Cultural Foundations Of Peace:
How Business, Law, Ethics, And Music Can Provide Infrastructure For Social Harmony

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ABSTRACT

This Article brings together the seemingly divergent topics of business, law, ethics, and music. It articulates a way for business, as aided by the structures of law and ethics, to be an instrument of peace, and further proposes that music can constructively enhance the power, range, and tone of that instrument. In advancing these arguments, the Article follows a transitivity of concepts: that is, businesses that adhere to legal and ethical principles can foster peace; music and other cultural artifacts can foster ethical and legal business behavior; therefore, music and culture can foster social harmony and lay the foundations of peace. This ordering, and its underlying logic, forms the Article's normative core. To support it, four moves are made. First, the longstanding literature demonstrating the connection between business and peace is synthesized and linked to an emerging one suggesting that cultural artifacts—music, film, sports, the arts—can play a role in peacemaking. Second, the internal workings of businesses are explored to reveal their peace-building capabilities, which are shown both theoretically and empirically along a three-part, trust-focused law and ethics continuum. Third, the notion of Good Trust, the most valued kind of trust in business, is considered in the context of music. Here the symbiotic relationship between Good Trust and music is demonstrated, indicating that music can foster a level of trust that creates peace. Fourth, objections to music's role in business and peace are considered and overcome. As the first to sketch the terrain of this new landscape, the Article offers a compelling articulation of a novel area of academic inquiry and calls for future research at the intersection of business, law, ethics, music, and other cultural foundations of peace.

INTRODUCTION

Although the deeds are difficult to comprehend, there is a terrible logic at play in events like the 2015 terrorist attacks in Paris, the mass shooting at the Mandalay Bay Resort and Casino in Las Vegas, and the gun violence occurring in places such as Thousand Oaks, California. A Paris resident explained the symbolism of the "precisely chosen targets: 'The Bata clan—that's music. The Stade de France—sports. And here [a restaurant], this is pleasure.'"[1] Indeed, drawing on the terrorists' statement claiming responsibility for the attacks, the connecting logic also includes the inclusive nature of these elements of culture—that in these places "beer is served . . . men and women dance together . . . religions and culture mix."[2] The Las Vegas gunman appears to have had a similar motivation, seeking to destroy the elements of culture that a public concert entails. Reports indicate that he scouted multiple venues, including the "Life Is Beautiful Music Festival," a celebration of "community and our collective love for each other and the arts as well as making the world a more beautiful and loving place."[3] The Borderline Bar and Grill in California also appears to have been targeted by a gunman as a location of cultural inclusivity. He entered the

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    1.   Emily Badger & Mark Berman, *'We Are Everything They Hate': Mourners Gather At Paris Attack Sites*, WASH. POST (Nov. 15, 2015), https://www.washingtonpost.com/world/we-are-everything-they-hate-mourners-gather-at-paris-attack-sites/2015/11/15/c09acbbe-8b39-11e5-bd91-d385b244482f_story.html?noredirect=on&utm_term=.3f4c585d073d.

    2.   *Id*.

    3.   *Las Vegas Shooter Might Have Originally Targeted Life is Beautiful Festival: Report*, CONSEQUENCE OF SOUND (Oct. 3, 2017), https://consequenceofsound.net/2017/10/las-vegas-shooter-might-have-originally-targeted-life-is-beautiful-festival-report/.

country music dance hall on a night it was packed with young people "kicking back" together to hear a band.[4]

There is another common denominator to these elements of culture: they all involve commerce. Commerce, too, can be inclusive. Some suggest the marketplace is inclusive because it gives participants, no matter their demographic status or cultural identity, an opportunity to fulfill their goals and desires—they can express their varied preferences through mutual exchange without judgment.[5] But to do so at any scale requires more than just a marketplace; it also requires businesses and corporate structures, which require law and ethics as facilitative mechanisms. Music, sports, and hospitality may have their own independent value and status, but they often interact with the world through commerce and the law-created structures that support it. All this suggests that it is difficult in today's world to compartmentalize how society, culture, business, ethics, law, and politics interface with one another. Sometimes that interfacing is clear and direct; other times it is subtle and messy.[6] Sometimes it is tragic, as in the examples above; other times it can be divine.

Given this, let us consider how cultural artifacts—music, film, sports, the arts—come together with business, ethics, and law to create something decidedly on the divine side of the spectrum: peace. That is to say, if all these cultural elements are constantly interacting, can they do so in a way that promotes peace and nonviolence, the antithesis of the events described above? To be sure, peace building, be it through music or business or anything else, is not immune from violence. As these attacks demonstrate, some groups or individuals may have a vested reason to violently attack peace builders and peace-building events. Such responses are hardly new. Peace builders, such as Martin Luther King, Jr., Gandhi, and Jesus, were all subject to violence. However, during their lives, each taught and enacted peace-building actions and institutions.[7] Similarly, while

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4.   Susan Miller & Kevin McCoy, *Thousand Oaks Makes 307 Mass Shootings in 311 Days*, USA TODAY (Nov. 8, 2018), https://www.usatoday.com/story/news/nation/2018/11/08/thousand-oaks-california-bar-shooting-307th-mass-shooting/1928574002/.

5.   *See* Jeffery S. McMullen, *Delineating the Domain of Development Entrepreneurship: A Market–Based Approach to Facilitating Inclusive Economic Growth*, 35 ENTREPRENEURSHIP THEORY & PRACTICE 185, 186 (2011) (describing new thrust in development economics that proposes a market-based approach to facilitating inclusive economic growth).

6.   *See, e.g.*, SCOTT APPLEBY, THE AMBIVALENCE OF THE SACRED: RELIGION, VIOLENCE, AND RECONCILIATION 57-80 (2000) (for an example of cultural forces and institutions that act in both violent and peaceful ways).

7.   *See* John Dear, *What Martin Luther King Jr. Can Teach Us About Nonviolence*, NAT'L CATHOLIC REP. (Jan. 17, 2012), https://www.ncronline.org/blogs/road-peace/what-martin-luther-king-jr-can-teach-us-about-nonviolence. Interestingly, law and business played a central role in much of their actions. Of course, Gandhi was a lawyer and used British law as a tool to demand change. King not only called for legal change, but based many of his demands for racial justice on the promises of the Constitution, its Amendments and on the Declaration of Independence. With respect to business's role in peace making, a widely cited example came in 2002, when Pakistan and India came close to war after Pakistan reported it possessed nuclear weapons. As New York Times columnist Tom Friedman reported, one of the causes for the two countries to stand down came after executives from GE met with leaders of both countries reminding them of the mutual commercial benefits of peace. *See* Thomas Friedman, *India, Pakistan &*

recognizing that being a peace builder might entail becoming a target of violence oneself, the teleology of peace invites the integration of cultural elements and artifacts in ways that may diminish violence as a whole.

There is both a long-standing literature surrounding the general idea of cultural foundations of peace and an emerging one regarding the peace-building capabilities of specific cultural elements such as music and film. Addressing the former, Fort and Schipani laid the first conceptual models roughly a generation ago, which incorporate attributes of economics, law, and ethics.[8] These and other works inspired the latter efforts, which have culminated in a raft of recent scholarship, as well as sustained interdisciplinary dialogue on the topic through a series of academic conferences.[9] For the first time, legal, ethics, business, music, and film scholars have come together to examine the ways in which these seemingly divergent disciplines may collectively foster peace.

This Article, which has the goal of sketching the terrain of this emerging interdisciplinary pursuit, comes at a critical point—one at which academic discourse around these topics is heightened, but also at a time when peace building in all its capacities would seem to be desperately needed in the world.[10] Accordingly, it will attempt to connect the unique topics of music, business, law, ethics, and peace in a coherent and compelling way, but also in a manner that demonstrates the endeavor's intrinsic value.[11] This will be done by following a loose transitivity of concepts: that is, businesses that adhere to legal and ethical principles can foster peace; music and other cultural artifacts can foster ethical and legal business behavior: therefore, music and the arts can foster social harmony and lay the foundations of peace. This ordering and its underlying logic forms this Article's normative core.

At the same time, the Article seeks to articulate concrete ways that business, and by extension the laws and ethical principles that support it, can be an instrument of peace. The focus here is on music. We propose that music can constructively enhance the power, range, and tone of such an instrument. Law and ethics will provide important reinforcements for the role that we contend

GE, N.Y. TIMES (Aug. 11, 2002), https://www.nytimes.com/2002/08/11/opinion/india-pakistan-and-ge.html.

8.   *See*, *e.g.*, TIMOTHY L. FORT, BUSINESS, INTEGRITY & PEACE: BEYOND GEOPOLITICAL AND DISCIPLINARY BOUNDARIES (2007) [hereinafter, FORT, PEACE].

9.   *See*, *e.g.*, *How Can Businesses Build the Cultural Foundations for Peace?*, BUS. FIGHTS POVERTY (2018), https://businessfightspoverty.org/articles/challenges/how-can-business-help-build-the-cultural-foundations-for-peace/.

10.   *See* Richard Gowan, *Peacemaking Is More Complicated Than Ever. The Paris Peace Forum Shows Why*, WORLD POLITICS REV. (Nov. 12, 2018), https://www.worldpoliticsreview.com/articles/26722/peacemaking-is-more-complicated-than-ever-the-paris-peace-forum-shows-why (arguing violence is taking increasingly complex forms in different societies aided by technology and political unrest).

11.   The authors are uniquely positioned to do so, as one (Fort) has been at the vanguard of the business and peace movement since its inception, and the other (Haugh) has advanced the emerging scholarship incorporating behavioral science into business law and ethics.

music and business can play in peace building. In the end, we hope to provide the first articulation of the landscape on which an infrastructure of social harmony can be built, one aided by law, business, ethics, and the cultural artifact of music.

This Article proceeds in four parts. The first summarizes the approaches taken to date on the ways in which business can foster peace. In attempting to integrate music with the fields of business, law, and ethics, we initially supposed that a direct synthesis based on emotion (which music can reach) and ethics would be an effective move. This may still be the case, but making the notion of peace central to the analysis offered a more workable strategy. Music connects with peace in many ways, from the intensely private and spiritual to the global and political. As a result, our first step will be to demonstrate a less widely known relationship between business and peace, and then to extend that relationship into law and ethics, ultimately connecting music to this foundation. This structure is consistent with our transitivity of concepts approach.

The second part takes a deeper dive into the internal workings of a business organization to specify its peace building capabilities. Key here is a three-part business law and ethics continuum focused on trust.[12] There are legal and regulatory aspects of business ethics in terms of complying with external laws, such as government regulation and lawsuits. This is known as "Hard Trust," which reflects the hard nature of rules and regulations.[13] Law is the paradigmatic example of Hard Trust. Our argument concerning music (and, for that matter, other cultural artifacts) complements these legal dimensions by focusing on the ethical and psychological foundations that underlie many of these legal norms. "Real Trust" occurs when businesses practice virtues such as honesty, truth-telling, promise-keeping, and production of high quality goods.[14] Empirical evidence demonstrates that, measured in the long run, such businesses are more profitable—or at least as profitable—than companies that take shortcuts by violating ethical principles. The final and most valued kind of trust, "Good Trust," goes to the motivations and authenticity involved in ethical conduct: being ethical simply because one desires to be ethical.[15]

In the third part, we examine the dimensions of Good Trust in the context of music—the symbiotic relationship between how music both enhances Good Trust and how the criteria for assessing Good Trust helps us to understand music's contribution to business. Good Trust relies partly on emotion, and it is here that one can see the ways in which music might facilitate ethics and the

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12. *See* FORT, PEACE, *supra* note 8, at 131-229.
13. TIMOTHY L. FORT, THE VISION OF THE FIRM: ITS GOVERNANCE, OBLIGATIONS, & ASPIRATIONS 225 (2014) [hereinafter, FORT, VISION]. These hard rules include when the company itself is the "lawgiver" though its corporate policies.
14. *Id.* at 227.
15. *Id.* at 229.

ethical principles underlying some laws. Good Trust also supplies normative categories by which we can explain the ways that music fosters this motivation.

Finally, in the fourth part, we consider some objections to music's role in business and how they might be overcome. There is risk of manipulation and in opening the proverbial "Pandora's Box" when suggesting a strong role for music in business, as well as business's contribution to peace building. This part addresses those concerns and also suggests some future avenues for research, though the reader is cautioned that because it is the first of its kind, this Article invites much additional research. What is presented here is merely a sketching of the landscape, albeit a compelling one we hope.

