

9-27-2011

Searching for a Global Code of Conduct

Gene R. Laczniak

Marquette University, eugene.laczniak@marquette.edu

Ann-Marie Kennedy

Auckland University of Technology

Hyper Norms: Searching for a Global Code of Conduct

Gene R. Laczniak

*Department of Marketing, Marquette University
Milwaukee, WI*

Ann-Marie Kennedy

*Department of Marketing, Auckland University of Technology
Auckland, New Zealand*

Abstract: As organizations continue to increase their level of operations across international borders, their ethical conduct becomes a greater social concern. A global code of ethics allows organizations to follow one code for all countries rather than creating and administering multiple separate codes. Currently, there are several thoughtful global codes of ethics developed by different stakeholders. This paper provides an analysis of some of the major global codes of ethics available to multinational corporations. Their shared norms are identified and synthesized into three Hyper Norms that can both

aid marketing organizations in formulating their core principles and be applied to research dealing with macromarketing systems.

Keywords: global codes of ethics, macromarketing ethics, hyper norms, governance of MNCs, core business values, corporate social responsibility

The march toward greater global integration of world economies appears inevitable. The debilitating "Great Recession" of 2008-2009, despite triggering some protectionist tendencies, mostly served to illustrate how tightly connected world economies have become. Almost all the world's economies suffered from the collapse of a housing bubble that began in the United States. Such interconnectedness seems destined to continue. Freer trade, lower tariffs, and reduced restrictions upon the movement of workers and currency are undeniable heavy trends over the past twenty-five years. The leading edge of this movement involves the largest multinational corporations (MNCs) such as GE, Siemens, Shell, ArcelorMittal, Samsung, and Toyota. According to one listing, of the world's 100 largest economic entities, 51 are corporations (Anderson and Cavanaugh 2000). As globalization expands in the developing world, ethical concerns about how activities in these new and emerging markets should be nurtured and constrained will only increase.

Since, by definition, MNCs operate across international borders, the economic power of corporations increasingly trumps the political power of a single country to control them. The issue of how to oversee MNCs, so that they operate without creating significant negative externalities, is a problem that has long been recognized in policy circles (Lindblom 1977). Such developments presage the need for a common code of ethical business operations that will guide this global economic development. For example, at the 2009 G-20 meetings (an affiliation of the world's twenty leading economies), world leaders set in motion "study teams" to suggest how the financial and business activity of large, global corporations might be best monitored, shaped and possibly regulated (G20 Working Groups 2009). In 2010, France has proposed that a worldwide institution to regulate investment banks be established.

As a parallel effort to greater regulation, there have been several thoughtful initiatives, derived over the years from distinctly different perspectives, to define the *normative* ethical lessons for world

business behavior—the basic rules of “fair” business play, so to speak. It is in the domain of these global codes that the conceptual analysis of this paper will focus. MNCs would much prefer the clarity of guiding global ethical principles to the often messy enforcement of additional mandated regulations. Therefore, in reviewing these codes—an important counterpoint to globally coordinated *legislation*—we particularly seek to uncover what appear to be the core ethical norms that ought to permeate corporate activities worldwide and to explore whether any of these norms are persistently present in all these codes.

A fair-minded critic of this approach might well ask: Is not the search to find uniform ethical guidelines across international markets a fool's errand? Instinct tells the observers that the MNCs operating in Japan will expend special effort on gift-giving; that firms bidding for a project in Venezuela will pad their expenses during negotiation to offset the higher political risk (e.g., nationalization) in that country and, that companies in Nigeria may have to “pay to play” simply to enter that region. Differences across international borders are an undeniable reality but global corporations, given their abiding distain of uncertainty, are also keen to know the core values that ought not to be violated *in any market situation*.

To this end, the purpose of this paper is explicitly threefold: First, it is to examine the best known global codes of business ethics for their commonalities; second, since these are *normative* codes (i.e., postulated aspirational ideals) to suggest that any prevailing cross-code similarities represent possible hyper norms for guiding business behavior worldwide and third, to illustrate how these central norms have benefits for enriching many streams of extant macromarketing research.

Before proceeding into the conceptual analysis, we ought to define exactly what we mean by a hyper norm. A *general* norm is an established standard of conduct expected and maintained by society and/or professional organizations (American Marketing Association [AMA] 2008). Hyper norms are therefore *broader* established standards that would be postulated across the globe and across cultures. The term “hyper norm,” which suggests a type of super norm where the centrality or importance of the standard is arguably self-evident, was introduced into the marketing literature by Dunfee et al.

(1999) and builds on the seminal articulations of Donaldson and Dunfee (1994), discussed later in this paper. In addition, concerning all such universal moral standards (i.e., hyper norms) that might be advocated as being valid across all nations, we find helpful what Veatch (2003) had to say:

The core idea of a common morality is that all humans—at least all morally serious humans—have a pretheoretical awareness of certain moral norms. The claim is that normal humans intuit or in some other way know that there is something wrong with things like lying or breaking promises or killing people (p. 189).

It is our contention that the presence of such “moral mandates” across multiple (and well known) codes of global conduct is an indication of emergent universal moral expectations that are increasingly vital to the macroeconomic conversation.

