

Corporate Code of Conduct: A Kantian Opportunity

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Abstract

The moral issues that occur for for-profit corporations are a unique function of many internal and external factors, including corporate policies and purpose, business regulations, and business governance's economic and political system. Several possible theoretical frameworks prescribe behavioral norms and standards of conduct to companies, such as utilitarianism, deontological ethics, or virtue ethics. In this paper, we argue although there are significant similarities between Kantian Ethics and ideal corporate cultures, Kantian ethics cannot fully integrated into contemporary corporate practices. Kant's theory of morality fundamentally fails to accommodate the infamous given purpose of corporations, namely to seek profit. We also provide confirming empirical insights from a case study in developing a semi-Kantian corporate code of conduct for a large technology-based company in Iran.

Keywords: Kantian Ethics, Corporate Culture, Business Ethics, Corporate Social Responsibility, Responsible Business, Applied Ethics

1 Introduction

Capitalism is indeed a thriving economic and political system of production and distribution in which industries are controlled by the private sector for profit. In addition, globalization has doubled capitalism's potentials and impacts in such a way that corporations can act on global scales. Accordingly, regardless of development stage or size, every business does have several internal and external stakeholders. This enormous power of impact and indefinite financial and non-financial resources intuitively bring massive and widespread moral and social responsibilities. Therefore, moral considerations and responsibilities, on the one hand, and corporate productivity and efficiency, on the other hand, dictate that all stakeholders should abide by specific rules, behavioral norms, and standards of actions [1, 2].

Capitalism respects corporate autonomy, agency, growth, and property right, just as liberalism appreciates human autonomy, agency, development, and property right. [3, 4]. Accordingly, creating an organizational culture based on human autonomy that promotes learning and growth is the focus of many corporations where employees are free to explore and experiment, make mistakes and learn, and engage with both the personal and business opportunities of development. Several empirical studies confirm that workplace autonomy pays back through greater employee engagement, accountability, performance, productivity, sense of belonging, mutual trust, and sense of self-worth [5–11]. These components of contemporary corporations' culture and work environment empower employees to proactively bring about innovative solutions for business challenges, including corporate moral and social responsibilities. [12–16].

Business moral considerations are either triggered internally or enforced externally. The latter case is intertwined with rules imposed by the state, expectations created by society, and requirements of business viability that are put out by the business landscape. On the other hand, internally motivated corporate actions are shaped through the moral predispositions of corporate employees and their shareholders, corporate culture and its core values, corporate missions and visions, and corporate members' perceptions of responsible business and corporate social responsibility. Considering the above-mentioned cultural elements of liberal capitalist corporations, one could straightforwardly observe that several

central concepts in Kantian tradition resonate well with crucial elements of the contemporary corporate culture.

Kant asserts that the capacity to transcend our self-interest, our natural inclinations, and tendencies in order to act autonomously out of moral duty grants unconditional moral worth to our actions [17]. Correspondingly, as the currently accepted notion of corporate social responsibility implies, a responsible corporation benefits society and addresses negative impacts on stakeholders, including employees, society, and the natural environment. Moreover, the universal rule-based nature of Kantian ethics communicates well with the necessary rule-based context of international business and trade requirements. In addition, in an ideal imaginary setup where Kantian ethics matches flawlessly with business necessities, we expect flexibility of Kantian imperfect duties alongside the rigidity of its perfect duties [17] to provide a rigid moral framework with flexible boundaries and potentials to not only address moral considerations, but also satisfy stakeholders different preferences and purposes.

Many corporations address moral issues through the enforcement of a corporate code of conduct. Any corporate rule of conduct ought to pass several examinations to be authentically considered a Kantian rule of ethics. A Kantian corporate code of conduct should reflect formulations of Kant's categorical imperative, their implications, and corresponding moral virtues and vices, behaviors, structure, and spirit. Thus, formulations of universal moral-business maxims, respect for employees dignity, respect for employees autonomy, avoidance from exploiting employees, growth and development culture, space for altruistic actions, and abstention from employee deception and coercion ought to be ultimately reflected in any corporate policies and strategies [17].

