

The Moral of Functional Differentiation

A New Horizon for Descriptive Innovation Ethics

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Abstract

Although ethics is commonly defined as the science of the moral, the present paper shows that the larger part of contributions to the emerging innovation ethics discourse rather does than studies moral communication. Instead of descriptively analyzing how moral dilemmas are solved and decision-making refers to moral communication, contemporary innovation ethicists try to solve moral dilemmas by moral communication. In doing so, the larger part of innovation ethics is subject to a self-confusion with its own research field. As a result, ethics subordinates its own code of truth to the codes of power, health, law, money, and further function systems of society. Challenging this trend, the paper argues for a shift from an ethics as a moral science to an ethics as the science of the moral, which also allows for observing rather than following trends in moral preferences for specific function systems and (their) innovations.

Keywords

Innovation Ethics; Functional Differentiation; Social Systems; Moral Communication; Decision-Making

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1. Innovation and Ethics: An Introduction

Dealing with ethics means doing geometry in the alluvial sands of the moral. Acting as the science of the ever-changing judgments of what is good or bad (Moore, 1903), the only Archimedean point left to the discipline is its surprisingly broad-consensual self-definition as the science of the moral. The general consent on viewing ethics as the science of the good and the bad automatically refers to functional differentiation. Even before calling for any specific definition of the moral, the idea of ethics as a branch of science recalls that ethics is not sport, politics, religion, arts or health. Because of this maybe self-evident thought, we find that the problem of determining the quality of ethics is inevitably connected to the question of how ethics as a science refers to both itself and the non-scientific realms of society. If we take a closer look at these relationships, we find that these are biased themselves insofar as ethics tends to rather look for a second sun instead of drawing its energy from its own resources. Today, ethic board meetings consisting of politicians, businessmen, teachers, lawyers, priests and (maybe even also) scientists are thought to produce higher quality of ethics than ethics itself. The problem with this fact is not even the narcissistic slight that a science is confronted when non-scientists slowly but surely take over the sovereignty of its space. The real problem is that ethicists themselves explicitly support this undermining of ethics, which is furthermore flanked by the more general trend of asking science for more social robustness (Nowotny, 1999; Nowotny, Scott and Gibbons, 2001; 2006). Regardless of the particular form this Mode-II-revival of the ancient critique of the ivory tower may take, the idea that science alone cannot properly produce (or even define the quality of) scientific knowledge is always present in or in between the lines. Here again, the strange thing is that nowadays science seems unable to do its job itself.

Without any doubt, scientists have a hard job these days, especially in the shallows of ethics. Nonetheless, the difficulties involved in science in general and

ethics in particular do not justify ethics' inherent disposition to permanently being on the quest for just another external Archimedean point instead of relying on its internal one(s). Just to give an example: One classical test of ethics is the fact that sometimes there is medical research that does not cure but rather produce illness. One classical answer from the textbooks of ethics is that medical research is ethical if it supports health.

Most scholars in ethics and further majorities would agree on the idea that the quality of health-related research should be finally determined by the impact this research has on health. Undoubtedly, however, the quality of a science is commonly not determined by its helpfulness, but only by the truth (validity) of its statement: Truth is neither always useful, nor the useful always true. We therefore argue that some of the most common common senses on ethics might be conducive for an individual career in ethics, but not for the career of ethics itself. Hence, if we are concerned about ethics as the science of the moral, then we cannot subordinate the logic of science to the logics of other function systems of society for two reasons:

1) We might indeed wonder what worth is a scientific discipline that subordinates the scientific code of truth to the codes of health, payment or power? Why should the health system, the economy or the political system trust in such a science? How could medical, economic, or political decisions be justified by a science that does not trust in the code of science?

2) It does not make sense to assume that research is well done only if it is good for its research field. Accordingly, the statement that the quality of medical research depends on its impact on health can indeed be a result of a descriptive analysis of the present moral conditions of medical research. However, it can by no means be a prescriptive conclusion drawn from such research, because there is no scientifically tenable way of arguing that health is more relevant than science, especially not in the context of the assessment of the quality of a science.

We thus argue that neither health nor religion, neither politics nor the econo-

my, neither education nor art can justify ethical statements in a way that is reasonably more relevant than sports has to tell about law. Accordingly, we claim that there is no ethics without science, and that without science 'the ethical' is only moral communication.

