Rule-breaking and legitimacy: entrepreneur or villain?

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ABSTRACT

Purpose
This paper critically examines the tension between rule-breaking and legitimacy for entrepreneurs, who are expected to challenge and change social or business norms. In doing so, they may be presented as heroes in the media, or alternatively, are cast out as villains with attendant negative press with consequent loss of legitimacy.

Design/methodology/approach
Through secondary data methods, the paper analyses the case of Vance Miller, an entrepreneur from the North of England who has achieved economic success amid reports of alleged criminality and poor ethical behaviour. Thus he spans rule-breaking and legitimacy.

Findings
The paper illustrates how rule-breaking directed towards demonstrable entrepreneurial achievement does not always result in media legitimacy. Miller's storyline both chimes with and clashes with the discourse of the enterprise culture, providing a cautionary note for aspirant entrepreneurs.

Research limitations/implications
The hero-villain paradox remains relatively unexplored in the media, and thus further qualitative research is required, particularly for aspirant entrepreneurs with controversial or criminal backgrounds.

Practical implications
Entrepreneurs should question carefully the extent and potential consequences of rule breaking in regard to legitimacy.

Social implications
The paper highlights and indeed questions the role of the media in their representations of entrepreneurship, and challenges the valorisation of rule-breaking behaviour by entrepreneurs.

Originality/value
The paper makes a distinctive contribution to the literature by examining the relation between rule-breaking and legitimacy for an entrepreneur who is represented negatively in the media, yet remains successful, counter to the heroic stereotype.

Keywords:
Entrepreneurship, enterprise culture, rule-breaking, criminality, media, Vance Miller

Classification: Research paper

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Introduction

There is growing recognition of entrepreneurship as a process that takes place in a social and cultural context, where the interests of the individual entrepreneur, the firm, and a wider range of societal stakeholders are intertwined (Steyaert, 2007; Baron and Shane, 2007; Kuratko, 2008; Welter, 2011). In this context, notions of legitimacy, reputation and ethical behaviour have been argued by some as crucial for the overall success of a growing entrepreneurial endeavour (Lounsbury and Glynn, 2001; Downing, 2005; Jones *et al*., 2008). Yet entrepreneurs can court controversy when challenging established orthodoxies, particularly where rule-breaking takes place (Panaviotopoulous, 1996; Smith, 2005; Warren, 2007; Brenkert, 2009; Anderson and Warren, 2011), which can raise questions over the ethics of entrepreneurial behaviour. Perceived rule-breaking can also present dilemmas for the media, who often portray entrepreneurs in an 'heroic' light, as validated societal change agents (Nicholson and Anderson, 2005).

In this paper we seek to make a distinction between entrepreneurial legitimation within sectoral and local business institutions and moral legitimacy. Most of the current literature is situated in the former. Moreover, we situate both within a specific socio-cultural and legal framework. We thus distinguish between the more generic entrepreneurial legitimation and differentially identifiable specific socio-cultural normative legitimation (or demonization). We do so by analysing the case of Vance Miller, a successful businessman and entrepreneur from an industrial town in the North of England (and thus a sectoral institution). Miller is chosen for this study because he has attracted controversy in the media. Reports of considerable economic success are

intertwined with themes of alleged criminality[i] and poor ethical behaviour. Our study is useful because Harris *et al.* (2009) refer to the entrepreneur stereotype, remarking that "whereas much can be said for not breaking certain rules (such as moral or legal ones), the entrepreneur is often mythologized as a bold, path breaking maverick" and asks how to reconcile these opposing concepts into an 'ethics of entrepreneurship'.

Not all entrepreneurial rule-breaking is legal or moral though and nor is it is always perceived as heroic (Williams and Nadin, 2010). For example, Williams and Nadin review the significance of informal, or 'off the books' entrepreneurship, where economic activity takes place 'under the radar' for tax or benefit purposes. There have also been conflations of the entrepreneur with 'spiv' or 'wide-boy' stereotypes (for example, Kimmell, 1993; Duarte, 2006) who often overstep the boundaries of legality. Further, there are studies of entrepreneurship that is practiced through outright criminality (Rehn and Taalas, 2004; Bouchard and Dion, 2009; Frith and McElwee, 2008a/b; Smith and Christou, 2009).

Finally, there are numerous examples of high profile entrepreneurs with businesses that seem successful and legitimate, at least for a time, but who 'fall from grace' (Smith and McElwee 2011, Warren, 2007) for business-related wrongdoing, with great media attention. Such entrepreneurs walk a fine line between villainy and heroism in the media, their reputation depending upon how their behaviour is perceived in regard to norms in their social milieu. Takafumie Horie for example, was the 'poster boy' for Japanese internet entrepreneurship, until he expanded into too many areas and was prosecuted in a well-documented case of securities fraud (Warren, 2007). Of course, many entrepreneurs fail with little fanfare, as there is not much of a market for discouraging stories. Yet some failures, like those of Horie, receive great attention, perhaps because as Smith and

McElwee, (2011) and Smith and Anderson (2004) suggest, they can be rewritten as epic tales of tragedy, which might well attract readers. Whatever the reason, study of such cases can give us insight into the nature of rule-breaking behaviour and its fit with the mythology of entrepreneurship.

Although there are some isolated studies of the link between ethics, entrepreneurship and crime (see Everett *et al*. 2006; Heath, 2008; Breit, 2010), thus far the tension that lies at the heart of this kind of hero/villain paradox remains relatively unexplored in the entrepreneurship literature. Such cases are important because of the high level of attention they command in the media, thereby shaping, at least in part, how entrepreneurship is viewed by society. Thus, the paper contributes to the literature on rule-breaking by entrepreneurs and how entrepreneurs are represented in the media. The paper also provides a 'cautionary tale' for aspirant entrepreneurs, who may compromise their legitimacy through rule-breaking behaviours. A qualitative approach is used drawing on methods of documentary analysis is used to examine media accounts of Miller from the late 1990s to the present day.