We follow Norman E. Bowie's footsteps to explore further and investigate the feasibility of what he calls "Kantian Capitalism" [18–21] according to which good business is good ethics driven from Kantian moral tradition and normative recommendations. In the following sections, we propose a semi-Kantian approach in developing a corporate code of conduct in order to examine how Kantian ethics can be unfolded within a work environment, and how such dynamic organically unravels irresolvable inconsistencies in contemporary accepted corporate management practices. Empirical evidence and insights are gathered

through implementation of our doctrine in Cafebazaar Corporation¹, a technology-based company in Iran. This hybrid approach that consists a theoretical discussion and feedback from applied ethics helps us evaluate our proposal, and shed light on our understating of how theoretical moral frameworks and business operations interact in contemporary work environment.

2 Code of Conduct

We assume that having a responsible and accountable business requires a robust and responsible company culture. A corporation, either as a legal entity or as a group of individuals who share common interests, could be held morally accountable through an agreement on implementing a corporate code of conduct. A robust code of conduct includes ethical principles, values, duties and responsibilities, standards of actions, and disciplinary actions as a form of enforcement to characterizes corporate culture, agency, and expectations while set a flexible framework for corporate visions, strategies, and policies.

Specific measures are required to ensure the code of conduct is consistent with Kantian framework. For instance, the kingdom of ends formula alongside with autonomy formula stresses that all members must personally approve, as lawgivers, every prospective rule of conduct. In such a circumstance, each employee has a moral obligation to act upon principles that are deduced from the company code of conduct, that all members democratically and autonomously have accepted. Accordingly, an explicit precondition of any Kantian corporate policy is a joint exercise and agreement between all corporate members. Thus, a bottom-up democratic approach in corporate policymaking is essential in any Kantian work environment. However, there are no guarantees here whether rules that are approved by individuals or recommended by Kantian Ethics are in line with the given purpose of corporation, namely to seek profit.

Moreover, the humanity formula implies that all corporate policies should be developed such that stakeholders are treated as ends rather than a means to either business ends or a particular group of stakeholders' interests. Therefore, the only possible way to in-

¹Cafebazaar Information Technology Group is an innovative business in the field of technology that is based in Iran, currently with more than 2k employees.

tegrate stakeholders interests or preferences is as a moral responsibility. Bowie suggests that seeking profit can be seen as a promise between corporate members and shareholders. Thus, corporate top executives, in particular, and corporate members have a moral duty to abide by such promise towards the shareholders. This perspective opens up an opportunity to include seeking profit in the within the normative landscape of moral considerations, along with other responsibilities. In an impartial process, each employee would only accept maxims that govern all company members justly without treating any group merely as a means to secure other's advantages. A hypothetical approach for securing maximal compliance with Kantian requirements would be John Rawls "Veil of Ignorance," according to which impartially is maintained through denying decision-makers access to extra biasing information on who benefit the most from the resources.[22]. However, in a realistic setup, each individual faces conflicting motives of altruistic and egoistic considerations as moral rules are weighed against each other. It is not at all clear why such collective practices of members would ends up facilitating, shareholders interests, namely to generate profit.

In contrast to the teleological approaches in ethics, the deontological framework emphasizes process over the outcomes[23] according to which actions are judged based on their compliance with the moral rules. Therefore, a semi-Kantian code of conduct's propositions can be expressed, either in the form of rule-driven moral duties (e.g., to refrain from a particular action) or in the form of values or virtues that are inherent or proxies to the Kantian notion of a good will[17] (e.g., honesty or teamwork is valuable in our company) [24]. The former can be more comprehensive and provide corporate rules and policies in the form of dos and don'ts, while the latter can be expressed through examples and descriptions of role models or ideal corporate citizens [25].

A rule-based code of conduct provides reasons for action that leaves no room for discretion in deciding what exactly one must do and thus is highly enforceable. On the other hand, a value-based code of conduct is not an action-guiding document as identifying a circumstance where a value or virtue can be promoted is an evaluative consideration. Moreover, compliance with specific rules can be judged straightforwardly, whereas compliance with a value or virtue might be ambiguously obscure. It is crucial, however, to note that empirical studies suggest that value-based codes of conduct are enforced, complied with, and

promoted more favorably [26, 27]. Besides, in corporations with a dominant value-based code of conduct, corporate core values can be integrated into corporate visions, missions, and strategies, which also opens up a non-utilitarian window on corporate nature and its purpose.

