serve stakeholder interests up to the point at which those interests fail to be advanced by further disclosures or such disclosures would violate other equally significant interests of the corporation or its stakeholders; stakeholders have strong prima facie claims to such information as is required for them to effectively advocate for and protect their interests. In the examples above, for instance, it is difficult to see the firewalling of employee blogs as a general barrier to external stakeholders' rights to information relevant to their interests. It would be prima facie permissible, on a theory of instrumental rights to know, to impose such a firewall, especially in light of corporate interests in maintaining competitive advantage. Some specific information about the content of a corporate blog, the participants on it, etc., might, of course, lead us to judge otherwise. A human resources blog about the next phase of corporate health care planning, for instance, while perhaps an important expression of transparency for internal stakeholders, is not as broadly or directly relevant to external stakeholders' interests as, say, data from a company's latest environmental audit.

By contrast, access to accurate corporate financials is of a magnitude of importance to broad stakeholder interests in well-being, justice, and autonomy to recommend a strong presumption on behalf of both internal and external disclosure. Again, specific details about a company's size, industry, economic effect, and so on, could override this prima facie duty: moral rights to know are weighty but not absolute. Given recent corporate scandals and current circumstances on the world economic scene, however, this duty to disclose is now, quite justifiably, stronger than ever. Perhaps some of the difficulty of valuing the "toxic assets" created by the mortgage-backed securities industry over the last few years could have been averted had these businesses been guided by a pervasive concern for stakeholder rights to know. If a business's assets simply cannot currently be valued, talk of moral rights will not change this. But from our stance on rights to know, we may ask whether these assets could now be valued if these businesses had implemented more intensive accounting and tracking programs or more thorough computer modeling techniques, for example. If so, these industries have violated stakeholder rights to know, since it was within their power to create, monitor, and disseminate relevant data to stakeholders. A next generation of lenders, mortgage seekers, and worldwide investors may be less susceptible to these harms thanks to "first-generation" suffering. The rights perspective sees this as an unacceptable sacrifice of the basic interests of stakeholders for an unsustainable vision of mortgage and investment industry expansion.

The contingency of technology as a means to transparency, the role of corporate will in implementing technology, and the potential harms from partial transparency show that the significance of rights to know has not been undermined by ICTs. If anything, corporate use of ICT displays the absolute need for a theory of disclosure and its relationship to business and stakeholder interests. In the current business environment, there is little attention to stakeholder rights to know. More often, transparency is framed as a source of competitive advantage, a key to growth in the twenty first century, much as the quality control movement was to the second half of the twentieth century. As I argued above, however, absent a concern for stakeholder rights, this new transparency risks being arbitrary, shallow, and harmful to stakeholders.

Trust

Recent managerial arguments for transparency assert that the reason for businesses to become transparent is not respect for stakeholder rights, but competitive advantage, growth, and profit. Oliver (2004) is illustrative. Oliver mentions the idea of "a public right to know," though it never enters into his argument for transparency, except as a "vague" artifact of the business environment. However, after identifying the economic benefits of transparency measures related to product pricing for companies such as Carmax and Progressive Insurance, he cheers: "…transparency is not a cost to the bottom line, but a supercharger for the top line" (p. 68).

Trust is a common explanatory mechanism for transparency's contributions to business growth: Transparency increases stakeholder trust; increasing stakeholder trust, a business distinguishes itself and grows. In the workplace trust creates social capital, which in turn makes business more efficient (Huysman and Wulf 2004; Whitney 1993). Among non-employee stakeholders, trust generates greater cooperative behavior, lowering the costs of doing business, enhancing the business's reputation, and recruiting and retaining new customers and a more talented workforce. Call this the transparency-trust argument.

