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**Antonella Angelini, Al-Esia Zena, Yorgancioglu Ayse, Tim Bartley, Nadia Bernaz, Flaviano Bianchini, Flora Panna Biro, Ignas Bruder, Rachele Cavara, Luciana Oranges Cezarino, Andrew Crane, Elisa Giuliani, Maria-Therese Gustafsson, Tamara Horbachevska, Iatridis Kostas, Chiara Macchi, Johanna Mair, Sébastien Mena, Anna Moretti, John Murray, Federica Nieri, Andjela Pavlovic, Francesco Rullani, Olena Uvarova, Francesco Zirpoli**

**Rebalancing disruptive  
Business of  
multinational  
corporations and  
global value chains  
within democratic and  
inclusive citizenship  
processes**

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# **REBALANCING DISRUPTIVE BUSINESS OF MULTINATIONAL CORPORATIONS AND GLOBAL VALUE CHAINS WITHIN DEMOCRATIC AND INCLUSIVE CITIZENSHIP PROCESSES\***

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**Abstract:** The purpose of this working paper is to conduct a comprehensive review of existing literature that explores the relationship between business organizations and democracy. This review draws from various fields, including management, business ethics, sociology, international law, and other relevant disciplines for this Project and has several objectives. Firstly, it aims to provide insight into prior research on how democratic institutions regulate economic actors and how these actors, particularly large multinational corporations (MNCs), resist such regulation. Additionally, it examines how these economic actors develop behaviors and economic models that pose challenges to democratic governance, such as business-related human rights violations. In the initial part of the review, we delve into the historical and contemporary aspects of the relationship between business and democracy. Furthermore, the report explores how companies can contribute to shaping a more democratic future by addressing gaps in governance, especially in cases where populist governments fail to protect the rights of their citizens. It also considers the development of alternative business models, such as social enterprises and cross-sector partnerships. Moreover, it looks into how businesses can actively engage in democratic governance and promote principles of participation. The final section of the working paper involves a bibliometric analysis, including co-authorship, co-citation, and keyword co-occurrence maps. This analysis is based on key references used by team members in their literature reviews and is designed to examine the connections that exist among various strands of research that support the research questions of the Rebalance Project.

**Keywords:** Human Rights, Lobbying, Corporate Social Responsibility (CSR), Democratization, Democratic Processes, Multinational Enterprises, Democratic Institutions

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REbalancing disruptive Business of multinAtional corporations and gLobal value chAins  
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## 1. Introduction

With the increasing impact of globalization, financialization, and monopolies on weakening democracies, large corporations now wield more influence over the implementation of democracy in Europe. This has led to a form of capitalism that aligns with market forces, where companies evade regulation, prioritize their own interests, violate human rights, and contribute to the withdrawal of marginalized groups from democratic processes, thereby fueling populism.

While some economic actors are exploring alternative models, and show interest in sustainability, the existing understanding of the relationship between corporate actors and democracy is limited. Both political-science perspectives and normative/ law perspectives have overlooked the role of corporate actors in this debate, focusing on the normative aspect that regulates the relationship between firms and the state neglecting the causes of the imbalances. On the other hand, management scholars have typically focused on firms' economic gains rather than on their impact on society and democracy. Consequently, there is a gap in our understanding of the reciprocal influence between large companies and democracies. To address this gap, the aim of the Rebalance project is to investigate how large companies have contributed to *past and present threats* to democracy and how they can promote business models and organizational forms that *enhance democracy in the future*.

The objective of this working paper is to provide a comprehensive literature review on the mutual relationship between business organizations and democracy, drawing from management, business ethics, sociology, international law, and other relevant disciplines mastered by the project's partners.

The interdisciplinary review serves first to provide the understanding of previous research on how democratic institutions regulate economic actors, how economic actors, especially large multinational corporations (MNCs) resist such regulation, and how they develop behaviors and economic models that challenge democratic governance, such as business-related human rights violations. In the first part of the review, we focus on **the past and present of the business-democracy nexus**. Further, the paper explores **how companies can build a better future for democracy** by filling the voids left by governments that do not protect citizens' rights, as in the case of populist governments, and also by developing alternative business models, such as social enterprises (SEs) and cross-sector partnerships, as well as by contributing to democratic governance and promoting participatory

principles. The aim of the Rebalance project is to learn from the past (and present) to draw lessons for the future.

By incorporating different disciplinary perspectives and strands of literature we establish connections between diverse bodies of knowledge that approach the same phenomenon from different angles with the aim of strengthening the theoretical foundation for the empirical analyses that will be conducted in WPs 3 and 4.

The working paper is organized around the 8 relevant research questions (RQs) guiding the Rebalance project grouped in two initial sections: **2.1 Past and present threats to democracy** focusing on how companies have contributed to undermine the enjoyment of human rights and other fundamental pillars of well-functioning democracies and section **2.2. The future of democracy**, focusing on how companies can contribute to build more solid democracies.

Each section is organized according to the project's RQs. Each academic partner has contributed to the section by undertaking a novel literature review which has allowed also the teams to refine the original RQs. Appendix I provides methodological details on how the reviews have been carried out by each team.

**Section 3, Bibliographic analysis**, undertakes a bibliometric analysis (co-authorship, co-citation and keyword co-occurrence maps) based on key references used by team members as part of their literature reviews. This is meant to examine the connections existing among the different strands of research underpinning each RQ.

## **2. Literature review**

### **2.1. Past and present threats to democracy**

#### *2.1.1. Business, human rights and democracy*

Nadia Bernaz and Chaira Macchi- Wageningen University

Tamara Horbachevska and Olena Uvarova- Yaroslav Mudryi National Law University



The literature on human rights and neoliberalism provides the natural starting point to analyze the ideological perspectives characterizing the discussion about the impact of economic actors on democratic processes and human rights.

As Samuel Moyn rightly notes, the modern understanding of human rights and the concept of neoliberalism developed simultaneously (Moyn, 2014a), often providing an ideological basis for each other. It is commonplace to believe that, under neoliberalism, the global competitive market is the most effective method to ensure stability in the international economy, and therefore the role of government is confined to creating and ensuring fair market competition. The neoliberal system emphasizes individual responsibility based on the belief that, if everyone has unimpeded access to the market, everyone will benefit equally from it (Cable, 2021). While classical liberalism sought to free the economy from the state or, more precisely, to establish sufficient freedoms for the economy, in neoliberalism the market becomes the mode of rationality for both state and society. Neoliberalism thus raises “the market to a principle of all life and of government” (Moyn, 2014b: 58). As mentioned in Deva and Birchall (2020), this has provided the basis for many academics and business leaders to believe that respect for human rights or the fulfillment of social responsibilities is not a business matter. Surya Deva calls this era “business OR human rights” (Deva, 2020: 3). The dominant neoliberal model is generally not rights-based and business models are still not human rights-oriented. This model leaves the profit-maximization mantra of modern shareholder value-oriented corporations untouched and, in fact, extends it as a guiding ideal to tackle social and environmental issues, providing an opportunity for governments to privatize public problem-solving and to retreat from essential public domains. Yet, we need to reorient the role and purpose of corporations in society. *Merging “business” and “human rights” (BHR) requires moving from the state-centric outlook on human rights and the corporate-centric view on corporate social responsibility, to a rightsholder-centered understanding of BHR* (Wettstein, 2022) based on the intrinsic normative force of human rights.

In recent years, the development of BHR instruments and academic literature (Bernaz, 2016; Macchi, 2022; Ramasastry, 2015; Santoro, 2015), following the mandate of John Ruggie as UN Secretary-General Special Representative on business and human rights, provides a new lens through which to examine the business impact on human rights. However, manifestations of the concept of “business OR human rights” are still present in the modern discourse, and in post-socialist societies, they are largely predominant (UNDP, 2023). One such manifestation is the prominent place of the economic rationale (the so-called

“business case”) for the corporate responsibility to respect human rights (Bağlayan et al., 2018), i.e. of the arguments about why it is economically viable for businesses to respect human rights, discussing “about how maximization of shareholder wealth and stakeholder wealth can be balanced” and “yield a reputational competitive advantage and ultimately improve market and financial performance” (Leonidou et al., 2020: 36). The “corporate social responsibility” (CSR) paradigm, based on priorities voluntarily set at the corporate level, cannot fundamentally challenge the foundations of this system, which retains profit maximization as its central aim (Wettstein, 2020).

By and large, as generally with international human rights law, the BHR framework is mainly oriented at democratic societies (or at least at societies which aspire to be fully democratic). It is known as a human rights law trap: international human rights law has been developed to protect human rights from violations by states, but its effectiveness greatly depends on the good faith of a state. BHR thus entails a double paradox: it emerged because of the lack of states’ capacity and, in some cases, willingness to protect human rights from business-related abuses, but it remains state-oriented and totally depends on the states’ willingness to find a good balance between mandatory/voluntary and international/domestic measures (O’Neill, 2001; O’Neill, 2016; Uvarova, 2021). As a result, while European Union (EU) countries and the EU itself are discussing the scope of mandatory Human Rights and Environmental Due Diligence (HREDD) regulation (known as *Corporate Sustainability Due Diligence Directive*), as of now Eastern Europe and Central Asia new democracies have not adopted any guidance for companies concerning their responsibility to respect human rights. There is no discussion about hard law regulation, and this is particularly relevant if we consider that, in new democracies, companies tend to heavily rely on state regulation. They are not ready to have a space for self-regulation or CSR.

