

## **What Should Business Ethics Be? Aims, Methodology, Substance**

**Brian Berkey**

**Abstract:** Few would deny that some central questions in business ethics are normative. But there has been, and remains, much skepticism about the value of traditional philosophical approaches to answering these questions. I have three central aims in this chapter. The first is to defend traditional philosophical approaches to business ethics against the criticism that they are insufficiently practical. The second is to defend the view that the appropriate methodology for pursuing work in business ethics is largely continuous with the appropriate methodology in moral and political philosophy more broadly. And the third is to offer a brief characterization of how we should think about the substance of business ethics, in light of my arguments about its proper aims and methodology.

### **1. Introduction**

The term ‘business ethics’ is now used to refer to various types of work done within and across a wide range of academic disciplines. Much of this work is purely empirical: scholars examine the impact of corporate policies that are widely regarded to be ethical or “socially responsible” on the profitability of firms that adopt those policies; they attempt to determine what features of corporate environments tend to promote behavior that is widely regarded to be ethical among employees, and what features of such environments tend to lead to behavior that is generally thought to be unethical; and they assess which firms tend to be viewed by members of the public as ethical, and which as unethical, and attempt to determine what explains these public perceptions.

This kind of work is important, and much of it is essential to the overall enterprise of business ethics, which surely has as one of its aims providing the necessary bases for agents in

business to make ethical choices.<sup>1</sup> Since making ethical choices often requires accurately predicting what the most important effects of different available options would be, empirical work that contributes to our ability to do this is indispensable. Any adequate view of the scope of business ethics, however, must include work on *normative* questions about the proper conduct of business by firms and the individuals who work within them.<sup>2</sup> Normative questions are unavoidably *philosophical*, since answering them requires taking a position, at least implicitly, on which values and principles *ought* to guide choice and behavior.<sup>3</sup> No amount or type of empirical research can tell us which values ought to guide our choices, or to which principles our behavior ought to conform. Answers to these questions must come from, and be supported by, philosophical reflection and argument.

Despite the fact that few would deny that some central questions in business ethics are normative, there has been, and remains, much skepticism about the value of traditional philosophical approaches to answering these questions. One common variant of this skepticism has its roots in the thought that scholarship in business ethics must have as one of its aims providing “practical” guidance to managers and others making important decisions in real-world business contexts. It is suggested by skeptics that, for a number of reasons, philosophical approaches, and in particular those that treat business ethics as largely continuous with moral and political philosophy more broadly, cannot provide guidance that is appropriately practical.

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<sup>1</sup> There is a broader question that can be asked about whether it makes sense to consider all of the work that is currently referred to as ‘business ethics’ as part of a single, unified field of scholarly inquiry. I take no position on this question here.

<sup>2</sup> There is, in my view, good reason to count a much broader range of normative questions among those that fall within the scope of business ethics, including, for example, questions about the obligations of consumers (Hussain 2012; Ferguson and Ostmann 2018; Lawford Smith 2018; Barry and MacDonald 2018; Hassoun 2019; Kingston 2021), questions about the appropriate structure and limits of markets within a society (Satz 2010; Sandel 2012; Brennan and Jaworski 2016), and questions about international trade justice (James 2012; Risse and Wollner 2019).

<sup>3</sup> Individuals can, of course, take positions on these questions without engaging in philosophical inquiry – they can, for example, defer to religious texts or leaders, or views that are widely accepted in their culture. Openness to philosophical inquiry, broadly understood, however, is essential for the kind of debate about the complex and important issues that work in business ethics, and ethics more generally, should help us address.

Any defense of this criticism of philosophical approaches in business ethics must include an account of the conditions that must be met in order for the guidance offered by an argument, principle, or theory to be sufficiently practical, as well as grounds for thinking that the philosophical approaches being criticized tend to yield results that fail to meet those conditions. It is, however, often unclear exactly what skeptics take the relevant conditions to be, and therefore unclear precisely why we should think that the views that they target should be rejected. A common theme is that those who employ traditional philosophical approaches tend to endorse claims, principles, and theories that are unrealistic and utopian, as well as too condemnatory of common and widely accepted features of business practice, such as deception<sup>4</sup> or the profit motive. At a fairly general level, the suggestion seems to be that any view that implies that the actual motives and practices of typical businesspeople tend to be ethically troubling should be considered insufficiently practical. More specifically, the suggestion is that such views cannot provide the kind of practical guidance to businesspeople that scholarship in business ethics must aim to provide. And since, according to proponents of this line of argument, work in business ethics ought to be constrained by the requirement to offer practical guidance, traditional philosophical approaches to business ethics should be regarded as objectionable in virtue of their aims, methodology, and/or substance.

I have three central aims in the remainder of this chapter. The first is to defend traditional philosophical approaches to business ethics<sup>5</sup> against the criticism that they are insufficiently practical. I do this, in section 2, by arguing that there are two main ways that the requirement that

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<sup>4</sup> See, for example, Carr (1968). For critical discussion, see Sullivan (1984); Carson (1993 and 2005); Strudler (1995 and 2005); Allhoff (2003); Varelius (2006).

<sup>5</sup> In the remainder of this chapter, I use the term ‘business ethics’ to refer only to the subset of scholarship that is typically referred to by that label that addresses normative questions about the proper conduct of agents in business contexts.

scholarship in business ethics offer practical guidance can be understood. On the first, the requirement should, I claim, be rejected, since it is not an appropriate constraint on acceptable answers to any normative question. And on the second, the arguments, principles, and theories that are produced by employing traditional philosophical approaches will, at least in general, satisfy it. Because of this, we should accept that scholarship in business ethics, like scholarship in moral and political philosophy more generally, and in other areas of applied ethics, should take among its central aims offering arguments, principles, and theories that represent appropriate normative ideals to govern the behavior and practices at issue.