The transparency-trust argument is promising in the business context for many reasons. It is consistent with the aim of making a profit. It respects the particular contours of business by conceiving of business morality as the pursuit of the corporation's ends. It also provides business practitioners with ready motivations to be moral. A cynical analysis might treat these motivations as avoidance of the ethical: business morality is less demanding if it turns out to advance all the ends that a company is already pursuing. But if the transparency-trust argument directs business to pursue disclosures that serve not merely business's interests but also the interests of external stakeholders, then it will be difficult to dismiss. Indeed, prominent justifications of capitalism, going back at least to Adam Smith's Invisible Hand, point to ways that market forces align the pursuit of individual satisfaction with optimal resource allocations overall, or with the general happiness. Such utilitarian justifications of the market urge us to recognize business transactions as exchanges that tend to improve each party to them.

Transparency might be related to the market in two different ways, however. On one approach, transparency is sold to stakeholders: though it is not an asset exchanged in the marketplace, it is value added to a company's products or services, much like products currently branded as natural or organic. The transparency-trust argument construes transparency in this way, in other words, as a quality that can be marketed to stakeholders in order to increase confidence and grow the business. If stakeholders appreciate this value added, they will prefer to do business with corporations that are more transparent than their competitors. This approach may have long-term benefits for stakeholders in general, if other companies in that market feel pressure to become more transparent as well.

Given the imperfection of actual markets, competition surrounding transparency is probably only to be expected. The transparency-trust advocate is not doing anything wrong by proffering transparency as a means of advancing markets toward perfect information. Yet, the transparency-trust argument is not therefore acceptable as a moral justification for corporate transparency. Even when transparency creates trust, it need not "supercharge" the top line. Because of this, the transparency-trust argument will fail to provide reasons for transparency in at least some morally relevant circumstances.

If corporate transparency creates trust, it still might be insufficient value added to recruit additional stakeholders. Stakeholders often need reasons to enter into a relationship with a corporation (wanting a job, needing a particular good or service, desiring a stable investment opportunity, etc.). Transparency is one such reason, but it is not the only reason, and for many stakeholders it may not be a priority: quality products, excellent customer service, timely payment, flexible work schedules, and reliable rates of return are often much more important. Thus, good public relations and marketing departments might do more for stakeholder recruitment than transparency. Energy companies' advertisements of their support for alternative energy research offer a current example; whether these ads reflect the company's actual alternative energy portfolio may not be important for an environmentally conscious brand and stakeholder recruitment. Even if transparency-trust is not the most effective recruitment tool, it might nonetheless enhance stakeholder retention. Once in a relationship with a company, stakeholders might be more apt to persist if the company practices transparency in a way that contributes to stakeholder confidence. For example, a corporate HR division's use of ICTs to deliver more transparent internal deliberations about the company's health care plan might serve retention. Again, however, transparency is neither the only nor clearly the most essential reason that stakeholders are retained by a business.

Assuming that some forms of stakeholder recruitment and retention are trust-based, or that we can sell new stakeholders on transparency, consider what features of transparency bring trust about. If a transparency measure is going to improve recruitment and retention of customers, investors, suppliers, and so forth, I would suggest that its implementation must already be guided by a concern for stakeholder interests. Transparency is not simply a vague catchword; it is a mechanism for stakeholder self-protection. Trust develops as stakeholders test a business's communications against other information in their possession (about the business, about the facts on the ground, etc.). Shallow or irrelevant forms of transparency might create initial trust and business growth, but, once detected, they will create only distrust. Consequently, transparency and trust will not garner significant economic benefits for a corporation unless they are backed by a genuine concern for stakeholder interests: this is the only transparency likely to maintain trust over time.

Transparency-trust proponents do not see this as a problem. They hold that increased stakeholder access and monitoring will translate into higher corporate moral standards; trust and loyalty will develop as stakeholders make collateral gains in justice, fairness, and other goods. But growth from changes in transparency practices is a long-term business goal. How will a company assess whether transparency is driving new business? If it cannot, or if its gains seem meager, what reason can the transparency-trust proponent offer it for continuing to practice transparency? Moreover, businesses transitioning from questionable or intentionally opaque past practices might need to prepare for losses from transparency before they can expect gains from it. For some businesses or industries, the long-term benefits may not prove worthy. Once more, the transparency-trust proponent cannot supply them with a reason for raising their standards and becoming more transparent, since it promotes transparency as a source of growth and profit.