The present considerations start from such a scientific perspective on ethics. The following paragraph is therefore devoted to the definition of the concepts of ethics, moral and innovation. The subsequent paragraphs will focus on evidence from the emerging innovation ethics discourse and show that contemporary innovation ethics is indeed fundamentally irritated by the demands and expectations of non-scientific function systems of society. We will then discuss how ethics as a science can get a more comprehensive perspective on its relationship to non-scientific function systems. Based on this perspective, we finally argue that ethics can move from a prescriptive moral science to a descriptive science of the moral. Such a science of the moral can be free from value judgments¹ and, therefore, able to reflect the fashionable changes of moral communication triggered by innovation not in terms of the participation in, but rather in terms of the unbiased description of moral communication.

2. Ethics and systems theory: An indecent proposal

The following considerations act on the assumption that ethics is the science of moral communication, and that neither moral communication nor the compilation of codes of ethics (Stevens, 2009) is ethics yet. The question thus is: What is moral communication?

Moral communication is quite different from normal interaction. While interaction is simply about the communication of presence or absence of persons, moral communication is based on the communication of values and esteem (Luhmann, 1993a, p. 999; 2008, p. 102f). Dis-/esteem communication not only communicates that two or more persons notice each other, but also that in doing so they correctly assess each other. Dis-/esteem communication therefore is about the adequacy of the mutual considerations of both self-concepts and worldviews of persons involved in interaction, while value communication refers to the adequacy of considerations of non-personal objects or events². Esteem communication and value communication are the basis of moral communication. Moral communication is hence the communication of whether the esteemed persons or valued objects are regarded as positive or negative (Luhmann, 2008, pp. 104, 115)³. Finally, ethics in plural are "reflexive theories of morals" (Dallmann, 1998, p. 90) and in singular the science of the moral, respectively. Ethics is hence not a form of the moral, but rather the science of the moral. It follows that doing ethics is neither about legitimizing moral judgments nor even about finding solutions for moral dilemmas. The only truth ethics can offer is that moral communication cannot advise on how to decide on moral dilemmas: Let peace or freedom both be values, there is no logical way of preferring the one to the other without referring to a third value. As a guiding value, this third value is then contingently preferred to both to the conflicting values and alternative guiding values. The contingency involved in the choice of a guiding value thus calls for yet another guiding value, in the end.

"From this it follows that values are not able to regulate decisions. They may demand a consideration of the relevant values, but a conclusion does not follow from this as to which values are decisive in cases of conflict and as to which are set aside. All values may count as necessary, but all decisions remain, nevertheless, and for that very reason, contingent" (Luhmann, 1999,

p. 66).

In a situation like this, there is hence no moral Archimedean point for a science of the moral. Moral judgment and the solving of moral problems simply are research objects, not research techniques of ethics. Far from being a moral science, the science of the moral is therefore defined by an inherent 'amorality'.

3. Innovation and Functional Differentiation: Archimedes descending

The fact that decisions on value conflicts cannot be logically deduced from values will become more comprehensible, if we reconsider value conflicts from the perspective of functional differentiation.

"In many fields, society has involved itself in its function systems in the mode of second-order observation, and has made itself dependent on this mode for achieving integration. The use of second-order observation has decisive consequences for moral communication. It now serves as a vehicle for observing morally oriented communication and destroys, with or without intention, the immediacy of moral evidence" (Luhmann, 1993a, p. 1006).

Moral communication can hence be observed in terms of its different relevance for the function systems of society, i.e. politics, the economy, science, art, religion, law, sport, health, education, and the mass media. What is more, unlike in the Medieval, "(n)owadays, morals have no specific reference to a subsystem, e.g. knowledge (sciences), faith (religion) or power (politics). Therefore morals belong to the environment of all subsystems of the society, morals are equidistant to every subsystem. The code of morals and the code of the subsystems are not congruent" (Dallmann, 1998, p. 89), which is evident if we exemplarily consider that there is no sense in applying moral to payments per se, for there is no reason for defining payments as always good or non-payments as always bad, or vice versa. This higher amorality (Luhmann, 1990, p. 24) of the function systems and their codes will become more plausible if we subsequently regard value conflicts not only within but also between the function systems and, in doing so, approach an even higher level of amorality.

If we consider it hard to decide on whether peace or freedom is the higher good, we still find that solving this puzzle means dealing with an inherently political problem. But, how about the decision between peace and liquidity? Between lawfulness and belief? What if science makes ill? Inter-functional dilemmas like these clearly demonstrate that, nowadays, neither science nor any other function system has the ultimate authority to solve moral dilemmas because, evidently, there is no logical way of prescriptively preferring one function system to another.

