**CHAPTER 1**

THE CORPORATION AND ITS STAKEHOLDERS

**INTRODUCTION**

Business corporations have complex relationships with many individuals and organizations in society. The term *stakeholder* refers to all those that affect, or are affected by, the actions of the firm. An important part of management’s role is to identify a firm’s relevant stakeholders and understand the nature of their interests, power, and alliances with one another. Building positive and mutually beneficial relationships across organizational boundaries can help enhance a company’s reputation and address critical social and ethical challenges. In a world of fast-paced globalization, shifting public expectations and government policies, growing ecological concerns, and new technologies, managers face the difficult challenge of achieving economic results while simultaneously creating value for all of their diverse stakeholders.

**PREVIEW CASE**

**Amazon.com**

**Teaching Tip: Preview Case Video**

The Amazon example that opens the chapter illustrates the challenges of managing successfully in a complex global network of stakeholders. It may also be used to illustrate how different stakeholders may perceive a corporation differently, depending on their vantage point. Instructors may wish to introduce the topic with a quick video that summarizes the rise of Amazon: “How Jeff Bezos Became the King of E-Commerce” (Bloomberg, October 3, 2017, <https://www.youtube.com/watch?v=T_P1D_H1et8>, 5:23 minutes). This can be followed by prompts, such as:

* Do you personally like or dislike Amazon? Why?
* What groups have been helped by Amazon, and what groups have been hurt?

The instructor can then build on student comments on groups that have been helped or hurt when introducing the concept of stakeholder later in the session.

***CHAPTER OUTLINE***

1. **BUSINESS AND SOCIETY**
2. **A Systems Perspective**
3. **THE STAKEHOLDER THEORY OF THE FIRM**

**Teaching Tip: Stakeholder Engagement and Dialogue**

“The Clayoquot Controversy: A Stakeholder Dialogue Simulation” by Anne T. Lawrence and Ann Svendsen, is designed to teach the skills of stakeholder engagement and dialogue. Through an experiential exercise, students are taught to find common ground when facing complex conflicts involving business firms and their stakeholders.

The particular situation involves a leading forest products company in Canada, MacMillan Bloedel. During the 1990s, this company was involved in a difficult and protracted dispute with several of its stakeholders, including environmentalists, local communities, native peoples, labor unions, and government agencies. At issue was the company’s logging practices in Clayoquot Sound on the western side of Vancouver Island, located off the coast of British Columbia. At the time, Clayoquot Sound was home to one of the largest remaining stands of old-growth, temperate rainforest in the world. The case situation is presented as it appeared to the parties in 1998.

The controversy is left deliberately unresolved, and student teams must engage in a simulated stakeholder dialogue process in an effort to find common ground. An epilogue in the instructor’s manual provides information about how the controversy played out in real life. The time allotted to the exercise may range from two-and-a-half to eight hours. A full instructor’s manual is available. The case materials may be delivered to students over an institutional Intranet. For a complimentary examination copy, please contact the author at anne.t.lawrence@gmail.com.

1. **The Stakeholder Concept**
2. **Different Kinds of Stakeholders**
3. **STAKEHOLDER ANALYSIS**
4. **Stakeholder Interests**
5. **Stakeholder Power**
6. **Stakeholder Coalitions**
7. **Stakeholder Mapping**
8. **THE CORPORATION’S BOUNDARY-SPANNING DEPARTMENTS**
9. **THE DYNAMIC ENVIRONMENT OF BUSINESS**
10. **Creating Value in a Dynamic Environment**

***GETTING STARTED***

**KEY LEARNING OBJECTIVES**

1. **Understanding the relationship between business and society and the ways in which business and society are part of an interactive system.**

Business firms are organizations that are engaged in making a product or providing a service for a profit. Society, in its broadest sense, refers to human beings and to the social structures they collectively create. Business is part of society and engages in ongoing exchanges with its external environment. Together, business and society form an interactive social system in which the actions of each profoundly influence the other.

1. **Considering the purpose of the modern corporation.**

According to the stakeholder theory of the firm, the purpose of the modern corporation is to create value for all of its stakeholders. To survive, all companies must make a profit for their owners. However, they also create many other kinds of value as well for their employees, customers, suppliers, communities, and others. For both practical and ethical reasons, corporations must take all stakeholders’ interests into account.