I. BUSINESS AND PEACE MEETS MUSIC: AN EMERGING LITERATURE

A. Business and Peace

Prior to the year 2000, very little was written on the ways in which business might impact peace. To be sure, the idea that macro-economic trade could foster peace has been around since at least Kant[16] and Montesquieu,[17] and contemporary political leaders around the world often tout its benefits.[18] More recently, 20th Century economists, such as Nobel Prize winner F.A. Hayek, argued that free trade depends on certain ethical virtues such as honesty, promise keeping, and providing high quality goods and services.[19] Those virtues allow for a greater exchange of goods, which Hayek argued leads to more interdependence, again built upon integrity-based virtues, which then creates stronger relationships and ultimately international peace.[20]

Curiously missing though implied by Hayek is the behavior of the actual institutions that engage in trade: businesses. It is, after all, business people and institutions that must be honest, keep their promises, and provide quality goods and services. Virtues are not practiced in a macro-economic sphere; rather, they are dimensions of micro-interactions. It would thus seem that if there was a connection between economics and peace, the behaviors of the agents of such activity would be crucial.[21]

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16.   *See* IMMANUEL KANT, PERPETUAL PEACE: A PHILOSOPHICAL SKETCH (1795).

17.   *See* BARON DE MONTESQUIEU, THE SPIRIT OF THE LAWS (1748).

18.   *See* Lou Cannon, *Reagan Emphasizes Free-Trade Stance*, WASH. POST (Sept. 1, 1985), https://www.washingtonpost.com/archive/politics/1985/09/01/reagan-emphasizes-free-trade-stance/2cd984df-cb89-4f2e-ba34-9e9c6bf5d7b9/?utm_term=.8cdaf32e5ded; Peter Behr, *Clinton's Conversation on NAFTA*, WASH. POST (Sept. 19, 1993), https://www.washingtonpost.com/archive/business/1993/09/19/clintons-conversion-on-nafta/3a5b9cb5-dfc8-4b5c-9ae6-30781f0a99fc/?utm_term=.cbf3be782b8d.

19.   *See* F.A. HAYEK, THE FATAL CONCEIT: THE ERRORS OF SOCIALISM (1988).

20.   *Id*.

21.   The specific behaviors of agents and their underlying ethical decision making will be discussed in Part IV, *infra*.

Indeed, examining those behaviors has become a new sub-field of academic inquiry. Initial forays were provided by Jane Nelson[22] and Virginia Haufler.[23] The first conceptual model was provided in 2003 by Fort and Schipani,[24] later elaborated in greater detail.[25] This work, along with a series of conferences and special academic journal issues, has led to a burgeoning area of inquiry.[26]

The basic conceptual framework for the ways in which businesses can contribute to peace lay along three core attributes. The first of those is, unsurprisingly, economic. Empirical studies demonstrate that poverty is linked to violence.[27] Economies that are primarily dependent on a natural resource are prone to violence as well.[28] To simplify the argument, when businesses provide employment and differentiate the economic base of a society, they are taking steps that, whether conscious or not, move societies away from violence and towards peace.[29] Thus, businesses doing what businesses do best—being economically successful—can contribute to peace.

Of course, how businesses go about doing this raises a qualitative issue that differentiates any mere economic activity from one that is peace-building. After all, colonialism and exploitative business practices provide economic development, but no one suggests that these kinds of business practices contribute to peace. The opposite, in fact, may well be true: exploitative business practices may sow the seeds of violence. Thus, the next two attributes become crucial.

The second attribute concerns the rule of law. Countries that protect contract and property rights tend to be peaceful. Perhaps tautologically, if dispute resolution mechanisms exist (a judicial system, arbitration or mediation, etc.),

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22.   *See* JANE NELSON, THE BUSINESS OF PEACE (2000) (a report prepared for International Alert).

23.   *See* VIRGINIA A. HAUFLER, A PUBLIC ROLE FOR THE PRIVATE SECTOR (2001).

24.   *See* TIMOTHY L. FORT & CINDY A. SCHIPANI, THE ROLE OF BUSINESS IN FOSTERING PEACEFUL SOCIETIES (2004).

25.   *See* FORT, PEACE, *supra* note 8; TIMOTHY L. FORT, PROPHETS, PROFITS AND PEACE: THE POSITIVE ROLE OF BUSINESS IN PROMOTING RELIGIOUS TOLERANCE (2008) [hereinafter, FORT, PROPHETS]; TIMOTHY L. FORT, THE DIPLOMAT IN THE CORNER OFFICE: CORPORATE FOREIGN POLICY (2015) [hereinafter, FORT, DIPLOMAT].

26.   For examples from the academic literature, *see, e.g.*, JOLYON FORD, REGULATING BUSINESS FOR PEACE: THE UNITED NATIONS, THE PRIVATE SECTOR, AND POST-CONFLICT RECOVERY (2015); PEACE THROUGH COMMERCE: RESPONSIBLE CORPORATE CITIZENSHIP AND THE IDEALS OF THE UNITED NATIONS GLOBAL COMPACT (Oliver F. Williams ed., 2016). For organizations working in this area, *see, e.g.*, *Business for Peace Foundation*, http://businessforpeace.no; *Peace Through Commerce*, https://peacethroughcommerce.org; *University of San Diego Center for Peace and Commerce*, https://www.sandiego.edu/cpc; *UN Principles for Responsible Management Education (PRME) Working Group on Business for Peace*, http://www.unprme.org/how-to-engage/display-working-group.php?wgid=3146.

27.   NA Andrimihaja, *Stop Violence, Reduce Fragility, and End Poverty*, WORLD BANK GROUP, (2013), http://www.worldbank.org/content/dam/Worldbank/Feature%20Story/Stop_Conflict_Reduce_Fragility_End_Poverty.pdf.

28.   PAUL COLLIER & ANKE HOEFFLERT, GREED AND GRIEVANCE IN CIVIL WAR (2004).

29.   *See* FORT & SCHIPANI, *supra* note 24; FORT, PEACE, *supra* note 8; FORT, DIPLOMAT, *supra* note 25.

then there tends to be less violence.[30] Companies can support these and many other rule of law initiatives that help create peace, but perhaps the most considerable contribution concerns the reduction of bribery. Studies show positive correlations between corruption and the stagnation of economic activity.[31] Corruption imposes a cost on economic activity because contracts are made on the basis of influence, as opposed to being made on criteria based on quality and price.[32] Social and political costs are also associated with corruption in terms of reduced confidence in government and, typically, an undermining of civil societies in countries where bribery is prevalent.[33] All this weighs heavily on the legitimacy of political institutions and the ability to govern in a fair way pursuant to the rule of law, as opposed to governing solely on the basis of political power and influence.

Of even greater impact are studies that show a statistical correlation between violence and corruption. Research shows that the most corrupt countries—as defined by businesses themselves—resolve disputes through violence, whereas the least corrupt countries tend to rarely use violence to resolve disputes.[34] Not only does corruption correlate with violence, but it is also something that businesses can often impact quite specifically through stricter corporate policies that prohibit the practice.[35]

The third attribute is arguably the most interesting from a legal and ethical standpoint. It has to do with building community and the relationships within a community. This attribute has two parts. The first concerns a company's external-facing actions. Is the company a good corporate citizen? Is it respectful of local practices and customs?[36] Does it support local philanthropic programs, such as the arts? Is it environmentally responsible or does it dump waste on the least powerful citizens of a country?[37] These are issues of being a good corporate citizen and are generally well understood.

Of more significance is the second aspect, which concerns a company's internal actions, such as how the company is organized and operates. For example, empirical evidence suggests strong correlations between gender equity

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30. FORT & SCHIPANI, *supra* note 24. For a much more expansive and sophisticated understanding of the ways in which business and peace depend upon public policy, *see* FORD, *supra* note 26.

31. *See* WORLD BANK GROUP, *Combating Corruption*, WORLD BANK GROUP (Sept. 26, 2017), http://web.worldbank.org/WBSITE/EXTERNAL/WBI/EXTWBIGOVANTCOR/0,,menuPK:1740542~pagePK:64168427~piPK:64168435~theSitePK:1740530,00.html.

32. *Id*.; *see also* OECD CONVENTION ON COMBATING BRIBERY OF FOREIGN PUBLIC OFFICIALS IN INTERNATIONAL TRANSACTIONS (2018), http://www.oecd.org/corruption/oecdantibriberyconvention.htm.

33. *See* WORLD BANK GROUP, *supra* note 31.

34. *See* FORT & SCHIPANI, *supra* note 24.

35. *See, e.g.*, *Ethical Business Practices in Sustainability Report*, FORD MOTOR COMPANY (2014–15), http://corporate.ford.com/microsites/sustainability-report-2014-15/strategy-governance-ethical.html.

36. For example, being respectful of local religious customs and other examples of corporate citizenship.

37. *See, e.g.*, THOMAS HOMER-DIXON, ENVIRONMENT, SCARCITY & VIOLENCE (2001).

and peace.[38] How do companies treat women who work for the company? Those companies that are respectful of employee rights and voice also follow practices strongly associated with peace building.[39] Indeed, practices advocated by business ethicists generally map well onto those studies that articulate the practices of relatively non-violent societies,[40] suggesting that ethical business practices do correlate with peace, as Hayek suggested.[41]

More will be said about the connection between law, ethics, and peace, especially when it comes to the enhancement of that connection through music. However, it is worth pausing for a moment to reflect on the differing mindsets that companies may adopt in contributing to peace.

The first, called peace entrepreneurship, characterizes companies who specifically set out to minimize violence. Some of these are non-profits running business programs. For example, during Northern Ireland's "Troubles," a time when conflict between Protestants and Catholics tore apart the country, Belfast-based Futurways intentionally adopted a 50-50 workforce, where half the employees were Catholic and the other half were Protestant.[42] The experience of working together was the first constructive engagement these employees had with the "other."[43] As another example, a tourist business housed within George Mason University sponsors trips to Palestine. Accompanied by both a Jewish Rabbi and a Muslim Iman, the tourists obtain access to both geographical territories so they receive a full accounting of the issues between Israel and Palestine. This business makes money for other peace-building programs, but also stands as its own peace-building enterprise.[44]

Such businesses are not limited to non-profits. Each year, the Business for Peace Foundation awards business leaders for using conventional, profit-oriented business practices to foster ethics, reconciliation, and other kinds of corporate responsibility.[45] Founded by an investment banker, the Foundation advocates for businesses to be attentive to the values that benefit society—not for altruistic reasons, but because of a conviction that such businesses will thrive in the 21st Century.[46] This conviction exploits the legal duty of corporate managers, which is not to maximize shareholder profitability per se (as many

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38.   FORT & SCHIPANI, *supra* note 24; Terry Morehead Dworkin & Cindy A. Schipani, *Linking Gender Equity with Peace*, 44 AM. BUS. L. J. 391 (2007).

39.   *See* SPENCER WEART, NEVER AT WAR: WHY DEMOCRACIES WILL NOT FIGHT EACH OTHER 15, 19-20 (2001) (arguing that voice is a powerful deterrent to war, thus equipping employees with voice replicates a peaceful attribute); *see also* Gretchen Spreitzer, *Giving Peace a Chance: Organizational Leadership, Empowerment and Peace*, 28 J. ORGANIZATIONAL BEHAV. 1077 (2007).

40.   *See, e.g.*, David Fabbro, *Peaceful Societies: An Introduction*, 15 J. OF PEACE RES. 67 (1978); RAYMOND KELLEY, WARLESS SOCIETIES AND THE ORIGINS OF WAR 11-40 (2000).

41.   HAYEK, *supra* note 19.

42.   *See* FORT, DIPLOMAT, *supra* note 25 (detailing the work of Futurways).

43.   *Id*.

44.   *See id*. (detailing the work of the George Mason University Tourism Program).

45.   *Id*. (detailing the work of the Business for Peace Foundation).

46.   *Id*.

still believe), but instead to carry out the lawful directives of the shareholders.[47] Even devoted free market advocates such as Fischel and Easterbrook acknowledge that it is perfectly appropriate, both legally and ethically, for companies to choose to make less money if they are pursuing another lawful shareholder objective.[48] Thus, "peace entrepreneurs" can specifically orient their businesses to pursue peace building (as well as peace-making and peace-keeping) practices.[49]

The second mindset companies adopt may also be influential to peace building, but in more instrumental ways. This category contains the businesses that conduct their own corporate foreign policy.[50] The paradigmatic modern examples of this approach are Google and Twitter during the Arab Spring.[51] Faced with the shutdown of Internet service providers by Egyptian President Hosni Mubarak, Google and Twitter defiantly reacted by creating a "speak to tweet" app that allowed protestors to remain in communication with each other.[52] This directly promoted the democratic protestors' work, leading to Mubarak's downfall. Other Internet companies, such as Vodafone, made different choices, bowing to Mubarak.[53] Google and Twitter's choice was to place a value on the freedom of information, in part because of their own independent values, but also

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47.   Lynn Stout, *Corporations Don't Have to Maximize Profits*, N. Y. TIMES, (Apr. 16, 2015) https://www.nytimes.com/roomfordebate/2015/04/16/what-are-corporations-obligations-to-shareholders/corporations-dont-have-to-maximize-profits.