The fundamental theoretical equivalence of the incommensurable function systems and their binary code values, however, does not prevent us from descriptively observing imbalances between the function systems in particular areas and eras of society. Even more seriously, it is only because of the assumption of the higher amorality of the function systems that we can empirically observe how moral communication produces both temporal and local biases to particular function systems. Such a descriptive approach to the moral then might start at the common place of the decline of religion in the dawn of Modernity. Since then, "the old hierarchical order is being dismantled – the order that had presupposed that the positive values of all codes converge at the peak of the hierarchy, in the ruler, or ultimately in God" (Luhmann, 1993a, p. 999).

Meanwhile, however, there is a research gap in the middle of

the common place of the dethroning of the medieval primacy of religion, which is indicated by the fact that there is much implicit moral debate and little tangible research on whether or what specific function system inherited religion as the largest force of attraction, today (cf. figure 1).

Has the 20th century seen the peak of politics or the age of the economy? Is it all about 'Profit over People' (Chomsky, 1999a), 'The Rule of Force in World Affairs' (2000) or the age of 'Media Control' (1999b), in the end? Whatever concrete constellations of values and function systems we observe, we might find that they do not call for moral judgments, but rather for the idea that both are constantly switching and hence represent only temporal and local forms, which are challenged whenever innovation enters the stage.

The term innovation can refer to aspects as different as (cf. Roth, 2009, pp. 234, 237)

- Products, services or methods (object dimension of innovation),
- Transformations, changes and diffusions (time dimension of innovation),
- Advances, advantages and addresses (social dimension of innovation).

The thing all these dimensions of innovation have in common is that they call for the distinction between the old and the new (Johannessen, Olsen and Lumpkin, 2001, p. 20) with regard to objects, processes or social constellations (Roth, 2009, pp. 233ff).

Against this background, we find that the old and the new are most often immediately moralized as soon as the distinction is drawn. In the following two chapters, we will show that contemporary discourses on innovation ethics not only take ethics for a moral science rather than the science of the moral, but also base their moral judgments preferably on non-scientific values. Due to this particular form of self-irritation, it is double true to claim that ethics has expelled itself from its own homeland. We will therefore show that this circumstance leads to a situation where homeless ethics aim at fruitless alliances with non-scientific functions systems as benchmarks of moral judgments in order to fulfill missions that are not theirs.

4. Irritated Ethics: On Fruitless Marriages

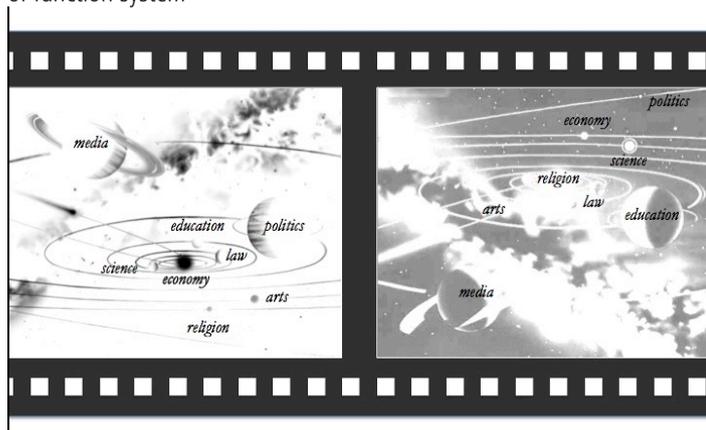
If we reconsider the basic idea of the higher amorality of the function systems and their equidistance to moral communication, then any empirical deviance from this truth is a research problem that calls not for further moral communication, but

for further research. In this sense, we have presented maybe not good, but surely true reasons for claiming that any ethics that tries and solves moral problems in terms of moral communication confuses itself with its own research field and hence is not science anymore. Doing moral communication, however, still seems to be the daily business of larger parts of what is commonly perceived to be ethics, i.e. a partisan 'science' that "engages itself for the good, opts against the bad, and hence views itself as licensed to hold the moral to be something good" (Luhmann, 1993a, p. 1008).

