

B 3 The Normative Foundations of Entrepreneurial Activity

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An old fiction claims that “good” management is nothing but a value-free application of pure business logic. This perspective is increasingly refuted by a growing number of social and economic conflicts centered around entrepreneurial activities – activities that involve and affect numerous individuals and stakeholders. Today, corporate managers must deal rationally with questions of corporate ethics just as they do with questions of business strategy and operations. This process does not draw primarily on management tools or patent remedies, but rather on a clear understanding of the ethical foundations of legitimate entrepreneurship. The following pages offer a brief presentation of the basic terms and concepts needed for this understanding.

B 3.1 Why a normative orientation of entrepreneurial activities is inevitable

B 3.1.1 What is “good” management? A type of normative orientation!

A well-known rhetorical formula states: *The business of business is business*. In other words, business people are supposed to care about nothing but business, because that is how they best serve the public interest. Those who invoke this formula implicitly state a notion of what constitutes socially correct entrepreneurial action. They are asserting that it is in the general interest of the public, and therefore a good thing, if managers concentrate exclusively on business performance targets (presumably within the competitive conditions of a functioning market economy). By stating that this way of acting is not just advisable but also the way business is *supposed* to be, the formula serves as a *normative justification* of “free entrepreneurship” and the entrepreneurial pursuit of profit. Indeed, a business leader taking this position is saying that she feels morally at peace not despite her “purely” entrepreneurial pursuit of success, but because of it. By conveying a sense that considerations other than purely economic ones are superfluous or even disruptive to business life, the statement raises a *claim of legitimacy* in both the eyes of the speaker and the eyes of the general public – it claims ethical

justification for a strict orientation of entrepreneurial activity on the “acquisitive principle” (GUTENBERG 1983, 464ff.), i.e. the “profit principle.”

Today, however, this claim to legitimacy is increasingly seen as problematic, both within and especially outside the business world. The main reason is probably the experience of seeing the dynamics of the market economy fail to solve, and in some cases exacerbate, *social problems*. (Examples include ever-more unequal distribution of income and wealth on both national and global levels, high levels of unemployment worldwide, environmental pollution caused by economic growth, and increasing impotence of public policy within the international competition for corporate facilities. There are also obvious questions about the meaningfulness of our increasingly hectic ways of working and living, the continuous rise in consumption and other issues.) We are seeing a shift from a harmonistic belief in the “*invisible hand*” of the market (SMITH 1976, 456), which supposedly guarantees that the entrepreneurial pursuit of success automatically serves the public good, towards a more levelheaded awareness of the multi-layered potential for social conflict underlying market economy processes. From this perspective, market success is economically necessary, but is not a sufficient normative criterion of “good” management.

The growing call for a reassessment of *business and corporate ethics* suggests a conviction among responsible citizens that a free and democratic society requires public discourse on the entrepreneurial pursuit of success. What makes this pursuit legitimate and meaningful? What are its justifiable normative prerequisites and forms, its possibilities, its limitations? These fundamental normative questions about entrepreneurial activity cannot be settled by ostensibly “pure” economic arguments. The crucial point here is that no matter which stance we take on the “business-of-business” formula cited above, we are inevitably adopting a normative standpoint. Each possible viewpoint is based on deeply rooted economic-philosophical and economic-ethical background assumptions about:

- the design of a “good” economic and social order (regulatory ethics)
- the “right” societal role and legal status of the institutions we know as corporations (institutional ethics of corporations)
- what constitutes “good” management (corporate ethics in the narrower sense: management ethics).

It should thus be noted that:

We do not have the choice between “ethics-free” and ethically oriented management. We have only the choice between an approach guided by ideology, and one guided by rationality – i.e. a way of dealing with fundamental normative questions of entrepreneurial activity that is based on sound reasons.

B 3.1.2 On the relationship between the economic and the corporate-ethical perspective

But what, then, are “sound reasons” (or reasonable arguments) for justifying a certain practice? For help with this inquiry, we can look to the discipline of modern ethics, which deals in a general way with questions of how normative validity claims can be justified. This philosophical form of reflection and argumentation places central importance on *ethical-practical reason* (ethics of reason). Modern economic ethics, therefore, has to be conceived as an *ethics of reason of economic activity* – it explores the normative foundations of reasonable economic activity in a comprehensive way.

