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An Agonistic Notion of Political CSR: Melding Activism and Deliberation

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Abstract

Flagging labor governance in far-flung supply networks has prompted greater scrutiny of instrumental CSR and calls for models that are tethered more closely to accountability, constraint, and oversight. Political CSR is an apt response, but this paper seeks to buttress its deliberative moorings by arguing that the agonist notion of 'domesticated conflict' provides a necessary foundation for substantive deliberation. Because deliberation is more viable and effective when coupled with some means of coercion, a concept of CSR solely premised on reciprocal corporate-stakeholder engagement is pre-mature; efforts should first be directed toward the antecedents of reciprocity and how it is to be achieved, and only then does deliberation become a reliably substantive exercise. The resulting account of agonistic CSR is generated through agonistic principles of realism, pro-action, contestation, and countervailence, and illustrated by the Bangladesh Accord.

Keywords Political CSR · Stakeholder engagement · Activism

> *There is nothing more likely to start disagreement among people or countries than an agreement.*
> *E.B. White*

Political CSR is directed to how business firms involve themselves in deliberations, collective decisions, and providing (global) public goods, particularly where national governments are unable or unwilling to do so (Scherer et al. 2016). Deliberative democracy maintains that legitimate political decisions are consensual and emerge from an exchange of reasons between the affected parties (Curato et al. 2017), and is the central premise of political CSR. With its deliberative moorings, political CSR is proposed to overcome the shortcomings of instrumental views of CSR (e.g., Carroll and Shabana 2010; McWilliams and Siegel 2011) by providing a pragmatically and normatively sound basis for engaging with stakeholders (Goodman and Arenas 2015; Mena and Palazzo 2012).

However, critics of political CSR argue that unless deliberation accounts for the prospect of institutional, material, and discursive forms of power, it is inauthentic and subject to cooptation (e.g., Levy et al. 2016; Mehrpouya and Willmott 2018). If the recourse for deliberative stalemate is the exercise of power, the more powerful party to the interaction has less reason to act in good faith and stakeholders might be better served by critical opposition than tenuous hopes of consensus. Hence, Scherer and Palazzo's notion of deliberative political CSR houses a basic tension between the normative (consensus and freedom from domination) and the strategic (power and conflict). Iris Marion Young (2001, p. 689) states it succinctly:

> Individuals and organizations seeking to undermine injustice and promote justice need *both* [emphasis in the original] to engage in discussion with others to persuade them that there are injustices which ought to be remedied, and to protest and engage in direct action. The two kinds of activities cannot usually occur together, however, and for this reason one of them is liable to eclipse the other.

While the deliberative democracy theory that underscores political CSR acknowledges the role of activism by preparing for "a more likely disagreement" (Gutmann and Thompson 1996; Mansbridge et al. 2012a), there is continued

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debate between proponents of deliberative political CSR who envision business as embedded in public will formation (Scherer and Palazzo 2007, 2011), and activist leaning scholars who view political CSR as a naïve strategy that enhances corporate power and legitimacy while undermining substantive change (Banerjee 2008; Edward and Willmott 2008). It appears that the most realistic stance in this debate is for stakeholders faced with an unjust circumstance is to embrace deliberation but only on condition that the parties agree on how an impasse is to be resolved at the outset.

Agonistic pluralism is a political philosophy that assumes discord and the lack of good will, and supposes that conflict can be useful in confronting structural inequities and advancing democracy (Mouffe 1999). Whereas deliberative democracy encourages incremental improvement, agonism—derived from the Greek word *struggle*—implies activism and marked change. However, both of these approaches support social and economic justice and can be melded together so that deliberation follows some means of conflict resolution. This approach constitutes an *agonistic* form of political CSR because conflicts regarding inequality and failures of reciprocity are not viewed as mere possibilities, but near certainties, which must be addressed before genuine deliberation can occur. The paper is addressed to those who are drawn to the normative ideals of deliberative political CSR but concerned about the structural and power inequities that lead to failed deliberation. The purpose is to provide an agonistic notion of political CSR (hereafter, agonistic CSR) that directly redresses the shortcomings of deliberative political CSR (hereafter, political CSR).

The next section briefly reviews the deliberative democratic theory that supports political CSR and argues that political CSR does not adequately account for the possibility that deliberation will not be successful. Section 3 justifies an account of agonistic CSR that is based on components of realism, proaction, contestation, and countervailence and illustrates each of those components in the Bangladesh Accord. The paper concludes in Sect. 4 by discussing the moral and pragmatic implications for political CSR and stakeholder engagement.

Deliberative Democracy and Political CSR

It is good to begin with a brief overview of deliberative democracy as a basis for political CSR and the impetus for an alternative framing. There are a number of variants of deliberative democracy, but generally it is conceived as a practice of communicative rationality between free and equal citizens seeking to achieve consensual and binding decisions through open discussion (i.e., Habermas 1996b; Rawls 1996). Among other things, an ideal deliberative

discourse advances legitimate decision making by stressing that persons are not merely objects of commerce, but autonomous agents who should have voice in actions that affect them, and amplifying the voice of less powerful participants (Stansbury 2009). Hence, a number of political CSR researchers have adopted deliberation as a just means for resolving coordination problems in the corporate-stakeholder relation that encompasses both ethical discourse and strategic (i.e., economic) bargaining.

However, deliberative democratic theorists have come to acknowledge that, "no single forum, however ideally constituted, could possess deliberative capacity sufficient to legitimate most of the decisions that democracies adopt" (Mansbridge et al. 2010, p. 1). Traditionally deliberative democracy has embraced consensus as agreement on both a course of action and the reasons for it, and disdained coercion, but Mansbridge et al. (2010) now concede that bargaining and negotiation, and the use of coercive power shapes the deliberative process, and propose that under certain conditions deliberative democracy appropriately includes self-interest, and produces solutions that are marked less by consensus than by compromise. Thus, *deliberative systems* has emerged as a less doctrinaire version of deliberative democracy wherein consensus is viewed as a 'regulative' ideal that is not fully achievable and, all else being equal, is best employed as a standard that actors approach more or less closely rather than as a procedural requirement.

