



# Is there a social contract between the firm and community: Revisiting the philosophy of corporate social responsibility?

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## Abstract

In this study, I demonstrated that there is a corporate social contract between firms and their host communities. The implication is that the idea of the social contract places corporate social responsibility (CSR) on a conditional pivot, whereby the host communities have to fulfil their own side of the contract in order to merit CSR projects. I examined the implication of the social contract for corrupt and unaccountable host communities. I based my analysis on two philosophical frameworks, namely: one, Constructive Approach CSR (CA-CSR), and two, Restorative Approach CSR (RA-CSR). CA-CSR is hinged on the deontological and utilitarian moral frameworks, while RA-CSR is based on the restorative justice framework. Further, I developed 'CSR Calculus' ( $V = f_{1+n} + K$ ) to determine the value of CSR-due for a host community, in response to Milton Friedman questions of arbitrariness in the formulation of CSR projects. I also demonstrated how the CSR Calculus can be applied to determine the value of CSR owed communities by Micro, Small and Medium scale Enterprises (MSMEs). Finally, I used the ethic 'leave a better community' derived from the Annang proverb – *Assidsip ye Akwot-kwot ete yak mfin ami afon akan mkpong* (Assidsip and Akwot-kwot say make today better than yesterday) to signpost the corporate social contract and demonstrated why it is essential for every firm to commission and decommission its operations in socially responsible manner such that it can bequeath a better future society.

**Keywords:** Corporate Social Responsibility; Social Contract; African Environmental Ethics

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**Cite this article as:** Ibanga, D.A. (2018), "Is there a social contract between the firm and community: Revisiting the philosophy of corporate social responsibility?", *International Journal of Development and Sustainability*, Vol. 7 No. 1, pp. 355-380.

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## 1. Introduction

This paper presupposes that there is an existing social contract between the firm and the community. Indeed, the concept of Corporate Social Responsibility (CSR) clearly presupposes the idea of the social contract (Enuoh, 2017). The notion of the social contract alters the view that CSR is an exclusively corporate responsibility. It dismisses the notion that CSR is a moral burden placed exclusively on firms to the absolute exclusion of the host communities. The idea of the social contract implies that CSR is a partnership concept with shared burdens. If, therefore, there is a social contract between the firm and the community what is its nature, structure and ethico-legal frameworks? Is there any part of the contract that protects, otherwise empowers, the firm if it neglects its CSR on the account of the actions or inactions of the community? This study is important for two reasons: one, the present shortcomings on the part of businesses – particularly in the developing economies – towards their CSR, and two, the recent rise of militancy in some parts of the world on the account of corporate neglect.

In Section 1, the paper presents the problem statement and the methodology for the study. Section 2 presents and defines the concept of corporate social contract. Here, CSR is presented from an interdependent framework that involves the community and the firm. Section 3 examines the various definitions and conceptions of CSR. It further establishes CSR as moral device on the framework of deontology and CSR as a justice device on the framework of restorative justice. Section 4 critiques the CSR concept on the basis of Robert Nozick's theory of justice and further present counter-arguments to justify the concept. Section 5 examines the moral justifications for firms to perform CSR in corrupt and unaccountable, even in Sodom and Gomorrah. Section 6 presents a number of arguments to justify the demand on micro-enterprises (kiosk) to perform CSR. Section 7 introduces the CSR calculus to provide a mathematical exactitude for determining the value of CSR due for a host community. In Section 8, the paper discusses the 'ethic of leave a better community' as obligatory for all categories of firms.

### 1.1. Method of inquiry

The philosophical method adopted for this study is 'critical inquiry'. It is a method of analytic investigation into the fundamental assumptions and presuppositions of any doctrine or system of ideas (Struhl and Struhl, 1980). It is a method which allows the researcher to go to the roots of concepts in order to critically question, evaluate and clarify their basic assumptions. 'Inquiry' is simply the act of questioning, interrogating, investigating, analyzing and judging in order to seek out the truth – the truth, in this sense, is defined normatively rather than descriptively. To be critical, on the other hand, is to appraise, evaluate, examine, analyze, criticize and debate an idea or concept in order to determine its weaknesses, limitations, inconsistencies and demerits. Enoch (2012) avers that to be critical, whether partly or wholly, is to see a thing differentially from what it purports.

In presenting my idea, I used a process I may call 'Randomization Procedure' or 'Random Iterations System'. By this I mean non-linear inquiry and presentation of ideas which allows the same inquiry or idea to be presented and re-presented at several criss-cross intervals. This method of idea (and data) presentation

allows for increased familiarity with the subject of inquiry thereby increasing clarity. It is a procedure which allows for re-thinking and re-examination, of assumptions and suppositions, based on new evidences, issues, ideas or questions. It is a procedure that was popular with Socrates, and/or that was adopted by Plato to analyze philosophical ideas in his Dialogues.

## 1.2. Statement of the problem

The problem this study undertaken to address can be formulated in the following ways: (1) what is the nature of CSR; (2) what is the structure of CSR – is the framework of CSR horizontal or vertical (i.e. are responsibilities hierarchical or complementary); (3) are there ethical and legal frameworks for CSR, and if any, what are they; (4) is there a social contract between the firm and community, if any, what is the nature and structure of the contract (i.e. is the contract absolute, relative, direct or inverse), and how do the ethico-legal frameworks support or justify the contract; (5) what is the implication of the corporate social contract for corrupt communities; (6) in what way can the value of CSR due for a community be measured; (7) are they African cultures based ideations that signpost CSR, and if any, what are they and how are they expressed philosophically?

## 2. The corporate social contract: Defined

Social contract is an explicit or implicit agreement among members of a community to cooperate for social benefits. It is an explicit or implicit pact an organized society brings into being and invests with right to secure mutual protection and welfare. It is a device which regulates the relations among members of a society or which moderate mutual benefits between an individual/group and the government/community. Corporate social contract, therefore, is an explicit or implicit compact which regulates the relations between the firm and the community, and which moderates the mutual benefits open to them. Corporate social contract typically posits that the firms have consented, either explicitly or tacitly, to surrender some of their profits to the community in relation to the negative externality their activities have created in the community. Also, the notion of corporate social contract indicates that the community has consented, either explicitly or implicitly, to surrender its resources to the firm in exchange for compensations. CSR is the most elementary form of the contract.

In philosophy, the notion of social contract has a long history extending all the way from Socrates to Hobbes, Locke and Rousseau to the contemporary times beginning with John Rawls and David Gauthier. On all accounts, the social contract invokes rights and obligations of the parties to it. It emphasizes that the interest of the parties are determined on the basis of these rights and obligations invoked upon them by the contract. The doctrine of the social contract indicates that the parties entered into the pact, either explicitly or implicitly, in order to advance and maximize their self-interests against ambitions of the other.

The idea of social contract is hinged on tow key concepts, namely, 'consent' (O'Brien et al., 2009) and 'obligation' (Enuoh, 2017). On the one hand, it presupposes that firms have no right to operate on or exploit

community resources without consent of the community. On the other hand, it presupposes that there is a line of obligations that (should) define the relations between the firm and community. The consent is achieved through explicit or implicit agreement (O'Brien et al., 2009) between the firm and community. This compact defines the obligations (O'Brien et al., 2009; Barry, 1995; Gauthier, 1986). Further, Social contract plays two important roles: one, it justifies the moral reasons why the firm should be accepted by the community, and two, it demonstrates the incentives for implementing CSR programme in a community (Sacconi, 2004). That is, existence of social contract gives the firm and community reason to trust and be optimistic about each other's behaviours. The complex web of interdependence created by the contract builds trust and inspires confidence which alleviates the fear that the firm and/or community will act opportunistically (Mahoney et al., 1994).