New/transitional democracies (post-socialist societies), continue to experience unstable democratic and human rights contexts (Uvarova, 2020), collision of public, state and business interests, weak rule of law and weak institutions and prosecution of human rights defenders (Avbelj and Černič, 2020: 24). For these countries, transition to capitalism has often resulted in a strong oligarchic economic structure, where the market is artificially monopolized, and competition is limited. In these societies, deregulation (which often does not relieve business from states’ pressure but exempts business from obligations in relation to rights-holders) and “business-friendly” public governance is to be interpreted as “anything goes” for business. In the literature, the oligarchic society is characterized as a society designed on the control of political power by the economic elite (big

producers/investors). As a result, public institutions transform their procedures to meet corporate interests at the expense of public goals, cementing economic power and translating it into political power. In former Soviet states, powerful business groups (oligarch) were either created by, or benefited from, privatization policies in the 1990s. This type of capitalism is compatible with lower levels of state capacity and with institutional environments that do not provide a basis for secure links between enterprises, and create no incentives for the creation of a new entrepreneurial class (Bodislav, 2012; Drahekoupil and Myant, 2015; Novokmet et al., 2018).

The problem of the oligarchic society is a particular (and perhaps the most striking) example of structural inequality (Evans and Kelley, 2017; Simai, 2006) and corporate capture (UN WG Report, 2022). Based on our review of the literature, we see a research gap about how the rule of law and democracy work in oligarchic or post-oligarchic societies and how these societies' economic structure impacts the human rights framework. Also, extant research focuses by and large on Russia, neglecting almost entirely other oligarchic societies.

An additional element deserving consideration in the contest of this research is the potential correlation between democratic institutions' capacity to exercise control over economic actors in order to safeguard human rights and democratic processes and principles, and the capacity of economic actors for self-regulation and self-control. This is directly linked to the question of corporate sustainability. Companies have a key role to play in addressing global issues and in the past two decades we have seen the development of a global framework on business, human rights, and the environment through instruments such as the United Nations Guiding Principles on Business and Human Rights (UNGPs), the OECD Guidelines for Multinational Enterprises, and the UN Global Compact, among others, alongside several legislative initiatives at the national level (e.g., the 2017 French law on the duty of vigilance). In parallel, the EU has adopted or is developing various instruments that all seek to strengthen corporate accountability for human rights and the environment. Among those, the Conflict Minerals Regulation, the Corporate Sustainability Reporting Directive, the Import Ban on Goods produced using forced labor, the Green Taxonomy, the Regulation on Deforestation-free Products, and, arguably the most path-breaking of all: the proposed EU *Corporate Sustainability Due Diligence Directive* mentioned earlier. Together, these texts will be referred to as the *EU legal framework on corporate sustainability* for the purpose of this application. The proposed EU Corporate Sustainability Due Diligence Directive is expected to profoundly change how companies do business in the EU. It will primarily affect large EU companies and large non-EU

companies doing business in the Union market. Suppliers of such companies, whatever their size and wherever they are located, will also be impacted. Indeed, since large companies will have to conduct human rights and environmental due diligence along their value chains, their business relationships will have to adapt to these new requirements to keep and further strengthen their connections with suppliers and clients in the value chain. Hence, it is possible that this will spark the so-called “Brussels effect”, a process where the EU, via directives like the Corporate Sustainability Due Diligence, *de facto* externalizes its laws outside its border through market mechanisms (i.e. corporate behavior).

These developments, however positive, are often linked to the concept of “corporate sustainability” (Dyllick and Muff, 2016), now a buzzword often devoid of any meaning, while they tend to overlook the normative dimension of the problem, including international human rights law. This calls for the need to insist on the link between corporate sustainability and the BHR agenda, which is an important part of our identity as researchers.

As noted above, democratic institutions play a critical role in safeguarding democratic processes and principles, as well as human rights, within the context of the rule of law. In particular, these institutions are responsible for ensuring that economic actors operate within legal and ethical boundaries, and that they are held accountable when they violate these boundaries. One way that democratic institutions exercise control over economic actors is through the establishment of laws and regulations that govern economic activity. These laws and regulations are designed to ensure that economic actors operate in a way that is consistent with democratic principles and human rights, and that they do not engage in behavior that harms society as a whole. The exercise of control over economic actors by democratic institutions is critical to safeguarding democratic processes and principles, as well as human rights. By ensuring that economic activity is conducted in a transparent, ethical, and legal manner, democratic institutions help to ensure that the benefits of economic growth and development are shared fairly across society, and that the rights and dignity of all individuals are protected. An important gap is that in legal studies, the rule of law and democracy scholarship has focused mainly on public institutions and their inter-relationships, and their relations with citizens (Kochenov and Pech, 2016; Pech and Grogan, 2020). Our focus is instead on democratic institutions and the private sector, to elucidate and conceptualize their mutual influence.

The rule of law is a product of the long-term development of European culture, one of the three pillars of European framework (along with human rights and democracy). The rule of law requires that all persons, institutions and entities, public and private, are accountable

to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norms and standards. The rule of law requires adherence to the principles of supremacy of law, equality before the law, accountability to the law, fairness in the application of the law, separation of powers, legal certainty, avoidance of arbitrariness, and procedural and legal transparency (UN Special Representative of the Secretary-General Report, 2004). Strong rule of law is essential as a foundation for economic and social development. Today, in theory and practice, there is a rapidly growing understanding that corporate actors (1) have a significant impact, positive or negative, on the enforcement of the rule of law and (2) such actors should act as addressees of the rule of law requirements, since they have a powerful influence on society, communities, groups and individuals. But applying the rule of law to corporate actors is limited, in many cases, to “ensuring that the businesses respect the letter and spirit of applicable laws, and do not take action that undermines or interferes with the administration of justice, or the effectiveness and accountability of institutions” (UN Global Compact, 2015: 9).

Within the more general question about how, within the context of the rule of law, democratic institutions exercise control over economic actors to safeguard democratic processes and principles, and human rights, the gaps emerging from the literature point to the following RQs:

- *How to conceptualize a rightsholder-centered understanding of BHR based on the intrinsic normative force of human rights, as opposed to extant state-centric perspectives on human rights and corporate-centric views on CSR and corporate sustainability?*
- *To what extent can we argue that corporate actors have a responsibility to safeguard democratic processes and principles and human rights within the neoliberal agenda? And how could democratic institutions contribute to building this justification?*
- *What is the “horizontal effect of the rule of law” – i.e. how should the rule of law be applied to the field of corporate actors’ self-regulation and how could this field be protected from state intervention by the rule of law requirements?*
- *How do the rule of law and democracy work in oligarchic or post-oligarchic societies and how does this economic structure impact the human rights framework there?*

### 2.1.2. *State regulation on human rights and carbon emissions and MNCs*

Tim Bartley, Maria-Therese Gustafsson and John Murray- Stockholm University

As an additional element to this research, we know that the growth of global supply chains and MNCs poses problems for the regulation of industries, potentially destabilizing democracies. We now delve into the relationship between state regulation and corporate power. In particular: if regulation depends on nation-states, which are territorially and jurisdictionally bound, but industries stretch across numerous national borders, how can economic activities be governed? While recognizing possibilities for de-regulatory pressures and regulatory arbitrage (moving investments and orders strategically to undermine regulation), scholars have identified processes that foster an expansion of states' regulatory authority.

One key line of research examines how governments that control access to large markets can set standards that spread far beyond their borders. This is especially clear in the regulation of product safety and environmental hazards, but it also extends to some regulations on the processes through which companies operate (Vogel and Kagan, 2004). Bradford's (2020) examination of the "Brussels effect", whereby EU regulations gain global force, clarifies that this dynamic depends not only on a capable authority setting stringent standards in a large market, but also on the targets of the regulation being "inelastic" (not spurring exit from the regulated jurisdiction) and non-divisible (with companies wanting to use a uniform standard across locations rather than splitting them up). Others have added that the gravitational pull of large markets depends not only on their size, but on policies that make them more integrated and attractive to firms (Kalyanpur and Newman, 2019).

Yet even if market access rules command widespread compliance on paper, enforcement can be uneven across locations (Eberlein and Newman, 2008), leaving regulators to look for monitoring and review mechanisms to prevent regulatory arbitrage (Li and Newman, 2022). Recent research on "viral governance" (Mallard and Sun, 2022) suggests that regulations can maintain force as they travel globally to the extent that a powerful regulator can "deputize" MNCs to spread the rules to partners/suppliers around the world, potentially through coercive means. Taken together, this research suggests that both standards and enforcement practices can diffuse from powerful regulated markets through global supply chains.

A second insight is that economic interdependence amidst fragmented authority can give market actors (including large companies) an interest in bridging and harmonizing

regulatory divides (Farrell and Newman, 2016). For instance, facing regulatory stringency in their home country, firms may seek to “level the playing field” by lobbying for regulation at regional/global levels. Recent research has found evidence of this process of upward harmonization in banking (Chalmers, 2017), corporate governance (Callaghan, 2011), non-financial corporate reporting (Kinderman, 2020), and environmental policy (Holzinger and Sommerer, 2011), as well as in the strategies of some specific firms (e.g., Electrolux on e-waste) (Bernauer and Caduff, 2004). On the other hand, processes of “leveling up” do not always occur where expected, whether because firms prefer to erode rather than generalize certain domestic constraints (Callaghan, 2011) or because regional/global approaches entail high adjustment costs for key sectors (Kinderman, 2020). The precise conditions for firms to engage in leveling up rather than regulatory arbitrage remain to be specified.

Of course, firms do not merely accept or resist regulatory expansion, they often seek to shape it to their own purposes. Research on lobbying generally portrays MNCs as having sufficient resources to shape legislative agendas (Dür et al., 2015; Pagliari and Young, 2016), though recent research suggests that their success depends in part on the structure of policymaking. In the EU, Dür et al. (2015) find that non-business positions are more likely to be successful, largely due to the EU Commission’s approach to introducing legislation to shift the status quo. Beyond active lobbying, scholars have drawn renewed attention to the ways in which the structural (and infrastructural) power of business can shape regulatory policymaking.

