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## Ordo-Responsibility - Conceptual reflections towards a semantic innovation

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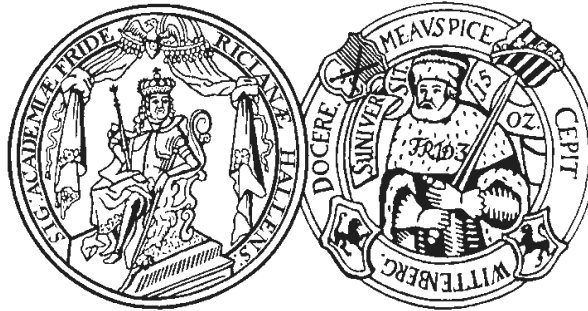
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**Markus Beckmann and Ingo Pies:**  
**Ordo-Responsibility – Conceptual Reflections  
towards a Semantic Innovation**

**Diskussionspapier Nr. 2006-11**

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des Lehrstuhls für Wirtschaftsethik  
an der Martin-Luther-Universität Halle-Wittenberg,  
hrsg. von Ingo Pies,  
Halle 2006

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## **Abstract**

Based on economic ethics, this paper reflects on and aims to improve the semantics of responsibility. The traditional concept of responsibility is threatened with erosion when responsibility is attributed to an actor who is unable to exercise individual control over the outcome of his actions. In the modern world-society this is increasingly the case. The concept of ordo-responsibility is helpful in identifying a suitable approach for the attribution and acceptance of responsibility. The perspective of economic ethics systematically differentiates between the initial basic game of business and the related meta-games of politics and public discourse. In this way, the focus shifts to the rule-setting processes and rule-finding discourses for which the actors can accept governance responsibility and discourse responsibility, respectively. These two forms of ordo-responsibility demonstrate a characteristic which is extremely important for processes of “New Governance”: they can be attributed to corporative actors, and they can be perceived by them in their own well-reflected interests.

**JEL Classification:** A12, A13, D02, D63, D74, M14

## Ordo-Responsibility – Conceptual Reflections towards a Semantic Innovation

by Markus Beckmann and Ingo Pies

### Problem

((1)) “The concept of responsibility is threatened with erosion”. This is the finding of an article from Gertrud Nunner-Winkler on the concept of responsibility. She refers to a widely discussed debate in specialist literature on the meaning and suitability of the concept of responsibility. She summarises her reflections as follows:

“The concept of responsibility is threatened with erosion: its extension to cover uncontrollable chains of consequences and their side effects allows decisions about actions to become arbitrary. [...] In this situation there are two contrary strategies: the first discards “responsibility” as obsolete as it is neither “rational” nor “functional” [...]; the second strategy resorts to appealing to individual’s moral awareness [...]. Both seem, however, to be rather counterproductive: the first as it disregards the individual and declares the notion of a justifiability of norms to be obsolete, the second, as it considers a virtuoso morality as generally binding and with this excessive demand contributes to a more defensive attitude toward morality. Perhaps a compromise is possible.”<sup>1</sup>

Nunner-Winkler’s analysis consists of four elements. She presents a finding, a diagnosis, evidence for her findings and suggests a possible therapy. In her *findings* she determines that the concept of responsibility is in danger of losing its practicability for social (self-) communication processes. According to her *diagnosis*, this is caused by ever longer chains of consequences and their side effects which make the attribution of responsibility somewhat problematic. As *evidence* for the diminishing suitability of the concept of responsibility, she uses the argument found in debate that the category of responsibility is obsolete on the one hand, and the opposing attempt to demand responsibility through increasingly strong moral appeals on the other hand. In this situation Nunner-Winkler suggests taking up a differentiated compromise position between these extreme positions as a possible *therapy*.

((2)) This paper examines the problem presented by Nunner-Winkler and shows how economic ethics can reflect and improve the concept of responsibility.<sup>2</sup> As a starting point, this paper begins with Nunner-Winkler’s findings yet translates these into the incentive-oriented perspective of economic ethics. Reformulated from this perspective, the diminishing usability of the responsibility concept expresses a *discrepancy between social structure and semantics*. The conceptual categories of responsibility turn out in many cases to be no longer appropriate for the social structures of modern (world-)society and its globalised, competitive market economy.

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<sup>1</sup> Nunner-Winkler (1993; p. 1191).

<sup>2</sup> Economic ethics is conceived here as an *economic* moral theory. Economic ethics thus chooses a principally different perspective to, for example, medical ethics or bioethics. These branches of ethics are constituted ontologically: as applied ethics for a specific subject area such as medicine or biology. In contrast, economic ethics is constituted methodologically: it is not defined narrowly as (business) ethics for the economic sphere but rather uses the economic method as a general approach to ethics. In other words, economic ethics is a specific *approach* to ethics that uses the power of rational-choice analysis to understand the significance of incentives for identifying, discussing and implementing normative objectives. For a comprehensive introduction to this economic approach to ethics, cf. Homann and Blome-Drees (1992); Homann and Pies (1994b); Homann and Pies (1994a); Pies (2000b); Suchanek (2001); Homann (2002); Homann (2003) as well as Pies and Sardison (2006).

Economic ethics not only allows the reconstruction of Nunner-Winkler's findings but also helps to interpret her evidence as a reference to a discrepancy between social structure and semantics (figure 1).

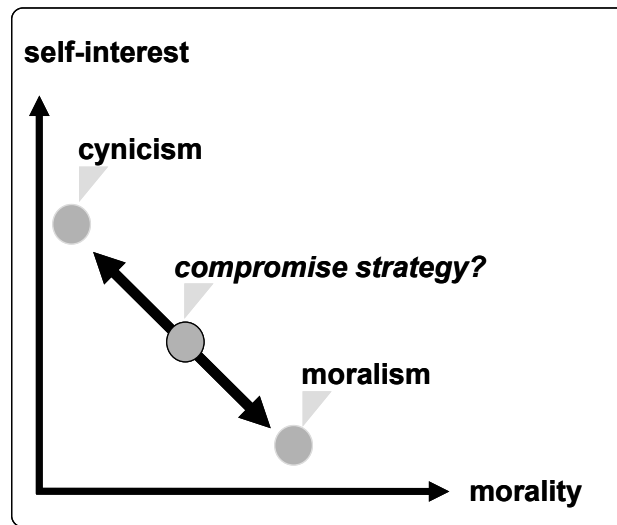


Figure 1: The responsibility concept in the conflict field between personal interest and morality

As shown in figure 1, the two responsibility concept positions mark two extreme points on a trade-off line. The negatively sloped line expresses the implicit assumption that responsibility is characterised by a fundamental conflict between self-interest and morality. Within this perceived trade-off, the first position is to be found in the extreme point to the top left. This standpoint can be described as cynical. It perceives the moral claim of the responsibility concept to be neither “functional” nor “rational” and therefore takes a stand for self-interest. Considering the underlying discrepancy between social structure and semantics, this approach chooses the strategy of completely rejecting “dysfunctional” responsibility semantics – as it is supposedly obsolete. The second position is a mirror image: the extreme point to the bottom right. This – so to speak moralist – position is biased towards the “moral point of view” and attempts to bring it into position against self-interest through moralistic appeals. With regard to the discrepancy between social structure and semantics, this position corresponds with the attempt to retain responsibility semantics without change whilst dismissing its unsuitability for modern social structures with moral armaments.

Nunner-Winkler suggests a sophisticated compromise as *therapy*. Thus her proposal certainly avoids the extreme positions of cynicism and moralism. The basic problem of a discrepancy between social structure and semantics, however, remains unsolved. Interpreted graphically, such a compromise occupies a midway position on the trade-off line and thus accepts the assumed conflict between self-interest and morality instead of resolving it. Such a compromise does not overcome the discrepancy between social structure and semantics, but perpetuates it implicitly. Arguing for a midway position on the trade-off line therefore fails to solve the underlying problem. For this reason, this paper suggests pursuing a different approach.

Here, economic ethics helps to provide a more precise *diagnosis*. The “uncontrollable chains of consequences and their side effects” stated by Nunner-Winkler are features of modern

social structures.<sup>3</sup> If this fact is not accorded sufficient weight by the concept of responsibility, a discrepancy between social structure and semantics will unavoidably ensue. Moral demands then become overtaxing demands which their addressees cannot fulfil. The responsibility concept systematically reaches its limits at this point. In certain social structures, moral subjects evade their postulated obligation to accept responsibility – possibly even with good reason! Therefore, it is a crisis of the semantics of individual obligation which is at the core of the erosion of the concept of responsibility.