Kant defines the concept of virtue as the strength of the will to fulfill its duties despite external and internal obstacles [17, 28]. This definition gives us a sense of critical importance of autonomy alongside the notions of positive and negative liberty. Therefore, to accommodate value-based moral propositions, one might appeal to virtues and values that are proxies, traceable or reducible to these fundamental Kantian notions. Although Kant provides a formal structure of moral decision-making, regardless of the agent's character, persistent personality traits can be attributed to define a Kantian Personality (e.g., sincerity, authentic leadership, formal ethical predisposition, low relativism, democratic leadership, high level of tolerance) [29].

There is no escaping that corporations are dominantly, or at least partly, motivated to seek profit. In other words, the ultimate telos or aim of a good corporation involves material values, and thus should necessarily be reflected in any corporate code of conduct; otherwise, any attempt to conceive an applicable code of conduct is doomed to failure. A perfect duty of seeking profit is conceivable in terms of a hypothetical promise between corporate members and shareholders according to which all members assure shareholders to pursue corporate interests and benefits as long as they are in an employment contract with the corporation [30]. This circumstance opens up an opportunity to incorporate moderate versions of the profit-maximizer principle with codes of conduct. It is important to investigate whether conditions around such promises are morally justified. For example, novel forms of employment contracts that includes stock options can align corporate incentive to seek profit with employees incentives through the contract. It also worth studying whether such hypothetical contracts can be made between a wider range of stakeholders.

Considering different groups of stakeholders, a code of conduct can be formed through a diverse set of motivating reasons among which the following cases can be expressed: to promote corporate core values, to set the right culture, to adjust corporate vision and a mission, to build a reputation in the market, to clarify the behavioral expectations, to

address corporate social responsibility, to resolve cultural and moral conflicts, to build an accountable business, and to increase employee engagement, well-being and performance [31].

We argue that employees spot within the ladder of corporate hierarchy classifies the nature of an individual's motivating reason for moral considerations. Job responsibility of top executives involves two conflicting and inconsistent sides. One side involves a teleological perspective according to which top managers must manage the company, an artificial agent, towards its given purpose of profitability. The other side demands a different moral perspective that involves taking care of human beings, including employees and the society. Although the former side necessitate a teleological approach, the latter can be accommodated much more compatibly with deontological approaches.

From the corporate perspective, as driven through top-level managers interaction with corporation as an agent, strict rules of moral conduct is desirable as long as corporate profitability is not negatively affected. In contrast, this is not the case as one considers people at lower levels of hierarchy. Interactions of this group of people is mostly dominated with how they relates to other employees as colleagues, with themselves as human beings, and with society as its members through the company products. Thus, such an individual prioritizes a different set of moral values and rules of conduct compare to top executives. For example, junior employees might demand high level of transparency in communications to feel respected, included, and valued by colleagues as a human being. In contrast, senior managers demand high transparency in communications as such work atmosphere is necessary to boost engagement, performance, and delivery so that managers responsibility towards corporation is properly fulfilled. In another case, a junior team member may request a high level of autonomy to tackle complicated challenges, and develop his or her capabilities and skills. However, high-autonomy work environment is appealing to top managers because such an approach communicates trust and respect which is essential for effective internal and external collaborations.

In conclusion, existence of corporate hierarchy combined with the teleological perception of corporation as an agent inevitably requires corporate policies to acknowledge that employees and top managers have different and conflicting material and immaterial motives

to initiate morally valuable actions.

3 Discussion

There are several theoretical and practical challenges in developing, implementing, and enforcing a corporate code of conduct consistent with Kant's theory of morality. For example, not all corporate desired behavioral expectations can consistently be traced back into Kantian moral philosophy. This is mainly a result of the fact that corporations, as an artificial agent, seen an govern mostly in certain teleological perspectives, while they are created through collaborations and cooperation of human beings who are supposed to behave according to Kantian deontological duties.

Moreover, many of the Kantian moral duties are too demanding for employers and employees to be complied with, specially if corporations, shareholders, and employees are, exclusively and dominantly, be driven to pursue material value and to maximize profit. There are two options available here to address this tension. First, deontological perspectives, in particular the Kantian ethics, can be abandoned by shareholders and employees and replaced with a teleological moral perspective in line with corporation given logos. Secondly, corporation nature and purpose might be redefined in an emergent flexible mechanism determined by the Kantian view on the human nature.