This may involve regulators acceding to interests of a business community they feel dependent upon (Young et al., 2018) or stepping in to solve problems for the business community (Woll, 2016). A distinct but complementary body of research examines how companies influence the construction of compliance after the passage of law. As analyzed by Edelman (2016), companies and their advisors develop structures and symbols of compliance that are often subsequently endorsed by courts, although this U.S.-centered literature has only rarely been extended to Europe (Monciardini, Bernaz, and Andhov, 2021; Talesh and Pélisse, 2019). Taken together, this research suggests that national and regional governments can indeed exercise global regulatory authority, but there are subtle processes that can tilt standards toward the interests of large firms.

### *Innovations in regulating human rights and carbon emissions*

Having discussed these general perspectives, we turn to literature on our two specific policy domains, which further illustrates the mix of regulatory innovation, diffusion, translation, and arbitrage in global supply chains.

*Human Rights and Environmental Due Diligence (HREDD)* has recently emerged as an important topic of research, following the introduction of the UNGPs in 2011 and the development of an EU Directive on Corporate Sustainability Due Diligence starting in 2020. The basic idea is that governments can regulate global industries by requiring MNCs to exercise “due diligence” in their supply chains and facilitating punishment of firms (through administrative fines, civil lawsuits or both) that fail to do so effectively. HREDD is often described as a ground-breaking shift from voluntary measures to binding rules, though its effectiveness remains in question.

Scholars of BHR have largely addressed HREDD by emphasizing the limitations of existing international law, discussing the meaning of international soft law, or analyzing the institutional design of HREDD laws (Bernaz, 2016; Bertram, 2022; Ruggie, 2018; Savourey and Brabant, 2021). Some research shows how international norms have been translated differently into domestic due diligence laws in Europe (Gustafsson et al., 2022; Krajewski et al., 2021). Legal scholars have especially focused on the reach and stringency of new/draft laws, and whether they include access to remedy for victims (Deva, 2023; Ford and Nolan, 2020; McCorquodale and Nolan, 2021; Nolan, 2022; Patz, 2022). Some argue that without a strong civil liability regime, HREDD is unlikely to change the status quo, and that its focus on procedural requirements rather than on outcomes could even *reduce* corporate accountability (Bueno and Bright, 2020; Quijano and Lopez, 2021).

Extending research on interest groups and regulatory expansion, some research focuses on contested policymaking processes surrounding HREDD laws (Schilling-Vacaflor and Lenschow, 2021). Corporate lobbying in France, Germany, and especially Switzerland led to the watering down of ambitious proposals there (Bueno and Kaufmann, 2021; Evans, 2020; Gustafsson et al., 2022; Weihrauch et al., 2022). Yet recent research finds that a majority of large MNCs would support mandatory due diligence regulation in order to level the playing field, though industry associations are less supportive (McCorquodale and Nolan, 2021; Smit et al., 2021). In a related policy domain, Berning and Sotirov (2023) analyzed divisions among corporate actors in preferences on the EU Deforestation Regulation, which also seeks to govern global supply chains.



A smaller amount of research has begun to examine compliance and the consequences of HREDD regulations. Lafarre and Rombouts (2022) found that the French Duty of Vigilance law had some small positive impacts on laggard companies' efforts to protect workers' rights. Looking at how companies are practicing due diligence, Smit et al. (2021) find some advancements but also challenges in traceability, second-/third-tier suppliers, and uneven attention to different types of human rights. Applying Edelman's theory of constructed compliance described above, Monciardini et al. (2021) find a "managerialization" of compliance with the UK Modern Slavery Act, rendering it largely ineffective (see also LeBaron and Rühmkorf, 2017). Hess (2021), meanwhile, argues that internal management procedures and board oversight can help make HREDD implementation more meaningful. Finally, studies of the political economy of global supply chains have begun to analyze the meaning of HREDD at the point of production (Elbel and O'Reilly, 2023; Kramarz et al., 2023; Partzsch et al., 2023). Kramarz et al. (2023), for instance, argue that HREDD laws use a logic of "accountability by proxy" that empowers northern NGOs more than local communities - such as those affected by mining in the Democratic Republic of the Congo (DRC). This speaks to the importance of involving affected groups in international discussions and implementation of due diligence (Elbel et al., 2023). Related studies of due diligence requirements in the European Timber Regulation find producers in Indonesia and the DRC shifting exports to less regulated countries such as China (Partzsch et al., 2023).

In sum, a rapidly growing literature highlights HREDD as an ascendant model for governments to exercise regulatory power over global supply chains, but much of the existing research focuses on the institutional design of the first wave of national policies. Much remains to learn about how companies in different sectors and countries are responding to calls for further regulatory expansion, as well as the implications of corporate due diligence for stakeholders at various points of production. It remains to be seen if HREDD will become an important example of the "Brussels effect" mentioned above or if trends toward "leveling up" and standardization will be outweighed by managerial constructions of compliance and divisibility of production/export processes.

The *Carbon Leakage and the Carbon Border Adjustment Mechanism (CBAM)* - our second policy domain - is meant to regulate greenhouse gas emissions, as governments have often sought to put a price on emissions rather than specifying the required reforms by emitters. This can be done through a carbon tax, in which the state sets the appropriate price of emissions, or through the creation of a carbon market, in which states create emission allowances/credits that can be transferred and traded at a market price (MacKenzie, 2009;

Nippa et al., 2021; Nordhaus, 2007). The EU opted for an emissions trading system (ETS), partly due to the political improbability of instituting a carbon tax, which would have required unanimity among member states (MacKenzie, 2009). The EU ETS includes a mix of exemptions (Kama, 2014; Naegele and Zaklan, 2019) and subsidies (Georgallis et al., 2021) that have made it flexible but also complex and opaque.

A CBAM is intended to adapt carbon markets to a world of international competition, global supply chains, and “imported emissions” by charging a price for carbon emissions from imported products. In the EU, firms that are subject to the ETS incur a cost for polluting that firms in other jurisdictions may not have to pay (Mörsdorf, 2022). A central concern is that cross-country variation may undermine the ETS by creating incentives for firms to engage in forms of evasion rather than compliance, referred to as “carbon leakage” (a subset of the more general problem of regulatory arbitrage discussed above). There are several possible channels for carbon leakage (King and Bergh, 2021), but most relevant here are the potentials for compliance costs to trigger relocation (Mörsdorf, 2022), substitution of inputs (i.e., switching to imported inputs that are not subject to emissions pricing), or reinvestment to other locations over the long term (King and van den Bergh, 2021). Scholars have found that MNCs especially have the capacity to sidestep environmental regulations and exploit cross-country variation (Pinkse and Kolk, 2012; Yu et al., 2023).

Empirical research on carbon leakage is rare, and existing studies often find little evidence that it is occurring (Branger and Quirion, 2014; King and Bergh, 2021). Yet this stems at least in part from the fact that the EU ETS includes free allowances for firms in sectors that face high levels of international competition. Naegele and Zaklan (2019) find no evidence of carbon leakage in European manufacturing, with free allowances for sectors at risk of carbon leakage producing a net subsidy. Dechezleprêtre et al. (2022) look within MNCs and similarly find no evidence of carbon leakage. Based on a survey of managers, Martin et al. (2014) found that the EU ETS largely over-compensates firms at risk of relocation. The lack of carbon leakage in this literature is typically explained by variance in firm and industry factors (Backman et al., 2017), such as the range of strategic options available to firms that may be location bound (Nippa et al., 2021) in addition to policy factors. Beyond this particular policy domain, large bodies of research suggest that corporations rarely relocate their investments solely because of environmental regulations, which can be dwarfed by other factors (Carruthers and Lamoreaux, 2016). Overall, while there is little evidence of carbon leakage in the current ETS, this could change dramatically if free allowances for

heavy emitters in competitive industries were reduced or eliminated (as they will be when the free allowances are replaced with a CBAM).

Yet other bodies of research suggest that firms' *political* responses to proposed environmental regulations (i.e., lobbying, potentially backed by *threats* of relocation) may obviate the need to relocate. A considerable literature has examined how particular industries (e.g. the fossil fuel industry) and MNCs have sought to stymie and dampen environmental reform by policy makers (Kolk and Pinkse, 2007; Wright and Nyberg, 2017), and this has been put forward as a reason for the modest stringency of the EU ETS (Bryant, 2016; Pinkse and Kolk, 2012).

While scholars often see corporations' interest in resisting, accepting, or expanding regulation as dependent on their industry, there are also indications that political interests can vary at the firm level. Looking at the EU ETS, Meckling (2015) develops a typology of political strategies—oppose, support, or hedge—that firms may take. Nevertheless, determining interests in environmental regulation has been difficult, and Green et al. (2022) suggest that political and economic interests of firms may be decoupled, whereas Cory et al. (2021) argue that supply chain linkages facilitate the formation of shared interests beyond firm benefit. Delmas et al. (2016) find that lobbying on environmental issues is highest among the dirtiest and the cleanest firms, which suggests that market positions are being pursued and defended. Consistent with the account of “levelling the playing field” discussed above, some research shows firms encouraging the strengthening of climate regulation (even if it increases their costs or reduces demand) because they expect it to differentially damage rivals. Most notably, Kennard (2020) finds that firms with an advantage in adjustment costs support climate change legislation to gain advantage over domestic market competitors and that these gains may even offset competitive losses relative to foreign firms.

Research on climate policy suggests that regulatory expansion for an era of global supply chains is subject to an array of overlapping processes—from lobbying for decreased stringency to “leveling up” through competitive dynamics. But many questions remain about the conditions for one process to outweigh the other—and specifically, about the conditions under which import-competing firms in the EU will willingly give up free allowances in exchange for restrictions on competitors under the CBAM.