Social contract thrives on cooperation. For example, the community's interest is socioeconomic advancement whereas that of the firm is profit-making. But each interest can be served maximally if each surrenders parts of their rights to the other – while the community surrenders parts of its resource rights to the firm, the firm on its part surrenders part of its profits to the community. Historically, the community has always kept its part of the contract. Indeed, by the mere fact of locating its plant in the community in order to exploit its resources, the firm has gotten involved with the community. There is an implicit contract in that relation which establishes the community and the firm as tacit parties to it. The community's part is to offer its physical and human resources for use as well as provide enabling environmental and social conditions for enterprise. The firm on its part is to provide employment opportunities, patronize the community's human and physical resources, create enabling conditions for contingent enterprises to benefit from its presence, guard against community damage, indemnifies the community financially and materially for negative externalities their operations have created, pay community's levies, and contribute meaningfully to community development as a responsible corporate citizen.

### **3. The concept of corporate social responsibility**

Corporate Social Responsibility (CSR) has a long history extending at least from the 1920s when discussions began to emerge on it. However, the concept and conceptions of CSR found their way into literature in 1951 when Frank Abrams wrote an article in the Harvard Business Review to argue that businesses have obligations towards the public other than the shareholders (Smith, 2011). In 1953, Howard Bowen's book – *The Social Responsibilities of the Businessman* – formulated a CSR definition as the obligation of firms to initiate policies, make decisions or follow course of action which bear socially desirable consequences and synchronizes with the values of the society (Smith, 2011). Since then the concept of CSR has evolved through various forum of varied shades and orientations. In 1979, Carall developed a theoretical model for Corporate Social Performance (CSP) where externality and corporate social responsiveness were converged (Smith, 2011). And in 2002, the United States Congress passed the celebrated Sarbanes-Oxley Act which brought far-reaching reforms to the manner business is conducted.

Despite its relatively long history, CSR does not have a universally accepted and unitary definition. However, most definitions offered in the literature gravitate towards focusing on the relationship between corporations and their host communities, and the social obligations of the former towards the later. Generally, it should be noted, a definition of CSR is either narrow-focused or broad-based depending on whether the *conceptor* is a self-centred corporate player or altruistic broad-minded business strategist. In this section, I am taking a look at various definitions and their possible weaknesses or strengths.

One definition considered is that advanced by McWilliams and Siegel (2001), and it typically represents the view of the self-centred corporate player. According to them, CSR can be defined as a set corporate decision that “appear to further some social good” that goes beyond legal requirements for the firm and transcends the firm’s self-interests. From this view, CSR is seen as a corporate rather social value which exists outside the core of a firm’s purpose and obligations. Milton Friedman (1988) had argued that firms’ sole purpose is to maximize profits for their stockholders. Another deductive from the definition is that CSR is voluntary. That is to say, if CSR are some social goods beyond firms’ interests and legal requirements then any CSR value created by the firm must be voluntary since it is beyond their statutory function and obligation. As Arikan et al. (2015) note, this type of definition is market-oriented and tends to dismiss the notion that firms owe anything to the community or other stakeholders beyond their profit-maximisation function. In this wise, this definition provides a leeway whereby a firm may “justifiably” abstain from, otherwise neglect or ignore, the performing of CSR.

Another definition is by Shamasastri (quoted in Dari, 2012) which indicates that CSR is the commitment of firms to act in ethical manner in addition to contributing to improve the workforce’s quality of life and economic development of host community and society at large. This definition conceptualises CSR as a “commitment”, rather than as an obligation, by businesses to conduct their operations in ethically responsible manner and to contribute to the wellbeing of the society. It leaves CSR to the caprice of the firm.

Richard Smith (2011), on his part, defines CSR as a business system that allow firms to produce and distribute wealth for the benefit its stakeholders through a process that involves integration of ethical and sustainable management practices. That is to say, operations of business are to be conducted ethically and sustainably to bring broad-based benefits to the stakeholders. Smith’s conception of stakeholders includes the general society. In this view, wealth is not distributed to the community rather the community interest is considered as significant when business decisions are discussed. Moreover, the concept of “sustainable management practice” embodied in Smith’s definition is very significant. Perez-Lopez et al. (2015) aver that sustainable management practice implies full disclosure of firms’ information on their corporate management strategy and performance indicators, organisation profile and labour practices as well as the social, economic and environmental impacts of their products. Further, Tony Kealy (2015) notes that the concept of sustainability in CSR management is hinged on a set of interwoven values, namely: profit, people and planet. Yet of the three Ps the “planet” component is the most essential. The planet component describes, or discusses, the ecological aspects. CSR must not only integrate social (human) interests but must equally consider the interests of nonhuman animals and the posterity. Marianne Jennings (2006) stretches it further that CSR may also include participation of firms in political activism on all issues, not merely those that affect the firm.

The European Commission (2011) states that enterprises are adjudged socially responsible when they integrate social, environmental, ethical, consumer, gender, and human rights concerns or interests into their business strategy and operations under legal guidance. This also involves firms providing full disclosure of product information to consumers in its packing and advertising (Jennings, 2006). Ferrell et al. (2008) aver that CSR embodies “standards, norms and expectations” that reflects the interests of a firm’s major stakeholders, namely, end-users, workforce, stockholders, suppliers, dealers, competitors, and the community. This is to say, CSR is a social mainstreaming concept that enables enterprises to consider and interpret the externality of their activities in ethically responsible manner. This means that even though the focal objective of firms is to maximise profits for the shareholders, the CSR concept constraint them to meet that objective in a manner that does not impede the social and evolutionary progress of the community within which they operate. And where their activities would impact negatively on the community, the enterprises must consider it obligatory to respond to the effects in a way that show their concern towards the community to which that effects have come – they must therefore cushion the effects through various interventions and programmes.

The European Commission (2011) avers that the CSR is enterprise led initiative but which public and community authorities can play a supporting role through policy mix, regulatory measures and strategic *unscripting*. This means that firms and their host communities are partners to the extent that they inter-depend on each other. The concept of CSR projects the firm as a corporate citizen (Maignan et al., 1999). As a citizen in the community in which it functions, its activities become legally significant, and its new legal status as legal person places it in the arc of social contract, this makes it possible for it to sue and be sued (Amao, 2008). As a citizen in the community in which it operates, the firm owe some obligations towards the development of the community as whole. Its obligation to the community development is contingent on the fact that it is an incorporated entity and by that extent a citizen that enjoys rights and privileges enjoyed by other members of the community. To this end, some literatures have alternately defined CSR as corporate citizenship.

### 3.1. CSR as a moral device

Part of the objectives of this paper is to argue in justification of CSR as a moral concept. To achieve this, I have aligned with the utilitarian and deontological logics of moral responsibility. Therefore, CSR is here conceptualised as a moral duty impose on firms as members of rational community.

From the utilitarian perspective, CSR can be defined as a device, model or principle that promotes the utility function of a corporation. The principle of utility states that an action is right if it produces the greatest satisfaction in contradistinction to the alternative actions (Ikegbu and Francis, 2017). The utility value of an action, course of action or policy is its tendency to create happiness and reduce pain. Enterprises are composed of human agents – called directors, investors or entrepreneurs – whose actions and policies hold consequences for the communities in which they operate. In other words, a course of action pursued by a firm in the course of its operation is ethically significant in terms of its utility value. A firm’s action or policy is good or bad, right or wrong. In this context, a good or right course of action is that which produces the

greatest happiness or satisfaction to the greatest number of people within the community. On the other hand, a bad or wrong course of action is that which promotes the greatest pain or frustration to the greatest number of people.