Background Literature

Brenkert (2009) argues that if entrepreneurs are viewed as engaging in 'creative destruction', this notion would also apply to the law and morality as well as to business forms. However, prior to considering issues of rule-breaking it is necessary to consider the concept of legitimacy in relation to entrepreneurial behaviour (See Suchman, 1995 for a discussion of legitimacy in relation to institutional norms). Suchman identified three primary forms of legitimacy, namely pragmatic (based on audience self-interest); moral

(based on normative approval); and cognitive (based on comprehensibility and taken-for-grantedness) and in this paper we use these as a theoretical framework to help us analyse multiple and competing legitimacy claims. These require different strategies for gaining, maintaining, and repairing legitimacy. De Clercq and Voronov (2009a, and b) have differentiated between the role of Cultural and Symbolic Capital in relation to an entrepreneurs' ability to meet expectations about conformity in particular habitus. They argue that entrepreneurs engage in a socially embedded process of pursuing legitimacy, which is contingent upon their expectations about conformity in their chosen milieu. The entrepreneurs simultaneously conform to existing field arrangements (i.e., to "fit in") and to be perceived as innovators (i.e., to "stand out"). For De Clercq and Voronov this sets up a paradoxical relationship which the entrepreneur has to "*artfully navigate the possible conflicting demands to fit in versus stand out through impression management*". Thus domination and being dominant are important masculine traits in broadcasting one's legitimacy as an entrepreneur (De Clerq and Voronov, 2009c). The notion of institutional profiles for entrepreneurial propensity consisting of regulatory, cognitive, and normative dimensions is of interest in relation to this developing argument relating to legitimacy and we argue the enactment of specific institutional differences which contribute differently to levels and types of entrepreneurship (Busenitz, Gómez and Spencer, 2000). This is important in the context of this study because the institutional framework of legitimation for a criminal entrepreneur (or someone socialised into criminality) will be different from that of an entrepreneur from a law abiding business background. Also institutional norms amongst small town entrepreneurial elites will obviously differ from those encountered in a corporate business environment.

Longenecker (1988) and Kuemmerle (2002) also suggest a propensity for entrepreneurs to break the rules and resist conformity to bureaucratic structures; indeed Kuemmerle distinguishes entrepreneurs, who revel in breaking the rules, from business people in general, who may have to occasionally bend the rules a little through necessity. There is a resonance here with the findings of Zhang and Arvey (2009), who show a positive correlation between rule-breaking behaviours in adolescence and eventual entrepreneurial status, as compared with corporate managers, raising the question of whether such behaviours persists beyond adolescence, in terms of neglecting or bypassing ethical or social codes. While there is as yet no conclusive answer to this question, these authors suggest that such early behaviours may lower ethical sensitivity in future decision making and also moot that being alert to ethical components in decision making is perhaps more crucial for leaders in entrepreneurship and small businesses than for managers in conventional employment settings, due to fewer internal organisational controls. Whatever the reason, if rule-breaking is taking place, to take advantage of opportunities, then entrepreneurs, and those who present them in the media, may find themselves in moral dilemmas.

Brenkert (2009) notes that rather than being counter to the stereotype of the heroic entrepreneur, rule-breaking behaviour is actually constitutive of the entrepreneurial mythology: the context may change favourably through their actions, and as a result their rule-breaking actions may be forgiven. What was wrong becomes right, and what was false true, and the triumphs of 'outwitting the system' become part of the mythology, reinforcing the heroic stereotype in the discourse, rather than detracting from it as perhaps might be expected. Of course, if the rule-breaking goes too far, it will not be

seen or presented in that light, and not be forgiven. Clarke and Holt (2011, p. 320) suggest that entrepreneurs negotiate this tricky balance by a process of self-legislation, in which they resist the pull of external, conventional agreement about values and what is of value, relying instead on their own ability to continually judge business life in spite of prevailing opinion and values. As Brenkert (2009) argues, self-reliance persists even where rule-breaking has occurred, providing that the actions are consonant with the virtues and actions of entrepreneurship in the prevailing discourse.

However, it must be remembered that entrepreneurship has now become an institutionalised public discourse as understood by Scollon (2007). However, in this case there is no common discursive framework to guide the conversation as it unfolds. There is no shared framework of meaning, nor genuine consultation. Boyle (2008) notes that there has been a cultural shift in the media to place business and businesspeople at centre stage, and Rindova *et al*., (2006), Ljunggren and Alsos (2001) and Guthey *et al*., (2009) argue that mass media play a powerful role in directing the public's attention toward particular actors. This has been particularly so for entrepreneurs; Swail *et al*., for example, highlight the phenomenon of 'entre-tainment'. The media can therefore be seen to be very important in the construction of legitimacy and reputation, issues that are vitally important to entrepreneurs seeking to create and grow new ventures (Lounsbury and Glynn, 2001; Downing, 2005). Brenkert's reference to the discursive mythology of the entrepreneur is of course resonant with the discourse associated with the 'enterprise culture' that emerged during the 1980s as a potentially transformative force for economic change (Doolin, 2002; Ogbor, 2000; Lewis and Llewelyn, 2004; Nicholson and Anderson, 2005). In this discourse, the entrepreneur is painted as a cultural hero,

legitimised to effect creative destruction (Boyle and Magor, 2008) and is portrayed with attractive sets of characteristics that mirror, and in turn, inform the discourse. There is an implicit assumption in such stories that entrepreneurial behaviour will be conducted and presented in a moral framework (Anderson and Smith 2007; Fuller and Tian, 2006), and the darker side referred to earlier is not exposed.