48.   *See* FRANK EASTERBROOK & DANIEL R. FISCHEL, THE ECONOMIC STRUCTURE OF CORPORATE LAW (1991).

49.   This differentiation, originally proposed by the Swedish Association of Business, looks at peacemaking, peacekeeping, and peace building. The first two are associated with specific efforts by companies to be involved in zones of conflict. The companies play a role at the negotiating table, such as in the cases of Columbia and El Salvador. On other occasions, businesses may call strongly for the parties to create peace, thereby providing the political maneuvering room for diplomats to reach agreements. This was the case in Northern Ireland and South Africa. Similarly, peacekeeping goes to the issue of keeping the previously warring parties from resuming hostilities. While these efforts are to be celebrated, they also occur in limited times and places, whereas peace building refers to any given business's contribution to an environment where violence is a less attractive alternative and where populations value the fairness and the opportunities provided by vibrant and just economies. Any business around the world has an opportunity to contribute to this area.

50.   *See* FORT, DIPLOMAT, *supra* note 25. This draws on the work of Thomas Dunfee, who conceived of the five different ways in which companies approach strategy issues. There is the Corporate Nationalist, which adopts its home country's norms. Thus, a company thinks of itself as Japanese or French and therefore practices the norms of that home country wherever it does its work. The Corporate Imperialist sounds bad, but actually is championed by many ethicists because it thinks through its values and then follows those values globally even if local laws allow for a more lenient standard of behavior. The Corporate Chameleon changes its practices wherever it works. On the one hand, this can be seen as being respectful of local norms; on the other hand, it can amount to a company devoid of any principles and is therefore often associated with the Corporate Opportunist, who simply follows whatever norms allows it to make the most money. Finally, there is the Corporate Integrationist, who attempts to take the best of each of these foregoing strategies.

51.   *Id.*

52.   *Id.*

53.   *Vodafone Says Egyptian Authorities Forced It to Send Pro-Mubarak Texts*, GUARDIAN (Feb. 3, 2011), https://www.theguardian.com/world/2011/feb/03/vodafone-mubarak-text-messages.

because their entire business models were based on such values.[54] This was an instrumental choice that exemplifies alliances between business and social values.

The record is replete with such choices. For example, the U.S. Secretary of State recognizes three American companies annually whose work fosters better diplomatic relations between the country where the company does its business and the United States.[55] Businesses' efforts to take an active role in negotiating peace settlements have been recognized in El Salvador, Columbia, South Africa, Cyprus, and Northern Ireland.[56] In each case, businesses recognized that their companies fared better with peace and stability and when the businesses acted to quell violence.[57]

However, not all of the choices are inspiring. Multinational corporations, in particular, have less and less nationalistic identity. Is Apple truly an American company given how it sources its products from all over the world? Is Green Giant an American company? The direct answer is no because it was sold to a British conglomerate years ago. Is Sony Japanese? Or are all these companies essentially independent political entities exercising their own foreign policies?[58]

To that end, some companies appear to exercise a type of foreign policy that endorses abusive, corrupt, and violent political regimes.[59] Yet, less than 5% of the world's gross product is attributable to armaments.[60] Most businesses do not fare well when bombs drop on their facilities, when the trucks carrying their merchandise are blown up, and when their employees are shot. Most companies fare better when there is peace and stability, suggesting there is an economic rationale for a company's foreign policy to align itself with peace building.[61]

Analyzing the actions of these armament-related businesses seems straightforward. The more challenging, and potentially more impactful, examples are those companies in which peace is not a mindful concern, but yet the companies still engage in practices that could contribute to peace. These are the companies whose ethical practices already exist and contribute to peace, as we have already described, simply because ethical practices correspond to peaceful practices.[62] We suggest that these businesses' ethical practices, and therefore their peace building capacities, could be enhanced through the use of

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54. FORT, DIPLOMAT, *supra* note 25.
55. *See Secretary of State's Award for Corporate Excellence*, U.S. SECRETARY OF STATE (Oct. 1, 2018), https://www.state.gov/e/eb/ace/.
56. FORT, DIPLOMAT, *supra* note 25.
57. *Id*.
58. *Id*.
59. *See* FORT, PEACE, *supra* note 8; FORT, PROPHETS, *supra* note 25.
60. *Id*.
61. *Id*.
62. *See* Fabbro, *supra* note 40; KELLEY, *supra* note 40; FORT & SCHIPANI, *supra* note 24.

music. This occurs through the affective aspect of corporate behavior and culture, a topic we explore in the next part.

B. Cultural Artifacts, Business, and Peace

Before turning to the specifics, it is useful to orient oneself regarding the current scholarship, which suggests that cultural artifacts—particularly music—can foster peace. This will help sketch the terrain of this emerging interdisciplinary pursuit, while also connecting it to the more established business and peace literature discussed above.

As an initial matter, it must be recognized that cultural artifacts that create inclusiveness have the capacity to build peace. While it is true that governments may formally sign treaties with one another or with groups within their jurisdiction to stop violence, this is just one aspect of conflict avoidance.[63] Oftentimes, it is not government per se, but the bonds that exist among peoples—within a country and across borders—that lessen the likelihood of conflict. For example, shared languages, history, religion, as well as legal and political systems may lessen the likelihood of violence and war. Absent the birth pangs of the New World, there has not been a great deal of violence between the United Kingdom, Canada, the United States, and Australia for two hundred years. Some studies show that democratic countries do not war with each other,[64] while others suggest that economic interdependence makes peaceful resolution of disputes a smart strategy.[65] These examples indicate that there are additional cultural foundations for peace that may be drawn upon in order to make peacemaking easier for governments.

Such an assertion, however, is loaded with ambiguities. One ambiguity lies in exactly how different nations might characterize a cultural artifact as belonging to a shared heritage or instead something divisive. Any cultural artifact could be used for ill or for good. Music can be peaceful or violent. Sports can be welding or divisive. Religion can reach the most humanitarian aspects of love or justify the torture of an infidel.[66] Business can bring people together to peacefully exchange goods or it can be exploitative.[67] The difference between these kinds

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63. *See* CHARLES A. KUPCHAN, HOW ENEMIES BECOME FRIENDS: THE SOURCES OF STABLE PEACE (2010). A signal feature of government is control over weapons, just as a responsibility of government is the security of its people. Determining when to use or stop using those weapons and for what reasons is one of the essences of national sovereignty.

64. WEART, *supra* note 39, at 19-20.

65. HAYEK, *supra* note 19; *see also*, STEVEN PINKER, THE BETTER ANGELS OF OUR NATURE: WHY VIOLENCE HAS DECLINED 341-42 (2011). Pinker argues for a form of commerce that he refers to as "gentle commerce," which for him refers to the fact that economics is not as violent as war itself. For a critical analysis of Pinker and an extension of that term to mean ethical business and the ties of ethical business to peace. *See* FORT, DIPLOMAT, *supra* note 25, at 56.

66. *See* APPLEBY, *supra* note 6.

67. FORT, PEACE, *supra* note 8.

of uses lie in their normative aims. Indeed, it lies in the extent to which these artifacts lead toward peacefulness rather than toward violence.

It is with this normative dimension in mind that a group of scholars have begun considering the ways in which various cultural artifacts can lead toward peace. Without neglecting the tensions noted above, they ask what music can do to enhance peace? Or sports, or film? And how does business, ethics, and law support the endeavor?

For example, Cindy Schipani, one of the pioneers of business and peace scholarship, co-authored a recent article with Kate Peterson titled *The Impact of Recording Artists and Music on Legal and Social Change and Business*.[68] The article provides an analysis of how musical lyrics can enhance cognitive awareness and movements toward peace, as well as how the business of music and the models for it can be constructively governed.[69] More specifically, Schipani and Peterson remind us of the ways in which social movements in the United States have used music, ranging from the songs of black slaves to Bob Dylan, John Lennon, and Bruce Springsteen. They also note music's importance globally, including the use of jazz as an international tool of cultural diplomacy, and concerts such as Live Aid to fund the fight against AIDS. With this as background, they then address the ways in which causes can use music to obtain charitable donations that in turn can impact legislation—for example, FarmAid resulting in federal assistance to farmers.[70]

Other scholars have connected music to cybersecurity. While this pairing may initially seem far afield from our topic, a connection occurs in two important respects. For one, Scott Shackelford points to research that demonstrates that musicians are often the preferred employees of cybersecurity firms, in part because of their training to recognize patterns.[71] Given that Shackelford's interest is not simply in constructing cybersecurity walls, but also what he calls "cyberpeace," he sees the potential of music to contribute to the voluntary engagement of firms and individuals—beyond government—to establish safe places for today's Internet.[72] Shackelford also introduces a methodology called polycentric governance to the business and peace literature, offering a way to conceive of different layers of responsibility with respect to a given problem.

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68. Cindy A. Schipani & Kate Peterson, *The Impact of Recording Artists and Music on Legal and Social Change and Business*, 28 MINN. J. INT'L L. (forthcoming 2019).

69. *Id*.

70. *Id*.; *see also*, FARMAID, https://www.farmaid.org/.

71. Scott J. Shackelford, *Should Cybersecurity Be a Human Right?" Exploring the Shared Responsibility of Cyberpeace*, (Kelley School of Bus. Research Paper, No. 17-55, Jul. 21, 2017), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3005062 (on file with author).

72. *Id*. The International Telecommunication Union, a United Nations agency for information technologies, defines "cyber peace" as "a universal order of cyberspace" built on a "wholesome state of tranquility, the absence of disorder or disturbance and violence." Scott Shackelford, *The Meaning of Cyber Peace*, U. NOTRE DAME (2013), https://ndias.nd.edu/news-publications/ndias-quarterly/the-meaning-of-cyber-peace/.

Thus, some issues must be addressed at a high, governmental level, whereas others are better attacked at a smaller, local level.[73]

Jerry White, whose work on landmine removal won him recognition for the 1998 Nobel Peace Prize, has commented on how social movements launch, grow, and become successful.[74] Drawing on his own experiences in such movements, White weaves music themes throughout his message regarding how one might make music and business (and one could add other cultural artifacts such as film or sports) into agents of peace-building. Among the most interesting insights from this work is that in order to be successful, leaders must "come in from the right."[75] That is, peace-related movements often draw energy from left-leaning organizations and individuals. Yet, if one can find a way for more conservative individuals and organizations to see how a movement resonates with them, then one can craft a non- or bi-partisan movement that transcends contemporary politics.[76]

Although music is our primary focus here, scholars have not limited their analysis of the cultural contributions to peace so narrowly. Legal scholars Karen Woody and Abbey Stemler specifically focus on film in a recent article that explores *Sweet Dreams*, a documentary portraying the work of women in Rwanda who sought ways to find harmony with each other after the Rwandan genocide.[77] The women first formed a drumming troupe—the first women to be allowed to drum in Rwanda—and then expanded their collaboration to form an ice cream business, thus integrating music and business in an effort to create peace.[78] Woody and Stemler use the film as a lens through which to examine the background of these struggles and reactions, and propose that entrepreneurship and gender empowerment provide avenues for peace building.[79] They also call for legislation to empower and protect women, tying their arguments to the example from *Sweet Dreams* and other sources showing that gender equity strongly contributes to peace.[80]

Prominent Australian business and peace scholar, Joylon Ford, has written in-depth about issues associated with pop culture pertaining to business, peace, and human rights. Through his work, Ford examines how contemporary film

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73. *Id*.
74. Jerry White, *Nobel Reflections with Making Social Change: Interview with Jerry White*, COLLEGE MUSIC SYMPOSIUM (Nov. 30, 2018), https://symposium.music.org/index.php/current-issue/item/11414-nobel-reflections-on-making-social-change-interview-with-jerry-white (video interview with author).
75. *Id*.
76. *Id*.
77. Karen E. Woody & Abbey R. Stemler, *The Role of Women Entrepreneurs in Rebuilding a Nation: The Rwandan Model*, (Kelley School of Bus. Research Paper, No. 18-31, April 11, 2018), https://ssrn.com/abstract=3160918 (on file with author).
78. *Id*. This also featured strong notions of gender equality.
79. *Id*.
80. *Id*.

builds upon and reinforces popular norms, often in not-so-peaceful ways.[81] He looks at how some films feature social impact and corporate responsibility themes, as well as the ways in which moral messaging might work in pop culture, with an emphasis on the relationship between psychology, behavior, and emotions.[82] He also examines films that raise ethical and legal issues in different ways. Such a narrative provides challenges for utilizing film (and other cultural artifacts) to build peace, but also presents opportunities.