This may sound somewhat abstract at first, but it is important for an understanding of the (often tense) relationship between the economic and the ethical perspectives. The two are based on different ideas of rationality, and thus both lay claim (implicitly or explicitly) to the definitive viewpoint on normative orientation of management. Bear in mind that “rationality” always describes a central idea about how we are *supposed to* act if we want our behavior to be seen as reasonable. Hence, there is no ethically neutral, purely business-oriented point of view. There are only different normative points of view from which entrepreneurial practices may be judged. (→ Figure 1)

- The concept of *economic rationality* emphasizes the normative logic of the market. This is the strict logic of success of the *homo oeconomicus* who organizes all his relationships with other (economic) agents from the sole point of view of maximizing his own benefit or advantage. His willingness to cooperate thus always remains conditional and benefit-oriented, dependent on whether an act of cooperation “pays off” for him. *Homines oeconomici* “do business” with each other via a *mutual exchange of advantages*, which corresponds to a contractual agreement in the marketplace. The “terms of trade” depend on relative competitive strengths, which in turn are dependent upon who has more access to resources or commodities that are “in demand.” Thus, the free market emphasizes the right of the strongest – the market principle has little to do with justice in the ethical sense.

- *Ethical reason* emphasizes the very different normative logic of interpersonal relations (P. ULRICH 2008, 13ff.), and is thus organized around the recognition of people as beings of equal dignity – entitled to the same inviolable fundamental rights, and to unconditional reciprocal respect. This leads to *moral obligations*, which carry unconditional – or in Kantian terms, categorical – validity. These obligations therefore exclude mere instrumental benefit-oriented interaction with other people, instead demanding of us mutual compassion (sympathy), respect for the personality of others (personal dignity, identity and autonomy), consideration for their legitimate claims (moral rights), solidarity (of the stronger with the weaker) and the creation of fair social relations (justice).

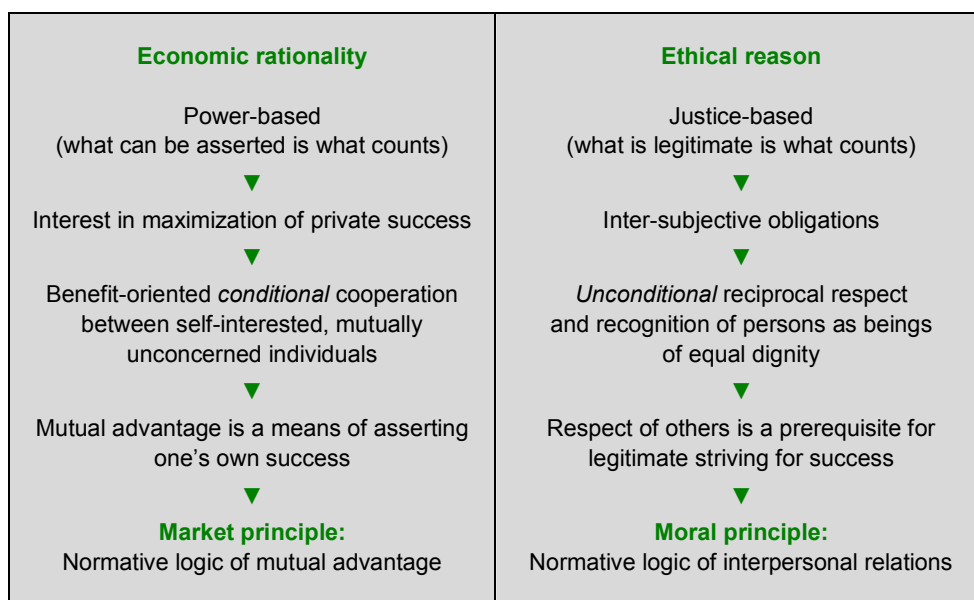


Figure 1: Ethical Reason vs. Economic Rationality

The market principle can thus in no way be equated with the moral principle. Economic ethics is concerned precisely with all those aspects of interpersonal relations that as a matter of principle deserve priority over the private striving for benefit or advantages and thus over the “morality of the market.” We look to *regulatory policy* to frame the market in a way that is as conducive as possible to life and to society; to make the price signals of the market and their incentives and disincentives on economic agents as harmless to humans and as socially and environmentally compatible as possible. In this sense, a good regulatory framework can facilitate responsible, ethically oriented management, but can never entirely replace it.