When media portrayals of the entrepreneur are constructed as heroic, (Smith, 2005; Drakopoulou-Dodd and Anderson, 2007; Anderson and Warren, 2011), such 'war stories' can take the form of a moralistic eulogy emphasising positive traits and characteristics, and as Brenkert (2009) suggests, reworking potentially negative characteristics such as rule-breaking into the mythology. Yet, as noted earlier, not all entrepreneurial rule-breaking is perceived as heroic or ethical. If actions are deemed unacceptable, or unethical, the tenor of the discourse can change rapidly, with perceived villainy emphasised, instead of valour. The media embark on a frenzy of vilification of such entrepreneurs, a phenomenon referred to as 'the hounding' by Smith (2005), and noted also by Anderson and Smith (2007) and Warren (2007). The hapless entrepreneur may then be subjected to a barrage of criticism as journalists assume the voice of moral indignation on behalf of their supposedly outraged readership. Readers, and of course entrepreneurs, expect responsible reporting of the 'facts'. But as Radu and Redien-Collot (2008) and Anderson and Warren (2011) argue, press reports are social constructions that embody beliefs, values and ideologies in reference to overarching discourses on entrepreneurs, not just 'facts'. While there is a stereotypical entrepreneurial identity inherent in the collective discourse (Atherton, 2004; Goffman, 1959), entrepreneurship is ultimately shaped in ways that legitimize some entrepreneurs while marginalizing others, for reasons associated with gender, race and

class (Gill, 2012). The media function as 'machineries of meaning' (Hermans, 2004, p. 305), where competing discourses are played out for good or ill (Anderson and Warren, 2011; Swail, *et al* 2013). These machineries of meaning will contribute to whether rule-breaking is forgiven – or not – and may contribute to a 'fall from grace', and perceptions of the legitimacy of the entrepreneur in question, as well as entrepreneurship generally.

As we discuss below, Vance Miller is a self-confessed rule-breaker from a declining textile town in the North of England. For example, in his biography, he refers to a colourful criminal past involving drug and diamond smuggling. Later, he set up a large kitchen installation venture drawing on an international supply chain, and attracting the attention of the press and national television. According to the media, he was unable to leave his criminal past behind in this new period in his life, and further, he did not behave in an ethical manner in his everyday business operations. His unusual profile therefore presents a distinctive opportunity to examine how rule-breaking and legitimacy played out in the storyline constructed round him in the media.

Methodology

Thus, to explore Miller's rule-breaking behaviour and the connection with the legitimacy of his entrepreneurial activity, we examine media reports on Miller's career, including press articles, his biography, TV documentaries and Miller's own website. The main methodological approach used in the study is that of documentary analysis techniques (Platt, 1981; Scott, 1990; Wesley, 2010). Approaches that rely on analysing discursive devices from secondary data sources have been around for some time (Ljunggren and Alsos (2001); Nicholson and Anderson, (2005); Brown (2005); Duarte *et al*., (2005); Amernic

and Craig (2006) Warren (2007); Radu and Redien-Collet (2008); Anderson and Warren (2011). Fielding and Fielding (2000) argue that such qualitative data offers rich insights into the social world particularly in relation to researching sensitive topics and/or hard-to-reach actors. The secondary data approach has been advocated for use in ethics-related research too, by Cowton (1989) who articulated the problem of obtaining valid and reliable primary data by other methods. We conduct a close reading (Amernic and Craig, 2006) of texts documenting the emerging story of Vance Miller. In practical terms, we carry out:

- An analysis of texts as they emerged in the press over a 10 year period
- An analysis of the links between these texts and discourses of entrepreneurship with particular reference to rule-breaking.

The newspaper articles consisted of 104 newspaper articles relating to Vance Miller located via a standard LexisNexis® search of local and national newspapers in England. The search located 177 such articles but the 73 not used were repeated articles in other newspapers. The resultant articles were a mix from national English newspapers, and influential regional local papers such as the Manchester Evening News which continues to have high circulation figures in the North of England. These were then subjected to a close reading (Amernic and Craig, 2006) and in the manner advised by Miles and Huberman, 1994) we coded for entrepreneurial buzz words and those associated with rule-breaking, criminality or unethical behaviour. Conducting a close reading also entails keeping one's self grounded by engaging in constant comparative analysis (Glasser, 1965) to allow one to move from data to findings. We did this by writing the phrases on post-it notes and arranging and rearranging them into the emerging categories. Both authors did this separately and compared notes. Through this iterative process, we were

able to authenticate and triangulate the information by examining other data sources in the same way in the form of Miller's biography (Newton, 2009), TV programmes and other material from websites. In all we spent 96 hours in total reading the biography of Miller, 48 hours conducting the qualitative coding and a further 36 hours watching the documentaries. In the process we read closely into over 250,000 words between the biography and the 104 newspaper cuttings.