Finally, scholars have identified the role of sports as cultural artifacts capable of building peace. In a recent article, David Hess and Norman Bishara reflect on how sports can be used to promote peace.[83] They look at some of the problems created by the business of major league sports, including issues related to violating human rights, land acquisition and displacement, construction of facilities, free speech and discrimination issues, and corruption.[84] Addressing these issues often requires legislative action; at a minimum, they require non-governmental, organizational rule-making. This leads them to apply the UN Guiding Principles to the business of sports, which they argue has significant benefits for peace building.[85]

Taken as a whole, this emerging literature demonstrates the potential for individuals to make contributions to peace in a variety of ways. It seems that the extent that peoples of different countries and societies can find peaceful relations with each other may provide foundations for governments to find ways to do the same. Rather than being paralyzed and waiting for governments to act, any individual can contribute to peace through their music, participation in sports, selection and engagement with film, and their business and work activities, as well as by noting the ways in which the law, respect for gender equality, and human rights can provide the cultural foundations for sustainable peace. This scholarly inquiry, then, not only attempts to articulate extant and theoretically possible ways to foster peace, but it also calls on all of us to become an instrument of peace.

II.   THE ETHICS OF BUSINESS—THREE LEVELS OF TRUST

The connection between ethics and peace started with an analysis of how businesses could foster peace, but it takes ethical aspiration to become a peace entrepreneur. The instrumental notion that peace and stability are good for business connotes a corporate strategy in which reputation has strategic benefit.

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81.   Joylon Ford, *Business, Peace and Human Rights: The Regulatory Significance of Pop-Culture Products*,   Working   Paper   (Dec.   16,   2016), https://law.anu.edu.au/sites/all/files/2016_bhr_and_b4p_final.pdf (on file with author).

82.   *Id*.

83.   David W. Hess & Norman D. Bishara, *Beyond Peace Doves: Respecting Human Rights and Combating Corruption in Mega-Sporting Events*, 37 B.U. INT'L L.J. (forthcoming, 2019).

84.   *Id*.

85.   *Id*.

This may be less inspiring, but it still takes into account social feedback. The same can be said for those companies that simply pay attention to legal requirements.

A strong ethical culture is built around three levels of trust.[86] Hard Trust refers to an external third party (governmental law or public opinion) that punishes a business for wrongdoing, thereby making accountability a central virtue.[87] In this ethical stage, companies pay attention to legal requirements and to public opinion because both can coercively punish them for violating expectations. Companies, however, do not always follow the law. For example, after the Enron debacle, when the Enron Corporation collapsed after fraud and conspiracy was discovered, many advocated for an increasing emphasis on ethics in business school curricula. University of Texas Business Law and Ethics Professor Robert Prentice, however, penned a New York Times op-ed in which he laid the issue bare: the Enron behavior was not a lack of ethics; it was an outright flouting of the law.[88]

Companies have strong incentives, of course, to obey the law.[89] And because the law also requires that corporate policies inform individual employees of their responsibilities to obey the law, nearly every large company has adopted corporate compliance programs.[90] Such internal policies also exemplify Hard Trust, because a coercive force—this time in terms of the hierarchical power within the company—punishes misbehavior.[91]

Hard Trust, then, is about following rules. There is nothing especially stirring about obeying the law and rules, but it is a component of being a good member of a community, whether it is within the context of a nation-state or within one's business institution. Much of what counts as unethical behavior simply is the flouting of laws. Moreover, even Plato recognized the possibility of reducing ethics to the fear of being caught in his Socratic dialogue *The Ring of Gyges*, where a shepherd did all kinds of nasty things once he found a magic ring that allowed him to become invisible and therefore avoid any judicial apprehension.[92] Philosophers may find this first dimension of trust terribly uninteresting because complying with the law is rather dull, and it puts aside much of the decisions of

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86. *See* FORT, PEACE, *supra* note 8 (discussion of the concept of Total Integrity Management and its connection to trust and peace building).

87. *Id.*

88. Robert Prentice, *An Ethics Lesson for Business Schools,* N.Y. TIMES (Aug. 20, 2002), https://www.nytimes.com/2002/08/20/opinion/an-ethics-lesson-for-business-schools.html.

89. Companies are broadly responsible for the acts of their employees through *respondeat superior* liability. *See* Harvey L. Pitt & Karl A. Groskaufmanis, *Minimizing Corporate Civil and Criminal Liability: A Second Look at Corporate Codes of Conduct*, 78 GEO. L.J. 1559, 1570–74 (1990) (discussing history of corporate criminal liability based on tort doctrine of *respondeat superior*).

90. *See* Todd Haugh, *The Criminalization of Compliance*, 92 NOTRE DAME L. REV. 1215, 1219-33 (2017) (describing the make-up and evolution of corporate compliance in American companies).

91. *See* FORT, VISION, *supra* note 13, at 225-27 (citing the empirical studies of compliance programs).

92. *See* PLATO , THE REPUBLIC (D.C.D. Reeve, ed., 1992).

individual autonomy that motivates the predominant Kantian analysis of moral choice.

The second kind of trust, Real Trust, is concerned with how good conduct is economically rewarded—the "good ethics is good business" argument.[93] Empirical research supports the idea that ethics tends to be economically rewarded in the long run.[94] In this ethical stage, companies arrange incentives to encourage ethical behavior rather than create incentives that end up rewarding employees for taking shortcuts to profitability.[95]

Honesty, promise keeping, and production of high quality goods and services are important for long-term business success, as has been suggested.[96] Customers tend not to provide repeat sales if they have been lied to, if promises have been broken, or if the quality of the product is low. The same logic holds true of employees. Given the choice, employees prefer to work for companies that treat them with respect, decency, and compassion—they appreciate being treated as an end in and of themselves, not as a means to an end of profitability.[97] This builds employee morale, which itself has been shown to increase productivity and quality.[98]

Thus, the central aspect of Real Trust is a matching of corporate rhetoric and rewards. It takes into account Kantian autonomy and basic rights, social contract formulations of justice, and utilitarian considerations.[99] The last of these, in particular, often provides a compelling platform in business by showing that there is a payoff for ethics; that good ethics is good business, especially as calculated over the long term. Within this formula falls various deontological and consequentialist principles and calculations of conduct. Formulations in this dimension tend to take on a dialectical feel between individual and society. Companies will always tout their integrity and commitment to social well-being, however. The open question is whether companies provide incentives that encourage people to live up to that rhetoric.[100] This matching of rhetoric and rewards is the defining feature of Real Trust.

With both Hard Trust and Real Trust there remains a necessary motivational factor. Why would someone care about following the law in the first place? Fear of punishment is a motivation, of course, but if one can figure out a way to get around the law and the rules—as many people spend time figuring out—then

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93.   *See* FORT, VISION, *supra* note 13, at 227.

94.   *See generally* JOSHUA DANIEL MARGOLIS & JAMES P. WALSH, PEOPLE AND PROFITS?: THE SEARCH FOR A LINK BETWEEN A COMPANY'S SOCIAL AND ECONOMIC PERFORMANCE (2001).

95.   *See* FORT, VISION, *supra* note 13, at 228-29.

96.   *See* HAYEK, *supra* note 19.

97.   *See* KIM S. CAMERON & ROBERT QUINN, DIAGNOSING AND CHANGING CORPORATE CULTURE (2011).

98.   *Id*.

99.   FORT, VISION, *supra* note 13, at 227.

100.   *Id*.

why worry about the law? Similarly, if one can game the system, why worry about the rewards and incentives? This suggests that there must be a motivational factor that causes people to care about ethics from a different perspective.

There are some companies for whom being ethical means following the law, and there is something to be said for that. There are other companies who align their incentives to live up to their rhetoric, and there is even more to be said for that. But there are some companies for which ethics is so much a part of their identity and the reason people come to work, that ethics becomes a passion for excellence. In those companies, ethics is discussed on a regular basis and people become skilled at making ethical decisions.[101] They build a culture so that most ethical problems are headed off before they become problems, and even when problems arise, the people in the company know what to do.[102]

So how then do we create an atmosphere of Good Trust: one in which employees are free to pursue ethical virtues for their own, independent value apart from compliance reasons or financial rewards? One might suggest three ways to pursue this quest for aesthetic, even spiritual excellence. The first is to tell stories. Philosophical and legal principles have their merit, but the most natural way for people to connect with ethical behavior is through telling stories.[103] For example, both of the authors have in the past used an assignment with their students, from MBAs to senior executives, asking them to tell a story about something they have seen in business they thought was good.[104] Then the students must define what "good" is. The assignment, despite being short, is a difficult one. Many students struggle with a memory of the good, preferring to write about something they thought was bad. That is too easy. More interesting, and more difficult, is to define what is "good." The story connects the students to what is in their heart; the explanation challenges them to articulate their good in a way so that others can evaluate it, think about it, and internalize it themselves.[105]

A second way to build Good Trust is to take into account our hardwired, biological propensities for interacting with groups, thereby maximizing the expression of our innate moral sentiments.[106] Within the natural law tradition, there is a long-standing belief that humans form their moral character in "mediating institutions."[107] These are small organizations in which there are significant face-to-face interactions where people experience, in one form or another, the consequences of their actions. They are family, neighborhood,

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101.   *Id.* at 229-34.

102.   *See id.* (exploring the studies on Johnson & Johnson regarding the Tylenol case).

103.   *Id.* at 230.

104.   This assignment was first developed by Professor Fort.

105.   *Id.* at 230-31.

106.   *See* TIMOTHY L. FORT, ETHICS & GOVERNANCE: BUSINESS AS MEDIATING INSTITUTION 21-38 (2001) [hereinafter, FORT, ETHICS].

107.   *Id.*

religious, and voluntary organizations, and potentially businesses too. No matter how much a sibling might make you mad, you have to figure out a way to get along and to be a good citizen of the family. In these structures, our actions become habits and we therefore develop our moral character.[108]

Anthropologists have also shown that there is a certain size of group that we are most naturally "at-home" in. The first three of those sizes are 4–6, 30, and 150.[109] For example, the next time you are at a cocktail party, watch how frequently people will talk to each other in a group size greater than 4–6. It will almost never happen. If the number in the group gets larger than this, the group will fission like an amoeba. It is simply too difficult to carry on a conversation with numbers larger than around five. Some management theorists have found the same regarding the maximum number of people a manager should supervise.[110]

The next number is thirty. Anthropologists tell us that humans lived in hunter-gatherer societies for about 98–99 percent of human history.[111] The argument is that our brains have evolved to live in the size of group that comprised most of our human history, rather than in large urban areas.[112] Even today, there are "scalar stresses" that limit the number of individuals who can work together on a regular basis. Some studies show that in groups of thirty, for every person added to the group, the number of disputes increases exponentially for every person added.[113]

Perhaps the most compelling number though is 150. Robin Dunbar, an anthropologist in England, tried to figure out why human beings speak better than other creatures.[114] One possible answer is that we have bigger brains. But whales and elephants have bigger brains than we do, and we seem to talk better. However, when one looks at head size in comparison to body mass, humans have large heads.[115] Humans cannot outrun a lion or out-fight a tiger—we out-think them. That is our evolutionary advantage. Humans and our primate cousins have a large neocortex in comparison to our body mass.[116] The neocortex is the thin membrane that covers the brain and is believed to be responsible for cognitive

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108. *Id*.

109. *See* Gary L. Nielsen & Julie Wolf, *How Many Direct Reports,* HARV. BUS. REV (April 2012) https://hbr.org/2012/04/how-many-direct-reports (citing traditional numbers of direct reports as running from 5-10 with variations according to the type of business).

110. *Id*.

111. Gregory A. Johnson, *Organization Structure and Scalar Stress in* THEORY AND EXPLANATION IN ARCHEOLOGY 389, 389-422 (Colin Renfrew, et al., eds., 1982).

112. *Id*.

113. *Id*. *See also* FORT, ETHICS, *supra* note 106, at 21-38.

114. ROBIN DUNBAR, GROOMING, GOSSIP AND THE EVOLUTION OF LANGUAGE 71-73 (1996).

115. *Id*.