1. **Knowing what a stakeholder is and who a corporation’s market and nonmarket and internal and external stakeholders are.**

Every business firm has economic and social relationships with others in society. Some are intended, some unintended; some are positive, others negative. Stakeholders are all those who affect, or are affected by, the actions of the firm. Some have a market relationship with the company, and others have a nonmarket relationship with it; some stakeholders are internal, and others are external.

1. **Conducting a stakeholder analysis and understanding the basis of stakeholder interests and power.**

Stakeholders often have multiple interests and can exercise their economic, political, and other powers in ways that benefit or challenge the organization. Stakeholders may also act independently or create coalitions to influence the company. Stakeholder mapping is a technique for graphically representing stakeholders’ relationship to an issue facing a firm.

1. **Recognizing the diverse ways in which modern corporations organize internally to interact with various stakeholders.**

Modern corporations have developed a range of boundary-crossing departments and offices to manage interactions with market and nonmarket stakeholders. The organization of the corporation’s boundary-spanning functions is complex. Most companies have many departments specifically charged with interacting with stakeholders.

1. **Analyzing the forces of change that continually reshape the business and society relationship.**

A number of broad forces shape the relationship between business and society. These include changing societal and ethical expectations; a dynamic global economy; redefinition of the role of government; ecological and natural resource concerns; and the transformational role of technology and innovation. To deal effectively with these changes, corporate strategy must address the expectations of all of the company’s stakeholders.

**KEY TERMS**

boundary-spanning departments

business

external stakeholder

focal organization

general systems theory

interactive social system

internal stakeholder

shareholder theory of the firm

society

stakeholder

stakeholder analysis

stakeholder coalitions

stakeholder interests

stakeholder (market)

stakeholder (nonmarket)

stakeholder map

stakeholder power

stakeholder salience

stakeholder theory of the firm

I**NTERNET RESOURCES**

[www.economist.com](file:///C%3A%5CUsers%5CAnne%5CDownloads%5Cwww.economist.com) *The Economist*

[www.fortune.com](file:///C%3A%5CUsers%5CAnne%5CDownloads%5Cwww.fortune.com) *Fortune*

[www.nytimes.com](file:///C%3A%5CUsers%5CAnne%5CDownloads%5Cwww.nytimes.com) *The New York Times*

[www.wsj.com](file:///C%3A%5CUsers%5CAnne%5CDownloads%5Cwww.wsj.com) *The Wall Street Journal*

[www.bloomberg.com](file:///C%3A%5CUsers%5CAnne%5CDownloads%5Cwww.bloomberg.com) *Bloomberg*

[www.ft.com](file:///C%3A%5CUsers%5CAnne%5CDownloads%5Cwww.ft.com) *Financial Times (London)*

[www.cnnmoney.com](file:///C%3A%5CUsers%5CAnne%5CDownloads%5Cwww.cnnmoney.com)  *CNN Money*

***DISCUSSION CASE***

**INSURING UBER’S APP-ON GAP**

**Teaching Tip: Discussion Case Video**

A short video describing the accident portrayed in the opening of the discussion case and interviewing Uber’s CEO about the company’s liability, appears on the New York Times website. It may be used to open the discussion of the case. The link is:

[https://dealbook.nytimes.com/2015/01/21/uber-closes-a-1-6-billion-financing/](https://nam05.safelinks.protection.outlook.com/?url=https%3A%2F%2Fdealbook.nytimes.com%2F2015%2F01%2F21%2Fuber-closes-a-1-6-billion-financing%2F&data=01%7C01%7Clisa.granger%40mheducation.com%7C3dca5d28666f4e582c1108d6d7c0de34%7Cf919b1efc0c347358fca0928ec39d8d5%7C0&sdata=i5evsmlqjA17Gur1hVx4JUHt3K5ifPgQb%2BestTxgUV4%3D&reserved=0)

A prompt that can be used after viewing the video is: “Do you think Uber was responsible in any way for the death of this child?”

***Discussion Questions***

1. **Who are Uber’s relevant market and nonmarket stakeholders in this situation?**

The term **stakeholder** refers to persons and groups that affect, or are affected by, an organization’s decisions, policies, and operations. **Market stakeholders** are those that engage in economic transactions with the company. **Nonmarket stakeholders**, by contrast, are people and groups who, although they do not engage in direct economic exchange with the firm—are nonetheless affected by or can affect its actions.

