Limits to Corporate Social Responsibility: The Case of Gjensidige Insurance Company and Hells Angels Motorcycle Club

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Abstract

The purpose of this paper is to explore the limits to corporate social responsibility by presenting and discussing the case of Gjensidige Insurance Company and its efforts to contribute to organized crime prevention. Based on a stage model for corporate social responsibility, this paper argues that the Gjensidige case might be found at the most advanced maturity level, which is the c*ontribution stage of proactive involvement in society*. At this final maturity level, corporate executives as well as all other organizational members perceive their business as part of a greater course in society. They take on a comprehensive and active responsibility in the local as well as global society, and they look for opportunities in society where the company can make a difference.

Running head: Limits to Corporate Responsibility

Keywords: organized crime, corporate responsibility, stage model, case study.

Biography

Petter Gottschalk is professor of information systems and knowledge management in the Department of Leadership and Organizational Behavior in BI Norwegian Business School. He has published extensively on organized crime, white-collar crime, policing and law enforcement. He earned his MBA in Germany, MSc in the USA, and DBA in the UK. He has been the Chief Executive Officer of ABB Data Cables, Norwegian Computing Center and Norwegian Information Technology.

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Introduction

For more than a decade, Gjensidige Insurance Company in Norway has been in possession of a pledge in one of Hells Angels' club houses. Both police and the municipality would like the insurance firm to redeem the pledge to get rid of Hells Angels in the community. However, Gjensidige argues this is not their job. They argue that their social responsibility is limited to providing insurance policies to customers so that customers can feel financially safe. Fighting organized crime groups such as Hells Angels is none of their business, the insurance company says (Brandsås, 2011; Holmlund, 2011a, 2011b).

This article starts by telling the histories of Gjensidige Insurance Company (www.gjensidige.com) and Hells Angels Motorcycle Club (www.hells-angels.com), followed by a case description of the club house pledge. Next, the concept of social responsibility in general and a stage model of social responsibility in particular are presented (Ditlev-Simonsen, 2010, 2011; Ditlev-Simonsen and Midttun, 2011). The stage model is then applied to discuss where Gjensidige can be found in terms of social responsibility maturity. Thus, our research question is concerned with the level of maturity found in Gjensidige Insurance Company as a limit to their corporate social responsibility.

History of Gjensidige Insurance Company

Gjensidige has safeguarded assets ever since the first mutual fire insures were established in the 1820s. Today Gjensidige emerges as a modern financial group (www.gjensidige.com).

1820–1920: Gjensidige mutual fire insurers were established throughout the country. As many as 260 were in operation around the year 1920. The objective was to ensure favorable insurance terms and conditions and low premiums. Life insurance business has been conducted since 1847.

1921–1985: Around 1920, many mutual fire insurers had risk levels that far exceeded their economic capacity. Samtrygd was established as a joint reinsurance company for the mutual fire insurers in 1922. The Watchman logo and the slogan "Time passes; Gjensidige endures", were put to use for the first time in 1932 and quickly became a well-recognized brand. In 1958, Samtrygd was granted a license to engage in insurance business in all sectors with the exception of credit insurance. Cooperation between Gjensidige Liv and Samtrygd started in 1974. Samtrygd changed its name to Gjensidige Skadeforsikring. The companies were placed under joint management in 1985.

1986–1998: Gjensidige evolved into a financial group, offering a full range of general, life and pension insurance products, as well as banking and financial products.
The business expanded significantly through the acquisition of the Forenede Group in 1993.
1999–2005: Gjensidige Forsikring and Sparebanken NOR coordinated their operations in the new financial group, Gjensidige NOR. The purpose of this coordination was to generate a competent and effective financial group, involved in the fields of banking, general and life insurance and real estate. In 2002, the business was divided into two cooperating groups, the general insurance group, Gjensidige NOR Forsikring and the stock-exchange-listed banking and savings group Gjensidige NOR ASA, after which Gjensidige NOR ASA merged with DnB and took the name DnB NOR. The cooperation between DNB NOR and Gjensidige NOR Forsikring was terminated in 2005, and use of the Gjensidige brand name resumed.