116. *Id*.

processing. The neocortex ratio of primates far exceeds that of other creatures (except dolphins).[117]

But Dunbar also possessed data on the sizes of groups that primates live in. A given species will only live in a certain size of group, a number that would vary among various species of primates. Above that number, the group fissions until it again reaches that ceiling. Dunbar thought there might be a relationship between group size and neocortex ratio, so he plotted the two against each other and then tried to predict the maximum size of a human grouping. The number he came up with was 150.[118]

While this is interesting, the practical significance of Dunbar's research is most compelling. The average number of names in an address book is 150. The average size of a company unit in the military is 150. When Brigham Young moved the Mormons from Nauvoo, Illinois to Utah, he said that he could not coordinate 5,000 people, but the people could be organized into groups of 150 and he could coordinate their leaders. Dunbar gives several more examples indicating that 150 represents the maximum number of individuals who can be in a group where the individuals have an actual, personal awareness of each other.[119] Or as Dunbar colloquially puts it, there are probably at most 150 people in the world who, if you saw them sitting at a bar, you would feel comfortable pulling up a chair and having a beer with them.[120]

Group sizes, therefore, match our biological comfort levels. Above those levels, we start to lose the sense that our actions make a difference to others, for good or for bad. Listen to someone who got caught embezzling. They will almost always say that they did not think anyone would pay attention to them—it was such a big place. This is a common rationalization to unethical behavior.[121] But in smaller groups, one has to care. One has little choice but to acknowledge that actions have consequences and to conform behavior accordingly. It also does not mean that small groups are more ethical than big groups.[122] But it does mean that moral sentiments of empathy and compassion, as well as integrity virtues such as truth-telling and promise-keeping, are nourished because they are essential to the maintenance of group relationships.[123] Thus, if businesses want to develop cultures of trust where people are habitually honest and habitually keep promises,

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117.   *Id*.

118.   *Id*.

119.   *Id*.

120.   *Id*. Another example is a wedding. There are often 4–6 people who have to be there—bride, groom, witnesses, and officiant. There are often around 30 that are deemed essential to the event—close family and friends. And there are usually about 150 that the participants think would be fun to have present. If a wedding gets much larger, the betrothed look at each other and say, "Who are they?"

121.   *See* Todd Haugh, *Sentencing the Why of White Collar Crime*, 82 FORDHAM L. REV. 3143 (2013) (describing common white collar crime rationalizations).

122.   *See* Francesco Gino, S. Ayal & Daniel Ariely, *Contagion and Differentiation in Unethical Behavior: The Effect of One Bad Apple on the Barrel*, 20 PSYCHOL. SCI. 393 (2009).

123.   FORT, ETHICS, *supra* note 106, at 21-38.

they need to put employees into small "mediating structures" within the company that match their neurobiology.

The final aspect of Good Trust directly relates to how business ethics can foster peace. The idea is one of "more mediation"—the concept of how to achieve peace through commerce. For several years, a steady stream of research suggests that commonly accepted ethical business practices can reduce the likelihood of violence.[124]

Looking at traits of relatively nonviolent societies identified by anthropologists, political scientists, and economists, it becomes clear that economic development, adherence to the rule of law (particularly with respect to avoiding corruption), and building good community relations between the company and its host society (and also within its own corporate walls) are the traits championed by ethicists. It is not simply that commerce creates peace, but rather that a certain kind of business—an ethical business—promotes peace without the negatives that commerce has historically brought. The practices of living up to responsibilities to shareholders; promoting contract and property rights; avoiding bribery; and encouraging voice, gender equity, and human rights are consensus-based ethical business practices. And so, it is not that businesses needed to approach business from an entirely different perspective. It is simply that there may be an unexpected payoff to ethical business behavior: it may reduce violence.

Thus, Good Trust—the level of ethical dimension that fosters caring about ethics as its own independent good—can be effective and can be encouraged through narrative story-telling. By placing individuals into groups where they concretely experience the consequences of their actions, people can see that they might impact a greater good (for example, by creating peace or sustainability).[125] In the next section, we will argue that music can not only be added to this affective mix, but also that these existing three categories of trust, particularly Good Trust, help us to understand just how music can accomplish this aim.

III.   GOOD TRUST AND MUSIC

The category of Good Trust is one place where music enters the organizational equation. At a certain level, the notion of using music to enhance a workplace experience is nothing new. Ted Giola has chronicled this in his book on work songs sung throughout human history.[126] Today, almost all of us have been in a workplace in which some number of employees wear headphones while listening to their favorite tunes or, for that matter, visited a dentist office or shopping mall where music is regularly played.

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124.   *See* FORT & SCHIPANI, *supra* note 24.

125.   *See* FORT, VISION, *supra* note 13, at 229.

126.   *See generally* TED GIOLA, WORK SONGS (2006).

Without discounting these experiences, we suggest a deeper exploration into the ways in which music might contribute to Good Trust. We argue that it does so in exactly the three ways Good Trust presents itself, as explained above. One is through a biological, hardwired sense that includes experiencing the consequences of music. Two is through a narrative, story-telling sense. And three is through music's ability to connect a given individual with a wider sense of impact that provides aesthetic inspiration.

Before detailing this account, it is necessary to provide some groundwork for exploring the philosophical connections between emotion, ethics, and music. This itself is a large task that ranges at least back to Plato and has continued through to the present.[127] A larger work would need to account for this history, but for now the focus is on three contemporary philosophers whose work explores these issues: Marcel Colbussen, Nannette Nielsen, and Kathleen Higgins.

A. Intersubjectivity, Music, and Ethics

To begin, central to both Colbuseen and Nielsen's contribution to ethics and music is a critique of the work of another scholar, Peter Kivy. Focusing on the music of "great composers" such as Bach, Mozart, and Chopin, as well as the notion of "absolute music,"which is essentially, classical music without lyrics, Kivy argues that there are potentially three ways in which music can have a moral or ethical force.[128] The first is by conveying moral insights as a written book can; the second is by a behavioral force that makes people act in a moral way; and the third is by a character-building force, in which music makes people better.[129]

Kivy rejects much of the overall notion that music can have a moral force. He suggests that the emotions engendered by music can lift our mood and therefore might compel us to moral actions, but he does not believe there are any "specific bullets for specific moods."[130] In making this point, he uses the example of the film "SCHINDLER'S LIST," in which Jews are being shot one floor below while other Nazi officers are playing the piano and haggling as to whether the composer is Bach or Mozart.[131] He does believe that music might be character building, but cautions that any mood created would have a short life span rather than be enduring. Moreover, he suggests this connection is asserted rather than proven.[132]

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127. *See* PLATO, *supra* note 92.
128. MARCEL COLBUSSEN & NANNETTE NIELSEN, MUSIC & ETHICS 39 (2012) (citing Peter Kivy).
129. *Id.*
130. *Id.* at 39–40.
131. *Id.* at 40–41.
132. *Id.* at 43.

Colbussen and Nielsen object to Kivy's account on multiple grounds. One is musicological: why should one rely only on classical music?[133] Why would we not consider other music when making assessments about whether music might influence ethics? Another objection is philosophical. Kivy, they argue, postulates that there is a subject (the listener) and an object (the music), but does not provide an account of what lies between them.[134] They suggest there is some kind of interpretative bridge by which we encounter music. The listener and the music cannot exist merely as independent subject and object, but Kivy provides no intellectual account of a bridge that connects the two; or, if he does, he does so in vague terms that do not bear the weight of an explanation of how we do, in fact, engage with music.[135]

This second critique becomes foundational for how we wish to connect music and ethics within a business context. Colbussen and Nielsen argue that the bridge between the two lies in responses to music that can be explained with empirical and scientific evidence psychologically, philosophically, and phenomenologically.[136]

With respect to the latter, they argue that Kivy's methodology, one that focuses on absolute music drawn from a classical tradition, misses the cultural contexts for meaning and levels of understanding where it may have particular effects.[137] Listening to music always entails context. Perhaps this is most obviously present in film music, which always relies, they argue, on past associations in creating and setting moods.[138] Thus believing that music can influence moral behavior, they call for

> ethical criticism of music to account for multiplicities of listening, in order to achieve a more thorough understanding of instances of moral engagement. Regardless of the context, humans possess a complex capacity for mental imagery and emotional evocation.[139]

Though their argument occurs after that of Kathleen Higgins, whom they draw upon (and whose work is discussed below), this account provides a helpful context to appreciate her relational argument of how emotion and ethical conduct are related.[140]

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133.   *Id*. at 39.

134.   *Id*. at 42.

135.   *Id*.

136.   *Id*. Phenomenology is the study of structures of consciousness as experienced from the first-person point of view. The central structure of an experience is its intentionality, its being directed toward something, as it is an experience of or about some object.

137.   *Id*. at 44.

138.   *Id*. at 47.

139.   *Id*. at 49.

140.   And perhaps because Higgins' late husband, Robert Solomon, was one of the iconic founders of the contemporary field of business ethics, the move from her work to the Good Trust areas elaborated below is easier to make. Solomon was one of the iconic figures in the field of business ethics and provided both intellectual inspiration to one of the authors (Fort), as well as to personal mentoring. *See*, *e.g*., ROBERT C. SOLOMON, ETHICS AND EXCELLENCE: COOPERATION AND INTEGRITY IN BUSINESS (1993).

B. Emotion and Ethical Conduct

In her work, Higgins forcefully reminds her readers that humans are social creatures.[141] Notions of the significance of Kantian autonomy—which she identified with Eduard Hanslick, a 19th Century musicologist who argued that emotions are not present in music—are "corrected" by her thoroughgoing insistence on how and why we are social.[142] She then uses music in an aspirational way to show its power in society: it can remind us of our social nature, it can make us more aware of our social connections to others, and it can model the relationship between individual and community.[143] She considers music's psychophysiological power to affect the listener's outlook, its capacity to serve in metaphorical and symbolic roles, and its ability to develop capacities of value to ethical living.[144]

1. Music's psychophysiological power

Drawing on Asian and Greek traditions, Higgins argues that music "can influence our sense of ourselves as ethical agents and can encourage the belief that the harmonious interplay of our human powers is desirable."[145] For example, she appeals to a Confucian view that calming music makes the heart of a listener peaceful so that "customs are transformed and mores are changed."[146] She reminds us that Plato was ambivalent—not negative— about ethics, and that Aristotle argued for music's ability to form character, even "tuning" of moral character.[147]

Anticipating a response from those supportive of Hanslick, Higgins recognizes that if music has such a capability to affect the listener, then it creates an obstacle for autonomous moral choice.[148] But she rejects the limitation of moral agency to that of intellectual, autonomous choice, preferring instead to consider moral agency in wider, more complex terms that include the body itself, a body that also reacts to music.[149] Music engages our toes by causing them to tap and our respiration through singing; an Indian belief even holds that vocal sound has causal power.[150] Being in tune with our entire human nature is a task of integrating—harmonizing—various parts of our being (physical, mental, and psychological), not relegating music to an intellectual appreciation.

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141. KATHLEEN HIGGINS, THE MUSIC OF OUR LIVES 114 (2011).

142. *Id*.

143. *Id*.

144. *Id*.

145. *Id*. at 114.

146. *Id*. at 115.

147. *Id*.; *see also*, Philipp Brüllmann, *Music Builds Character: Aristotle, Politics VIII 5, 1340a14–b5*, 46 DE GRUYTER 345 (2013).

148. HIGGINS, *supra* note 141, at 116.

149. *Id*. at 118–19.

150. *Id*. at 120.

Moreover, Higgins claims that music elicits feelings for others. We listen in a nondefensive way.[151] We find ourselves in awe of human capabilities.[152] Yes, she acknowledges that modern technology has made musical experience more individualized, but music is also used for factional solidarity.[153] In her hands, music is a tool to make us aware of a fuller understanding of human nature—a body and soul harmony—and that the intersubjectivity of music reminds us of our social nature.[154]

2. *Capacity to serve in metaphorical and symbolic roles*

Higgins's second goal is to show how music can have metaphorical and symbolic roles that can assist in ethical reflection in three ways.[155] First, one of the important things that makes music interesting is tension. Ethics issues are frequently posed in dilemmas that demand—or at least seem to demand—resolution. What happens with such resolution? Some kind of elimination of the tension or the dilemma. This contemporary approach misses the sense that tensions could just be an ingredient of a good life, as has been suggested by thinkers such as Jean-Paul Sartre, but this suggestion has not been taken seriously by mainstream Anglo-American ethics.[156] Yet, Eastern traditions, through notions such as those of ying and yang and Middle Way balances, suggest that tensions might be handled, rather than eliminated.[157] Living at ease in our environment means living with tensions.

Second, music demonstrates how we can illuminate our own values by engaging with others—here, in terms of listening. Music reveals cultural values. Quoting another contemporary student of music and culture, John Shepherd, "tonal music is, above all, the music of explicitly sequential cause and effect."[158] Roger Scruton, a contemporary philosopher of music,[159] may have a point, Higgins argues, in that one needs to be a member of a community to understand the communication provided by music, but one can learn from another culture's music as well.[160] Comparative music puts us in a position to find what is common

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151. *Id.* at 121.

152. *Id.* at 123.

153. *Id.* at 125.