Global Codes: Nature and Purpose

Global codes of ethics are basically voluntary sets of standards that provide norms, values, and procedures for ethical decisions regarding social and/or environmental issues (Gilbert and Rasche 2008). Global codes of ethics are desperately needed due to the increasing numbers of MNCs operating in developing markets without established regulatory institutions (Küng 1997). As the level of international business increases, the amount of unethical behavior, especially in developing countries, is also increasing. MNCs are faced with the decision to create separate codes of ethics for each country they venture into, or adopt one code for all countries (Rallapalli 1999). Several commentators have asserted that shared global codes of ethics are more beneficial than separate codes for each country as they help change behavioral expectations and bring about international policy regimes based on the issues they address (Windsor 2004). MNCs, by adopting global ethical guidelines, uncover what is ideally expected of them in certain situations (Belal 2002), and it also helps them to be able to benchmark their organizations against other firms that follow the same guidelines (Gilbert and Rasche 2008). At present, global codes of ethics are voluntary (Cavanagh 2004) with no effective measurement of outcomes or policing of compliance (Sethi 2002). This has meant that many codes of ethics have met with little success in

meaningfully changing MNC behavior (Cavanagh 2004). Also, certain global codes of ethics reflect the countries they were created in, and so are not precise enough to help in specific ethical dilemmas in developing countries (Rallapalli 1999; Weaver 2001). To remedy this, it has been suggested that *an overall global code of ethics needs to include normative guidelines that can be shared and accepted among all countries and MNCs* (Rallapalli 1999; Gilbert and Rasche 2008; Schwartz 2005) *as well as allowing for cultural-specific behaviors that are culturally adaptive enough to work in dynamic contexts* (Rallapalli 1999; Sethi 2002; Gilbert and Rasche 2008). Below, we look at six well-known “global” codes for business plus—given the emphasis of this paper on macromarketing concerns—the AMA statement on ethics. All of these normative codes have been posited by their formulators as having broad application across worldwide markets. They are also aspirational codes, derived in whole or in part from various frameworks of moral philosophy.

Global Ethical Guidelines

Next, the seven sets of global ethical guidelines are reviewed. They each have been developed at least partly with the operations of multinational companies (MNCs) in mind. The compilations of ethical principles focused on are the Caux Round Table Principles (CRT), the Clarkson Principles of Stakeholder Management (Clarkson), the Global Sullivan principles (GSP), the CERES principles (formally known as the Valdez Principles), the OECD Guidelines for MNCs, the UN Global Compact (UNGC), and the AMA Code of Ethics. Each is briefly encapsulated. These first six were selected because they are among the *best known* global codes and they each represent a set of (overlapping) principles that are arguably useful for “values clarification” and for the purpose of uncovering ethical norms to guide the operation of multinational organizations (Caux Round Table [CRT] 2009b). The AMA statement is included because of its derivation for marketing issues in particular. In addition, all the guidelines articulate core principles that span multiple ethical values. *What is significant is that our analysis includes codes postulated by business executives, academics specializing in business ethics, social advocacy groups, international development specialists and governments. Therefore, if we find a consistent commonality of ethical norms across these diverse*

efforts to promulgate global business behaviour, we begin to hone in on the core normative dicta that might comprise a "worldwide business ethics"—the rules of the game for all MNCs in all markets.

The search for commonalities in these codes is rather straightforward. The codes we examined are largely composed of distilled principles—that is, basic statements of core belief about what normatively should or ought not to be done by companies operating across international borders. Often short commentaries about each principle are also included, sometimes including specific reference to the motivating ethical doctrine (e.g., human rights theory). Illustrations of such principles might be “the use of child labor is unethical” or “bribery to secure business contracts constitutes corruption.” Thus, unlike the careful inter-coder discernment required to tease out whether similar consumer attitudes are being expressed in focus group narratives in marketing research (for example), the inclusion or nonexistence of particular principles across the codes that we looked at is rather self-evident. Put another way, the ethical principles in these codes consist of basic rules of expected behavior, tersely stated.

What ensues below is a discussion of the similarities and differences between the selected guidelines themselves as well as commentary concerning each code’s underlying values. We begin with a thumbnail of each of the selected codes for shaping business operations in their global dealings:

The CRT Principles

The CRT principles are the product of many years of discussion among an international network of business leaders working to promote a moral and sustainable way of doing business. The fact that the Caux principles are rooted in the deliberations of high ranking business managers (as contrasted, perhaps, to the musings of ivory towered philosophers) gives this set of values a special gravity. On its Web site, the CRT states that these Principles for Responsible Business “provide necessary foundations for a fair, free, and transparent global society.” The CRT was originally founded in 1986 as a means of reducing trade tensions between Europe, Japan, and the United States. The specific principles were developed in 1994 to “embody the

aspiration of principled business leadership” and were recently reformatted and slightly reedited to make them more easily applicable to today’s challenges following the downturn in the financial markets and the recession. The CRT principles are rooted in the overarching ethical ideals of *kyosei* (a Japanese concept that means living and working together for the common good) and *human dignity* (referring to the value of each person as an end, not simply a means). They are a “worldwide vision for ethical and responsible corporate behaviour and serve as a foundation ... for business leaders worldwide.” The general Caux principles encompass the following: The responsibility of businesses to go beyond shareholders toward stakeholders; the economic and social impact of businesses to seek innovation, justice, and world community focus; the propensity for business behavior that goes beyond the letter of the law toward a spirit of trust; respect for the rules; support for the multilateral trade; respect for the environment; and avoidance of illicit operations ([CRT 2009a](#)).

Clarkson Principles

The Clarkson Principles of Stakeholder Management originated from a series of academic conferences held at the Clarkson Centre for Business Ethics & Board Effectiveness at the University of Toronto (Canada). These were formulated as both “principles of action” and “modes of operation” to guide managers in overseeing the key parties affected by the decision making of business corporations. They were intended to clarify the ideas embodied in the path breaking work of [Freeman \(1984\)](#) who articulated a social contract for business that went beyond the shareholder primacy model and instead extended to all the *stakeholders* of a business. Proactive stakeholder engagement includes monitoring stakeholder concerns, listening and communicating with them, adopting processes and modes of behavior sensitive to their needs, seeking to achieve a fair distribution of benefits and burdens from the corporate activity among them, working cooperatively to ensure that the risks and harms of corporate activity are minimized, avoiding activities that might jeopardize human rights, and acknowledging the potential conflicts between the managers' role as agent and the legal and moral claims of other stakeholders ([Clarkson Centre for Business Ethics 1999](#)).