The following stakeholders of Uber are mentioned in the case:

|  |  |
| --- | --- |
| **Market Stakeholders** | **Nonmarket Stakeholders** |
| Uber drivers | American Insurance Association |
| Uber customers | California App-Based Drivers Association |
|  | Taxi companies |
|  | Competitors such as other ride-sharing firms like Lyft |
|  | Consumer attorneys |
|  | The general public |
|  | Governments |
|  | High-tech trade associations and Internet-based firms |

*After listing these on the board, the instructor may wish to bring out these points:*

* Uber is the focal company in the case.
* Individuals can hold multiple stakeholder roles at the same time. For example, government regulators may also be Uber customers.
* Not all stakeholders are relevant to this particular situation. For example, other high-tech and internet firms may have very different applications that carry little to no liability, thus giving them less influence over the situation.
* Nonmarket stakeholders are not necessarily less important than market stakeholders. In this case, nonmarket stakeholders such as the Government and the American Insurance Association may well have the power to force Uber to close the App-On Gap.
1. **What are the various stakeholders’ interests? Please indicate if each stakeholder would likely support, or oppose, a requirement that Uber extend its insurance to cover the app-on gap.**

**Stakeholders FOR closing the App-On Gap:**

***Uber drivers***: Most drivers support the new law because it reduces driver’s risk, personal liability, and private insurance costs and coverage.

***Uber customers, American Insurance Association, the California App-Based Drivers, and Consumer Attorneys:***  There is less risk of insurance non-payment by a firm, compared with an individual. The firm offers better protection for consumers.

***Taxi Companies***: Increased liability for Uber decreases their competitive advantage over traditional taxi companies and puts them on a more even playing field. Taxi companies already pay for commercial liability insurance.

***Government***: Legislator Bonilla introduced the bill to close the App-On Gap. Many city, state and national governments have limited or banned Uber in their regions.

**Stakeholders AGAINST the App-On Gap:**

***Competitors*** (such as Lyft): Closing the App-on Gap would set precedence and could force all ride-hailing services to offer enhanced commercial insurance, costing them more.

***High-tech trade associations and Internet-based firms***: Increased responsibilities for Uber could spread to other app-based services, increasing their costs.

1. **What sources of power do the relevant stakeholders have?**

City, state and national **Governments** have the *political* power to enforce laws that protect the consumer, in this case, ensuring adequate insurance coverage.

Uber **Drivers** have *economic* power in that they can quit or attempt to form a union. They also have *informational* power through a deep understanding of how the Uber application works – they may know how to avoid the gap.

Uber **Customers** have *legal* power to file lawsuits against Uber. In fact, many lawsuits can be combined into a class-action suit that has more impact than an individual suit. Customers also have *economic* power through their choice of transportation services.

The **American Insurance Association** and the **California App-Based Drivers** groups can exert *political* power by supporting the proposed App-On Gap law. They may work as a coalition to argue that the law will better protect customers.

**High-tech trade associations** and **Internet-based firms** can use *political* power to speak out against the bill to close the gap. They may form a coalition to argue that the costs of compliance could be prohibitive.

**Teaching Tip: Discussion Case**

Students may be asked to rate the degree of power of each stakeholder, e.g., from 0 to 5, with 5 being the most powerful.

1. **Based on the information you have, draft a stakeholder map of this case showing each stakeholder’s position on the issue, its degree of power, and likely coalitions. What conclusions can you draw from the stakeholder map?**

A stakeholder map is a visual representation of the relationships among stakeholder interests, power, and coalitions with respect to an issue (in this case, the proposed legislation that would close the app-on gap). It is a useful tool, because it enables managers to see quickly how stakeholders feel about an issue and whether they tend to be in favor or opposed. It also helps managers see how stakeholder coalitions are likely to form, and what outcomes are likely, based on their power. Using Figure 1.4 as a model, a stakeholder map of this case would place the relevant stakeholders on a grid, with the vertical axis representing power and horizontal axis representing stakeholder’s position on the legislative issue. It would show that the stakeholders likely to support closing the app-on gap—the insurance industry, drivers, customers and their attorneys, and state and local governments—collectively held considerable power. Uber executives might conclude from the stakeholder map that Bonilla’s law was likely to engender powerful support from multiple stakeholders, and their best strategy might be to try to influence, rather than block, the legislation.

