



JOHN MACKEY'S "CONSCIOUS CAPITALISM": A DISCURSIVE STATEMENT WITH CROSS-CULTURAL IMPLICATIONS FOR CORPORATE SOCIAL RESPONSIBILITY (CSR)

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ABSTRACT: *This paper draws attention to cultural typology as a factor relevant to the stewardship of offices – in particular those of the business community – and within that focus the notion of dignity is upheld as against that of cynicism. The arguments are developed in the context of entrepreneur John Mackey's "conscious capitalism", the best canopy label under which to include more specific endeavors such as 'social entrepreneurship' or 'creative capitalism' because it implies a known and considered responsibility to certain normative, chiefly ethical, ends.*

KEYWORDS: Conscious Capitalism, John Mackey, Corporate Social Responsibility, Cultural Typology, Honor, Dignity, Office, Stewardship

INTRODUCTION

"We believe that consumers will continue to be a driving force of corporate *awareness*" [my stress]. This is from a Goldman Sachs study (GS Sustain, 2007, p.22)¹ on the subject of corporate responsibility, with emphasis on the word 'awareness' as a near relative to "conscious" in the slogan of Whole Foods CEO John Mackey (2006). Only partly tongue-in-cheek I fantasize my mother asking her husband or one of us boys to "be aware" of this or that person's feelings or needs, as if to say, 'be more considerate'. I can all too well recall instances in which the response was, 'aware *of what?*'

Perhaps it were better to employ a different metaphor: in the phraseology of George Lakoff (1996, Chapters 5-6) it could just be that an ever-increasingly 'nurturant' consumer (who will from here on out be termed 'dignity-based', one who is 'nurturant' of all people and peoples)²

¹One of three reports presented at the summit; the gist of all three is reflected in these remarks by Georg Kell, Executive Director of the UN Global Compact: "The evidence is building that embedding universal principles and related environmental, social and governance policies into management practices and operations delivers long-term business value and is rewarded by markets." [online] <https://www.unglobalcompact.org/library/2501>

GS Sustain's Ethical Corporation: Responsible Business Trends 2017 reports as follows: Sustainability is driving revenues: Just under 56% of executives polled stated that sustainability is driving revenue for their business. Sustainability as a source of competitive advantage: 21% of our respondents indicated sustainability as a source of competitive advantage as the single most exciting opportunity for their organisation in 2017. A tightening of sustainability budgets: Just 25% of respondents stated their sustainability budgets will increase in 2017. This is a fall of 1% on last year's findings. A further 35% stated their budgets won't increase in 2017, a rise of 3% from 2016's report. It would appear that recent events have impacted organisations' investments in sustainability activities. Online <http://globalsustain.org/en/story/12108>

² I stress the 'people and peoples' because honor-based groups are actually more, not less, nurturant *to their children* than the dignity-based, but are unwilling to acknowledge worth as being due to inherent dignity, preferring it be considered as earned, 'merited', and thus not something to be widely applied, whereas the dignity-based apply it universally.



has taken to task a forever ‘boys-will-be-boys’ ‘honor-based’ business mentality. Regardless the interpretation, what seems beyond question to this writer is that Mackey’s attribution of “conscious” to capitalistic endeavors should be presumed to imply a keen awareness of corporate responsibility within and without the business community. It implies also that awareness of – even better, “consciousness” of – a problem mandates the responsibility to become a “steward”, that is to say, a part of the solution, instead of the problem.

In our (Western) culture it has proven easy to assign blame to a given gender for lapses either in honor or dignity (the quiet, reserved backbone of honor). Imagine the debate between, on the one side, the Professors Higgins³ and the Esther Vilars⁴ – the worst of honor-based traits in men and women, ‘asses’ and ‘vipers’, respectively – and on the other, the feminist crescendo – the worst and best of dignity-based conduct in men and women, respectively. Through it all, a parade of passion is reflected in the assessments of men’s business conduct:

Why is business attire so primly conservative? Why do men (still) earn so much more than women for the same kinds and amounts of work? Why do corporate types find it impossible not to bring work home? Why is it a corporate canon that families take a back seat (and wives assume official but unpaid social positions)? What’s the deal with lawyers and starched shirts? Why do colleges and universities take so lax a view of fraternity hazing (or the military for that matter)?

Sound explanations for these behavior patterns do exist, but rarely are they good *reasons*. Are the problems of corporate accountability and responsibility similarly plagued? It would appear so. In this particular war of the sexes, the feminists have the edge, and businessmen have something to learn, if not from Professor Higgins.

This all resolves to one or both of two arguments: men are biologically inferior to the fairer sex, represented by the Ashley Montague camp (1968), or men are spoiled by thousands of years of patriarchal rule. If we restrict ourselves just to these two possibilities, the second answer is the correct one, but not necessarily for the reasons commonly advanced. In any case the question needs to be rephrased: When will businessmen become “conscious” of others’ cares as being equal to their own, as being every ounce as *important and relevant* as their own? The sentiment is neither unique nor recent. Examples include Pope John Paul II (1991) and (yikes!) Karl Marx (1970, p.80) –

The purpose of a business firm is not simply to make a profit, but is to be found in its very existence as a *community of persons* who in various ways are endeavoring to satisfy basic needs, and who form a particular group at the service of the whole of society (*Centesimus annus*, #35[3])

The manifestation of human capacities taking themselves as their own end.

³ Henry Higgins is the brilliant phoneticist and boorishly behaved protagonist in George Bernard Shaw’s (2005) play *Pygmalion*, a study of manners.

⁴ Esther Vilar is the author (1972) of *The Manipulated Man*. The title fairly says it all.



THE OFFICE,⁵ THEN AND NOW

Big business is not unlike government. When the rulers-that-be officiate so badly that their worthiness to share in the governance of mankind has been called into question (as was/is the aristocrat, the Machiavellian, the corner Mafioso or the schoolyard bully) it is time to rethink our values and commitments. I continue to be, let me confess it, somewhat baffled when businesspeople look oddly at the suggestion that they ‘rule’ anything, far less the country. Does this mean they likewise deny what business spends in order to lobby its way into the very corridors of power? Call it self-governance or governance of others by remote control, it is governance all the same, power that influences legislation and policy, and which can (and does) beget corruption and worse.