B 3.2 Bipolar pressure on corporations: Competitive market economies and social demands

Another way of thinking about the insufficiency of purely economic “rationalization” of entrepreneurial activity, and the need for an ethical orientation of corporate behavior, involves the double character of the corporation. A business enterprise is simultaneously a *subsystem of the market economy system*, and also a *social institution* whose activities affect the lifeworld of many people in manifold ways. (→ Figure 2)

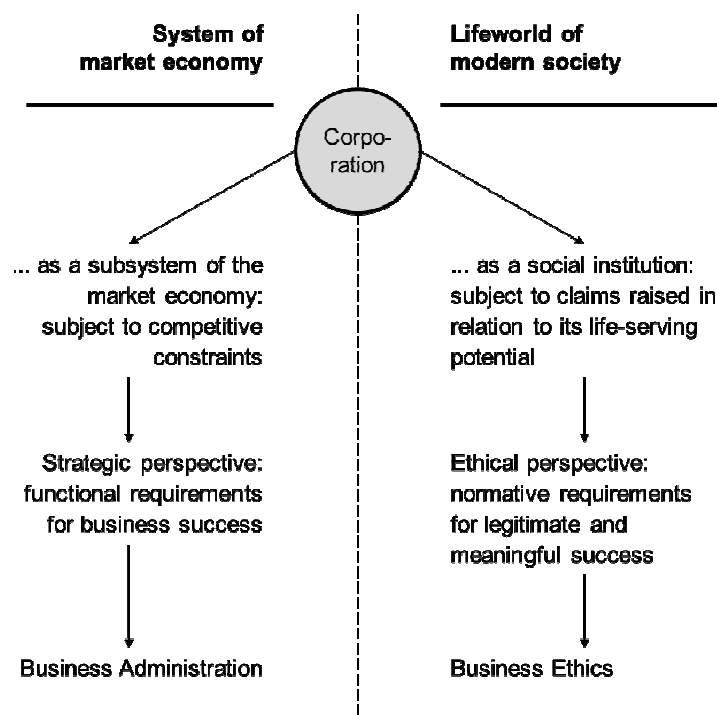


Figure 2: The corporation, from systemic and from lifeworld perspectives

- The *systemic* perspective is concerned with the corporation's survival in free-market competition, which we might call its *self-assertion* – i.e. the question of how a corporation *may* permanently ensure its competitiveness and thus its existence. This corresponds to the basic business requirement of analyzing how alternative strategies and management methods (with their many interactive connections) will affect the corporation's survivability. This is, in short, the *functional* requirement for success – finding an appropriate combination of strategies and methods that will keep the enterprise alive.

- The *lifeworld* perspective, on the other hand, is concerned with how entrepreneurial value creation functions in the service of the many groups and individuals who are affected by it. Or, put another way, given the multifarious value and interest conflicts faced by a corporation, which real-life practical *values* will the corporation seek to create? For whom? As the enterprise strives for success, which *normative principles* should it observe? What accountability does it have towards those affected by secondary consequences of its actions? (For a more detailed explanation of these distinctions see the author's → **FI1 Normative Orientation Processes** in this reader). The resulting corporate-ethical task is to reflect on and justify the contexts of meaning and the bases of legitimacy of corporate policy – to ask, “which values and normative principles should (and does) the corporation adopt in its business behavior?”

As we consider the lifeworld perspective, an important question about corporate responsibility immediately arises: to whom do managers have to justify their activities? Are they answerable only to the company's owners, as defined by corporate law (*shareholders* in the case of a stock corporation), or also to other reference or claimant groups (*stakeholders*)? From the point of view of corporate ethics, the basic answer is rather clear: The ethical *responsibility* of an actor is never confined to the *accountability* narrowly defined by property and corporate law, but encompasses all the consequences of his actions. It is essential to respect the *legitimate claims* – the moral rights – of all those affected, which of course includes the owners and their claims. Thus, for the shareholder value approach to be considered legitimate, it would have to be demonstrated that a strict management orientation towards the owners' interests also meets the legitimate claims of all those affected and involved. This, of course, begs the question of who may raise legitimate “claims” against the corporation. Or, in other words: Which “claimant groups” have to be recognized as *stakeholders* of the corporation? The answer to this decisive question depends first on the result of corporate-ethical scrutiny of the shareholder value theory, and second on the precise interpretation of the stakeholder approach.