At least, this fundamental self-confusion leads to a situation where ethics (as science of the moral) can use ethics (as the prevailing forms of moral science) as an indicator for contingent preferences for certain values or function systems. In other words, it is exactly due to the claim that a science of the moral cannot give scientific reasons for value preferences that our approach allows for the description and reflection of the fact that such preferences are temporarily and regionally evolving. Although theology and the moral had a church wedding, today everybody knows that this marriage has been unfortunate and fruitless (cf. Luhmann, 1993b, p. 146). The bad experience however never really resulted in the idea that marriages between the moral and function systems inevitably stay platonic and thus fruitless long-distance relationships. On the contrary, we find that the moral has ever since had any kind of relationship with any kind function systems. In fact, moral scientists still promote the most unheterogeneous and unequal pairings: As already mentioned, one of the exemplary dilemmas of innovation ethics is the fact that there is medical research that makes ill. We are indeed very well trained to perfectly agree with the idea that ethical medical research is ethical research only if it helps to heal people (Agich, 2001; Bower, 2003). Although this conclusion is just as logical as the claim that good art history imperatively needs to support the production of artworks, we find that, of all people, a considerable number of ethicists are actively promoting this idea of the subordination of their own code of science to the code of the health system. Of course, this ideology of submission is challenged, however, it is challenged only insofar as different scientists seem to prefer different forms of subordination. Good medical research then might also be research that respects the primacy of political or legal principles like equality, fairness, or inclusion (Rhodes, 2010; Lysterly, Little and Faden, 2011).

Looking into the reasons for this trend of subordination of scientific quality standards to those of other function systems would indeed call for a research project of its own. However, the supposedly logical self-subordination of science is only one form of hierarchies between function systems among others. Interestingly, moral claims for the submission of medial research to the primacy of economic values are rare. Quite the contrary, economic organizations are said to feature moral or ethical corporate behavior whenever they "abandon purely economic considerations" (Hanekamp, 2005, p. 310)⁴. Just like in the case of science, the economy seems to be good only if its realms are ruled by foreign lords, and just like in its own case, the moral science is not innocent in this. However, the case of business ethics is slightly different. While (moral) science suggests to (medical) science to simply surrender to legal or political values for the sake of these noble values themselves, in business ethics it "has become commonplace to note that ethical, socially responsible corporations do well economically, perhaps better than the average firm in an industry" (Tsalikis, 2011, p. 519). In this sense, in the 'business case' moral scientists do not simply refer to political, legal and further 'social' values in order

Figure 1: Snapshots of the changing gravitational forces in the universe of function system



to justify moral claims, but also literally sell these values to the economy.

Business innovation ethics is still about to develop this particular form of ethical service orientation. While “ethics’ should be of interest to innovation studies” (Hull, 2000, p. 349), too, there is still little research on innovation-related research in business ethics, even if we include in this claim terms like corporate social responsible and have it tested against 30 years of research in business ethics (Calabretta, Durisin and Ogliengo 2011, p. 513): “In this sense, CSR research still presents several unexplored dimensions where classics – and subsequent empirical research – could emerge (i.e., CSR and innovation performance)”.

What is more, the few published contributions to the business ethics of innovation remain within a dilemmatic square of political, legal, medical, and economic rationalities, which is finally veiled by political correct harmony (Eaton, 2007; Matten, Crane and Moon, 2007; Seiter, 2007; Steinmann, 2007). Even if sometimes the point is made that rule breaking is a constitutive aspect of entrepreneurship and innovation (and hence cannot per se be morally condemned by a society that is interested in a culture of entrepreneurship and innovation), then the discussion contents itself with the mere stating of the of the moral problem “that entrepreneurs may break various moral rules, thereby doing what is morally wrong, even though from a broader, ethical perspective what they do may be acceptable”. This “dilemma” is of course solved by more moral, in the end: “Finally, such moral transgressions are restrained within both moral and ethical constraints and ideals. When entrepreneurs face instances of moral rule breaking, both moral imagination and moral wisdom are required” (Brenkert, 2009, p. 450). Read: economic innovations are good economic innovations only if they are not too much of an (immoral) economic innovation.

Hence, not only the marriage between the moral science and religion was fruitless in the end. Rather, any kind of relationship the moral ever since had with any other function system was short and unkind. This is true even if

“(I)t is not sufficient to refer to the systemic differentiation of modern societies and from there to point out that business has to do what the business system is there for, i.e. to maximize profits in the given framework. Special care has to be taken if this set-up is used to reject responsibilities beyond this ‘fair distribution of labor’ in society. A distribution of labor must not be determined by particular (implicit) presuppositions of systemic differentiation, i.e. by a specific description of social life. Rather, this description serves certain ends that are available for ethical reflection” (Hanekamp, 2005, p. 313).

While we are – by ‘virtue’ of our approach – far from helping anybody to reject or assign responsibilities, we would nonetheless like to remake our claim that it is not up to a science of the moral to define what is good or bad. Rather, research in the moral should watch, learn, and describe how moral communication evolves as a specific aspect of social life.