2005–2010: Through acquisitions, the insurance operations were expanded into Denmark, Sweden and the Baltic States. Gjensidige is now also involved in the competition for occupational pensions, savings and investments via the newly established company Gjensidige Pensjon og Sparing. Gjensidige Bank's Internet banking service was launched in 2007. That same year, equity certificates were also issued, and stock exchange listing was approved. Due to the financial crisis, the stock exchange listing in 2008 was postponed indefinitely In June 2008, extensive organizational changes were implemented by altering the distribution from a regional to a divisional structure. In Latvia, the company RESO Europa was acquired. The trademark Gjensidige and Gjensidige's Watchman logo were used in the Baltics and in Scandinavia. Citibank's business in consumer finance was acquired by Gjensidige Bank in December 2009. Gjensidige Forsikring BA was converted into a public limited company (ASA). At the same time, the Gjensidige Foundation was converted into a financial foundation and became the owner of all the shares in the Group. Gjensidige

Forsikring ASA was listed on the stock exchange in December. The Gjensidige Foundation sold nearly 40 per cent of its shares.

History of Hells Angels Motorcycle Club

A distinction must be made between non-criminalized and criminalized bikers. The latter outlaw bikers are typically motorcycle club members referring to themselves as "1 percenters". Among the criminal biker clubs, we find Hells Angels, Outlaws, Bandidos, Pagans, Black Pistons, Mongols, and Coffin Cheaters. The most well-known is Hells Angels Motorcycle Club (HAMC), which is in charge of many criminal business enterprises all over the world.

Lavigne (1996: 1) described criminal bikers in this way:

> The darkness of crime lies not in its villainy or horror, but in the souls of those who choose to live their lives in the abyss. A man who toils from youth to old age to violate the line that divides civilization from wilderness, who proclaims he is not of society, but an outsider sworn to break its laws and rules, yet who readily seeks refuge in its lenient legal system, embraces its judicial paternalism and gains substance from its moral weakness; whose very existence as an outlaw is defined by society's being, is but a shadow of the real world, bereft of freedom and doomed to tag along in society's wake.

When looking back at history of HAMC, it all started in 1948 (www.wikipedia.org – search Hells Angels):

> The Hells Angels were originally formed in 1948 in Fontana, California through an amalgamation of former members from different motorcycle clubs, such as The Pissed Off Bastards of Bloomington. The Hells Angels website denies the suggestion that any misfit or malcontent troops are connected with the motorcycle club. However, the website notes that the name was suggested by Arvid Olsen, an associate of the founders, who had served in the Flying Tigers "Hells Angels" squadron in China during World War II. The name "Hells Angels" was believed to have been inspired by the common historical use, in both World War I and World War II, to name squadrons or other fighting groups by a fierce, death-defying name.

HAMC has grown to several thousand members worldwide. Over the years, studies of HAMC have repeatedly shown that running an outlaw club costs money and the money is earned by organized crime (Wolf, 1991; Quinn and Koch, 2003; Rassel and Komarnicki, 2007). In Scandinavia, a war on organized drug crime broke out (www.wikipedia.org – search Hells Angels):

> A gang war over drugs and turf between the Hells Angels and the Bandidos, known as the "Great Nordic Biker War", raged from 1994 until 1997 and ran across Norway, Sweden, Denmark and even parts of Finland and Estonia. By the end of the war, machine guns, hand grenades, rocket launchers and car bombs had been used as weapons, resulting in 11 murders, 74 attempted murders, and 96 wounded members of the involved motorcycle clubs. This led to fierce response from law enforcement and legislators, primarily in Denmark. A law was passed that banned motorcycle clubs from owning or renting property for their club activities. The law has subsequently been repealed on constitutional grounds.