The definition of CSR adopted by European Commission (EC) expects socially responsible firms to integrate social, environmental, ethical and consumer concerns or interests into their business strategy and operations. This, therefore, means that CSR is a social mainstreaming concept that enables enterprises to consider and interpret the externality of their operations in ethically responsible manner. In the light of this, firms are obliged to do extensive options analysis of their proposed operational plans and review existing plant activities, in terms of their potential and/or actual externality, in order to either choose the option that is likely to create the greatest social satisfaction to the greatest majority or device strategies that would aid to reduce to the barest minimum whatever negative externality might result for their operations.

This approach is fairly consistent with the EC's conception of CSR; and we can refer to this approach as 'Constructive Approach CSR' (CA-CSR). The constructive approach is a proactive, rather than reactive, method of social mainstreaming of firm's policies and actions. It does not wait for things to go wrong so that it can model some reactionary intervention programme for the community; rather it simulate, test and determine the ethically and socially responsible options well ahead of their deployment at/by the facility. A corporation that integrate community's concerns and interests with its business policies ahead of their execution can be said to be ethically and socially responsible in a constructive manner. Such a corporation is aligned with the principle of utilitarianism because it is able to calculate and measure the utility value of its action and determine the number of people who are likely to be affected by it. Thus, utilitarianism presents CSR as a moral device that enables businesses to contribute to social development of the society and at the same time attains an ethical height.

Now from the deontological perspective, CSR becomes 'ought'. Deontology is normative ethical view that an act is good or right because it is good in itself, not based on some consequences of the action. It is an ethical position that views a good or right act as an obligation or duty based on or derived from moral rules. A good act is good in itself; and because it is intrinsically good, we have an obligation to carry it out independent of its consequences or irrespective of the cost-benefits analytic. It is important to note that this obligation to act morally is imposed on us by virtue of our nature as rational beings which make us moral agents capable of good will. Deontology is based on Immanuel Kant's three moral injunctions. According to Kant (1949), moral agents or rational beings have moral duty or obligations to: one, act only on good will or reason and not based on consequences, two, treat persons only as end and not merely as means, and three, act only in the way that the act can be willed as a universal law capable of being so willed by all rational beings. From these moral injunctions, all persons are therefore clothed with rights to be treated as ends and not merely as means. And they derive this right from the fact that they are persons, rational beings as such.

In this relation, corporations (which ostensibly have legal statuses as persons and are run by rational beings) owe the community, which they are part by virtue of their status as legal persons, to treat members of the community not as things or means to an end but only as persons and end-in-themselves. Moreover, companies must act out of good will in relation to the members of the community. They have the obligation

to help the community optimize in terms of their human dignity, as a good-in-itself irrespective of its cost and benefits. In addition, firms must contemplate their actions as capable of becoming a universal rule. That is to say, would the firm accept its conducts as rational or irrational if it were to be directed against the firm *per se* or if it were to be a rule applied to all human affairs everywhere?

How does this play out within the framework of CA-CSR? How does this justify the morality of CSR? CA-CSR is a social mainstreaming framework which enables companies to objectively integrate, synchronize and synthesize ethical and social concerns with firm's objectives, policies, strategies and operations. It is a proactive framework based on the EC conception of CSR cited earlier. In the light of this, corporations have obligations to give appropriate moral considerations to their objectives, policies, strategies and operations in order to ensure that the community members whose interest and personhood are at stake are not ended up as merely means in the plans of the company. This means that firms should not implement their operational plans if it would leave the community with significant structural changes that impoverish the community members, lower their living standards and deride their dignity as humans, thereby ultimately erode their personhood. If a company has already brought significant structural changes to the community, it has to reinstitute it and discontinue in that course of action. Deontology urges that this obligation holds irrespective of its impacts on firms' bottom lines. As Kavanagh (1993) rightly notes, acting in accordance with moral obligation entails accepting potential disadvantage in personal and economic terms. He further argues that this disadvantage or advantage does not hold significant in terms of forming the basis to discredit a moral obligation.

Indeed, the fear of competitive disadvantage due to moral obligation is contingent on the expectations that other firms are not likely to adhere to the same moral requirement. However, if all firms similarly recognize this obligation then the competitive disadvantage would disappear. Despite this, constructive approach to CSR has been shown by studies to improve firms' bottom lines (Rangan et al., 2015; Tarus, 2015; Fontaine, 2013; Palmer, 2012; Tsoutsoura, 2004). So even if other firms fail in this obligation the compliant firm is likely to upscale its bottom line in the long run. Nevertheless, the deontological approach imposes CSR on firms whether or not it improves profits margins. The CSR is an obligation that must be performed irrespective of its cost-benefit analytic.

### 3.2. CSR as a justice device

Part of the objectives of this paper is to argue in support of CSR as a justice concept. To achieve this goal, I look at CSR from the perspective of restorative justice. Under CSR as a notion of justice, the conceptual framework of CSR under consideration is not the 'Constructive Approach CSR' (CA-CSR) but the 'Restorative Approach CSR' (RA-CSR). Under the RA-CSR there is no social mainstreaming at the level of project conception and planning rather companies seem to go ahead to execute injurious operational plans, later they intervene to cushion the effect with remedial programmes. It is not always the case that firms are aware of all the dangers of their activities. Sometimes, even after ethical and social preening of their operational plans it still turns out that they leave some negative externality in the community. The RA-CSR framework is

therefore used to address this fallout. This approach to CSR can be ethically and legally justified using the notion of restorative justice.

Restorative justice is a philosophy of correction based on the criminological concept of restoration and remedies. It is a principle of justice which is based on the penological concepts of restitution, reparation and rehabilitation. According to Siegel and Senna (2008), restorative justice advocates a policy based on restoring damaged caused by second parties and creating a system of justice that is based on relationship of community members. It involves turning a justice system into a healing process. The principal concern of restorative justice is to facilitate the repairing of harm to the community through processes of negotiation, mediation, and empowerment (Schmalleger and Smykla, 2005). Restorative justice is developed from the principles of restitution, reparation and rehabilitation. Restitution, like reparation, is an indemnity paid to a community financially, or in terms of services, by a violator of the communal balance, stability and harmony. In the same vein, rehabilitation focuses on repairing a damage done to a community or individual. In this relation, restorative justice is a social system that compels the violator to contribute to offset the harm incurred by the community as a result of its activities. Adler et al. (2000) assert that the aim of restorative justice is conflict resolution, that is, restorative justice aims to identify obligations, meet needs, and promote healing within the violated ecosystem. This means that the concept of restorative justice is a conflict resolution device which represents the notion of justice as a restoration, restitution, rehabilitation and reparation.

Restorative justice communicates the idea that every harm or loss is compensable, and through adequate compensation the wrong can be removed. It also communicates reconciliation and mutual acceptance, a restoration of broken bond between two parties (e.g. the firm and community). In this context, therefore, compensation is not thought of as punishment to the party who cause harm rather as a way to re-establish bond with the “offended” community (Bertolesi, 2017). The critical aspect of restorative justice is the tendency to facilitate our recognition of “debt of responsibility”; by recognizing our debt of responsibility we can begin the process of repairing the injustice (Bertolesi, 2017). This itself send a signal to the community that violator (in this case, the firm) is willing to abandon a relation of hostility. Conversely, such a healing signal tends to repair the broken bond between the firm and the community.