In keeping with a broader view of the role of consensus, the deliberative systems view of deliberative democracy considers the whole rather than the individual parts, and singular practices that are lacking with respect to a particular deliberative ideal can still be useful in the deliberative process (Curato et al. 2017; Mansbridge et al. 2012a). There is no insistence that every practice be deliberative, but each practice should at some point be deliberatively justified (Thompson 2008, p. 515). For example, Habermas (1996a) acknowledges the role of threats and promises in bargaining but stipulates that bargaining power should be 'disciplined' by its equal distribution among the involved parties. The conditional nature of the deliberative systems view of deliberative democracy is characterized by three principles: (a) reciprocity, to appeal to reasons that are recognizably moral in form and mutually acceptable in content, (b) charity, assume the good will of other actors until there is cause to abandon that assumption, and (c) proportionality, expand deliberative measures with restraint (Fung 2005; Gutmann and Thompson 1996). Hence, those who espouse the deliberative systems view pursue incremental improvement rather than wholesale change, but a context marked by power asymmetries and antagonistic positions places weaker participants at risk.

Shortcomings of Deliberative Democracy for Political CSR

Deliberative democracy provides a suitable normative underpinning for political CSR, but in drawing from deliberative democracy, political CSR is also encumbered with its shortcomings and their potential to dilute stakeholder engagement. Because the competitive character of commerce implies a struggle for influence and resources, corporations and their stakeholders will, sooner rather than later, find the ideals of reciprocal discourse challenged by positions that are ideologically or pragmatically incompatible. Scherer and Palazzo (2007) acknowledge that corporations are unlikely to resolve conflicts of interest with stakeholders solely through processes of argumentation geared toward dispassionate consensus. Understanding the futility of unilateral disarmament in a context that promises conflict, deliberative democrats "labor in the middle ground between deliberation and activism" (Gutmann and Thompson 1996 cited in Fung 2005, p. 400).

Notwithstanding the more nuanced approach rendered by deliberative systems, there are reasons to question whether deliberative democracy adequately responds to the prevalence of suboptimal conditions and power relations in business practice. The primary problem of power presents significant challenges to deliberative principles of charity and reciprocity. First, deliberative democracy implies that power and coercion are sporadic, whereas the context for deliberation is *generally* marked by power (Dawkins 2015; Mäkinen and Kourula 2012). If participant A knows that if an agreement is not reached, she can impose her preferred option on participant B, there is less incentive for honest deliberate. The concern is that disingenuous actors will manipulate the deliberative process with ostensibly rational proposals that actually reflect self-interest. Even if a firm does not exploit power relations to the detriment of less powerful stakeholders, all participants know that it retains that option, and thus—as I will elaborate later—power asymmetries often frustrate efforts to achieve reciprocity and exercise charity.

In the face of disagreement the 'reciprocity principle' instructs deliberants "to appeal to reasons that are recognizably moral in form and mutually acceptable in content" (Gutmann and Thompson 1996, p. 57). Participants are more likely to approach this high bar of mutual influence when power asymmetries are reduced. The goal of mutual consent is, by itself, insufficient and must be augmented by practices that provide all stakeholders a reasonable expectation of prevailing in a dispute. For example, stakeholders will seldom enter into deliberation with corporations on equal terms, access to necessary information is hampered by limited resources and bounded rationality, and there is evidence that established groups tend to dominate mixed viewpoint deliberations (Abdullah et al. 2016). Thus, the preference for consensus can undermine trust in the deliberative process by diminishing alternative viewpoints and the value of passionate and irreconcilable differences among diverse actors (Colquitt et al. 2001; Ehrnström-Fuentes 2016).

Also, the 'charity principle', while a laudable ideal, typifies by a 'benefit of the doubt' idealism that is slow to address flagging reciprocity. Some theorists argue that deliberative democracy is ill suited to business because—self-interested and non-deliberative by nature—corporate actors are unable to separate themselves from their strategic interests and should not try to do so (Hussain and Moriarty 2016; Whelan 2012). However, a broader view of acceptable deliberative practice that includes self-interest can weaken the concept of deliberation and confuse its meaning (Owen and Smith 2015; Sabadoz and Singer 2017). To address this problem, Mansbridge et al. (2012b, p. 19) propose a 'deliberative minimum' of mutual respect, but this concept only shifts debate from the requisites of consensus to the requisites of mutual respect. Besides, mutual respect is already implied in the deliberative notion of 'reasoning and listening to reason.' These limitations make deliberation tenuous and without a failsafe for less powerful stakeholders, deliberative democracy risks becoming a 'Trojan horse' that benefits the most powerful actors, gives rise to cooptation, and prevents substantive change.

A more viable notion of CSR requires that, in addition to imbedding itself in democratic processes, the corporation *subjects* itself to provisions that prevent power and structural inequities from corrupting deliberation. This is not the first paper to mention these problems, but it also offers a coherent framework for addressing them. An agonistic notion of CSR directly embraces the challenges of power and structural inequity with which political CSR continues to struggle.

An Agonistic Notion of Political CSR

Agonistic pluralism is a political philosophy that assumes flagging reciprocity and values dissent, difference, and domesticated conflict as critical means of confronting structural inequities and addressing differences. There are several versions of agonistic pluralism (e.g., Connolly 1995; Honig 1993; Mouffe 1999), but agonists are generally skeptical of deliberative decision making because it can exclude some groups and ignore important issues of passion and identity. Agonism has been broadly discussed in political theory (Dryzek and Niemeyer 2006; Glover 2012), and poses a pragmatically robust foundation for framing CSR in a global setting. It does not preclude corporate involvement in a public deliberative process, which is central to political CSR, but its premises for discourse emerge from a disposition of reasoned skepticism and adherents aspire only to a 'conflictual consensus' (Mouffe 1999, p. 756).

According to Levy (2008), hegemony occurs when actors grant conditional consent to the asymmetric distribution of rewards and authority. In the corporate-stakeholder relation, the conditional aspect of hegemony suggests that actors will challenge policies at some point. Given the separate interests of corporations and their stakeholders, agonism implies that power and antagonism will be prominent aspects of their interactions. For example, the labor relations and social movement literatures (Clawson 2003; Donaghey and Reinecke 2018) suggest that efforts to address conflicting interests solely through deliberation will yield mixed results and may even make matters worse. More strident forms of agonism (e.g., Laclau 2001; Mouffe 1999) posit that every system of order is subject to challenge, but continual challenge is shortsighted without some concept of the new order that is to follow. Even amid her criticism of deliberative democracy, Mouffe (1999, p. 756) concedes that pluralist democracy requires "a certain amount of consensus." Moreover, perpetual disruption and upheaval warrants the frequent criticism of critical organization theory; that for all of its protestations, it fails to present a concept of what a legitimate organization should be (e.g., Scherer and Palazzo 2007). It also follows that continual conflict is not a morally or pragmatically durable means for advancing the common good.