One of the bombs that exploded during the “Great Nordic Biker War” in 1997 represents the historical background for this case study of Gjensidige Insurance Company and Hells Angels Motorcycle Club.

Hells Angels Club House Case

After the bomb exploded in the city of Drammen outside of Oslo in Norway in 1997, police investigations concluded that the bomb was placed outside the Bandidos clubhouse by members of HAMC Norway. Several HAMC members were convicted to jail sentences. Furthermore, Gjenside Insurance Company that had insured the destroyed buildings, paid close to one hundred million US dollars to the owners of the buildings. After several court sentences against HAMC members, Gjensidige sought repayment from those members. The members did not pay, but Gjensidige found out that they owned shares in a clubhouse outside the city of Hamar. Gjensidige got a majority pledge in the club house based on the debts of these members. Still in 2011, however, Gjensidige has this pledge without taking any actions to retrieve the money (Brandsås, 2011; Holmlund, 2011a, 2011b).

Gjensidige has argued that their role is to retrieve money lost in insurance payments because of the Drammen bomb. They say that forcing Hells Angels out of the club house does not make sense for three main reasons. First, the value of the club house is less than a million dollars, while they lost a hundred million dollars. Second, the efforts and costs involved in throwing HA members out will probably exceed the benefits for Gjensidige. Third, it is not the responsibility of a business firm to get involved in law enforcement, even if it is a matter of serious organized crime where the firm might make a difference.

The small town of Ringsaker where the club house is located would very much like to get rid of the HA chapter. They see Gjensidige’s pledge as a golden opportunity to get rid of the criminals. All politicians in the town have encouraged Gjensidige to use their economic and legal force to throw HA members out of the house and then sell it on the open market.

Similarly, local police in Ringsaker would also very much like to get some help from Gjensidige to get rid of the club, the members and the associated criminal activity in drugs, prostitution and violence.

So, the current situation at time of writing this article late 2011 is that Gjensidige has decided to give the HAMC house pledge to the town of Ringsaker close to the city of Hamar. This will allow the city to foreclose on the Hells Angels and get them out of the community, while relieving Gjensidige of what they expect to be a costly legal bill. However, the town council does not think it is that simple, so they have turned down the offer. There seem to be no new developments emerging into 2012.

Concepts of Corporate Social Responsibility

Corporate social responsibility is a concept related to the behavior and conduct of corporations and those who are associated with them. During the best of times, it is a concept adopted and taken for granted. During the worst of times, however, corporate social responsibility becomes a threatening concept to most business as well as public organizations (Jayasuriya, 2006). Corporate social responsibility (CSR) is a set of voluntary corporate actions designed to improve corporate impacts on society. These corporate actions not required by the law attempt to further some social good and extend beyond the explicit transactional interests of the firm. The voluntary nature of CSR means that these activities can be viewed as gifts or grants from the corporation to various stakeholder groups (Godfrey et al., 2009).

Basu and Palazzo (2008) define corporate social responsibility as the process by which managers within an organization think about and discuss relationships with stakeholders as well as their roles in relation to the common good, along with their behavioral disposition with respect to the fulfillment and achievement of these roles and relationships. It is an intrinsic part of an organization's character, with the potential to discriminate it from other organizations that might adopt different types of processes.

Corporate social responsibility is a concept by which business enterprises integrate the principles of social and environmental responsibility in their operations as well as in the way they interact with their stakeholders. This definition shows two perspectives. First, social and environment responsibility in their operations requires internal change processes to integrate the principles into business operations. Second, interactions with stakeholders require stakeholder engagement (Zollo et al., 2009).

The concept of corporate social responsibility developed as a reaction against the classical and neo-classical recommendations from economics, where rational decision-making and free markets are concentrated solely on profits. This narrow economic view has been questioned due to inconsistencies with the economic model and the evidence of unethical business practices. These problems have led to the realization that organizations should also be accountable for the social and environmental consequences of their activities (Mostovicz et al., 2009).