This specific diagnosis has consequences for the therapy as it defines the direction of the argument. Instead of considering how to establish a sophisticated compromise that could solve the perceived conflict between self-interest and morality, the following question will be discussed: how can the concept of responsibility be categorically differentiated so that even under the conditions of modern social structures it demonstrates the necessary “functionality” and “rationality” and thus can help to advance and implement moral objectives. The approach envisaged here is to translate the diagnosis into a therapy that does not place the responsibility concept *within* the trade-off between self-interest and morality but rather places it “orthogonally”<sup>4</sup> to the trade-off (figure 2). This so-called “orthogonal position” is a fundamental concept of economic ethics. The central idea is to overcome trade-off thinking by identifying a new direction of thought. Such a change in the line of thought by 90° enables one to consider the possibility of a simultaneous realisation of seemingly incompatible opposites. Thus, the prospect of updating the responsibility concept focuses on ways to achieve morality not contrary to, but rather through self-interest.

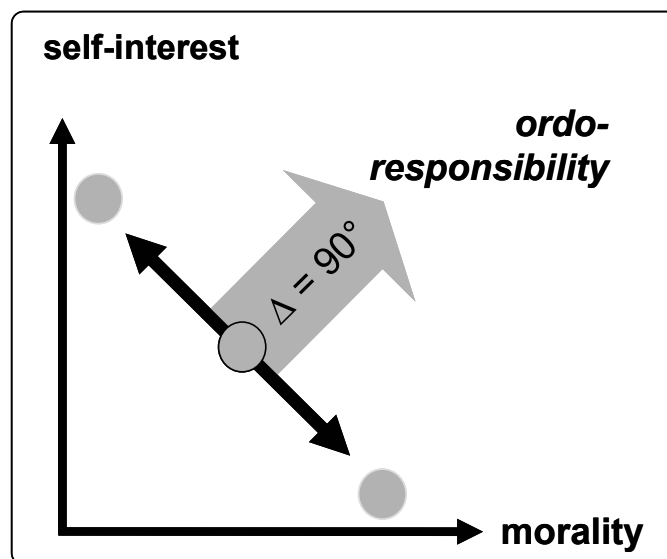


Figure 2: Ordo-responsibility as orthogonal positioning

((3)) This paper attempts to renew the applicability of the responsibility concept for social communication processes in modern society. It aims to categorically update the responsibility concept in order to overcome the diagnosed discrepancy between social structure and semantics. This process will be completed in three steps.

<sup>3</sup> There is a broad academic discussion that tries to grasp the phenomenon of the widening scope of the responsibility concept. One of these approaches is the idea of a “diffusion of responsibility”. By the same token, the concept of “social responsibility” has gained prominence. For a discussion of both, cf. Bierhoff and Neumann (2006).

<sup>4</sup> For the theoretical concept of an orthogonal position cf. Pies (2000a; p. 34).

The first step specifies the *diagnosis*. Here, the following thesis will be developed: the conventional responsibility concept comes from a tradition of *individual ethics*. Its underlying obligation semantics invoke individual moral duties that call on the addressee to behave in such a way that he can justify his actions. From the viewpoint of economic ethics, the chance of success for such obligation semantics is bound to particular implementation conditions, primarily the criterion of individual outcome-control. One can only be held responsible for that over which one has control. An economic reconstruction shows, however, that there are also situations where the particular social structures lead to outcomes that no individual can directly control. An indiscriminate *extension* of the ascription of responsibility to situations of this kind leads to an *overextension* of the responsibility concept: social structure and semantics then drop apart.

The second step describes a *therapy* proposal. The thesis here can be formulated as follows: situations without (individual) outcome control make it necessary on a semantic level to adjust from “action responsibility” *in* the game to an ordo-responsibility *for* the game. Ordo-responsibility describes the responsibility for the context of one’s own action and is found on two levels. On the first level, ordo-responsibility is about a process of setting rules in which one, through individual and collective self-commitment, accepts responsibility for governing the joint game (governance responsibility). At the second level, ordo-responsibility is about the (inexpensive!) participation in a discourse aimed at identifying shared interests in mutually advantageous rules (discourse responsibility). The core idea is then, on the basis of an economic analysis of social structures, to identify those process levels of social interaction for which a sensible attribution of ordo-responsibility as a governance or discourse responsibility is possible. The result is a sophisticated responsibility concept which instructs to – prudently – use one’s own freedom in the interaction with others: i.e. in a mutually advantageous manner.

The third section describes the *conceptual advantages* of these reflections derived from economic ethics. The concept of ordo-responsibility supports an economic theory of social self-organisation which provides information about the processes and the relevant actors needed to not only organise society in a responsible way – but also to organise responsibility in a socially functional way. These arguments lead to two theses. Firstly, the strengthening of the individual responsibility aptitude of both natural and corporate actors is a socio-political task. Secondly, corporate actors have a greater potential for accepting responsibility as a result of their (self-) commitment capability. The significance of these two theses will be illustrated briefly with the examples of global governance and corporate citizenship.

The article ends with a short summary and finally discusses to what extent the concept of ordo-responsibility fulfils the claim of an orthogonal positioning.

## 1. Analysis of Social Structure as Diagnosis

A *therapy* which seeks to categorically adapt responsibility semantics to fit new social-structural conditions first requires a specific *diagnosis* of the social structure. This will be developed here in three steps. The first step uses an economic perspective to be able to differentiate between two sets of situations: action-based situations dominated by individual action and interaction-based situations determined by social interaction. The second step shows that the conventional responsibility concept derives from a tradition of obligation semantics whose implementation requirements can be determined from the perspective of economic ethics. The outcome of these reflections is that an appropriate attribution of



responsibility is only systematically possible for action-based situations. The third step shows which problems occur as a result of the extension of – strictly speaking action-based – responsibility categories to interaction-based situations.

((1)) When one considers the connection between actions and their outcomes, paradigmatically two situations emerge. The first situation can be described as *action-based*. Here, the outcome ensues as the *result of individual action*. The central feature of this situation is individual outcome control. In this case, an actor not only intends but also directly causes a particular outcome through his individual behaviour. Regarded systematically, the outcome of the action is also its cause. The prospect for the (individually induced) outcome is the reason for the choice of a particular behaviour. An example is the use of gas heating in winter. The action which is of interest is the turning up of the thermostat. The direct consequence of this behaviour is that the temperature in the house rises. This outcome is controllable and intended by the person heating - and thus is the reason for turning up the thermostat. From this perspective the use of heating describes an action-based situation.

The second situation is different. The interaction-based situation is characterised in that the outcome examined is not determined by the action of an individual actor but rather through the interaction of many. Individual control of the (interactive!) outcome is not possible here. The difference compared with an action-based situation can once again be made clear with the example of using gas in winter. If we do not concentrate our interest directly on the warming the room, but rather on the warming of the earth's atmosphere as a result of the release of greenhouse gases, the situation changes. Global warming is certainly also a result of individual actions. However, the aggregated (!) outcome "climate change" is neither controllable nor intended by single individuals. Rather, here we see an unintentional interaction outcome of the social behaviour of many. This outcome does not occur because it is actively sought, but rather it is a side effect of individual actions which are carried out with very different aims in mind.

In order to better understand the logic of both situations, one may first reflect on the role they play in the economic – i.e. rational-choice based – method of clarifying social phenomena.

When viewed superficially, it seems as though the action-based situation is at the centre of the economic rational-choice model. This model interprets the behaviour of a representative actor in a pattern of aims and means (figure 3).

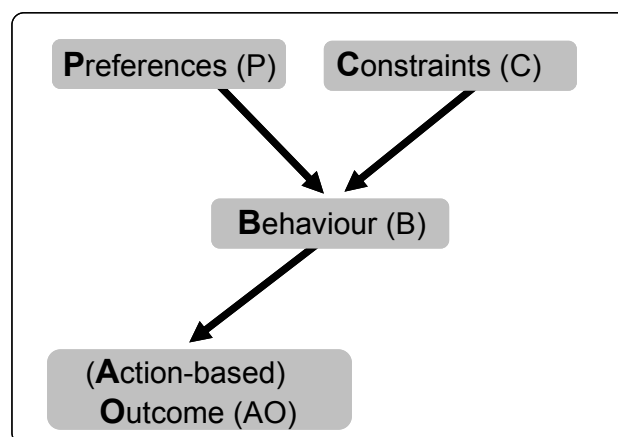


Figure 3: Action-based consequences in the rational-choice model

The assumption of rational behaviour serves to model the actor as seeking to fulfil his individual aims (preferences –  $P$ ) as well as possible. In order to do so, he chooses the behaviour ( $B$ ) which – based on existing limited means, i.e. the constraints ( $C$ ) – brings about the subjective best possible outcome achievable through one's own actions (action-based outcome –  $\Delta AO$ ). Therefore, the focus of the rational-choice model lies in the optimisation of an individually controllable outcome, i.e. on *action*-based consequences.