In view of its moral and practical limitations, a sound rendering of agonism will appreciate that its adherents can fight some of the time—and should be prepared to do so—but they cannot fight all of the time. For example, associative forms of agonism emphasize reform and revitalizing declining institutions, as opposed to replacing them, while also stressing that change is more likely in the wake of confrontation (e.g., Connolly 1995; Honig 1993). The activism implied in agonistic pluralism is an effective means of highlighting corporate injustices, but those actions alone do not propel positive changes to CSR. Activist stakeholders must eventually enter deliberative proceedings with corporate leaders in order to resolve their differences. In other words, an effective governance mechanism for the corporate-stakeholder relation will temper the nihilistic edge of agonism with the ideals of deliberation. Hence, agonism and deliberative democracy cannot be entirely at cross purposes.

The conceptual melding of agonistic and deliberative principles enables both a foundation of challenge and contestation for stalemates, and subsequent processes of deliberation for regular order. To be clear, this melding respects both morality and strategy, but it is not an exercise in merely splitting the difference—the agonistic supposition *pre-conditions* deliberation because the charity assumption is too idealistic, the search for reciprocity delays action, difference is necessary, and power must be disciplined in order to have productive discourse. An agonistic rendering of CSR directly redresses these shortcomings of deliberative

political CSR by: (a) reinforcing reciprocity with realism, (b) replacing charity with proaction, and reducing power asymmetries with (c) contestation and (d) countervailence. On that basis, I propose the following four basic components of agonistic CSR:

- Realism: View of power relations and reciprocity
- Proaction: View of disagreement
- Contestation: Mechanisms for transparent discourse
- Countervailence: Mechanisms for decisive recourse

The following sections will describe each of these four components and illustrate them by consistently drawing from the Bangladesh Accord on Building and Fire Safety (hereafter, the Accord). Using this single example reflects the importance of multi-stakeholder initiatives (MSIs) as "a new form of politicization of the corporation''(Palazzo and Scherer 2008, p. 773) while avoiding the potential pitfall of 'cherry picking' aspects of various corporate oversight programs and presenting them outside of a consistent context. The Accord clearly demonstrates each of the components of agonistic CSR and is potentially a pivotal oversight program with broad implications for corporate oversight. It includes 212 signatory brands and retailers, and two million covered workers in 1600 factories (Bangladesh Accord.org 2017). Labor supply chain researchers Anner et al. (2013, p. 2) describe the Accord as "a new paradigm in the enforcement of global labor and human rights [that]… reflects core elements of what is, to our knowledge, the most successful effort to systematically eradicate sweatshop conditions in any nation's apparel industry."

Realist View Toward Power and Reciprocity

Power asymmetries distort any genuine exercise of reciprocity. Realism,[1] also known as political realism, underscores the prevalence of competition and power and—in contrast to the cooperative bent of idealism—suggests that the actors in a particular enterprise will prioritize their own interests and act forcefully to protect them (Korab-Karpowicz 2006). The distinction between failed deliberation as a suboptimal outcome and failed deliberation as a routine outcome harkens to debates on whether feasibility should constrain normative political theorizing (Valentini 2012). Realists characterize political interaction in terms of actors' routine behavior and discard the broad aspiration of ideals in favor of tangible transactions. Idealists attempt to describe our ultimate social objectives under optimal circumstances, and this makes it

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[1] There are various iterations of realism. The paper refers to classical realism (e.g., Hans Morgenthau), but not to what has been termed as 'structural realism' or 'neorealism.'

more difficult to develop the granular satisficing alternatives that are required for problem solving. For example, the passion and identity that binds and unites those with similar perceptions and interests make consensus less likely but are vital aspects of genuine discourse. While the ideals of deliberative democracy that support political CSR provide standards for just deliberation, the urgency and severity of challenges also require a realist perspective.

As a diffuse matrix of relations that are deeply embedded in communal life and human interaction (Foucault 1970), the presence of power has an inexorable impact on the nature of discourse. Not only are power relations revealed in overt expressions of political preferences, but also in the covert and taken-for-granted aspects of interaction that frame exchanges. For example, Gramsci's concept of hegemony subtly combines consent and coercion with the capacity for persuasion and moral and cultural leadership (Slater 2004). In contrast to the view that tends to regard power as 'stored up' in organizational practices (e.g., Mitchell et al. 1997), power is more aptly regarded as an outgrowth of socially constructed relationships between key actors (Clegg et al. 2018). If power cannot be avoided, then actors with important interests are remiss in failing to plan for its potential impacts.

Consider the subtle accretion of corporate power that begins with managerial property rights and expands to residual decision making authority in areas that lack clear regulation. Managerial property rights specify unilateral operating authority on behalf of shareholders and are only confined by regulation (Bellante and Porter 1992; Hart and Moore 1990), and perhaps social norms. Because employment contracts and other interactions with stakeholders can be regarded as incomplete contracts, corporations often lay claim to additional (i.e., residual) decision making authority directed to the unspecified aspects of business operation (Simon 1951; cited in Hsieh 2008). Having identified voids in government regulation for residual decision making authority (e.g., Chan et al. 2013; Lüthje and Butollo 2017), are corporations to ignore that advantage in deliberations? To the extent that corporate self-regulatory efforts are an indicator, there is little appetite to empower workers or make changes to policies that reduce managerial discretion (see Bartley and Egels-Zandén 2015; David et al. 2007). Moog et al. (2015) demonstrate the challenges stakeholders face in pursuing their interests through deliberation, and the necessity of recognizing that market forces and resource imbalances favor the continued dominance of corporate actors. Hence, the notion of building consensus within a power-neutral context is an improbable at best.

Without an explicit recognition of the conflictual nature of commerce and the impact of power on reciprocity, it will be difficult for stakeholders to engage substantively with large corporations. The possibility of deliberation depends on a number of shared assumptions and some issues are especially intractable because the sources of the disagreements, their framing propositions, are allowed to lurk in the background and surreptitiously undermine progress (Wittgenstein 1980). In an ideal discourse the parties are substantially equal such that the extant power relations do not impact their chances to influence decision making. There is no dispute concerning the moral standing of democratic deliberation as the ideal means of resolving coordination problems, but the disposition to realism is less likely to be frustrated than the disposition to idealism. Deliberative political CSR does not explicitly recognize the impact of conflict and power on reciprocity and charity, but by recognizing that power relations are unavoidable and impact the character of consensus, agonistic CSR supports a more authentic deliberative and decision making process.