B 3.2.1 A corporate-ethics critique of the shareholder value theory

With the worldwide spread of the Anglo-Saxon understanding of “pure” market economy (as opposed to the “Rhine capitalism” model), maximization of corporate capital value has also become the dominant entrepreneurial target theory in Europe. In contrast to the conventional

principle of profit, which is based on the maximization of profit as reported in annual or quarterly income statements, the *shareholder value theory* (RAPPAPORT 1986) aims for “sustainable” increase of the internal value of a company as measured by its total future earnings potential. This brings into play a *long-term economic* perspective, which seeks to harmonize all shareholder and stakeholder interests (and also legitimize the overall theory) by arguing that corporate earning power can only be *permanently* increased or optimized if adequate consideration is given to the interests of all other stakeholders – especially those of customers, employees, suppliers and the general public.

This argument, however, is not one of ethical legitimization, but a form of strategic prudence. What counts here is not the intrinsic value of legitimate stakeholder claims against entrepreneurial activity, but solely their *instrumental* value as a means of increasing corporate shareholder value. According to this line of thought, “ethics” is nothing but an investment in the company’s future success; as described above, the consideration of other points of view remains conditional and benefit-oriented. But what happens when taking into account the legitimate claims of those affected does not “pay off” even in the longer term? In these instances, the ethical argument is that *unconditional* respect for affected parties’ moral rights is essential, prior to any cost-benefit calculation, *for its own sake*! But the shareholder value doctrine has in principle decided against calling into question the interests of the shareholders, i.e. to even consider the possibility that other value assessments or claims might be given priority as the situation demands, unless their consideration is required by law. The shareholder value doctrine is thus fundamentally incompatible with the corporate-ethical legitimacy claim – there can be no ethical neutralization of the interest-based “profit principle” even when it is put in the context of a long-term economic perspective (cf. in particular P. ULRICH 1999; ID., 2008, 379ff.)

From this we can draw the following interim conclusion:

As a matter of principle, strict maximization of profit or earnings cannot be a legitimate orientation for entrepreneurial activity because it implies unquestioning subordination of all conflicting value viewpoints or claims. Legitimate striving for success is, on the contrary, ethically self-limited. It prioritizes, as a matter of principle, respect for the moral rights of all affected parties over the goal of increasing profit or shareholder value.

Once again, we see that the mission of corporate ethics is to assess, in an impartial manner, which considerations deserve priority over the pursuit of profit from an ethical point of view. Profit seeking is only one of many value-oriented viewpoints on the entrepreneurial “creation of value.” As such, the pursuit of profit is – like all other interests that are treated as givens – a *subject* of corporate-ethical reflection and not in and of itself an ethically justifiable *criterion* of good management. Managers are therefore inevitably obliged to assess all claims raised by their stakeholders in regard to their concrete justifiability, and to consider them according to their intrinsic ethical value when they conflict with one other.

B 3.2.2 Corporate-ethical specification of the stakeholder theory

The stakeholder theory (FREEMAN 1984) envisions the corporation as a *social institution*, which fulfills socio-economic functions for numerous reference groups. As a result, the corporation will often find itself at the center of conflicts. These conflicts revolve partly around the conflicting self-serving *interests* of those involved, but also partly around *values* represented by groups advocating for the common good (e.g. environmental protection, human rights and humanitarian issues, social justice and solidarity, support for development projects, etc.). But why should company executives get involved with such *interaction issues* (→B2, section 2.1.3) in the first place?

Basically, such questions always have two types of answers, in accordance with the two fundamental perspectives on the corporation differentiated above:

- *Corporate-strategic answer:* In this framework, close inspection may find that respecting the concerns and interests of third parties is *useful* to the mission of securing entrepreneurial success, and therefore aligns with the well-understood self-interest of the corporation. This is the case when a stakeholder group has access to *resources* (broadly defined) that the corporation needs to produce and provide its market offerings. These resources could include financial and human capital, natural resources or manufactured inputs, know-how, rights or the ability to affect a corporation’s reputation. A corporation’s willingness to cooperate with any given group, and the group’s willingness to make its resources available only in return for compensatory measures, are proportional to the scarcity of the resources the group has access to, and how replaceable they are from the perspective of the corporation that needs them (resource dependence theory; cf. PFEFFER/SALANCIK 1978).