Vance Miller as hero or villain: analysis

After presenting a simple timeline, (Table 1), this section first analyses the negative media coverage in regard to Miller (press reports and two TV documentaries), then goes on to analyse a more positive view, mainly emanating from sources controlled by Miller as he musters narrative resources and techniques to construct an alternative account. Throughout the analysis, our task is not to delineate a 'correct' account, but instead to examine and interpret the discursive devices that arise in the rhetorical twists and turns over time. We stress that it is not our objective to articulate, nor mediate on the differences between criminal, unethical, negative and illegitimate behaviours. These concepts are NOT the same as each other and each influences perceptions of legitimacy. Obviously there are many possible interpretations of the Vance Miller story. We adhere to our authorial role of exploring perceptions of morality, criminality, and legitimacy as presented in the media. We also acknowledge that in retelling the Miller story much of the material which demonstrates the rule breaking and legitimacy work is of necessity descriptive in nature.

Vance Miller: rule-breaking behaviour and legitimacy

Table I presents a summary of a time line of key events in Miller's business life from 1995 – present:

INSERT TABLE I ABOUT HERE

The presented timeline of events was arrived at via our reading of media representation of this. We acknowledge that it is not an unbiased representation. Up until 2008, the tone of the stories told is very negative, focusing on poor trading practices, shoddy goods, and alleged criminal activities past and present. The press tone highlights Miller's alleged or perceived rule-breaking behaviour, alluding to his criminal past and connecting that to unethical trading behaviour. Additionally, there is at times, a self-congratulatory note relating to the role the press played in exposing the 'Kitchen Gangster'. Although Miller was sometimes portrayed in favourable 'heroic' terms, as having built up his business from scratch and as a 'local hero' providing jobs, overall the tone of the newspaper articles presented a complex mix of entrepreneurship and criminality that cast doubt on the legitimacy of Miller, and thereby also his trading organisation. A very powerful identity was emerging from the data – a charismatic man who had grown a large business empire from scratch, but a complex character embedded in veiled references to a criminal past, and attributions of negative traits and behavioural characteristics.

In Table II below therefore, we discuss the media strategies that emphasised rule-breaking, and show how such strategies are used to undermine Millers legitimacy (Table III).

INSERT TABLES II AND III ABOUT HERE

It is clear that the media delegitimisation strategies and Millers counter strategies which will be presented below both have a basis in the pragmatic, moral and normative/cognitive categories discussed by DeClerq and Voronov (2009a). Many of Miller's problems were attributable to well-documented elements of his chosen business model, which, particularly in the early stages, was very aggressive in its approach to costs and company growth:

- His policy of sourcing cheap parts in China, Poland, Russia, Italy, Turkey; Mongolia, Tibet, Spain, South Africa, Germany, Dubai and India caused problems of logistics and quality control.
- His policy of drastically undercutting competitors lead to stresses;
- His concentration upon sales at the expense of customer satisfaction;
- The rapid expansion of his company causing stress including capital acquisition and setting up and liquidating a series of companies;
- The diverse nature of his portfolio of foreign acquisitions including - granite mines in Northern China and oak forests in Inner Mongolia are difficult to manage and keep him away from his British interests.
- His policy of demanding cash on delivery, as part of operating in a low cost environment, appeared mercenary.

This led to complaints from unhappy customers, which in turn led to press and media scrutiny, to the point where it attracted serious attention from the Office of Fair Trading.

Alongside this largely negative portrayal from the press, Miller's appearance in two hard hitting television documentaries again raised his media profile significantly, but in a way that increased controversy and notoriety. These were '*The Kitchen Gangster'* and '*Brits get Rich in China'*. The Kitchen Gangster – the second programme in BBC 2's 'Notorious' series (BBC2, 2003), described by the BBC Press Office as "edgy and intimate portraits of four men whose desire to make money lets them ride roughshod over other people's lives". This documentary filmed Miller as he awaited trial for breaching an Office of Fair Trading 'Stop Now Order'. The series producers Robert Davis and Alistair Cook presented the documentaries as a modern morality tale of how controversial businessmen make money on the edges of law, again centring on the rule-breaking aspects of Miller's behaviour. On the eve of this documentary being shown, press accounts report Miller being arrested for kidnapping, and of escaping custody and fleeing to China. In the programme, Miller was described as one of Britain's most notorious rogue traders and Miller admits that when he started out in 1995 his kitchens were basically a "*bag of shit*". The Channel 4 documentary - *Brits Get Rich in China* was a serious analytical documentary, part of a series following four different entrepreneurs who were trying, with different levels of success, to take advantage of trading conditions in China. One episode followed Miller on a buying trail as he diligently hunted bargains and extended control of over his supply chain. While driving hard bargains, as we might expect a sound entrepreneur to do, he again demonstrated rule-breaking activity to achieve his aims, unapproved use of the Olympic logo for example.

Vance Miller: more positive accounts

It is pertinent to question why there was so much negativity against a highly successful local entrepreneur, given that the case against him eventually collapsed, concomitant with suspension and eventual dismissal of the Head of the Oldham Trading standards Office who took the case forward. The kitchen business is a difficult one, requiring the sourcing of materials from international supply chains, then the customisation by different tradesmen (carpenters, electricians, plumbers, gas experts) across unpredictable customer environments. Miller was quick to articulate that his more acceptable competitors are generating an equal number of complaints.

To answer his critics in the press Vance Miller initiated a web site mirroring tabloid newspaper headline style:

- Trading Standards U-Turn: "50,000 complaints" Down to 2 per month!
- Internet forum gagged by Trading Standards: Plot secrets disappear after being revealed online.
- Channel 4 Director finds Oldham Trading Standards "Misleading"
- Trade press get the inside story about that Dawn Raid at Oldham Kitchens.
- Real Business (July/August 2007 Issue): The full Vance Miller story. Trading Standards admit they got it wrong.