In line with the previous line of argument, to always act from duty as a motivating reason seems to be an untenable doctrine, especially in the context of contemporary capitalism in which short-term profitability is essential. By considering short-term profitability as an incontrovertible perfect duty of senior and top executives, there wouldn't be adequate room for Kantian deontological normative recommendations to be appropriately unfolded. In such cases, imperfect duties of senior managers towards employees such as providing an environment of development and growth for their employees, or corporate social responsibilities are in danger of being overriding by the financial measures.

A prime focus on short-term profitability naturally creates an environment where duties of individuals at different levels of organization hierarchy conflicts with each other and thus results in an incoherent and fragmented code of conduct. In such as a circumstance, seeking profit is a central duty of top managers, while individuals at lower levels of corporate

hierarchy do not feel the force of this obligation as motivating and powerful as felt by top executives. If a company is successful in terms of profitability the material and immaterial rewards and appreciations are mostly towards top managers rather than employees. Accordingly, force of seeking profit as a moral obligation in terms of being a motivating reason is currently a function of individuals spots within the corporate hierarchy.

Our case study suggests that employees at lower levels of corporate hierarchy are purely motivated to create and maintain an ethical atmosphere at the workplace, regardless of its costs for the corporation. They are motivated to hold themselves as corporate citizens and their company as a social institution morally responsible and accountable to all stakeholders, willing to take practical actions to address environmental and social issues. The nature of the moral motivation of corporate leaders, on the other hand, who are at the higher levels of the corporate hierarchy were more inclined towards utilitarian incentives rather than deontological incentives. The overall success of corporations, in terms of profitability for shareholders, is the core job responsibility of senior executives. In contrast, employees at the lower levels of the corporate hierarchy develop a weaker sense of ownership towards the company, not being expected to be directly responsible towards the corporate shareholders. Thus, the responsibility towards the interests of shareholders is not a solid motivating reason for employees at the bottom of the corporate hierarchy.

This tension between conflicting motivation, especially in a large corporation, can potentially conduce further conflicts and organizational fragmentation if not satisfactorily addressed. One approach to resolve this matter might be a radical decentralization in corporate structure, according to which the top management delegates decision-making responsibilities and daily operations to middle and lower subordinates. This must follow with fair and just compensation packages and considerable stock options for all employees.

In our case study, corporate altruistic actions towards society and the environment are now permitted to be carried out, if and only if such actions align with the company's business objectives, strategies, and missions. In other words, corporate managers prefer to fulfill their job responsibilities and moral duties by elevating products quality, creating high-quality job opportunities, improving customer support and satisfaction, and being highly transparent with the company's stakeholders. This fact highlights why it is much

harder to discover non-utilitarian motivating reasons within top-level corporate executives. Such motives create tensions and conflicts between their duties as corporate manager and their responsibilities as moral agents of society. In contrast to this group, non-utilitarian incentives to engage directly in social deficiencies were powerfully motivating for mid-level and bottom-level company members.

Furthermore, a number of moral considerations that employees proposed were neither practical nor easily enforceable. For example, an ideal state of diversity or equal opportunity for growth and development of all cannot immediately be provided for every member as corporate resources are indeed limited. Accordingly, prioritization of short-term and long-term goals, strategies, and objectives in distribution of corporate resources is essential. However, seeking profit forces the corporation to allocate its resources through the most cost-effective strategies to achieve a healthy growth and secure a safe profit margin. By redefining the corporate mission and purpose in terms of other factors, rooms would be created for contrasting allocation of resources.

Another potential issue in Kantian policy-making is picking up paternalistic approaches in development or enforcement phases. Managers might misuse codes of conduct to take more control over employee autonomy and conduct, directly in the workplace or indirectly outside of the company in cyberspaces or social medias. However, if all employees autonomously engage as lawgivers, such circumstances of exploitation would not happen through the democratic participation of a wider sets of corporate stakeholders. According to Kant, human beings might never be treated as a means to an end. Thus, if corporations want to respect human dignity, by applying Kantian ethics to their work environment, seeking profit as a sacred corporate motive and moral responsibility of top executives ought to be overridable by different moral duties of other stakeholders, especially in cases of conflicts with Kantian perfect duties.