He who holds the green makes the rules for all other office-holders, or so say a dozen similar aphorisms. But with the care and keeping of all that money comes a social obligation to wisely employ so huge a preserve of trust and treasure. Business has failed to deliver on its *stewardship*,⁶ failed so badly as nearly to call into question anything to be said in its own behalf (though where proper, I will try).

If it is necessary that business, especially ‘Big Business’, remain robust and healthy, it is increasingly reasonable to ask that it also become “conscious” of its larger obligations or suffer itself to extremely cumbersome regulations (of which Sarbanes-Oxley is only the beginning). Still, the public must at length appreciate why businesspeople are only reasonable in requiring a significant say-so in the conduct of business. The self-governance that businessmen, working with local authorities, adopted during the Medieval period (Mitchell, 2011) was, despite serious theoretical differences with respect to the ‘common law’, nonetheless grafted on to that legal foundation in its entirety, in one fell swoop. England appreciated that business required independence and power if it was to be of pre-eminent service to both public and Crown. No less was it understood that big business could wreak havoc. To guard against the latter, while securing the former, required a measure of public control, culminating in the requirement of corporate *charters*.

Thus, it came to be that the enabling law of the corporation would broadly mirror what had for millennia characterized the *office*. The charter intended for the conduct of business precisely what the vow did for marriage, and the oath for the public office generally. In each instance the office-holder operates under a grant of authority, to all practical intents and purposes a

⁵ Herrman’s (2010, p. 10) definition of ‘office’: “Office: 1. *Polit. sci.*—a non-corporeal and generally perpetual platform conceived for the purpose of receiving, holding, maintaining and effectuating a grant of authority; 2. *Law*—the administrative modality necessary to a *bailment* (= the care and keeping, or *stewardship*, of a legal interest); metaphorically and pragmatically, a bailment, in which officers are *bailees* and depositors of legal interests *bailors* 3. *Philos.*—the interface between agent and beneficiary serving as a *sine qua non* for moral goods in which granted prerogatives (in law, *privileges*) are obliged to obey ethical norms so as to effectuate a zero sum relation as between power and responsibility.”

⁶ Many wonder at the business application of ‘stewardship’, more usually associating it with environmental care and upkeep. The actual modern evolution of the term follows from its early use in the Lutheran denomination (T. A. Kantonen, 1956 & Brattgard, 1963). According to Herrman (2009, p. 340), “Stewardship is a faith, a humanistic way of life and living, with an Enlightenment emphasis upon the dignity of man.” More along the lines of a dictionary definition, he (2010, p. 10) offers this: “Stewardship: 1. the care and keeping of resources; 2. the process, duty or office by which an office-holder acts in accord with established rules of ethics; 3. the state of accountability owed by stewards to the grantors and beneficiaries of their efforts, and for the resources and offices necessary thereto; and 4. the faith whose practice regularizes exemplification of the spirit and/or principle presupposed in acts of stewardship.”



legally secured and guarded privilege, on the condition that the trust thus invested be not breached without the *prior* understanding that condign punishment is just that—deserved. It stands as the direct implication of *any* oath or its equivalent. In taking on *any* office, the incumbent thereby brings with him or her the clearest possible realization that a trust has been created and, furthermore, that it is to be stewarded.

That today's corporation is no less a candidate for social concern (and thus a charter) than it was on the eve of its long career, is given striking evidence from the wording adopted for the definition of an 'organized crime group' as adopted by the British National Criminal Intelligence Service (Lyman and Potter, 2007, p.5). Such a group –

- contains at least three people [until recently the number necessary to form a corporation];
- criminal activity is prolonged or indefinite [offices are by nature 'prolonged or indefinite'];
- criminals are motivated by profit or power [precisely];
- serious criminal offenses are being committed [depending on your definition of 'crime'].

If it seems from this that corporations are potentially criminal *by nature*, of course they are, whence the continuing requirement of charters and the public voice they imply—all for the care and keeping of the commonweal and its faith in corporate bodies to do the public good for which they were duly constituted, *under charter*.

It should also be said in the clearest of terms that the vast majority of businesspeople have neither native nor acquired interest in doing the public any harm. What they discover, however, and what they do nothing to effectively counter, is endemic, indeed inherent, to the practice of big business. The peer group is simply too easily fallen in with, the pressures to conform or be out-done simply too difficult to avert. For the business community as a whole, it reflects what Reinhold Niebuhr (1960) envisioned as "moral man and immoral society". If there is an addiction harder to break than nicotine, it is "business as usual".

To have watched Enron unfold you would think it was the Wild West all over again, all just a bunch of spoiled but smart and cynical buds shootin' up the countryside and without a care in the world who was caught in the crossfire. For the longest time everything conspired in their favor. Who would have thought at the time that (California Governor) Gray Davis was talking truth to power? In fact, he had read the tea leaves more accurately than anyone else. In front of Congress the Enron executives were as arrogant and thoughtless as adult children could be expected to be, at their worst.

In truth, we had long been building up to Enron. There was a time, reports social historian Frederick Lewis Allen (1959) that the average American felt s/he *owed* a duty *to* business. Back in the '20's it was thought only proper to permit any salesperson into one's home; it was good of business to be on top of things, good of them to come up with all these marvelous new products; the least a citizen might do is accord them the decency of access to a potential customer. Perhaps the same modality of logic brought lobbyists to Congress. At length, however, we should inquire why it is nowadays that there had to be a federal law to ensure that the average citizen had recourse when being deluged by telemarketing phone calls.



In the mid-twentieth century major firms unilaterally adopted paternalistic notions and were serious about them. When health care first came to business it was because business came first to it; health care benefits were initially intended to lure the best employees to the company, a conclusion arrived at by the Supreme Court upon reviewing the legality of the new practice. That was also a period when publishers were “conscious” of the fact that if they refused to publish good literature, there was no one else to publish it. The result was that large publishers took it upon themselves as a conscious stewardship project to ensure that the best would see its way to print, never mind that the best rarely made the publisher any money.

It was also a period when advertising was simpler – comically so – but also not a little bit purer. While there is a great deal more “quality” advertising now than before, the content has shifted toward the obtuse. One of the new “rules” of advertising: Be deliberately irritating. After all, people remember more of what irritates them, and research shows that they are sufficiently pacific (slow?) as to not blame the advertisers. Ergo, take total and complete advantage of a windfall; since the public doesn’t object with letter bombs, all is perfectly ethical.