There are a number of ways CSR can be viewed as a (restorative) justice device. Some scholars have attempted to represent CSR as a “give back” or Father Christmas philanthropic gifts of companies, but that is a wrong view. RA-CSR is basically an obligatory compensations firms owe the society due to the double-edged externality of their operations. Historically, CSR was evolved as a form of compensation for the community which bears the brunt of business activities. CSR also followed the evolution of capitalism and its complications in the Industrial Revolution with the attendant negative externalities, the vibrations of which are still strongly felt today. Enterprises are composed of human agents – called directors or entrepreneurs – whose actions and inactions can, and do, translate into significant consequences for the communities in which they operate. These consequences may be either informed or uninformed unintended outcomes of firms’ legitimate interests, and are generally described as externality. There are two types of externality, namely: positive and negative externalities. Positive externality is the indirect benefits that accrue to a community due to the activities of a firm. Negative externality is the negative impacts or effects that have

come to wear on a community's life as a result of a firm's activities – for example, air pollution is one of the negative externalities that result from the activities of manufacturing and mining companies.

The goal of firms is to maximise profits and reduce expenditure. Although the firm's intentions is to make profit by producing and distributing goods and services, the act of doing so produces unintended results which seriously affect its workers and compromise the integrity of the community in which it operates. When this happens, justice requires the firm to work out series of remedial programme to redress the negative externality. This may be in the form of developmental initiatives directed towards the community and its members. The general idea of restorative justice is restoration and restitution – compensating for and ameliorating harm done to a person and/or the community. A company which conducts its operations without ameliorating actions is acting unfairly towards the community and its extension in human and non-human entities. In this wise, the firm's CSR is aimed to restore the community's dignity, integrity, and values that play out in the cultural, social, and economic aspirations of the community. Thus, CSR can be viewed by both the firm and the community as a justice construct, a device and notion of justice aim at harmonizing the relationship between the firm and its host community.

#### **4. CSR and the Nozickian Objection**

A number of arguments have been created towards critique and criticism of CSR as an ethical concept. Most of the criticisms can be subsumed under Robert Nozick's objection to social justice. According to Nozick (1974), individuals, groups or organisation came to holdings and shares in the world when they mixed their labour with the resources of the natural world – say for example oil or gold. Entitlement to these holdings is summarily a question of justice. That is to say, how the individual or organisation came about with the holdings. He then argues that a holding is just if the shareholders are entitled to their holdings by the principles of justice in acquisition and transfer, or by rectification of injustice (Nozick, 1974). For him an acquisition or holding is just if it arises from/by legitimate means. An entrepreneur or a corporation that exploits a community's resources without violating the legal regulatory framework by doing so is entitled to all the resources he has acquired. Friedman (1988) follows this line of thought that the firm is fully entitled to its resources or holding provided it adheres to the rules of the game (that is, open and free competition) without deception or fraud.

Now, from the viewpoint of entitlement theory, Nozick would view CSR as a form of redistribution which he views as a serious matter involving a violation of shareholders' rights to their justly acquired holding or resources. If the management takes part of the company's earning or returns on investment of shareholders and 'throw back' to or invest in the community in the form of CSR then going by the Nozickian criterion it is a violation of the shareholders' entitlement and property rights. In fact, Nozick (1974) describes such undertaking as a force labour. From this viewpoint, shareholders are entitled to the fruits of their investment (their labour), they have justly acquired or earned it; to take part of that earnings and give it to the community under whatever name, perhaps CSR, is on par with denying the shareholders (whose monies have worked for them) what they are entitled.

Friedman (1988) argues that firms are devices of the shareholders, to this extent CSR amounts to defrauding the shareholders and denying them their rights to dispose of their funds as they may have individually wished. This is echoed in the Nozick's principle of justice in transfer, namely: by what processes may a holder transfer holdings to another? Nozick (1974) argument is that the principle of justice in transfer is characterised by/with "voluntarily exchange and gift". Principle of justice in transfer refers to the criteria by which holdings are justly transferred to another through "voluntary exchange and gift". In other words, a transfer is just if it is voluntarily done by the shareholder otherwise it is forcing. The criterion of voluntariness does not include a situation in which the shareholder "voluntarily" part with his holding under threat of violent disruption of his investment by the community. Nozick (1974) describes the situation as robbery, and lacking appropriate historical references. This means that voluntariness of an action depends on what precipitates the action. However, the question here is: who is the "thief" – is it the company or the community? Nozick's answer would be: no person may appropriate the only source of water which is needed by all human beings (Nozick, 1974).

Beyond the assertiveness of Nozick, Friedman presents a very virulent argument. According to him, the "allegation" that corporations owe the society obligations of social responsibility undermines the foundations of the very society (Friedman, 1988). He further holds that firms have only one social responsibility, namely – to engage in operations for the purpose of increasing its profits. Friedman (1988) maintains that if firms have social responsibility other than profit maximization for shareholders they can never know what it is neither can a self-select group of private individuals can decide what that social responsibility is.

A number of arguments can be constructed to respond to the Nozickian objection. Some of the arguments have already been articulated under the following sub-headings: CSR as moral device and CSR as justice device. Under CSR as a moral device, drawing from utilitarian and deontological matrices, I articulated that enterprises, taking CA-CSR, are under obligations to give appropriate moral considerations to their operational plans in order to ensure that community members whose interests and personhood are at stake are not ending up as merely means to be virulently exploited (or defrauded) of the interests unto which their personhood are attached and expressed. Under CSR as justice device, drawing from conceptual orientations of restorative justice, I articulated that firms, taking RA-CSR, are under obligations of fairness to ameliorate the harms (or negative externalities) their activities have brought to the community and its extension in human and non-human entities.

Under the following sub-headings, it is doubtful that the Nozickian objection can be sustained. However, the Nozickian objection can playback its old trick that the CSR is a sort of forcing or defrauding, hence robbery, since the firm has been paying corporate tax to the government. Indeed, it is true, as classical and neo-classical economists argue that the firm has been performing its obligations to the State as a corporate citizen, by paying corporate tax. The argument goes: it is therefore expected that development programme should draw funds from the tax purse. No doubt companies are entitled to their earnings. However, as Kavanagh (1993) correctly argues one of the grounds for fairness and justice is the maxim *sic utere tuo ut alienum non laedas*, use that which is yours in such a way that do not injure another. By its presence in the community, the firm has created web of negative externalities which are injurious to the community. Therefore, it is its moral obligation to internalize the negative externalities. It can move towards meeting this

obligation by undertaking some remedial programmes in the community or paying some indemnities to its host. It is unjust for the firm to internalize production cost while it throws the cost of its negative externalities to the community. Such corporate behaviour would be a breach of the ethical obligations their activities have brought upon them and upon which the community is holding them responsible.

Long ago, in 1970, Melvin Anshen (1988) had suggested that there was accumulating evidence that the expectations on these obligations (firms incur due to their operations) were transforming into radical demands by the society, particularly the host communities. This is already occurring globally in increasing scales. A number of studies have been conducted in the Niger Delta, for example, which linked the violence and economic disruptions in the region to failures of the international oil companies (IOCs) to effectively perform their CSR (Enuoh, 2015; Nwankwo, 2015; Enuoh and Inyang, 2014; Abubakri et al., 2014; Agwu, 2013; Wosu, 2013; Afinotan and Ojakorotu, 2009). As Anshen (1988) predicted, many environmental conditions essential for the private enterprise system is gradually disappearing, and being replaced with an authoritarian rigid social system in which the conditions of business operations would be severely controlled in such a way that it stifles competitiveness, flexibility and dynamism of the business environment. This is already playing itself out in the Niger Delta region, for example, whereby the Ogoniland has shut out Shell and a few other IOCs from competing for oil in their community, on allegation of their social irresponsibility. The wildfire of Chipko Movement against lumbering was another example of the fulfilment of Anshen's predictions. All these teach us a lesson that corporations can no longer stand aloof to social interests, rather corporate aspirations must coincide with social interests.