Here, Miller (or his representatives) present an alternative interpretation of events, for example in the article entitled *"Trade press get the inside story about that Dawn Raid at Oldham Kitchens"*. This piece claims to tell the full story and the true motivation behind the November morning police raid at the mill. Using sarcasm, Miller complains that the force of over 100 officers which he describes as "*enough manpower to deal with a major terrorist threat*". The gist of the story is that there is a conspiracy which has yet to be

revealed. Miller further complains of a second police swoop in May, 2007. The article mentions a Channel 4 documentary, aired on 28th May, 2007 and describes Miller as an "*unstoppable Oldham entrepreneur*". Miller highlights a letter from the programme maker Alastair Cook who reports concerns about persistent misreporting that continues to appear in newspapers. In this open letter, Cook accused Oldham Trading Standards and newspapers of reporting on Miller's story in "*a manner and style designed to mislead the readers of these articles into believing that Notorious showed Vance Miller in a bad light, when it in fact shows quite the opposite*". Cook explained that he expected to find a scam artist but came to the realisation that Miller was in fact "*an ambitious and driven businessman*", albeit an unorthodox one who favours tracksuits to suits. Cook argues that the press headlines surrounding Miller make good copy for journalists which they perpetuate as damning articles without checking their facts. Cook argues that people accept the accounts as fact despite inaccuracies and that new articles are based on press clippings of old articles. Cook accuses the press of being misleading and lazy.

A further positive account appears in Real Business entitled "*The full Vance Miller Story*" in the July/August issue in 2007. It contained an interview with Miller, in which he seeks to explain some of the behind-the-scenes machinations that led to what he describes as an unwarranted fishing expedition by police and the accompanying leaks of misinformation to the press that seek to justify them. Further, journalist Charles Orton-Jones reported positive feedback from customers and takes credit for being one of the first journalists to actually see Vance Miller as a "*bloody good entrepreneur*"! Orton-Jones asks "*..is he really a wrong 'un? After all, he's built a £100m business selling kitchens to some of the biggest retailers in the world*".

From a 'deeper analysis' of the supportive press coverage it is possible to list personal traits which are attributed to Miller by comparing and fitting the emerging themes into the three legitimacy building categories of Suchman (1995). These include

- **Behavioural** – stubbornness; a quick temper; aggressiveness; rule breaking behaviour; hard working.
- **Communicational** - straight talking and using a four letter vocabulary.
- **Person or personality centred** – Likeable; infectiously enthusiastic; positive comment re his bodybuilders physique.
- **Drive** - entrepreneurial nous; an unstoppable force; hard working and sharp.

It is also possible for an individual to invoke counter rhetorical strategies to reclaim a tarnished reputation as Miller did. See Table IV for an explanatory list:-

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INSERT TABLE IV ABOUT HERE

We argue that the public discourse on Miller is indicative of the tensions between rule breaking and legitimacy. However, it is not a properly constituted public discourse but a combatitive discourse conducted publically. Neither side explain their position on morality nor defines it. Miller is demonstrably successful, economically. He admits to breaking rules, both in his early life, and in his early business practice. The explanatory discourse on Miller's blog sets out his interpretation of laws and rules that he encountered in achieving a set of entrepreneurial goals. Yet despite this success, and explanations, Miller's earlier rule-breaking then was not forgiven and overlooked in the construction of an heroic identity (Brenkert, 2009), but was instead highlighted and amplified, as past criminality

was connected to unethical trading practice. It remains unclear as to why this happened, if his business was no better, or worse, than similar businesses. Was he just bad at basic business public relations and reputation management? He admits to not playing by the accepted rules of business and sums up his business philosophy as being - "*If you don't give a f***, you can never be beaten*". Miller himself hints at a local conspiracy surrounding planning and development ambitions around his Maple Mill site. We hope that our 'telling or re-telling' of the media portrayal of Miller's entrepreneurial antics and escapades is engaging and convincing and has begun the process of unravelling how entrepreneurs engage in legitimacy building strategies to counteract media inspired perceptions of them.

Conclusions, limitations and implications

From our close reading of the Miller story we can learn a lot about rule-breaking and legitimacy in the context of entrepreneurship. In particular, this paper has illustrated how Miller used stories aligned to pragmatism; appeals to culturally accepted moralities; and stories which fit accepted and expected normative behaviours in line with the legitimation strategies proposed by Suchman (1995). In his life-time, Miller has broken the rules, and admitted to it. However, the media have ensured that this behaviour was constantly exposed in the media spotlight. Despite a spirited fightback, he is still characterised as the Kitchen Gangster and trades successfully despite many setbacks. Miller is now domiciled in China (to escape the bad publicity) and perhaps unfairly, his biography is sold as a crime story and located in bookstores with gangster books. If, as Clarke and Holt (2011, p. 320) suggest, entrepreneurs self-legislate, relying instead on their own ability to continually

judge business life in spite of prevailing opinion and values, then Miller has surely misjudged his position, though not to the point of business failure. He has fallen foul of the legitimacy paradox explained by DeClerq and Voronov's (2009) whereby he has been unable to bridge public perception of him as being untrustworthy. He seems therefore to exist in a different symbolic space (Clarke and Holt, 2011) to his counterparts who are either portrayed in a heroic manner in the media, or hounded as they fail. If, as Harris (2009) suggests, we need to reconcile rule-breaking and path-breaking, towards an ethics of entrepreneurship, then Miller's distinctive position case may be instructive as to where some boundaries might lie. One might also question an ethics of journalism in regard to entrepreneurs, particularly those with a criminal past but that is another study. This study is limited in that we did not have an opportunity to consult or interview Vance Miller himself. Obviously, this is one of our future research aspirations and will form the basis of a future book chapter. Moreover, it is also an incomplete interpretation since we have not yet canvassed the views of the journalists involved in the saga. Again we hope one day to do so to establish the extent to which the media representation results from biases or merely journalistic practices. A missing voice in this interpretation is that of Oldham Trading Standards who have been cast in the role of pantomime villain. The conduct of the department and the investigation has been called into question but to date no journalist, nor academic has sought to establish their perspective on the case. This is a glaring omission we hope to rectify in the near future.

