

IN STATU NASCENDI

**JOURNAL OF POLITICAL PHILOSOPHY
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IN STATU NASCENDI—
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International Relations*

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In statu nascendi (Latin)

In the process of creation, emerging, becoming

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Editorial

What first made you want to create a new journal? Aren't there enough new journals on the market already? What is your primary motivation? These are just a few of many similar questions that I have been recently asked, and I do agree with you completely; we owe you a proper explanation, and we do have every intention of responding to these questions with an answerable courage. Before we do so, let us first try to unravel even more critical mystery on why we chose such a distinguished name in the first place: what do we mean by "in statu nascendi"? I expect that since you have bought the first volume, you already know that depending on the translation, this Latin phrase can be understood as either in the process of creation or in the state of being born. The state of nascendi also relates to the process of disambiguation, commonly associated with the procedure of removal of ambiguity or, in another word, a clarification of even the most complicated matters at hand, liberating the hidden meaning into the hands of the curious audience. That is precisely what we stand for, by choosing such a remarkable name, we have made sure to seriously acknowledge that we are fully committed to meeting the expectations of reshuffling the stagnant market of ideas, leading the social science discourse into new, uncharted territories where the leading ideas and conventional paradigms will be challenged; and no one, no longer will dare to take them for granted.

For sure, there are many new academic journals on the publishing market at the moment. Most of them are created by people who came together because they are motivated by the notion of launching an alternative, pluralistic, and more accessible environment for the promotion of knowledge. We share this passion. Yet, the origin of the other initiatives in the field may come down to the impatience of a younger generation of academics who feel that their freedom of expression is being stifled by the monopoly of more reputable journals, as more established members of academic community tend to be quite sluggish about decisions as to whether the work of their younger colleagues should get published. Indeed, we understand that some of the traditional journals have been quite slow to open up to new ideas, to fresher perspectives and more diverse paradigms and for these reasons, one may anticipate the need for reorganizing the publishing market, but we refuse to merely self-publish and separate ourselves from this tradition. As much as we refuse to take part in the 'publish or perish' culture that diminishes academic creativity and vigour to the status of quantified metrics, impact

factor, popularity that tries to assign an alphanumeric value to knowledge, we seek to replicate the best practices available in the publishing market and we endeavour to supplement and embrace all of the positives of traditional publishing, but in the meantime we intend to be more original, more diverse, more transparent, and more inclusive than any academic journal currently available on the market.

At *In Statu Nascendi* we are anything but dogmatic; as a matter of fact we have every intention to build this journal as a place where you can share the fruits of your work in very diverse social science areas and themes relating to the mission of our journal, but we also take pride in bringing to the fore new approaches, new dimensions, and unusual paradigms; that is why we are open to discussing matters that are related, but not confined, to foreign affairs, foreign policy, international relations theory, political theory; political philosophy, cultural studies, foreign policy, decision-making process, modern decision-making process; conflict resolution strategies, contemporary conflicts and many other aspects of the social sciences. In the future, we will supplement these discussions with matters related to the economy, sociology, and culture. Meanwhile, we do realize that we live in a globalized knowledge-based environment that does not settle for anything less than relevant, readily available information, which means that even a slight procrastination can turn our commentary into an old piece of proverbial yesterday's news. That is why we intend to be quite swift with our decisions; instead of waiting for weeks or months, we will provide you with a quick decision as to whether we are interested or not. There is a high demand for relevant analysis and verifiable information in contemporary society, and we have every intention to meet this requirement.

We aspire to turn this initiative into a world-class scholarly first point of reference in the field of social science. Therefore, we understand that there is no cutting corners in excellence and that the process of legitimizing our credentials cannot happen overnight; having said that we need to emphasize the fact that we are committed to offering something more attractive to the academic community. It is not only the end product but also an explanation as to how we got there which very often lies hidden in the process of creation, and we intend to uncover it. As much as at times we will be forced to reject certain individual manuscripts, our road towards fulfilling our high standards and high aspirations will not be marked by the loss of the sight of the human story in the process. This initiative is being built upon the belief that all voices matter when it comes to shaping the debate around the topics that will contribute to raising a new type of civic awareness about the complexity of

the contemporary world, crisis, instability, and warfare situations, where the stage of becoming plays a vital role in explaining the complexity of our existence on this planet. That is why we understand that there are a lot of hurdles ahead of young researchers at the moment, and some of our colleagues just don't know how to keep up with a continually changing publishing environment. That is exactly where *In Statu Nascendi* is determined to step in, because we believe that by sharing our expertise and experience with those who need it the most, we will stimulate academic discourse, attract more participants into the process of credible scholarly publishing and transform this initiative into an easily approachable platform for various academics and political commentators from multiple backgrounds and stages of professional development.