To conclude, the analysis here suggests that, to understand the co-evolution of multinational business and democratic governance within the EU, it is fundamental to

provide further insights about how democratic regulatory processes have been influenced by MNCs and, in turn, how the latter have resisted or accepted stronger external controls. Based on this review of the literature, we have identified two important gaps in scholars' understanding of how regulatory authority is being revised to deal with global supply chains. First, there is a clear tension between regulatory arbitrage and regulatory diffusion, but scholars have yet to fully specify the conditions under which one process outweighs the other, especially if arbitrage can happen through the sourcing of products without requiring full-scale relocation of investments. Second, few studies compare across policy domains. Theoretical perspectives on regulatory expansion have often emerged from studies of consumer and environmental safety of products, while many of the most pressing current policy domains concern emissions, environmental degradation, and human rights abuses in the production process. Moreover, while there are specialized bodies of research on carbon markets and the human rights impacts of global business, there have been few attempts to compare and learn across these cases. Based on the gaps that we have identified in the review of the literature; three more focused RQs can be distilled:

- *Through what processes have MNCs sought to influence EU regulatory agendas (including constructions of compliance as well as lobbying for/against different proposals) in our two policy domains?*
- *Under what conditions have corporations (i.e., those that are potentially subject to these new regulations) been interested in strengthening EU regulation in these policy domains in order to level the playing field?*
- *To what extent are similar processes observable in our two policy domains (or do distinctive concerns come into play when addressing carbon emissions vs. human rights/environmental abuses in global supply chains)?*

By pursuing these questions, future work will help to generate not only specific insights into these important policy domains but also theoretical concepts/propositions to enrich the literature on regulatory authority.

### *2.1.3. The structure of regulatory processes and its impact*

Rachele Cavara, Anna Moretti and Francesco Zirpoli - Ca' Foscari, University of Venice

"We now narrow down the literature review by focusing on the ways in which corporations influence the legislative process of governmental institutions, e.g., the EU commission and the EU parliament (see Appendix II for details on the structural literature review on which this section is based; DeSimone et al., 2021; Short, 2009). Given the "distributed" nature of the process - involving a network of actors (organizational forms, levels of analysis, etc.) performing different and sometimes conflicting activities (political cooperation, brokerage, mobilization, etc.) - we are interested in examining the mechanisms shaping corporate-political connections from a social-network perspective.<sup>1</sup> Our core question is about how corporations affect regulatory/legislative processes with a view to examining their networks.

The management literature suggests that there are several forms of firms' involvement in the legislative process. The engagement of private interests in public policymaking mainly revolves around the exchange of information (Jiang et al., 2021; Jordan et al., 1994; Li et al., 2022). From the point of view of the legislator, the need to exchange information with industry actors derives from the need to consider the interests of this kind of stakeholders in drafting new laws (Baldwin, 2019). Sometimes involving economic actors' interests simply implies collecting stakeholders' ideas and standpoints (Binderkrantz et al., 2014). Some other times, however, it means acquiring technical knowledge around the legislative problem at stake (Browne et al., 2017), and this is where specific information from the industry may overtake the influence of civil society on policy making (Best, 2012). From the point of view of firms, on the other hand, the intervention in legislative processes is conceived as a nonmarket strategy to reinforce their competitive position (Brown et al., 2018; Lenway et al., 1990). In this latter case, the literature views firms as opportunistic agents that act to see their interests represented by principal/policymakers, according to the windows of opportunity served by the institutional environments where they operate, and in power struggles with different interests' coalitions.

Organizations have indeed specific goals in mind when they embark on political agendas of their interests. Goals that are apparently always reached through firms' positive

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<sup>1</sup> Particular attention is devoted to the concept of "multiplexity". In organization studies the concept of multiplexity emerges within the social network analysis literature, and it is defined as the extent to which two actors are connected by more than one type of tie. For example, a pair of actors who are friends and members of the same department have a multiplex tie of value '2' (Kilduff & Tsai, 2003). This conceptualization focuses on the fact that different types of ties can exist between two nodes of the network (where nodes can be organizations).

outcomes (e.g., Benito et al., 2022; Ridge et al., 2019; Wuokko, 2021), as negative outcomes are seldom discussed (e.g., Bunea and Ibenskas, 2017; Campbell et al., 2020). In parallel with goals and outputs, firms are enabled by some corporate characteristics, political actors' characteristics, and the environment where they interrelate, in influencing legislative processes.

One part of the literature discusses these matters taking a social network or relational perspective. Research on the topic acknowledges the relational nature of private engagement into public legislative processes, but just a few studies explicitly use a relational perspective in their theorization (e.g., Browne et al., 2017; Jiang et al., 2021; Rollings, 2014). Studies on corporate political connections (Bucheli and Salvaj, 2018; Dahan et al., 2006; Kim, 2019), for example, investigate how firms get involved in policy making and focus on describing the antecedents (48%) and results (59%) of their involvement. But network theories are used explicitly only in a small subset of these works (e.g., Baldwin, 2019; Brown et al., 2018). Theories of brokerage and coordination are for example used, respectively, in papers that examine representative associations and agencies (Angst and Brandenberger, 2022) or lobbying activity (Choi et al., 2015); and the evaluation of the success of involvement of organizations in policymaking (Brodkin, 2011). Nonetheless, with few exceptions (see e.g. Akchurin and Lee, 2013; Baggott and Jones, 2014; Browne et al., 2017; Jiang et al., 2021; Rollings, 2014), the majority of current studies are descriptive and do not account for the relational mechanisms and dynamics intervening in the private-public connection.

The literature review allowed us to refine the original research question presented in the project proposal - i.e. "How has the structure of the current EU regulatory processes contributed to favoring the needs of economic actors at the expense of those of civil society and the rights of European constituents?" - into two different research questions based on the identification of two key gaps in the literature.

The first gap concerns the fact that studies in management focus more on describing the behavior of corporate actors in affecting legislative processes, their antecedents and outcomes, rather than assessing the impact of these outcomes on the interests of society at large. The few cases where societal outcomes are assessed take into consideration positive institutional outcomes for civil stakeholders (Browne et al., 2017; Dunleavy, 1992) and do not explicitly address the possibility of a legislative outcome that proves detrimental for constituents. Second, we know little about how different stakeholders *manage* to affect

public policy making *in practice*. To a large extent such practice regards the management of interactions between different stakeholders, including corporations, citizens, NGOs, trade associations and EU legislators. Our hypothesis is that delving into network dynamics characterizing the involvement of the aforementioned stakeholders into the legislative process can contribute to shed new light on how corporations capture policymakers (Dunleavy, 1992; Murray and Nyberg, 2021). This question is particularly relevant in a context, the EU legislative process, that is designed to incorporate multiple and diverse points of view to inform new regulations, and where balancing conflicting interests is key. One last gap comes from the absence of longitudinal case studies that follow specific legislative processes and the dynamics of interests' representation around them. This is relevant because most studies address corporate's impact on regulatory outcomes and policy making in a way that is not able to grasp the determinants of the legislative process at a micro level.

Given the identified gaps, we refine the original RQs as follows:

- *What are the structures and processes that define how heterogenous stakeholders relate to each other, organize, and promote their interests into EU legislative processes?*
- *How are the current structures and processes leveraged to favoring the needs of economic actors at the expense of those of civil society and the rights of European constituents in regulatory outputs?*

#### 2.1.4. Drivers of MNCs human rights abuses

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So far, we have treated the relationship between capitalism and democracy mostly from the perspective of companies' influence on policy-making and institutional development. However, companies can undermine democracy also by infringing on the fundamental rights of citizens. In fact, it is not uncommon for companies and MNCs to be accused of violations of human rights. MNCs' human rights abuses have prompted management scholars to investigate their causes and consequences. Interest in corporate misbehavior began as far back as the 1970s (e.g. Armstrong, 1977; Staw and Szwajkowski, 1975) and has surged recently (Fiaschi et al., 2017; Keig et al., 2015; Palmer, 2012; Shi et al., 2016;

Whiteman and Cooper, 2016, among others), due to closer stakeholder monitoring of the impact of business activities on society and the consequent growing evidence of corporate scandals (Riera and Iborra, 2017).

Extant research suggests that corporate human rights misbehavior does not necessarily occur as a result of deviant cost-benefit calculators and evil managers and CEOs, but rather it is the outcome of decisions taken by bounded rational individuals, working in complex environments, subject to multiple influences, which results in their involvement in wrongful conduct being normalized and even appraised, rather than viewed as an abnormal phenomenon (Earle et al., 2010; Palmer, 2012). These considerations are likely to be particularly relevant in the context of MNCs that operate across different institutional environments and, often, are subject to diverse and conflicting social expectations (Kostova et al., 2008), which can lead to some of them becoming involved in abuses of human rights in different countries. Particularly, a greater discrepancy between local habits and cultural values and global ethical standards can provide leeway for wrongful conduct since local managers may be ill-equipped to deal with these tensions (Donaldson, 1996). In other cases, MNCs may invest in host countries to exploit these discrepancies between the home market and host market and take advantage of a host country's weaker institutional conditions which include lower protection of labor rights and/or looser environmental regulation.

Despite the relevance of these studies and the importance of this subject, analyses on the drivers of MNCs violations of human rights remain scarce.