To be sure, economics uses the analysis of action-based situations for modelling the level of *individual* behaviour. The real research interests of economics as a genuine social science focus, however, on the explanation of phenomena on a *social* level. The analysis of *interaction-based* outcomes of human behaviour ( $\Delta IO$ ) is of interest here. The focal point is the explanation of social rates and above all the explanation of the *change* of societal rates ( $\Delta IO$ ).<sup>5</sup> Here, the preferences are set to be constant; rate changes are attributed to constraint changes and accordingly declared as *unintentional* consequences of intended actions. It is this specific problem focus on macro-phenomena as well as the micro-oriented strategy of problem solving that constitutes the methodical significance of the rational-choice model (figure 4). The economic explanandum of interaction-based outcomes is explained by the use of an action-based explanans.<sup>6</sup>

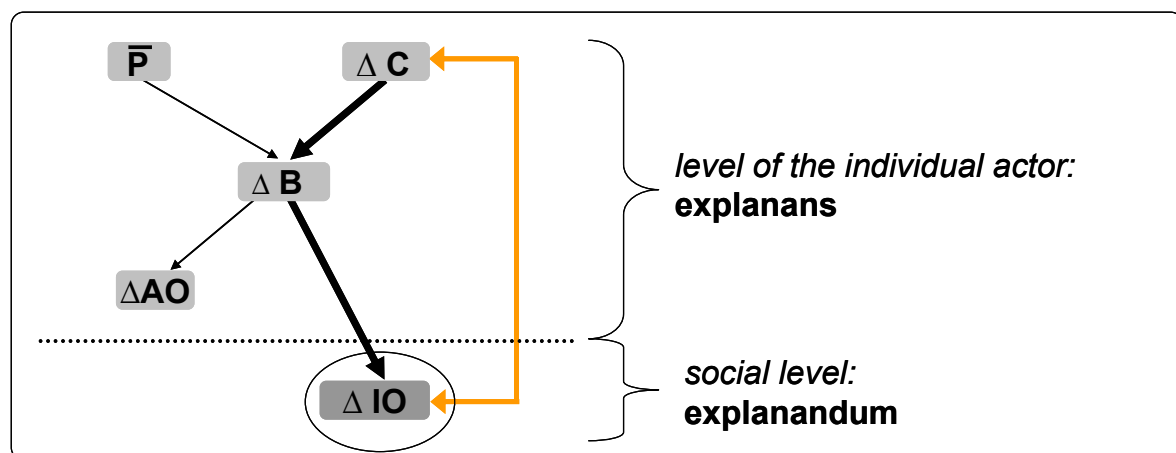


Figure 4: The economic research programme

With regard to social structure, it is possible to differentiate between action-based and interaction-based consequences by using the criterion of *individual outcome control*. Individual outcome control is also the central requirement of meaningful responsibility attribution: one can only be (made) responsible for that which one has in one's own control.<sup>7</sup>

<sup>5</sup> For example: A criminal act causes a marginal increase in the crime rate; the decision to have a child causes an increase in the birth-rate; when a person is employed, the unemployment rate decreases. But in none of these cases can we assume that the change of rate is the cause of the particular action. The actor only consciously seeks the action-based outcomes ( $\Delta AO$ ) but not the interaction-based outcomes: Actions come about as a result of individual advantages which the actors subjectively anticipate. However, they usually do not come about due to the social effects that would result in the aggregate. It is not the social but the individual consequences that drive individual behaviour.

<sup>6</sup> The assumption of stable preferences does not pretend to portray "true human nature" nor to explain how humans really are, but rather reflects methodically – as a powerful "as-if" construction – the specific question of the economic research programme. Use of this methodology can be traced back to Gary S. Becker. Cf. Pies (1993; chapter 3).

<sup>7</sup> It would be wrong to hold someone responsible for something which he cannot influence. This idea can be traced back as far as to the roman Corpus Iuris Civilis. Around 100 A.D. Aulus Celsus Cornelius writes in the Digest (50, 17, 185): "Impossibilium nulla obligatio est." Cf. Spruit (2001; p. 985). However, the classical Latin

From the perspective presented here, the moral substance of the responsibility concept – in the sense of obligation semantics – lies in its heuristic value to inspire prudent behaviour in action-based situations. The suggestion to act in such a way that one can be called to account by others for one's action leads one to consider the consequences of one's own action with a view to their social and temporal dimensions. The idea of responsibility points to the risk of no longer being considered a trustworthy cooperation partner because of irresponsible actions thus causing the loss of any profits from future cooperation. From an economic point of view, responsibility points toward a particular cost category: towards the depreciation costs which occur when one forfeits one's ability to cooperate. For example, a car dealer may be faced with the option of not declaring a broken part known only to himself when selling a car. This deception would certainly be lucrative in the short-term, but "irresponsible". The idea of responsibility shows that future and social consequences should be taken into account: as well as perhaps having a guilty conscience or at least the threat of compensation claims by customers, the lack of motivation among one's own colleagues or the erosion of trust and the loss of a good reputation as a dealer. From this perspective, the concept of responsibility formulates – generally speaking, an abbreviated – investment argument. It can be sensible to accept short-term disadvantages to make long-term advantages possible.

The responsibility concept is usually used in the sense of obligation semantics that invoke individual moral duties. This usage, however, can also be reconstructed as the special case in which "responsibility" serves as the condensed idea of an economic conception of what it would be prudent to do. In many cases the (implicit) heuristic value of the responsibility concept is so internalised that it no longer needs to be named explicitly. Such a shortening can be sensible if it helps to effectively reduce the complexity. At the same time, it is certainly possible to reconstruct the potential heuristic impact of the traditional responsibility concept in the economic pattern of preferences and constraints (figure 5). The idea of responsibility summarises the question of whether an outcome (AO) induced through one's own behaviour (B) really is the best possible way to reach one's own aims – also under the consideration of poorly discerned consequences (effects on others, long term consequences for a reputation etc.). If the idea of responsibility generates further knowledge ( $\Delta I$ ) about the relevant ways of achieving aims, then the (information) constraints of the actor also change – and can in this way become effective on behaviour ( $\Delta B$ ).<sup>8</sup> From this diagnosis an important demand on the *form* of therapy emerges that should be stressed here: responsibility is to be developed not in the form of a moralistic appeal but rather as a heuristic device for prudent behaviour in accordance with the relevant social structure.

Given the social structural conditions of action-based situations, the traditional responsibility concept has indeed a heuristic quality that facilitates prudent behaviour. It opens "functionality" and "rationality" by aiding the structuring of complex contexts and therefore better decision-making. At the same time, the concept has a moral quality because it leads to the specific consideration of the interests of others. The indispensable requirement for the use of this traditional responsibility conception is, however, the criterion of individual outcome control. Any appropriate attribution of responsibility therefore systematically requires the social structure of action-based outcomes.

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term of this idea that nobody is bound beyond ability, is much more established: to say one should implies one can – *ultra posse nemo obligatur*.

<sup>8</sup> In this reconstruction, the economic method offers a scientific approach to questions of normativity which – through positive analysis – can bring about a value-free approach to values. Cf. Pies (1998).

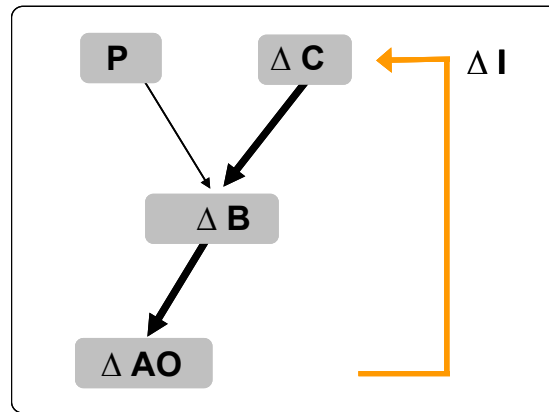


Figure 5: Responsibility as prudence heuristics

((3)) The diagnosis now specified by rational-choice analysis can be summarised as follows: the responsibility concept – though suitable as such! – is threatened with erosion, if it is indiscriminately extended from action-based to interaction-based consequences and thus overextended. Social problems such as environmental damage, unemployment or climate change represent interaction results which are neither controlled nor intended by single individuals. In this sense no individual is (to be made) responsible for these problems. If one transfers the action-based semantics of individual responsibility to these – interaction-based! – group problems of society, then social structures and semantics drop apart. The usual responsibility category is then no longer able to properly explore the problem.

From the perspective of an economic moral theory, this diagnosis provides the finding that in interaction-based situations the responsibility concept loses its heuristic quality which results in its rationality and its social functionality also being lost. The attribution of responsibility to consequences which the individual cannot (personally) control then tends to be misleading. An illustrative example is once again the contribution of an individual's heating habits to climate change. If one wanted to change one's behaviour here and for the sake of "responsibility" do without heating, it would mean accepting significant disadvantages without necessarily observing any change in the aggregate interaction outcome of global warming. With no advantages to speak of which could (over-)compensate for individual disadvantages, the demanding of responsibility is only possible in the form of moral appeal to the actor to change his preferences ( $\Delta P$ ). In this way, the responsibility concept does not only lose its heuristic quality; it also loses its moral quality. It is simply not moral, and even goes against human dignity, to place (excessive) demands on the individual whose capabilities they systematically exceed.<sup>9</sup> If one wants to systematically avoid this, an important *consistency requirement* must be observed which points the way to a therapy of the diagnosed erosion problem. The necessary differentiation of the responsibility concept should be approached in such a way that responsibility is always only attributed to (individually) controllable – i.e. action-based – consequences of behaviour.

