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COMMENTARY

Why should marketers be forced to ignore their moral awareness? A reply to Gaski

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Abstract

This commentary presents a reply to the Gaski paper that is published in this issue. Our stance is that he overstates his position and makes several 'leaps of faith' that are unwarranted. We focus on four major reservations about this work: (1) the dynamics of ethics and regulation are underrepresented; (2) simplistic assumptions are made about the uncertainty of ethical claims and theories; (3) responsibility is considered as an all or nothing proposition; and (4) empirical claims are offered that are not backed up with evidence and bad faith is displayed in presenting 'real world' examples. We conclude by stating that corporations have already institutionalized ethics and corporate social responsibility functions within their firms. We firmly believe that responsible marketers do have a conscience.

Keywords Social responsibility · Corporate social responsibility · Marketing ethics · Marketing social responsibility · Marketing and society

This paper by Gaski is the latest in a series of five articles where he attempts to undermine a broader ethical and socially responsible approach to marketing. He first advocated that the societal marketing concept was dangerous (1985), followed this by asking whether marketing ethics has anything to say (1999)—effectively rebutted by Smith (2001)—defends the marketing concept with a very narrow interpretation of it (2013), wrote a book chapter where he said marketing ethics does not exist (2015), and now believes that marketing does not need a conscience (2022). His position throughout is that the market, self-interest, and the law are the only criteria that should govern marketing activities. This current work is impressively referenced but, surprisingly, does not cite a relevant article published in this journal (Murphy et al., 2013). In short, our stance is that Gaski overstates his position and makes several 'leaps of faith' that are unwarranted.

In this new paper, Gaski makes very radical, and to some extent aggressive, statements against taking into account ethical and social responsibility considerations in marketing. According to Gaski, marketing (i.e., the practice of profitable customer satisfaction) does not need any supplementary ethics. Marketers with a conscience are, according to the author "naïve, superfluous, incoherent and ultimately dysfunctional." This may seem a rather strong claim, but the author uses much stronger vocabulary to underline his rejection of responsible marketing. The inflammatory language, often ridiculing scholars who defend the idea of ethical or socially responsible marketing, is shocking. Sometimes, the vocabulary is surprisingly linked to religion (responsible marketers are "proselytizing" their "infallible gospel," p. 34, committing a "venial sin" and offering a "heretical message" p. 31), but most disturbingly he calls socially responsible marketers dictators or says marketers are acting dictatorially more than 10 times, and further, says they are culpable perpetrators.

However, besides this rather surprising tone that seems more appropriate to a satirist than to an academic, the argumentation seems weak in the sense that it (1) overlooks some basic facts about the dynamics between ethics and regulation, (2) makes a simplistic assumption about the (un)certainty of ethical claims, (thereby claiming that whoever tries to do their best in a situation with a degree of uncertainty is committed to 'economic fascism'), (3) systematically considers responsibility as an 'all or nothing' question, and (4)

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makes empirical claims that are not backed up with evidence and displays bad faith in his presentation of 'real-world' examples.

The dynamics of ethics and regulation

One of the main reasons why all of this responsible marketing discussion is total nonsense according to the author is that there are laws. For example, "Laws against deceptive promotion are already very strict in the advanced economies," or "existing product liability law establishes society's best judgments" (p. 3).

Obviously, these statements are true. However, we also know how this legislation against deceptive promotion has evolved over time and how, even more broadly, product responsibility has also evolved. The author quotes at length Friedman (1962, 1970) who defended a minimalist version of business ethics, although still too broad according to the author (we will come back to this point below). In a famous video, we can hear Friedman rhetorically defend Ford's decision not to protect the gas tank of the Ford Pinto in order to be able to market a car under $2000.[1] The underlying ethical principle is: let the buyer beware. And if you want a safer car, you should be ready to pay more. Now, 50 years later, this business practice is unthinkable. In 2020, Toyota recalled 3.34 million vehicles for safety reasons related to a fuel pump.[2] In comparison with the Pinto years, we live on a different planet.