The Nozickian objection can play back itself in a loop argument contingent to the first that despite allegation of harm, the community is not a partner in the company's entrepreneurial risk hence should not expect to share in the firm's earnings. Like the first loop argument, this is the old classical argument which is based on the shareholder model of corporate concept. Under the shareholder model, the pendulum of corporate governance only oscillated between the shareholders and the top management staff of the firm; the interests of the middle management staff, workers in the rank and file, the supply chain, the distribution chain, the customers, and the community are relegated or considered redundant and insignificant (Ferrell et al., 2008). The primary goal of this model is to increase market value of the shares, and to maintain performance accountability between top management and shareholders. The firm's managers act as agents for investors, whose interest they serve.

The shareholder approach has been criticized as narrow conception of corporate governance. In consequence, the stakeholder model of corporate governance has been initiated. Under it the loop of corporate concept is extended to legitimately include the firm's employees, suppliers, market regulators, communities, and special interest groups (example minorities, handicaps, women, and children) in addition to the traditional members of the corporate community captured in shareholder model (Ferrell et al., 2008). This approach considers stakeholders' interests in tandem with the aspirations of the firm. Kavanagh (1993) rightly argues that there is a symbiotic relationship existing between the firm, its employees, and the community. By mere fact of locating the plant in the community in order to exploit its resources, the firm has gotten involved with the community.

There is an implicit contract in that relation which establishes the community and the firm as tacit parties to it. The community's part is to offer its physical and human resources for use as well as provide enabling environmental and social conditions for enterprise. The firm's part is to provide employment opportunities, patronize community's human and physical resources, indemnifies the community financially and materially for the negative externalities their operations have created, and contribute meaningfully to community development as a responsible corporate citizen. Historically, the community has always fulfilled its part. The community is already risking its well-being and integrity by admitting the firm into its fold. The risk, therefore, should be calculated as entrepreneurial risk on the basis of the social contract. The entrepreneurial risk the community undertakes under the social contract creates a moral condition which entitles the community to the earnings of the firm (though under different calculations such as CSR and other indemnities). Thus, on the basis of this social contract, justice and fairness dictates that the firm is not morally free to ignore the community otherwise it will be a breach of the contract.

### **5. Performing CSR in unaccountable communities: Any justification?**

Under this sub-heading we are considering the question of the morality of CSR in relation to corrupt communities. Is there any moral justification insisting on CSR for communities that lack transparent administration? Is there no moral framework restraining the firm from performing CSR in unaccountable communities? These questions rest on the foundational question: Is the community's entitlement to CSR absolute? Doesn't CSR vary on a moral pivot? By answering to the foundational question – is the community's entitlement to CSR absolute – we might as well have answered the contingent questions that are built on it. Determining whether CSR is absolute or it is relative to the moral pigmentation of the community will equally tell us whether there is any moral justification insisting on CSR for corrupt communities and whether there is any moral licence restraining firms from performing CSR in unaccountable communities.

I presume that there are unaccountable communities, and that some of these unaccountable communities are playing host to a number of responsible corporations. I am also presuming that some of these companies are aware of the corruption that berserk their host communities. There is a probability that some pious members on the boards of these firms might occasionally debate the moral dilemma they and their firm find themselves, namely: having to perform CSR in a morally unaccountable and corrupt community. The issue of performing CSR in unaccountable communities can be decided on the basis of the framework of the social contract between the firm and the community as well as on the basis of the moral frameworks of deontology and restorative justice.

Under the framework of the social contract, the community's entitlement to CSR cannot be said to be absolute but neither can it be said to be relative to the moral character of the community. There are obligations the relationship has brought the firm and the community under the contract. I have stated earlier that, under the contract, the community is under obligation to offer its physical and human resources for use as well as provide enabling environmental and social conditions for enterprise; on its part the firm is under obligation to provide employment opportunities, patronize the community's human and physical resources,

create enabling conditions for contingent enterprise to benefit from its presence, indemnify the community financially and materially for negative externalities their operations have created, and contribute meaningfully to community development as a responsible corporate citizen. It is important to recognize that the contract, under which these obligations are established, does not vary on a moral pivot.

The terms of the contract, the substructure upon which the obligations are established is such that a breach on the part of one party must lead to a breach on the part of the other. The social contract is a self-enforceable device, that is, it can resort to no other source of implementation than those induced by itself (Sacconi, 2004). If the community fails to execute its obligations, the firm cannot be expected to execute its own obligation and vice versa. The terms of the contract are such that there is no inverse relation between the two parties. Rather, there is a direct proportional relationship between the parties. Conversely, if the community meets its obligations then the firm cannot abdicate its own obligations and vice versa. Kavanagh (1993) notes that in a contractual relationship and/or cooperative activity the parties involved have to do their share of obligation and are entitled to expect others to do likewise.

If the community meets its obligations and the firm fails to meet its own then there is the likelihood that the community's expectations would turn into demands and progress to radical demands, from there it would evolve into radical expression of displeasure to violent demands and disruptions of the ecosystem of the enterprise. When such happens the company should be held responsible for the eruption of the community, and should be brought under penalties and sanctions which must include indemnifying the community in addition to performing its obligations. The structure of the contract is such that the community is placed as the first mover in the line of obligations. So the question of what would happen if the community fails its obligation does not arise because if the community fails to meet its obligations then the company cannot be expected to meet its own. The position of the first mover places the community in a pivotal position of 'either-or' while it places the burden of the moral responsibility of 'if-then' on the shoulders of the company.

Although the community entitlement to CSR is not absolute under the contract, it does not mean that it is relative to the moral character of the community. I am articulating this position from two moral frameworks, namely, deontology and restorative justice. Under deontology framework, the community's entitlement to CSR is absolute regardless of whether its moral character is pious or defamed. The moral framework of deontology imposes CSR as inescapable duties on corporations. These inescapable duties are based on a simple criterion that the entities that stand in relation to the entitlement are persons whose personhood must not be subverted under whatever guise. The CA-CSR is a social mainstreaming obligation that firms' aspirations should be given adequate moral considerations. This obligation is not derived from the social contract; it is an obligation which the firm necessarily assumes by the mere fact that its products and services and other aspects of its operations have come in contact with the humanity/personhood of the members of the society, which therefore requires it to treat matters involving them as that involving entities who are end-in-themselves hence cannot be treated merely as means only.

This moral obligation is absolute, and it does not apply to merely members of the host community only but applies to the entire humanity, the human race or the society at large. The type of obligation considered

here is not the type found under the social contract. The obligation considered here must be met by the corporations before their products and services and other aspects of their operations happen unto the scene. The firms must consider the weight of the ethical liabilities of their proposed operations long before they fire their plants. This is called social mainstreaming. From here we can see, that the obligation to perform CSR, under CA-CSR, is absolute whether or not the community is unaccountable. It is a duty owe to the entire human race.