154. We would not go far as to suggest that Higgins's argument is a polemic. To be sure, she has little use for Hanslick, but our reading of her argument is more in terms of a corrective. It is not that she spends considerable time attacking positions with which she disagrees, as she is insistent on establishing a thoroughgoing relational model of ethics. Hers is not a Kolhbergian universalism, but much more of a Gilliganigian relationality in which music is in full service. *See id.*; *see also* LAWRENCE KOHLBERG, THE PSYCHOLOGY OF MORAL DEVELOPMENT: THE NATURE AND VALIDITY OF MORAL STAGES (1984); CAROL GILLIGAN, IN A DIFFERENT VOICE: PSYCHOLOGICAL THEORY AND WOMEN'S DEVELOPMENT (2016).

155. HIGGINS, *supra* note 141, at 115.

156. *Id.* at 139.

157. *Id.* at 140, 142.

158. *Id.* at 143.

159. *See* ROGER SCRUTON, THE AESTHETICS OF MUSIC (1997).

160. HIGGINS, *supra* note 141, at 144.

to human beings across societies.[161] Moreover, some styles of music provide a model for larger social issues. [162]

Third, Higgins considers the arguments for how music can be unethical. She cites cross-cultural condemnations of music ranging from Plato, Confucius, Judaism, Greek, Augustine, Calvin, and Quakers, as well as dancing bans, Nero fiddling, Goebbel's weeping, and even Tipper Gore.[163] She divides these dangers into two types: Dionysian and Apollonian. She largely dismisses the Dionysian danger (arousing harmful passions, abandonment of reason, lowering inhibitions, and exciting sexual appetite).[164] These issues range far beyond music; music itself is more ambivalent, rather than being blameworthy, and may be a source for education.[165] Of more concern to Higgins is the Apollonian danger of music glamorizing unethical causes, encouraging emotional support for questionable status quos, and distracting from more important concerns, a concern to which we will return.[166] Here again, though, while empathizing with these dangers, she also emphasizes music's other positive possibilities.[167]

3. Developing the capacities for ethical living

Higgins's third dimension shows how music can develop capacities of value to ethical living. This occurs "through [music's] engagement of our affective and (more narrowly) intellectual natures [that] can develop in us capacities of value in ethical comportment and attitude."[168] Music develops our ability to approach others in a nondefensive, non-competitive fashion.[169] She argues that music affords grounds for empathy, even when momentarily irritating. For example, she imagines how listening to a Simon & Garfunkel tune could deflate an otherwise harsh encounter: one "cannot but believe that practically motivated annoyance or even ill will toward particular individuals would be mitigated by a vision of them sharing the experience we have in our most engaged musical listening."[170] Moreover, music cultivates appreciation:

> . . . appreciating music involves something like reverence for persons one associates
> with it (however specifically or generally one might focus this feeling, and whether

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161. *Id.* at 146.
162. *Id.* at 148. Higgins provides an extended metaphor for how the dialectic between an individual jazz solo and the structure of the background ensemble of progressive jazz serves as a moderating model for race relations.
163. *Id.* at 153–54.
164. *Id.* at 154.
165. *Id.* at 155–57.
166. *Id.* at 154.
167. *Id.* at 158–59.
168. *Id.* at 114–15.
169. *Id.* at 129.
170. *Id.* at 132.

or not one consciously reflects upon it). This reverence is, I believe, ethically valuable, for reverence is a contagious and expansive emotion.[171]

Ethics tends to pertain to a greater universe of individuals than those who contemplate time, epistemology, and other philosophical concepts. To be sure, anyone can ruminate on these things, but ethics is more pragmatically central to all aspects of any person's life; it is not merely a category of philosophical inquiry. With that in mind, it seems that if we are to use music in some sort of ethics-related way, we need to provide a framework that does, in fact, extend to a fairly wide range of individuals. It may well be that there are certain paths of moral development, or different kinds of rationalities and justice, and it seems that music and ethics are in the same boat.

Yet it is hard to think of music as being particularly effective in conveying ethical content. Its impact may be limited, as Kivy suggests. But why in the world would we limit ourselves to such a tight range of music? It would be like fighting with one hand tied behind one's back. Indeed, Colbussen and Nielsen's emphasis on listening, discourse, and context implicitly brings these wider notions to bear, and it is interesting that Higgins's examples are about a text-filled opera rather than a wordless symphony.[172] If ethics is most generally and effectively conveyed via story-telling, then it would seem that absolute music may not be the right music to be dealing with it.

While there may well be a quite coherent and appropriate analysis of absolute music pursuant to Kant/Hanslick/Kivy, the universe for this applicability is likely small. Instead, there is a coherent and appropriate analysis of music that is more suited to a wider audience for ethics that connects music with context, history, familiarity, and text. This strikes us as what Higgins, Colbussen, and Nielsen are arguing for, and it has the greater potential for an actual application of music to ethics, particularly with respect to the category of Good Trust, which we explore below.

C. Music and Good Trust Categories

To reprise, the three ways in which Good Trust can be expressed are through a biological sense, a narrative sense, and one that inspires individuals to think more largely than themselves.

1. Biological

Consider, to begin, the findings of a neurobiologist looking at what music does to the human body:

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171. *Id*. at 132–33.

172. COLBUSSEN & NIELSEN, *supra* note 128, at 163 (emphasizing the importance of intersubjective listening and the senses experienced thereby).

> Music listening, and perhaps even more so music making, can have vitalizing effects in an individual. Vitalization entails activity of the autonomic nervous system (i.e. regulation of sympathetic and parasympathetic activity) along with the conscious cognitive integration of "musical" and "non-Musical" information . . . effective of music perception on activity of the autonomics nervous system have been investigated mainly by measure electro dermal activity, heart rate, and heart rate variability, as well as the number and intensity of musical frissons (i.e. of intensely pleasurably experiences often involving goose bumps or shivers down the neck, arms or spine . . . [b]ecause autonomic activity always acts in concern with endocrine activity, music perception (as well as music making) also has effects on hormonal activity . . . [studies show] increased cortisol levels . . . after listening to music.[173]

This description contains a profound set of reactions within the human body to music. Why would this be so? Why do basic bodily functions like skin temperature, endocrine production, and heart rate change as a result of listening to music and, as suggested, even more so if one is engaged in music-making? If music is, as Steven Pinker argues, "auditory cheesecake" with no evolutionary function, why do our bodies react so significantly?[174]

a.   Evolutionary dimensions

One answer is that this reaction to music is something that has not been challenged from an evolutionary standpoint. That is, evolution does not demand that any given creature is the most evolutionarily fit as it can possibly be; it simply means that the species is fit enough to continue to survive. Perhaps music simply hangs around without any particular usefulness.

That seems a spurious conclusion. As another evolutionary theorist whose focus is music counters: "we don't have emotions for free or fun."[175] Indeed, Steven Mithin makes an argument that language and music do not derive from each other, but from a common source that subsequently diverged.[176] There is little argument that language is a useful evolutionary adaptation, and Mithin's argument is that music, at a minimum, is part of that development, suggesting that its impact on our physiological nature (as recognized philosophically by Higgins) might have significance as well.[177]

Mithin contends that the precursor to both music and language is an auditory signal he calls "Hmmmmmm."[178] This is not an analytically descriptive device, but it is a symbolic reference to an object or feeling that exists in the natural world. Neanderthals, he argues, may not have described a deer or other creature in terms of color, height, age, and so forth, but may have used a sound that others

173.   STEFAN KOELTSCH, BRAIN & MUSIC, 93–94 (2012).

174.   STEVEN PINKER, HOW THE MIND WORKS 534 (1997)

175.   STEVEN MITHIN, THE SINGING NEANDERTHALS: THE ORIGINS OF MUSIC, LANGUAGE, MIND AND BODY 25 (2006).

176.   *Id*.

177.   *Id*.

178.   *Id*. at 26–27.

could understand as referent to that particular creature.[179] Our reactions to sounds are rooted in our very nature, beginning with what is called "motherese" or Infant-Directed Speech (IDS), which infants react to "because human infants demonstrate an interest in, and sensitivity to, the rhythms, tempos and melodies of speech long before they are able to understand the meanings of words."[180]

IDS is not culturally dependent, he argues, because "whatever country we come from and whatever language we speak, we alter our speech patterns in essentially the same way when talking to infants."[181] Citing other studies, Mithin argues that "infants react more strongly physiologically (measured by production of salivary cortisol) to their mother's singing than to speech."[182] Music has been shown to stabilize oxygen saturation levels, and the combination of music and massage allows premature infants to be discharged from hospitals an average of eleven days earlier than a similarly situated control group.[183]

The significance of IDS and the impact of music on infants seems to be widely accepted, but Mithin is not content to leave music's impact on evolutionarily adaptive emotions in the crib. He suggests that Neanderthals could only have survived as long as they did under conditions of an ice age if they felt a range of emotions including being happy, sad, and angry, as well as feeling guilt, shame, embarrassment, and "the elation of love."[184] All of these emotions are likely necessary for long-term social interaction. Of course, music can induce many types of moods,[185] and it becomes hard to dismiss all of these emotions, which do seem to guide human beings in behaviors that have long-term benefits.[186]

Other researchers push this line of argument further. Repetition in music has a degree of cross-cultural identity. Elizabeth Margulis shows that there are large amounts of repetition within particular pieces of music and that we voluntarily listen to familiar pieces of music.[187] Citing the famous Diana Deutsch example, we are so musically oriented that we hear repeated speech as rhythmic and musical.[188] Looking at both semiotics and IDS, repetition plays a role in

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179.   *Id*.

180.   *Id*. at 69.

181.   *Id*. at 72-74. This is something that is also similar to, and equally efficacious with, pet-directed speech.

182.   *Id*. at 79.

183.   *Id*. at 80.

184.   *Id*. at 88.

185.   *Id*. at 90. "We all know that specific types of music can induce specific types of mood; we play soft-romantic music on a date to induce sexual love, uplifting, optimistic music and weddings, and dirges at funerals. Enlightened factor managers play music to improve employee morale when they have to undertake simple repetitive jobs, while dentists and surgeons use music to sooth and relax their patients, sometimes with such astonishing results that anesthetics become redundant." *Id*.

186.   *See, e.g*., DAVID SLOAN WILSON, DARWIN'S CATHEDRAL: EVOLUTION, RELIGION, AND THE NATURE OF SOCIETY 5-47 (2002).

187.   ELIZABETH HELLMUTH MARGULIS, ON REPEAT: HOW MUSIC PLAYS THE MIND 4 (2014)

188.   *Id*. at 17.

expectation, and that seems to be a universal human experience.[189] The difficult task, of course, is to define the levels of commonality that unite human beings while recognizing that diversity among humans and diversity within music also exists at an exquisitely complex and specific level.

As a final example, consider religion, another cultural phenomena that seems to be as diverse as one can imagine. Yet the ethics produced by religion, as already noted, commonly entail some version of reciprocity, and evolutionary psychologists also find ethics to be adaptive, with long-term benefits for the species.[190] Some form of music always accompanies religious ritual itself,[191] and can go so far—and so globally diverse—as trancing.[192] Thus, while the particular style of music can be quite different, the fact that music serves a common aim—here in communing with the transcendent—lays out the complexity of differentiation and commonality.[193]

b. Psychological dimensions

Given that a good deal of evolutionary work today comes from evolutionary psychologists, we have already crossed the bridge into psychology. Yet there remain two examples of the cognitive impact music has on individuals that may impact the emotions giving rise to ethical conduct.

The first comes from Temperly and Tan.[194] Methodologically, they begin by addressing an important issue concerning emotion and music. They distinguish between a music piece that indicates or expresses an emotion (the cognitivist view) and one that makes us feel an emotion ourselves (the emotivist view).[195] These are separate questions, and Temperly and Tan focus their work on the latter. They argue that it is well established that pitch frameworks can carry expressive implications, noting that 11th Century theorist Hermannus Contractus

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189. *Id*. at 24.

190. *See, e.g.*, HOMER-DIXON, *supra* note 37; *see also* ROBERT AXLEROD, THE EVOLUTION OF COOPERATION 27-54 (1984) (explaining the game theory argument for tit-for-tat, reciprocal tit-for-tat, and generous tit-for-tat).

191. MARGULIS, *supra* note 187, at 57.

192. *Id*. at 67.

193. In addition to the traditional hymn singing and service music associated with traditional churches, consider contemporary spirituality, often associated with New Age approaches, that devotes considerable attention to the impact of sound on the body and on spirituality itself. *See* CHRISTINE STEVENS, MUSIC MEDICINE: THE SCIENCE AND SPIRIT OF HEALING YOURSELF WITH SOUND (2012); JUNE LESLIE WIEDER, SONG OF THE SPINE: SOUND HEALING & VIBRATIONAL THERAPY (2004); JOSHUA LEEDS, THE POWER OF SOUND: HOW TO BE HEALTHY AND PRODUCTIVE USING MUSIC AND SOUND (2010); JOHN BEAULIEU, HUMAN TUNING: SOUND HEALING WITH TUNING FORKS (2010); EILEEN DAY MCKUSICK, TUNING THE HUMAN BIOFIELD: HEALING WITH VIBRATIONAL SOUND THERAPY (2014). Obviously, the connection between music and inspiration has a massive history that both requires assessment and which also would overwhelm the capabilities of an inquiry of the nature of this Article. Suffice it to say, this is an area that requires additional treatment.