Many examples of similar evolutions could be given. But beyond anecdotical evidence of changing expectations of the public and of regulation, it is important to notice that this evolution is influenced by many elements such as class actions of consumers, pressure by NGOs, and initiatives from corporations (i.e., responsible marketing practices). For example, Unilever has been recognized for its highly progressive sustainability practices (Murphy & Murphy, 2017). At the origin of many regulatory changes, there are sometimes business initiatives. Let us just mention one such example (but there are many of these). In retailing, there is an issue with fresh food. Beyond an expiration date, one can no longer sell this food, and, consequently, it must be destroyed. In France, some retail companies started a 'socially responsible' policy of avoiding food waste, and donated food that reached the expiration date to not-for-profit associations (e.g., food banks), who dispatched quickly this food to poor and needy people. Of course, this involved extra costs compared to destroying the food because of the logistics issue related to the short time lapse. But then, with some lobbying by corporations and NGOs, ultimately there came a legal obligation with the law of February 2016 (law called 'loi « Garot»') for shops bigger than 400 square meters to undertake deals with not-for-profit associations for food aid. This regulation reestablished a level playing field among big retailers.[3] Gaski would say: it is just the law. But this law has finally been implemented thanks to initial initiatives of responsible marketers. This example shows the dynamics of the evolution of regulation in which, besides consumers, NGOs, etc., also business executives play a role. So, the idea that there is the law (that is just there, according to Gaski, out of the blue, without any underlying ethical discussion in which businesspeople can take part) is an unacceptable simplification.

Gaski's title is a reference to a short article written by Kotler (2012) called 'Marketing needs a conscience.'[4] In this paper, Kotler reports that many years ago tobacco companies wanted to hire him as a consultant, but he refused because his stance was to promote anti-smoking rather than smoking. Advertising cigarettes was an acceptable industry during much of the 20th Century [The ban on tobacco ads (on TV only) was enacted in 1971 in the US.], but once the dramatic consequences of addiction and harm to health became overwhelming, it was unavoidable that legal restrictions would be created to limit advertising and sales of tobacco products. However, it is Gaski's position that it is not the role of the marketer to anticipate upcoming regulations. Until the very last day, they should do marketing as usual; otherwise, they would be qualified as *dictators* by Gaski. He explicitly admits that "it is unavoidable that time lags will intervene between the formation of the public will and public pressure through law (or the market) imposing that will on marketing activity. During such a period, negative social consequences or externalities can occur." The reader expects the recommendation to avoid these obvious negative consequences (such as more smoking and lung cancer), if possible, during this delay. He recommends the opposite: "society and marketing must choose which horn of the dilemma is preferable: democratic/social decision-making with temporal delay, or anti-democratic, arbitrary, dictatorial decisions that are also not likely competent, but inflicted without delay." According to Gaski, Kotler, refusing to work with cigarette advertisers when this was still legal, but obviously harmful, was a *dictator*. We think that this conclusion is not justified.

[1] https://www.youtube.com/watch?v=jltnBOrCB7I

[2] https://pressroom.toyota.com/toyota-is-conducting-a-safety-recall-involving-certain-toyota-and-lexus-vehicles-6/

[3] See (in French) the text of the loi Garot here: https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000032036289

[4] https://www.socialsciencespace.com/2013/01/philip-kotler-on-marketing-with-a-conscience/

Uncertainty, freedom, and democracy

A second point that Gaski makes many times is that, when one is not able to be sure with 100% certainty of what is the best choice, we should not choose anything at all. This is a purely academic position in opposition to the real world in which most people, and certainly marketers, operate. Sometimes we are indeed not sure whether some action will turn out to be the perfect one, but we can reasonably bet that it seems, a priori, a better option than the alternatives. Of course, we can be wrong, but according to Gaski: "It cannot be known with certainty what course of action, including marketing action, truly promotes the social interest." Therefore, all decisions that are made in the name of social interest are 'subjective.' People who think that one option may be better for society in general—for example, companies (e.g., Walmart) that offer a less polluting package of products, defend a policy that implies laying off fewer employees, or propose healthier food options or safer cars—are never totally sure that their proposal truly promotes the social interest. Obviously not. With some bad faith, we can always find scenarios in which whatever proposal ultimately does not serve the social interest: Safer cars can lead to fewer accidents and therefore contribute to overpopulation.