<sup>9</sup> This overextension of the concept of responsibility leads to forms of moral communication which invite criticism – from a moral point of view! The fallacy of wrongfully assuming outcome control can easily lead to the moral attribution of guilt to the individual. It is insinuated that the individual could behave differently, but *chooses* not to do so – as he is egoistic, inconsiderate and lacks solidarity. Systematic problems hence are addressed ad personam. To put it pointedly, this form of moralising responsibility appeal qualifies for being disqualified as irresponsible.

## 2. The therapy: Ordo-responsibility as a semantic innovation

Global warming, long-term mass unemployment or demographic change are only a few examples of social challenges which are caused by the interaction-based consequences of human behaviour. In such contexts the use of action-based semantics of individual responsibility is based on a category mistake and is therefore misleading. The morally desirable task of making the acceptance of responsibility accessible to these social problems requires a categorical differentiation of the responsibility concept. The above diagnosis shows the (1) content, (2) form and (3) consistency requirements of the necessary therapy.

Firstly, the *contextual focus* of the therapy proposition which is to be developed emerges from the economic explanation pattern of interaction-based consequences (figure 4). This shows that it is first and foremost the *constraints* that systematically channel the outcome of social interaction. By this logic, these constraints constitute the *order* of the joint game. A responsibility concept for the change of interaction-based consequences can therefore only be thought of as a responsibility for order. In the terms of economic ethics proposed here, the issue is a change in perspective from responsibility *in* the game to a responsibility *for* the game. In interaction-based situations the systematic approach for responsibility does not lie in the individual moves of the game, but rather in a change of the rules of the game. Secondly, it is necessary, in terms of the *form* of the therapy proposition, to introduce responsibility in interaction-based situations not as a moralistic appeal but rather as a heuristic device to improve the perception of one's own situation ( $\Delta I$ ) (figure 5). The idea is to provide information about those conditions under which it is possible to contribute to an improvement of order out of self-interest. Thirdly, the *consistency requirement* should be observed whereby responsibility is only applicable for those consequences for which individual outcome control is possible (figure 3).

Building on these reflections, this section develops the heuristic conception of *ordo-responsibility*.<sup>10</sup> This concept provides information about the conditions under which it can be advantageous to accept responsibility for the general conditions of one's own actions. Here, one can differentiate between two levels. Firstly, it may be sensible to accept, either alone or with others, governance responsibility for the process of rule-setting. Secondly, it may be advantageous to accept discourse responsibility for those discussions that could contribute to the finding of joint (rule) interests.

### 2.1. Governance responsibility in the meta game

From the perspective of economic ethics, it is possible to reconstruct any interaction as a *game*. The nature of the game is defined by its particular order: i.e. the constraints that channel behaviour. The concept of ordo-responsibility shows that these general conditions of action – all of the existing rules and knowledge available – are not unchangeably given but rather can be interpreted as the result of a social meta game (figure 6). This meta game is about setting the incentives that *govern* the basic game – and about setting them in a mutually advantageous way. The acceptance of order responsibility in the meta game can therefore be

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<sup>10</sup> *Ordo-responsibility* – as “order responsibility” – focuses on the responsibility for the institutional order in which one interacts with others. The Latin term “ordo” is used here as a reference to the rich tradition of ordoliberal thought. Ordoliberals such as Walter Eucken or Wilhem Röpke have forcefully pointed to the critical importance of *ordo* – i.e. the institutional order – for the functioning of both democracy and free markets in modern society. The specific term “ordo-responsibility” thus seeks to re-establish this institutional focus in current political processes and public discourse.

referred to as *governance responsibility*. Yet, with a consistent responsibility concept in mind, one must be careful to note whether the results of this meta game ensue as an action-based or rather as an interaction-based consequence. Two cases should be differentiated:

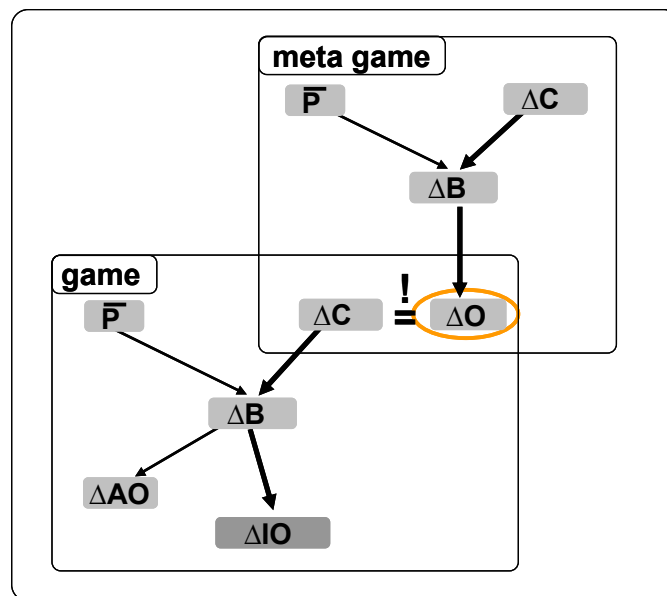


Figure 6: General conditions of a game as the consequence of a meta game

((1)) In the first case, the rule (re-)construction in the meta game can be conceived as a result of an action-based situation: the rule-setting is made possible by a single actor. The one-sided prisoners' dilemma offers the paradigm for this constellation. Here, mutual cooperation does not come about due to the *asymmetrical* opportunity for exploitation.<sup>11</sup> The failure to cooperate shows an interaction-based outcome in the original game. None of the players intended this outcome, quite the opposite is true: each individual would prefer the cooperation with its advantages for all parties. However, none of the players has control over the outcome: no single person has the ability to enforce the preferred outcome of mutual cooperation. Rather, in order to facilitate successful cooperation, a rule reform in the meta game is necessary. In the one-sided prisoners' dilemma, the player with the opportunity to bring about an asymmetrical exploitation of the other can also bring about a change in the rules. Through an *individual (self-)commitment*, e.g. by paying a deposit, he can make the exploitation strategy so unattractive for himself that his offer of cooperation becomes credible for others. The individual commitment in the meta game thus establishes a new rule which favourably governs the joint game for both parties: cooperation becomes possible.

((2)) On the other hand, if establishing rules requires (coordinated) action by many actors, the outcome of the meta game also demonstrates an interaction-based consequence. The paradigm for this second case is found in the many-sided prisoners' dilemma. This dilemma describes the *symmetrical* interaction between  $n$  players whose cooperation fails because of the reciprocal opportunity for mutual exploitation, so that the group remains below its potential. This collective self-harming is shown as an interaction-based consequence in the game that is

<sup>11</sup> In the one-sided prisoner's dilemma, two players are faced with the decision of cooperating with one another – although one player must begin. The second player then is able to take unfair advantage of this investment by withholding his own contribution. This opportunity to exploit the other becomes a common problem for *both* parties involved. For if the second player cannot convincingly demonstrate that he will not take advantage of the other player, the first player anticipates this risk and will withhold his own investment. The result: a mutually advantageous cooperation in which each player would improve his position does not occur although – or, more precisely, because – each actor behaves rationally. Cf. Kreps (1990).

neither intended nor controlled by any individual player. A change in this interaction outcome requires a reform of the rules that provides all players with changed incentives ( $\Delta C$ ). An individual commitment is insufficient here. If one player obliged himself to absolute cooperation, it would be even more advantageous for the others to exploit this first move and withhold their own cooperative contribution. The deciding factor is therefore the institutional link of committing all players simultaneously to a rule which ensures the cooperation of each individual by applying sanctions, thus making their willingness to cooperate credible. The solution to the problem therefore requires a *collective* commitment. Ascribing responsibility is now only appropriate in the exceptional case in which the individual cooperation of one actor honours the conditional willingness of all others to cooperate and thus makes cooperation possible: if the willingness of the others to cooperate were unconditional, it would be lucrative for the individual actor to exploit their cooperation as a free rider. In this case, it is no longer possible to argue that cooperation is in the self-interest of the individual actor. However, if the willingness of the other players to cooperate is conditional, i.e. bound to the condition that the individual really cooperates, a mutually advantageous position can only be enjoyed if he gives up his free-rider strategy. A rational argument for the acceptance of individual responsibility can only be formulated in this latter particular case.<sup>12</sup>

((3)) The possibilities and limits of governance responsibility can now be clearly defined. Governance responsibility offers a categorical differentiation of the responsibility concept. It extends the responsibility concept by a new dimension which takes into account the acceptance of responsibility in rule-setting processes. In this sense, governance responsibility could also be termed process-responsibility. By extending the categorical framework of the responsibility concept around the possibility of initiating a meta game, it becomes possible to reflect upon responsibility in a new way. This extended perspective can serve to transform two cases of interaction-based situations into action-based situations, thereby making them accessible for the allocation of responsibility. The first case are one-sided dilemma structures, which can be overcome in the meta game through individual commitment. The second case can occur in many-sided dilemma structures which require a collective commitment to be overcome. If all other players are willing to commit themselves, one's own contribution makes the setting of joint rules possible.