My second aim is to defend the view that the appropriate methodology for pursuing work in business ethics is largely continuous with the appropriate methodology in moral and political philosophy more broadly. I do this, in section 3, largely via a critique of approaches that treat business ethics as fundamentally a kind of “professional ethics,” and on which the principles that ought to guide the behavior of actors in business are grounded primarily, if not exclusively, in the values that are central to the profession and provide the justification for its role in society. Proponents of these approaches sometimes suggest that they represent a plausible middle-ground between, on the one hand, potentially unrealistic and impractical philosophical approaches that treat business ethics as largely continuous with moral and political philosophy more generally, and, on the other, the approaches favored by more thorough-going skeptics of business ethics, which offer too little space for normatively justified criticism of much actual behavior in business. I argue, however, that because of the immense impact of business activities on a vast range of morally important values, it is less plausible to approach questions in business ethics as purely, or even primarily, a matter of professional ethics than it is to approach questions in, for example, medical or legal ethics in that way. More generally, I argue that the methodology

characteristic of the professional ethics approach inevitably screens out values that are in fact relevant to the moral status of conduct in business. Employing that methodology, then, will unavoidably generate principles and theories that cannot account for all of the obligations of firms and the individuals working within them.

My final aim is to offer a brief characterization of how we should think about the substance of business ethics, in light of my arguments about its proper aims and methodology. I do this, in section 4, by highlighting some of the central ways in which my arguments suggest that the substance of business ethics ought to be informed by theoretical work in moral and political philosophy, and noting some important implications of this view.

## **2. The Aims of Business Ethics**

As I have noted, a number of those who are skeptical of philosophical approaches to business ethics have claimed that scholarship in business ethics must have as one of its central aims offering practical guidance to managers and other actors in business contexts. And they have suggested that employing philosophical approaches tends to generate arguments, principles, and theories that do not provide guidance that meets the requirement of practicality. In order to assess this charge, it is essential to consider precisely how critics might understand the requirement that the guidance provided by scholarship in business ethics be practical.

### ***2.1. Stark's Practicality Requirement***

In order to determine what critics might have in mind, it will be helpful to examine the well-known critique of philosophical approaches in business ethics offered by Andrew Stark (1993a). According to Stark, business ethics at the time that he was writing was largely dominated by

those employing philosophical approaches. And this was regrettable because, on his view, moral philosophy as it is traditionally practiced has little of practical value to offer to managers and others working in the business world. As he puts it, “the discipline of business ethics has yet to provide much concrete help to managers” in areas that ought to be its focus, such as, for example, identifying ethical courses of action in difficult real-world cases, or helping managers to do what they already know is right in cases in which competitive and organizational pressures tend to encourage unethical behavior (1993, p. 38).<sup>6</sup>

The central reason that Stark thinks that philosophical approaches offer little of practical value to managers is that the views that tend to be defended by those employing such approaches typically imply that complying with many moral obligations in business will come at the cost of the agent’s self-interest, the profits of her firm, or both. Arguments that suggest that managers have such obligations fail to provide appropriately practical guidance, Stark suggests, in effect because their implications will tend to be viewed as radical, and managers will predictably refuse to act in accordance with them. The obligations that business ethicists defend, “however morally respectable, run so contrary to existing managerial roles and responsibilities that they become untenable” (Stark 1993a, p. 43). If they are to succeed in influencing managers, “they must advance their proposals with a heightened sensitivity to practitioners’ understanding of their professional-principal responsibilities” (Stark 1993a, p. 46).

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<sup>6</sup> It is worth noting that while the first of these suggestions regarding what business ethicists ought to aim to do in their work clearly lies within the domain of normative scholarship, the second just as clearly does not. Insofar as his aim is to critique the way that normative scholars have approached their work in business ethics, then, the second suggestion is clearly out of place, since normative scholars are generally not trained to produce work that has as its aim motivating people to behave in ways that they know, independently, are morally required. In addition, this would be an unusual aim to have in producing scholarly work in any field of inquiry. It seems instead to be a more suitable aim to adopt if one is, for example, acting as a consultant to a corporation and in a position to shape the decisions of managers. Indeed, to some extent Stark’s critique can be understood as suggesting that much scholarship in business ethics is problematic because it does not, and perhaps cannot, play a central role in satisfying the aims that an ethics consultant might reasonably adopt. As I will argue, however, there are strong reasons to reject the view that normative scholarship, whether in business ethics or any other domain, should be constrained by aims of this kind.

As Joseph Heath rightly points out (2004, pp. 71-72), Stark's discussion runs together, on the one hand, the pursuit by managers of their personal self-interest and, on the other, their pursuit of profit maximization on behalf of their firms (or, perhaps more precisely, on behalf of shareholders). This is important because the charge that philosophical approaches to business ethics should be rejected as insufficiently practical can be articulated by suggesting that purported moral obligations to sacrifice one of these in business must be rejected, but it cannot be claimed that obligations to sacrifice either must be rejected. This is, of course, because they can conflict – sometimes the course of action that will best promote a manager's personal self-interest is not the same as the course of action that would be most profitable for her firm.