If on the one hand some management research has sought to identify the conditions and mechanisms that would push firms to misbehave, this literature has only rarely and tangentially touched upon the issue of human rights (Whiteman and Cooper, 2016). On the other hand, research in the BHR camp has expanded the spectrum of research questions over time, shifting scholars' attention from the legal questions of whether and how companies could or should be held accountable for the harm they do to human rights (Bernaz, 2013, 2016; Bilchitz, 2010; Bordignon, 2016; Buhmann, 2017; De Schutter, 2016; Muchlinski, 2001; Ramasastry, 2015) to the broader questions. Some scholars have explored the relationship between foreign direct investments and human rights (Blanton and Blanton, 2006; Vadlamannati et al., 2020), while others have expanded the spectrum of research questions to gain an understanding of a set of issues including, for instance, how managers make sense of global human rights norms or how they are translated into business practices (Corciolani et al., 2022; Giuliani et al., 2021; McVey et al., 2022; Obara



and Peattie, 2018; Whelan and Muthuri, 2017); whether CSR and more specific human rights policies affect companies' human rights conduct (Fiaschi et al., 2017; Olsen et al., 2022); and how firms and other actors react to human rights violations (Amengual et al., 2022; Kamminga, 2016; Maher et al., 2022). While some scholars have responded to the multiple calls to investigate BHR (Cragg et al., 2012; Giuliani and Macchi, 2014; Schrempf-Stirling and Van Buren III, 2020; Wettstein, 2022; Wettstein et al., 2019; see also Schrempf-Stirling et al., 2022 for an overview of the field), others noted the general paucity of studies investigating the causes of human rights harm done by firms (Giuliani et al., 2016), and the need for a more systematic analysis of firms in this category (Schrempf-Stirling and Van Buren III, 2020).

Based on the above considerations, there are two areas where shortcomings in this literature have become evident. First, it is not clear how and whether the current soft and hard law human rights policies are effective in curbing abuses. As suggested by McCorquodale and Nolan (2021: 456), "over the last decade, human rights due diligence ('HRDD') has emerged as a key mechanism to address human rights abuses by business but there remain questions as to the extent of its effectiveness in preventing such harms." Some studies have investigated whether CSR or human rights policies voluntarily undertaken at the firm-level are effective in curbing abuses (Fiaschi et al., 2017; Olsen et al., 2022), or whether they mitigate the propensity of firms to incur in abusive events as their financial performance increases (Giuliani et al., 2023), while other studies have conducted qualitative or normative assessments on some human rights due diligence norms such as the French Loi du Vigilance (Savourey and Brabant, 2021) among other similar initiatives (e.g. Palombo, 2019). However, extant research has not yet undertaken an impact assessment of the causal impact of human rights hard or soft law policies using policy impact assessment methodologies, which is what is needed to guide better policy making in this camp.

The second area of neglect concerns the extent to which companies' growing dispersion of corporate ownership among multiple institutional investors and tax avoidance - two phenomena observed in contemporary capitalism among large scale MNCs - also comes with higher incidence of human rights abuses. While there is an open conversation of whether tax avoidance should be considered a form of human rights abuse (Darcy, 2017), there is barely any hard evidence of whether companies that are more inclined to avoid taxes are also more inclined to abuse human rights or research that investigates this relationship empirically. There is substantive discussion about the fact that tax avoidance is becoming a material CSR issue (Fisher, 2014), and that the same mechanisms that helped

turn environmentally sustainable and human rights practices into corporate social responsibility norms, like consumer activism, investor influence, and voluntary corporate leadership, are also becoming progressively more implemented to lead MNCs away from tax avoidance practices, ultimately ending the prevailing avoidance tax culture and reducing the harms caused by tax avoidance. However, there is little knowledge as to whether companies that avoid taxes, and thus contribute less to governments to address their negative externalities, are also those who are more likely to abuse human rights. This question is relevant because, while we acknowledge that firms have the duty to respect human rights, governments are still requested to address business-related human rights harm and have the duty to protect their citizens' rights from such harms. Yet, if abusive companies do not pay their fair share of taxes, governments are left without the necessary resources to fix such harms, which contrasts with one of the basic pillars of shareholder capitalism (Henderson, 2021).

Likewise, since a growing portion of corporate assets are owned by institutional investors with financial or speculative interests, it becomes urgent to understand how this influences these companies' propensity to abuse human rights, as it can become particularly hard to hold a company accountable when corporate ownership is very dispersed among multiple owners.

We aim at filling the identified research gap by answering two RQs:

- *Are business and human rights norms (soft law and/or hard law) effective in curbing abuses of human rights by the business sector?*
- *Does the impact of human rights norms (soft law and/or hard law) on business-related abuses of human rights vary according to certain firm level characteristics such as their propensity to avoid taxes and/or their ownership structure?*

We aim at answering these questions by means of impact assessment analyses with a goal to contribute to the understanding of the causes and consequences of MNCs' human rights violations, assess the effectiveness of existing policies, and examine the relationship between corporate ownership dispersion, tax avoidance, and human rights abuses. By addressing these gaps, the research aims to provide insights for better policy-making and corporate practices in relation to human rights.

#### *2.1.5. How human rights backsliding affects voting decision*

As human rights abuses are a way through which companies may undermine democratic values and principles, questions arise as to whether victims of business-related human rights abuses are subject to changes in their political participation. The debate around business-related harm has witnessed profound changes since the early 2000s. Legally and policy-wise, a milestone was the recognition that both states and corporations have an obligation to provide effective remedies for breaches of human rights. This recognition found expression in the 2011 UNGPs (Special Issue: BHR Landscape after 10 years of the UNGPs: An Assessment, 2021). But the perspective of rightsholders, both in general and specifically about the implications of exposure to abusive corporate conduct, has started to gain attention only with the 2017 Report of the Working Group on Business and Human Rights (UN Working Group 2017) on access to effective remedy under UNGP's Pillar III. This shift in emphasis in favor of rightsholders has prompted attention towards company-community engagement processes (Miller-Dawkins et al., 2016), including outside remedy mechanisms (Hertel, 2019), by authors in the deliberative democracy and agonistic pluralism strand (Dawkins, 2015; Scherer and Palazzo, 2007). Research has identified several dynamics - such as contestation (Banerjee, 2018), co-optation (Maher, 2022), and fair deliberation - in company-community or transnational and hybrid multilateral settings (e.g., multi-stakeholder initiatives or company-NGOs-community relations). However, the dimension of rightsholders as civic actors within political institutions, particularly democratic ones, is almost non-existent. Differently put, this literature has not looked at how rightsholders affected by business-related human rights abuses behave within, or vis-à-vis, democratic institutions.

This omission is in line with the broader tendency not to treat states as political institutions in the BHR discourse. The pragmatist approach adopted by John Ruggie placed the UNGPs in the post-political realm of ordering different governance spheres (Deva, 2013). Somewhat less important, though still relevant, is the controversial relationship between international law and democracy (Fox and Roth, 2020). The traditional indifference of international law toward national constitutionalism, rooted in the principle of sovereign state equality, has been chipped away by the human rights discourse from the 1970s. But the BHR discourse emerged partly from the premise that states had lost their centrality as regulators in the face of the rising power of MNCs (Mares, 2011). Hence, domestic

institutions and their (mis)functioning, including as a result of corporate activities, was not a central concern of the BHR discourse.

The above analysis of the BHR literature has two implications relevant for our topic.

First, the complexities of the possible entanglements between states and corporations fail to be acknowledged and addressed by the UNGPs, which only expect states to ensure protection and respect of human rights in their role as economic actors. This way of framing the state-business nexus ignores such aspects as the political ties between states and corporations, including the overt and implicit use of state power to shield corporate abuse. The BHR literature has not looked more in depth into these dynamics and their impact upon citizen perception and behavior in democratic institutions. As a result, such phenomena as the polarization of electoral preferences or citizens non-participation in political institutions are not thematized as manifestations of a reaction towards exposure to business-related harms. The predominance of a post-political narrative underneath the BHR literature has a second implication worth stressing here. While the UNGPs are a sophisticated example of a polycentric governance scheme, they trace the relationships among persons and institutions—public and private, natural and legal—primarily as a bundle of bilateral relations. By contrast, the triangular interaction between states, businesses, and rightsholders is almost non-existent.

The political science literature helps to address the above-described limits, particularly insofar as it concerns the unpacking of citizen engagement with democratic institutions through voting. Focusing on such a form of political participation is an appropriate starting point because changes in voting preferences can be tracked over time and isolated to look for evidence of any potential connection with business-related human rights abuses. At the same time, one should not stop at voting behavior. Some recent participation studies (Teorell et al., 2007; Ekman and Amnå, 2022) are worth taking into account for their attempt to connect electoral participation with other types of actions or activities by ordinary citizens directed toward influencing political outcomes in society—namely, consumer participation (e.g., donating money to charity, boycotting and political consumption, as well as signing petitions); party activity (e.g., to be a member of, active within, do voluntary work for or donating money to a political party); protest activity (e.g., taking part in demonstrations, strikes and other protest activities); and contact activity (e.g., contacting organizations, politicians or civil servants). This expansion is useful insofar as it provides a continuum along

which to understand how—i.e., in what forms of actions and activities—exposure to corporate harm can translate into political participation.

We note that the participation literature and political science tend not to focus on companies, but only at how country-level economic growth or other economic variables, such as income inequality, affect citizens' trust and attitudes towards democratic institutions (Lewis-Beck and Costa Lobo, 2017). But looking at a literature more concerned with company-specific dynamics is only of limited help to understand how corporate harm affects their victims' political participation. As thoroughly discussed in the earlier sections, management scholars and scholars from cognate disciplines have studied the mechanisms connecting corporate power with political decision making, by investigating how *companies* engage in actions intended to influence governmental policy or process. While the level of analysis of this research is germane to our purposes, its objective and focus is assessing the rewards of corporate political activity for the firm's strategic objectives of higher profits and market power. As such, it leaves out the impact on individuals (citizens, workers) and their democratic choices. Likewise, the corporate deviance literature provides valuable insights on intra-firm dynamics about the normalization of abusive practices, including by their victims (Ermann and Lundman, 2002; Aguilera et al., 2018). However, even assuming its relevance, the notion of normalization fails to shed light on how perceptions within the firm translate into forms of political participation or non-participation.

A core construct to this research is that of "corporate victimization", which we define as *how individuals recognize themselves as victims of corporate abuse and act upon this awareness in democratic institutions*. In terms of level of analysis, we need a perspective connecting self and collective identity in the workplace to individual and collective engagement in society. An important contribution to addressing this gap comes from political sociology, particularly social movement theory.