We plan to trigger a debate on the topics that interest you, endeavor to review every single article that will be submitted to our journal, provide everyone with a clear feedback, and a proper guidance can enhance their work in the long run. We are established by the people and for the people, and we understand the longstanding rule **una validiores sumus et in omnia parati** that translates to together we are stronger and ready for anything. As a matter of fact it would never have materialized without the enthusiasm, hard work and professionalism of: **Ilona Ivova Anachkova, Victoria Angelova, Delyana Boyadzhieva-Pietrzak, Prof. Sophie Grace Chappell, Prof. Maria Dimitrova, Dalia Elbanna, Christina Korkontzelou, Maren Krebs, Maryia Lappo, Vaska Solakova, Hristiyana Stoyanova, Nieves Turégano, Viktoriya Wieczorek, Serap Yilmaz, Omar Ibrahim Al-Ali, Koumparoudis Evangelos, Bruno Fox, PhD John de Geus, Prof. Marcin Grabowski, PhD Błażej Grygo, Sébastien Joannès, Erkin Koray, PhD Sami Mehmeti, Stavros Panagiotou, Francesco Trupia, Ivan Solakov, PhD Ivan Simić, PhD Krzysztof Żęgota** and our proofreader **Matthew Gill**, one of the most reliable, hard-working and fearless groups of individuals I have ever had the privilege of working with, future leaders in their respective fields, who have seriously contributed to the quality of the discourse in this volume. For these reasons, on behalf of the editorial board, I would like to take this opportunity to thank them for submitting their work to the first ever issue of our newly established journal. We were humbled by your enthusiastic response to this initiative, as it has already exceeded our wildest expectations. For these reasons, we have extended offers of cooperation to them, and they have enthusiastically answered our call to join our efforts. Last but not least, I would like to add to this list: **Valerie Lange, Christian Schön, Florian Bölter** and all of the people from

ibidem-Verlag responsible for printing this issue, who have helped us to reach out to our readers.

We are committed to keeping our readers updated about all of our initiatives, and publishing the next volume of this journal by the beginning of the spring of 2019. That is why we encourage our prospective authors to take part in our great adventure and submit their proposals by the end of the summer of 2018. We are open to various forms of academic discussion: scholarly articles, book reviews, interviews, political commentary, comments, polemics, etc. So please don't hesitate and email us with your proposals, I promise that we will get back to you within a reasonable amount of time.

Thank you for purchasing this volume. We hope that you enjoy it.

Yours sincerely,

Piotr Pietrzak

Editor-in-chief

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PART I:
PHILOSOPHY & THEORY OF
INTERNATIONAL RELATIONS

John de Geus

Corporate Instrumentalization of Deliberative Democracy in Global Governance

Abstract: *In recent decades, processes of multistakeholder deliberation based on Habermas' concept of deliberative democracy have increasingly been implemented by corporations as part of their efforts to address the negative social and environmental impacts of their activities. These efforts to engage in corporate self-regulation have led to the development of multistakeholder initiatives (MSIs), which constitute governance institutions largely outside the scope of the traditional nation state. The deliberation employed by MSIs ostensibly aspires to consist in an inclusive ideal discourse not subject to power or domination in which the participants are committed to the consideration of all available evidence and alternative conceptual schemes. This article seeks to clarify the role of corporations in multistakeholder deliberation as a form of governance. An examination of existing research focusing primarily on MSIs involving small, local stakeholders as well as corporations demonstrates that the processes of deliberation fall short of the criteria for Habermasian ideal discourse. Problematic aspects of the implementation of multistakeholder deliberation include the reinforcement of local power asymmetries, lack of access to discourse, exclusion from discourse and the hegemony of corporations through mutual accommodation. Rather than seeking to engage in a discourse free from domination, corporations actively seek to dominate by maintaining power asymmetries and excluding other stakeholders from discourse. Moreover, within MSIs the processes of communicative rationality themselves are increasingly instrumentalized. Corporations' strict adherence to instrumental economic rationality furthermore prevents the consideration of alternative ideas. Corporate self-regulation through processes of multistakeholder deliberation, ostensibly meant to mitigate the negative social and environmental impact of corporate activities, thus instead appears to support the continued hegemony and exterritoriality of multinational corporations while strengthening the existing economic order.*