We also plan to extend the study to consider other worked examples of entrepreneurs vilified in the press such as Kim.Com and Nicholas VanHoogstraten.

As Brenkert (2009) comments, forgiveness, and entry into the mythology occurs when

what was perceived as wrong is re-interpreted as part of a new socially acceptable norm. Perhaps Miller's tendency to overplay his 'tough guy' image was unhelpful. Millers legitimation strategy is framed by a 'street based' masculine doxa (Catano, 2001) typical of struggling ex-textile towns in working class northern England, rather than by heroic notions of enterprise. We believe that in our case masculinity is the proverbial elephant in the room and perhaps much of the Miller saga can be explained by recourse to analysing it through a theoretical framework of hegemonic masculinity (Connell, 1990: Smith, 2010) in which both parties engage in posing and posturing to present their value based world-views in a masculinised rhetorical duel. This aspect of the saga is also worthy of further academic exploration.

In telling his own story to counteract the negativity of media coverage Miller was obviously enacting his own ethical codes not those of Society. Indeed, Miller was most likely playing to locally legitimate expected socio-economic contexts, in a normative sense. It is frequently said that no publicity is bad publicity, but courting notoriety and an adopted 'gangster aesthetic' (as in the Kitchen Gangster and Notorious TV programmes) might be an exception to that rule. In an article in the UK's Daily Express in 2010, Miller is quoted as saying *"I played along with the whole Kitchen Gangster thing,"* he says. *"It actually helped my business at the time but I want to get rid of that rough diamond image now."* This fits in with the work of Down and Warren (2008) who reported on the mythicizing of the entrepreneur and the construction of entrepreneurial identity. Thus, if the entrepreneur is seen through a hagiographic fog as a near mythical being it is difficult to reconcile this with narratives which express a contradictory element of criminality, or even, for Down and Warren (2008), sheer ordinariness. Miller has patently become a victim of his own

mythicizing and legend building as well as of media misrepresentation. He has been figuratively been "*hoisted by his own petard*".

Media constructs are created and viewed in social spaces. Duarte *et al*., (2005, p. 6) point out that narratives by their very nature are representations making interpretation inevitable. Whilst we therefore acknowledge that methodologically we could be criticised for using a methodology based on our reading of observations made in the media by others we firmly believe that it is in fact a 'strength' of narrative analysis. Nevertheless, our framework is tentative and we will conduct further qualitative research on media representation of entrepreneurs, particularly those with criminal or controversial back grounds. This could be of use to both aspirant entrepreneurs and those involved in entrepreneur training and development. It would be helpful to conduct a number of related studies into the Miller saga using different conceptual and theoretical constructs to build a more layered and nuanced explanation. It will be of immense interest to scholars of entrepreneurship interested in entrepreneurial identity and legitimacy. Finally this work outlines the need for more research into the manner in which legality/illegality (or the appearance of the same) is negotiated in the discourse on entrepreneurs and entrepreneurial identity and in particular entrepreneurial legitimacy.

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1995	Convicted at Manchester Crown Court on two counts of false imprisonment, one of kidnapping and one of affray - sentenced to 18 months imprisonment for allegedly kidnapping a couple who had stolen a kitchen unit. Prior to this report we can find no trace of Miller in the press / internet.
1996	Appeals against sentence.
1999	Miller as a manager of a kitchen company supplying shoddy goods. The owner of the company [a former girlfriend] denies Miller is employed there or is connected to a succession of failed companies. Thus begins the press 'shadow narrative' of Miller the villain.
2001-2	A rash of articles on incidents and shoddy kitchens allude to an earlier criminal past, including kidnapping, assault, drug and diamond smuggling and contempt of court. These articles culminate with Oldham Trading Standards going to court in 2002 to obtain a 'Stop Now Order' against Miller's trading activities. He is the first ever British businessman subjected to such an order. Miller did not stop and eventually was brought to for contempt of court for which he received an eight month sentence. The Press had a 'field day' but two weeks later on appeal Miller was released from jail on the proviso that he employ a business consultant. We are witnessing an entrepreneurs struggle against the establishment.
2004-2007	In this time-line we encounter the media narration of Miller the shady entrepreneur with links to organized crime. We hear:- • Of two arson attacks at his houses which caused £80,000 worth of damage to uninsured properties. His BMW was smashed up and in the ensuing police investigation there are allusions to shadowy links to the Oldham Underworld.

	In response, Miller offers £50,000 reward for information leading to the arrest of the individuals concerned. There are death threats to Miller and gunmen threaten employees at his factory. He suffers 'Armed robberies' on his vans. Threatening graffiti is daubed on buildings. The inference is that Miller is a gangster. • Miller is forced to stop selling mini-moto motor cycles described as death traps because they do not comply with UK Safety Regulations. • Custom officials seize £66,000 in cash from him as he boarded a flight to China on suspicion of it being illegal income under the Proceeds of Crime Act, 2002. • Miller is fined £16,000 for illegally dumping and torching trade waste.
2008 onwards	• In 2008 the new charges were dismissed and Oldham Trading Standards and the press faced recriminations. • The two guns were toys. • The money (£66,000) seized on suspicion of being the proceeds of crime was returned to Miller. • A Freedom of Information request revealed that the reported 50,000 customer complaints were a gross exaggeration. The new data indicated that in 2005 only 73 complaints were received. In 2004 it was 83. This level of complaint was par for the course in relation to competitors. • One of the kidnapping charges was for detaining a gang who robbed his mother. • Miller hired libel lawyers Carter-Ruck to pursue the newspapers who maligned him. Miller alleges that his problems stem from a conspiracy theory that the Council tried to bankrupt him and buy his factory site. • Oldham Trading Standards blame the press and vice versa.