As long as corporations are managed through a strict teleological perspective, Kantian ethics might not be a proper framework for addressing several moral issues within corporations. In recent decades, corporations have been strongly blamed for their absolute focus on the profit-maximization principle at the expense of ignoring other stakeholders benefits and preferences. New corporate models suggest that pursuit of profit can either be replaced

by the pursuit of doing good or can simultaneously coexist with having a morally responsible business [30, 32–34]. Accordingly, either a teleological or utilitarian theory of morality should be applied and integrated with corporate governance, or corporations should adopt some form of deontological approaches as an essential part of their strategic management, and drop the sacred profit-maximizer principle as the core element of their performance.

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A On Development Phases

In the following sections, we describe our proposed approach in creating a semi-Kantian corporate code of conduct. Instead of treating corporations as an instruments to generate profit, Bowie argue that a corporation can be seen as a moral community, namely a Kantian kingdom of ends [30]. Thus, a semi-Kantian code of conduct must be developed and enforced in democratic approaches as Kant emphasis on equity, human dignity, autonomy, and rationality such that every individual should be an autonomous lawgiver. Furthermore, a collective engagement is necessary to ensure every stakeholder's interests, who is affected, are considered and properly addressed. We implemented our approach in a large technology-based holding in Iran known as Cafebazaar to collect empirical feedback and insights as well.

The multi-level structure of corporate hierarchy and associated hierarchical job responsibility and power results in the fact that corporate visions and missions are driven through top executives visions and interactions with corporation as an artificial but demanding agent who pursues maximizing its profit. Accordingly, the code of conduct's scope of applicability and large-scale expectations from its enforcement are acquired through top-level and middle-level corporate managers, who have more authority, power, and influence, and perceive corporation as an agent. On the other hand, current corporate culture, moral issues, future ideal culture, and corporate responsibilities can be envisioned, for the most part, through subordinates vision whose spot are at mid-level or low-level of the corporate hierarchy. In short, a hybrid approach in policymaking should be employed rather than the top-down or bottom-up strategies as such frameworks might ends up being paternalistic, selfish, or uncaring towards either employees or the corporation, respectively.

According to the third formulation of the categorical imperative, each person should be a lawgiver who determines moral laws not only for himself or herself but for every corporate stakeholder. Thus, the corporate code of conduct must capture and reflect all the existing subcultures. Ultimately, this diverse conflicting set of norms and principles, motivations and expectations, behavioral patterns, and moral considerations should be aggregated and incorporated into the corporate code of conduct. Alignment of subcultures would bring strategic alignment, sense of unity, sense of ownership, and harmony that are required

so that corporation, as an agent with a given material incentive, can be conceptually conceivable. In other words, this alignment is a necessary condition in creating notions corporate agency, collective responsibility, and corporate social responsibility.

In our case study, through surveys and follow up one-on-one interviews, participants were asked about their expectations from the company's code of conduct. A corporate code of conduct can be protective of the status quo, or be creator of the future ideal culture. The purpose of such a policy can be promoting moral and cultural values, or brings about compliance with certain rules of conduct. Each elements of corporate code of conduct would have distinct favorable and unfavorable consequences for different groups of individuals. Public accessibility of the internal code of conduct could also be discussed as such policies might ends up making new expectations and even legal requirements. Last but not least, controversial notions of corporate social and environmental responsibility should be considered as well as enforcement mechanisms and violation policy.

We define cultural and moral structure of the corporation through analyzing explicit or implicit behavioral expectations, moral considerations, expected responsibilities and duties, corporate strategies, visions and missions, core values, and existing subcultures. Our approach is in accordance with culture assessment method introduced by Edgar Schein [35]. A series of group meetings were held with sampled groups of employees. A rich sampling is highly required in order to ensure inclusion of every subculture, including seniors and juniors, men and women, teams (e.g., sales, marketing, engineering, and human resources), and every levels of authority (e.g., team leaders, product managers, vice presidents, CEOs, and team-members).

The three-layer model of culture [16] can be introduced to session members in order to help them extract underlying cultural and moral considerations of the corporation. Three proposed levels of culture are artifacts which include the structures, processes, and tangible elements; Supporting values and moral considerations publicly supported by the company through strategy statement, vision and mission documents, and core values; And underlying assumptions that are usually unconscious and taken for granted moral and cultural considerations. The facilitator then starts by pointing to a commonly known company moral issue (e.g., a lack of commitment to product quality, a lack of mutual

trust, a lack of respectful communication, disregards of environmental responsibilities) while engaging all session members to actively participate in analysis of status quo, and in envisioning the future desirable moral state of the company. This method puts all individuals in position of a legislator of the norms of corporate moral community.