Corporate motivation for CSR can be explained through several theories. However, research shows that stakeholders (board members NGOs and consumers) think mangers are motivated by branding and reputation. The same stakeholders furthermore think the managers should be motivated by sustainability.

Frontiers of Corporate Responsibility

According to Jayasuriya (2006), the frontiers of corporate responsibility continue to expand, casting a wider net to encompass almost all those who have something to do with corporate practices and management. Therefore, the regulatory landscape is rapidly changing and trained staff in corporations is required to deal with the new requirements. Staff training and supervision are major undertakings to improve the ability to carry out tasks involved in corporate social responsibility.

At the core of corporate social responsibility is the idea that it reflects the social imperatives and the social consequences of business success. It consists of clearly articulated and communicated policies and practices of corporations that reflect business responsibility for some of the wider societal good. It is differentiated from business fulfillment of core profit-making responsibility and from the social responsibilities of the government and public authorities (Matten and Moon, 2008).

Matten and Moon (2008) make a distinction between explicit and implicit corporate social responsibility. First, explicit responsibility describes corporate activities that assume responsibility for the interests of society, while implicit responsibility describes corporate role within the wider institutions in society. Next, explicit responsibility consists of voluntary corporate policies, while implicit responsibility consists of values and norms. Finally, explicit responsibility involves incentives and opportunities motivated by expectations, while implicit responsibility is motivated by societal consensus.

Furthermore, even if it looks like corporations are doing more and more within CSR, research shows that the increase in CSR communication mostly reflects openness about already ongoing CSR activities within the corporations.

The idea of coupling decoupling (Meyer & Rowan, 1977), suggests that even though corporations start to engage in new CSR rituals, this does not necessarily imply actual changes in the corporation. The ritual is decoupled from the corporation's day to day business (Weaver, Trevino, & Cochran, 1999) . This suggests that even though corporations claim to be more concerned about CSR and sets goals to become more sustainable, this does not necessarily imply that the company has become more responsible.

It can be argued that size, responsibility and hierarchical structure of large business corporations sometimes foster conditions that are conductive to organizational deviance and financial crime. In many situations of economic instability and crisis, the nature of organizational goals may promote illegal behavior. Organizational goals can easily be perceived as absolute requirements with personal consequences following non-achievement. Therefore, goals may seem to justify almost any means used to fulfill goals (Dion, 2008).

Abuse of responsibility, rather than corporate social responsibility, may occur when the type of structure allows the company to decouple components if that is deemed necessary. Rules may be violated, decisions not implemented and inspection systems subverted or rendered so vague as to provide little coordination (Dion, 2008).

Corporate social responsibility has not been equally addressed in every country around the globe. Hansen (2009) argues that American corporations so far have been leading the trend towards increased awareness, with corporations in some other parts of the world just entering the debate. Furthermore, size matters: large corporations are much more likely to keep track of and communicate their CSR engagement and activities. For example, almost all Financial Times 500 corporations report about CSR, while small companies are much less engaged in CSR. Maybe this is due to the reduced risk of brand value loss for unknown corporations.

Godfrey et al. (2009) phrased the question: Do shareholders gain when managers disperse corporate resources through activities classified as corporate social responsibility? Strategy scholars have recently developed a theoretical model that links such activities to shareholder value when a firm suffers a negative event. The insurance-like property of corporate social responsibility can be tested. Such activity can lead to positive attributions from stakeholders, who then temper their negative judgments and sanctions towards firms because of this goodwill.

Godfrey et al. (2009: 425) extended the risk management model by theorizing that some types of responsibility actions will be more likely to create goodwill and offer insurance-like protection and found a positive answer to the above question:

> We find that participation in institutional CSR activities - those aimed at a firm's secondary stakeholders or society at large - provides 'insurance-like' benefit, while participation in technical CSRs - those activities targeting a firm's trading partners - yields no such benefits.