Even if, admittedly, we are never 100% sure of our choices being the best ones for the social interest, we can be reasonably confident that some ways of acting are more likely better for society. Not according to Gaski: as soon as we are not totally certain, we are an "unelected and non-accredited official" contributing to an "undemocratic establishment of a degree of socio-economic dictatorship" imposing our "public policy diktat" or our "private crypto-autarchy." Everything that is not 100% certain is, according to Gaski, subjective, "idiosyncratic, possibly capricious." Even the hyper norms to which Donaldson and Dunfee (1994) refer, have, according to the author, an "arbitrary and subjective basis." This is a poor reading of Donaldson and Dunfee. They indeed refrain from establishing a final and ultimate list of hyper norms (p. 54). But they develop at length arguments that show how likely (although, they admit: "the expectation cannot be a 100 percent probability," p. 58) the ultimate *convergence* of the different hyper norms we find in traditions, religions, and cultures. They add a remark that could be addressed to Gaski: "Unfortunately, the impression left to outsiders of the history of moral philosophy is of turmoil and conflict. Those observers without the will or time to read intellectual history are often left with a relativistic impression of a battleground of opposing ideas" (p. 58).

Different ethical theories and debates are convoluted by Gaski to argue that his claim—if there is no 100% certainty, then everything is idiosyncratic—is widely shared by many authors. But his list is confusing. For one, Gaski refers to Moore's (1903–1965) radical meta-ethical skepticism (which does not necessarily have implications for the ethical positions one may defend, as Bertrand Russell famously noted).[5] Then he switches to the difficulty in measuring aggregate utility. Utilitarians may admit this difficulty, without rejecting their arguments in favor of utility maximization as a hyper norm. In other words, they would not conclude that utilitarianism is idiosyncratic because it may be difficult to aggregate utility. Gaski refers further to Bowie (2008) criticism of stakeholder theory (one wonders what the link is with the discussion of the uncertainty in determining social interest) although we think that it is problematic to consider Bowie as a relativist. In fact, Bowie is recognized as one of the leading recent Kantian philosophers. The most puzzling remark is accusing the Blackrock social stewardship team of a "tick the box" approach. Here the link with the topic is puzzling.

Since people cannot know with 100% certainty which actions promote the social interest, only 'society and the law' can promote this interest, and as soon as someone, as an *individual citizen*, wants to do something positive, they are suspect in Gaski's eyes. His starting point is Milton Friedman's objection to management spending a corporation's resources for social responsibility purposes. According to Friedman, management has a fiduciary duty to maximize shareholder value and if they spend resources for social-responsibility reasons, that are clearly not in the long-term interest of the shareholders, then they are practicing philanthropy with other people's money. Friedman obviously has a point here. However, as Gaski points out himself, Friedman's objection seems to disappear if the manager is the only owner of the company ("sole proprietorship is a different matter"), as the owner is not giving other people's money away but his own. The CEO can waive the fiduciary duty to maximize shareholder value as they are the only shareholder themselves. But surprisingly, Gaski objects even in this case: If a manager (as sole proprietor) pursues some social objective, their action "is of questionable morality itself on deontological grounds because it is a contravention of democracy." In other words, in a democracy, according to Gaski, it is immoral to donate your money to a cause you like, whether it be the Red Cross or Greenpeace. In the United States, if "American socio-polity" (p. 22) does not declare your cause as the top priority, your donation is, according to Gaski, of questionable morality. We suppose that Milton Friedman would disagree too.