The relation between transparency, trust, and growth is contingent on many aspects of the business environment, including social or political pressure, the nature and reputation of the industry, the business's goals, and the aims of the business's stakeholders. The transparency-trust argument can claim to protect stakeholder interests broadly only on grounds that the aspects of the business environment that conduce to transparency are converging and stabilizing. But the evidence for this claim is far from clear. Some businesses or industries have more economic reason to become transparent than others. Compare the battered financial industry, where stakeholder confidence through transparency may be essential to staying in business, with the pharmaceutical industry, where, for instance, changes in the availability of information about clinical drug trials is likely to significantly undercut earnings. Ironically, by making the implementation of transparency contingent on economic benefit, the transparency-trust view leads business to neglect the central moral point of transparency, namely, the protection of stakeholders' basic interests, while it is precisely this protection which likely generates the trust that transparency-trust advocates rely on for long-term business growth.

A second way of interpreting the value of transparency to the market is not as value added, but as a background condition for optimal market functioning. Markets achieve optimality only under certain ideal conditions, one of which is perfect information.[4] Here transparency is conceptualized not as a marketable quality, but a quality of (optimal) markets. On this interpretation, stakeholders should be able to expect greater transparency as a condition of market exchanges; they should not have to wait for market forces to generate it, much less pay a premium for it.

This second approach is closer to the view I am developing in this essay, at least in opening up a view of transparency as a stakeholder expectation, or in considering it a responsibility of business to work towards better informational conditions. But in order to be satisfactory in its protection of stakeholder interests, a scheme such as this must already assume a moral perspective from beyond the market. If a company were not considering the negative externalities of its transactions, that is, if it were not thinking broadly rather than narrowly about its social benefits and costs, it would neglect some legitimate stakeholder expectations for information, even though it sought perfect information. For instance, a community member has a basic interest in information about risks to her health as a result of a business's manufacturing techniques. But information about health risks will be deemed relevant to the perfect information condition for markets only if health-related externalities are already taken seriously. Thus, some account of people's basic interests must be presupposed in order to evaluate the importance of information for optimal market transactions. Additionally, without a background moral perspective to point to salient stakeholder interests, even this second approach to transparency will be unable to distinguish between morally legitimate and illegitimate disclosures. From a moral perspective, not every externality justifies disclosure (consider positive versus negative externalities, for example). Therefore, the information necessary for the creation of optimal market exchanges is not necessarily the information relevant to mandatory moral disclosures. An account of moral rights to know thus seems necessary to understand what would create an optimally transparent market, though it cannot be reduced to optimal market functions.

I have suggested thus far that the transparency-trust position is unsatisfactory because its advocacy for transparency is contingent on growth and profit, which transparency can not guarantee. I have explored an alternative market-based account of transparency and found it better, though still insufficient if unsupported by an account of stakeholder interests and rights to know. A critic might complain that corporate economic interests are more deeply or irrevocably connected to transparency than I have allowed, in effect, resisting my worries about contingency. I am suspicious of this claim, and I would urge that the burden of proof now rests upon the defender of the transparency-trust position to show how transparency aimed at growth and profit also satisfies the moral demands of protecting stakeholders' interests. Obviously, there are means of reducing the contingency of transparency as it relates to corporate economic interests. We might, for instance, utilize federal regulatory powers or legislative authority to legally mandate transparency, making it a background cost of doing business. Or, in philosophical terms, we might rethink our notion of the corporation, perhaps by treating it as more of a service institution, less private and more public, or as a provisioner of social goods (cf. Roberts 2001). Both measures, I think, would point to a moral perspective under which corporations have moral obligations to stakeholders, including, implicitly, duties to inform them and to attend to their interests. Thus, they too require us to have an accessible, publicly justifiable working model of stakeholders' interests. Otherwise they risk inducing corporations to disclose information arbitrarily or with abandon.