On the whole, Stark is, it seems to me, most plausibly interpreted as primarily claiming that views that require non-trivial sacrifices of potential firm profits should be rejected as failing to provide sufficiently practical guidance to managers.<sup>7</sup> Nonetheless, there are at least some grounds for interpreting him as, at least at times, appealing to managers' self-interest as grounds for skepticism about the practicality of the views that he critiques. For example, he speaks largely favorably about views according to which the reason that managers should be ethical can be characterized in terms of "enlightened self-interest" (Stark 1993a, p. 39),<sup>8</sup> and suggests that views that require managers to be motivated by altruism are problematic (p. 40).<sup>9</sup> Relatedly, he suggests that business ethicists whose academic background is in moral philosophy have tended to produce work that fails to address the "real-world moral problems of management" because

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<sup>7</sup> Joseph Monast (1994) also interprets Stark in this way, though he is not always entirely careful to distinguish profitability from personal self-interest either.

<sup>8</sup> He notes, for example, that several scholars have claimed that the primary (and appropriate) goal of ethical management is to prevent the enactment of regulations that would constrain firms' business activities (presumably in ways that would limit their profitability while protecting or promoting other values).

<sup>9</sup> Stark does not deny that individuals, including managers and others acting in business contexts, are sometimes motivated by altruism (1993a, pp. 43, 46). But he does at least at times suggest that approaches in business ethics that do not take a significant degree of self-interested motivation as given, and as a constraint on what individuals can be obligated to do, must be rejected (pp. 40, 43, 46).

their discipline “tends to place a high value on precisely those kinds of experiences and activities where self-interest does not rule” (p. 40).

Since managers are not identical with the firms for which they work, there is at least some awkwardness in interpreting the claim that managers should be ethical for reasons of enlightened *self*-interest to mean that they should be ethical because it is in the interests of their firms.<sup>10</sup> In addition, Stark favorably quotes Joanne Ciulla’s claim that “the really creative part of business ethics is discovering ways to do what is morally right and socially responsible without ruining your career and company,” and shortly after states that “the key task for business ethicists is...to participate with managers in designing new corporate structures, incentive systems, and decision-making processes that are more accommodating of the whole employee, recognizing his or her altruistic and self-interested motivations” (1993a, p. 46). Perhaps most significantly, in a reply (Stark 1993b) to a critical response to his initial article (Duska 1993), Stark describes his critique as motivated in part by the fact that, in his view, “the reality of self-interest in managerial psychology is not given adequate importance” (p. 12) in the business ethics scholarship that he critiques.

## ***2.2. Practicality and Managerial Self-Interest***

Because Stark does at times seem to suggest that philosophical approaches are insufficiently practical in virtue of requiring too much sacrifice of managers’ self-interest, it is worth considering whether this charge might be plausible before moving on to consider the alternative version of the charge that is grounded in the claim that views that require non-trivial sacrifices of

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<sup>10</sup> Despite this, in the same section Stark does characterize the view that he is describing as concerned with the effects of ethical behavior on firms’ “bottom line,” and quotes another scholar who claims that there will tend not to be any conflict between the courses of action that would be chosen by those concerned about social responsibility and “long-range profit considerations” (1993a, p. 39).



profitability fail to provide sufficiently practical guidance. The first thing to notice is that there do not seem to be any grounds on which the claim that an ethical argument, principle, or theory that implies that an individual is obligated to make significant sacrifices of her self-interest should be rejected as insufficiently practical can be limited to business contexts, or even to professional contexts more generally. Instead, it would seem to constitute a rather general basis for skepticism about any normative argument, principle, or theory that implies that individuals can, at least at times, be obligated to make significant sacrifices with respect to their personal self-interest. If this is right, then a significant degree of self-interested motivation would have to be accepted as given, and as a constraint on normative scholarship, including in theoretical work in moral and political philosophy that does not aim to directly address questions of professional ethics.

Stark, however, clearly accepts that scholarship in moral theory is not subject to the requirement to offer sufficiently practical guidance. Instead, he claims that there is an important distinction between moral theory and work in applied and professional ethics, and that only the latter must satisfy it – “[s]urely, business ethicists are not pure moral theorists who needn’t worry about the practicality of their prescriptions” (1993a, p. 43). In addition, it would, in any event, be extremely implausible to think that all normative scholarship must avoid endorsing views about our obligations that at least sometimes require that individuals accept significant sacrifices of their self-interest. One of the central debates in moral philosophy in recent decades is about how demanding morality is, that is, how much sacrifice of one’s own interests it requires or can require.<sup>11</sup> While most participants in this debate reject the most demanding views, virtually all

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<sup>11</sup> Just a few of the many important contributions to this debate are Singer (1972); Williams (1973 and 1981); Wolf (1982); Scheffler (1992); Unger (1996); Ashford (2000); Murphy (2000); Miller (2004); Buss (2006). I contribute to the debate in Berkey (2016).

accept that morality can, at least at times, require substantial sacrifices of one's personal interests. Accepting that normative scholarship is insufficiently practical if it implies that there are obligations to make significant sacrifices of one's self-interest would imply that nearly all work in this central debate is fundamentally misconceived, and that the central questions that are at issue in the debate should in fact be treated by all normative scholars as, in effect, settled in favor of the views on the least demanding end of the spectrum. This would limit what ought to count as proper normative scholarship much more than Stark intends, and more than anyone, including critics of philosophical approaches in business ethics, should find acceptable.