But sometimes it turns out that after due moral simulations of the firm's operational plans and appropriate steps taken to prevent any negative spill over, the firm's actions still change, otherwise affect, the community negatively. In fact, there is no way a company can prevent its negative externality from spilling over to the community. This reality, therefore, also imposes on the firm the obligation of justice and fairness which does not vary relative to either the moral character of the community or accountability to the contract. It is the inescapable duty of the firm to ensure that it indemnifies the community wherever and whenever its operations affect the community negatively. This obligation should be carried out regardless of whether the community in question is Sodom or Gomorrah. The general principle of restorative justice is that whenever harm is done to the community, the party responsible for the harm should indemnify the community financially or materially and repairing the harm or restoring the damage. Restorative justice aims to identify obligations, meet needs, and promote social and environmental healing within the injured community – through conflict resolution mechanisms such as negotiation, mediation, empowerment, indemnification, and restitution.

There is no doubt that the aim of the firm is not to harm the community. But when harm is done the principle of restorative justice requires that the harm must be ameliorated and compensated for. One of the maxims of justice is: *sic utere tuo ut alienum non laedas*, use that which is yours in such a way that you do not injure another. The aim of the corporation is to maximise profit and reduce cost. And it has taken proactive steps to see that it does not harm the community in the course of its operations. However, when the community is negatively affected as a result of its operations, the company is under inescapable obligations to compensate for and ameliorate the damage. This requirement is sacrosanct, regardless of the moral character of the community or its inconsistency towards the social contract. The CSR, under the RA-CSR, serves as a justice device to indemnify the community.

## 6. All enterprises are equals

It has now been established that CSR is inescapable moral duty imposed on corporations by the fact of their existence as such, namely, corporate citizens or corporate personalities; and by the fact of their intercourse with the community of persons. Despite this, the question remains: Is the CSR a moral duty imposed on all categories of firms regardless of their formal and/or informal status under the law? Are informal and non-incorporated business entities, such as micro-enterprises, exempted from this obligation?

Indeed, a large proportion of CSR literature seems to suggest the exemption, otherwise exoneration, of micro-enterprises from moral liabilities and obligations of CSR. So many evaluation studies, particularly

those conducted in third world countries, done to check the compliance of businesses to CSR frameworks, are skewed to focus on big corporations or multinational and foreign companies, even to the relegate attention on indigenously owned enterprises. Government owned businesses, like the micro-enterprises, are often altogether exempted from evaluation studies. In fact, some of the studies are often skewed against and vehement in argumentations towards foreign multinational companies as if seeking to place, and indeed placing, the entire negative externality of an ecosystem on them. Therefore part of the objective of this study is to ascertain, otherwise establish, whether or not micro-enterprises and government owned businesses are bound together with multinationals under the frameworks of CSR.

The position of this paper is that neither the government owned business nor the unregistered kiosk can be exempted, otherwise released, from the moral obligations *introcized* in their actions or activities as represented in the CA-CSR and RA-CSR frameworks. All businesses are equal under CSR frameworks. Firms' formal equality to CSR can be articulated from two moral frameworks, namely: deontology and restorative justice.

Under deontological framework, the obligation of CSR applies to all business in a universally absolute sense regardless of whether the enterprise in question is incorporated company or unregistered kiosk and whether it is owned by the government or by a private citizen. As we noted earlier, the deontological framework imposes CSR as inescapable duties on businesses. And these inescapable duties are based on the simple criterion that those who stand in relation to its benefits are persons, who by that virtue should be treated as ends and not merely as means.

CA-CSR is a social mainstreaming or corporate governance framework which places enterprises under obligations to conduct extensive options analysis of their proposed operational plans and review existing business strategies, in terms of their potential and actual externality, in order to choose the option that is likely to have the least negative social and environmental impacts, and devise strategies and tactical schema that would aid to transform the negative externality into an insignificant minimum for the greatest number of individuals directly and indirectly affected by it. This approach to CSR is proactive, rather than reactive, in the sense that it does not wait for things to go wrong so that it can model some reactionary interventions towards palliating the effects rather it visualizes the ethical, social and environmental liabilities of the options well ahead of their possible deployments in the social and economic space.

Under CA-CSR, firms are under obligations to integrate community's concern and interests with its architecture of policies and operational plans ahead of other considerations. This obligation applies to all businesses regardless of their legal statuses as formal, informal, or governmental. It is an obligation all categories of businesses assume by the mere fact that their products and services and other aspects of their operations have come in contact with the personhood and humanity of the members of the society, thereby triggering duty of care upon themselves whereby they are required to treat matters involving them as that involving entities who are ends-in-themselves. This obligation is absolute and universal. That is to say, it does not apply merely to foreign multinationals and incorporated businesses only but applies equally to the kiosk at the backstreet as well as to the government owned enterprise. I extend this obligation to cover cooperative societies, clubs, schools, churches, temples, mosques, shrines, and several other constitutions

whose activities take up economic character. The peasant operating the market stall or backstreet kiosk must consider and weigh the ethical liabilities of his proposed activities – in terms of social and environmental impacts – long before actualities; and devise schema of avoiding or downscaling these ethical liabilities. The social mainstreaming obligation, adumbrated under CA-CSR, is absolute and it is universally imposed on all businesses regardless of their differences in size, market share, formal status, business type, etc.

From the perspective of restorative, the concept of CSR is universally applicable to all categories of business in the absolute sense, regardless of whether the business in question is incorporated, unregistered, formal, informal, foreign multinational or government-controlled. It is an inescapable duty of any business, whether it is a kiosk or government-controlled, to indemnify the community wherever and whenever its operations affects the community negatively. RA-CSR is a corporate governance framework which places businesses under obligation to compensate communities and/or individuals and repairing damage to the community and/or the environment to the extent of which their operations have caused. This approach to CSR is restorative in the sense that it seeks to restore the integrity of the community and the environment as well as compensate individuals and communities affected by firms' operations.

This obligation to repair damage, to restore the environment and indemnify the community is absolute and applies universally to all categories of business whether or not it is recognized in law as legal person as such. The general principle of restorative justice is that whenever harm is done to the community, the party responsible for the harm should indemnify the community financially or materially and repairing the damage or restoring the integrity of the ecosystem. This obligation to restore has no class boundaries and does not depend on the official or formal status of the enterprise. This obligation applies with equal force and deserts to the kiosk, market stall, multinational company and government-controlled boards. For the fact that CSR, under RA-CSR, is designed as a justice device, formal and informal businesses are on that basis duty bound to carry it out with the same force of ethical and legal obligations.

Despite the argument that the CSR concept applies absolutely and universally to all categories of business enterprise regardless of class and legal status, an objection can be created that the social and ecological impacts of the decisions of the micro-enterprise are too marginal to warrant ethical scrutiny (Ibanga, 2013). In other words, the kiosk has contributed nothing of significance to environmental degradation or community damage to warrant it coming under CSR obligations. That is to say, the kiosk is too poor to be ethically responsible for its decisions. I shall call this 'size-difference objection'.

Indeed, it is true that the kiosk per capita contribution to community damage may not be as high as that of the multinational company. However, it is equally true that the per capita contribution to community by an aggregate number of kiosks may be as high as or even exceed that of a manufacturing firm in the area. It is not enough to see the micro-enterprise as individual entities, aggregate representation of the social and ecological impacts of a cluster of micro-enterprises is monstrous and may outweighs that of a single monstrous multinational corporation (Ibanga, 2013).