5. Homeless Ethics: On the Prize for Missing the Point

“What is ethics if not the practice of freedom”? There have been many intellectually stimulating answers before and after Michel Foucault (1996, p. 434) once asked this question. However, the only true among them is as unpopular as simple: Ethics is science. Ethics is the science of the moral (and not a moral science). If ethics actually stops doing and starts analyzing moral communication, then we soon find that contemporary business ethics has a problem with its business concept. Recently, the

team headed by Tseung Hsing-Chau (2010, pp. 590/594) presented their research on citation data in the field of business ethics studies over the period of 1997-2006: “A factor analysis of the co-citations proposed that the field includes three different concentrations of interest within the 10 years: (1) ethical/unethical decision making, (2) corporate governance and firm performance, and (3) ethical principles and code of conduct”. The most popular individual papers also were on ethics and decision⁵.

The basic problem with this preference for decision-making is that ethics is the science of moral communication, but not the science of decision communication. Though moral communication and decision communication meet in cases of value conflicts, they do not mix. If we want to solve a value conflict in terms of moral communication, then we need to chain moral communication to moral communication all along the value pyramid until we finally find an uncontested master value from which we can deduce how to deal with the specific conflict. However long the way and complicated the process, the final solution to the problem is always the same: value consensus. It is decided, hence no need for decision. In the end, all moral communication is about the avoidance of value conflicts (Luhmann, 2008, pp. 241ff), which moral communication itself naturally takes for good.

However, since the divorce from religion and due to a series of unhappy relationships with other function systems, even moral communication itself suspects that there are always ample and contingent alternatives to individual value preferences, and that keeping them together calls for organization. In this regard, moral communication is in exactly the same situation as its natural ally: the person.

Persons emerge as results of interactions between individuals (Luhmann, 1987, p. 155). A few centuries ago, the concept of person almost perfectly matched the concept of role: Whether kings or a peasants, the one and only role assigned to them by the grace of God was the one they took the largest part of their entire life. Modernity changed patterns insofar as factual, temporal and social flexibility made persons an intersection between more and more interactions, in which they took increasingly different roles. This process divided the consequentially invented individual by turning it into an actor and triggered the concept of individuality as the problem of staying the same while making so many forms (Bauman, 2000).

This is the scene when organization entered the stage. Organizations are defined as systems of the communication of decisions (Luhmann, 1997, p. 830): If a person could potentially play a number of roles, then the actual taking of a specific role can be interpreted as the communication of a decision (cf. Id., 2006, p. 67). Decisions are therefore not perceived as mental or individual acts, but as specific forms of communication. Accordingly, organizations are made up of neither humans nor persons; rather they emerge when communications of decision connect to and, in doing so, define the shape of further communications of decision.

We therefore argue that decision communication and moral communication are to be perceived as independent levels of analysis, each providing us with fundamentally different starting points for the analysis. Both perspectives coexist, but never mix: While moral communication is all about ending conflicts between value preferences by means of the communication of the preference for ultimate values, that is ultimately unquestioned meta values without a visual alternative, organizations only makes sense if moral communication does not make sense anymore: “(D)ecisions can only be made regarding the undecid-

able, in the sense that you cannot really know what the better alternative is, because otherwise you would not have to decide at all" (Mayr and Siri, 2010, p. 36)⁶.

Moral communication and decision-communication therefore systematically talk at cross-purposes. Accordingly, an influence of moral communication on decision-making can neither be taken for granted nor talked up as necessary⁷. Rather, if we move from the moral science to a science of the moral, then we find might find that the mutual irritation of moral and decision communication is a special case of communication that transcends both forms of communication.