Furthermore, even if there were a plausible basis for applying the requirement only to scholarship in professional ethics, it is clearly unacceptable to think that scholars working in other areas of professional ethics must avoid endorsing views that require individuals to forego their personal interests to a significant extent when acting in their professional capacities. As Heath notes, the very idea that a doctor's self-interested motivations could provide grounds for skepticism about an otherwise plausible claim about her obligations is simply absurd – “[s]uppose the patient doesn't really need an operation, but the doctor could make a lot of money by performing it anyway. What to do, what to do?” (2004, p. 71). Examples of this kind can easily be multiplied across a range of professional contexts: A lawyer predicts that if she ensures that her current client loses his case, she will be able to secure lucrative employment with his counterparty in the future; an elected official predicts that if he ensures the passage of a bilateral trade deal with another country that will predictably harm his constituents, he will be able to secure a high-paying position with a powerful firm in the other country upon leaving office. The arguments, principles, and theories defended in these other areas of professional ethics all reflect the core ethical commitment, shared with nearly all moral theory, that complying with moral

obligations will at least sometimes, and perhaps often, require sacrifices in terms of one's own interests.<sup>12</sup>

### **2.3. Practicality and Profit Maximization**

The claim that philosophical approaches in business ethics should be rejected because they generate prescriptions that are in conflict, to an unacceptable degree, with managers' self-interest, then, should clearly be rejected. It should be entirely unsurprising and uncontroversial that the obligations of managers, like the obligations of doctors, lawyers, elected officials, and individuals acting in non-professional capacities, will sometimes conflict with the pursuit of their own self-interest. As Heath rightly points out, this possibility follows straightforwardly from the idea that there are obligations grounded in the other consideration to which Stark appeals, namely profit-maximization. Just as doctors, when they are acting in their professional capacity, are generally thought to be obligated to act in the best interests of their patients, to the exclusion of consideration of their own interests, if managers are obligated to maximize profits this is because they are obligated to act in the interests of shareholders, to the exclusion of their own interests, when they are acting in their professional capacity.<sup>13</sup> The fact that managerial action that maximizes returns to shareholders can conflict with the manager's personal interests, and that this has significant potential implications for managerial obligations, is noted in a

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<sup>12</sup> This is especially important to note in relation to Stark's discussion, since he claims that other areas of professional ethics, such as medical and legal ethics, have done significantly better than business ethics when it comes to offering practical guidance to the relevant professionals (1993a, pp. 38, 44; 1993b, p. 12).

<sup>13</sup> Heath claims that properly structured incentive systems will tend to align managers' personal interests and the interests of shareholders, but rightly notes that this alignment of interests, where it exists, is "accidental and irrelevant from the moral point of view. In the case of a conflict, the obligations simply trump the relevant set of interests" (2004, p. 72). In other words, if managers are obligated to shareholders to maximize profits, this obligation does not depend on its also being the case that maximizing profits best serves the manager's personal interests. A manager who blames an improperly designed incentive system for actions that he took that served his own interests well but were disastrous for shareholders has certainly not provided a compelling justification for his conduct, even if it is true that the incentive structure was poorly designed.

particularly striking way by Jeffrey Moriarty, who argues that CEOs are obligated to ensure that they are themselves paid no more than what is required to motivate them to work to profit-maximizing effect (2009).<sup>14</sup> As this example makes clear, profit maximization and managers' self-interest can come apart in rather significant ways. Accepting that managerial self-interest constrains the kind of guidance from business ethicists that is sufficiently practical, then, would threaten the case for an obligation to maximize profits in the same way, and perhaps even to a similar extent, that it would threaten many of the obligations defended by those whose approaches Stark criticizes.

Defenders of Stark's practicality requirement, then, should not appeal to managers' supposed self-interested motivations in order to reject philosophical approaches as failing to offer sufficiently practical guidance. As I noted above, overall Stark himself emphasizes the role of the pursuit of profit more than managers' self-interested motivations (despite also often running these together) in making his case that philosophical approaches fail to provide sufficiently practical guidance. He claims, for example, that business ethicists tend to objectionably "devalue such traditional business interests as making a profit or succeeding in the marketplace in favor of supposedly more important ethical demands" (1993, p. 40). In addition, he suggests that the primary reason that many of the recommendations of business ethicists are insufficiently practical is that they require managers to weigh the interests of others against the interests of "their traditional principals," namely shareholders (p. 44). These recommendations, he claims, "simply go against the grain of the traditional professional-principal relationship" (p. 46), and therefore are "not particularly useful to managers" (p. 44).

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<sup>14</sup> For a critique of Moriarty's argument that nonetheless acknowledges that managers do have obligations to refrain from many self-interest advancing actions (e.g. stacking the board with members who will overcompensate them), see Kolb (2011). Moriarty replies in his (2011).

Despite Stark's arguments, there are strong reasons to reject the claim that views that require non-trivial sacrifices of firm profitability fail to provide sufficiently practical guidance. First, we can note that while the claim that views that require too much sacrifice of an agent's self-interest are insufficiently practical can at least be grounded in a coherent (if rather implausible) account of human motivational psychology, the claim that it is objectionably impractical to advocate that managers give significant weight to the interests of non-shareholders who stand to be affected by their decisions cannot be grounded in any general claims about motivational psychology. It is not patently absurd (though I think it is false) to suggest that humans are, in some sense, hard-wired to pursue their own self-interest in a way and to an extent that makes it unreasonable to expect them to be persuaded by, and to change their behavior in response to, even otherwise compelling philosophical arguments in favor of obligations to make sacrifices for the sake of others' interests. If this were true, then there would be a significant sense in which philosophical defenses of ethical obligations to make significant sacrifices of one's own interests would be of limited practical value, and would offer guidance that might be claimed to be insufficiently practical given the relevant (hard-wired) psychological facts.