Governance responsibility describes a form of accepting ordo-responsibility in the meta game which fulfils the therapy requirements for the responsibility concept. *Contextually*, governance responsibility turns the interest towards a further development of order by participating in the rule-setting process. With regard to the form, governance responsibility does not express a moralistic appeal, but rather presents a discursive offer with a substantial heuristic value. It informs about the conditions under which individual and collective commitments can be considered as suitable means of playing better games. Finally, responsibility strictly refers to action-based consequences. The *consistency* of the responsibility concept remains thus unscathed.

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<sup>12</sup> One can see that everything depends on taking the relevant alternatives into account. The differentiation of the responsibility concept proposed here can also be developed in the discussion of Thomas Hobbes (1651, 1998; §36, p. 105). In chapter 15 of his *Leviathan* he differentiates as follows: in a dilemma, the absolute obligation to cooperate is valid only *in foro interno*, not *in foro externo*. It is thus only valid in thought, not in action. Individuals cannot be expected to cooperate if all other players defect. If, however, all cooperate, the individual is also obliged to cooperate. With this argument, Hobbes misses the case differentiation in the text as to whether the others cooperate conditionally or unconditionally. He declares the abstention from free riding a moral obligation. Thus Hobbes blurs the line between moralistic appeal and prudence-oriented argumentation. Cf. Pies (2006).

At the same time, the limit of governance responsibility becomes clear. Only in the exceptional case that a conditional commitment of all other players exists, can the formation of a collective self-commitment through one's own contribution be reconstructed as an action-based consequence that is characterised by individual outcome control. Beyond this exceptional case, the collective self-commitment in the many-sided prisoners' dilemma poses an interaction-based outcome. So that the attribution of responsibility in these situations is nevertheless possible, a further differentiation of the responsibility concept is necessary.

## 2.2. Discourse responsibility in the meta-meta game

Overcoming unwanted interaction outcomes requires a change in the current rules of the game through a (re-)formulation of the rules in the meta game. In the many-sided prisoners' dilemma, however, the structure of the basic game duplicates itself in the meta game (figure 7). The result of the rule-setting process then also proves to be an interaction-based consequence for which no individual is (to be made) responsible. If a joint rule-setting agreement cannot be reached, it is analogously the constraints of the meta game that take centre-stage. These can again be reconstructed as the outcome of a meta-meta game. Yet, simply extending governance responsibility to also cover this meta-meta game would be bound to fail. Because of the symmetrical game design, the dilemma structure would be reproduced in this and all other subsequent meta games. To avoid such an infinite regression, another responsibility dimension is necessary. Here, the idea is to explore the requirements of successful rule-setting processes without systematically overtaxing the individual.

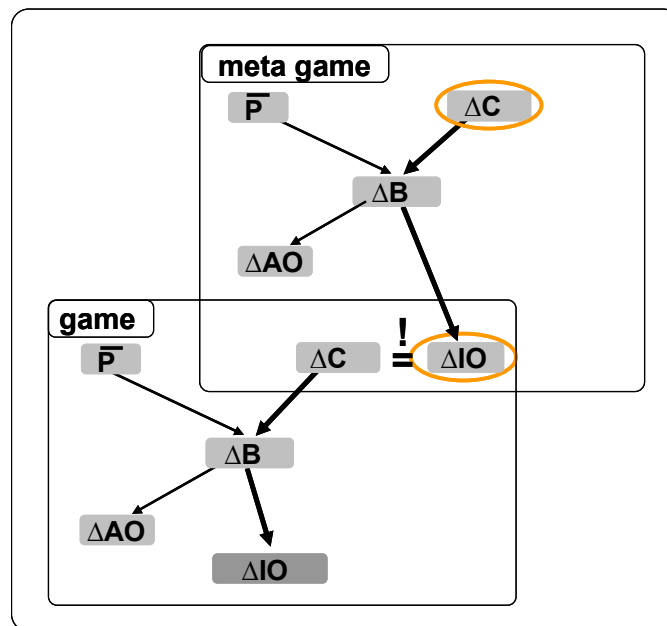


Figure 7: Dilemma structure in the game and meta game

Many-sided dilemma structures can, generally speaking, only be overcome through collective commitment. The pre-requisite is that *every* player recognises the advantages of such a commitment and also knows that *all other* players are prepared and willing to (conditionally) commit themselves. The prerequisite for a successful rule-setting process is therefore a common interest – and the shared knowledge of this common interest! Responsibility can therefore also mean the participation in a *discourse* aimed at identifying common interests. This idea adds a new conceptual dimension to the concept of ordo-responsibility and brings the following differentiation into play.



The idea of *discourse responsibility* makes the thought of initiating a discourse of *joint rule-finding* seem possible for those cases in which the process of rule-setting fails due to a dilemma. The introduction to discourse is made possible through the sending of a dual signal with two statements. The first statement is: I have good reasons to believe that we have a common interest in cooperation and therefore a common interest in a common collective commitment without which no cooperation would be possible. The second statement describes a conditional willingness to cooperate: I am willing to accept a collective commitment as long as all others are willing to do so. This dual signal can initiate a rule-finding discourse as a meta-meta game and thus serve the exploration of common aims. The issue is the identification of joint rule-interests and thus their activation: the recognition of a common interest – which had previously not been seen in this way! – symmetrically changes the information constraints for all players in the meta game. This new information ( $\Delta I$ ) can alter the perceived incentives in the meta game thus motivating cooperative behaviour and making joint rule-setting possible.

This conception of discourse responsibility systematically takes into account the three therapy requirements for the responsibility category. *Contextually*, it specifies the concept of order. The order of a game refers to the prevailing rules as well as the knowledge that channels behaviour. While governance responsibility provides information about the ways of accepting responsibility for joint rules, discourse responsibility focuses on common knowledge.<sup>13</sup> With regards to the *form*, discourse responsibility disregards the mode of a moralising appeal and instead informs how one can begin a rule-finding discourse in one's own interest with a dual signal. The argument here is of a pragmatic nature: the costs of such a signal are limited.<sup>14</sup> Finally, the *consistency* of the responsibility concept remains unscathed. Discourse responsibility aims towards a joint rule-finding discourse. The success of this discourse, i.e. a successful search for common interests, is certainly an interaction-based consequence. No single person alone can determine the outcome of this discourse. You cannot dictate consensus. The *introduction* to the discourse through a dual signal is, however, single-handedly possible. The initiation of a rule-finding discourse as a meta-meta game shows thus an action-based consequence. The idea of responsibility can again be brought into play.

The system of the concept of ordo-responsibility can be summarised as in figure 8:

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<sup>13</sup> To put it pointedly, both responsibility dimensions can be reduced to the following two views: "Institutions matter!" and "Ideas matter!". Governance responsibility refers to the first notion; discourse responsibility refers to the second. Together, both dimensions lead to a differentiated acceptance of responsibility for the order of the game and hence constitute "ordo-responsibility".

<sup>14</sup> Discourse responsibility attributes a central significance to *discourse*. The significance of discourse cumulates, for the conception developed here, however, in very different reasons to those in the approach of discourse ethics. Discourse ethics fixes obligations to discourse. Taking part in discourse is considered as a tacit agreement with the norms required in the discourse. The main argument is then: the factuality of this "ever recognised norm" should also be recognised in action as otherwise one could become entangled in a performative self-contradiction. The final consequence is that discourse ethics operates in an 'ought-paradigm': here, the discourse constitutes grounds for ultimate moral obligations that *ought* to be fulfilled. On the other hand, the approach of an ordo-responsibility is located in the 'will-paradigm.' It provides information about prudent ways to achieve what one *wants*. The discourse is conceptualised here as the instance in which problems can be solved particularly cheaply. It can facilitate an agreement to change incentives in a mutually advantageous way. In contrast to discourse ethics, economic ethics highlights the central significance of discourse for pragmatic reasons (limited costs).