GSP

The GSP were developed and inspired by the writings of Reverend Dr. Leon H. Sullivan (1999), whose original Principles (1977) were instrumental in helping end apartheid in South Africa. Reverend Sullivan consulted with business, government, and human rights leaders in many countries to develop eight basic principles of global engagement built on a vision of economic aspiration and inclusion for all people. Companies can voluntarily endorse the principles, in which case they are expected to maintain a commitment to the core values that seek to protect and enhance human rights. The eight main themes of the principles are affirmation of human rights; equal opportunity without discrimination; freedom of association for employees; the payment of a living wage; the provision of a safe workplace along with the protection of the physical environment; respect for intellectual property rights as well as the renunciation of bribery; a commitment to social sustainability via community development and, the active promotion of all these principles and promises (Global Sullivan Principles [GSP] 1999).

The CERES Principles

CERES (Coalition for environmentally responsible economies) is an international network of socially responsible investors, environmental organizations, and other public interest groups that work with companies and shareholders to address environmental sustainability issues. The CERES Principles (formerly known as the *Valdez Principles* and inspired by the infamous Alaskan oil spill of the eponymous Exxon oil tanker) were created in 1989 as a ten-point code of corporate environmental conduct for firms wanting to endorse as an environmental ethic. Among the key CERES principles are the sustainable use of natural resources, recycling and proper disposal of wastes, energy conservation, environmental restoration as well as information and risk transparency about actions affecting the physical environment. As part of subscribing to the code of conduct, companies must report on environmental management structures and outcomes and, in return for endorsing CERES, companies have access to the resources in the network (investor relations, policy analysis, energy expertise, scientific opinion, etc.). By subscribing to the CERES

Principles, companies are formalizing their commitment to environmental awareness and accountability, as well as their ongoing communication with the public about ecological concerns. While clearly more focused on a single issue—the ecological environment—than other statements of principles, given the importance of environmental sustainability in current corporate and public policy debates (e.g., the 2010 BP oil spill in the Gulf of Mexico), this compilation is central to the conversation about global business ethics ([CERES 2009](#)).

OECD Guidelines for Multinational Corporations

The Organization for Economic Co-Operation and Development (OECD) is a forum where thirty democratic governments work together to address the economic, social, and environmental challenges of globalization. Among other goals, they seek to better define the domestic market/global corporation nexus in order to promote responsible international trade. “The OECD Guidelines for Multinational Enterprises, first issued in 1999 and periodically revised since then, are recommendations developed by governments to multinational enterprises. They provide voluntary principles and standards for responsible business conduct consistent with applicable laws.” These eleven foundational principles include sustainable development, respect for human rights, employee training and nondiscrimination, as well as advocacy for the principles contained in the guidelines. With sixty-five pages of commentary covering ten areas of operation, these are by far the most elaborate of all the guidelines reviewed ([OECD 2008](#)).

UN Global Compact for Corporations

The UN Global Compact (UNGC), first launched in 2004, is a corporation focused extension of the UN Statement of Universal Human Rights (1948). Its purpose is to “realize a more sustainable and global economy through responsible business practices.” It consists of ten principles in the areas of human rights, labor and worker responsibilities, environmental protection, and anticorruption. Each “single sentence” principle is explicated by a page or more of commentary. Today, the Global Compact is the largest corporate citizenship and sustainability initiative in the world, with over 5200

corporate participants and stakeholders from 130 countries. The objectives of the UN Global Compact are to mainstream its ten principles for business activities around the world, and to “catalyze actions in support of broader UN goals, including the UN Millennium Development Goals (MDGs).” The Global Compact brings companies together with governments, civil society, labor, and other parties with special interests; it is a leadership platform endorsed by numerous CEOs to advance their commitments to sustainability and corporate citizenship. The ten principles of the UNGC are also being used to create guidelines for ethical and responsible *business education* in MBA programs around the globe. Membership in the UNGC requires only the submission of a membership fee by aligned corporations and the filing of an annual report regarding progress toward the attainment of the goals. The UNGC has no enforcement mechanism whatsoever and the individual reports need not address all of the principles in the Compact. Nason (2008) provides an extremely thoughtful critique of some of the current shortcomings of the UNGC (UN Global Compact 2008).

AMA Statement of Ethics

The AMA Statement of Ethics (2008) consists of the norms and values to be embraced by marketers who subscribe to the professional standards of their discipline. The driving ethical norms behind the code specify that ethical marketers will (1) consciously do no harm and (2) foster trust in the marketing system by “fair dealing” and “avoiding deception.” In addition, all marketers are asked to embrace six core values: honesty, responsibility, fairness, respect, transparency, and citizenship. To be sure, the AMA statement is not primarily formulated as a *global* code but rather a *professional* one, with somewhat of a U.S.-centric orientation. However, as the AMA represents over 40,000 practicing professionals worldwide, its language is worth paying attention to in any quest to identify core values for ethical, *global marketing* operations. This document is specifically a *normative* ethical guide for practicing marketing professionals. In other words, it is *aspirational* in that it is intended to articulate ideal norms of behavior for marketing managers. For instance, in discussing stakeholders in their principles, the document explicitly notes that obligations to stakeholders must be “acknowledged” (AMA 2008, 2) and dealings

with stakeholders must be forthright. Also, "compliance with laws" and "respect for the host country" sentiments are specifically noted. Finally, a form of "ethical advocacy" is mentioned in that marketers should try to encourage "fair trade" within their supply chain and to develop more detailed ethical policies for each specialization in marketing (e.g., marketing research, personal selling, and e-commerce; [AMA 2008](#)).