The frontiers of corporate social responsibility are moving into a focus on a new relationship between business and society. That is, according to Waddock and McIntosh (2009), new ways of looking at the corporation and its role in society, both in practice and in management education. Management education, which has been criticized in the financial crisis period, has an important role to play, but in a changed form. Corporate responsibility is becoming a social movement.

Levels of Corporate Responsibility

Based on the reviewed literature on stage models and CSR, a maturity model for CSR is suggested in the following. It is the idea of a pattern over time with progression and accumulation that is important here, rather than the applied terms and characteristics at each level. For managers, each of the four stages can appear to represent a different world view of the place of the corporation within society and the resulting responsibilities of corporations and their executives. Therefore, we suggest that the actions taken by corporate managers at different levels of CSR are likely to be different, and this is exemplified with the story of

Hells Angels in Norway. In the Figure, this idea is presented in terms of the following four stages or levels:

1. *Business stage of profit maximization for owners within the corporate mission*. At this basic maturity level, the company is only concerned with itself and its owners. In addition, the company is out to please customers, so that they will continue buying its goods and services. The only responsibility corporations have is that of maximizing profits to shareholders while engaging in open and free competition, without deception or fraud (Adeyeye, 2011). To make decisions that serve other interests at the expense of shareholders would represent a breach in trust and loyalty. It would be like taking money away from owners, it would be like theft. Corporate executives have no right to behave as modern Robin Hood types where money is taken from the rich and given to the poor. At this stage, there is no acceptance of the legitimacy of stakeholders other than the owners of the firm, where the owners of the firm represent the only relevant stakeholders whose profit is to be maximized.

