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Scientific Social Responsibility: Lessons from the Corporate Social Responsibility Movement

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Pamela L. Sankar and Mildred K. Cho's article, "Engineering Values into Genetic Engineering: A Proposed Analytic Framework for Scientific Social Responsibility," raises the question of "how to think about social responsibility," and proposes an analytical framework. We explore the same question from the perspective of our experience studying the parallel issue of corporate social responsibility (CSR) (Conley and Williams 2005; Conley and Williams 2011). Despite the obvious differences, enterprises in business and science confront similar challenges, including the governance of large and disparate organizations, the inculcation and transmission of culture and values, the reconciliation of self-interest and societal interests, and the proper balance between self- and external regulation. For at least twenty-five years, business practitioners and scholars have attempted to develop a meaningful concept of corporate social responsibility and apply it through robust self-regulatory regimes (Shamir 2004). These efforts have accomplished some tangible good; however, the corporate social responsibility movement has also been validly criticized as a self-serving public relations gambit whose main purpose is the use of easily manipulated self-regulation to head off coercive governmental regulation (Shamir 2004; Conley and Williams 2005). Biotechnology companies and research universities face similar temptations.

Sankar and Cho argue, appropriately, that scientists must "expand beyond a concept of ethical responsibility in science that is limited to 'responsible conduct of research' [RCR] and meeting ethical requirements," and to define and pursue a broader concept of scientific social responsibility (SSR). Their framework for analyzing SSR examines five factors: the

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basis or values that scientists use to justify their activities; the approach that scientists take to identify and manage harms and benefits; the timing for addressing issues of social responsibility; the participants in the social responsibility discussion; and the transparency of that discussion. Having applied this framework to two recent investigations, they conclude with two intriguing suggestions: first, "that life science researchers might vary dramatically in their definition of social responsibility" and second, "that traditional, rule-based approaches to social responsibility might be insufficient as a basis for creating the more robust concept of social responsibility that recent trends in science demand."

These same issues have been prominent in the twenty-five year evolution of the CSR movement. There has never been a consensus about precisely what it means for a corporation to behave in a socially responsible way. Historically, the duties of the Anglo-American corporation have run solely to *share*holders: the prime obligation of the officers is to maximize shareholder value within the bounds of the law. The core premise of the CSR movement is that corporations' duties should extend to a broader category of *stake*holders, extending beyond the shareholder class and potentially including workers, the residents of communities where the corporation operates, and more abstract interests like the global environment (Williams and Conley 2005).

Few agree, however, about who or what should be recognized as a stakeholder. Early CSR work focused on local environmental issues and the direct impact of corporate activities (e.g., mining) on affected communities. Although these communities are seemingly noncontroversial candidates for stakeholder status, controversy arises over who should speak for them. This issue has become even more complex recently as less tangible interests such as the global climate have been added to the roster of stakeholders. For example, are the views of Peruvian miners who want to protect their jobs somehow less legitimate than those of environmental NGOs that purport to take a longer-term global view? Some critics have argued that "stakeholder" has come to mean little more than someone with access to a microphone (Conley and Williams 2005).

This issue is equally salient when thinking about SSR. What range of interests should socially responsible scientists consider? What stakeholders need to be recognized? And, perhaps most critically, who are the legitimate representatives of their interests? The history of CSR offers no answers, but the movement's uneven success is a reminder of the question's importance.

Sankar and Cho's second point—the inadequacy of traditional rules-based approaches—also has a significant history in the CSR movement. Traditional legal rules have proven inadequate to enforce CSR for many reasons. First, many of the corporate activities that concern CSR advocates are transnational or even global in nature. For example, a Canadian mining company may borrow money from a large French bank to finance a new South American mine that may affect the water supply of a downstream community. The project violates no "hard" laws anywhere (considering weak or weakly enforced environmental laws outside highly industrialized countries), but it seems socially irresponsible. Where are concerned stakeholders to turn? International law is notoriously ineffective, slow and unwieldy at best.

Another approach might be to enforce CSR through rules and regulations in the countries where the relevant corporations are chartered. CSR could be made a condition of a corporation's continued existence, or the rules of the country's financial markets could require CSR reporting as a condition of a company's access to capital. The problem here is twofold: First, corporations can pack up, leave, and incorporate elsewhere, as some American corporations have done to seek more favorable corporate tax regimes. Second, this approach would require the United States and the United Kingdom—where the most important financial markets are located—to reject the corporation shareholder theory in favor of the stakeholder model. Despite some modest movement in that direction in the UK, there is little evidence that either country has the political will to make such a fundamental change.

SSR would face similar barriers to traditional regulation. The problems SSR would need to address are also global; for example, the collection of human specimens and data in one country and their use in others (Mascalzoni et al. 2015). Additionally, the regulatory regime has traditionally focused on a limited conception of protectable interests: the safety and efficacy of drugs, for example, and the welfare of patients and subjects, narrowly construed. It is difficult to imagine the formal regulatory apparatus developing the institutional imagination to address a broader notion of social responsibility—or having the competence to manage it.

Our final point concerns how the CSR movement has responded to the inadequacy of traditional rule-based regimes. CSR advocates did not simply give up in the face of this inadequacy. Instead, relentless, NGO-driven shaming campaigns have had significant business impact in Europe, though they have gained little traction in the U.S. (the classic case is Exxon, which suffered no measurable economic harm due to the *Exxon Valdez* spill). And corporations everywhere—and their shareholders—always fear future regulation, even if the probability is remote. To prove that point, as we write on September 28, 2015, biotech stock prices have dropped precipitously in apparent response to Hillary Clinton's comments about the need to regulate drug prices.

Faced with shaming and the threat of "hard" legal regulation, however improbable, corporations across the industrial spectrum have responded with "soft-law" CSR initiatives that feature self-regulation, usually in the form of "best practices" codes of conduct that are agreed to by business sector competitors. A leading example is the Equator Principles, a code agreed to by the major global banks (Conley and Williams 2011). Signatory banks agree to abide by World Bank social, environmental, and labor standards when financing large infrastructure projects in low-income countries. But, like many other CSR self-regulation initiatives, the code has no teeth. The banks judge compliance themselves and we have found no examples of a project actually being shut down for noncompliance. There are no enforceable sanctions against banks that cut corners—at worst, a bank may be kicked out of the group. Participating banks thus get public relations credit and an argument for dissuading governments from even making the attempt at regulation, all without any identifiable risk. It is hard to say at this point whether the potential social benefits of such initiatives outweigh the costs.

A scientific example of possible self-regulation under the threat of legal regulation comes from our analysis of public comments on the federal government's proposed changes to the Common Rule (the regulations governing research with humans) (Cadigan et al. 2015). In response to a proposal for mandated informed consent for all specimens, researchers and oversight groups (e.g., IRBs) overwhelmingly opposed the proposal as hindering research progress, and argued instead for stronger self-imposed restrictions on the use of specimens and serious sanctions for researchers who violate those restrictions.

Self-regulatory CSR initiatives offer a potential model for those advocating SSR. Like their corporate counterparts, universities and biotech companies might agree to best practices that go well beyond the minimum required by laws and regulations. Such initiatives can certainly be a force for good. But they can also become empty rituals that provide PR cover and a defense against threats of hard regulation, while accomplishing little of tangible value. Advocates of SSR may find few unambiguous lessons in the history of CSR, but they will surely find lessons worth studying.

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