Key Elements Addressed in Global Ethical Guidelines

While the principles that make up each set of ethical guidelines is different, some evident commonalities are shared. After a careful review of the selected codes and some background literature, the underlying values addressed by the various guidelines were identified and are set out in [Table 1](#) . At the outset, we should be clear about the method utilized to search out common elements of each Code. Our procedure was qualitative and subjective. However, the challenge of code-to-code comparison is not especially daunting in that these general principles are normally already distilled into a single sentence, aiding the cross-assessment. To start with, the selected codes were analyzed for their basic values (as per [Küng 1997](#)). Then the guiding norms were identified through logical inference and labeled as a particular principle that could be firmly grounded in extant ethics literature. For example, take our designated core ethical element of "human dignity" as an illustration. The Caux principles note that all its prescriptive recommendations stem from an ethical foundation that includes "the respect and protection of human dignity." The OECD guidelines include the general policy that all organizations "Respect the human rights of those affected by their policies..." and, the UN Global Compact states that "businesses should support and respect the protection of internationally recognized human rights...." The conclusion that each code of these codes includes *humanrights* as a central element is a straightforward and sustainable argument. Finally, following such review, the identified core elements were then grouped according to theme and eventually, the *hyper norm* that each grouping seemed to represent. To be included in the final grouping of eleven core ethical elements, a norm had to be mentioned in at least three of

the codes, although all but one of the finalists is present in more codes than that.

Table 1. Summary of Hyper Norms and the Underlying Norms Addressed in Guidelines

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	Caux Round Table (CRT)	Clarkson Principles (Clarkson)	CERES	Global Sullivan Principles (GSP)	OECD Guidelines (OECD)	UN Global Compact (UNGC)	AMA
Stakeholder theory							
The stakeholder model	X	X	X	X	X	X	X
Human rights	X	X		X	X	X	
Labor rights	X	X		X	X	X	
Consumer rights	X	X			X		X
Comprehensive sustainability							
Environmental stewardship	X		X		X	X	X
Respect for host country	X				X		X
Contribution to development	X		X	X	X		
Authentic compliance							
Disclosure and transparency	X	X	X		X		X
Anticorruption and bribery	X	X		X	X	X	X
Compliance with Laws	X		X		X		X
Ethical advocacy				X	X		X

Each of the elements will now be explained and linked back to their respective guidelines to highlight similarities and differences. The basic norms underlying the sets of guidelines are then articulated and discussed. The common core ethical norms that are encompassed in these frameworks were found to be the stakeholder model; human, labor, and consumer rights; environmental stewardship; anti-bribery and corruption prohibitions; obligations to contribute to local development; compliance with law; respect for host countries; and ethical advocacy.

The Stakeholder Model

Stakeholders are a foundational concern in all of the ethical guidelines. Stakeholders consist of all parties (e.g., investors, employees, and customers) affecting or affected by the actions of an organization (Freeman 1984). The CRT Principles are based on a modified stakeholder management approach (CRT 2009a). Their first principle asks organizations to go beyond consideration of their shareholders and include “customers, employees, suppliers, competitors, and the broader community” (CRT 2009a, 2). The

Clarkson Principles are corollaries of stakeholder theory ([Donaldson 2002a](#)) underscoring that organizations must take stakeholders into account in all their managerial decisions and operations. They postulate that operational advantages and disadvantages should be spread fairly between stakeholders, the distribution of which may be formally organized to ensure future collaboration and support (Clarkson Centre for Business Ethics 1999). The OECD Guidelines are also based on stakeholder theory ([OECD 2008](#)) but do not include any further blanket principles regarding stakeholders. Instead, they put forward specific principles for each group of stakeholders ([OECD 2008](#)). According to [Donaldson \(2002b\)](#), the UN Global Compact is also based on stakeholder theory, though it does not include any broad statements using the word stakeholder. It does have specific statements regarding some stakeholders that are rooted in the UN Universal Declaration of Human Rights (1948), the International Labor Organization's Declaration on Fundamental Principles and Rights at Work, the Rio Declaration on Environment and Development, and the United Nations Convention against Corruption—all UN documents. As noted already, stakeholders are also central to the AMA statement on ethics. Finally, the CERES principles promote the indirect consideration of all stakeholders via the advocacy for an ecological ethic of stewardship. From our review, it would appear that the notion of recognizing a multiple party **stakeholder model** (rather than merely shareholder interests) has become a central tenet of the normative ethical values widely being proposed for global corporations.

Human and Labor Rights

Human rights and labor rights were also embedded somewhere in all of the guidelines. Many of the guidelines expressed this with the view that stated that human rights should not be violated (The Clarkson Principles, CRT, OECD Guidelines, and UNGC). Most often, the specific human rights referred to are anchored in a direct or indirect reference to the UN Universal Declaration of Human Rights (1948). Labor rights are typically described more fully than human rights. Aspects of labor rights referred to involve the prohibition of forced labor and child labor; the allowance of freedom of association and collective bargaining, nondiscrimination, adequate compensation, the promotion of opportunity for further training and career

advancement, as well as a guarantee of health and safety in the workplace (UN Global Compact, GSP, and OECD Guidelines). The OECD Guidelines go even further specifying the need to provide facilities and information for employees and their representatives, and to both warn and help employees if operations close (OECD 2008). The Clarkson Principles do not specifically mention labor rights, however within their stakeholder perspective, they explicitly include *employees* and thus imply the right of labor to have its voice heard. Issues discussed here are open communication, considering employee concerns, and equitable sharing of the company's benefits as well as risks/harm (Clarkson Centre for Business Ethics 1999). The CRT includes labor rights under their stakeholder section and extends to these the enhancement of the well-being of employees (CRT 2009a). From our review of the guidelines, it would appear that the economic imperatives of corporations ought never to trump (1) the fundamental rights of persons or (2) workers' right to safety and to organize as an association of fellow laborers. This latter dimension includes the entitlement of labor to engage in worker advocacy and to protect against the abuse of workers.