But it cannot plausibly be claimed that individuals who happen to be managers of firms are somehow psychologically hard-wired to pursue profits on behalf of their firms and their shareholders, in a way and to an extent that would make it unreasonable to think that they could become motivated to consider in a significant way the interests of others in their decision-making as well, and to weigh those interests against the interests of shareholders. To the extent that managers have a strong disposition to aim at maximizing profits, this is the result not of hard-wired and largely unchangeable psychological facts, but of contingent and changeable social and professional norms, and the (also changeable) beliefs that sustain those norms. What business

ethicists who advocate views that Stark considers insufficiently practical claim is simply that some of business's prevailing norms, perhaps including those according to which profit maximization is the central value that managers ought to pursue, are not ethically defensible. And this is the kind of claim that it must always be possible for scholars working on normative questions, including questions in applied and professional ethics, to entertain. Indeed, if claims of this kind were ruled out on the ground that they provide objectionably impractical guidance, it is not clear that there would be much of interest that scholars in business ethics could contribute – their role would seem, at best, to be reduced to the largely empirical task of determining whether, and if so how, particular firms' pursuit of profits can avoid conflict with other morally important values. If it turns out that it cannot, then it would seem that we must simply accept that managers will prioritize profits, and that their doing so, while perhaps not always morally admirable, is at least not wrong.<sup>15</sup>

There are two central reasons to reject the view that the widespread commitment of managers to prioritizing profit can make it the case that normative work in business ethics that argues that this commitment ought to be significantly qualified or replaced provides objectionably impractical guidance. The first is simply that the norms of professions are changeable, and do in fact change, sometimes at least in part in response to normative challenges to existing norms. And the means by which they change at least sometimes involve individuals within a profession choosing to act contrary to prevailing norms because they are convinced that doing so is morally required.<sup>16</sup> One way that those employing philosophical approaches to

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<sup>15</sup> For roughly this interpretation of Stark, see Monast (1994, pp. 506-508).

<sup>16</sup> Consider, as just one example, elected officials in the United States prior to 1865 who considered the interests of slaves to be relevant to what they ought to do when acting in their professional capacity. These officials rejected and acted contrary to prevailing norms regarding who counted as constituents whose interests they had a professional duty to represent, and contributed to an effort to replace those norms with morally superior ones. However few such officials there actually were who were motivated by the relevant moral considerations, and however unlikely it might have been that most would act on the recommendation generated by the moral argument, it is deeply

business ethics can generate arguments that offer practical guidance, then, is by considering what moral reasons there might be for favoring norms that differ from the currently dominant ones, and offering arguments aimed at persuading managers to act in ways that can help to move the profession in the direction of replacing the current norms with the ones supported by the arguments. Changes in the norms of a profession, when they do occur, generally do so gradually, with a number of factors contributing. But surely normative arguments can be one of the relevant contributing factors, even if initially they only persuade a small number of professionals, and perhaps affect the behavior of even fewer. Because of this, it is implausible to claim that arguments in defense of changing the norms of a profession cannot provide relevant and valuable practical guidance.

The second, and more important reason to reject the view that the place of the norm of prioritizing profit in contemporary business makes the guidance of normative views inconsistent with it objectionably impractical is that it would undermine even extremely widely accepted moral limits on the pursuit of profit. To see why this is the case, consider Stark's critical response to Richard DeGeorge's claim that "[i]f in some instance it turns out that what is ethical leads to a company's demise...so be it" (quoted in Stark 1993, p. 40). Stark claims that "managers would be hard-pressed not to view such prescriptions as restatements of the problem, rather than as workable solutions," (p. 40) which suggests that he thinks that De George's claim is an example of guidance produced by employing a philosophical approach that is insufficiently practical. It is, however, very easy to imagine cases in which virtually everyone would agree that

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implausible (to say the least) that any argument in favor of the view that elected officials have an obligation to consider the interests of slaves could have been justifiably rejected as failing to provide sufficiently practical guidance, since it was too deeply in tension with most officials' existing understanding of their professional responsibilities. I assume, of course, that Stark and other critics of philosophical approaches in business ethics would not endorse this claim. It is not clear, however, that they can reject it if they accept that arguments and views in business ethics are insufficiently practical if, and because, they imply obligations to act contrary to most managers' existing understanding of their professional responsibilities.

a manager is morally required to act in a way that will lead to her firm's failure. Imagine, for example, that a manager learns that her firm's pacemakers are defective, and it is clear that if it does not continue selling them, it will be forced to shut down.<sup>17</sup> Even if the manager had good reason to think that the defects would not be discovered, or that the firm could weather the legal costs and survive if they were, it is deeply implausible (to put it mildly) that it could be morally acceptable to continue selling the pacemakers. And surely many managers would in fact choose to stop selling them, even knowing that this would lead to the closure of the firm.

Because of this, it is not even the case that views in business ethics according to which managers must sometimes act in ways that will result in the failure of their firms offer guidance that managers will simply not follow. In some cases, they would act in accordance with this guidance (and in some cases they might even be persuaded to act in accordance with it in virtue of being confronted with moral arguments, after initially being tempted to attempt to preserve their firms). So even if we accepted that arguments, principles, and theories in business ethics must offer sufficiently practical guidance, and accepted that in order to meet this requirement scholarship in business ethics must offer guidance that managers might actually be persuaded to comply with, many of the views that Stark aims to criticize would not be ruled out.