Finally, it was a period of individual experimentation in what could be termed “productive justice”, the cream-of-the-crop example being Henry Ford. Lincoln Steffens (1931, p.852) says this about the background intent:

Ford did not fix his price by taking the cost of a car and adding his profit. That was the old business way; he chose a new way; he set his price at what the common mass of men – business men, laborers, farmers – could pay, and trusted to his hunch....

Ford wanted to make what common people could put to use to their own advantage and benefit. The “hunch” was that their desire for the cars would take care of the financial issues of manufacture, and of course for this instance he was correct.

From here it was apparently a gradual down-hill descent to the present circumstances, where we are now asking, where will any more Fords come from? Whatever the public says—in public—about business, in private they are fuming. And whatever businesspeople say in private, in public they are still saying whatever they think somebody wants to hear, which means that today they will talk the talk and tomorrow it will be business as usual. While businesspeople don’t like reading things like this, yet they refuse to read the tea leaves. For the record, I have nothing against business. I have myself enjoyed being in business, it’s just not my thing. I am not good at it because I refuse to give it the time it requires. Like others, I happen to respect folks who are good at what I am lousy at. I have no earthly reason not to be honest, or for my criticism not to be constructive in both intent and reality.

HONOR AND DIGNITY

After ‘hanging out all that dirty laundry’, there is no longer quite as much shame to be found. Shame has been a cardinal, if not *the* predictor par excellence, of moral presence in the honor-based book of virtues, business virtues in particular. After thirty-five years developing theoretical models of behavior, I knew full well that the honor-based societies would never have been caught dead displaying dirty laundry, yet *we* had the temerity to act as if making a joke of it. Of course, we hadn’t intended it that way; it simply reflected the ideal that we could admit guilt whereas honor-based people couldn’t or wouldn’t.



Honor-based and dignity-based are rough equivalents (Kamir, 2006, p.4, n.8) to Ruth Benedict's (1946, pp.133-194) shame and guilt societies, respectively. Think of shame as a violation of the respect owed to honor, and of respect as the result of merited (social) esteem. Think of guilt as a violation of a bond of acceptance, and of acceptance as the core emotional valuation of dignity in others. Thus, if all possess dignity, then all 'accept' all, as if essential worth were inherent and not 'merited'.

We had been, after Rome and England, the third major power to espouse or otherwise enact the principles requisite to a dignity-based culture, principal of which is the acceptance of inherent worth on faith. Yet as a society, we were never less dignity-based as recently as the Wild West period, say between 1850 and prohibition. At the self-same time as we fought Indian wars, we spoke also of Robber Barons acting out a different form of warfare on our Eastern seaboard, where capitalism mirrored western life in its *laissez-faire* attitude.

From long study I also learned that if an honor-based routine is your cup of tea, acting dignity-based is liable to rain on your party. Better to follow the dictates of, well, *honor*—than attempt to be a paragon of dignity. Part of the cause of the Civil War (that students of that period don't study as much as they might) is the reality that a narrow group of radical dignity-based crazies up north were trying to decapitate a southern honor-based hospitality with slavery and all. They didn't mix too well. The larger point is that they never mix too well until or unless measures are taken to mollify and smooth rough edges. It takes acceptance, respect and occasionally inventiveness to meld the two modalities of behavior.

The chief challenge for dignity-based aspirations is to figure out how best to do that, and *not* how best to totally dismantle whatever happens to carry an honor-based tradition. Economics has always been the domain of the honor-based, even within dignity-based nation-states. The best part of honor (and the reason that business is honor-based) is the concern with trustworthiness and fairness, attributes necessary to any market. For better or worse, we have to learn to get along.

A sub-set of the honor-based group is the "cult of honor", where by 'cult' I mean that their 'best-practices doctrine' is rarified, refined and then exaggerated. At its best it birthed the great aristocracies, whose elitist types always believed that *noblesse oblige* entitled them to rule. And, not surprisingly, it survives to this very day throughout the business *elites*. Many, perhaps far too many, still truly believe to have delivered the goods and presume to deserve the right to rule. And to no small degree they remain successful at precisely that – which is no small part of the problem where getting about with their more dignity-based brethren is concerned.

Dignity has proven so very difficult to pull off that it has its own 'cult', as negative in its usual aspect as the honor cult could be (at its best) positive. In this case the term 'cult' is a bit different, and refers to a jagged piece from the old block that yet pretends to be a synecdoche for all that was best in the ideals of the original. In thinking so very well of itself it can shout from the rooftops the right of the masses to free speech, to economic opportunity, and all the rest—but behind the scenes works all day of every day to ensure that they, not others, receive the best of the benefits. If you marry the 'badder' part of an honor-based group with a cult of dignity you are destined for hell on earth, and that is what the good folks at Enron offered up.

Speaking of matching honor with dignity, common law countries are schizophrenic even to the point of elaborating dignity-based principles to live by, yet the actual procedure of its courts is



often the grossest of honor-based tactics. As has been mentioned, honor-based people do not, if they can help it, *ever* admit to guilt. Very bad look, very un-cool. So, the nominally dignity-based societies that most espoused dignity also made it a simple matter to play the not-guilty card, justifying it on the erstwhile noble precept that it forces the well-heeled plaintiff to really ‘prove’ their case (‘innocent until proven guilty’). Now that is a compromise having functioned to everyone’s benefit, which goes to show that the mix-and-match idea can and does work.

The cardinal lesson in all of this is a hopeful one. Economics is not only honor-based, it functions best when it truly is just that (hopefully with a strain of the higher notions of the associated cult). Equal opportunity, an erstwhile dignity-based concept, is fully honor-based as well. Treating customers and competitors fairly is fully honor-based, and ought to be a matter of dignity into the bargain. There really is quite a lot of overlap between the two cultural systems. Usually it signals the same consequences from slightly differing principles, though decidedly *not* the same moral posture across the board. I don’t mean to complicate or confuse, but it will all eventually fall into place – honor-based groups are ruled by *moral* valuations, whereas dignity-based groups are ruled by the ethical basis aback *principles*. There is a distinction and it *does* count for something.

How does this apply to business mentality? What we observe in our own system is an equilibrium mix-and-max solution introduced by Adam Smith. The invisible hand offers a *principle* and yet he based it upon his earlier work on *moral* philosophy. As Richard Heilbroner (1961) took pains to discuss, capitalistic norms did not come readily and certainly not without something of a struggle – precisely because of the moral issues. The Smithian principle permitted a developing dignity-based moiety to cotton up, albeit slowly, to the enterprise philosophy of economics.