194. David Temperly & Daphne Tan, *Emotional Connotations of Diatonic Modes*, 30 MUSIC PERCEPTION 237 (2013).

195. *Id*. at 239.

deemed the Mixolydian model "garrulous" and 16th Century Stefanno Vanneus thought it "querulous."[196] The attribution of emotions to musical modes is not only a Western construct; North Indian ragas (a melodic form of improvisational Indian music) and Arabic maqams (a melodic form of traditional Arabic music) have been characterized as carrying expressive meaning.[197]

Temperly and Tan argue that the diatonic scale/mode is recognized as "happier."[198] Why might this be the case? One explanation is that the minor triad gives it an effect of "mysterious obscurity or harshness" that is not present in the major triad.[199] Another theorist argues that the greater variability present in the minor scale (natural, harmonic, melodic) creates uncertainty and anxiety in the mind of the listener (a more emotivist assessment).[200] Still others point to the "pitch height" difference between major and minor scales, with a higher pitch height in a major scale expressing a happier sense and a lower pitch in a minor scale expressing a sadder one.[201] Temperly advances a theory, "the line of fifths," that relates the happiness of the mode in relation to the position of the tonic in relation to the scale, so that, assuming a fixed tonic, "the further in the 'flat' direct the tonic is on the scale, the happier the mode is . . . happiness increases as the scale moves in the sharp direction."[202] Finally, the familiarity theory proposes that the "enjoyment of the piece increases with repeated exposure, though continued exposure beyond a certain point may cause enjoyment to decrease."[203] This line of research further suggests that, amidst the reality of the diversity of culture, musical and ethical expression is also an aspect of commonality.

Another example of the relationship between psychology, emotions, ethics and, in this case, history and culture, lies in the analysis of portamento by Daniel

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196.   *Id*. Modal scales were particularly utilized in church music from 800-1500. Rather than beginning on the tonic, different modes began on a different note in the scale. Mixolydian mode begins on the fifth (or dominant) note of an otherwise major scale with a lowered seventh degree. *See* BRUCE BENWARD & MARILYN SAKER, MUSIC IN THEORY AND PRACTICE VOL. 1 44 (9th ed., 2015).

197.   Temperly & Tan, *supra* note 194, at 239.

198.   *Id*. at 237. Diatonic refers to an octave or scale comprised of a seven-note collection, something thought of as natural tones. *See* STEVEN G. LAITZ & CHRISTOPHER BARTLETTE, GRADUATE REVIEW OF TONAL THEORY: A RECASTING OF COMMON-PRACTICE HARMONY, FORM, AND COUNTERPOINT 17 (2010).

199.   *Id*. at 239. A major scale is an eight note sequence of (relatively) adjacent notes with whole steps throughout the particular notes except for between notes 3 and 4 and between 7 and 8, which are half-steps. The scale begins and ends on the tonic note, with the pitch of the latter an octave above the starting note. *See* BENWARD & SAKER, *supra* note 196, at 29. A minor scale is also diatonic, but the sequence of half and whole steps is different than in a major scale. With a natural minor scale, the half steps occur between the 2nd and 3rd notes and between the 5th and 6th notes of the scale. An example of this scale can be found in the Christmas carol, "God Rest Ye Merry Gentlemen." In a harmonic minor scale, there is a half step between the 2nd and 3rd notes and also between the 5th and 6th notes and the 7th and 8th notes; there is a step and a half interval between 6th and 7th notes. *Id*. at 32-33.

200.   Temperly & Tan, *supra* note 194, at 241.

201.   *Id*.

202.   *Id*.

203.   *Id*. at 242.

Leech-Wilkinson.[204] Portamento, he argues, was a significant expressive device for a hundred years or more in order to draw and to express emotions, but since World War II, it has mostly evaporated because it seems objectionable and self-indulgent.[205] He too claims that neurobiological responses are worth musicology's attention because music draws on our instinctive emotional reactions.[206] This includes relationships between fast music and excitement, and slow music and calm, as well as timbre and timing. Singers, he suggests, "know that if they snarl a note, listeners are going to recognize a signal of anger."[207] Again drawing on the example of IDS, he claims that "lullabies from around the world . . . include 1) slow tempo . . . 2) relatively high average pitch . . . 3) simplicity and repetitiveness . . . 4) few changes of pitch direction . . . and 5) a greater proportion of descending pitch intervals."[208]

Sincerity, depth of feeling, safety, and other deep emotions that might be enhanced by a motherese-like portamento may not seem appropriate in "adult" music that is affected by tensions in society.[209] Relying on Theodor Adorno's condemnation of these sentiments in the age of the Holocaust, he argues that the shock of World War II forced such expressiveness to the side in art and music.[210] This provides an example of how socio-historical events can cause cultural adaptations to expression. It is not that the instinctive dimensions have gone away, but that their method of expression has been deemed, for better or for worse, culturally inappropriate.

This also is a line of thought explained by John Sloboda. He argues that music can provide a powerful reminder of earlier events or periods in our lives, and of the significant people or places that figured in them, particularly when these life events were strongly emotional.[211] Consistent with a point made earlier regarding biology, in which Koeltsch finds that the impact of music on the brain is even more pronounced when an individual is producing music rather than simply listening to it, Sloboda raises the concern that music has been professionalized to the extent that fewer people actually participate in making music itself.[212] He lists some barriers to music engagement, including decreased

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204. Daniel Leech-Wilkinson, *Portamento and Music Meaning*, 25 J. MUSICOLOGICAL RES. 233 (2006). A pormento is a "slide" between notes that gives a melody a particular expressive color. One might think of a Dean Martin Christmas song, where his slides between notes provide an intriguing, even lustful character.

205. *Id*. at 233–34.

206. *Id*. at 235.

207. *Id*. at 239.

208. *Id*. at 243–44.

209. *Id*. at 248–49.

210. *Id*. at 250 (except within opera). Adorno was a 20th Century German philosopher, writing nearly all of his work after World War II. He had a wide range of interests that included extensive controversial commentary on music. *See* THEODOR ADORNO, PHILOSOPHY OF NEW MUSIC (1949).

211. JOHN SLOBODA, EXPLORING THE MUSICAL MIND: COGNITION, EMOTION, ABILITY, FUNCTION 337 (2005).

212. *Id*. at 340-43.

church attendance; increased framing of performance in terms of talent, achievement, and success instead of community, fulfillment, or transcendence; and the elitism of high art.[213] This will have implications for the next area of Good Trust: the narrative.

2. *Narrative*

As already noted, there is no doubt that absolute music—and engaging with it—can be an exquisite experience, especially for the highly trained musician. Yet music enchants a larger population with the addition of lyrics. For example, very few popular musical songs over the last century lack lyrics.[214] Songs tell stories that the underlying music makes more interesting and more powerful. This is important if, as argued above, the most natural way for people to talk about ethics is to tell stories.[215] While philosophy, jurisprudence, psychology, and theology all make strong contributions to the study of ethics, more ethical wisdom is passed from one person to the other by the parable, the novel, the film, the example, or some other kind of narrative work.[216] In his classic work, "How Musical Is Man," John Blackling stated, "[t]he Venda taught me that music can never be a thing in itself, and that *all* music is folk music, in the sense that music cannot be transmitted or have meaning without associations between people."[217]

Demonstrating this point further, in his book of how music created human nature, Daniel Levitan argues that there are only six kinds of song, all created with themes of friendship, joy, comfort, knowledge, religion, and love.[218] It is possible that a given song about one of these six themes can be played without lyrics,[219] but music intended to convey one of these ideas often has words associated with it for the very good reason that there is a story the composer or artist needs to tell. And when there is a story, there typically is a point or moral to that story.

Levitan provides insights into this phenomena through examples. For one, synchronous coordinated song and movement allowed for increases in the sizes of human groups, which helped with waging war, defending against attack, hunting, and forming work crews.[220] Indeed, music helps as a response to the neurobiological limitations considered above regarding mediating institutions, where there are breaking points that inhibit one's feeling of relationality with

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213. *Id.* at 340–42.

214. An assertion to be sure, but one for which there is ample evidence, we believe.

215. *See* FORT, VISION, *supra* note 13, at 230.

216. *Id.*

217. JOHN BLACKLING, HOW MUSICAL IS MAN? (1973).

218. DANIEL LEVITAN, THE WORLD IN SIX SONGS: HOW THE MUSICAL BRAIN CREATED HUMAN NATURE 7 (2008).

219. Think, for example, of the 1970s song, "Love is Blue," which Paul Mauriat performed without lyrics.

220. LEVITAN, *supra* note 218, at 50, 57.

others.[221] Robin Dunbar, the scholar relied upon to make that argument, also argued that aural bonding is more efficient than one-one physical bonding through grooming, thus implying that music provides a way for us to work together in larger group settings[222]

That music also has provided opportunities for disenfranchised groups to bond,[223] and has even been shown to foster joy and cause healing,[224] suggests a popular wisdom in the power of music itself. This, in fact, is why Levitan argues that creative brains became more sexually attractive because they can solve more problems.[225] Our argument is that a crucial agent driving the efficacy of such social adaptation is the combination of lyrics with music.

Others have already demonstrated the power of music to foster cooperative work. Giola reports in his research that in many of the places where he has worked, a soundtrack allowed him to get through the monotony of the day.[226] Getting the balance among the various interests in the workplace right presents a challenge. Specifically eschewing the notion that music ought not be relegated to the elites and highly trained, Giola argues that music and the other arts have no greater role to play than to enchant and transform our everyday existence.[227] This is true historically, ranging from the work songs of hunters to agricultural societies, and even then to wooing (by using the same work instruments for making the music to romance).[228]

Stretching back further to Mithin's evolutionary argument, bipedalism requires a bigger brain and more complex nervous system; once that brain was developed, it was then used for other tasks as well, including planning, social interaction, language, and music.[229] A bigger human brain also meant that infants were born with further biological development necessary, thereby placing pressure on parenting that was very nurturing, yet time consuming.[230] Bigger brains thus created a problem and also an answer in the search for partners that had creative skills associated with tool making or other non-brute-like activity. This, he argues, further benefitted the musically inclined[231] and, almost tautologically, reinforces the importance of IDS.[232] In fact, song becomes an evolutionarily adaptive phenomena because

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221. *See* FORT, VISION, *supra* note 13, at 231-32.
222. LEVITAN, *supra* note 218, at 59.
223. *Id*. at 61.
224. *Id*. at 98–99.
225. *Id*. at 19.
226. GIOLA, *supra* note 126, at 4.
227. *Id*.
228. *Id*. at 14, 28–29.
229. MITHIN, *supra* note 175, at 146.
230. *Id*.
231. *Id*. at 191.
232. *Id*. at 196.

music-making is a cheap and easy form of interaction that can demonstrate a willingness to cooperate and hence may promote future cooperation when there are substantial gains to be made, such as in situations of food sharing or communal hunting. It can be thought of as the first move of a TIT for TAT strategy that is to always cooperate; one that can be undertaken at no risk because there is nothing to lose if the other members defect – that is if they do not join in the song or dance.[233]

Music thus has strong potential to be an agent of Good Trust. If a prime example of Good Trust is the telling of meaningful stories, then music's enhancement of story-telling would seem to be a natural augmentation of the power of Good Trust to motivate individuals to particular kinds of behavior. Echoing Giola, this does not mean that finding the right balance is easy, because what is motivating to one person may be alienating to another because of what the music has come to mean to them as part of a particular culture.[234] Yet, this simply begs the question of music's aims. If it is effective in social bonding, then there is no reason to think that thoughtful use of music at work would not be able to help bonding between individuals who come from different backgrounds.[235] At the core of the ways in which music might make for a more ethical—and therefore a peace-building—corporate culture is the evidence that music can engender happiness, which allows people to think more creatively and makes them more cooperative and helpful to others,[236] as well as produce the kinds of brain stimuli that is also associated with ethical practices.[237]

3. The bigger picture

Why should any person bother to recycle a can of soda? Or a newspaper? Any one given can or paper does not make much of an impact on the environment. The response is that we have learned that actions add up. Any individual action can be important when combined with others, even if that impact is not immediately apparent.