1. **Which of the stakeholders mentioned do you think has the most salience, and why?**

Stakeholders are more salient when they have greater power, legitimacy, and urgency. The most salient stakeholders in this case are probably customers, insurance companies and the government; the least salient are other high-tech firms and direct competitors.

1. **Based on your stakeholder analysis and map, what do you think Uber should do in response to the bill introduced by Susan Bonilla, and why?**

It is likely that the relevant stakeholders have enough power to enact the new law that would close the App-On Gap. Rather than fighting this coalition, Uber should work with insurance companies to design the best commercial coverage at the most cost-effective price. Although this approach would most likely increase Uber’s insurance costs, it would avoid customer lawsuits and unhappy drivers. Acquiescing to public opinion would also have the side benefit of enhancing the company’s reputation as a good corporate citizen.

Students should be asked to brainstorm creative solutions to the issues posed in this dispute. These might include:

* Adding liability insurance
* Subsidizing employee private insurance
* Working with insurance companies to create a new kind of coverage
* Changing the application to flag drivers as available but with no riders
* Working with lawmakers to ensure that the law is fair for the firm, employees and customers
* Working with “smart car” experts that seek to avoid all accidents through the use of technology
* Offering special training to drivers

*After generating such a list, the instructor may wish to point out that students need not select among these options; the take-away point is simply that a process of dialogue can produce solutions that may be able simultaneously to meet multiple stakeholder interests in creative ways.*

Epilogue

After strenuously opposing Susan Bonilla’s bill, Uber backed off, apparently recognizing that the company did not have the political strength to defeat it. Inside, the company entered into negotiations over the specific terms of the legislation to reduce somewhat the amount of insurance required. Once these changes had been made, Uber (and its allies) dropped their opposition to the bill, and it easily passed the legislature, becoming law in California in September, 2014. Bonilla’s office issued a statement saying, “While AB 2293 is a consumer protection bill, it represents much more than that. This measure symbolizes business flexibility, consumer affordability, political compromise, and most importantly, what public policy should be—a collective process for all stakeholders to contribute.”[[1]](#footnote-1)

In the following months, laws designed to close the app-on gap went into effect in more than a dozen other states, requiring required Uber, Lyft and other similar application providers to guarantee primary liability insurance as soon as a driver signaled availability, even if they had not yet collected a passenger.[[2]](#footnote-2)

In 2015, Uber settled the wrongful death case brought by the family of the child killed in the accident. The terms of the settlement were not publicly disclosed. In 2018, the driver involved in the accident was convicted of misdemeanor vehicular manslaughter. He was no longer working as an Uber driver at the time.[[3]](#footnote-3)

**TEACHING NOTE**

**Profiting from Pain: Business and the U.S. Opioid Epidemic[[4]](#footnote-4)**

This case illustrates the following themes and concepts discussed in the chapters listed:

**Theme/Concept Chapter**

Stakeholder analysis 1

Corporate social responsibility and citizenship 3

Government regulation of business 7

Consumer protection 14

**Case Synopsis**

This case describes the U.S. opioid epidemic and explores its causes. The case addresses the role played by prescription drug companies, including Purdue Pharma, the maker of OxyContin; drug distributors such as McKesson Corporation; the U.S. Drug Enforcement Agency; unscrupulous “pill mills” such as Florida’s American Pain; and illegal drug dealers. Students are challenged to understand the multiple causes of a complex social problem, including the responsibility of both legal and illegal businesses. A specific theme is deceptive marketing by Purdue Pharma.

*TEACHING TIP: WHERE TO USE THE CASE IN THE COURSE*

This case is integrative, in that it draws on many themes of the text. It may be used at the end of the course as a final, integrative assignment, or with the study of Chapter 14 (consumer protection). If used with Chapter 14, the instructor should refer to earlier work on social responsibility and government regulation.

*TEACHING TIP: VIDEOS*

Several videos may be used in conjunction with this case.