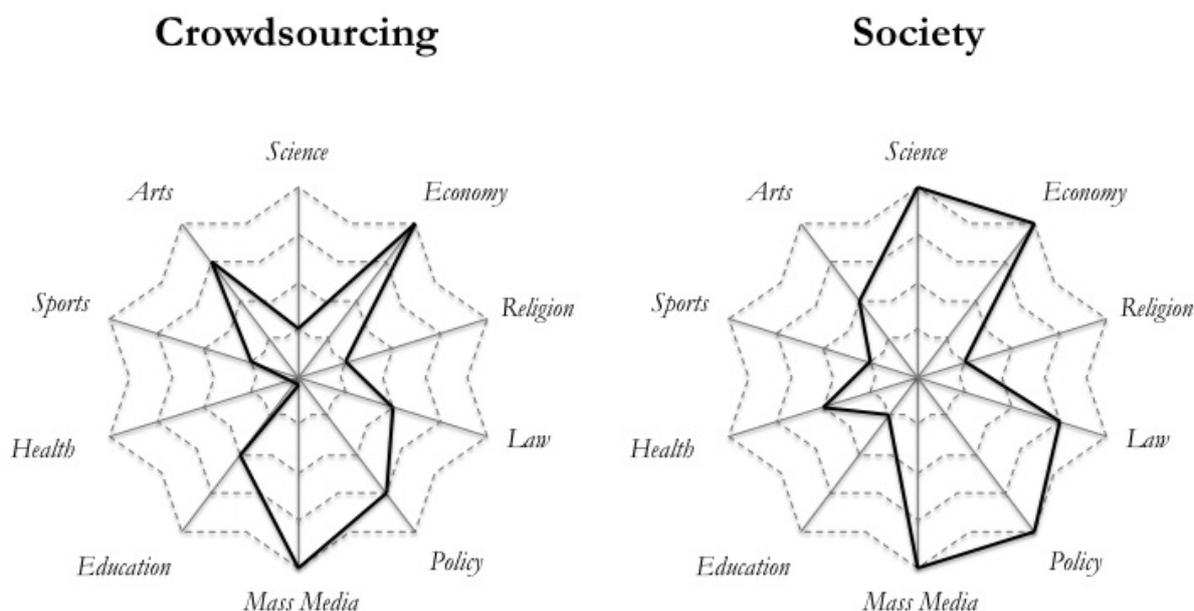
Normally, communication only works if the partners involved can be perceived as sufficiently similar: Persons romance other persons rather than stones. Nevertheless, both literature and fiction are full of the most personal testimonies of ironic to Kafkaesque attempts to 'romance' bureaucracies and other forms of organizations. Persons, and first of all those who approach organizations from a moral perspective, always personalize organizations. However, moral communication cannot be the link between personal values and decision-making, at all, for the basis of all moral communication is the communication of dis-/esteem and thus does neither work nor even come to existence if the parties involved do not properly assess each other (Luhmann, 1993a, p. 999; 2008, pp. 102f). However, organizations simply are not the corporate citizens (Matten, Crane and Moon, 2007; Seiter, 2007) and hence never really behaved like the literal *personnes morales* (French for legal persons or corporate bodies) that moral communication traditionally refers to. Just the other way round, organizations also prefer peer-to-peer communication, and thus treat persons, which they anyway know only from limited guest roles as topic in decision-making, as if they were organized (Luhmann, 1997, p. 834). Whatever influence we observe between moral communication and decision-making therefore works not although, but because both sides misunderstand each other. For organizations, moral communication's lack of organization always is reason for further decision-making, while as to moral communication organizations' amorality stimulates ever more moral-communication. Here again, ethics is not about siding any of the two perspec-

tives⁸, but about getting in view both sides of the story. A non-partisan ethic then could find that the co-existence and mutual irritation of both forms of communication seems to somehow call for the observation of a third form of communication yet to be explored. If nothing else, management, whose task has always been the bridge between personal value preferences and the purpose of organization, would benefit much from a deeper understanding of the principles that drive this specific form of communication. This is true not least whenever the both value-consensually suggested and decision-led balances between the moral and organization are challenged, which most often is the case when innovation enters the stage. Research in innovation ethics therefore means keeping a morally unbiased eye on this particular constellation that is otherwise smoothed and disguised by contingent moral claims.

If we practice ethics as a moral science, virtually any innovation can be discussed controversially. This is even true for objects that are as manifestly beneficial as handkerchiefs. While being considered a blessing for the hygienic and esthetical development of mankind, the innovation handkerchief was also used to more or less subtly mark the distinctions of nobility, bourgeoisies and the common people (Elias, 1978, p. 149) and hence to maintain power relations we take for morally debatable today.

The same is true not only for individual product, service, or lifestyle innovations, but also for innovations of innovation processes themselves. While mainstream innovation management still is clearly focused on shareholder value, concepts of stakeholder integration in the innovation process are sometimes discussed as strategies of sustaining innovation in terms of the pursuit of happiness of and by the larger number. The participation of users (Franke and Piller, 2004; Franke, von Hippel and Schreier, 2006), communities (Bartl, Ernst, and Füller, 2004; Füller, Bartl, Ernst and Mühlbacher, 2006) or even crowds (Howe, 2006; 2008; Lobre, 2007; Roth, 2010) in the innovation processes is said to produce positive effects in all dimensions of innovation, i.e. novelties, change processes and competitive advantages that are accepted by bigger parts of costumers, members and the society. However, as they nonethe-

Figure 2: The chicken and fox problem: Can non-compliant innovations be ethical innovations?



less produce or even increase economic profit, ironically, user integration and crowdsourcing are also discussed as the exact opposite of ethical innovation management strategies, i.e. as a way of making masses of customers into poorly or even unpaid ultra-short-term employees who finally have to pay for products that they themselves have helped to develop (Kleemann, Voss, & Rieder, 2008). Again, we find that the answer to the question of whether or not crowdsourcing is considered good (consumer empowerment, marketing tool, out-of-the-box knowledge, mental exercise, etc.) or bad (exploitation 2.0, IPR issues, crowd stupidity, etc.) depends much on what function system serves as starting point or blind spot in the assessment of an innovation's moral quality.