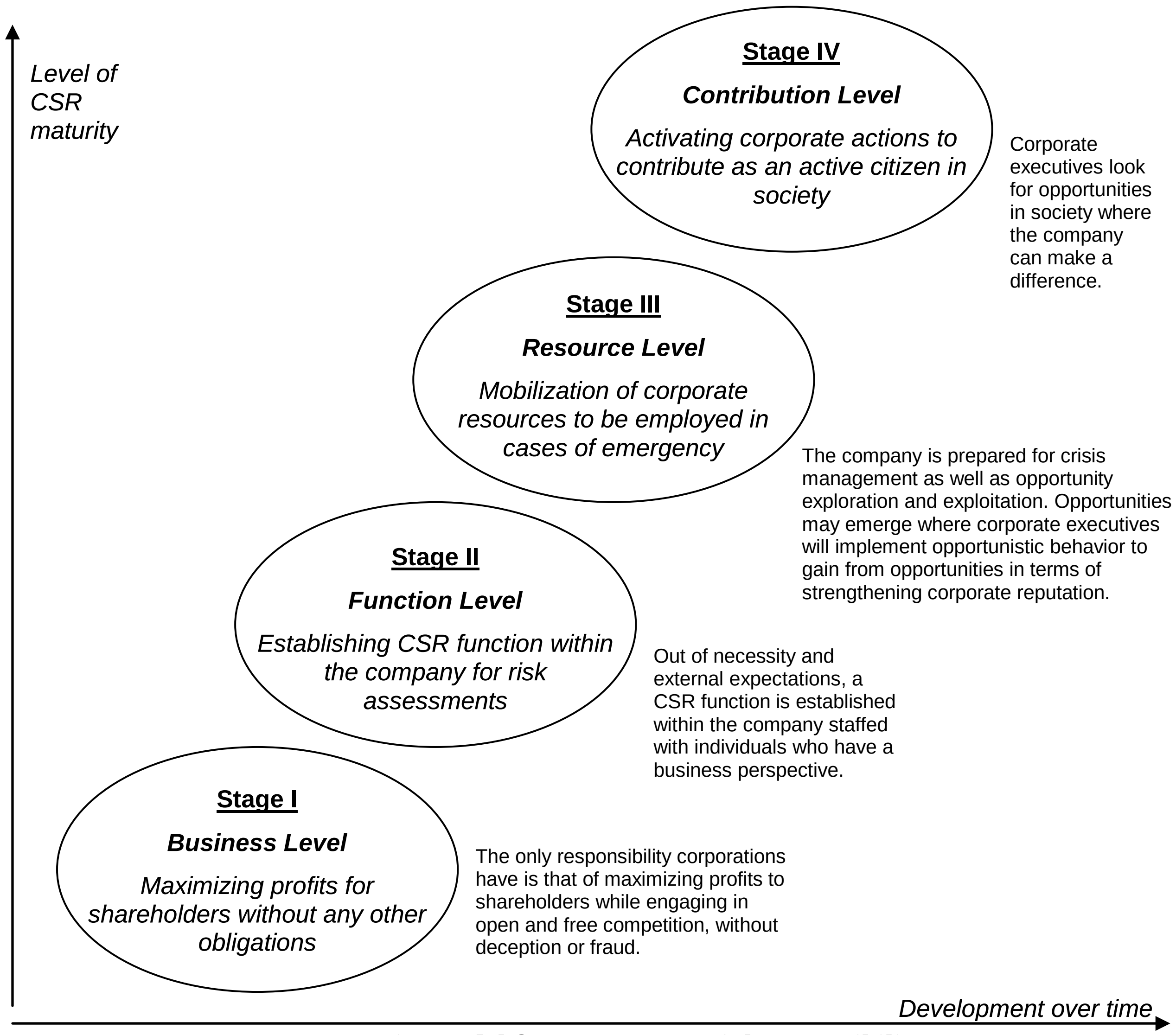
   Stage 1 managers believe in maximizing profits without any other obligations. The decision about what to do about Hells Angels is strictly based on a financial cost-benefit analysis of this particular decision. In financial terms, there is less than one million US dollars in benefits to be expected, while the internal and external costs of court proceedings will far exceed this amount. Profit-maximizing managers will not consider how their decision might upset the public and various levels of government, as they will argue that a firm has no right to enter the role of public prosecutor of motorcycle organizations. A firm should never take on a law enforcement role, as this is left to the government that has been elected by the people in a democracy. If a firm takes the law in its own hands, it has no democratic legitimacy to do so. In terms of future sales and profitability, there is no consequence to be expected, as insurance customers will understand that there is no legitimate role for the firm to fight other organizations. Also, other negative firm cases have illustrated that the public in general and customers in particular, quickly forget the story and therefore return to, or even stay at, normal customer behavior as before. The case of a large diary firm in Norway, Tine, illustrates this point, where milk drinking customers returned to Tine milk a few weeks after the corruption scandal became publicly known. Tine had bribed major superstore chains so that competitors received little or no space on store shelves. CSR scholars may argue that these managers act short-sighted, but these managers are determined to deliver controllable profits to the owners both in the short and in the long run.

2. *Function stage of establishing a function for corporate social responsibility in the company.* At this second maturity level, business executives have understood that they need to address company relationships with the outside world in a professional way. Out of necessity and external expectations, a CSR function is established within the company staffed with individuals who have a business perspective. This function is to survey implications of business activities in the external environment, develop intelligence to learn about external reactions to business practices, and conduct risk assessments in terms of effects on corporate reputation. Here, Basu and Palazzo (2008) define corporate social responsibility as a process. The process implies that corporate leaders in the organization reflect over and discuss relationships with stakeholders and partners. The process also implies that corporate leaders identify their own and the organization's roles in relation to societal conditions and societal utility. This kind of reflection and discussion will cause them to fill their roles with relevant content and action. It is an internal process in the organization that leads to conscious actions externally, and that will distinguish external processes from internal processes, as well as distinguish company processes from processes of other companies, because process development started internally in the organization.

   Stage 2 managers believe in maximizing profits with some external obligations. The decision about what to do about Hells Angels is based on a communication perspective, where the firm is willing to help others to reach their goals. Managers are willing to inform the police and local municipality about the firm’s involvement and claims against Hells Angels at Ringsaker ourside Hamar in Norway. This process implies that corporate leaders have identified their own role as information providers where the firm does not get involved in external law enforcement processes as such.