One possibility yet to be explored is whether corporate concern for stakeholder interests, expressed in part as a commitment to stakeholder rights to know, could reliably create the conditions for growth through trust promised by the transparency-trust argument. Could the transparency-trust advocate consistently and profitably take on my language of transparency rights? As I intimated above, I believe that rights to know are consistent with trust and growth in business and that attention to rights to know is necessary for genuine, long-term stakeholder trust. The primary philosophical challenge to my claim stems from an increasingly common critique of rights language, namely, that rights and trust are orthogonal to one another, or that rights entail an adversarial stance that is contrary to the development of trust.

The rights paradigm we have inherited from Kant and other philosophers of the modern period has been roundly criticized by feminists (Held and Oberbrunner 1995; Kingdom 1991) and virtue theorists (Blum 1980; Stocker 1974), among others. According to this critique, the rights paradigm treats morality, wrongly, as free choice or action according to universal principles; it treats persons, wrongly, as metaphysically separate and autonomously self-developing. As a result, the rights paradigm protects individuals, but dislocates the social group. Shared ends and community values give way to personal ends and egoistic values. Mutuality, community, cooperation, and trust are depleted by dependence on rights, as community

[4] Referring, in part, to his work on imperfect information in markets, Stiglitz (Stiglitz and Wade 2004, p. 4) quips that "…the reason the invisible hand often appears invisible is that, quite often, it is not there."

members become adversaries contesting one another's values (Glendon 1991). According to this critique, rights and trust conflict: Trust requires a bet on another's character and her acceptance of a shared view of the good; rights are claims against others regardless of their characters and views of the good. Persons who trust one another do not need to assert their rights; persons who assert their rights do not possess much trust (cf. Nissenbaum 2001, p. 656, on trust and security).

Instrumentally justified rights to know do not threaten trust in the manner indicated by critics of the rights paradigm, however. Instrumental rights are not obviously guilty of the kind of individualism or egoism that would erode trust between moral agents or between agents and corporations. Far from undermining social goods such as trust, cooperation, and mutuality, instrumentally justified rights to know express a concern for others' welfare and duties to provide goods in service of others' basic interests. For similar reasons, instrumental rights to know do not force stakeholders to adopt a generally adversarial stance against corporations. Rights-bearers may make claims against others, claims that they are owed some designated kind of treatment. At the same time, rights can remain silent or invisible until they are needed. Thus, accepting stakeholder rights to know does not entail that rights claims would dominate corporate-stakeholder interactions.

The transparency-trust argument is neither a satisfactory moral justification for corporate transparency nor a satisfactory protection on stakeholders' interests. It could precipitate greater transparency and growth in business, at least if it is supplemented with an abiding concern for stakeholder interests and a receptivity to rights claims when appropriate. The economic incentives are contingent, however. They may vary from business to business and industry to industry. They may generate growth in markets for some period of time before leveling off as others in the industry become transparent too. Even if transparency and corporate interests were to align, corporate power, wealth, and influence, as compared to that of stakeholders, coupled with the historic failures on the part of business to internalize economic and non-economic costs to stakeholders, would create strong reasons for holding to the relevance of stakeholder rights to know.

Conclusion

In an era of mistrust of business, one littered with well-known cases of corporate negligence and malfeasance, transparency might seem our best hope for increasing accountability and trust. Struggling to regain stakeholder trust, corporations have strong prudential reasons to become more transparent. Given changing legal and political norms, corporations might feel considerable legal pressure to become more transparent too. In moral terms, we want corporations to do more, of course. We want them to ask about the best moral justification for transparency and not merely the most economical one; we want them to ask not only about the extent of legal disclosures required by, say, Sarbanes-Oxley, but the moral reasons for such disclosures. The view I have endorsed here is that the best moral justification for corporate transparency calls on its instrumental role in the protection of widely shared stakeholder interests, and that the language of transparency rights, or moral rights to know, best captures the force of corporate responsibilities. Corporations need not express their concern for transparency in terms of stakeholders' rights, but they must care about those rights. Whatever, if anything, a corporate character is, it must be fragile and imperfect. If or when corporations err in transparency, when the state fails to regulate or the economic incentives slow down or fail, their regard for stakeholders ought to translate into receptiveness to the language of rights and to assertions that they have failed to provide information to which stakeholders have strong moral claims.

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