Addressing Power and Reciprocity in Practice

To demonstrate the realist view toward power relations and reciprocity in agonistic CSR, the paper now turns to the Accord and, in particular, how it responds to power and political dynamics by excluding actors with conflicts of interest and adopting a check-and-balance oversight structure. Rather than depending on an ideal of reciprocity, the Accord reduces the power of the brands, via enforceable commitments with large global unions, while minimizing the extent to which local suppliers—who were excluded from the agreement—can circumvent the process. Local building owners are excluded because the power dynamics of sub-contracting contributes to unsafe factories. TNCs tend to capitalize on the regulatory shortfalls in the countries where they operate, going beyond the local standards where necessary, but also pushing for exceptions to local standards (e.g., Jauch 2009; Venard 2009). Conversely, negotiations with labor unions focused on workplace measures that increased the power of workers in addressing safety issues. The involvement of large labor federations mitigates one of the main challenges for less powerful stakeholders participating in MSIs, their inability to engage on the level of larger companies, auditors, and inspectors.

As shown in Fig. 1, the Accord also redresses power and encourages reciprocity through a bilateral steering committee comprised equally of labor union and company representatives, witnessed by NGOs and chaired by an ILO designate. Multilateral democratic arrangements are routine in corporations that have a unionized work force or works council but represent a significant departure from the weak local labor unions and inadequate regulation in Bangladesh. The structure does not depend on reciprocity—although this is desired—but structurally empowers workers to protect their own interests by reinforcing local unions with the institutional resources of global union federations. Because they
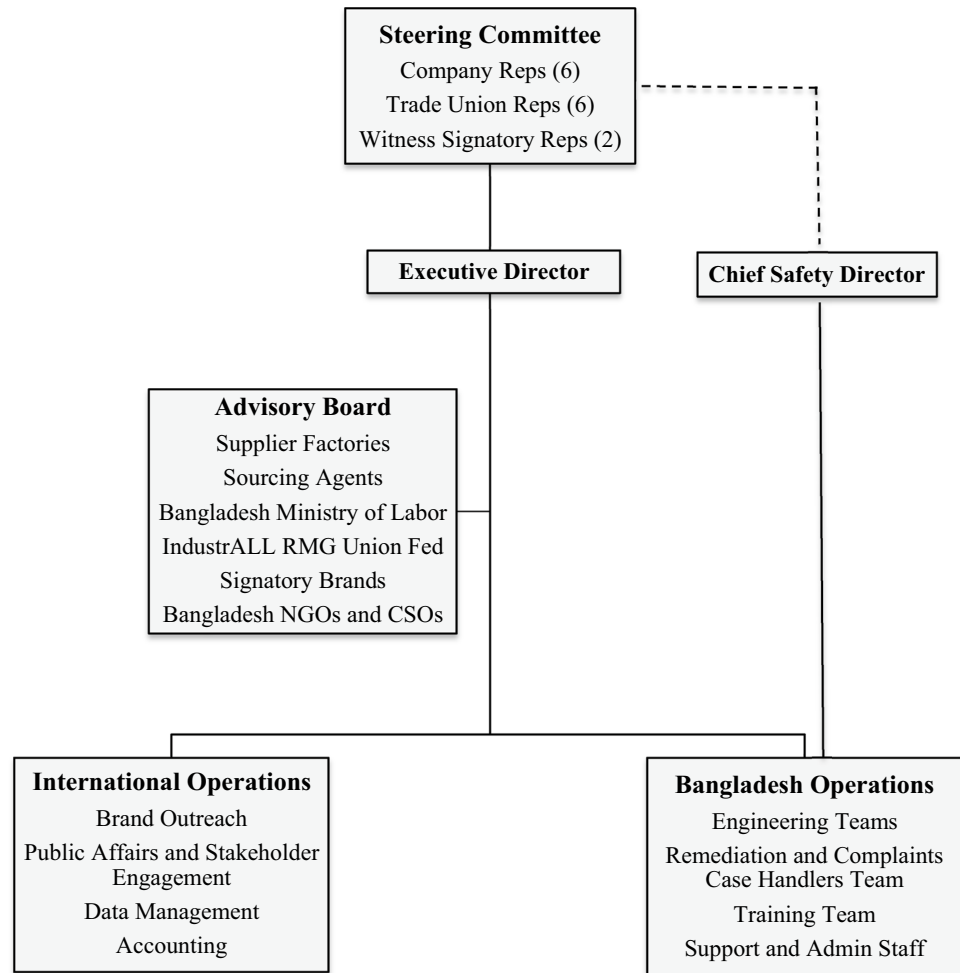
are generally skeptical of CSR (Preuss et al. 2006), it follows that labor unions are willing monitors of safety regulations. Rather than ignoring the power dynamics around workplace safety and worker participation, the Accord domesticates those antagonisms by providing a framework where power is less likely to be the overriding factor in decision making and where there is greater incentive for reciprocity.

Proactive View Toward Disagreement

While political CSR describes proaction in terms of corporations going beyond compliance with societal standards and engaging in discourses that set those standards (Scherer and Palazzo 2007), an agonistic view accepts that actors with diverse interests could be willing to engage in good faith deliberation but includes the likelihood of discourse failure. From this notion of proaction comes a key feature of agonistic CSR, the *ex-ante* condition of alternative measures should deliberation fail its objective. Some proponents of deliberative democracy (e.g., Fung 2005; Gutmann and Thompson 2000) suggest that when faced with untenable

levels of background inequality, the lack of reciprocity, or deep and persistent moral disagreement, it is reasonable to employ more confrontational measures. Notwithstanding this modification of the charity principle, it follows that the value system of capital markets focused on profit maximization and the values of various non-financial stakeholders will clash. Rather than an incremental reaction to these conditions as suboptimal, it is reasonable to anticipate them as the normal course of affairs. Robert Fogelin (1985, p. 7) reflects on the logic of deep disagreements,

> … [problem solving] depends, at least in part, on the assumption that earnest clear thinking can resolve fundamental issues. But if in the end, and sometimes the end is very near, we have to fall back on persuasion, what's so bad about using these techniques right from the start? … we should tell the truth: there are disagreements, sometimes on important issues, which by their nature, are not subject to rational resolution.

In other words, why focus on the exception rather than the rule? Whereas the charity principle exposes deliberative

theorists to the risks of idealism from which they are retreating, an agonistic notion of CSR accounts for the risk of flagging reciprocity, especially on behalf of the least powerful actors.