While traditionally focused on opposition to the state, social movement scholars are increasingly interested in movements' direct interventions in markets rather than in attempts to obtain more government regulation (King and Pearce, 2010). This new wave of scholarship continues to recognize the interrelatedness of governments and markets (e.g., Bartley, 2003; Ingram and Rao, 2004), but stresses that movements frequently bypass the state rather than agitating directly for public regulation. For present purposes, this strand

of literature suggests that actions and activities expressing classical forms of political participation, e.g., electoral vote, as well as forms of non-participation, i.e., non-voting, anti-social attitudes, etc., can be seen as an expression of contentiousness against harmful company behavior.

Looking at social movement theory as a relevant discipline to understand the impacts of exposure to corporate harms upon political participation also implies prioritizing a collective over an individual agency standpoint. On this point, the cognate field of environmental labor studies (Räthzel and Uzzell, 2013) and of worker environmentalism (Barca, 2012; Barca and Leonardi, 2018; Bell, 2019) may bring further focus to this proposed research agenda. This literature is usually concerned with workplace-centered struggles intended as conflicts over the conditions under which workers produce commodities or reproduce labor-power (e.g., job security or wage levels). Other disciplines, for instance environmental justice studies, focus more on community-centered struggles as conflicts over the conditions of workers' own reproduction (e.g., housing or public services). The interplay between workplace-centered and community-centered working-class environmentalist struggles is a promising avenue to explore. It is along this continuum spanning from the workplace to the larger community that rightsholders can find different, potentially complementary, agency settings to express and mobilize their experience of harm (Feltrin, 2022; Feltrin and Sacchetto, 2021). Such settings include formal institutions, such as unions, as well as less formal ones, such as civic collectives, more loosely or variously related to democratic institutions.

Another interesting angle to consider is that there is a general lack of understanding of democratic institutions as more than formal procedures. Some help may come from political theory, where the need to come to terms with today's challenges and changes in Western democracies has spurred renewed attention towards the foundational notion of democratic institutions. One promising strand in this field posits that democratic institutions are both procedures and mechanisms for organizing different actors, interests, and groups in society towards sustaining relationships of equality (Klein, 2022). As a mechanism, democratic institutions organize and constitute collective actors that can work through such institutions. As democratic institutions affect the organization of collective power, the actors thereby affected will in their turn exert influence on those same institutions. This dynamic account of democratic institutions helps conceptualize the effects of political participation related to exposure to business harm as potentially different for the types of democratic

institutions considered. Differently put, exposure to business harm may translate into negative feedback loops upon certain institutions, e.g., elected representatives in a given context and, in another context or even the same one, into positive feedback loops upon other institutions, e.g., new unions or grassroots mobilization groups.

Against this backdrop, the revised RQs are:

- *How do individuals recognize themselves as victims of corporate abuse? What mechanisms drive corporate victimization?*
- *How does corporate victimization translate into non-participation to political vote or other anti-system electoral decisions?*
- *How does corporate victimization translate into actions and activities through which social actors exert influence on the democratic institutions affecting the organization of collective power?*

## **2.2. The future of democracy**

### *2.2.1. Companies and populism*

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In this section we aim at discussing how companies can, through their activities of so-called political CSR (PCSR) - i.e the broadening role of the private sector's responsibilities beyond the mere production of goods and services and towards activities previously undertaken by states (Matten and Crane, 2005; Scherer and Palazzo, 2011)- address the democratic shortcomings of populisms. According to PCSR scholars, the expanded role of the private sector has taken place due to the erosion of the regulatory power of the nation state because of globalization (Habermas, 2002) and neoliberalism (Kinderman, 2012). Within this shifting landscape, the PCSR argument goes, the private sector has become poised to address pressing governance vacuums (Matten and Crane, 2005; Scherer and Palazzo, 2011), and undertake some of the roles and responsibilities previously assigned to government (Crane et al., 2008). However this zero sum view of firm-state relations overlooks the current 'populist turn' and the increasing number of populist leaders who have boosted their popularity by proposing that society is ultimately separated into two

homogenous and antagonistic groups, “the pure people” versus “the corrupt elite” (Mudde, 2004). Such populist reasoning has the potential to dramatically alter state-society relations, particularly as such political approaches have been perceived as a threat to democracy (Abts and Rummens, 2007; Müller, 2016; Peruzzotti, 2017). This is because populists frequently launch assaults on liberal institutions (Pappas, 2019) and undermine the rule of law, inevitably shrinking democratic infrastructures and triggering democratic backsliding (Mounk, 2020; Urbinati, 2019).

Under conditions of ‘populist syndrome’, Blake et al. (2022) argue that tensions can form within a firm's CSR activities, as CSR could take the form of constituency building (with stakeholders) to help counter hostile populist initiatives, or simultaneously CSR could align to populist regime priorities to avoid confrontation with populist forces. However, Blake et al. (2022) view CSR from an instrumental perspective, and less from a political or democratization perspective. Similarly, a range in CSR scope is also reflected more broadly in the PCSR literature, with some scholars arguing for expansive scope in which corporations substitute significant functions of the state, while an alternative position supports a narrow PCSR approach, whereby the private sector substitutes state functions in ‘low politics’ areas, i.e., in less critical state functions, and broadly argues in favor of a government centered approach (Abländer and Curbach, 2017; Tempels et al., 2017; Wei et al., 2020). This suggests that PCSR can be profoundly influenced by the political context (Gond et al., 2011; Korschun and Rafeian, 2019). This disagreement on the scope of PCSR has meant there is no consensus on what PCSR really is, with some scholars offering a normative definition (Scherer and Palazzo, 2011), and others proposing alternative and less normative definitions (Frynas and Stephens, 2015; Korschun and Rafeian, 2019).

Along similar lines, Hartwell and Devinney (2020) assume that populism will inadvertently shape CSR activities and recruitment strategies via both informal and formal institutions. More generally, populism’s desire to overturn the status quo breeds political uncertainty and volatility within the business environment (Hartwell and Devinney, 2020; Sousa et al., 2021), and ability to weaken business power (Feldmann and Morgan, 2022) can influence the terms and conditions under which the private sector undertakes quasi-governmental functions. Consequently, strategic business responses to populism can be diverse, ranging from exercise of the business ‘voice’ to loyalty (Feldmann and Morgan, 2022). For these reasons, there is speculation that populism could transform PCSR into a politically controversial activity, even if unintended (Korschun and Rafeian, 2019).



Therefore, amidst such a dynamically changing populist institutional environment, there is a need for new theorization that does not assume an equilibrium (Blake et al, 2022) but instead can account for fast paced change in state-firm-society relations. Unfortunately, much of the CSR literature assumes stable institutional conditions, or conditions where the state is absent. This is particularly true of the extant PCSR literature, which is focused on advanced market context or fragile and failing states (Yorgancioglu, 2023). However, stable conditions are not given in populist contexts, as left unchecked, populism can place nations on a trajectory towards regime hybridization (Peruzzotti, 2017), and, therefore, can disrupt PCSR logics. Considering the way that populism alters the degrees of democracy, or can completely transform a political regime, any exploration of populism must also consider such materially and politically different contexts, such as hybrid regimes (Yorgancioglu, 2023), which are closely attuned populist contexts (Wigell, 2008), as well as authoritarian regimes, where populism is used to avoid elections and maintain weak institutions (Tang, 2016).

Indeed, while the literature clearly articulates the importance of institutional environments in shaping CSR (Gond et al., 2011; Matten and Moon, 2008), little has been done to address the varying political environments that shape PCSR, let alone looking at the subject via a populist lens. Addressing the influence of populism on PCSR is paramount, as it represents a critical yet unexplored, new context for PCSR. The emergent research gap directly informs our RQ:

- *How do companies respond to populism(s)?*

In particular, our focus is on CSR, as we found that among the many diverse approaches to CSR, political theories of CSR offered the most pertinent lens to address questions of democracy and democratization. Therefore, we specifically focus on political CSR, to help better address the research question that relates to how firms may respond to populist forces and leverage CSR under conditions of declining democracy.

### 2.2.2. *Social enterprises and democracy*

Ignas Bruder, Johanna Mair and Sébastien Mena- Hertie School

While on the one hand, companies may react to populism through their CSR activities as discussed above, on the other hand the role of the business sector can be that of

transforming their whole business model to safeguard or promote democratic values or principles. Half of the literature on social enterprises (SEs) or alternative organizations refers to democracy only peripherally or vaguely, whereas the other half engages rather explicitly with democracy. Whereas the vast majority of studies focus on the organizational level of analysis, some studies go beyond organizational boundaries and briefly refer to external stakeholders or inter-organizational relations. Only a small number of studies are concerned with a societal level of analysis.

One alternative organizational form that lies at the center of the intersection between alternative organizations and democracy are collectivist organizations. Sometimes also referred to as collectivist-democratic organizations, their common trait is that they base authority on the collective by taking all important decisions with a consensus (Resch and Steyaert, 2020; Rothschild-Whitt, 1979). In a seminal article, Rothschild-Whitt (1979) delineates the ideal type of collectivist organizations in all its dimensions. She points out that in such organizations authority can be delegated to individuals only partly and temporarily regarding limited tasks, while it mainly remains within the community as a whole. Such a consensus-oriented democratic approach has far-reaching implications, for instance the absence of career advancement, since there is no hierarchy. Driven by communitarian ideals such organizations try to keep social stratification to a minimum by limiting reward differentials drastically and also by making a conscious effort to spread knowledge to avoid expertise-based stratification within the collective. Yet, the author also identifies constraints and social costs of this ideal type. Decision-making requires much more time than in bureaucracies. Furthermore, the collective needs a certain degree of homogeneity in order to function, which, however, reduces the breadth of the social base in a collectivist organization. Collectivist organizations may also experience higher competitive pressure, since they compete with mainstream businesses in their system (Rothschild-Whitt, 1979). Some of these tensions inherent in collectivist organizations are investigated in other studies as well. Very much in line with Rothschild-Whitt (1979), Bernauer and Kornau (2022) investigate e-voice in a collectivist organization collaborating mostly online and find out that the power and knowledge asymmetries as well as information overload impede members to express voice in the consensus-oriented deliberation processes happening online. While focusing on the affective dimension of radical democratic organizing, Resch and Steyaert (2020) investigate a collectivist network organization and identify three affective tensions organizational members go through in a process of constant affective oscillation between confidence and frustration, exuberance

and anxiety as well as trust and exhaustion, stressing the affective challenges for individuals engaging in such organizational forms.