PBS Frontline has produced a 2-hour documentary, “Chasing Heroin” (2016), available at [www.pbs.org/wgbh/frontline/film/chasing-heroin/](http://www.pbs.org/wgbh/frontline/film/chasing-heroin/). The documentary is too long to be used in class, but the instructor may wish to assign it for outside viewing or show in class a short segment dealing with the role of Purdue Pharma. This segment is available here:

[www.pbs.org/wgbh/frontline/article/inside-the-aggressive-marketing-of-oxycontin-revisit-purdue-pharmas-role-in-the-opioid-crisis/](http://www.pbs.org/wgbh/frontline/article/inside-the-aggressive-marketing-of-oxycontin-revisit-purdue-pharmas-role-in-the-opioid-crisis/)

Fox News aired a segment in a series called “Drugged” (3:34, May 31, 2018) in which host Tucker Carlson interviews journalist Barry Meier, author of *Pain Killer,* about the role of Purdue Pharma in the opioid epidemic. It is available here:

[www.youtube.com/watch?v=juthG7JgS5I](http://www.youtube.com/watch?v=juthG7JgS5I)

Heroin(e) (39 minutes), an independent film produced in 2017, was nominated for an Academy Award for best short documentary. It is set in Huntington, West Virginia. The film profiles three women: the fire chief, a drug court judge, and the founder of a ministry that assists addicted prostitutes. The film clearly depicts the impact of the opioid epidemic on individuals and communities and suggests solutions. It does not focus on the role of business in contributing to the epidemic. Instructors may wish to use clips from this video to help students connect emotionally with the opioid crisis. It is available on Netflix and requires a subscription.

###### **Discussion Questions and Answers**

1. **How would you define the opioid epidemic referenced in the title of the case?**

*Instructor prompt*: The instructor may introduce this question by asking students to define the word “epidemic.” The dictionary provides this definition:

1. an outbreak of disease that spreads quickly and affects many individuals at the same time
2. an outbreak or product of sudden rapid spread, growth, or development

The instructor may wish to emphasize these key points: An epidemic is a phenomenon that spreads rapidly and affects many people simultaneously. Because of the association of the term with disease, the term epidemic is usually used to refer to an unwanted or dangerous phenomenon.

*Instructor prompt: Does opioid use in America fit this definition?*

Yes. The opioid epidemic in the title refers to the rapid spread of addiction, injury, and death associated with prescription opioids in the United States since the late 1990s. The CDC called it “the worst drug overdose epidemic in [U.S.] history.”

Opioids, also called narcotics, are a class of painkillers derived from the opium poppy. They include legal prescription medications such as morphine, codeine, hydrocodone, oxycodone, and fentanyl, as well as illegal drugs such as heroin. Opioids are highly addictive, and as users develop tolerance, they require more and more s to experience their effects. In high doses, these drugs cause breathing to slow and finally stop, bringing death by respiratory arrest.

In 2015, 33,091 Americans died from an opioid overdose. Between 1999 and 2015, the rate of death from opioid overdose (number of deaths per 100,000 people) quintupled, that is, it was *five times* higher in 2015 than it was a decade and a half earlier.

*Instructor prompt: What groups were most affected by the epidemic?*

* Persons in mid-life (aged 45-54)
* Non-Hispanic whites
* Persons living in West Virginia, New Hampshire, Kentucky, Ohio, Rhode Island, Pennsylvania, Massachusetts, and New Mexico
* Persons living in regions where unemployment rates were high

The instructor may wish to highlight Exhibit 1, which shows the increase in overdose deaths from opioids over time, 1999-2016. It shows a dramatic rise over this period.

1. **List the various businesses mentioned in this case, including drug manufacturers, distributors, clinics, and illegal drug dealers. Do you believe they acted in an ethical and socially responsible way, and why or why not?**

The instructor may wish to construct a board diagram and fill it in, in dialogue with students, as shown. Alternately, instructors might wish to distribute a blank handout and ask students to work in small groups to fill in the cells.