Because the potential for insincere actors and inequity warrant caution, reinforcing the deliberative presumption at the outset of engagement enables a more authentic discourse. The presence of liquidated damages clauses and arbitration provisions supporting business transactions demonstrate that corporations routinely preface reciprocal good will with viable means of recourse. Underestimating the impact of power asymmetries suggests exaggerated prospects of reciprocity, common interests, and hopes for consensus that often come to naught. Rather than only the most powerful parties to an interaction having recourse to coercion, all parties should be prepared for impasse and the power games that are likely to ensue. Even under a deliberative premise, it is more difficult to create a remedial process amid ongoing conflict because the actors will view proposals through the prism of their own interests and biases. By adopting a disposition of proaction, agonistic CSR focuses on creating mechanisms that encourage reciprocal discourse by providing for the likelihood of conflict at the outset.

Consequently, the initial task of deliberation is to establish a *meta-agreement* that specifies ex ante that any subsequent agreement must contain a mechanism for dispute resolution. The meta-agreement principle is derived from Dryzek and Niemeyer's (2006) concept of meta-consensus and applies to the value of enforceability, but does not entail agreement on the merit of other proposals or courses of action. It is not unusual to establish pre-conditions before deliberating on an issue (Lewicki et al. 2005) because there is little point to developing an agreement without a basic commitment to compliance. Provisions for resolving disagreements during deliberation are the indispensable link to compliance and enforcement. Scott Nova, Executive Director of the Workers' Rights Consortium states it succinctly, "we don't believe that unenforceable commitments are credible" (The Economist 2013). Credible self-regulation is difficult to achieve without external sanctions (King and Lenox 2000; Short and Toffel 2010), and private codes are clearly less effective than legally binding regulations and may even lead to adverse selection of violating firms (Lenox and Nash 2003; Vogel 2010). Also, in view of widespread complaints from business groups regarding the costs of regulatory compliance (e.g., Kovacs et al. 2017), it is naïve to expect corporations to adequately monitor themselves.

Albeit a meta-agreement on dispute resolution thrusts contentious issues of compliance and enforcement to the forefront, there is little reason to believe that the prospects of resolving those issues increase with delay. To the contrary, pressing the actors to 'put their cards on the table' reveals their level of commitment to redressing an issue,

provides a realistic predicate for the ensuing discussions, and reduces the potential for stonewalling. After a decade working with the Kimberley Process, a MSI formed to combat 'conflict diamonds', Global Witness, the founding NGO, withdrew from the scheme. They asserted that the Kimberley process had "proved beyond doubt that voluntary schemes are not going to cut it in a diverse world where companies and countries compete for mineral resources" (Ford, 2011; Global Witness 2011). The dispute resolution provision is critical because it conditions deliberation on terms for enforcement. Otherwise, continued activism might be a preferable course of action. If deliberative initiatives are to be meaningfully associated with political CSR there must be means of strengthening the hand of workers, communities, and civil society in administering them (Crane et al. 2008; Whelan 2012). Why advance deliberative initiatives that fail that objective?

An agonist notion of CSR—with its activist ethos—is purposed not only to appeal for responsible corporate behavior, but also to compel it. Because there are no voids in power relations, power as capacity does not markedly differ from power as coercion (see McCarthy 1990), and absent a challenge the existing power dynamics will remain. Because meta-agreements explicitly establish means of mitigating power asymmetries, some corporations will refuse the provision. There are, however, circumstances under which their refusal is less likely. First, pronounced policy change is often precipitated by competitive, regulatory, or social jolts such as tragedies, protests, and regulatory hearings (Creed et al. 2014; Strang and Soule 1998), which can lead to financial and reputational losses, and undermine long-held industry practices (Brown et al. 2012; Turnheim and Geels 2013). Second, there is the specter of activist stakeholders and NGOs' direct action and 'contentious performance' (King and Pearce 2010; Tilly 2008). Consider the catalytic role of NGOs in raising awareness of the violence in the Congo that resulted in legal requirements for corporations to disclose conflict minerals in their supply chains (Reinecke and Ansari 2016). Proaction indicates that a substantive deliberation is one that reinforces charity and reciprocity with provisions for dispute. Hence, deliberative political CSR provides an incremental reaction to failed discourse as a suboptimal possibility, but agonistic CSR anticipates failed discourse within normal course of affairs and establishes a meta-agreement for this contingency.

Proactive Approach to Disagreement in Practice

To show how a proactive disposition might actually work, I will turn to the Accord and highlight the meta-agreement on enforceability, the joint oversight structure for factory repairs, and the capacity to compel responsible behavior. Enforceability of building and safety improvements was

a critical requisite of the Accord. The meta-agreement to ensure enforceability was binding arbitration, the outcomes of which were enforceable in the home country of the respective company. Corporations that would not accept that provision were excluded. The steering committee pursues consensus in its deliberations but has established *ex ante* that failing consensus or a majority vote, decisions can be appealed to binding arbitration.

Proaction is also addressed in the Accord through the joint oversight mechanism for safety upgrades, which was established as a failsafe against falsifying repairs. That is, individual corporations do not contract with safety inspectors, but only the steering committee executes safety inspections through the Chief Safety Director, who can independently require upgrades to production facilities (see Fig. 1). The agreement anticipates that allowing individual corporations to contract with inspectors generates conflicts of interest and be less rigorous than external and independent oversight. Predictably the enforcement provisions were tested; two arbitration cases regarding safety remediation were filed in the Permanent Court of Arbitration. Subsequently, two (unnamed)[2] retailers voluntarily resolved their dispute with the global unions by agreeing to pay US $2.3 million towards remediating unsafe conditions (Rushe 2018).

Lastly, while companies will be reflexively reticent about a stipulation that reduces managerial authority, they are more likely to accept a meta-agreement regarding enforceability under adverse circumstances. The Rana Plaza collapse in April 2013 that resulted in 1100 deaths and injuries to another 2500 workers was an inarguable failure of corporate responsibility. It was not, however, a one-off occurrence. Between 2006 and 2012, more than 500 Bangladeshi workers died in mishaps at garment factories aligned with major retailers (Hammadi and Taylor 2010; Henn 2013; Hickman 2010). Attempts to enlist retailers to a legally binding agreement as recent as 2012 had failed, but with global retailers under global scrutiny, the Accord was established in approximately 1 month following the tragedy. This tragic context, both, negated the charity principle and amplified the demands for a meta-agreement regarding enforceability.