Another tension identified in the literature refers to democratic revisability and effective coordination (Shanahan, 2022). While it must be possible in a democratic organization to democratically revise a formerly made democratic decision regarding the rules coordinating the organization, too many revisions impede effective coordination. Shanahan (2022) argues that this tension can be addressed through information and communication technology, especially through a constellation of different online-tools that creates a front-end catering to effective coordination and a back-end, where discussions around the revisability of rules can happen and votes can take place that can eventually alter rules communicated at the front-end. In an attempt to synthesize tensions in collectivist organizations implied by their democratic structure Pohler (2022) proposes that many of these tensions stem from the basic tension between the general and the particular. While democratic organizations try to cater to the general by granting equality in democratic decision processes, at the same time they need to cater to the particular, that is grant autonomy to their members with their particularities. She argues that consent-based decision making (containing a veto right, but less strict than consensus) as practiced in some collectivist organizations, is a means that can help to manage this tension effectively. In sum, this literature delineates collectivist organizations as strongly democratic organizations and points out many challenges and tensions that arise when organizations take on such a form as well as possible ways to tackle them.

Unsurprisingly, SEs are featured prominently in our research. Especially articles focusing on the governance of SEs touch on the topic of democracy. In an investigation of a work integration SE in the Netherlands, Colenbrander et al., (2017) find out that external stakeholders are involved only informally in the governance of the SE and that an adequate legal framework is missing to set up more formal and structural means of involving external stakeholders in SE governance and thereby contributing to its democratization. In order to achieve an effective involvement of stakeholders in the governance of social enterprises these can allow external stakeholders to become organizational members and serve on non-executive advisory boards, thereby giving them influence on the SE's decisions (Larner and Mason, 2014). Democratizing board membership, i.e., by including volunteers working for a SE on boards can have positive effects such as contributing to the accountability, transparency and legitimacy of a SE (Mswaka and Aluko, 2015). However, when social enterprises have to compete for resources and their financial viability depends mainly on

market transactions, Low (2006) argues that they may rather choose an entrepreneurial stewardship model for board governance that assembles board members based on competence rather than a democratic model that aims for representation of different groups on the board. Another study investigating the Hungarian context finds out that participatory governance in SEs mainly happens on a symbolic level, such as employee involvement in boards or informal consultation during hiring decisions, yet it identifies one case where leadership was elected by all employees (Takács, 2021). Other studies investigating SEs focus on other aspects than governance and thus touch on democratic aspects only remotely. In a study investigating the hybridity of SEs, Vickers et al. (2017) identify that one of the two logics being combined within the SE is a civil society logic that emphasizes democratic engagement with employees and service users. One of the cases analyzed in this study exhibits democratic votes by employees on profit reinvestment decisions. Another study focusing on the implementation of social innovations in subsistence marketplaces points out that a participatory approach involving the intended beneficiaries of the social innovation in the implementation of a social innovation bears more potential than a top-down implementation through a SE alone (Venugopal and Viswanathan, 2019). However, the participatory approach discussed refers mainly to informal means of participation such as dialogical engagement and consultation, while beneficiaries are not granted any formal decision rights. In sum, studies focusing on SEs engage with democracy most explicitly when they investigate different governance possibilities for social enterprises. Representing different groups of stakeholders on boards of social enterprises is one promising approach to democratization.

Another large group of organizations discussed in the literature are cooperatives. This type of organization is usually linked to a legal form that guarantees that either users or workers of an organization are its owners with decision rights, often according to the 'one member, one vote' rule, independent of the amount of shares someone is holding (Cheney et al., 2014; Nelson et al., 2016). This literature focuses on the challenges and tensions that arise from the democratic nature of these organizations. Audebrand (2017) investigates the paradoxical tensions cooperatives face, especially the tension between democratic accountability and oligarchic efficiency, since more democratic management of a cooperative is less efficient and more efficient management (through an oligarchic top management) is less democratic.

Relating indirectly to challenges, Basterretxea et al. (2022) analyze the reasons for the bankruptcy of Fagor Electrodomesticos, a worker cooperative within the Mondragon

cooperative group. They point out that keeping up smoothly working democratic structures within large organizations is very challenging, since general assemblies become increasingly ineffective and boards with worker representatives tend to lack the business literacy to evaluate such complex issues as management's merger and acquisition suggestions in international markets. These authors suggest moving to more representative modes of democracy in very large and international cooperatives. On the contrary, Nelson et al. (2016) argue that the "one member, one vote" rule is decision-making is valuable to maintain a cooperative identity, because it is unattractive for profit-seeking investors and keeps them and their business values out of the cooperative. Cheney et al. (2014) point to multiple challenges, among which the pursuit of cooperative values within international contexts is stressed as well as the challenge to reinvent democracy within cooperatives, since the simultaneous presence of worker-owners and temporary workers (with no voting rights) is a challenge to the democratic character of cooperatives.

The challenge of reinventing democracy is also picked up by Pansera and Rizzi (2020) who focus on the scaling of cooperatives and the democratic challenges this poses. They find out that an environment of stakeholders supportive of cooperative values can help to keep democratic principles intact during phases of growth. In a similar vein, being embedded in an environment of social economy organizations is supportive of fostering democratic action within cooperatives (Stervinou et al., 2021). However, such relations to the outside world are rather seldomly researched, leading to calls to research the relationship between internal democratic practices and the external environment of cooperatives (Cheney et al., 2014). In sum, literature on cooperatives underscores their strong potential for democratic organizing, but at the same time it is attentive to the challenges and tensions this organizational type implies. This literature makes first efforts to incorporate structures and processes outside the organization into the analysis of organizational democracy.

The only few studies with a truly macro focus come from legal studies, sociology and economics. Rothschild (2009) points out that economic and political democracy are interlinked. In a conceptual article she argues that democratic rights need to pervade social, economic and political relationships in order to be experienced as authentic and calls for governmental support programs for cooperatives as an alternative organizational form to strengthen democracy. Smith and Teasdale (2012) investigate the regulatory conditions needed to transition to associative democracy in welfare governance, meaning that welfare provision is neither coordinated by state bureaucracy nor by markets but by democratically governed non-profit associations. They come to conclude that the social economy holds

promise for associative democracy due to democratic elements in SEs and that the social economy should spread out into the welfare and economic realms. While focusing on a degrowth economy, Johanisova et al. (2013) propose a model of democratic control over non-market capitals through primary and secondary social enterprises. While primary SEs directly address social problems, secondary SEs should control and provide non-market capitals while being governed democratically by primary social enterprises. Whereas these studies are concerned with societal issues or democracy as a whole, they do not spell out how this translates into the organizational level.

There are two research gaps that are striking in the literature. First, the literature does not investigate the relation between different levels of analysis and the implication this has for organizational democracy in SEs and alternative organizations. For instance, the influence of inter-organizational practices or field-level practices on organizational democracy has not been analyzed thoroughly yet. Likewise, the implications of democratic principles being reproduced within an organization for inter-organizational practices is not being researched at all. Second, democracy within these organizational contexts is barely theorized explicitly. There is abundant literature on democratic theory relating to more macro contexts such as nation states, which might yield fruitful insights for democracy in organizations. Of course, this literature cannot be transferred one-to-one on the organizational level of analysis. However, it is well possible that democratic principles being discussed in democracy theory can be translated into the organizational context and inform organizational scholarship.

Against the background of the findings of this literature review, the project initial RQ - "How do SEs make sense of and interpret what democracy is? How do they work or structure themselves according to certain principles? - has been split into the following sub-questions:

- *Among the many possible participation processes CSPs can activate to involve beneficiaries, which ones are best suited to foster their empowerment?*
- *How and to what extent does the democratic organizing within SEs and other forms of alternative organization develop a democratizing effect outside the organization in inter-organizational networks, communities, and the broader organizational field?*
- *How and to what extent does the reproduction of democratic principles on the level of communities and inter-organizational networks influence democratic organizing within SEs and other forms of alternative organization?*

SEs can make significant contribution in advancing democracy and addressing complex global issues, but to understand how these issues can be tackled at a micro scale. Next section investigates this further.

### *2.2.3. Cross-sector partnerships and the empowerment of beneficiaries*

Luciana Oranges Cezarino, Andjela Pavlovic and Francesco Rullani - Ca' Foscari, University of Venice

As discussed above, societal and climate problems affecting our society have grown larger and more complex, and thus require new approaches (Alvesson and Kärreman, 2007). Business ethics, market failures, and the so-called sustainability grand challenges (George et al., 2016; Pedersen et al., 2021) are relevant issues in need of potential solutions. In this context, Cross-Sector Partnerships (CSPs) emerged as interesting phenomena to be investigated, as they represent alliances of different actors that combine their different competencies and strengths to co-develop solutions to build societal impact. CSPs are voluntary, composed of different organizations that are guided by diverse institutional logics, gathered around the same issue with the aim of contributing to resolving it (Vestergaard et al., 2020). Indeed, one of the main criteria to define CSPs is identifying the gap between what actors can accomplish by combining their resources and what they could achieve by acting as single entities (Austin and Seitanidi, 2012). It is this attention to the multiplier of collaboration that make CSPs particularly suitable to tackle global challenges such as balanced development and climate crisis mitigation (Esteves and Barclay, 2011). In this capacity, they have been identified by the Sustainable Development Goals platform (SDGs) as key elements of the common effort to propose an alternative path of development (Fiandrino et al., 2022; Williams and Blasberg, 2022). Specifically, SDG 17 explicitly states: “cross sectorial and innovative multi-stakeholder partnerships will play a crucial role for getting us to where we need by the year 2030”.<sup>2</sup>

CSPs usually encompass four main archetypes: (1) public-private partnerships (PPPs) involving government and businesses; (2) nonprofit-government partnerships; (3)

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<sup>2</sup> <https://sdgs.un.org/topics/multi-stakeholder-partnerships>

nonprofit-business partnerships; and (4) tripartite partnerships (Seitanidi and Crane, 2009). Their outputs “usually transcend the partnership and pass through markets or public service systems to reach their beneficiaries” (Stadtler and Karakulak, 2022).