- *Corporate-ethical answer:* Ethically oriented company executives, after reflecting on claims raised against the corporation, may possibly come to the conclusion that the claims are *legitimate* and deserving of respect for their own sake. The extent to which this happens, if it does at all, depends on personal *moral concepts* and the *social norms* underlying them. Moral concepts in this context represent subjective judgments and preferences; as such, they are optional within the framework of the applicable norms of a free and democratic society. These norms themselves, however, represent moral or legal obligations – most members of society would not tolerate disregard or violation of them, and failure to comply would result in sanctions of one sort or another. From an ethical perspective, the question of which normative principles and moral concepts should guide entrepreneurial activities is not only a matter of preexisting handed-down norms and conventions, but also a matter of responsible justification.

This second perspective brings to bear a different understanding of the role of the corporation: It is no longer perceived as a private capital valorization arrangement run by its owners, but as a multifunctional *quasi-public institution* whose value-adding activities as a matter of principle require legitimization by all those involved and affected (P. ULRICH 1977; P. ULRICH/FLURI 1995, 60ff.).

Again, it should be remembered that stakeholder theory is not necessarily relevant to corporate ethics. As long as the theory is not defined more precisely, it allows for interpretation in two different ways: as a strategic concept, and as a critical normative (ethical) concept. We will consider both interpretations:

- *Strategic stakeholder theory*, described by R.E. FREEMAN (1984) and well received in the field of management studies, defines stakeholders as all groups that have manifest or latent *potential to influence* the corporation. This can stem from their power of disposition over scarce resources needed by the corporation, or from their power to sanction (i.e. their potential to directly or indirectly cause harm) if the corporation does not submit to their claims. The firm's management will thus only meet the demands of strategically relevant stakeholders, and only meet them to the extent necessary to maintain their willingness to cooperate (in the case of capital providers, employees, suppliers, etc.) or to *secure acceptance or reputation* (among customers, local residents, the general public, etc.). A narrow version of the strategic stakeholder theory considers claims "relevant" only if the claimants currently hold *effective*

power over the corporation. A broader version, by contrast, will take into account all groups directly or indirectly *affected* by the actions of the corporation, even if they are currently unable to assert their interests or concerns effectively vis-à-vis the corporation, as they may have *latent power potential* which is not yet manifested empirically, but could one day be mobilized and used.

- *Critical normative* stakeholder theory, on the other hand, defines stakeholders as all groups with *legitimate claims* upon the corporation, be they special entitlements deriving from contractual agreements (employment, partnerships, contracts for purchase or services, etc.) or general moral rights, such as personal and civic rights. This does not depend on who is *able to* raise claims effectively, but only on whose claims are justified for their own sake and therefore *should be* respected, irrespective of whether this pays off in terms of strategies for success (cf. in particular P. ULRICH 2008, 418ff.). In a narrow variant of this critical normative theory, only contractual partners and others *directly affected* by the actions of the corporation would be regarded as stakeholders. In the broader variant, every politically mature person has, in principle, the right to “address” a corporation in regard to the moral justifiability of its actions. From this perspective, making a definitive list of stakeholders is not possible: stakeholders are quite simply all those who participate in the deliberative public realm of a free democratic society, and who currently make “claims” upon a company. (We will return to the particular role of the general public below in → B3.3.)

Only against this background does it become clear what exactly is meant by the much-cited standard definition of a stakeholder by R.E. FREEMAN (1984, 46): “A stakeholder in an organization is (by definition) any group or individual *who can affect or is affected* by the achievement of the organization’s objectives.” (Emphasis added.) Contrary to the initial impression, the taking into consideration of all those affected (“*who is affected*”) by no means implies that one is adopting the corporate-ethical perspective. It merely implies adopting the broad variant of the corporate-strategic perspective! FREEMAN illustrates this with an argument in the form of a risk calculation: “Groups which 20 years ago had no effect on the actions of the firm, can affect it today, largely because of the actions of the firm which ignored the effects on these groups. Thus, by calling those affected groups ‘stakeholders,’ the ensuing strategic management model will be sensitive to future change, and able to turn new ‘external changes’ into internal changes.” This strategic prudence argument has nothing to do with an ethical sensitization of company executives. The added phrase (“... *or is*

affected”) in Freeman’s definition only *appears* to make it less problematic in corporate-ethical terms, because the aspect of legitimacy does not play a role in his theory. By this definition, even a terrorist group (!) has to be considered a stakeholder if it is able to exercise strategic influence on management, as FREEMAN (1984, 53) explicitly mentions. In contrast, those who are negatively affected by consequences of entrepreneurial acts or omissions, but lack influence or other means of defending themselves, remain outside strategic perception – unless they could be considered to have latent potential power, which is likely to manifest in the long term and which could allow them to “fight back” later. As GOODPASTER (1991, 59) aptly put it, FREEMAN could have simply said that the (strategic) stakeholder theory includes all “who can actually *or potentially* affect the company.”