Mechanisms for Contestation

In agonistic CSR, the views on power and proaction are reflected in mechanisms of contestation and countervailence. Philip Pettit (2000) describes contestation as a basis for complaint, an opportunity for voice, and a forum to settle disputes. Deliberation is central to embedding corporations in problem solving through mutual adjustment, but an informed process of mutual adjustment will also include contestation. In the context of the corporate-stakeholder relation, contestation interrogates the origin, nature and development of institutional power and offers competing frames of order. For example, Young (2000) suggests that deliberative democracy should not only be guided by the search for consensus, but also by other worthy criteria such as respect for human rights and inclusion. Agonistic CSR is less concerned with coaxing corporate leaders to a benevolent exercise of their prerogative than challenging that prerogative with different logics of governance, identifying shallow overtures to engagement, and discrediting processes that marginalize non-economic interests. In this way, contestation is akin to the concept of voice, a heightened form of participation that entails both the capacity to state one's interests and to act toward their achievement.

While diminishing the possibility of decision by consensus, mechanisms for contestation improve the likelihood of an epistemically fruitful deliberation (see Landemore and Page 2015 on positive dissensus). That is, contestation does not occur solely in pursuit of agreement, but as an intrinsically valuable process that purifies deliberation. It is difficult to maintain an authentic discourse without the contentious factors of economic self-interest, class consciousness, and group affiliations that often fuel political interactions (Koopman 2016). Rancière (2010) argues that because power resides in difference, being heard and recognized as a legitimate contributor is as important to political struggle as reasoned discussion. Additionally, it is important to reflect passion, identity, and bias because argument absent these factors lends itself to depoliticizing—and thereby diminishing—the voice of marginalized actors (Mouffe 1999). Lastly, there is a paradoxical impartiality to contestation. Not all challenges will result in change because some complaints are illegitimate, and some organizations are not in need of reform. While contest connotes a disruptive effect on an inequitable system, a just system can survive contestation in intact, or perhaps derive added strength and cohesion from having explicitly justified its practices. Hence, a truly legitimate process is improved through contestation.

The varied interests and values in global markets suggest that even the most earnest deliberants will sometimes have principled positions that afford no expectation of consensus. However, contestation does not celebrate instability or imply the absence of good will. Hannah Arendt (2004) and Chantal Mouffe (2005) suggest that conflict can be domesticated by recasting opponents, not as enemies to be destroyed, but as 'political friends' or 'adversaries' who recognize the others' legitimacy while espousing profoundly different ideals. The demonstration of respect for the legitimacy of the other's position is necessary but not to the exclusion of passion and identity. Dispassionate reason reflects a cultural bent that has

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[2] As is generally the case, both arbitrations were covered by confidentiality agreements.

less currency in a global world where other traditions of discourse will also be relevant. The focus of deliberative political CSR on consensus results in an inauthentic discourse that can exclude legitimate stakeholders. However, more than merely posing problems, contestation affords stakeholders the latitude to participate in developing corporate oversight mechanisms while simultaneously challenging their institutions, values, and practices.

Contestation in Practice

To illustrate contestation, this section underscores global and local union involvement on the steering committee and advisory board, broad sectoral representation on the advisory board, and transparency. In establishing the Accord, the global retailers negotiated provisions with the 'Labor Caucus,' a group of labor advocacy organizations comprised of two global unions, IndustriALL and UNI Global Union, eight local Bangladesh unions, and NGOs such as the Clean Clothes Campaign and the Maquila Solidarity Network. Historically labor unions have exhibited a strong disposition against the undue subordination of workers and an embrace of struggle as a check on corporate prerogative. Bangladesh's labor unions struggle with internal politics and entanglements in domestic politics, as most unions do, but in conjunction with the global federations they constitute a potentially viable means of solidifying and mobilizing workers sentiment. For example, labor unions in a garment supply factory intervened to ensure that workers were not required to enter the building until their safety concerns were addressed (Kashyap 2017).

A second aspect of contestation in the Accord is the advisory board, which has broad sectoral representation through the inclusion of suppliers, government agencies, local trade unions, and NGOs. They are briefed at regular intervals by the steering committee and provide their input to the Executive Director (see Fig. 1). Consider that a list of all garment industry labor suppliers in the Accord operations (including sub-contractors) are published annually, and all factory inspection reports are distributed to factory managers, health and safety committees, NGOs, union representatives, signatory companies and the advisory committee, and subsequently (within 6 weeks) the public. Third, the transparent reporting gives all stakeholders the capacity to readily interrogate the nature and operation of the program and to inform other external audiences. Taken together, the combined elements of labor union engagement, the advisory mechanism, and the transparent inspection regime provide credible avenues for contestation. This level of transparency results in retailers subjecting themselves to processes of democratic problem solving that notably alter the power dynamics of oversight.

Mechanisms for Countervailence

Countervailence is the logical extension of contestation; it permits an actor to offset the capacity of another by opposing it in like manner, and not only provides the actor with occasion to challenge, but also to reasonably prevail. John Kenneth Galbraith (1952) indicated that modern corporations acquire massive powers that bias market forces in their favor and countervailing power emerges to offset that advantage. In the corporate-stakeholder relation countervailence extends the predicate for change established through contestation to nonmarket activity, such as boycotts, strikes, and demonstrations. Power is required to limit power (Flyvbjerg, 1998 paraphrasing Nietzsche), such that without vehicles for countervailence, the deliberative notion of CSR offers the promise of substantive stakeholder engagement but lacks the means to deliver on it. Recasting Carl von Clausewitz's aphorism regarding war and diplomacy, countervailence can be viewed as deliberation with the addition of other means.

Power asymmetries give rise to opportunism, such that the corporate recourse to property rights and strategic action necessarily colors the deliberative process, particularly under adverse conditions. Because it reinforces the willingness to act, the specter of countervailence provides a different character to deliberation. For example, the National Association for the Advancement of Colored People (NAACP) issued a travel advisory regarding the treatment of black passengers on American Airlines flights and later accepted an invitation to dialog with corporate leaders regarding the matter (Aratani 2017; Martin 2017). Corporations and their stakeholders regularly 'talk then fight' or 'fight then talk,' and an agonist notion of CSR values, rather than merely tolerates, the exercise of countervailence and structured conflict as constraints on power. There is evidence that well-ordered institutions tend to be monitored by a diverse set of actors and their commitments are more credible when they monitored by actors who can potentially sanction violations (David et al. 2007; Fichter and McCallum 2015). However, the deliberative act of contestation absent the potential for countervailence risks becoming merely a symbolic effort that temporarily placates powerless stakeholders but fails to substantively address their concerns.