Part of the solution to a more productive business-culture relationship is to take advantage of more of the same. If morality is by nature difficult to establish within business, it is hardly unheard of to establish principles within business that can play to broader social principles which work out in the public realm to consequences not so unlike the morally expected ones.

The cultural approach can now be followed directly into the board rooms and offices wherever they may be found, though of course with subtle differences across cultures. A good place to introduce an additional honor-based feature is with the Enron debacle, where we define a society of ‘gamesmen’, related to another honor-based trait, namely, cynicism. What ought to be serious is instead treated cavalierly, as a game. In these societies a person is only rarely held suspect on account of craft, guile and/or cunning. In fact, so long as harm does not attend one’s own family or community, they are often enough the marks of prestige.

So, they were at Enron. It was all just impossibly good fun to observe California grind and grimace under the energy burden of a summer heat wave. It was juicy almost to the exploding point to manipulate markets as if one’s hands were really those of a god. Enron’s affable but oh-so-serious-looking CEO (replete with Ph.D. in economics) was perfect for the part. In his trademark avuncular manner, he hid all traces of cynicism while being far and away the most dark and dismal player in a crowd that could make Dungeons and Dragons look bright-eyed and bushy-tailed. What he could confidently say with every possible affected tincture of sincerity was, in its ethical implications, beyond the pale. It was ‘all in the game’.



Still more fun and games ensued when attempting to get their way with regulators and Congressional committees. What so many do on an occasional basis Kenneth Lay did exceptionally well nearly all the time. I present a somewhat extended excerpt (Black, 2003, p.26) in order to include the prefatory remarks detailing the social hazards these games necessarily entail:

The ability to secure extraordinary political power can be one of the most pernicious aspects of control frauds. In addition to the effect of economic losses, the abuses decrease public trust of elected officials and can lower the ethical standards of legislators. Curt Hébert, Jr., chairman of the Federal Energy Regulatory Commission, has testified that Kenneth Lay...repeated Keating's [of the Keating Five fame] tactics—telling the chairman he could get him reappointed by the new administration if he were to change his policies. Enron influenced state legislators and regulators to deregulate approvals for wholesale energy sales through political contributions.

This is also the same Enron that managed a perfectly beautiful public veneer, using volunteerism to demonstrate both the purest of motives and of good, even outstanding, corporate citizenship (in the year 2000, Enron is reputed to have garnered *six* environmental awards). It only proves how far cynicism and gamesmanship can go. It was all just one grand exercise at the mockery of everything otherwise built from common decency. It also proves how empty all those high-sounding awards can be. Many are probably bought and sold no less than legislators' votes.

The honor-based view of the office itself is also a bit irregular. Originally the office was undoubtedly an honor-based invention intended to maintain the quality of character of an office *and its occupant* (to the best of my information a Confucian undertaking). Under the usual circumstances, however, most honor-based societies permit the office to be a reward for ostensibly good work (in which 'good' is not necessarily synonymous with 'moral'). It easily becomes an end in itself rather than a means to a larger end. The honor-based officeholder frequently thinks nothing of pocketing bribes, since that only goes with the "package". The office, having become an award of sorts, is the principal means to profitability in a nation-state unable or unwilling to offer proper methods of remuneration or the efficient mechanisms of governance (for the former look no further than our closest neighbor, Mexico, and for the latter, our esteemed trading partner, China).

When gamesmanship and the 'awards attitude' combine, as they all too frequently do, the result is the "what's in it for me" gambit (Stedino and Matera, 1992). Chinese businessmen down the pecking order so as to be more or less under the radar, have every reason and opportunity to play the system for all it's worth, and is in all likelihood as endemic as bribery in Mexico. It is the tactic of a Milosevic utilizing any truce to violate more villages. It was the entire corporate culture at Enron. Though capital punishment for white-collar crime is comparatively unusual in China – done for show or to adequately redress making life problematic at the top – it will certainly be exercised whenever the broad economic strategy is at risk, as clearly it was in the 'toy paint' scandal. Wherever business is truly for "boys who will be boys", in China many are truly cowboys.

One can only hope that the Goldman Sachs study (2007, p.22) introduced earlier indicates a shift from the Enron cynicism regarding charity and awards for 'service'. I will examine in



some detail aspects of the study findings, but it is perhaps best prefaced with one of its thematic observations:

We believe that consumers will continue to be a driving force of corporate awareness. Recent studies have shown that consumers identified “being socially responsible” as the most likely factor influencing brand loyalty at 35%, compared with lower price (20%), easily available products (20%), product prestige (3%), company shares your values (14%) and quality (6%). In addition, 52% of US consumers claim that they actively seek information on companies' Corporate Social Responsibility (CSR) record “all of the time” (6%) or “sometimes” (46%), with almost half (47%) indicating that they use the internet as the primary source of CSR-related information, but citing credibility concerns. As more of the millennial generation makes a significant impact on the consumer base, we believe this trend will increase.

STEWARDSHIP

The two most powerful excuses guiding and directing large business decisions: 1) If we don't, somebody else will, so all's well that ends well; 2) If we do, we'll take the hit, and that will never do; let someone else be the goodie-two-shoes. The first, an error of commission, along with the second, an error of omission, have found happy hunting grounds in the land of China. The result is that our own business community has held American foreign policy hostage to its profits (it counts as no excuse in my view that it comes with our government's blessings – blessings largely bought and paid for by said industry). Robin Hanel (2005, p. 188) put the matter squarely:

Where does the nine-hundred-pound gorilla – global liquid wealth – sit? Wherever it wants! And when a derivative tickle, and savvy investors—who realize they are functioning in a highly leveraged, largely unregulated credit system—rush to pull out before others do, currencies, stock markets, banking systems, and formerly productive economies can all collapse in their wake. What this does, of course, is give international investors a powerful veto over any government policies they deem unfriendly to their interests.

In remarks to the American Chamber of Commerce in Beijing (Evans, 2003) then U. S. Commerce Secretary confidently declaimed upon the saintliness of an American business presence in China:

- Businesses are at the strategic center of any civil society. If businesses don't honor their moral responsibility, who will?
- For that reason, one of the most effective acts of corporate stewardship many of you could perform is simply conducting business here in China.
- By helping to create a private economy, you are also providing life-changing opportunities to millions of people.
- And by meeting the Chinese people and spreading the values and principles that support free-market capitalism, you are enriching them with the knowledge to build a freer and more prosperous society.