In case of conflicting norms, values, or maxims, underlying assumptions should be extracted. If our aim is indeed a semi-Kantian code of conduct, then rules, values, and assumptions extracted within the session ought be benchmarked against Kant categorical imperative, its three formulations, and the notion of good will and associated proxies. Kantian perfect and imperfect duties of personal growth and development, helping others, avoiding deceit and coercion can be employed as examples of semi-Kantian criterion of conduct [17]. For instance, maintaining a high level of diversity as a duty towards society might be overridden by a profit-maximizer duty, according to which a corporation should develop the most cost-effective recruitment strategy. The profit-maximizer is a perfect duty and should not be ignored by the Kantian imperfect duty of helping others developing their own capabilities and skills through appreciation of diversity within the company.

In moral assessment sessions, employees can, directly or indirectly, point out to several cases of moral and cultural conflicts that must be taken into strict consideration. For example, procedures and practices around internal corporate decision-makings can be discussed. It is a matter of investigation to settle down ways to determine responsibility and autonomy around decisions in specific areas: individuals (e.g., decisions around personal career path), team manager (e.g., final decision about recruitment of a new member), team as the collection of its members (e.g., distributing internal tasks), and top executives (e.g., expansion or contraction of the team).

Furthermore, company members work together to ultimately produce some products or goods, and thus, there are questions around the normative criterion about the members collaborations: dynamics around the teamwork, and the individual work. Each forms of interactions differently contribute to fulfilling obligations of perfect duty of personal growth and imperfect duty of helping other human beings grow their capabilities. There are also conflicts between boundaries of individuals roles either as human beings or as corporate members: normative criterion around employees work-life balance.

Moreover, each corporation is in contact with external parties such as society, service providers, suppliers, competitors, or partners. Accordingly, an ethical relationships must be developed with these parties in a way that a respectful link be established with competitors, natural environment, business partners, and the society. Is it morally acceptable to work with companies exploiting its employees, natural resources, or the society? How does this consideration should be unfolded when one consider the perfect duty of seeking profit against such external moral considerations.

A generalization of employees consideration and points would lead us in categorizing statements by the relationship in which they describe: employee relation with the company; employee or company relation with the society; employee relation with their jobs and tasks; company relation with the government; employee relation with its colleagues; employee's relationship with his or her personal life; company relation with the industry; company and employee relationship with customers and users; relation between the company products and employees; relation between the company and natural environment.

Here are a couple of examples from our case study indicating how employees might express their concerns. We try to show how such concerns can be translated into Kantian ethical concepts and notions: "Expectations from an employee or manager should be clearly expressed" (i.e. transparency and autonomy are valued), "Unfair growth and promotion opportunities should be addressed" (i.e. personal development and equality are valued), "Non-transparent decision-making processes should be replaced with transparent procedures" (i.e. transparency and inclusion is valued, democratic procedures are valued), "policy on maintaining a healthy work-life balance should be developed" (i.e. meaningful work is valued, personal incentives are valued), "Company data and information should be accessible by all conditioned to a proper data protection policy and privacy policy" (i.e. transparency is valued, user privacy is valued, corporate social responsibility is valued), "Unfair performance evaluations should be replaced with fair procedures" (i.e. justice and fairness are valued), "not all tasks are engaging, meaningful, and challenging" (i.e. meaningful work is valued), "Level of managers authority should be regulated" (i.e. autonomy is valued, paternalism is not accepted), "Company should adequately react to society problems" (i.e. corporate social responsibility is valued), "Company should consider using

biodegradable material“ (i.e. environmental responsibility is valued), “Company should fully compile with all the national and international laws“ (i.e. compliance with laws are necessary), “Product decisions factors should include all stakeholders“ (i.e. corporate social responsibility is valued, exclusive profit-seeking is not valued).

In short, our case study suggests that during such sessions employees would indicates their moral concerns in regards with all the stakeholders. Moral assessments sessions, thus, provide a great opportunity for the company to democratically regulate its strategies and policies through its employees perceptions and expectations.

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