Again, we will hardly find any logical anchor point for taking any of the criteria and the corresponding function system for more important than another and there will find it hard to decide on whether or not crowdsourcing is a rather positive or rather negative innovation. It all depends ... maybe on the particular society that is witnessing the crowdsourcing trend. We could then go on and argue that good crowdsourcing is crowdsourcing that serves society, just like we sometimes assume that societies' need for robust innovations (Nowotny, 1999; Nowotny, Scott, & Gibbons, 2004) calls for a democratized science (Nowotny, 2003) focused on applied rather than on basic research, i.e. a form of science that is strongly oriented to codes other than its own code of truth. In this sense we could find that if crowdsourcing had outcomes as indicated in the left part of Figure 2, then it would be rather bad for a society that features preferences as presented in the right part (cf. Figure 2).

The problem with calling (only) an innovation that meets the needs of a given society a good or desirable innovation, however, is that such claim tends to discriminate radical or disruptive innovations and therefore could be considered bad for its own part, in turn. Again we find that taking part always means taking sides in the moral communication of innovation. If ethicists nonetheless engage themselves in moral communication, they must be aware of the fact that they changed the code of science for the code of the moral and therefore do not do science anymore. Accordingly, innovation ethics is well advised to clearly distinguish between moral communication and its ethical reflection, simply because there is no compelling reason for getting part of a problem it actually wants to study. Rather, innovation ethics could focus on the difference innovations make in moral communication, which also allowed for replacing the quest for eternal ultimate values by the analysis of the essentially contingent nature of moral judgments and the social trends it is subject to.

6. Homecoming Ethics: An Outlook

The justification of moral communication in general and its particular forms in particular still is the daily business of ethicists. In doing so, ethicists confuse their discipline with their research field. In contrast to this approach to ethics as a moral science, the present contribution argued for understanding ethics as the science of the moral. Starting from this inherent Archimedean point, any such ethics will find that research in the moral is a matter of keeping ones distance not only in terms of the relationship between science and the moral, but also with regard to the relationship between the moral and none-scientific function systems of the society: Moral communication is incommensurable with the logic of functional differentiation and therefore equidistant to all function systems. If ethics nonetheless finds that the moral, or even its entire discipline, is closer to specific

function systems than to others, then the respective fraternizations can be taken for elective affinities, not mistaken for communities of fate or natural laws. In fact, our paper illustrated that moral and ethical preferences for specific function systems both exist and are taken for either granted or justified. In this sense, contemporary moral science is not as far away from medieval moral theology as it might seem: The unhappy and fruitless marriage of the moral and religion has so far rather seldom been a reason for ethics to question the possibility of sensible marriages between the moral and the function systems. Rather, ethics continuously talked the moral science into forced marriages with ever-new function systems.

Today, moral scientists preferably sell moral communication rife with political and legal norms to the health system or the economy. The question, however, is not even the one of what worth is a science whose reasoning is based on political or legal values and is measured against its impact on the health system and the economy? Rather, we wonder whether and when ethics itself became just another moral discourse that cannot reflect fashionable fluctuations of its own preferences for alliances with one or another function system.

If we understand ethics as the science of the moral, then ethics is by no means generally closer to politics or the legal system than to art and sport, simply because there is no logical way of arguing that one of the function systems is better or worse than another. Without any doubt, descriptive ethics can nonetheless empirically detect imbalances within this logical balance of powers. However, also without any doubt, there is no sense in morally judging an empirical finding that is necessarily not subject to change only because who ever might consider it as bad or good.

Since the divorce from religion and after a series of unhappy relationships, today, even the greenest moral communication can have learned that there is always alternative. Alternatives, however, call for decision. In this sense, even the most moral science can hardly measure decision-making against values without admitting that its value preferences can be interpreted as decisions.