The answer to both issues introducing this section appears to be that of *a concerted effort directed at a commonly agreed upon goal*. Often the solution is no more complicated than putting heads together and making common cause that certain behavior will not be tolerated. During the uproar over the South African apartheid policy some 150 companies ultimately left the country, greatly hastening that country's final break with the past.

Inter-communication among industry peers and trade groups has proven to be a useful methodology. The U.S. Chemical Manufacturer's Association, for example, sponsors the *Responsible Care* program, a voluntary industry-wide coordinated effort directed at reduction of toxic wastes. The Montreal Protocol has been instrumental in greatly reducing chlorofluorocarbon emissions and their manufacture. Simple though it be, the approach clearly works, with many firms and organizations accomplishing great things with it. Clearly, there is *safety and stewardship* in numbers.

To the extent China reflects an extreme example of a general malaise, the objective is not to advocate elimination of the practice, but rather to introduce a stewardship responsibility of Congress to intelligently oversee the extent and degree of involvement as a threat to independent decision-making as and when necessary. Conscious Capitalism cannot afford to be other than critically mindful of the duty to respect the larger political issues in which business has no choice but to involve itself.

It is always more comfortable to think that it had to be but the merest, barest trickle of bad apples that spoiled the whole basket. What is distinctly uncomfortable is the prospect of endemic problems of pandemic proportions. Adopting comfortable explications has become 'politically correct', and reflects the kind of sentimentality that we are known for; more so than other dignity-based cultures we are perhaps a little too good at presupposing ourselves above temptation.

The late journalist-philosopher Jean-François Revel (1985) took Americans to task for not having the moxie to look the Soviet Union in the eyes and accept the reality that fighting fire with fire was not only *not* a way to "lower oneself to the level of the enemy", but to frankly acknowledge that enemies, if they are to be defeated, *require* that approach more often than not.

Revel's point was that our (dignity-based) culture was entirely too willing to feel guilty over doing what only comes too naturally for an inveterate honor-based boor. Who can't recall with a hint of embarrassment the consistency with which Milosevic accepted a truce only to wisely employ it to stock artillery, reconnoiter and even advance further against more villages?

Honor-based societies do not merely reality-test more than do we, they are "hyper-realistic". They take a long, cool and hard look at reality; they return home with honest reports on what they have seen. They don't like "surprises" any more than you or I, but they understand as we too often do not, that *you don't overcome negatives by denying or ignoring them*. You study them and improve upon your arsenal.

But this, after all, is a solution well known to the best businesspeople. They are not faint of heart as to the measures necessary to counter a move by the competition. They accurately assess risk, realizing as well that risk is necessary and even useful when wisely used. As a dignity-based society we must occasionally borrow the honor-based "morality" of our business



brethren. By the same token, we must, when businesspeople act ugly, fight fire with fire, get down and dirty and seriously ‘kick butt’.

Allowing honor-based methodologies does not excuse acting like Milosevic. Driving a hard bargain doesn't mean hanging the poor out to dry. Dealing with competition doesn't permit property destruction or anything remotely approaching it, and yet I myself have been the victim of that much. The idea that you must step on toes to get to the top is an excuse fit for spoiled brats. The notion that getting away with the most misrepresentation in an advertisement, simply because experience shows it does actually work, is the stuff of overblown egos, and has no place in the business community.

These antics turn otherwise decent people into cynics. Following the precepts of productive justice (Krueger and Nash, 1997) is an essential first step in permitting Conscious Capitalism to function to the best of its native capacity. All of the solutions spoken of share a common thread, a solitary truth that can hardly be overstressed: *The best single solution is envisioned and encompassed in a single word: stewardship.*

The Lutherans were the first modern group to make something of the word that otherwise lay in desuetude since its heyday in medieval times, when it meant “keeper of the hall”. Thus the ‘care and keeping’ locution is dead on. But we needn't be more technical than to speak of *principles*, for it is really those that we truly steward. And since the basic principles of private and public life are wrapped up in offices, it has forever struck me as reasonable that we might best tackle the big problems, especially of the ethical sort, through reliance upon the stewardship precisely of those offices.

A new breed of Henry Ford's actually does exist, and with respect to stewardship interests they inhabit a peculiar niche called “social entrepreneurship”. Not all of this is strictly stewardship directed, but there exists sufficient stewardship *attitude* to allow it as ‘stewardship invested’, which in today's world is saying something. Muhammad Yunus, founder of the Grameen Bank and father of microcredit, provides a classic example of social entrepreneurship.

A definition of the notion remains somewhat sketchy, but the following excerpt from an online piece by Roger L. Martin and Sally Osberg (2007, p.9) in the *Stanford Social Innovation Review* is quite informative:

We define social entrepreneurship as having the following three components: (1) identifying a stable but inherently unjust equilibrium that causes the exclusion, marginalization, or suffering of a segment of humanity that lacks the financial means or political clout to achieve any transformative benefit on its own; (2) identifying an opportunity in this unjust equilibrium, developing a social value proposition, and bringing to bear inspiration, creativity, direct action, courage, and fortitude, thereby challenging the stable state's hegemony; and (3) forging a new, stable equilibrium that releases trapped potential or alleviates the suffering of the targeted group, and through imitation and the creation of a stable ecosystem around the new equilibrium ensuring a better future for the targeted group and even society at large.

Table (1) attempts to tie together the sectors of production with the potentialities of stewardship. Ever since the public took a decisive interest in business stewardship (count the days from Carson's *Silent Spring* to be accurate), thousands of NGOs as well as the United Nations have been sorting through these same matters. In addition to Robert Mackey's



‘flowidealism.org’, there is a website wholly devoted to corporate social responsibility, *thecro.com*, where even employment opportunities are available under several headings. In the table these same job areas are boldfaced and underlined over the right-hand (productive capitalism) column.

The word “perfectibility” intends only that one can *complete* one’s responsibility to productive justice with a stewardship approach. A recent corporate responsibility report spoke, intelligently, I thought, of four areas: the workplace, the marketplace, the environment and the community. These are coupled to the original organization I had worked out for my own purposes.

Stewardship efforts are linked with “productive justice”, by which I mean the social justice that can be striven after with comparative ease simply by going about the *productive* process *with an eye toward larger issues*. The Ford example is classic, but other instances abound, including advertising, where by spending a little more, advertising enables sponsorship of public programming, sports events and numberless charities.