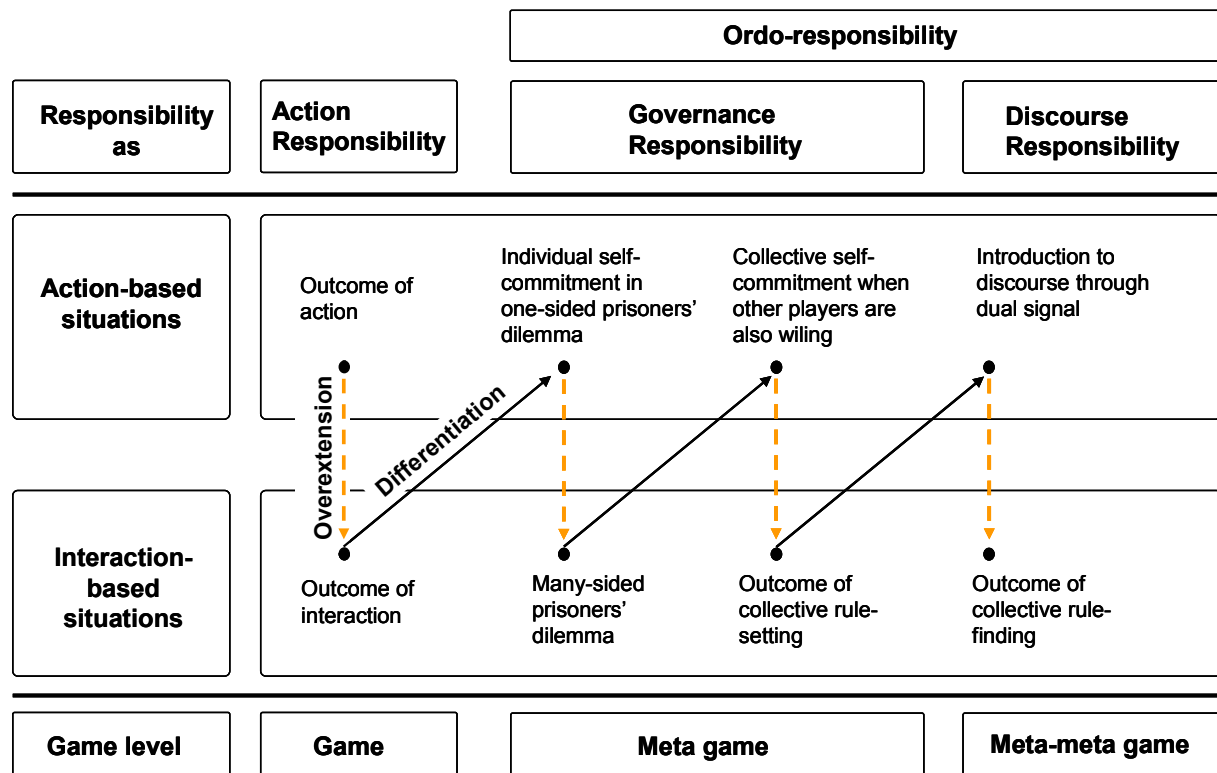


Figure 8: The systematic concept of ordo-responsibility

The fundamental requirement for the appropriate attribution of responsibility is the criterion of individual outcome control, which is only fulfilled in the case of action-based situations. The extension of the usual responsibility concept to cover interaction-based consequences leads to its overextension. In order to counter the erosion of the responsibility concept thus created, we propose the extension of the line of thought through a methodically controlled categorical differentiation. The aim is to establish an action-based starting point in an interaction-based situation, thus identifying a basis for the acceptance of responsibility. The concept of ordo-responsibility forms differentiated heuristics for this process. It provides information about the conditions under which individual and collective commitment and the dual signal of a conditioned willingness for mutually advantageous cooperation show appropriate means of using responsibility to ensure that better games can be played.

### 3. Conceptual advantages in their application

The concept of ordo-responsibility has been developed from the specific perspective of economic ethics. This form of theory-formation has the advantage that it can empower the responsibility concept to systematically support social learning processes. The concept of ordo-responsibility can be understood as working towards a theory of social self-organisation. These reflections will be developed in three steps. The first step identifies three theoretical points of leverage for a constructive social promotion of responsibility. The issue here is on a *process* level. The second step focuses on the *actor* level. It does not only show which actors are able to carry responsibility, but also which actors show particular specialisation advantages. Finally, a third step illustrates the significance of this for the current discussion on global governance and corporate citizenship.

### 3.1. Enabling responsibility as a socio-political task

The concept of ordo-responsibility describes a form of investment heuristics. It shows how the participation in rule-setting processes and rule-finding discourse makes it possible to address and to solve (moral) conflicts in a self-interested, yet at the same time decidedly moral way. By this logic, the acceptance of responsibility proves to be rational as long as the advantages thus achieved outweigh the disadvantages.

When understood as investment heuristics, responsibility focuses on – prudently! – weighing costs and benefits. Yet, the *individual* cost-benefit calculation critically hinges on *social* determinants. This idea invites a change in perspective. So far, this article had focussed on reconstructing responsibility as individually rational heuristics. In the following, the article takes a different angle and approaches the idea of ordo-responsibility not from the perspective of the individual but from the view of society at large. The question then turns into a pronouncedly socio-political one: what can society do to influence the ability of self-interested individuals to accept responsibility? A pivotal starting point for these reflections is the fact that the breadth of the responsibility aptitude of an actor is influenced by three factors. Firstly, the individually perceived *costs of the problem* affect the subjective need for (improved) rules – and thus the advantage of ordo-responsibility. The larger the problem costs *in the game*, the more advantageous it is to do what one can to create a better game. The disadvantages of ordo-responsibility result analogously from the costs of one's own governance and discourse contributions. The second factor is therefore the cost of rule-setting in the meta game. The higher these *commitment costs*, the greater the disadvantage linked to governance responsibility. The third factor is the cost of rule-finding in the meta-meta game. The higher these *discourse costs*, the greater the disadvantage of discourse responsibility. The level of the respective problem costs (in the basic game), the commitment costs (in the meta game) and the discourse costs (in the meta-meta game) consequently determine the individual capability to accept responsibility. The level of these costs is, however, not invariably given. They are not fixed, but rather are extremely socially contingent. The costs can be shaped. It is the system of social institutions that establishes what is available in terms of problem definition, commitment technologies and discourse processes. These social institutions affect the conditions of the basic game, meta game and meta-meta game as follows.

((1)) Socially undesirable interaction consequences in the game only then constitute the need for rules from the perspective of the individual player when he also subjectively perceives the situation as problematic. Many social institutions function in such a way that they cause exactly this: they transform the *social* costs of rational behaviour into *individual* problem costs. Put pointedly: as responsibility derives from “to respond to” and means “being held to account” or “answering for”, then authorities are necessary that first ask the corresponding questions. Here, social institutions such as private contracts, criminal and liability law, the democratic public sphere, and organised civil society as well as the judiciary and legislative institutions play an important role.<sup>15</sup> If the social arenas that define individual costs through

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<sup>15</sup> In a critical public sphere, pluralist media examine and criticise social problems. Civil society organisations such as NGO's transform (structural) anomalies through scandals and boycotting to the individual problem of the denounced. Similarly, an independent justice system can use (the threat of) imprisonment and compensation cases so as to create incentives for avoiding unwanted consequences in the game through individual and collective self-commitments. The threat of state regulation by the legislative functions in the same way: when used properly, it can raise the incentive for a decentralised self-regulation. For such a second-order approach to politics, which provides incentives for incentive-setting, cf. Pies and Sass (2006). In the end, it will be important to provide incentives and to attribute responsibility in such a way that it is clearly in the interest of the relevant social players to accept it.

the allocation of problems are absent, the systematic approach for the acceptance of ordo-responsibility becomes inapplicable.

((2)) In the rule-setting process of the meta game, the issue is the organisation of individual and collective self-commitment. The costs of these commitments are largely defined according to the available *commitment technologies*. Modern societies have developed highly specialised instruments of particularly cheap commitment mechanisms from contract law to industrial-relation charters and from voluntarily certification to membership in chambers of commerce or industry associations. Contract law demonstrates particularly well how a high quality, highly conditioned system of social institutions enables contract partners – also outside the business sphere – to enter into a variety of sophisticated and highly specialised commitments. Against this backdrop, it is of particular interest that *codes of conduct* have become a prominent tool which all sorts of organisations increasingly make use of. They serve as an instrument of voluntary self-commitment that aims to structure individual freedom in a more productive way.<sup>16</sup>

((3)) The possibilities for clarifying common interests in the meta game depend in particular on the discourse processes socially available: on the one hand, they define one's own signal costs; on the other hand, they determine the probability of finding a joint rule through the initiation of discourse.<sup>17</sup> Participative democracy, employee committees, industry associations, unions or multi-stakeholder forums make inexpensive initiation of and participation in such discourse possible. It is these social institutions that enable heterogeneous actors with conflicting goals to explore and realise joint rule interests.