Keywords: Jürgen Habermas, corporate exterritoriality, Multistakeholder Initiatives, globalization, global governance, deliberative democracy, marginalization, hegemony

Introduction

The nation state is increasingly deprived of its traditional bases of sovereign power, as economic processes, modes of communication, culture, and risk all become more globalized (Habermas, 2001). The power of the nation state is thereby diminishing in relation to the power of multinational corporations (Bauman, *Globalization: The Human Consequences*, 1998; Palazzo & Scherer, 2006; van Tulder, 2011). In such a globalized world, multinational corporations are confronted with a multiplicity of often contradictory moral and legal demands. Issues of corporate responsibility demonstrate a higher degree of complexity at the international level in comparison with similar questions at the national level (van Tulder & van der Zwart, 2006, p. 284). In order to deal with this complex mix of societal demands, multinational corporations are replacing the more traditional approach of implicit compliance regarding consensual societal norms with explicit participation in public processes of deliberation and justification, as embodied in multistakeholder initiatives (MSIs). In doing so, corporations take on a political role as they engage in a form of global governance through voluntary self-regulation. While some scholars have hailed this as a positive development, others are more critical, asserting that these processes of multistakeholder deliberation are in fact utilized to strengthen the hegemony of multinational corporations and maintain the existing economic order, while removing matters of governance from the sphere of the nation state.

This article seeks to clarify the role of corporations in multistakeholder deliberation as a form of governance, in particular where existing research identifies potential problems with regard to the manner in which corporations engage in this form of deliberative democracy. This article first presents the notion of multinational corporations as exterritorial actors in a globalized world in which the power of the nation state is diminishing. It then discusses the political role of corporations as agents of a new form of global governance through self-regulation which largely bypasses the nation state, with a focus on multistakeholder initiatives as instruments of governance employing a form of deliberative democracy that reflects the ideas of Jürgen Habermas. This article then goes on to present Habermas' theory of deliberative democracy, intended to be a means for preventing the colonization of the Habermasian 'lifeworld' by the instrumental rationality of the 'system'. Next, this article provides an overview of existing research on the role of corporations in multistakeholder deliberation, with a focus on problematic aspects that stand in opposition to Habermas' criteria for ideal discourse. Finally, the role

of corporations in multistakeholder deliberation as a form of governance is discussed, as well as the broader implications thereof.

Corporate Exterritoriality and the Decline of the Nation State

Because they operate on a global playing field, multinational corporations can choose from various legal systems (Roach, 2005; Scherer & Palazzo, 2007; Scherer & Palazzo, 2011; Scherer, Palazzo, & Baumann, 2006). They are able to move production sites and financial investments to wherever the local laws are the most hospitable, to take advantage of local systems that are not well-adapted to the provision of corporate regulation and even to play legal systems against each other. When selecting a physical location, such as a production site, they can select the combination of labor regulations, social regulations and environmental regulations that is most suitable to their economic criteria (Roach, 2005; Scherer & Palazzo, 2007; Scherer & Palazzo, 2011; Scherer, Palazzo, & Baumann, 2006). National governments, in turn, are keen to attract capital with low taxes, few rules (deregulation) and a flexible labor market (Bauman, 2000, p. 150). This dynamic thereby pressures developing countries into a ‘race to the bottom’ by investing in those countries that offer the most favorable conditions in terms of low tax rates and low levels of environmental regulation and restrictions on workers’ rights (Crane & Matten, 2010, p. 18). The competing attempts by national governments to attract and/or retain corporations by offering subsidies, favorable tax conditions, investments and cutbacks on regulations can potentially lead to a downward spiral in social and environmental conditions at the level of global governance (Roach, 2005; Scherer & Smid, 2000).

As multinational corporations increasingly operate beyond the reach of individual nation states, the nation states themselves are increasingly unable to provide public goods and regulate business activities (Beck, 2000, p. 14; Habermas, 2001, p. 68–80; Scherer & Palazzo, 2011). Capital and global finance take advantage of a proliferation of weak nation states that only have enough power to maintain sufficient order needed for the conduct of business, but do not have the power to limit the free movement of capital (Bauman, 1998, p. 65–69).

The Rise of Governance by Corporations

While governance at the national level consists in the nation state’s monopoly on the use of force, together with its capacity to enforce regulations within its territory, governance at the global level relies on voluntary contributions and mechanisms of enforcement that are either weak or non-existent (Scherer