The lack of conceptual clarity in FREEMAN’s standard definition has unfortunately contributed much to blurring the categorical differences between the strategic and the critical normative stakeholder theories. The two conceptions lead to very different distinctions and evaluations of how claims and interests should be taken into consideration by corporate policy. Nevertheless, as we contrast the strategic stakeholder theory with the critical normative theory, it would be a misapprehension to say that the latter is only possible “at the expense of” the shareholders, let alone the self-assertion of the corporation in the market. Two considerations speak against it:

- First, recall that the critical normative theory is explicitly concerned with an impartial perspective. As such, it sees that *capital owners, too*, have *legitimate claims* – to adequate compensation in return for their capital investment (dividends, interest, share appreciation, etc.). Consideration of the claims of other stakeholders, therefore, has to be equitable to capital owners as well. There is a fair symmetry between the postulates of accountability of entrepreneurial actions towards all those affected and the reasonableness of their claims for the actors (cf. P. ULRICH 2008,139ff.).
- Second, there are normally only partial conflicts between different stakeholder and shareholder claims. Put another way, it is usually possible to realize at least *partial harmony* among them, since the self-assertion of the corporation in the market is always a defined prerequisite for meeting most claims (area A in → figure 3). Indeed, it is only the goal of strict profit or shareholder value maximization that inevitably comes into conflict with other value viewpoints or the concerns and interests of stakeholders (area B in → figure 3). Managers can maintain a comparatively strong argumentative position by focusing on the necessary self-assertion of the corporation in the marketplace, eschewing

one-sided partial interests (their own or others'), and working towards securing the corporation's existence and success in a sustainable way on the basis of legitimate business principles. This successful self-assertion of the corporation on the market is, after all, a prerequisite of any balanced and fair fulfillment of the manifold stakeholder claims.

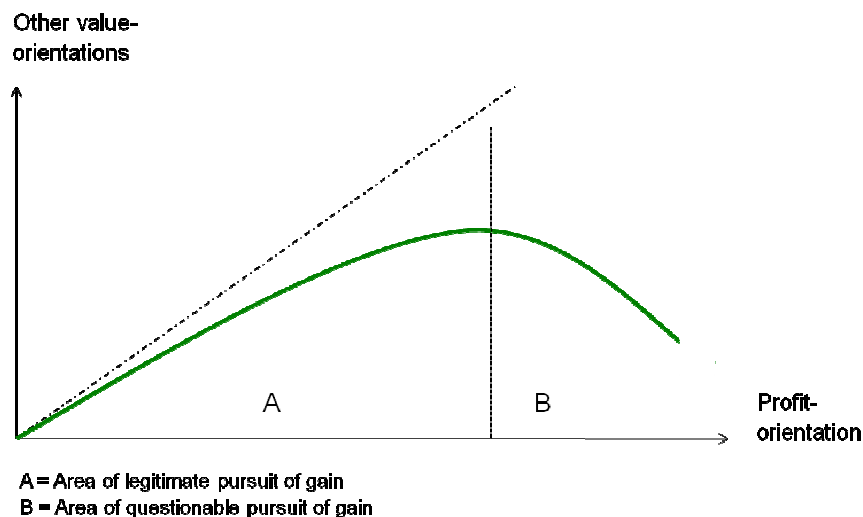


Figure 3: Interdependence between profit orientation and other value orientations

There is thus no good reason why responsible managers should oppose dealing with different stakeholder claims in ways that would be considered “enlightened” in a corporate-ethical framework. On the contrary, they can and should consider it a challenging professional task to strive for successful marketplace self-assertion of the corporation in ways that are just for all those involved and affected. While this does not make the entrepreneur’s task any easier than a pure market-success orientation would, it certainly makes the work more useful on a social level, and possibly ultimately more fulfilling for executives on a personal level.