The concept of ordo-responsibility spells out a form of heuristics that generates arguments for the self-interested acceptance of responsibility. Their breadth is, however, not fixed, but changes depending on the relevant costs. The higher – nota bene: from a *subjective* viewpoint – the individually carried costs of socially undesirable consequences in the game and the cheaper the commitment technologies and discourse processes in the meta game and meta-meta game, the greater is an actor's capability of being responsible, even and in particular in competitive conditions. The costs for governance and discourse depend on the system of social institutions. Thus, responsibility does not show itself to be a target defined independently of society, but rather a decidedly socio-political task. The issue is to enable a constructive *process* of social self-organisation; a process for which the concept of ordo-responsibility systematically identifies ways of strengthening natural and corporate actors in their individual responsibility aptitude.

### **3.2. Natural and corporate actors differ in their capacity of being responsible**

The distinction between problem costs, commitment costs and discourse costs does not only enable one to identify the relevant determinants of the *process* of social responsibility organisation; the concept of ordo-responsibility also enables one to systematically compare the responsibility aptitude of different actors. In business ethics and philosophy the question

<sup>16</sup> For a discussion of the economic logic of codes of conduct, cf. Beckmann and Pies (2006).

<sup>17</sup> Discourse responsibility is shown to be not only advantageous when the expectation of providing a solution to the problem in the actual game is higher than the signal costs within the discourse. In addition, it is also important to consider how one's cooperative contributions generate a (positive) reputation that can lead to future advantages in interaction beyond the initial basic game. Therefore, it would not be prudent to base one's cost-benefit-calculus on a too narrow perspective.

of whether not only natural persons but also corporate bodies – i.e. organisations and for our purposes particularly companies – can carry responsibility, is being intensely discussed.

((1)) Many philosophical approaches rooted in the paradigm of individual ethics claim that an actor's capability to be responsible is dependent on his moral competence.<sup>18</sup> This is perceived to be determined not only by whether one acts morally but whether one also wants to act morally. Not only the action itself is seen to be important but also the fundamental attitude it is based on.<sup>19</sup> The background to this approach is the idea that actions that are just in compliance with moral standards cannot yet be defined as having a moral value if they simply respond to incentives. According to this viewpoint, moral capability rather requires consciously *wanting* to act in a moral manner – and that over and above one's incentives. In this attitude-focused conception only natural persons have moral capability and are therefore capable of holding responsibility. Corporate actors such as companies can, from such a perspective, at best carry responsibility as secondary actors.<sup>20</sup> The acceptance of responsibility then remains bound to those individuals who constitute an organisation.

((2)) The concept of ordo-responsibility presented here as heuristics based on economic ethics does not attach the responsibility aptitude of an actor to his moral attitude but rather to his capability to prudently follow his own interests. Traditional approaches focused on the individual equate the capability to act morally and responsibly with the duty of wanting to act against one's own interests for normative obligatory reasons. Herein lies the – tacit – idea of a trade-off between self-interest and morality (figure 1). This idea is often accompanied by the notion that, from a moral point of view, morality can only (and therefore should) be accommodated by curbing self-interested behaviour. This kind of thinking gives rise to the widespread appeals typical of moral communication; that self-interest – interpreted as egoism – be contained, weakened, slowed, domesticated, kept on a lead or silenced.

An orthogonal position to this trade-off thinking is only possible when one asks other questions. From the perspective of economic ethics, the issue is not whether self-interest is strong or weak. This alternative is somewhat misleading. Rather, the issue is whether or not following one's personal interest – i.e. responding to the existing incentives! – occurs at the cost or for the benefit of others. Thus, institutional arrangements take centre-stage which channel the pursuit of individual advantage so that self-interested behaviour also occurs for the benefit of others and thus can be harnessed to advance moral interests. The central question therefore focuses on how to develop institutional incentive arrangements in such a way that one can improve one's status through mutually advantageous interaction. In such arrangements it could be sensible to do without the realisation of short-term advantages, and instead to commit oneself to those obligations which ensure that cooperation can be retained in the long-term. Consequently, the capability of being responsible hinges decisively upon one's ability to organise one's own options in such a way that mutually advantageous interaction is possible. The *ability to commit oneself* in meta games and the *ability to initiate discourse* in meta-meta games arise from this perspective to become the central keys for responsibility aptitude.

Traditional approaches to individual ethics claim that it takes a specific moral attitude for a person to be capable of accepting responsibility. Such a responsibility conception must

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<sup>18</sup> For an example of an approach to business ethics that focuses on natural persons, cf. Kleinfeld (1998). Kleinfeld develops a concept of personal ethics from which she derives a concept of personal justice and personal responsibility acceptance. For a critical discussion of this conception cf. Pies (2001a; p. 173).

<sup>19</sup> Cf. Kleinfeld (1998; p. 246).

<sup>20</sup> Cf. Kleinfeld (1998; p. 330).

therefore treat natural persons and corporative actors strictly separately. Debating the responsibility of corporate actors then becomes difficult. The concept of ordo-responsibility, however, focuses on the self-commitment and discourse capability of an actor. In this concept, a systematic differentiation between the responsibility of natural persons and the responsibility of corporate actors is no longer necessary. Both can equally accept responsibility and prudently pursue their enlightened self-interest through self-commitment and participation in discourse.

Corporate actors are not only principally able to carry responsibility because of their self-commitment and discourse capability, rather, they have a larger capability for accepting responsibility than natural persons. There are many reasons for this. Firstly, corporate actors experience higher problem costs than natural persons: it is easier to make them the addressees of social problem attribution. Secondly, corporate actors can make use of a sophisticated set of problem-tailored commitment technologies which enables them to impose specific self-commitments that are comparably inexpensive.<sup>21</sup> Thirdly, it is relatively easy for corporate actors – not least because of their expertise – to play an active role with regard to discourse initiation and discourse participation. Fourthly, in principle, companies, political parties and NGO's etc. have unlimited temporal boundaries because of their corporate nature. It is therefore possible for them to make long-term investment decisions which go beyond the usual planning horizon of natural persons.<sup>22</sup>

### 3.3. Illustration: Global Governance and Corporate Citizenship

The concept of ordo-responsibility can be interpreted as a contribution to a theory of social self-organisation. It points out that the quality of social games depends on how the participants find and put mutually advantageous rules into action. In this process, state institutions have emerged as particularly effective problem-solving mechanisms. Parliamentary democracy as a rule-finding discourse together with the state's monopoly of force for setting and enforcing these rules are examples of specialised institutions through which the democratic western constitutional state has created comparative advantages for the acceptance of ordo-responsibility.

The state's rule-finding and rule-setting mechanisms have proved themselves historically to be so successful that in the usual nation-state paradigm, ordo-responsibility has become a task reserved for state actors. This paradigm conceives rule-setting and rule-finding as processes of state subordination. Consequently, this understanding of process provides the social actors with a clear role. The state is, according to this perspective, the only rule-maker which sets rules and asserts them; in contrast, civil society organisations (NGO's) and companies are purely rule-followers.<sup>23</sup> From this viewpoint, the social responsibility of companies is limited to the maximisation of profits, while following the – given! – rules.<sup>24</sup> By this logic, the

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<sup>21</sup> Instruments such as industrial relations charters, company culture or codes of conduct show how companies can specifically develop their capability to be responsible and hence their "character" in ways not available to natural persons. Cf. Pies (2001b; p. 186-187).

<sup>22</sup> Cf. Mayntz (1999).

<sup>23</sup> An example for exclusively attributing the function of rule-setting to state actors can be found in Jensen (2001; p. 16). The author argues: "[R]esolving externality and monopoly problems is the legitimate domain of the government in its rule-setting function. Those who care about resolving monopoly and externality issues will not succeed if they look to corporations to resolve these issues voluntarily." By the same token, Sundaram and Inkpen (2004; p. 355) claim that the protection of stakeholder-interests does not lie within the responsibility of corporate management, but rather genuinely rests with the legislation and regulation by the state.

<sup>24</sup> One of the most prominent advocates of this view is Milton Friedman; cf. Friedman (1970).

exertion of corporate influence on (political) rule-setting processes can only be understood as illegitimate lobbying at the expense of third parties and should therefore be prevented.

This conventional nation-state paradigm is increasingly coming up against its limits. Challenges such as global climate change, the outbreak of infectious diseases across national boundaries, famine and poverty as well as international terrorism demonstrate the substantial lack of suitable rules needed to solve many problems in current world-society. It does not come as a surprise that the individual nation state has difficulty in establishing effective rules with its usual instruments. Even internal adjustment needs create novel challenges for conventional political structures as seen in the immense difficulties experienced in the reform of the welfare-state and which could hardly be overcome without the participation of a broad range of organised stakeholders.