Accordingly, ethics is fine as long as it prefers moral communication and its all too natural allies, i.e. humans, individuals, persons, as research objects (only). At the same time, however, ethics as the science of the moral has to renounce from using the moral codes of its research field as research method, or else face that it is not ethics anymore: There is absolutely no sense in a so-called science that either through action or omission is morally biased to particular groups or functions. As soon as we find that science is used to support even the noblest non-scientific ideals, then what we find might be fair, emancipative, godly or simply beautiful, but surely is not science anymore.

In this sense, we did not offer an approach to innovation ethics that immediately pays for management. Rather, what we suggest is a take off to an unpartisan innovation ethics that moves from a prescriptive moral science to a descriptive science of the moral of innovation. This will be a science that does not care for whether or not it will be of use for politics, religion or the economy. Such ethics exclusively committed the code of science are very likely to be irritating, which is neither accident nor intention, but already a remarkable finding, itself.

As to management, however, we cannot totally exclude that the irritation produced by a strong science of the moral pays for agents of the economy and the other function systems, in the long run. While the social robustness of ethics actually is not the business of ethics anymore, we can nonetheless speculate that this venture could indeed start with the exploration of the

third type of communication that evolves from the mutual irritation of moral communication and decision communication. As far as we know, management has a certain interest in bridging this particular systematic gap between individual values and the logic of decisions. As soon as ethics stop with prescriptively forcing organizations into moral communication, they could start to find out why and how organizations are nonetheless irritated by it and, in doing so, neither accidentally nor intentionally build something that from a management perspective works as a bridge of gold. Till then, innovation management

could find it interesting to consider that it is innovation that seems to somehow spark this invisible third form of communication, which we cannot see whenever the still younger field of research in innovation ethics follows the trodden paths of the moral sciences called ethics, with the most delusive of them being the moral fraternization of innovation ethics with its own research object. The moralization of innovation thus is a form of moral communication that researchers in the moral dimension of innovation can do perfectly well without.

¹ Quite properly in keeping with the concept of freedom-of-value-judgments as already defined by Max Weber (1949, p. 143).

² "Values are general, individually symbolized perspectives which allow one to prefer certain states or events" (Luhmann, 1995, p. 317).

³ In fact, we might regard somebody as our enemy, i.e. as a person who is worth to be assessed but who is assessed negatively.

⁴ Indeed, it would be hard to find a business ethicist who would agree with Peter F. Drucker (2001, pp. 11f) definition of what an ethical business is: "But only business has economic performance as its specific mission; it is the definition of a business that it exists for the sake of economic performance. In all other institutions – hospital, church, university, or armed services – economic considerations are restraint. In business enterprise, economic performance is the rationale and purpose. Business management must always, in every decision and action, put economic performance first. It can justify its existence and its authority only by the economic results it produces. A business management has failed if it does not produce economic results. It has failed if it does not supply goods and services desired by the consumer at a price the consumer is willing to pay. It has failed if it does not improve, or at least maintain, the wealth-producing capacity of the economic resources entrusted to it. And this, whatever the economic or political structure or ideology of a society, means responsibility for profitability".

⁵ "Among all the cited journal articles, the most cited business ethics article titles between 1997 and 2006 are: Trevino's (1986) "Ethical decision making in organizations: A person-situation interactionist model," followed by Ferrell and Gresham's (1985) "A contingency framework for understanding ethical decision making in marketing," Jones's (1991) "Ethical decision making by individuals in organizations: An issue-contingent model," and Donaldson and Preston's (1995) "The stakeholder theory of the corporation: concepts, evidence, and implications" (Hsing-Chau et al., 2010, p. 590).

⁶ With reference to Heinz von Foerster (1992, p. 14): "Only those questions that are in principle undecidable, we can decide".

⁷ It is therefore hard to "understand how this certain form of communication stabilises itself in organisations" (Groddeck, 2011, p. 70, our emphasis), as by virtue of logic and definition there is no moral communication in decision communication other than as a topic (among others). Business organizations therefore do not "express moral or social values" (Id., p. 81), they only refer to them, maybe in order to make invisible the basic paradox of decision making (cf. Mayr and Siri, 2010, p. 36) and, in doing so, to present decision-making in a way that is more consonant with the logics of moral communication.

⁸ Preferably moral scientists assume that "(o)rganizations consist of members with different value systems" (Ren, 2010, p. 94; cf. also Ruuska and Teigland, 2009, p. 323f; Buren, Buljs and Telsman, 2010, p. 674, where "organizations consist of members", as well), and therefore take persons and their moral preferences for more relevant than organizational communication. However, such an approach overlooks its own original moral sin: If organizations really consisted of persons, and if we accept that organizations can be rightfully owned by persons, then the moral talk implicitly supports a modern form of slavery. Again, this moral dilemma is homemade.

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