Consumer Rights

Consumers were not specifically mentioned in most of the codes. As discussed, the AMA statement, because of its marketing focus, puts consumers in a central position. Other than this, consumer rights are mentioned as a separate principle only in the CRT and the OECD Guidelines. Excepting the AMA code, CRT presents the most complete enumeration of consumer rights, first through principle one, which essentially states that consumers have a right to honesty and fairness, as well as through a "supplement" specifying five areas of responsibility to consumers based on the organization's duty to "*treat...customers with respect and dignity*" (CRT 2009a, 4). Similarly, the OECD Guidelines (2008, 22) articulate that consumers should be treated fairly with regard to product quality, information, and complaints. Consumers also should not be put in harm's way due to organizational actions and their privacy should be protected. However, in the rest of the guideline sets that we reviewed, consumer rights are subsumed within the rights of the other stakeholders or human rights generally. Thus, consumer rights are most commonly reflected in the

global guidelines as a particular example of other explicitly mentioned stakeholder rights.

Environmental Stewardship

The Environment is addressed by five of the seven sets of guidelines. The AMA statement briefly mentions the responsibility of marketers to consider the environment in their decisions. The CRT discusses "*Respect for the Environment*" (CRT 2009a, Principle Six). This principle regards the abuse of environmental resources and considers the environmental rights of future generations. The UN Global Compact has three principles regarding the Environment that are based on The Rio Declaration on Environment and Development. These principles take a different approach to the Environment than the CRT. Here organizations are asked to safeguard the environment and take preventative measures to ensure its safety (Principle Seven) and, in addition to this, they are asked to influence others to also act responsibly toward the environment (Principle Eight). Finally, they go one step further into the detail surrounding environmental principles and ask organizations to create, use, and help diffuse environmentally friendly technology (Principle Nine). The OECD Guidelines include eight separate principles that are also based on the Rio Declaration on Environment and Development as well as the Aarhus Convention on Access to Information, Public Participation in Decision making, and Access to Justice in Environmental Matters, and the ISO Standard on Environmental Management Systems (OECD 2008) making it more comprehensive than the rest of the guidelines. Generally, the OECD Guidelines on the Environment discuss sustainable development and the protection of the environment as do the other principles; however, they also take into consideration the health and safety of the public and their employees in their day to day operations (OECD 2008). The most comprehensive propositions on this point, unsurprisingly, are the CERES principles since they evolved specifically to address the question of what MNCs and other firms owe the physical environment by their operations. Some specific CERES principles include sustainability, safe waste disposal, energy conservation, and environmental restoration. From our review of all the guidelines, it seems clear that protecting the ecological envelope via an ethic of

environmental stewardship is a central thrust of most emerging global set of values for business.

Disclosure and Transparency

The issue of disclosure was included in the Clarkson Principles and The OECD Guidelines. It promotes openness in communication about the impacts the organization will have on stakeholders (Clarkson Centre for Business Ethics 1999). Disclosure of the organization's activities, structure, financial situation, and performance should be made available (OECD 2008, 15). This principle of disclosure (Szwajkowski 2000) is shown in the second principle of the Clarkson Principles and the OECD Guidelines present a set of five principles specifically regarding disclosure. The OECD Guidelines state that disclosure is an important aid in the functioning of the organization within its social environment as it helps stakeholders understand the organization and its impacts on them better (OECD 2008). While the CRT does not have a specific section on disclosure, it does state that organizations should be truthful and transparent in their operations and dealings (CRT 2009a, 2). Finally, the CERES principles include "informing the public" concerning environmental impacts of company operations as one of its tenets. While "openness" is not explicitly mentioned as a point of emphasis in every guideline, the theme of **disclosure and transparency** in MNC dealings is certainly discernable across the codes in our review.

Anticorruption and Bribery

Anticorruption refers to organizations refraining from such practices as bribery, money laundering, drug trafficking, terrorist activities, and extortion. Direct mentions of some aspect of these areas are shared among six of the seven guidelines assessed here (CERES being the exception). Principle Ten of the UNGC (2008) is particularly terse and to the point: "*Business should work against corruption in all its forms, including extortion and bribery.*" In the AMA code, "anticorruption" is specifically noted including warnings about coercion, manipulation, false or misleading practices, conflicts of interest, as well as price fixing, predatory pricing, and price gouging. While an audit of international business practices around the globe,

such as those conducted by *Transparency International (2009)*, still documents the continuing prevalence of bribery in numerous markets, the emerging consensus is that an ethical and level playing field for global business *must* include the **prohibition of bribery**.

Contribution to Development

Many of the guidelines encourage organizations to contribute to the development of the societies with which they were a part. The CRT's second principle and The OECD Guidelines ask organizations to contribute to economic, social, and environmental development to sustain the support of the host society. The CERES principles (#2 and #7) mention both the importance of preserving nonrenewable resources and the role of environmental restoration as a duty where negative externalities have been caused by company operations. The GSP specifically ask organizations to work with their host countries to improve quality of life (1999). Taken together, the guidelines seem to endorse **social sustainability** in business operations as contrasted with one time opportunistic extraction or short term exploitation of global markets.