	• In 2010 the case against Miller collapsed and the senior manager at Oldham Trading Standards was suspended and later dismissed (Newton, 2009).

Table 1 - Key events

Media Strategy	Descriptor	Outcome
Negative Trait / Behavioural Descriptors	*Crafty; Exploitative; Violent; Persistent; Manipulative; Unscrupulous; Cunning; Boastful, Cheat; Con-Man; Con-Merchant; Villain; Rogue; Shyster; Smug; Shameless; Snake; Disgusting; Dodgy; Slinky; Sleazy; Blatant; Ruthless; Defiant; Cocky; Grinning; Arrogant; Rude; Nasty; Unrepentant; Swindler; Notorious; Shark; Confidence-trickster*; *Crooked; Cagey; Greedy*; a *Rat*; a *Braggart*; a *Cowboy*; a *Plunderer*; and *Chancer*.	The negative litany of accusations paint a picture of an individual accused of being *the most roguish of rogue traders*; *the worst rogue-trader in Britain*; and *the UK's most complained about Independent Trader*. These are all morally laden accusations used to destabilise Millers attempts at claiming entrepreneurial legitimacy.
Personal attacks and character assassinations	Accusations of being – a *convicted criminal*; having *a strong character*, having a *big ego;* a *kitchen conman*; a *bodging builder*; *dodgy trader*; *rogue-trader*; *cowboy-trader*; *rogue-businessman*; *rogue-operator*; a *notorious crook*; a *millionaire-rogue trader*; and *rogue salesman;* a *flash-rogue*; *controversial businessman*; and *colourful character*. They refer to behaviours such as – being vile; performing histrionics; *blaming everybody-else but himself*, or *laughing at the law*; *thumbing one's nose up*; *ripping off customers*; *robbing hard working families*; and of *performing dubious business activities*. On a	These insults make use of linguistic collocation or longer descriptive sentences to vilify by insinuation. Take the form of creative tabloid writing or subtle character assassination e.g. pouring scorn on claims to be legitimate; of being *a nasty piece of work.* Miller is described as – *a businessman with dark past;* of having beat up a complaining customer and smashing up his jeep. There is

	personal front he is labelled a *Menacing Northern Bonehead*; *Remorseless rip-off-merchant*; *Bully-boy*; *One-man-scam-wave*; *Muscle bound rogue*; Of *making a killing*; *earning dirty dosh*; *raking in the money*; having *an appalling lack of commercial morality*; of having *bundles of readies stuffed into biscuit tins*.	mention of a *feud with other businessmen*; of being *abusive over the telephone*; *playing the clown*; and of *never being far from trouble*. These attacks vilify the person via the use of accepted negative metaphors. They also negate the legitimacy of Miller to be praised for his entrepreneurial achievements. Although the accusations are based on morally suspect of criminal behaviours they are actually cognitive and normative in their application because they influence how readers come to comprehend Miller as a person.
Symbolic signifiers	Relating to exhibitionism and of living the luxury life of a boss with a *dark past*. Much is made of luxury and lavish lifestyle and of having a plush detached house and of driving a top of the range BMW.	The inference is there is no smoke without fire. This is a clever slur because it invokes 'myopic capitalist imagery' which can be used to legitimise or demonise its bearer dependent upon whether one wished to cast them as a heroic entrepreneur or a criminal (Smith, 2003; Smith and

		Anderson, 2003).
Vilifying his company	Thus – *Rogue*' firm/ company / business empire; *Scam companies* and *Crooked empire*. Accusations are made of staff being *violent*' or *bodgers*. There is mention of unfair contracts; and of staff using appalling business tactics such as demanding money up front in the *Devils Kitchen*. These brand the company as cheats, cheating punters by operating as *A Cut Price* Company.	Guilt by association with Miller is inferred. Shoddy business practices (delivering at night/ insisting on bankers draft / using misleading adverts / having an appalling after-sales service) are emphasised. This is a clever journalistic ruse in that it is an indirect attack and less libellous.
Criminality	The sensational headlines – *Kidnapper turned kitchen retailer*; *Crooked Director back where he belongs behind bars*; *Sent down* and of *pleading guilty and Banged-up* paint a picture of criminality as do the bold headlines – *£66,000 cash seized by customs*; *Booted out of Czech Republic for bad behaviour*. Miller is likened to the British actor Vinnie Jones (and to violence and the gangster aesthetic) and is accused of having verbally abused his drivers and of threatening staff with a sword to settle a score. He is dubbed *The Clogfather* (a play on the Godfather and Rough Working Class themes).	The mention of *Police Probe* signals to readers that Miller is no ordinary businessman and is not to be trusted. He makes his money on the edges of the law. The message is clear that Miller has criminal connections and is not a man of business. Mention of arson attacks and dawn raids seal the deal particularly when we read that this notorious trader is linked to criminal economy. This stratagem is based on arguments negating moral legitimacy but ultimately is a normative change device in

		that it influences one's perception and is incredibly damaging in that even if the victim sues the newspaper then the reader may never read about the apology or retraction.