TABLE 1: TARGETED STEWARDSHIP: THE P’S OF BUSINESS PERFECTIBILITY

Planning – Community – (A) (Consent/Consult)

<p>1) Principled Profitability (w/in technology) Mission Values and Principles</p>	<p>Corporate Governance Interpret re stewardship Restate re productive justice</p>
<p>2) Patterns and Purposes Aesthetics & Ethics Design & Utility</p>	<p>Corporate Social Responsibility Interpret re quality & excellence Restate re productive justice</p>

Preparation – Environment

<p>3) Protection Environmental Intellectual Consumer safety “Task” environment</p>	<p>EH & S Management Compliance Lobbying, Networking, Assn help Management of policy Clients, suppliers, competitors, regulators</p>
<p>4) Property Interests (Resources) Financial Material</p>	<p>Investor Relations Incubators, Networking, Lobbying Quality, Availability, Replenishment</p>

Production – Workplace

<p>5) Personnel as People Safety/Security OSHA, FDA, etc. Training/Cleanliness Pension viability Social Commitment Daycare/Leave Health care Diversity</p>	<p>Compliance & Ethics Officer Publish to employees, Industry Assn. Accountability, Effectiveness Accountancy, Industry Assn. Diversity Director Faith-based services Lobbying, Industry Assn. Community involvement</p>
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**6) Product Sustainability**

Quality control
Accepted technologies
Machinery maintenance
Competitiveness

Sustainability Leadership

Protection of formulas, Training
Industry Assn., R & D
Accountability, Training
See Goldman Sachs report

Promotion – Marketplace**7) Product Marketing**

Packaging
Boxing/Wrapping
Labeling
Advertising
Point of purchase
Store
Home
Mail-order

Marketing Specialist

Safety, Security
Transparency & Truthfulness
Integrity & Honesty

Accessibility, Professional
Professionalism
Efficiency, Quality control

Community (B)**8) Public Image & Custodial**

Reputation
Financial reporting
Product liability
Regulatory environments

Community Relations Specialist

Integrity in content & style
Sarbanes-Oxley, etc.
Positive associations, Track record
WEEE/RoHS, Global Compact, etc.

Productive justice amounts essentially to incorporating social responsibility in the very process of attending to what business does best, productivity. Though not using these precise words, George Kell (2007), Executor Director of the UN Global Compact, nonetheless defines them well: “The evidence is building that embedding universal principles and related environmental, social and governance policies into management practices and operations delivers long-term business value and is rewarded by markets.”

There are actually two aspects to productive justice. One is tied to normative practices in which stewardship is achieved by voluntary modifications of the kind just referred to. In the vast majority of these cases the productive justice is achieved as a change for the positive in the *degree or extent* of an existing practice. But a second variety may be more

important if less obvious, in which productive justice requires a change in the *kind or type* of practice employed, where the down-side is termed an “opportunity cost”.

Were it not for business practices that are legal only because lobbying protects industry from rational regulation, we would not have numerous instances of productive *injustice*. The money that ultimately raises issues of corporate pay packages would certainly have added to productive justice were it not used to bankroll corporate largess. In addition to those that all but pervade big business, such as the utilization of offshore financial institutions, Nikos Passas



cites a number of instances, from gambling to law, in which he finds grounds for significant 'legal crime'.⁷

LAW AND THE OFFICE

Two arguments can be adduced, each in its own way justifying the use of legal instrumentalities to sort through today's discomfitures: 1) *contra* the 'constraints are worse than the cure' argument, and 2) *for* proposing a cultural vantage from which to chart a course both normative and pragmatic. These approaches, it seems to me, are instrumental prerequisites for any truly sustainable Conscious Capitalism.

Returning briefly to the origins of public law, the concept of felony is all but defined by the very fact of the King's interference to quell it, grounded in the "King's Peace". Since activities we have come to know as 'legal crime' are no less a matter of (ethical) injustice than activities we likewise acknowledge to be (legal) 'criminality', we have reason to wonder if a better definition of "crime" is possible. Nikos Passas (*ibid.*, p. 2) provides an excellent rough-and-ready formulation: "Misconduct, which entails avoidable and unnecessary harm to society, which is serious enough to warrant state intervention and similar to other kinds of acts criminalized."

'White collar crime' (Herrman, 2008), even when perfectly "criminal", is treated by many courts as if it were merely some ethical violation. Numerous serious examples of the "abuse of office" (Herrman, 2009a and 2009b) are similarly defined out of existence in falling under the rubric of civil, rather than criminal, jurisdiction; this despite the fact that public offices are just that – *public*. Abuses of public offices are abuses against – the *public*. Abuses of the public are legally denominated *crimes* (or misdemeanors). *Felony* arrived whence? What about this logic doesn't our Law wish to comprehend?

Of concern to the office, and therefore to business and the public which it serves, is the matter of motivation, in particular as it touches upon excellence. Material excellence, whether in product quality or productive efficiency, is increasingly demanded by consumers, even as it is observed faltering. According to the Goldman Sachs report, the Millennium generation (born after 1977) are clearly desirous to blend individual and business aspirations, of which a prime factor is that of excellence.

As of this writing the major automakers are requesting 25 billion of dollars in loan guarantees. Is there a regulatory role of government beyond that of reinsurer of last resort? Should the government, for example, require a reorganization bankruptcy in order to compel structural changes that virtually every expert agrees are critical (even while GM's CEO denies anything is wrong in the fundamentals)?

It remains to consider a worry of ethicists as well as businesspeople, namely, that regulation may inadvertently stifle the very traits and motivations we all understand as being necessary to

⁷ Passas (2003, p. 1) remarks, "By concentrating on what is officially defined as illegal or criminal, an even more serious threat to society is left out. This threat is caused by a host of company practices that are within the letter of the law and yet, they have multiple adverse social consequences. Quite often, the main reason why these practices remain legal and respected is that these industries are able to mobilize financial and other resources in order to avoid stricter regulation."



excellence. As far back as Confucius, individuals were *themselves* responsible for advancing excellence. So much did he place his trust in the fundamental offices of social life – which individuals stewarded toward excellence – that he was outspoken in his objection to a society of laws and regulations, and rather more inclined to favor customs that themselves engendered excellence, not unlike the Homeric values of ancient Greece. In America, stewardship in the workplace is expressed in Veblen’s (1964) ‘workmanship’.