Compliance with Laws

The necessity of organizations to comply with laws is directly mentioned by the CRT, the AMA, and the OECD Guidelines. The OECD Guidelines are written in such a way that each set of principles regarding an issue begin by stating that the organization should follow the laws in their host country regarding that issue, and then move on to expectations above the laws (*OECD 2008*). The CRT is similar to the OECD Guidelines and has a principle that asks organizations to "*Respect the Letter and the Spirit of the Law*" (*CRT 2009a*, Principle three). It states that organizations must not only comply with the minimum criteria set out by laws but must also make sure that any harmful behavior, even if legal, be avoided also. The CERES principles characterize its guidelines as an ethic which exceeds the requirements of the law. From our review, it would appear that **obeying the law**—conformance with local (i.e., domestic) laws and regulations—is the lowest common denominator of expected MNC behavior in global

markets, if these laws do not violate prevailing international law or core moral values.

Respect for Host Country

Respect for the Host Country was expressed through principles that recommended respect for the traditions and cultures of the host countries, as well as conformance to national regulations and conventions. These issues were explicitly mentioned in the CRT guidelines, the AMA statement, and the OECD guidelines.

Ethical Advocacy

Advocacy refers to the organization not only following the guidelines they embrace but also leading other organizations to follow the guidelines. This was directly mentioned by the GSP, the AMA statement, and the OECD Guidelines. Thus, the notion of including some provision that calls for signatories or other believers in particular guidelines to "advocate them to peers" is a common theme in several global codes.

Core Ethical Values Uncovered in Review of Global Codes

Our review uncovered eleven norms that are shared across multiple codes of ethics (see again summarized commonalities listed in [Table 1](#)). These were briefly discussed above. However, for purposes of simplicity, ease of memory and general efficiency, several of these norms can be subjectively combined into three aggregated *normative* principles that can be labeled global *Hyper Norms*. As discussed earlier, hyper norms represent standards of conduct that are universal expectations for all business situations. Such an articulation can function as the preamble to *de facto* code of ethical behavior for MNCs wherever they do business or conduct marketing operations. While such norms are not legally binding upon organizations, if publicized, they become a baseline "societal expectation" that constrain the actions that firms might seek to justify. For example, *Nike* now aggressively investigates any claims of worker abuse in its contracted

production factories, something which a decade ago, the company simply assumed to be in conformity.

Stakeholder theory calls on all business firms to take responsibility for the outcomes of their actions including the strategic intent behind those actions. Such stakeholder orientation can be designated as the first of the global Hyper Norms. Stakeholder theory recognizes, by definition, that multiple (internal and external) parties are typically affected by the operations of business organizations. In their review of the basic normative principles underlying all ethical marketing, Laczniak and Murphy (2006) write: "The adoption of a stakeholder orientation is essential to the advancement and maintenance of ethical decision-making in all marketing organizations." These writers and others (e.g., Bhattacharya and Korschun (2008)) suggest that corporate social responsibility (CSR) of any depth or scope is doomed without constantly considering company caused effects on all stakeholders that were created by organizational actions. Therefore, included within this Hyper Norm would be considerations involving human rights as well as consumer and labor rights. For marketers, **consumers** are typically primary and obvious stakeholders, and while there are plenty of instances of consumer exploitation, the prevailing marketing ethos is to understand that with consumer disrespect comes considerable economic jeopardy. The case of **labor rights** is more nuanced. While many firms opine that their employees are also primary stakeholders, the actions of organizations often belie this opinion. Increasingly, labor is viewed as just another input into the economic production function, like raw materials or financial capital. Employees are seen as interchangeable with other factors necessary to create value added, and hence, the (perhaps, demeaning) term—human capital. The strategic trends of outsourcing, contract workers, unpaid interns of long duration, utilization of undocumented workers, and limited oversight of labor conditions in the supply chain are emblematic of this view. One might take the pessimistic view that even in the United States, employees have been treated mostly as means to an end except during the golden age of union power between the Wagner Act (1935) and the PATCO strike of 1980. **Human rights**, in the context of stakeholders, are perhaps the least evident element of this Hyper Norm since customer and employee rights logically might be seen as part of human rights. Even in this general realm, actions are too often taken by corporations,

which reduce the basic rights that human beings possess. For example, the technology of a company might aid and abet the reductions of political freedom in a particular country. The provision of Internet filter technology by Google to the Chinese government might be one such instance. Similarly, the sales of armaments, security services, or public relations consulting by corporations to regimes that oppress their people might be other examples demeaning to human rights.

Comprehensive sustainability is a second Hyper Norm. While sustainability is an evolving concept, it has increasingly come to represent *all* of the efforts necessary to integrate economic activity with protection of the physical environment as well as an improvement of the social setting in which MNCs operate (Samli 2008). This latter dimension is often referred to as "sustainable development" since it emphasizes the idea, particularly in developing regions, that business has the obligation to conduct its economic activities in a way that is not short-sighted and exploitative but, instead, in a manner that provides for ongoing economic opportunity for developing market stakeholders. The most rapacious examples of *nonsustainable* development involve resource extraction companies that enter undeveloped regions to secure natural resources, thereby economically stimulating the local communities in the short term, but then departing after removing valuable resources. Left behind in too many instances are environmental damage, unemployment, and failing local businesses that had sprung up to support the commodity miners, oil drillers, or other resource workers. The abominable behavior of Chevron in Ecuador during the 1970s is a particularly heinous and well-publicized example of such behavior (Amnesty International 2009). From our list of core values, "environmental stewardship" clearly falls beneath the umbrella of this Super Norm. But from the standpoint of "social sustainability" so do our discussions of "respect for host country" and "contribution to development." The increasing use of social and environmental audits by business organizations, such as "triple bottom line" reporting, is one testament to the growing acceptance of sustainability as a core value of many corporations (Elkington 1998; Hart 2007). Murphy and Laczniak (2006), in their listing of core normative principles for ethical marketing, endorse the *principle of stewardship*, which reminds marketers of such ecological

and social duties to promote and develop the common good in their market operations.