Stakeholders require leverage to compel corporations toward socially beneficial outcomes, and this is unlikely without the presence of alternative sources of power. Coercion plays a legitimate role in democratic institutions, without which the majority cannot sanction and compel the minority (albeit the majority will sometimes adopt unjust policies) (Mansbridge 1996). Hence, the power of corporations is not checked only by other competitors or even consumers, because as market actors, they tend toward economic utility, but also by workers and NGOs who are more likely to embrace a justice and deontic ethos. Dawkins'

(2015) notion of a *fair fight* envisions conflict governed by rules and conventions that recognize power relations and, rather than ignoring them, promotes processes and rationales that reduce undue preference. Hence, the objective is not to dissolve power asymmetries via reciprocal discourse, but to derive mechanisms that reduce the impact of power on decision making. A more even distribution of capabilities and resources gives prudent actors' reason to avoid the likely harms of confrontation and places more weight on the merit of substantive deliberation. Deliberative CSR implicitly accepts that failed discourse will tend to result in corporations exerting economic and political power, whereas agonistic CSR recognizes that power cannot be removed but it will have less impact when it is distributed evenly.

Countervailence in Practice

Social movement organizations, labor unions, and NGOs are good examples of vehicles that build the collective will to offset and discredit unjust institutions and establish new values, practices, and institutional forms for political CSR. The Accord demonstrates countervailence through arbitration, global union involvement, and the labor union-NGO nexus. First, the strongest measure of countervailing power in the Accord is the arbitration provision. The hand of stakeholders is strengthened in deliberation by the fact that disagreements regarding repairs can be resolved outside of the power resources of the involved actors. Therefore, equalizing power through arbitration reduces the likelihood of power games in deliberation.

Second, negotiating the agreement with global union federations heightens the role of organized labor as a countervailing power. IndustriALL and UNI Global Union have relationships with a number of large brands worldwide. Consequently, they wield a measure of structural power regarding labor procurement in global supply chains (Croucher and Cotton 2009; Papadakis 2011) because the Accord in Bangladesh is part of a broader relationship with TNCs and global brands. According to Jukka Takala, Director of the ILO Program on Safety and Health, unions are a major factor in workplace safety, and "if [workers] are not organized, they can't get their views heard" (ILO 2002, p. 5). Local labor unions typically countervail employers by monopolizing the labor supply, unifying their members, and posing the threat of work disruptions. Local unions in Bangladesh are fragmented (34 union federations), represent a small percentage of workers, and are hampered by corrupt leaders and regulators (Human Rights Watch 2015; Rahman and Langford 2012), but thus far they have forged a productive alliance with global labor federations under the Accord.

The last aspect of countervailence is the presence of the NGOs that witnessed the Accord, such as the Worker Rights Consortium, and their nexus with labor union federations.

NGOs have established a degree of countervailence by mobilizing consumer sentiment and threatening boycotts that impact brand reputation (Devers et al. 2009; Reinecke and Donaghey 2015). For example, a number of prominent American universities, including Columbia, Duke, and Georgetown require licensees of their apparel that operate in Bangladesh to join the Accord (Greenhouse and Harris 2014). These countervailing factors reinforce the labor unions' position in the steering committee and their influence with retailers more broadly.

Summation

In brief, agonistic CSR: (a) recognizes the impact of power on consensual decision making (realism), (b) views power and stalemate preclusively (proaction), (c) values and accommodates various forms of dissent (contestation), and (d) develops offsets for power asymmetries (countervailence). The deliberative and agonistic approaches to political CSR are not categorical, and thus one does not disqualify the other. Both employ deliberation but they use it in different ways. Table 1 provides a detailed comparison of the two approaches.

Discussion

Agonistic CSR radicalizes ideas and values that are present, but overly idealized, and thus unfulfilled in political CSR, and it sharpens deliberative practice through contestation and countervailing power. Whereas deliberative political CSR *urges* the responsible corporation to *embed* itself in processes of deliberative decision making that it would subsequently respect, agonistic CSR *compels* the responsible corporation to also *subject* itself to equitable mechanisms for conflict resolution in the event of failed deliberation. Because disagreement and the accompanying power games are inevitable, mechanisms for equitable dispute resolution—with their implications for legitimate outcomes—warrant more attention in the political CSR debate. Ethically, substantive dispute resolution mechanisms are consistent with the view that failed oversight reduces a corporation's moral standing and presumption of autonomy. The political CSR literature has, however, failed to address the notion that unless provisions are made for a failed deliberation the status quo is likely to prevail.

Agonistic CSR is a potential remedy for MSIs that meet a deliberative standard but have little tangible impact. For example, the UNGC aspires to gain a global consensus on shared values and moral norms to guide the global economy (Williams 2014) but there is little evidence that firms are truly acting on their commitments. Conversely, Global Framework Agreements (GFAs) are private governance

Table 1 Comparison of deliberative and agonistic political CSR

Characteristics	Deliberative political CSR	Agonistic political CSR
Main assumptions	Consensus, reconcilable differences	Conflict, incompletion, uncertainty
View of power	Explicit. Asymmetry can be offset by deliberative orientation	Implicit. Ineradicable asymmetry must be mitigated or restrained
View of conflict	Sporadic, tolerated	Ineradicable, valued and expected
View of charity	Give benefit of doubt to deliberative intent	Naïve, power and separate interests pose 'prisoner's dilemma'
View of reciprocity	Vital priority, reflected in mutual respect	Achieved through meta-agreement (i.e., reinforcement)
Orientation toward participant behavior	Ideal theory, unitarist	Non-ideal theory, pluralist
Enforcement	Voluntary, self and or paid second-party or third-party	Precondition, third-party independent
Root of governance problems	Poor structure and execution of governance mechanisms	Power and structural inequities injure marginal stakeholders
Focus of interaction	Elevate argument, give reasons and listen to reason	Elevate justice, expose structural inequity in regulation and in the terms of discourse
Proposed remedy	Systems to identify and pursue common interests	A 'fair fight' through checks and balances between actors
Proposed outcome	Incremental agreement through consensual means	Marked change through continual contestation

mechanisms developed by TNCs and global union federations to uphold labor standards throughout a global supply chain (Riisgaard 2005) and they regularly contain provisions for dispute resolution. Dominique Michel, Director of the ILO's Multinational Enterprises Program, states that some GFAs include "mechanisms for the global union federation to raise a case if the company violates the terms of the agreement" (ILO 2007). Likewise, Egels-Zandén and Hyllman (2007, p. 4) state, "global agreements, unlike codes of conduct, provide a legal way to enforce, rather than simply advocate, TNC responsibility for workers' rights" (also see Stevis 2010; Williams et al. 2015). A number of prominent TNCs have signed GFAs including Skanska, Carrefour, Ford, Manpower, and IKEA among others (Davies et al. 2011; Fichter et al. 2011). These types of agonistic arrangements point the way to more substantive modes of corporate oversight.