|  |  |  |
| --- | --- | --- |
| **Business** | **No, did not act responsibly:** | **Yes, acted responsibly:** |
| **Drug manufacturers** |  |  |
| * Purdue Pharma
* Also: Teva, Johnson & Johnson, Endo, Allergan
 | * Aggressively marketed Oxycontin, causing its use to soar
* Downplayed potential for addiction, without solid scientific basis
* Found to have misbranded OxyContin “with intent to defraud and mislead”
* Did not properly formulate first-generation OxyContin, allowing for abuse
* Close correlation between number of opioids prescribed and overdose deaths
 | * Brought to market a drug that treated severe pain
* In 2010, changed formulation of OxyContin so it could not be crushed or dissolved
* Lobbied for hard-to-abuse formulations of opioids
 |
| **Distributors** |  |  |
| * McKesson
* Also: Amerisource Bergen, Cardinal Health
 | * Paid $170 million in fines for failure to implement effective controls to prevent diversion for nonlegitimate uses
 | * Shipped only FDA-approved drugs
* Did not manufacture or prescribe opioids
 |
| **Pain clinics** |  |  |
| * American Pain
 | * Prescribed almost 2 million opioids over a 2-year period
* Hired unscrupulous doctors
* More than 50 people who had been patients at AP died in Florida, and more in other states
 |  |
| **Drug dealers** |  |  |
| * “Xalisco Boys” and other drug dealers
 | * Delivered heroin directly to addicts through street sales
 |  |

1. **What stakeholders were impacted by the actions of these businesses? Which were helped, and which were hurt, and how?**

The instructor can add a column to the right, continuing the board work in dialogue with students, as follows. (Alternately, instructors might wish to distribute a blank handout and ask students to work in small groups to fill in the cells.)

|  |  |  |
| --- | --- | --- |
| **Business** | **Stakeholders helped** | **Stakeholders hurt** |
| **Drug manufacturers** |  |  |
| * Purdue Pharma
* Also: Teva, Johnson & Johnson, Endo, Allergan
 | * Some patients with chronic pain had access to pain medication who might not have had access previously
* Shareholders and owners (e.g., Sackler family) made a lot of money
 | * Addicts: tens of thousands of deaths due to opioid overdose
* Communities and government: increased costs for law enforcement, health care, public welfare, child services
* Victims of crime (e.g., theft to support addiction)
* Other businesses: loss of economic productivity, difficulty hiring
 |
| **Distributors** |  |  |
| * McKesson
* Also: Amerisource Bergen, Cardinal Health
 | * Efficient delivery of medication, benefitting pharmacies, hospitals, and patients
* Shareholders made a lot of money
 | * Failure to divert drugs that were used inappropriately led to all the outcomes listed above
 |
| **Pain clinics** |  |  |
| * American Pain
 | * Owners and doctors made a lot of money
 | * Inappropriate prescribing and dispensing of opioids led the all the outcomes listed above
 |
| **Drug dealers** |  |  |
| * “Xalisco Boys” and other drug dealers
 | * Cartel bosses made a lot of money
 | * Illegal sale of heroin and other opioids led to all the outcomes listed above
 |

1. **Do you believe that drug companies fraudulently marketed their products? Why or why not?**

The case provides information about Purdue Pharma’s marketing strategies for OxyContin. Elements of its aggressive marketing strategy included:

* Supported professional associations that promoted the idea that pain was undertreated.
* Sponsored educational conferences for doctors in resort locations promoting the use of opioids to treat pain.
* Doubled its staff of sales representatives and incentivized them based on sales.
* Gave out coupons for free 30-day supplies of OxyContin.
* Asserted that the risk of addiction was less than one percent, based on dubious evidence.
* Asserted falsely that the extended-release formula was not susceptible to abuse.
* Denied responsibility, even as knowledge of OxyContin’s risks spread in the public health community.

The U.S. government believed Purdue’s marketing to be fraudulent, as evidenced by the fact that the company settled charges with the Justice Department that it had lied about OxyContin’s addiction risks. The company paid $470 million to settle federal and state claims and $130 million to settle civil suits.

1. **In what ways did the government regulate the production and distribution of opioids? Do you believe the government acted appropriately in doing so, and why or why not?**

The government regulated both the production and distribution of opioids. The Drug Enforcement Administration (DEA) regulated most prescription opioids as Schedule II controlled substances and registered firms and individuals that manufactured, handled, or prescribed them. Distributors were required to maintain systems to prevent diversion. The DEA also set production quotas, which were negotiated annually with drug manufacturers.