It was then, as it remains today, an honor-based view. We might inquire if a variant does not exist in which we might advantage ourselves of the honor-based ideal without sacrificing the benefits of our own dignity-based preferences. Yet the dignity-based conception of office leaves little tolerance for hanky-panky; what bedrooms were made for they remain for. What offices were made for is accordingly sullied by scandal and every other abuse. Such abuses generate only cynicism. Today, cynics approach reviling the system, some going so far as to revile America itself, while the majority posit little if any likely change for the better. Gradually they are eaten alive by their own negativity, the worst cases becoming so degraded as to actually wish to spread the killing virus, as if watching society sink in its mire were a perverted justificatory victory. Avoiding Conscious Capitalism, America has risked a great deal.

Of all cultural systems, dignity is the hardest both to develop and to bring to maturity. Because of its values, it is also the most necessary. Dignity, because it naturally fosters excellence equally between character and conduct, likewise fosters excellence within the office as well. Furthermore, it works in both directions: maintaining quality in the office sets positive examples for personal qualities in general. Our love of dignity permits our heartfelt cheer on witnessing selfless acts for others. We have too much evidenced the very reverse.

Every time we hear of a Senator or Governor groping the genitals of someone in a public space or within their offices, something of the sanctity of the office dies and is replaced by double the amount of cynicism, no less than if a malcontent did it to our own child. Every time we hear of obscene salaries and of executives hiding themselves from the financial downsides of the companies, they captain, something of the office dies and is replaced by double the cynicism, no less than if a ship captain saved himself first.

If it was indeed Veblen who coined the epithet “captain of industry”, the fact that he was a professor of philosophy at Yale might suggest he had stewardship uppermost in mind. What else can possibly occupy the mind of any right-thinking person when the word “captain” is mentioned in the naval context if not these extraordinary obligations attendant upon the *office*? How could the metaphor not transfer the obligations? How can we possibly envision a Conscious Capitalism without the stewardship of offices?

Laws that support dignity (as opposed to laws stifling business) will both directly and indirectly conduce to excellence. Where ethics serves to protect that which produces excellence, that much of ethics can usually, with care and caution, safely be given legal backing. I can’t off-hand name a profession, for example, most of whose privileges aren’t in some manner recognized as legally protected. Therein lies the significance of applying ethics *with teeth* to any number of business practices that have so far avoided close scrutiny.

Of course, the easiest and most successful of all efforts is simply for businesspeople to become “conscious” that they live in a world to which they personally (and indirectly through their companies) *owe* a responsibility. We do not owe it to them, directly or via Congress. That is



the lesson of the charter, of the office, and of all recent experience. It is high time that *we*,⁸ as well as they, paid more attention to these finer points in the philosophy of life's varied offices, and their expression in our own legal tradition.

Even businesspeople, protected in their corner offices, their retreats and meta-suburbia gated communities, are increasingly aware of the febrile condition of our institutions, and they are also increasingly aware of their own participation in the process of our piece-meal demise. The McKinsey & Company survey (Bielak et al., 2007, pp.1, 7) reports the following:

- More than 90 per cent of CEOs are doing more than they did 5 years ago to incorporate environmental, social and governance issues into strategy and operations.
- 72 per cent of CEOs said that corporate responsibility should be embedded fully into strategy and operations, but only 50 per cent think their firms actually do so.
- 59 per cent of CEOs said corporate responsibility should be embedded into global supply chains, but only 27 per cent think they are doing so.

The actual facts of the case indicate that the worst honor-based dispositions *do* positively permeate the practice of too many corporate offices in dignity-based America. Two examples (Baker, 2003, p.11; Black, 2003, p.39) illustrate the character and magnitude of the problem:

- 1) In short, the promulgation of impossibly high projections of stock returns in the Social Security debate suggests that the political/economic system in the United States is too corrupt to provide serious safeguards against corporate abuses...so that acquiescing in corruption can generally be counted on to bring no consequences, even when exposed. In contrast, there is little, if any, reward associated with exposing corruption, and of course great risk involved in the process.
- 2) Criminologists recognize the danger that the CEO will come to see the firm as "his" firm. This mind-set is dangerous, as the recent scandals have made clear. The next step for too many CEOs is to see the *assets* of the firm as "his".

Exasperation adds ultimately to cynicism. Good people cannot help but inquire if anybody worries likewise, wondering whether anything or anybody can get us out of the morass in which, as Niebuhr said, society itself becomes 'immoral'. But let's first face one fact squarely, with no excuses. Someone must first sincerely care, and Americans themselves *do* care, and there are also quite a few businesspeople who likewise care, and care deeply.

John Mackey ranks among the most active in this regard. He took no salary and probably couldn't recall precisely what a bonus check looks or feels like. Considering that business people at the top seem to enjoy adopting the aristocratic vanities, we are not surprised that the scramble for *status* gets worse, not better, in such rarified air. That alone is quite sufficient to provide the pressure toward ever-increasing executive pay packages.⁹ Our favorite billionaire woman (well, almost) went to jail because she played the status card too blatantly. It is simply

⁸ "At any rate," notes Passas (ibid., p. 10), "no remedial actions can be contemplated and applied without wide public support."

⁹ The argument that they have to be paid like football coaches on account of potentially lengthy periods between jobs is laughable and cannot merit a serious response.



good aristocratic manners to warn/accept one's good buds of such and so, just don't get caught in the cookie jar.

The aristocratic set has always been as it remains – above the law that the rest of us are expected to exemplify. Status is another bell-weather of the honor-based set. The further from status, as a determinant of worth, the nearer by default you approach to dignity-based values. If Mackey has erred in tactics, his strategy has been refreshingly free of aristocratic me-ism. Despite weaknesses he remains a worthy spokesman for Conscious Capitalism.

When issues of ethics are endemic, as they are presently, there remain the soft way and the hard way. We are at the point where our choices have narrowed. The only options that settle well culturally are efforts of self-governance by industry consequent to a *threat* of punitive action—while the other is meeting the threat with actual legislation. H. L. A. Hart (1957, p. 199), at least, has no difficulty arriving at the conclusion that it is society's duty “to build up each individual's sense of responsibility as a guide and stimulus to the constructive development of his capacity for effectual and fruitful decision.” But does he not really only preach to the choir? Can we continue to rely on the soft method?