3. *Resource stage of resource mobilization for potential threats and opportunities*. At this level, we find a complete, yet passive form of corporate social responsibility. It represents a reactive strategy where the company has mobilized resources for cases of emergency. The company is prepared for crisis management as well as opportunity exploration and exploitation. Opportunities may emerge where corporate executives will implement opportunistic behavior to gain from opportunities in terms of strengthening corporate reputation. CSR at this level is a concept that makes the

company integrate principles of social and environmental responsibility and engagement in its activities both internally and externally. With this definition, two perspectives emerge. First, CSR implies a strong link to internal business processes. Second, interactions with stakeholders and the society at large require involvement also on the part of stakeholders and the society at large in their relationships to the company (Zollo et al., 2009).



Maturity model for corporate social responsibility

Stage 3 managers believe in making resources available to help external stakeholders, where firm help can benefit business as well in terms of improved reputation in firm environment. This is where we find Gjensidige insurance company in 2011. The firm has expressed willingness to help the municipality with legal resources as well as transfer of ownership rights to the municipality. Firm resources are made available to enable the municipality and the police to throw Hells Angels members out of the house based on legal prosecution and ownership action.

4. *Contribution stage of proactive involvement in society*. At this final maturity level, corporate executives as well as all other organizational members perceive their business as part of a greater course in society. They take on a comprehensive and active responsibility in the local as well as global society, and they look for opportunities in society where the company can make a difference.

   Again we return to the example of the Norwegian insurance company that has a claim in the clubhouse of Hells Angels. While the claim has insignificant monetary value that was almost impossible to retrieve, the claim can help both municipality and police to fight organized crime in society. At this level of CSR, short-term loss to the company can be acceptable for the long-term good of society. CSR at this level is a long-term commitment to society (Mostovicz et al., 2009). Evidence is emerging that long-term citizen commitment on the part of the company does not at all have to harm corporate profitability neither in the short-term nor in the long term.

Discussion

We argue in this paper that corporate managers can be at different levels of ethical maturity relative to corporate social responsibility, and that each level will normally lead to different decisions. If another level does not lead to a different decision, then the reason for a similar decision will be different, while the action is the same. Therefore, the theory of stages is not always meant to predict behaviour.

This paper presents a case study, which might be useful as a teaching case in business ethics as well as a reflection for practising managers. In the model, each level of maturity implies a deeper acceptance of the legitimacy of stakeholders other than the owners of the firm. We move from the Stage 1 level of maximizing shareholder wealth to the acceptance of the responsibilities of corporate citizenship of Stage 4. For managers, each of the four stages may appear to represent a different world view of the place of the corporation within society and the resulting responsibilities of corporations and their executives.

However, unless executives act simplistically, without considering second order consequences, the actions they take in situations may not be very different despite their different levels of CSR maturity. Their reasoning and rationale may be different, but it is possible to demonstrate how they could come to the same conclusions about the appropriate actions to take. This is a weakness of the current model, which represents an interesting avenue for future research.

Conclusion

A stages of growth model for corporate social responsibility is proposed in this article and applied to the case of Hells Angels club house, where a corporation has the opportunity to help society fight organized crime. Whether fighting organized crime is within or outside the boundaries of CSR is dependent on the stage. It is argued in this paper that higher stages make it more likely that fighting organized crime is within CSR, leading to a decision to act against Hells Angels.

However, as discussed above, several levels in the model may lead to the same decision. Therefore, future research should address the problem of suggesting that the actions taken by corporate managers at different levels of CSR maturity are likely to be different, while it could be argued that actions would be the same, at least in this example of Hells Angels club house and Gjensidige insurance company. This issue should be addressed both in terms of a possible flaw in the theory and in terms of a possible flaw in predicting behaviours.

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