Students may disagree in their response to the second part of the question. On one hand, the government strictly regulated these drugs. On the other hand, the government arguably:

* Approved drugs, formulations, and dosages that led to addiction and death;
* Steadily increased the amounts of oxycodone firms were permitted to produce, as shown in Exhibit 2, without adequate cause;
* Failed to adequately enforce rules on distribution.
1. **Looking at the case as whole, what organizations or individuals do you believe bear the greatest responsibility for the opioid epidemic, and why? What should be the consequences for those responsible?**

This question provides the greatest potential for higher-order reasoning. Students may argue:

*Individuals.* Ultimately, individuals are responsible for their own drug use. If people had taken medication strictly as prescribed by their doctors, they would not have become addicted. If they started to become dependent, they should have discussed this issue with their doctors and entered a rehabilitation program if necessary. Individuals who sought drugs from pill mills or illegal drug dealers should have been aware of the risks they were running.

* *Counter argument:* Opioids are highly addictive. Addiction causes changes in the brain, making it almost impossible to quit without medical assistance. Individuals who attempt to quit suffer excruciating withdrawal.

*Purdue Pharma.* Purdue was responsible, because it created a highly addictive medication, aggressively and fraudulently marketed it, and persisted even after the risks were well known in the public health community and to the company. The motivation was greed: the Sackler family, the owners of this private company, became phenomenally wealthy (the family’s net worth was estimated at $14 billion).

* *Counter argument:* Purdue properly obtained FDA approval for OxyContin, for which there was a legitimate medical use. It was not responsible for individuals who abused the drug, for doctors who incorrectly prescribed it, or for distributors or pharmacies that improperly distributed and dispensed it.

*Teaching Tip:* Most students will make one of the two preceding arguments. In some ways, the most sophisticated argument follows; it is likely to be raised only by the most insightful students.

*Government:*  The government was ultimately responsible because it continued to raise aggregate production quotas for oxycodone, as shown in Exhibit 2, even as the public health risks of OxyContin became increasingly apparent. If Exhibit 2 is compared with Exhibit 1, it is apparent that production quotas closely tracked both the number of prescriptions written and the number of opioid overdose deaths. If the government has not raised the quotas, the market would not have been flooded with addictive pills.

*Teaching Tip:* This argument raises the fascinating question: Why did the government keep raising the quota? There is no public information about the negotiations that occurred between pharmaceutical companies like Purdue and the DEA over quotas, nor on what might have influenced DEA officials to make the decisions they did.

Students may less commonly argue that the following were primarily responsible:

*Drug dealers, particularly the Mexican drug cartels.*

*Drug distributors that delivered large quantities of prescription opioids to communities without apparent medical need.*

*Pharmacies that dispensed opioids to individuals with suspect prescriptions.*

*Doctors who benefited by writing medically unnecessary prescriptions to drug abusers.*

Students will disagree on the consequences, depending of which individuals or groups they view as most responsible. Recommendations will cover a wide range, including:

* Better police the border with Mexico to prevent the movement of drug dealers and illegal drugs.
* Prosecute executives of drug makers, distributors, pharmacies and clinics that improperly make, market, distribute, or prescribe opioids.
* Bring civil suits against those responsible.

Takeaway: This case illustrates the complex, multi-faceted causality of a social problem. Several businesses shared partial responsibility, but individuals and government were also partly to blame.

*Teaching Tip:* The case closes with a list of legal cases brought by local and state governments and Indian tribes against drug makers, distributors, and pharmacy chains. These lawsuits were unresolved at the time the case was written. Students may be asked as an assignment to investigate the status of these cases.

1. “Bonilla’s Groundbreaking Bill Defining Insurance Coverage for Uber and Lyft Signed by Governor,” press release, September 17, 2014; [↑](#footnote-ref-1)
2. “New Laws Push Uber And Lyft To Bump Up Insurance Coverage, but a Collision Gap Remains,” *Forbes,* July 1, 2015. [↑](#footnote-ref-2)
3. #  “Ex-Uber Driver Guilty of Manslaughter for Killing Girl in SF Crosswalk,” *San Francisco Chronicle,* August 2, 2018, and “Uber Settles Wrongful-death Lawsuit in San Francisco,” *Los Angeles Times,* July 15, 2015.

 [↑](#footnote-ref-3)
4. By Anne T. Lawrence. Copyright © 2019 by the author. All rights reserved. [↑](#footnote-ref-4)