Once a disease is endemic, the medicine is necessarily strong. Ergo, one need only illustrate, in cultural terms, that the irregularities and injustices frequenting our offices are serious, widespread, and of sufficient duration so as to eliminate the notion of self-healing and the utter necessity of the hard stuff. As with all attempted cultural typologies, the honor-dignity thesis is necessarily more theoretical than empirical. Nonetheless, experience will suggest very strongly in theory's favor, and prediction predicated upon experience is the real test in any case, and that also has proven favorable to the thesis argued for.

Any generalizations in cross-cultural norms run headlong at some point into men and dominance, with their toys and instrumentalities in tow. These prove, in virtually every instance, to fill the annals of honor-based life. Not to treat these “patriarchal” issues in terms of culture is in fact to reduce all discussion of the matter to aphorisms, bromides and clichés. Male dominance is respected and encouraged in honor-based society. That is where it started and remains. All of the predominant efforts of dignity have been to gradually wean man from his worst cupidities in this area. Everywhere it has existed, economics has been honor-based. Necessity and competition tend to ensure the primacy of baser methods, still more so when they are elevated to art-forms requiring calculus and graduate school to fully wrap the brain around their recondite methodologies.

Wherever the office is not sufficiently protected by a public watchfulness or a law with teeth, the authority that of necessity must be predicated upon obligation for its legitimacy will just as probably be usurped by the boys-will-be-boys mentality. The office is designed with a fatal internal flaw: absent the requisite ethics, the machinery is tailor-made for every excess prerogative can invent. Prerogative has proven very inventive.

At length, the manhood card is the ace-in-the-hole for an honor-based group, and businessmen not infrequently put the blue chips on the table for this one. To see what conditions are like in traditional cultures, see David Gilmore's account (1990) or recall the continued intensity and frequency of honor-killings in the Arab world. Control of women (with attendant chauvinism)



and homophobia,¹⁰ whether literal or symbolic, are what they have always been: the eggs and bacon of male dominance throughout honor-based societies for all of human history. *Only*, and we shall require its emphasis – *only* the restrictions placed upon these traditions by dignity-based principles has led to abatement.

Dignity-based reliance upon equality, equity and ethics are its chief methodology in regard not only of freeing minorities from public diehards and the business community generally, but also of excellence. To the extent that offices are available and useful for this larger and grander positive purpose, we may presume stewardship to shoulder a predictably heavy share of the heavy lifting.

While in too many regards, we allow every appearance of having failed the test of a dignity-based moiety, the typological criteria tag us thus all the same, and correctly so. It can no longer be argued, at least not from logical or empirical grounds, that we are not at least nominally a dignity-based nation.¹¹ Part of maturing as a culture lies in the recognition that we *must* accept vastly more personal responsibility, some of it legislated with teeth. Even so, we *have* come a long way, and we have what it takes to go much further.

Where business lags behind or otherwise threatens dignity, we must do our part; when business works harder than government to be a national or international embarrassment, again it is time that Congress know just how much we care about our country's image, both at home and abroad. We recognize that dignity is more than money, more than mere appearances, and that our nation's charter—the Constitution itself—to say nothing of corporate charters, implies the stewardship of dignity-based values that both incorporate and transcend business interests.

CONCLUSION

Having begun with the relevance of becoming both “conscious” and “aware”, the two are paired together in the view of Pierre Teilhard de Chardin (1964, p.111), whose “Law of Complexity-Consciousness” integrates much of this presentation:

The more complex a being is ... the more *aware* does it become. In other words, the higher the degree of complexity in a living creature, the higher its *consciousness*; and vice versa. The two properties vary in parallel and simultaneously [emphasis added].

His philosophy is often described as Neo-Thomist (he was a priest), though in more contemporary terms he is associated with Process philosophy as well as Personalism, approaches that, in line with Aristotle himself, stress the empirical-scientific aspects of being and existence (he was also a paleontologist).

Teilhard's view is especially relevant for us because his use of the word “conscious” seems to presuppose, as it does for Muhammad Yunus and John Mackey, an aware responsibility of

¹⁰ Honor-based societies with aristocratic (or other variations of the honor cult) frequently allow homosexuality within the cult but the society itself will usually abhor the practice. Except for groups with a long and honored tradition of respect for nature, it can be expected to be dealt with harshly. Some Amerindian groups having tolerated it include the Cheyenne, Mohave and Lakota.

¹¹ Forget not the struggles to compel law to own up to privacy rights. We have Robert Bork (1990) and his ilk (Justices Scalia, Thomas, et al.) to thank for the anachronism of the old ways.



one's surroundings, in all their complexity and their inter-relations with their human instrumentalities. It encompasses a process of individual and social evolution to the *Omega Point*. Which brings me back to dignity, since that is effectively what he is getting at, especially when read in light of adherents like Bernard Towers (1970, p.120), the first Chairman of the Pierre Teilhard de Chardin Association:

It is...change, involving conscious communication between generations of men and therefore the build-up of a non-genetic type of heredity.... And even over a period as short as a few centuries, there can in fact be no doubt, for instance, that man's moral sensitivity to and awareness of the sufferings of others *have* changed in a progressive kind of way.

This is nothing but the “evolutionary” progress of dignity that has taken place in the same time period. It is an evolution requiring man's continuous and unrelenting stewardship. And to the extent that corporations place that agenda at risk, so they (and we, for allowing it) must be compelled, if necessary, to become part of the solution. It will no longer suffice for a businessperson to say, ‘Well, I make things and am no good at what charities are, after all, established for.’ It will do only to have them commit, instead, to this, a stewardship oath for the present and future:

I shall endeavor to apply a small token of my resources in order to determine and apply the best stewardship for my firm's time, talent and money. I shall become a “conscious” capitalist. I shall work with the advice and assistance of charities, and determine what is the best philanthropic bang for the buck, even perhaps in turn assisting *them* to be more efficient in the ways and means of business efficiency, bookkeeping, etc.

Perhaps we will donate products where they do the best social good; perhaps labor, perhaps investments of money. I am good enough to offer a service or product; surely I have the moxy to establish a “best practices” program, consistent with my business and personal goals, for the community whose trust I am expected to earn and maintain, as well as toward the betterment of conditions for employees and, finally, for the sustainability of the environment. It doesn't require that I go to night school. It requires only an attitude, an awareness—a *consciousness*. I *can* do this. We can do this. We *will* do this.

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