One of the central tenets of the Gaski position on the normative ethical theories is that there is no consensus

[5] "I have no difficulty in practical moral judgments, which I find I make on a roughly hedonistic [i.e., utilitarian] basis, but, when it comes to the philosophy of moral judgments, I am impelled in two opposite directions and remain perplexed." (*Russell on Ethics*, edited by Charles Pigden, London: Routledge, 1999, 165–6).

regarding what a manager 'should do' when faced with a marketing decision. In the middle of his paper, he points out that different ethical theories lead to opposite conclusions. Starting from a simplistic presentation of the opposition between utilitarianism and deontology, he ends up stating that normative ethics is hopelessly ambiguous: "any action can be ethical and unethical". According to Gaski, the most extreme moral relativists seem to "not have gone far enough."[6] It is beyond the scope of this paper to elaborate on the debate about moral relativism, but we could point out several elements. First, Parfit (2011) has undermined the assumption of a deep divide between consequentialism and Kantianism and shown that they lead to a startling convergence if interpreted properly. An illustration of this convergence, with respect to Gaski's paper, is the thoughtful discussion (Schaefer, 2008) which ties together Friedman's emphasis on shareholders and social responsibility. Schaefer thoroughly examines Friedman through the lens of several ethical theories and concludes that there is much 'convergence' among them. Specifically, he began his analysis with the following statement: "I will argue that utilitarianism, Kantianism, virtue ethics, and Judeo-Christian ethics all present moral frameworks and reach moral conclusions that are incompatible with Friedman's shareholder claim" (p. 301). Regarding the stakeholder vs. stockholder argument, Schaefer does not equate social responsibility with stakeholder theory but points out that "the existence of a duty for corporations to exhibit social responsibility generally favors a stakeholder model of the corporation over the shareholder one" (p. 306).

Finally, Gaski underlines at the end of his argument in favor of his—we think—absurd claim that "any chosen act can be both supported and opposed by a number of these [normative] ethics" (p. 19), that he nevertheless "does not contest the value of positive or descriptive ethical study." This is particularly odd, as a descriptive ethical study only makes sense against an assumed background of a set of normative ethical principles. How could one try to explain which factors trigger ethical or unethical responses to situations if one has no idea of what an ethical response would look like?

Shared responsibility

At several places in the paper, Gaski makes the same unjustified move: as soon as we attribute some responsibility to a particular agent (be it a corporation, a consumer, the government, etc.), according to Gaski all other agents are totally exempted from any responsibility. In his simplistic world, responsibility is clearly divided up between the agents. And once some responsibility is attributed to an agent, this agent has a monopoly within the scope of his responsibility. A notion of *partial* or *shared* responsibility seems to be inconceivable. This leads to surprising and, at some point, even absurd consequences. Referring to marketers who take social responsibility into account in their marketing decisions, Gaski asks: "how would society and consumers really feel about ceding such responsibility to marketers?" (p. 4). However, the fact that marketers behave in a responsible way is not mutually exclusive with society striving for better regulation and consumers aiming at more responsible consumption patterns. If marketers take some responsibility, they do not claim that other agents should not assume their responsibility as well. The previous example of food waste illustrates this point. Marketers may be aware of an ethical issue and do what they can within their scope. That scope may be limited: we agree on an important point with Gaski (p. 4): market pressure exists, and indeed it may be sometimes the case that marketers who take societal considerations into account "while competitors do not will be at a severe disadvantage." However, in some cases, the disadvantage is not dramatic (unlike Gaski's dichotomic universe, the real world is one with many grey zones and much uncertainty). In such cases, responsible marketers will take the risk, but at the same time also be in favor of better regulation that reestablishes a level playing field.

In the applied ethics literature, the idea that responsibility is shared among different agents is not exceptional. The idea has been examined in depth by Young, referring to some of the issues of global business (2011:147ff). A recent article that studied retail managers' views of responsibility in supply chains found that the respondents agreed that this responsibility was shared among governments, contractors, and their subcontractors as well as consumers (Demuijnck & Murphy, 2022).

Another example of this is Microsoft's aim to be carbon negative by 2030 and the firm has already developed an impressive strategy and offset projects. Nevertheless, there is the awareness that better regulation is necessary as well. "If we are going to achieve a net-zero carbon economy for real, we will need everyone to act," said Lucas Joppa, Microsoft's chief environmental officer. "And that means action can't be voluntary. We need requirements and standards that everyone is expected to meet."[7] Of course, inversely, as Microsoft's initiative

[6] Bernard Williams qualifies such radical relativism as "the most absurd view to have been advanced even in moral philosophy" (1972: 20). (Williams, B. *Morality. An Introduction to Ethics.* Cambridge University Press 1972).