Table II – Emphasis on rule-breaking

Media Strategy	Media claims	Outcome and Media narrative in relation to assigned legitimacy
Veiled aspersions	For example, describing Millers business as *the fastest growing independent kitchen company in Britain* or *...appears to be a successful young businessman*; or *On the surface he appeared every inch the successful businessman*; and *Miller wants his business to be a national household name*.	These descriptors infer suspicion and boastfulness and undermine positive statements casting aspersions and negative assertions. They are pragmatically designed statements with an undertone of moral judgment penned by the journalists to appeal to their audience of sensible working and middle class readers. These invoke the hubris storylines used to neutralise entrepreneurial ambition. The veiled message is this is too good to be true and that there must be a downside. None of the accusations are libellous.
Ridicule and character slurs	Referred to as:- *The Kitchen King.* *The Robin Hood of bathrooms.* *A rough tough hard talking bloke.* *Not short of a bob or two.* *Not a man to mess with* *A tough talking kitchen boss.* *An infamous entrepreneur.*	A veiled counter argument insinuating a dodgy / criminal persona. Again these are not libellous statements but when used frequently create a bad impression with readers. Cleverly the slurs can be read two ways – either as ridicule or as a

	A one-time market stall operator.	veiled but grudging form of respect.
The Entrepreneur Accusation	Miller is described as - *Wealthy*; a *Businessman*; *Director*, *Company-Boss*; *Tycoon*, *Self-made-businessman* / *millionaire*; and *Multi-Million-Pound-entrepreneur*. He is linked to entrepreneurial mythology via being associated with *Arthur Daley* and *Del-Boy* entrepreneurs stereotypes; of *Raking in a fortune* (Midas); Being a *flamboyant-boss* and *buccaneer*; A *misunderstood-entrepreneur* who regards himself as an *honest risk-taker*.	The use of business terminology is used to legitimise or destabilise a story. When used in juxtaposition with criminal metaphors they introduce ridicule. Thus his reputed £20 million annual turnover is reframed as a silent accusation. The veiled storyline is that Miller is a businessman and is therefore suspect.
Parochialism	*A Northern entrepreneur.* *A British entrepreneur.* *A Ramsbottom entrepreneur / businessman.* *Controversial Ripponden businessman.*	Local, thus suspect. Again, none of this is libellous or slanderous. It sells newspapers by appealing to pre-existing moral and cognitive schemas relating to how we perceive entrepreneurs and the succesful.
Selective quotes	- *Everybody thinks I am a gangster...but I run a good business.* - *I've been in prisons in six countries.* - *I'm not dishonest only violent,* - *He thinks I'm this dumb ******** who's just cruised in on the banana boat and strolled out of his five star hotel this morning with a*	These make Miller appear foolish and unstable and accentuate his use of profanity; his explosive temper and disregard for accepted business conventions. Miller has been likened to the British Chef Gordon Ramsay (presumably

	*hangover - the last thing I want to be doing is strolling about this yard in my Armani suit and my Gucci shoes,- Well, unfortunately, pal, you've got Mr Scumbag from Rochdale who doesn't give a toss about the **** around him.*	because both have a penchant for expletives). Again these are pretty safe statements from a journalistic perspective.

Table III – Journalistic Strategies for destabilising connections to legitimacy

Ethical Strategy	Storied claims	Outcome and self narrative explanation in relation to claimed legitimacy
Self -deprecation	- Living a simple life. - Not driven by profit. - Claims never to have owned a car - Buys socks at £2 for 3 pairs - Plays cricket with his son.	Miller portrays himself as a humble man aligned to entrepreneurial ideology. These claims are based on Suchman's category of pragmatic legitimation and designed to appeal to his own vanity and sense of self-worth albeit he may be communicating value to a localised business institution in the form of his entrepreneur peer group. The claims are all values based and are good examples of invoking the category of cultural capital DeClerq and Voronov (2009a) as a strategy for claiming legitimacy.
Symbolic / ideological	- Spurns yachts, fancy houses, planes or big medallions.	He is proud of his £48,000 mortgage. Again these claims which emanate from Miller himself are pragmatic legitimation claims but are also tinged with moral undertones thus attempting to claim moral legitimacy within his peer group. This is reminiscent of invoking symbolic capital as suggested by DeClerq and Voronov (2009a)
Philanthropic	Speaks of opening an orphanage	Does work with orphans and this claim spans both the moral and cognitive dimensions of legitimacy building in that

		it appeals to a wider audience of humanity than the local or national business sectors.
Conflicting imagery	Claiming to be essentially honest yet apparently revelling in his notoriety.	Claims of humbleness run contrary to his self-expressed moniker *The Kitchen Gangster* and his tough guy image. This is also reminiscent of the claim of DeClerq and Voronov (2009b) in relation to the legitimacy paradox faced by entrepreneurs trying to align conflicting or multiple legitimacy storylines. Miller in trying to neutralise his past once made the throw away remark that he was the kitchen gangster'. This flippant remark has come back to 'haunt' him as the press and media 'hound' him with the label (See Smith, 2005 for a discussion of the hounding mechanism in entrepreneurial narratives).

Table IV – Legitimation Strategies to counter bad press

END NOTES

[i] In this paper the use of the word 'criminal' refers to activities that have attracted the attention of the law as evidenced by comments in press coverage and do not imply or suggest criminal activity on the part of Miller by the authors of this paper. Nevertheless, we acknowledge and understand the importance of the argument that recognises that 'criminal' is a term which is only appropriate once there has been a conviction. Things coming to the attention of the police ('the law'?) are not crimes unless it is followed by conviction in a court of law. Likewise we make no attempt to define our usage of terms such as morality and illegality.