Challenges and Limits for Agonistic CSR

Notwithstanding the potential of agonistic CSR, melding an approach that follows activism with deliberation invites criticism that it does not go far enough in addressing the root causes of exploitative conditions. First, there are times when agonistic mechanisms are well applied, such as in the retail industry where producers are sensitive to brand image, and consumers have purchasing options, access to information about labor practices, and the capacity to readily boycott. However, voluntary private initiatives are less likely when goods are not sold directly to consumers and this limits their impact (Scherrer et al. 2001). More work is needed

that addresses industries, such as oil and mining, that do not have direct consumer contact.

Second, agonism insists on contestation in the deliberative process, but this requires building deliberative capacity for less powerful stakeholders. If stakeholders are unable to adequately process the information necessary to represent their interests (Ehrnström-Fuentes 2016; Soundararajan et al. 2019), then the ostensibly agonistic processes of governance can also become obstacles. One of the strengths of deliberative mechanisms is that they encourage learning and internalization of principles and practices. Agonists continue to argue that political agreements are rarely permanent and there is always an element of discord that leaves agreements open to further dissent and contestation. Although binding contracts build more initial trust based on the contract, non-binding contracts build longer term trust (Colquitt et al. 2001; Malhotra and Murnighan 2002). Also dispute mechanisms can have a 'narcotic effect' wherein the deliberants come to rely on dispute resolution rather than developing deliberative capacity, or a 'chilling effect' as the actors adopt more extreme positions in anticipation of a third party splitting the difference. The issue of deliberative capacity indicates that although agonistic CSR is well suited to provoking change, it may not be as effective for developing durable stakeholder relations going forward.

Third, agonistic CSR initiatives will face structural inequities that are entrenched in civil society and remain even as various MSIs fade from the spotlight. Soundararajan and Brown (2016) confirm that the impetus on lean production presents ethical dilemmas even for well-meaning suppliers. More broadly, most CSR programs have not addressed the

structural problems arising from the exploitative pricing and procurement practices that lead to deplorable working conditions (Anner 2018). Although an agonistic rendering of CSR speaks to the normative requisite that workers should have substantive voice in the matters that affect them, the material inequalities in contemporary capitalism that place workers at risk are largely unchanged, even in the global North (e.g., Waldman 2017). Notwithstanding these shortcomings, it is important to avoid an all-or-nothing standard for CSR efforts in global production networks that can be unreasonable and even self-defeating.

Implications for Research

In view of globalization, agonism fits a need for conceptual frameworks that include the interface between the social and political spheres. The application of agonistic pluralism in disciplines, such as accounting and human resource management (e.g., Brown and Dillard 2012; Delbridge 2010) indicate that it favorably aligns with contemporary notions of stakeholder engagement. These connections present interesting pathways between Agonistic CSR and the activist aspects of the development, social movements, and accountability literatures that might advance political CSR research. Agonistic CSR is also consistent with the work of private regulation researchers who argue that voluntary, non-binding of codes of conduct are inadequate means of holding TNCs responsible for their behavior in global commerce (Kobrin 2009; Vogel 2010). For example, Levy et al. (2016) conceptualize political CSR as a series of disruptive challenges, contestations, strategic concessions and compromises between civil society and corporate actors. There is, however, a difference between provoking the change that Levy et all refer to and new forms of governance going forward that warrant more research for critics of deliberative political CSR.

Relatedly, research on the labor union-NGO nexus provides potential insights on how the agonistic aspects of labor relations can be employed in dispute resolution and enforcement mechanisms. Global agreements with labor unions extend corporate codes of conduct by also protecting workers' rights and freedoms. Egels-Zandén and Hyllman (2007) have done promising work on the notion that GFAs with labor unions can supplant codes of conduct, while labor unions maintain their traditional role of pursuing workplace democracy. The labor union-NGO nexus couples the normative standing of NGOs with the potential for countervailence posed by labor unions (Reinecke and Donaghey 2015), and successful collaborations among NGOs and labor unions in the Swedish garment industry are fitting examples (Egels-Zandén and Hyllman 2006). More research is needed in this area, particularly regarding how labor union repression leads to dubious procurement and labor practices (Appelbaum and Lichtenstein 2016). It is also worthwhile to consider the possible 'spillover effect' of agonistic CSR on deliberative CSR programs. There is evidence that the outcomes of activism also affect the diffusion of socially responsible practices in non-targeted corporations in the same industry or geographic region (Briscoe et al. 2015).

Lastly, nothing prevents a corporation from reneging on any agreement and no CSR program will be effective without a modicum of good will. The intuitive notion, implicit in agonism, is that restraints on behavior will create greater incentive for corporation to act responsibly. As with political pluralism generally, this framework recognizes the power relations and interactions of the actors and presumes that the objective of the conflictual relations is to pursue or protect legitimate interests. Even cynical observers of the corporate-stakeholder relation who are disposed to focus primarily on the power and instrumental interests of the actors should not exclude the possibility that a more authentic engagement can convince the relevant actors that a particular course of action is "the right thing to do." Hence, questions of character and virtue may also be of interest to normative scholars.

Conclusion

Particularly in view of aggressive global procurement practices, deliberation is more viable and effective when coupled with some means of coercion, and thus a concept of political CSR solely premised on reciprocal corporate-stakeholder engagement is premature. I embrace the deliberative moorings of political CSR but emphasize that efforts should *first* be directed toward how reciprocity is best achieved, and only then does deliberation become a reliably substantive exercise. Even though dispute resolution mechanisms such as arbitration raise the specter of stark confrontation, they also give incentive to engage in reciprocal deliberation. Therefore, particularly where market pressures are severe or regulation lacking, a foundation of activism followed by deliberation is preferable to a foundation of deliberation with recourse to activism.

If, indeed, power is required to constrain power, then it is necessary to push ethically sensitive global corporations, and compel others, to subject themselves to reasonable measures of external oversight. Much work remains to be done but agonistic constraints can protect the interests of workers and other less powerful stakeholders and enhance corporate legitimacy and reputation in consumer markets. As global integration of commerce proceeds apace, and the number and diversity of stakeholders expands, so too does the probability that those stakeholders will advance valid interests that challenge deliberative decision making. Political CSR aptly identifies the unavoidably political nature of global commerce, and it can be embraced more fully in a

concept of agonistic CSR that places the conflictual nature of the corporate-stakeholder relation at the fore.

Compliance with Ethical Standards

Conflict of interest There are no potential conflicts of interest.

Informed Consent There is no applicability for informed consent.

Research Involved in Human or Animal Rights The research does not involve Human Participants and/or Animals.

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