[7] What's Really Behind Corporate Promises on Climate Change? *The New York Times* 22 Feb 2021. https://www.nytimes.com/2021/02/22/business/energy-environment/corporations-climate-change.html

clearly illustrates, referring to a not yet existing better regulation does absolutely not imply that Microsoft would be justified in behaving in an irresponsible way now.

Real-world examples and empirical claims

Gaski has a particular vision of what is reality. First, he uses real-world examples, but he anonymizes them. What for? If a company has publicly developed a socially responsible marketing initiative, there seems to be no reason to anonymize. But he also admits that his real-world examples are not so real. He clearly invents an example of a company that gives cash to the ‘save the whales foundation’ and claims that it is a real-world example “in the sense that almost anything we can imagine probably has occurred or will occur” (p. 10). Further in the paper, Gaski makes it even less believable by supposing a company that would sponsor the protection of the unicorns.

The real-world examples that sound more authentic, like “product safety standards beyond those mandated by government regulation” would be interesting to explore. It is difficult to reject this policy immediately as Gaski does. It may be difficult to judge without detailed information: we have no idea of the supplementary costs, possible product risks, or the likeliness of future safety standards (which would make the example similar to the example of food waste norms we mentioned before). Another instance would be Volvo’s longstanding commitment to exceeding safety standards in their automobiles.

In other aspects, Gaski defends the opposite vision of what is possible in reality (before almost anything that we could imagine should be considered as real). Early in the paper, he claims that people who argue that responsible marketing would stay away from deceptive ads are tilting at windmills because “the viability of […] intentionally causing dissatisfaction depends on conditions almost never present in the real world.” We think there are quite often examples of cheating, deceptive ads, etc. How can one make such a strong empirical claim without any reference to empirical research?

Another empirical claim seems correct, but it is used in a way that, again, illustrates the typical black-white style of Gaski’s argument. He attributes the massive decline of poverty during the last decades to ‘traditional marketing’ in the free market system. We agree. But we think that there is no strict divide between ‘traditional marketing’ and ‘ethical marketing.’ Most marketing practices are ethically sound. The divide is between unethical marketing practices that ‘responsible marketers’ should avoid—and that is why marketing needs a conscience—and acceptable marketing practices (which may include some proactive socially responsible ones). The observation that the market economy has brought a decline in poverty is in no way a demonstration that responsible marketing would have led to a miserable situation.

A last fact that Gaski mentions is that Friedman’s vision barely has had attention since its publication in 1970. That assertion seems questionable as it has been reprinted and discussed numerous times in many business ethics textbooks. By the way, a final point concerns two of the authors that Gaski uses to underpin this analysis: Adam Smith and Milton Friedman. The Smith ‘invisible hand’ is invoked at the end of his commentary and Friedman’s ‘the only social responsibility is to improve profits’ mantra is used as a foundational principle by Gaski. Bagha and Laczniak (2015) persuasively argued a much more nuanced reading of these two authors and requires looking at: “the healthiness of the business system not merely from a financial perspective of individual players but also from its social/environmental (i.e., macro) dimensions and their interactions,” (p. 19).

Gaski himself (p. 39) explicitly admits that Friedman is more nuanced than presented in his piece. He criticizes Friedman because he ultimately succumbs to the premise of business acting on subjectively gleaned “ethical custom.” Literally, Friedman argues that corporations should conform “to the basic rules of the society, both those embodied in law and those embodied in ethical custom,” and nowhere claims that these rules are ‘subjective.’

Conclusion

As a concluding note, Gaski attributes great power to the chief marketing officer in making sweeping decisions affecting a firm. In reality, corporations now have both an ethics and compliance department as well as another one dealing with corporate social responsibility, meaning that both areas warrant serious company attention. A recent article provides empirical evidence that the CSR department reports to the board of directors (Weller, 2017), not marketing. While the marketing function and its CMO have influence within companies, they are not as omnipotent as Gaski contends. We hope that the objections raised in our reply will advance the discussion of what it means to be responsible marketers with a conscience.

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