The following prospect is perhaps helpful for the present issue of reorienting political processes: the paradigm of nation-state politics can be reconstructed as a special case in the social process of worldwide self-organisation. In this historic special case, state institutions were attributed the almost exclusive task of setting and finding rules because of their comparative advantages. The concept of *ordo-responsibility* presented here shows that in the general process of self-organisation in principle *all* participants (may) accept responsibility for the joint game. In light of the diminishing rule-setting capability of the individual nation state, novel governance forms of political coordination beyond the nation-state paradigm are therefore (re-)entering the debate.<sup>25</sup> These rule-finding and rule-setting processes necessitate a change in the self-conception of the participants. This is relevant for states and for NGO's but in particular for companies.<sup>26</sup>

Corporate citizenship describes a new (self-)conception of companies which assigns business actors an active role in the process of social (self-)organisation.<sup>27</sup> The concept of the corporate citizen reflects the core idea of a *civil society*: a society in which all participants themselves

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<sup>25</sup> There is a lively academic discussion of these developments that is centred around the term "New Governance". This debate focuses on new forms of policy coordination such as cross-sector partnerships, learning forums and policy networks. For a comprehensive introduction to the discussion of Global Governance, cf. Wilkinson (2005). Nelson (2002) discusses the cooperation between private companies and the – formerly exclusively intergovernmental! – UN system. For an overview of the United Nations Global Compact as an example of global learning networks, cf. Ruggie (2002).

<sup>26</sup> The (self-)conception of the nation-state can no longer be limited to simply mandating problem solving as a mere rule-setter. At the point where this rule-setting capability increasingly reaches its limits, states can use their resources to initiate cooperative rule-setting processes and rule-finding discourse. To put it pointedly, the issue is a paradigm change from political subordination to coordination. – Civil society actors such as NGO's create awareness for problems and pressure to find solutions through their protest action. In order to have their wishes acted upon, it is becoming increasingly important for them to also participate actively in rule-setting processes and rule-finding discourse. The direction of development here is moving away from merely scandalising towards a competency for cooperative problem solutions. – Benner and Witte (2004) call attention to the fact that New Governance processes depend on cross-sector partnerships whose success hinges on their participants being considered trustworthy and responsible. As a result, not only companies but also NGOs and state actors are facing an increasing demand for integrity and transparency.

<sup>27</sup> Theorists and practitioners also discuss the changing (self-)conception of companies under the term "Corporate Social Responsibility" (CSR). For an overview of the discussion of CSR in the USA, cf. Carroll (1999); Loew et al. (2004) provide an analysis of the German CSR-Debate. In this debate, many proponents of the CSR concept often refer to responsibility in a rather vague way and define (corporate!) responsibility in terms of personal individual ethics. In order to avoid these conceptual difficulties, this paper favours the term "Corporate Citizenship". Here, corporate citizenship denotes a concept that determines the responsibility of companies based on their specific function in society: i.e. to efficiently create goods, services and public value in competitive markets. This paper, therefore, does not approach "corporate social responsibility" – and its strategic significance for business management – from a narrowly defined perspective of business ethics, but rather from the broader social perspective of economic ethics. Cf. also Brinkmann and Pies (2005).

carry responsibility for the order of their community. The conception of corporate citizenship advises companies that it is in their enlightened self-interest to no longer concentrate exclusively on maximising profits under given conditions. In many cases, they could better serve their own interests if they actively accepted ordo-responsibility in rule-setting processes and rule-finding discourse. This external dimension of corporate citizenship, working together towards the solution of social problems, confronts companies with increasing consistency requirements on their actions. Classical lobbying is no longer sufficient in this case. Rather, companies must consistently direct their engagement in the social environment toward the principles of transparency and accountability. Here, the internal dimension of corporate citizenship is of particular significance. Internally, the issue is to develop the corporation's integrity by cultivating a strong corporate identity that goes beyond mere buzzwords. Rather, identity and integrity need to go hand in hand with corporate governance. A corporate actor can only call itself as a trustworthy, reliable and credible cooperation partner if all of the organisational structures, internal processes and incentives are consistent with this aim. The company's integrity then becomes a central key to its social responsibility: the more credible a company is, the easier it is for the company to create inexpensive (self-)commitment and to actively participate in those discourses needed to identify common interests.

Therefore the concept of ordo-responsibility sees global governance as a social process of worldwide self-organisation beyond purely nation-state problem solutions. Here, the issue is finding new forms of rule-setting and rule-finding. Possible approaches to promote this learning process are to constructively shape problem definitions, commitment mechanisms and the organisation of discourse. This perspective helps to generate numerous recommendations for supporting global governance – from the strengthening of civil society, the building of negotiation capacities for poorer countries and conditioning of development aid on human rights (problem definition) to the support of new forms of cooperation through public-private partnerships, stewardship councils or business initiatives (commitment mechanisms) and the further development of global policy networks, the creation of round tables and the networking of global dialogue and learning platforms (discourse processes).

## **Summary and outlook**

The responsibility concept is threatened with erosion. It has come under both cynical and moralist pressure. In light of this finding, the purpose of this paper was to develop an orthogonal position for the responsibility concept. The underlying aim is to restore the applicability of the responsibility concept for social communication processes in modern society. Here, economic ethics provides a specific diagnosis which shows that the responsibility concept is systematically tailored to action-based consequences characterised by the criterion of individual outcome control. The responsibility concept is threatened with erosion if it is extended and therefore overextended to cover interaction consequences. In order to make the acceptance of responsibility accessible to these interaction-based consequences characterised by the absence of individual outcome control, a categorical differentiation of the responsibility concept is necessary.

This paper has developed the concept of ordo-responsibility as a suggested therapy. This semantic innovation enriches present responsibility semantics gradually by two conceptual dimensions which open the possibility of taking responsibility for the conditions of one's own actions. The order of a game includes the existing rules and the knowledge available. Analogously, the idea of ordo-responsibility can be differentiated to embrace a concept of governance responsibility and discourse responsibility. The category of governance



responsibility shifts the focus of perspective to a rule-setting process in the meta game. It offers heuristics as to under what conditions one may use individual or collective self-commitments in order to (re-)form rules in a mutually advantageous way. If this is not possible, the category of discourse responsibility extends the line of thought towards the possibility of a rule-finding discourse in the meta-meta game. Discourse responsibility denotes heuristics under which conditions the signal of a conditional willingness to cooperate may initiate a discourse able to identify common (rule) interests.

If the acceptance of responsibility is not possible *within* the game, governance and discourse responsibility extend the categorical line of thought in a way that allows one to think about action-based starting points for the acceptance of (ordo-)responsibility *for* the game. This differentiation outdoes the cynical and the moralist strategies of dealing with the responsibility concept. The cynical position rejects the responsibility concept, as it no longer appears to be functional and rational. It positions itself – if in doubt against morality – in favour of self-interest. Ordo-responsibility shows, however, that prudently accepting responsibility can be the more effective way of pursuing one's self-interest. The conception generates concrete orientation knowledge for the process of social self-organisation and shows its potential in being able to constructively address the questions of corporate responsibility. The cynical criticism of the responsibility concept can therefore be countered by rational arguments that build on economic ethics. After all, the idea of wanting to do without morality and the moral categories of the responsibility concept would be the exact opposite of rational behaviour.

The mirror-image moralist position seeks to save morality by condemning the 'selfish' pursuit of self-interest. Such an approach attempts to strengthen responsibility through moral appeals which (have to) run dry under modern social structures. In contrast, ordo-responsibility identifies constructive approaches as to how to strengthen individual responsibility aptitude. This approach avoids the moralising attribution of guilt. It honours the dignity of each and every actor as it respects everybody as a (potential) cooperation partner. The concept of ordo-responsibility formulates heuristics of how to systematically promote one's own self-interest by taking into account the interests of others. To conceive responsibility as prudent heuristics outdoes the moral claim of moralism because it teaches us how we can rationally harness the individual pursuit of self-interest in order to better advance and promote moral objectives.

Cynicism and moralism are the expression of a discrepancy between social structure and semantics. The concept of ordo-responsibility proposes a step-by-step differentiation of the responsibility concept which overcomes this discrepancy. It opens an orthogonal positioning in responsibility semantics that deconstructs the supposed trade-off between self-interest and morality and, by so doing, it generates arguments for discursively outdoing both moralism and cynicism. Economic ethics offers – as rational-choice based heuristics for prudent behaviour – the methodology needed to induce the finding of orthogonal positions. It aims to initiate social learning processes by breaking categorical thought blocks. In the concept developed here, the outcome of such learning processes represents an interaction-based consequence. This is why ethics cannot prescribe the result of this social process by invoking what some ethicists may perceive as normative obligations. However, as a reflective theory of morality, it may share its comparative advantages and initiate the beginning of such discourse. Arguments put forward in the will-paradigm of economic ethics are much better equipped for this task than moralising appeals in the ought-paradigm. When taking these demands seriously, ethics itself can play a constructive role in modern society by accepting discourse responsibility as a social science.

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