Authentic compliance, both legal and ethical, is the final Hyper Norm. While “compliance with the law”—one of the core values discussed above—might seem an obvious and explicit guide for international corporations, this Hyper Norm needs to be understood in its fullness—hence, the terminology “authentic” compliance. The *spirit* of authentic compliance suggests that there ought to be an ethical aspiration for global corporations to *exceed* the threshold of the law. This is important because, unfortunately, in many developing markets, the law is quite often minimalist or dysfunctional. Laczniak and Murphy (2006), in their articulation of basic normative principles for ethical marketing, write: “Ethical marketers must achieve an ethical standard in excess of the obligations embedded in the law.” From this perspective, in addition to obedience to the law, it is logical to include supplementary efforts to establish “anticorruption and bribery” prohibitions as well as “disclosure and transparency” guidelines that will help level the playing field for all competitors and create the flow of information necessary for the working of effective capitalism. Finally, “ethical advocacy” can be seen as part of this Hyper Norm because ethical *awareness* typically precedes ethical action or new regulation. In other words, in most cases, before the public policy process focuses on the formulation of regulation, an ethical conversation about the question at focus has already occurred. In many instances, as cogently argued by Jennings (2008), the necessity for black letter law can be alleviated by an agreement among key players as to the ethical precepts governing a particular situation or setting. Ethical advocacy, when conducted among well-intentioned parties, should lead to a productive stakeholder dialogue and improved ethical guidelines anchored in the core value of authentic compliance.

But Are These Really Hyper Norms?

It cannot be proven, nor do we claim, that the norms that we have selected are the genuine and exhaustive hyper norms for the conduct of global marketing. However, there is a certain defensible logic to our approach. First, we have reviewed the most common compilations of ethical guidelines for international business operations.

These were, as discussed previously, inspired by a diversity of formulating parties including governmental representatives (UNGC), business executives (Caux principles), marketing practitioners (AMA), and so on. The listings were also examined for their most similar elements and themes. And while it is perfectly true that there might be significant disagreements about what these norms actually mean *in practice* for a given company or industry (e.g., the OECD *commentaries* on ethical principles generate much debate), the general areas of authentic compliance, human & worker rights and a stakeholder theory approach seem to occur again and again throughout the recent ethics literature. As Walzer (1994, 17), quoted in Dunfee et al. (1999) remarks concerning core global values, that is, hyper norms, “[They consist of] principles and rules that are reiterated in different times and places, and that are seen to be similar even though they are expressed in different idioms and reflect different histories and different versions of the world.” In this vein, our postulated Hyper Norms also have a certain concurrent validity associated with them.

In management, perhaps, the best known approach to establishing global ethical parameters that has evolved flows from the scholarship stream that is designated as *Integrated Social Contracts Theory* (Donaldson and Dunfee 1994). Also known as ISCT for simplicity, this perspective is insightful and practical because it allows for a flexible “moral free space” that accommodates the pragmatics of conducting business around the world, across many countries and in diverse cultures. For example, the reality is that “gift giving” is more common in Indonesia and certain other Asian cultures than in the United States. Similarly, financing business projects with traditional interest bearing instruments is unacceptable in parts of the Middle East where making profit from interest payments is prohibited by Sharia Law; thus, special fee-paying Islamic bonds must be used. The critical point is that the ISCT approach ethically permits the relativistic adoption of different “accepted” practices in assorted world markets and marketing conditions, but always subject to some nonnegotiable limitations. Important to this discussion is the contention that “variable” local customs (e.g., allowance of small grease payments, segregation of the work force by gender) are bounded by Hyper Norms. Such Hyper Norms almost always include the non-violation of basic human rights, which can never be transgressed without the

implicit social contract between business and society coming into moral question. Obeying the law is another perennial Hyper Norm. The upshot here is that a review of the Hyper Norms articulated in the acclaimed ISCT of ethics ([Dunfee et al. 1999](#)) bears a striking similarity to the identified Hyper Norms in this analysis.

While the seminal description of ISCT ([Donaldson and Dunfee 1994](#)) does not explicitly endorse the stakeholder approach to ethical global business operations, the case for the centrality of stakeholder dialogue has been made eloquently elsewhere. [Nill \(2003\)](#), for example, inspired by [Habermas \(1993\)](#), proposes the indispensability of a communitarian motivated stakeholder ethic as a global ethical norm. Similarly, [Laczniak and Murphy \(2006\)](#) set out a detailed case for the acceptance of some form of stakeholder theory as a basic normative proposition essential for ethical marketing.

Implications of Evolving Global Values on Macromarketing Perspectives

The reluctance to apply ethical codes or templates to various questions in marketing, whether micro or macro is often stymied by the perennial debate concerning “Which ethical template?” and/or “Whose values?” But our examination and review of the seven sets of normative guidelines discussed above suggests that *there is an emergent set of global values for MNCs that applies across all markets in our diverse world*. These are especially embodied in the eleven core ethical norms ([Table 1](#)) and summarized in the three Hyper Norms identified—stakeholder theory, comprehensive sustainability, and authentic compliance. While skeptics may question whether these Hyper Norms are arbitrary, the concurrent validity of their roots in the codes analyzed would suggest otherwise. Significantly, the normative guidelines for global business discussed above were postulated by business executives (CRT), academics (Clarkson), developmental economists (OECD), professional marketing practitioners (AMA), environmentalists (CERES), social activists (GSP), and national governments (UNGC). Regardless of the history and philosophical genesis of the codes, the common core ethical values (i.e., Hyper Norms) that we have discussed are discernable upon thoughtful reflection. It appears logical to integrate these Hyper Norms into the

ethical judgments being made about macromarketing activities and systems. Simply put, these Hyper Norms appear to be indicative of emergent global values that may define and constrain the propriety of actions taken by market participants, especially MNCs.