B 3.3 The critical public as the ideal “site” of corporate-ethical legitimization

As mentioned above, ethically interpreted critical normative stakeholder theory ultimately gives every mature person the right to critically “address” corporate management with regard to the legitimacy of its corporate

activities, and to demand public justification of questionable activities. Thus, stakeholders are quite simply all those participants in the deliberative public realm of a free democratic society who raise legitimate claims towards a corporation and who want to enter into civic dialogue with its executives. As a matter of course, all claimant groups must publicly justify and rethink their claims in exactly the same way they expect the corporation to justify its actions. All legitimate claims must have, in other words, the "capacity of publicity" (KANT 1996a, 347; cf. ULRICH 2008, 288ff.), the ability to be supported by arguments that are generally tenable for all reasonable persons. This is central to the ethical criterion of impartiality of claims, and allows their legitimacy to be argumentatively assessed.

Thus, the general public of all mature citizens is, in an open society, the ideal site of legitimization of all stakeholder claims as well as of entrepreneurial activities. We speak of the "ideal site" here because "public" in this context represents a regulative idea, in the philosophical sense – not as something that is empirically present or pragmatically feasible, but rather as an orientation, a normative idea that can only be realized approximately. KANT summed this up in his famous formula of the "public use of reason" (1996b, 55). This is the principle of legitimate formation of political will among free citizens who mutually recognize one another as equal. Understood in this way, these mutually created critical views and bodies of opinion are part of what allows the general public to sometimes be referred to as the fourth power in a democracy, besides the legislative, executive and judicial powers – and we must be careful not to equate them with "public opinion" as defined by polls, or with "opinions" published by the media.

To sum up, the normative orientation of corporate management cannot be enclosed within a "private morality" of a company's executives. The ideal site of corporate-ethical legitimization in an open society is among the critical public, which is made up of all citizens interested in legitimization.

From this emerges an important consequence for the corporate stakeholder theory. If the *critical public* (general public) represents the ideal site of corporate-ethical legitimization, it cannot simply be regarded as one group of claimants alongside others – i.e. as a special interest group. Rather, all stakeholders, including management itself, must submit their claims for an assessment of legitimacy within a framework of public debate among responsible citizens (and thus of the critical public). However, it is also possible that reigning public opinion is being manipulated by influential

special interest groups according to their vested interests. In this case, public opinion itself is in need of critique and clarification through the “public use of reason.”

Besides, the company executives can also take into account the public opinion from a *strategic* perspective – *as if* it were a stakeholder with access to the valuable resources of “acceptance” and “preservation of reputation.” Company executives are, however, well advised to recognize and take seriously their *fundamental duty of achieving legitimization* among the general public of all mature citizens. In a free and democratic society this civic community constitutes the “sovereign” that grants corporations their legitimate freedom to engage in private economic activities and thus their effective “license to operate.” In such a society, determining and defining what should and should not be left to “private” decision-making will itself always remain a public, eminently political task. The appropriate social role of corporations is always an expression of politico-philosophical guiding principles of the “right” economic and social order. And from this, the normative criteria of “good” management can ultimately be determined: *The business of business is not only business.*

The question of how to put this ethically based understanding of entrepreneurial activity into practice in day-to-day business will be explored in → chapter **F11** *Normative Orientation Processes* in this reader.

Glossary

Ethics

Modern Ethics is a philosophical sub-discipline that is essentially concerned with the problems of how to impartially and rationally justify moral demands that arise in relation to human activities. In contrast to pre-modern authoritative ethics, it does not immediately provide “fixed values,” but instead critically reflects existing moral claims from the rational moral point of view (“moral principle”) in a methodical way. This point of view refers to the mutual respect and recognition of humans as beings of equal dignity, i.e. to the “normative logic of interpersonal relations” (P. Ulrich 2008, 31ff.). An ethics of reason understood in this way serves the autonomous (self-determined) normative orientation of free and mature persons with regard to their conceptions of a good life, of just coexistence with others, and of responsible actions.

Legitimization

Ethical legitimization means the justification of claims raised about the validity of a way of acting or of a social rule of action. This justification occurs in light of moral principles (ethics) and their impartial tenability with respect to all those affected. Legitimization is thus based on ethically good reasons. It must be distinguished from, on the one hand, mere legality, or compliance with applicable laws, and on the other hand, mere acceptance – *de facto* tolerance by those affected or by the general public.

Norms

Norms are social validity claims that are considered binding in a society or a social area, and are supposed to guide human activity. Whether these claims to validity and authority are well founded or not remains uncertain, and is the subject of ethical reflection.

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