#### ***2.4. Assessing the Practicality Requirement***

More importantly, however, if it were the case that virtually all managers would choose to continue selling the pacemakers, so that ethical arguments that imply that they ought not do this would fail to provide sufficiently practical guidance according to the criterion that I just described, surely what this would show is that we must either reject the requirement that

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<sup>17</sup> I take this case from Duska (1993, p. 9). For a similar case, used to make a similar point, see Monast (1994, p. 507).



scholarship in business ethics provide sufficiently practical guidance, or else interpret that requirement in another way. This is because it must be a legitimate aim of scholarship in any area of normative inquiry to argue that behaviors and patterns of decision-making that are common and may even typically go largely unchallenged are in fact ethically unacceptable. The claim that managers should act in ways that will lead to their firms' failure in cases like that involving the defective pacemakers either offers sufficiently practical guidance in virtue of the fact that managers *could* follow this guidance, even if they in fact will not, or else the requirement to provide sufficiently practical guidance must be rejected, since the claim that a manager ought not continue to sell the pacemakers is surely correct.

In my view, we should accept the first option here: normative scholarship should provide practical guidance, but all that is required in order to meet this requirement is presenting arguments, principles, or theories whose prescriptions individuals could comply with if they choose to. And this simply amounts to accepting the widely endorsed precept that 'ought implies can'. Defenders of Stark might claim that his argument can be understood as grounded at least largely in the thought that, perhaps because they fail to take sufficiently seriously the competitive realities that structure decision-making in business, those who employ philosophical approaches in business ethics often endorse views that managers simply could not comply with, even if they tried. This claim, however, is simply not supported upon examination of most of the arguments, principles, and theories defended in normative business ethics scholarship. To take just one example, in the debate about whether sweatshop employers are guilty of wrongful exploitation even if their employees voluntarily accept their positions and are benefitted by their employment, those who argue that they often are virtually always qualify their view by insisting that this is the case only if the employers could have employed their workers on more favorable terms (Meyers

2004, p. 329; Young 2004; Mayer 2007; Snyder 2008, pp. 390, 398, 400-401, 404; Ferguson 2016; Kates 2019, p. 44; Berkey 2021a).

The most plausible interpretation of the requirement that scholarship in business ethics provide sufficiently practical guidance, then, is satisfied by virtually all of the philosophical work that Stark sets out to criticize. Because of this, we should conclude that he and others are wrong to reject philosophical approaches in business ethics on the ground that employing them fails to generate arguments, principles, or theories that offer sufficiently practical guidance. In the relevant sense, these arguments, principles, and theories generally do offer practical guidance, because they offer prescriptions that individuals could comply with if they chose to. The fact, if it is a fact, that most people will predictably not comply with the guidance offered by a view is not itself a reason to reject that view – this is no less the case in business ethics than it is in moral theory more generally.

There is nothing objectionable, then, about work in business ethics that aims to defend normative ideals for the practice of business that are supported by philosophical reflection, even if there are reasons to expect that few managers will in fact comply with the guidance offered by those ideals. Indeed, this kind of work provides the only kind of guidance that normative scholarship can reasonably aim to provide, insofar as it is scholarship, aimed at determining the truth about fundamental questions, as opposed to material produced with the direct aim of affecting behavior. While the latter aim may be appropriate for those engaged in, for example, certain kinds of consulting work, it is not appropriate for scholarly inquiry.

### **3. Methodology in Business Ethics**

While many scholars working in business ethics accept my claim that the central aim of scholarship in the field ought to be to defend normative ideals for the practice of business, there are significant disagreements about the appropriate methodology to employ in order to accomplish this. One prominent approach is grounded in the idea that business ethics should be understood as a kind of professional ethics, akin to the way that medical and legal ethics are often understood. According to this approach, the way to determine the content of the principles that ought to guide the behavior of actors in business is, roughly, to first determine what values provide the central justification for the profession's role in society. These values, on many versions of this "professional ethics" approach, are at least the primary, and perhaps the only values that are relevant to the obligations of professionals when they are acting in their professional capacity. The idea, then, is that by identifying the values that are central to the justification of a profession, we limit the range of values that must be taken into account when determining the obligations of professionals within the relevant field, and thereby the range of values that they must take into account when deciding what to do. Other values, which are relevant in other domains of moral decision-making (such as when individuals are acting outside of their professional capacity), are, in effect, "screened out" by the professional ethics approach.

Thomas Donaldson and James Walsh suggest this kind of approach by posing the question "[l]aw is to justice, as medicine to health, as business is to \_\_\_\_\_?" (2015, pp. 181, 187). The motivating idea is, at least roughly, that each of these professions has a purpose, and that by identifying this purpose we thereby determine the values that ought, ultimately, to guide the conduct of professionals within the relevant field. For example, since the purpose of medicine is to protect and promote health, the norms that guide the conduct of medical

professionals ought to be such that their being systematically complied with tends to result in the protection and promotion of the health of patients. A norm that requires medical professionals to act in their patients' best interests, subject to respect for their autonomy, plausibly satisfies this criterion.

Donaldson and Walsh note that it is important to recognize that the purpose of a profession is a normative matter – the relevant question is what central goal or goals a profession ought to promote, rather than what goal or goals actual individuals working within the profession might have or believe they ought to have. In addition, we must distinguish the normative purpose of a profession as a whole from the goals that individual professionals might be justified in adopting because their doing so constitutes an effective indirect means to the promotion of the profession's normative purpose (Donaldson and Walsh 2015, pp. 187, 198). For example, the normative purpose of the legal profession is, plausibly, justice. But it is widely thought that a defense attorney is obligated to provide her client the best possible defense, even if she is certain that the client is guilty and that justice would, in the particular case at hand, be best served by a conviction.<sup>18</sup> The norm according to which defense attorneys ought not aim directly at justice, but instead ought to provide the strongest possible defense for their clients in every case, is justified by the fact that their doing this will tend to promote justice more than their attempting to promote it directly would (primarily because it ensures, to the greatest extent possible, that innocent people are not convicted and punished). Similarly, it might be that the normative purpose of business, whatever it is, is best promoted by managers adopting as their direct aim the