This is an argument for business's impact on peace as well. A given bribe here and there, a lost job, the mistreatment of a woman employee, or a child's suffering in a sweatshop do not, in and of themselves, seem to give rise to a war-and-peace dilemma. Collectively, however, such actions add up and do make a difference. Because these decisions coincide with ethical and unethical conduct, they suggest that conduct has an impact on peace, even when that connection is not immediately apparent.

Music can have a role in connecting us with a broader perspective because it is so emotionally resonant and so easy to share. This is a key reason why the

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233. *Id.* at 214 (drawing on the pioneering work of Robert Alexrod).
234. BLACKLING, *supra* note 217, at 33.
235. MITHIN, *supra* note 175, at 216.
236. *Id.* at 98–99.
237. *See generally* NITIN NOHRIA & PAUL R. LAWRENCE, DRIVEN: HOW HUMAN NATURE SHAPES OUR CHOICES (2002).

examination of the music of war and peace could be fruitful.[238] It accompanies, and is embedded in and reflective of, political and social events in the 20th Century.[239] It may even be transformative of conflicts themselves.[240] Especially when combined with narrative storytelling, music provides a vehicle for social transformation. At least part of this transformation can be effectuated through ethical business practices and their peace-building functions. Although there is much scholarly work to be done here, we simply mark this aspect—the way in which music can be a dimension of Good Trust—until that future study is undertaken.

IV.   CAUTIONARY CONCERNS

A question—and cautionary flag—must be raised at this point: while it may be well-intended to use music to enhance peace and ethical conduct, could it not become manipulative, undermining of individual autonomy, and therefore problematic in its own right? This argument is reminiscent of those surrounding the ongoing debate concerning the use of "nudges," or small features of design intended to shape our decision making.[241] While this is a rich area with a long history and certainly worthy of exploration, in the space remaining we will only dip our toe into this deep water.

First, some background. In 2008, behavioral economist Richard Thaler and legal scholar Cass Sunstein published their seminal book, *Nudge: Improving Decisions About Health, Wealth and Happiness*.[242] In what quickly became a bestseller, Thaler and Sunstein made the case for using choice architecture, the environment in which choice is made, to alter individual behavior. According to them, deliberately structuring choice could help people make better decisions, benefiting themselves and society. They encouraged choice architects, "those responsible for organizing the context in which people make decisions," to frame choice in a manner that "alters people's behavior in a predictable way without forbidding any options or significantly changing their economic incentives."[243] Thaler and Sunstein labeled these design features "nudges."[244]

Although "nudge" now serves as a blanket term, as originally conceived, it contained inherent caveats. For one, a nudge has to preserve freedom of choice

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238. *See* SOUNDS OF FREEDOM: MUSICIANS ON SPIRITUALITY AND SOCIAL CHANGE (John Malkin ed., 2005).

239. *See* ALEX ROSS, THE REST IS NOISE: LISTENING TO THE TWENTIETH CENTURY (2007).

240. MUSIC AND CONFLICT TRANSFORMATION: HARMONIES AND DISSONANCES IN GEOPOLITICS (Oliveir Urbain ed., 2015).

241. *See* Todd Haugh, *Nudging Corporate Compliance*, 54 AM. BUS. L. J. 683 (2017). Some portions of the following background regarding the history of nudges are drawn from this publication.

242. RICHARD H. THALER & CASS R. SUNSTEIN, NUDGE: IMPROVING DECISIONS ABOUT HEALTH, WEALTH, AND HAPPINESS (2008).

243. *Id*. at 3, 6. Notably, Thaler and Sunstein recognized that employers are "important choice architects." *Id*. at 6.

244. *Id*. at 3.

to a large degree. As Sunstein puts it, "if an intervention imposes significant material costs on choosers, it might of course be justified but it is not a nudge."[245] This would preclude bans or mandates from being called nudges, as well as many other familiar legal and regulatory tools. While a nudge is free to "steer[] people in a particular direction," it ceases to be one if it does not "allow them to go their own way."[246] What is left for choice architects are tools such as reminders, warnings, prompts, anchors, frames, and default rules—many of which come into play when considering music.[247]

Second, nudges must increase the welfare of the people being nudged. Although Thaler and Sunstein clearly contemplated that choice architecture may be used to do harm, under their conception an intrinsic quality of a nudge is that it intends to do good.[248] Thus, there is an inherent ethicality to nudging. Of course this begs the question of who makes the determination of what is good and by what measure, but as a general matter, nudges are not to be "employed to sway people to make bad decisions they will later regret."[249] The most basic way this is achieved, Thaler and Sunstein assert, is by designing nudges that help people make the decisions they otherwise would if they were to "pa[y] full attention and possess[] complete information, unlimited cognitive abilities, and complete self-control."[250] A nudge, then, is like a GPS system for decision making; it attempts to steer you in the right direction for your own best interests, but you are free to ignore it and go your own way.[251]

Yet this last part has prompted a significant debate surrounding nudges. Ethics scholars such as Karen Yeung,[252] Luc Bovens,[253] Robert Baldwin,[254] and others[255] have categorized and critiqued nudges, inviting a series of responses by Thaler and Sunstein.[256] While a review of that entire back-and-forth is too voluminous to undertake here, the critical point is that nudges can be employed in ways that negatively impact individual autonomy to a degree that renders them

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245. Cass Sunstein, *The Ethics of Nudging*, 32 YALE J. REG. 413, 417 (2015).

246. *Id.* at 417.

247. *Id.* at 417, 428.

248. THALER & SUNSTEIN, *supra* note 242, at 239–41.

249. Richard H. Thaler, *The Power of Nudges, for Good and Bad*, N.Y. TIMES (Oct. 31, 2015), http://www.nytimes.com/2015/11/01/upshot/the-power-of-nudges-for-good-and-bad.html.

250. THALER & SUNSTEIN, *supra* note 242, at 5.

251. In fact, the images or voice from a GPS device is one considered by Thaler as a quintessential example of a nudge. Richard H. Thaler, *Nudge, Not Sludge*, 361 SCIENCE 431, 431 (August 2018).

252. *See* Karen Yeung, *Nudge as Fudge*, 75 MODERN L. REV. 122 (2012).

253. *See* Luc Bovens, *The Ethics of Nudge*, *in* PREFERENCE CHANGE 217 (Till Grune-Yanoff & Sven Ove Hansson eds., 2009).

254. *See* Robert Baldwin, *From Regulation to Behaviour Change: Giving Nudge the Third-degree*, 77 MODERN L. REV. 831 (2014).

255. *See, e.g.*, *Symposium: The Ethics of Nudging, Evaluating Libertarian Paternalism*, 14 GEO. J. L. & PUB. POL'Y 645 (2016) (collecting articles by various authors justifying nudging and libertarian paternalism, as well as providing alternative views).

256. *See, e.g.*, Cass R. Sunstein, *Nudges, Agency, and Abstraction: A Reply to Critics*, 6 REV. PHIL. PSYCH. 511 (2015); THALER & SUNSTEIN, *supra* note 242, at 236–51.

unethical. Even proponents of choice architecture acknowledge this; indeed, any discussion of nudges, and libertarian paternalism more generally, quickly turns to concerns over their potential to coerce in a way that impermissibly reduces individual autonomy.[257] The second critique is that non-transparency negatively impacts autonomy, insofar as nontransparent nudges are "highly vulnerable to abuse."[258] Taken together, these concerns represent the potential "autonomy costs" of nudging.[259]

Turning now to the matter of music influencing ethicality in business, which in turn may foster peace, the question is whether this use of music is ethical in its own right. Put another way, does music nudge in a manner that imposes too high of a cost on individual autonomy to justify?

If in thinking about this question, we view ethics as making sure that no exogenous pressure impedes the pure, autonomous choice of an individual, then it is hard to conceive of a time and place in which anyone will ever make an ethical choice. The notion of ethics as autonomy, of course, is a vibrant model of analyzing ethical decisions. The reason it has so much vibrancy is that it touches on a central concern for all people: to be free, moral agents. The appeal and justification for this position is considerable. Even if it is difficult to imagine a perfectly free autonomous choice, the idea that this choice represents provides a critical vantage point by which one can critique any usurpation of autonomy.[260] In that regard, using music—or any other external pressure (nudge or otherwise)—to influence decision making deserves some degree of suspicion.

Yet realities prevent this view from ruling the issue. In fact, one of Thaler and Sunstein's most forceful arguments for using nudges in all kinds of spheres, including as a way to impact ethical decision making in business, is that some form of nudging is inevitable. Choice architecture is all around us whether we like it or not, so we might as well structure it to do good for people.[261] Thus, the analysis should not be overly concerned with whether we should complain that a perfect situation does not exist; instead, it should center on using the resources available in order to nudge decision making toward a particular telos.

In that regard, the significant overlap between commonly held ethical principles and the attributes of relatively non-violent societies—as already set

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257.   THALER & SUNSTEIN, *supra* note 242, at 11, 237.

258.   Yeung, *supra* note 252, at 144.

259.   Haugh, *supra* note 241, at 724.

260.   Yeung, *supra* note 252, at 135. It must be noted that there are many competing definitions of autonomy, all of which have their adherents. *See, e.g.*, Christian Schubert, *On the Ethics of Public Nudging: Autonomy and Agency* 9–10 (Faculty of Bus. Admin. and Econ., Univ. of Marburg, Joint Discussion Paper Series in Econ., No. 33-2015), https://www.econstor.eu/bitstream/10419/125535/1/837886600.pdf (highlighting two competing definitions impacting the ethics of nudges).

261.   *See* THALER & SUNSTEIN, *supra* note 242, at 10 (arguing that in many situations, some organization or agent must make a choice that will influence others' behavior; there is "no way of avoiding nudging in some direction").

out above—supplies a set of ethical behaviors toward which nudging via music or other influential cultural artifacts seems to be acceptable. Is it not better to be nudged toward peace, equity, and transparency than toward violence, unfairness, and corruption? In this sense, music's capacity to nudge us in certain ways that make the human condition a bit more fair and a bit more peaceful is not only ethical, it is preferable.

Having said this, one does have to admit that there is a potential Pandora's Box that could be opened by the use of music to enhance certain moods and behaviors in business. Music that respects human rights and fosters peace? Fine. But what about music that might drive emotions that incite violence and abuse? These are the kinds of Apollonian versus Dionysian issues Higgins addresses outside of the corporate context.[262] Her concerns lay more with the Apollonian use of music to support bad regimes—which certainly could include corporations—more than music being inspiration for violence and sexual permissiveness.[263] These are topics and implications that need more attention, yet it has to be said that these issues have been around for a long time, and the use of music for problematic conduct has long been available to, and perhaps used already by, businesses. Thus, even if these concerns are real, the use of music to enhance ethical and peaceful conduct is less likely to be a new thing that opens a Pandora's Box as it is to be a potential corrective influence on ethical decision making.

Diversity also stands as a significant potential obstacle to this corrective use of music in business in at least three ways. First, different cultures have different views on what music is enjoyable to listen to, let alone what music might have an impact on behavior. Ethnomusicologists stand as a fertile resource for exactly this kind of knowledge. Second, human beings have almost unlimited emotions; the same can be said for the types of conduct flowing from those emotions. While peaceful music might facilitate generous and creative work, maybe it is more appropriate to engage a hard-driving rhythm striving for a sales goal that will maintain the employment of oneself and of others, or to push through fatigue or a difficult time to ensure some other kind of ethical good. Business ethicist Robert Solomon lists twenty-eight different virtues encountered at work; no one song or even style of music is likely to motivate each of those.[264] Third, different age groups within a company will inevitably have different musical tastes and interests, so much so that the virtues they inspire would be unrecognizable to another generation.

Yet another obstacle is the difference between collective and individual music. Directly related to this is the difference between consumption of music—individually, through an iPhone for instance—versus actually participating in

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262. HIGGINS, *supra* note 141, at 154.
263. *Id.*
264. *See* SOLOMON, *supra* note 140.

singing or playing a song. Just which one, and in which ways, might be the more effective way for music to impact the workplace is hard to know. Again, these are questions we raise with the hope that others may answer in the future.

CONCLUSION

In this Article, we have attempted to both sketch the terrain of a new interdisciplinary stream of research that brings together business, ethics, law, and cultural artifacts, as well as to create some momentum for those scholars contributing to the endeavor. We began with a review of the related literature and then presented the evidence in support of our central logic: that businesses adhering to legal and ethical principles can foster peace; that cultural artifacts such as music can foster ethical and legal business behavior; and it follows that music can foster peace and social harmony. This logic is at the heart of the argument we advance above, and we hope to have explored it in a meaningful way.

It is, however, not a complete argument or exploration. As one might suspect, the answers to the many questions that have arisen throughout this Article require significant additional attention and research that will take place down the road. This Article provides the first articulation of the landscape of music, business, ethics, and peace that is to be traveled.