In addition to that, the ethical frameworks of CSR clearly diminish the size-difference objection. Deontology, in applied sense, holds that unwholesome business behaviour is unethical irrespective of the relative quantity of the misdeed. Wrongfulness of an act does not even depend on the party involved or the

size of his/her product, for as Immanuel Kant argues, “even the Holy One of the Gospels” would be reproachable if found to have acted negligently or fallen short of the obligations of fairness (Kant, 1949). Wrongfulness of an act is determined neither quantitatively nor qualitatively but from moral rule. It does not matter the market share of the firm that dumped industrial waste in the river, dumping of industrial waste in the river is unethical irrespective of whom the violating party is, or the quantity and quality of waste dumped. This means that if the CSR frameworks do not uphold size-difference discrimination it follows that the kiosk or micro-enterprise should integrate community concerns or interests with its business strategies; and where its activities have resulted in, otherwise caused, community damage, the liable party should repair the damage and indemnify the community collectively and/or individually towards ameliorating the suffering its activities have caused.

## 7. The CSR calculus

Having established CSR as an inescapable ethico-legal duty of every enterprise, it is now necessary to develop evaluation and measurement framework from which firms can draw to guide CSR actions. This is important following the question raised by Friedman (1988) that if entrepreneurs have a social responsibility other than profit-making for shareholders, how would they to know what it is and can self-select group of private individuals decide what that social responsibility is? No doubt, Friedman is questioning the arbitrariness that characterizes decisions on CSR projects. CSR calculus is important for two reasons: one, where there is no CSR law the community is ignorant of what to expect from firms as CSR, and two, where there is CSR law the law is ignorant of the exactitude of the CSR firms owe the community. Obviously aware of this lacuna, firms capitalize on it to throw anything to the community in the name of CSR. The scenario here is observable in most third world economies – where multinational firms are feasting off on the people’s ignorance and CSR illiteracy.

To begin, it is important to remember that I have analyzed the CSR into two frameworks, namely, CA-CSR and RA-CSR. The CA-CSR is a proactive social mainstreaming device which allows firms to integrate community interests with their operational plans ahead of actualities. The target (population) of CA-CSR is the entire human race extending into posterity and their indirect extension in the nonhuman environment. From here, it can be seen that matrices of CA-CSR cannot be easily verified mathematically, except perhaps as a consequence of negligence, hence it seems that the only matrices of CA-CSR is the “duty of care”. Invariably, the CSR calculus point of departures is the RA-CSR framework. This means that the CSR calculus only serve to measure and determine the exactitude of the indemnity, amelioration, repair and restoration the firm owe the community and which the community should expect. The CSR calculus would guide the firm, the community and the law towards resolution of conflicts/disputes arising from the arbitrariness of CSR projects.

How much CSR does the firm owe the community? That is the fundamental question. The extent or amount of CSR programme depends on a number of factors ( $f_{1+n}$ ), namely: the operational scope of the firm (opS), duration of operations calculated in terms of its certainty or uncertainty ( $opD \pm C$ ), hazardousness of

its operations calculated in terms of its actual and possible social and ecological impacts (opH x S.E), spatial or geographical coverage of firm's plant calculated in terms of land used directly and indirectly (opL x Area), remoteness of the plant from the community of persons (opR→P), intensity of operations and hazards calculated in terms of hours of work/operation per day (opI x t/day), physical and social change instigated by the firm's presence or operations (op→P.S), local content ratio calculated in terms of the community's physical and human resources used including patronage of local technology and services (op→De), alienation calculated in terms of technology-use compared to human labour displaced (op→tech /La.disp), utility calculated in terms of the number of Micro, Small and Medium scale Enterprises caused (op→MSMEs), ecosystem disruption calculated in terms of the number of fauna and flora displaced from their natural habitat (op→env), sustainability calculated in terms of the firm's operational effects on posterity (op→unb), and finally, community participation calculated in terms of the firm's direct participation in community development and maintenance including its direct involvement in sanitation exercise and community projects (op→CommDev).

These are the conditions which are to be considered in determining a CSR project. The conditions are to be considered each by itself and as a complementary whole. That is to say, each condition is to be assessed for its CSR value and the value of each condition is to be calculated complementarily in relation with other conditions. The equation to determine  $f_{1+n}$  is represented thus:

$$f_{1+n} = \{(opS), (opD \pm C), (opH \times S.E), (op \rightarrow CommDev), (opR \rightarrow P), (op \rightarrow P.S), (op \rightarrow De), (op \rightarrow tech/La.disp), (op \rightarrow MSMEs), (op \rightarrow env), (op \rightarrow unb), (opL \times Area), (opI \times t/day)\}$$

Note,  $f_{1+n}$  is a function of these conditions. That is, the total contributions of each of the conditions are what is represented as  $f_{1+n}$ . This demonstrates what should be considered under the CSR whenever RA-CSR is discussed. The  $f_{1+n}$  must be of comparative value to the value of CSR-due ( $v$ ) for the community regardless of the moral and demographic characteristics of the community. That is,  $V$  must vary in direct proportionality to  $f_{1+n}$ . It is considered fraud and unjust if  $f_{1+n}$  outweigh  $V$ . The moral and demographic characteristic of the community is constant, represented as  $K$ , and its value is zero.  $K = 0$  because the moral and social characteristics of the affected population is not morally and legalistically relevant to the CSR-due (see Section 5.0). Mathematically, the equation is rendered thus:

$$V = f_{1+n} + K \quad (\text{where } K \text{ is constant})$$

$f_{1+n}$  represents the sum of the conditions in the host communities,

$V$  represents the value of CSR-due,

$K$  represents the moral and demographic characteristics of the community.

Remember that the principle by which this calculus is operationalized is RA-CSR. So the CSR-due is estimated in terms of its reparational value. The CSR of a firm discharging hazardous waste is not be arbitrarily determined by merely building a health centre for the community and/or providing medical insurance and financial indemnities. Nor a business whose operations have affected the water bodies of the community merely providing free portable water. The value of CSR-due should be measurable in

comparison to the externalities offset on the community by the firm; such should be comprehensive and sustainable.

A formula has been successfully designed towards achieving precision in the determination of the exact value of the CSR-due for a host community. Despite this, a discernable reader may observe that the formula may prove difficult to apply to micro-enterprises, such as kiosk, now that their activities are being considered ethically significant. That is to say, it would be difficult to trace given social or ecological fallout to an individual kiosk and would be even more difficult to calculate the contribution of a kiosk to community damage. For example, one of the negative externalities of locating a market in a riverine community is pollution of water bodies. But it would be difficult to trace the pollution to a particular kiosk in the beach market or even to calculate the per capita contribution of one kiosk in comparison to other kiosks. Hence, the argument goes, it would be difficult for the community and/or the law to compel any particular micro-enterprise to fulfil its CSR obligation.

Indeed, it is almost impossible to calculate the RA-CSR of a micro-enterprise on the basis of our CSR calculus. Despite this, the CSR calculus can still be applied to micro-enterprises with effective outcomes. One interesting way we can achieve this is by viewing the market (or a cluster of kiosks) as a whole organism and the kiosks as its functional parts. Here, the market (or kiosks cluster) is seen as a diversified cum decentralised corporation and the kiosks as interdependent, interconnected constituent units. Now, by viewing or conceptualizing the market (or kiosks cluster) as a corporate whole and the individual kiosks as functional parts, the kiosks can no longer be expected to perform their CSR individually but through the market (or kiosks cluster) which is now seen as a whole organism (Ibanga, 2013). On the basis of this, the CSR value of a micro-enterprise can only be determined indirectly by applying the CSR formula to the whole market (or kiosks cluster). What this means is that the kiosk, considered individually, should contribute into a common fund from which the market (or kiosk cluster) would draw to perform the CSR in the name or on behalf of the micro-enterprises. Suffice it to note that, where the micro-enterprises do not exist in clusters but remotely, nothing should stop the CSR calculus from being applied to each of them individually.