As mainly a mechanism to begin a larger conversation in the macromarketing learning community, we suggest several areas of future research in macromarketing, each part of the macromarketing tradition and literature, where the interjection of these ethical Hyper Norms has the potential to move insight and understanding forward. To the degree that the essence of macromarketing involves the linkages between markets, marketing, and society, judging the societal impact of these activities as well as the exchange mechanisms from which transactions are derived, would appear to be an essential challenge for macromarketing researchers. As the Hyper Norms previously identified are indicative of global expectations, the integration of such perspectives ought to be central. Merely as illustration, consider the following applications:

- The essential role of marketing functions in **economic development** has been part of macromarketing analysis from the beginning (Layton and Grossbart 2006). As MNCs increasingly engage *developing* markets to better provision resources for more developed markets (Beji-Becheur et al. 2008; Kambewa et al. 2008), the level of negative externalities created as a by-product of the process becomes a concern. In this context, the degree to which the Hyper Norms are being "internalized" by MNCs in developing market segments and the correlation of *levels of Hyper Norm integration* upon "consumer satisfaction" and "corporate reputation" needs to be better investigated.
- The effect of **competition** on the functioning of markets is a core concern of macromarketing (Nason 2006). Traditionally, many MNCs have subscribed to the *shareholder* primacy model, with compliance and social responsibility seen as an added cost (Friedman 1962). Are MNCs that subscribe to the Hyper Norms in their operations *less* profitable than those that do not? Do MNCs that do *not* practice the Hyper Norms as rigorously have *higher* financial expectations among investors? While differing profitability or investor perception levels do not excuse unethical behavior, such relationships need to be better understood.
- **Distributive justice** is often defined as how a community assigns benefits and burdens according to some standard of

fairness ([Laczniak and Murphy 2008](#)). The implications of distributive justice are essential to evaluation of any marketing system (or subsystem) and such adjudications have a long tradition in macromarketing analysis ([Shapiro 2006](#)). Are market subsystems that are characterized by the greater MNC internalization of the Hyper Norms perceived externally as fairer and/or more sustainable? Do these market subsystems develop through their life-cycle faster or more smoothly?

- Drawing on a long literature of **quality-of-life** (QOL) studies in macromarketing, [Dixon and Polyakov \(1997\)](#) speculate about whether QOL outcomes might depend not only on material measures but also upon concern for others. Inspired by such thinking, one wonders whether market sectors developed by firms that subscribe to the Hyper Norms are characterized by stronger QOL indicators and incumbent citizen happiness.
- [Fisk \(2006\)](#) in assessing the future of needed macromarketing research, focuses on the importance of knowing the (positive and negative) "**consumption versus sustainability**" **trade-offs**—a direct articulation of the saliency of one of the above identified Hyper Norms, *comprehensive sustainability*. How does the adoption of this particular Hyper Norm by MNCs in a market sector change the pattern of consumption?
- The emergence of developing markets translates into the inevitable engagement of **impoverished consumers**. Such persons are by definition "a vulnerable market segment" and, according to ethical theory, should be given special consideration ([Santos and Laczniak 2009](#)). Are MNCs that are looked to as "moral exemplars" in favorably dealing with poor consumers also perceived as practitioners of *stakeholder theory*—one of the Hyper Norms?
- [Peterson \(2006\)](#) in analyzing the macromarketing domain suggests that the end goal of "**societal development**" might be the concept that unites all the disparate research strands of macro thinking in marketing. Such societal development occurs at many levels of aggregation. For example, depending on the project under scrutiny, the interaction of MNCs and their target markets can be seen as affecting neighborhoods, cities, regions, or entire countries. Researchers need to investigate the extent to which *authentic compliance*, another of the Hyper Norms, is connected with measurements of acclaimed or demonstrated societal development.

Conclusion

With the diffusion of MNC operations throughout more countries, a singular and agreed upon global code of business ethics is needed to decrease the number of intercultural ethical dilemmas (e.g., the appropriateness of bribery) and give guidance concerning ethical responses to the remaining questions (e.g., minimum conditions for workers, the payment of a living wage). By reviewing several prominent global codes of business ethics along with the widely used AMA Statement of Ethics, eleven shared core ethical norms have been identified. That is, based upon a careful reading of the best known codes of international business ethics having marketing implications, it seems evident that several common themes emerge. Upon further discernment and reflection, these shared ethical approaches for business operations can be subjectively grouped into three Hyper Norms—Stakeholder Theory, Comprehensive Sustainability, and Authentic Compliance—that can then be applied across markets and geographies to address important ethical issues in the development of a global market economy. There is nothing that requires any MNC to adopt the norms embraced by the codes of conduct discussed above. But as the Hyper Norms identified above become more “accepted” as a baseline for MNC behavior, these societal expectations should begin to influence company actions. Already, some 3100 large companies around the world produce environmental and social sustainability reports concerning their societal impact ([Bird 2010](#)). These Hyper Norms can help them keep in mind the major categories of ethical focus that all world economies *ought to* affirm as central. Finally, some obvious applications of these Hyper Norms to macromarketing research opportunities are also specified. We are hopeful this exercise will stimulate empirical investigations using these Hyper Norms as a focal perspective in macromarketing research. We believe they also capture the elusive “ethical rules of the game” that all international corporations should aspire to and that many desire in their quest to reduce operational and moral uncertainty.

The author(s) declared no potential conflicts of interest with respect to the research, authorship, and/or publication of this article.

The author(s) received no financial support for the research, authorship, and/or publication of this article.

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