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<sup>18</sup> It is worth noting here that in the context of criminal law, it is widely accepted that prosecutors ought to aim much more directly at justice in their professional conduct than defense attorneys. This is because it is widely accepted that it is significantly more important, morally speaking, to avoid convicting and punishing innocent individuals than it is to ensure that the guilty are convicted and punished. If this is correct, then prosecutors adopting a policy of prosecuting every case that they believe that they can win as vigorously as possible will tend to generate an unacceptable number of convictions of the innocent.

promotion of a goal that is not a plausible candidate for the normative purpose of business, such as maximizing profits, ensuring efficiency, or succeeding in economic competition (Donaldson and Walsh 2015, pp. 187-188).

Donaldson and Walsh's tentative suggestion is that the normative purpose of business is to optimize collective value, subject to the constraint of treating everyone affected with dignity (2015, p. 188-189, 193, 195-197, 201). On their view, then, "law is to justice, as medicine is to health, as business is to optimized collective value" (p. 202). They define 'collective value' as, roughly, the aggregate net benefits produced by business activity for those who are affected. Their view, then, is that business activity ought to be oriented, through the norms that agents such as managers adhere to in their professional conduct, such that business activity, as a whole, produces as much benefit for those affected as possible, without anyone's dignity being undermined.

While there is much that is appealing about this picture, in my view the way that Donaldson and Walsh fill out the analogy to law and medicine is revealing, and suggests that the professional ethics approach to business ethics is in fact mistaken. In the cases of law and medicine, a distinctive and at least largely isolable category of individual and/or social interests is identified as constituting the normative purpose of each profession.<sup>19</sup> The normative purpose of medicine, for example, is to protect and promote individuals' health-related interests, and not any of their other morally important interests. The view that the normative purpose of business is to optimize collective value, however, does not, at least initially, appear to isolate a distinctive

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<sup>19</sup> Identifying the normative purpose of the legal profession as simply "justice" may not be sufficiently precise, since it might be argued that it is not part of the role of lawyers, in their professional capacity, to advance the cause of, for example, distributive justice as this notion is typically understood by political philosophers (see, for example, Rawls 1999). Nonetheless, it seems to me that even if this is correct, the claim that the normative purpose of the legal profession is to promote justice can plausibly be given a more precise formulation on which it would refer to a narrower range of individual and social interests.

subset of individual and/or social interests as the ones that it is business's distinctive purpose to promote. Instead, it would seem that all interests, including, for example, individuals' health-related interests, are among those that it is business's role to promote.<sup>20</sup> If this is correct, then Donaldson and Walsh's view would imply that the normative purpose of business is to optimize individuals' morally relevant interests quite generally, subject to the dignity constraint. And this claim looks much more like one that we might expect to follow from a quite general moral theory than one that might be developed by employing the professional ethics approach.<sup>21</sup> There is very little, if any, screening out of otherwise morally relevant values within their view.

I suspect that the reason that Donaldson and Walsh arrive at this type of view is that they at least implicitly recognize that there is an important difference, at least of degree, if not of kind, between law and medicine on the one hand, and business on the other. The actions of professionals in law and medicine typically have very large effects on a fairly limited range of individuals and interests, and only much smaller and less predictable effects on others. The professional conduct of practicing doctors, for example, has very significant impacts on their patients, and on their health-related interests in particular, while typically having much less significant and often unpredictable effects on the interests of others. Because of this, it seems plausible that practicing doctors ought, generally speaking, to aim primarily at promoting the health-related interests of their patients.<sup>22</sup> The decisions of managers in business, on the other

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<sup>20</sup> In addition, this seems to be a plausible view. After all, pharmaceutical firms that produce drugs that significantly improve individuals' health seem clearly, at least in that respect, to be doing something consistent with the normative purpose of business.

<sup>21</sup> Of course, there are plausibly morally relevant values apart from individuals' interests. But it is worth noting that Donaldson and Walsh want their view to be consistent with a requirement that agents in business consider the interests of non-human animals, and perhaps even the value of non-sentient components of the natural world (2015, pp. 198-199).

<sup>22</sup> It is worth noting that in cases in which doctors do make choices, in their professional capacities, that stand to affect a much wider range of individuals and interests, most people will accept that it can be wrong for them to ignore these individuals and interests and aim only at promoting the health of their patients. For example, imagine that by providing a treatment that one of her patients needs in order to avoid losing the use of one of her legs, a doctor would release a pollutant that would cause several innocent bystanders to lose the use of one of their legs. It

hand, and in particular of those in large firms, have widespread and significant effects on large numbers of people, and on a wide range of different types of interests, in many cases over a substantial span of time (so that even those not born when a decision is made can be significantly affected – consider, for example, the effects of corporate greenhouse gas emissions on future generations). Because the potential effects of business activity are so extensive, and regularly impact such a wide range of individuals and types of morally important interests, it is not plausible that the obligations of business professionals are limited to promoting only a particular subset of these interests. Donaldson and Walsh’s view does not have this implausible implication, but I submit that this is only because their account of the normative purpose of business is not actually analogous, in the way that they suggest, to the accounts of the normative purposes of law and medicine to which they refer. Their view, then, is not of the type that the professional ethics approach is designed to produce. Instead, it is the type of view one would expect to be produced by employing the familiar methods of moral and political philosophy. The professional ethics framing of their discussion, then, is ultimately misleading, primarily because their use of it does not result in the screening out of values that typically characterizes the approach and makes it distinctive.<sup>23</sup>

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seems clear that the doctor ought not provide the treatment, despite the fact that this entails failing to best promote the health-related interests of her patient. The norm according to which doctors ought to aim exclusively at promoting the health-related interests of their patients seems plausible, then, only because cases of this kind do not arise often. These cases highlight, however, that this norm cannot be fundamental, and at most happens to provide reasonable guidance in typical cases.