## 8. Concluding remarks: 'Leave a better community'

The CSR ethical maxim for all businesses should be – *leave a better community*. It is a moral maxim applicable to all (legal) persons. This ethical maxim is based on the Annang proverb: *ayo iso ayong akan edem*, the future is lengthier than the past. This proverb is understood on the basis of African cyclic conception of time and space. The implication was that African people were to leave a better society for the sake of posterity of which they are indirect part either as ancestors (living-dead) and/or 'future people' (expected people) on the pivot of reincarnation. The maxim is also based on another Annang proverb: *Assidsip ye Akwot-kwot ete yak mfin ami afon akan mkpong*, Assidsip and Akwot-kwot say let today be better than yesterday. Assidsip and Akwot-kwot are types of insects that sing "sian sian sian" and "kwot kwot kwot" respectively round an African village every dawn. The proverb states that the song usually sung by Assidsip and Akwot-kwot are admonition to community members that there should make the new day better than the previous day. When the community is made better than it was the previous day, it serves to lay the foundation of a harmonious

society for all existents (humans, animals, and plants). This is the ethic that should signpost every member of the society, namely: *yak mfin ami afon akan mkpong*, make today better than yesterday. We can put it more succinctly – *leave a better community*. Every individual, organisation and community should live by this maxim, namely: not to leave the community worse than she met it. Indeed, the ultimate worth of any person and/or organisation is determined by her contributions to the betterment of her local and immediate community by which actions she has contributed to the global community by extension.

However, this is usually not the case for most persons and firms, particularly those in the southern hemispheres. In some countries, and I think the list is long, firms usually appear as if they are bent in intent to undo the community in almost every facet. If they are not contaminating water bodies, they are contaminating the air or the soil; otherwise their activities are such that the topographies and configurations of the communities are disfigured, distorted, disoriented, deformed, and disintegrated even to the extent that they are no longer habitable for human and non-human animals as well as plant lives, and even severally displace and disable the ‘future people’ (posterity). For example, United Nations Environmental Programme (2011) in a study released in August 2011 indicates that petroleum pollution of the Niger Delta has eaten at least five meters deep into the soil and that it will require between 35 and 40 years to undo the ecological damage and detoxify the ecosystem degraded by irresponsible oil exploration activities. This example is just one dimension of community damage due to corporate irresponsibility.

There are also issues of gas flaring, over-fishing, over-lumbering, etc. In some places communities have endured gully erosion due to construction or mining activities. Generally, impacts of corporate activities have brought for most communities outright loss of sources of livelihood, loss of shelter, disruption of food chain, destabilisation of species life-web, complication in human and environmental health, social disorientation, etc. which have further resulted in violent competition for depleted resources and shrinking habitat. There is no gainsaying that all these are due to the fact that the firms had fail to observe the maxim – *leave a better community*.

It is highly immoral or unethical for a firm to leave the community worse than it met. When an engineering firm, for example, leave the community gullied after its heavy duty trucks have trampled on the community roads, then the firm is not operating by the ethic. A company that operates by the ‘ethic of leave a better community’ would transcend the RA-CSR framework – where her truck treaded she paves, even if such roads were unpaved or exist in an unknown rural community. A lumbering firm that practice ‘ethic of leave a better community’ would plant three trees where she fell one, and would even plants decades ahead in anticipation of the tree felling. A kiosk that operates by the ‘ethic of leave a better community’ would refrain from dumping waste in the river.

The ethic ‘leave a better community’ can also be expressed as ‘leave a better future’. It is a maxim that enjoins everyone to act in such a manner that one’s lifestyles and dealings contribute to bequeathing a sustainable society for the ‘future people’. This ethical maxim is potentially inter-intuitive with the sustainability principles in African environmental ethics. The principles are enunciated in Diana-Abasi Ibanga (2017a, 2017b) and expressed thus:

- 1- *Principle of Accommodation*: Act in such a way that nonhuman existents and future people are considered and accommodated in your daily decisions and dealings.

- 2- *Principle of Gratitude*: Act in such a way that reflects your gratitude towards other existents, humans and nonhumans, for contributing to support your beingness or existence.
- 3- *Principle of Restoration*: Always act to restore to Nature the loss you have caused it. For example, re-planting a tree after felling one.
- 4- *Principle of Control*: Act in such a way that you control your action from producing too much negative externalities.
- 5- *Principle of Necessity*: Act only on decisions and actions that are absolutely necessary.

You can see Ibanga (2018, 2017a) for detailed understanding of how these principles are interpreted and how they can be operationalized to guide individuals, corporate bodies, communities, and governments, when deciding on projects commissioning and decommissioning. These afrocentric sustainability principles can indeed serve as tactical endpoints or toolkits for operationalization of the 'ethic of leave a better community'. While the injunction is 'leave a better community', the principles demonstrate how this can be done.

Principle 1 enjoins the firm that is commissioning and/or decommissioning its operations at a locality to do it in such a way that the interests of the nonhuman existents (plants and animals) and future people are given significant consideration and indeed accommodated in the overall corporate plan. Principle 2 enjoins the firm to craft its policy and corporate plan in such a way that it reflects some sorts/forms of grateful points or plans designed to support human and nonhuman existents in reciprocation for their supports in the locality. Principle 3 directly intersects with RA-CSR, in terms of enjoining firms to always restore to Nature the loss their operations have caused. But unlike RA-CSR that focuses on human beings, this principle considers the entire biosphere and ecosphere individualistically and holistically including the humans and nonhuman existents. Principle 4 directly intersects with CA-CSR, in terms of enjoining firms to always take proactive measures to address potential negative externalities well ahead of deploying their operational plan at project sites. This may include discontinuing with a planned aspect of a plant operation or developing/acquiring some technologies to mitigate the externality in proactive sense. Principle 5 insists on the firm commissioning and/or decommissioning its operations at a locality to embark only on decisions that are absolutely necessary for the survival of human and nonhuman existents at an extremely minimalist cost.

A firm can begin to operationalize these principles by asking some relevant questions, such as: how does our operational plan affects the ecosystem (lands, water bodies, cultures, etc) and its inflection on the wellbeing of animal, plants, minorities, indigenous people, and future people? Once the pertinent questions are asked, often on a conversational mode that should include the host community, we can begin to construct the right responses to address the potential gray areas; thereby deepening the CSR concept in a way that benefits all parties.

## Acknowledgement

I thank Ms. Idongesit Nsidibe Eshiet of the Department of Chemical Engineering in the Federal University of Technology at Owerri (FUTO), and particularly, Engr. Aniediong Moses Umo of the Department of Chemical

Engineering in the Akwa Ibom State University for their criticisms on the CSR Calculus in Section 7.0. Their comments were very useful in my revisions of the original equations I developed in the second draft of this paper in 2015. I also thank Mrs. Martha Ibanga Umo and Mr. Kufre Ibanga Francis for providing useful comments on the Annang proverbs I used in Section 8.0 of this paper. Dr. Minka Woermann of the Centre for Applied Ethics at Stellenbosch University in South Africa, Dr. Kemi Ogunyemi of the Lagos Business School in Nigeria, Drs. Belinda Nwosu of the University of Southampton, Ms. Laretta Togonu-Bickersteth of the Institute of Hospitality in the United Kingdom, and Mr. Anthony Bassey Effiong of the Department of Economics in the University of Lagos had provided useful feedbacks to Section 6.0 of this paper when it appeared as part of a paper I presented at the 14<sup>th</sup> Conference of BEN-Africa at Lagos Business School in 2013.

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