<sup>23</sup> Joseph Heath employs a version of the professional ethics approach in developing his well-known “market failures approach” to business ethics (2004; 2006; 2014). Heath’s view does screen out values that are not captured within his efficiency-based account of the justification of business as a profession. Because of this, I believe that his view cannot capture all of the obligations of business professionals. For a critique of Heath that appeals to the value of justice that, in my view, is correct but insufficiently far-reaching, see Singer (2018). I criticize Heath’s view on the ground that it cannot count the interests of non-human animals in Berkey (forthcoming).

#### 4. The Substance of Business Ethics

In my view, despite the professional ethics framing on the surface, Donaldson and Walsh arrive, in effect, at a view of the kind that we should accept in business ethics – namely, one on which the reasons that are relevant to determining the obligations of business professionals include all, or at least virtually all, of the reasons that are generally relevant to determining the obligations of other agents, such as individuals and governments (reasons, that is, of ethics generally, and of social justice).<sup>24</sup> Of course, agents acting in a professional capacity in business will often be very differently situated than, for example, government agents or private individuals, and have very different capacities. What they are able to do, which values their actions stand to affect in significant ways, and therefore what they are obligated to do, will, then, typically be very different as well. But if I am correct then this will simply be the result of the fact that the very same fundamental principles will have different implications for action for differently situated agents, and not, as the professional ethics approach suggests, the result of different fundamental principles applying in business contexts in virtue of the purpose of the profession as a whole.

The precise implications of a view of this kind depends on what the correct view is about the range of morally relevant reasons, and about how all of these reasons weigh up against each other in cases of conflict. It seems likely, however, that the correct view will imply that much conduct in business that is widely thought to be permissible is in fact wrong. This should be unsurprising, and should on reflection seem plausible. The influence of the central thought underlying the professional ethics approach leads to widespread acceptance of conduct in business that virtually no one would accept as permissible outside of business, because that thought implies that there is only a narrow range of reasons (having to do with, for example,

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<sup>24</sup> I argue for a view of this kind, focusing on justice in particular, in Berkey (2021b).



profit maximizing, satisfying consumer demand, or even promoting the interests of stakeholders somewhat narrowly defined) that are relevant to determining what business professionals ought to do. To take just one example, most people would find it obviously morally unacceptable for private individuals to subject millions of nonhuman animals to conditions amounting to torture, regardless of what benefits they might obtain from doing so. Nevertheless, many people think that executives of firms that operate or source products from factory farms do not do anything wrong, simply because they are acting in their capacities as business professionals and aiming to generate profits and satisfy consumer demand (Berkey forthcoming). It is the screening out of reasons such as the reasons not to subject nonhuman animals to these conditions that makes the professional ethics approach inadequate.

It is important to note that while rejecting the professional ethics approach will tend to lead to a more revisionist view about how business ought to be conducted than its proponents may find entirely plausible, at least in part because it implies that a wide range of interests beyond those of shareholders are relevant to a business professional's obligations, it need not imply that the interests of shareholders do not, in practice, play a significant role in determining their obligations. Managers might have reasons to give substantial weight to the interests of shareholders in virtue of considerations that are morally relevant quite generally. Alan Strudler argues, for example, that managers have significant reasons to pursue (though not necessarily to maximize) profits on behalf of shareholders because shareholders are particularly vulnerable to the effects of managerial action (2017, pp. 111, 121-125). He suggests that this can be understood as an instance of a general moral requirement, defended by Robert Goodin, to act in a way that "protect[s] the interests of those who are particularly vulnerable to [one's] actions" (1985, p. 114). If this is right, then managers will generally have significant reasons to promote

the interests of shareholders. But since shareholders are not the only parties who might be vulnerable to the effects of managerial action, these reasons will sometimes be outweighed by other vulnerability-based reasons. In addition, they might also at times be outweighed by morally relevant reasons of other kinds.

## 5. Conclusion

In light of my arguments in sections 2 through 4, the picture of what business ethics should be that emerges is the following. First, scholars working on normative questions should, like scholars working in other areas of normative inquiry, aim primarily to develop and defend arguments, principles, and theories that represent ideals that ought to guide action in the relevant domain. Their work should not be constrained by any requirement that the guidance offered be “practical,” beyond that it satisfies the requirement that agents could comply with it if they chose to. Second, scholars in business ethics should employ the methods familiar in moral and political philosophy more broadly, and should reject the professional ethics approach. In other words, rather than beginning by attempting to determine what the normative purpose of business is, they ought to, for example, consider the implications of generally plausible principles for relevant cases within business, and where these conflict with intuitive verdicts about those cases, seek to adjust either the content of the principles or their judgments about the cases so that they are, on reflection, both consistent and plausible.<sup>25</sup> Finally, substantive views in business ethics should be such that reasons that are thought, on reflection, to be relevant in ethics and/or political

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<sup>25</sup> This is, roughly, the method of “reflective equilibrium” described initially by John Rawls (1999, pp. 18-18, 40-45), and widely employed in moral and political philosophy.

philosophy generally, should not be “screened out” as irrelevant to the obligations of business professionals.<sup>26</sup>

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