As far as this project is concerned, we focus on the third type of partnership, namely the nonprofit-business partnership. This usually consists of a complex alliance based on long-term values (Seitanidi et al., 2010), encompassing more than income generation or philanthropic objectives. In this sense, they broaden CSR in favor of a new and balanced governance arrangement relying on the combination of companies’ efficiency-related capabilities and the deep knowledge of social and environmental issues coming from nonprofit organizations (Seitanidi et al., 2010; Tulder et al., 2016; Weber et al., 2022).

This heterogeneity, however, also generates problems because CSPs are made of organizations that are embedded in different institutional fields, so that the ways in which they make decisions and take actions are often incompatible. As CSPs combine conflicting institutional logics (Ashraf et al., 2017; Yin and Jamali, 2021), powers (Selsky and Parker, 2005), rights (Crane et al., 2004), and beliefs (Berger et al., 2004; Clarke and Crane, 2018), partners need to work to build shared institutional contexts, increase the level of coherence among their institutions (Vurro et al., 2010) as well as establish multi-level meaning systems (Easter et al., 2023). Often, they are in need of intermediaries who can act as “bridging agents” (Manning and Roessler, 2014). But more in general, partners must go beyond their predefined roles, assume adaptive responsibilities, and provide solutions that demand foundational change (Seitanidi and Crane, 2009).

This process can unfold valuable opportunities that participants would not otherwise identify. Thus, as payoffs from this engagement are largely longer-term and among multiple stakeholders (Clarke and MacDonald, 2019), rather than immediate cost-benefit improvements for one organization (Bowen et al., 2010), a key factor for such partnerships to work is that partners are capable of planning their collaboration strategically and have “adaptive and operational capacity” (Shumate et al., 2018: 386). Indeed, for a partnership to be successful a higher degree of autonomy and flexibility among partners is often needed in order to overcome the competing logics (Voltan and Fuentes, 2016). Examples of successful CSPs of this kind can be found in philanthropic venture networks (Scarlata and Alemany, 2010) and fair-trade agreements (Nicholls and Huybrechts, 2016).

A critical pursuit for the CSPs’ choices and, consequently, governance, is incorporating citizen participation in the political systems of nations and countries. The literature



addresses a few CSP governance mechanisms, such as community engagement, which is able to decrease tensions in a partnership and to open further opportunities unavailable to the partners otherwise (Maiolini et al., 2022). This inclusion, however, must be undertaken carefully, as vulnerable populations' needs may be distorted or overheard if the process of inclusion is not properly executed. For instance, CSPs are frequently territorially defined, prone to emphasize risk management, and rarely allow all parties to innovate and develop at the same pace (Voegtlin et al., 2022). Thus, even when the implementation of a cross-sector project is successful according to the metrics the project has chosen, it does not guarantee an improvement in the position of its beneficiaries. Vestergaard et al. (2020) argue that besides resources, it is important to provide beneficiaries with agency in order to be able to make use of those resources. Therefore, beneficiary empowerment should be a crucial concern when discussing CSPs and their effectiveness, along with the assessment tools (Vestergaard et al., 2021) that can adequately measure such value.

This approach is very relevant - CSPs can allow beneficiaries access to a range of resources and services they might not be able to access otherwise. For example, a cross-sector partnership between a nonprofit organization and a private company could provide beneficiaries access to training programs, employment opportunities, and microcredit services (Leach and Sitaram, 2002). CSPs could also help build the beneficiaries' confidence by providing them with the skills and knowledge that allow them to take more control over their lives (Haugh and Talwar, 2016), by means of professional and personal capacity-building, or even through the creation of social entrepreneurship (Mair and Martí, 2006). CSPs are thus a viable organizational mechanism to leverage resources (Dahles et al., 2020; Dzhengiz et al., 2023), expertise (Nonet et al., 2022), and networks from different industries and sectors, in order to develop innovative solutions that lead to a more comprehensive and sustainable approach to beneficiary empowerment.

Through empowerment, CSPs can foster opportunities for beneficiaries to participate in decision-making processes and become more politically involved in their communities (Vestergaard et al., 2020). When designing and implementing programs, CSPs can give beneficiaries information and resources to voice their opinions and exercise their rights (Mena et al., 2010). In this sense, the work of CSPs represents an opportunity for integral human development, including psychological and mental health aspects that lead to holistic growth.

Based on the discussion developed above, we have identified specific questions to guide our research:

- *How are conflicts between profit and non-profit actors managed in CSPs, and can these partnerships transform tensions into enablers for the co-development of sustainable solutions that produce beneficiaries' empowerment?*
- *How can businesses use SDGs to create and sustain CSPs? What business models related to SDGs-based partnerships can be created and sustained?*
- *Among the many possible participation processes CSPs can activate to involve beneficiaries, which ones are best suited to foster their empowerment?*

Moreover, in our further analysis we will take into account two contextual factors that emerged in the literature review:

- a. Access to empowering resources - by applying interdisciplinary lenses, we seek to understand how beneficiaries access resources needed to empower them. For example, in healthcare operations it is important to understand which logistic approaches would better serve CSP operations in allowing beneficiaries from vulnerable populations to be reached (Nonet et al., 2022).
- b. Industry context - the focus on selected industries is very important (Dzhengiz et al., 2023), as bottom-up economic action, that has developed differently in various industries, can help beneficiaries' empowerment and power decentralization (Dahles et al., 2020).

### **3. Bibliometric analysis**

Flora Panna Biro, Rachele Cavara, Anna Moretti, Andjela Pavlovic, Francesco Rullani and Francesco Zirpoli - Ca' Foscari, University of Venice

The final step of this literature review is a bibliometric analysis. As discussed in the Introduction of this working paper, the overarching research question will be tackled drawing from management, business ethics, sociology, international law, and other relevant disciplines mastered by the project's partners. The goal of this bibliometric analysis is to explore and discuss the connections among the core research areas identified by the Rebalance partners in their literature review.

#### *Methodology*

The analysis is carried out using VOSviewer, a tool used to perform research using

bibliometric data. The program offers many options and settings in order to find the combinations that provide the most comprehensive insight into bibliometric and textual data. The software creates maps based on network data and allows the visualization and exploration of these maps. The maps show connections between a series of items and draw the full network of these links. The program accepts several formats of bibliometric data: in this case, based on the literature review (Section 2), we created a file containing the DOI list for the whole bibliography of the present working paper. The file contains information<sup>3</sup> on 384 documents. Based on the DOI database, VOSviewer downloads all the textual (title, keywords, abstract) and bibliographic (references, authors, sources, organizations) data of the selected articles. In the analysis, two main types of networks have been analyzed: the maps based on the textual data (co-occurrence maps, looking at the presence of a certain piece of text in the same articles) and those based on bibliographic data (co-authorship, citation analysis, bibliographic coupling - namely, the overlap of reference lists among articles, etc.).

For the text-based analysis the program is able to identify the terms using natural language processing algorithms (van Eck and Waltman, 2023). The terms can be single or compound words. In the analysis we will refer to both as "terms" or "items". The program searches in the title and abstract fields of each article. It offers two kinds of counting methods: binary and full counting. Binary counting counts only the presence or the absence of a term in a document, while the number of occurrences of a term in a document is not taken into account. Full counting, on the contrary, accounts for all occurrences of a term in a document (van Eck and Waltman, 2023; Perianes-Rodriguez et al., 2016). In this analysis we apply the latter counting method as it allows to detect how relevant the term is for the article and the research, thus weighting the relevance of each term in the body of research under analysis. Ties between the terms are created on the basis of their co-occurrence in the same texts: the more frequent the co-occurrence of two terms, the stronger the ties connecting them.

The bibliographic analysis is based on article metadata and explores, among other issues, how these are connected in terms of co-authorship, citations, or bibliographic patterns. We applied these three methods to explore such patterns in the Rebalance project's multi-disciplinary theoretical background. The co-authorship analysis creates a map connecting different authors on the basis of the number of publications they have co-authored: the ties

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<sup>3</sup> The complete list of information: Full name of Authors, Title, Source, Year, Citation, References, Abstract also Volume, Issue and Pages when applicable. Documents with no DOI have been excluded from the analysis (around the 5% of the bibliography).

of the network will then be weighted depending on the strength of the relationship reflecting their co-authorship experience. The citation analysis explores if the articles under analysis are connected by citing each other: ties are thus directed, meaning that a link between two different contributions exists if one is citing the other, and not vice versa. Finally, the bibliographic analysis is aimed at exploring how different contributions share the same theoretical background, counting how many references two publications have in common: the higher the number of references shared by two articles, the stronger the link between the two (van Eck and Waltman, 2023; Perianes-Rodriguez et al., 2016). For the sake of representation clarity, in the text-based and bibliographic analyses, we have excluded items with a number of occurrences below a fixed threshold.

### *Text-based analysis*

In order to perform the text-based analysis we follow the usual practice in this type of research and set the threshold at a minimum of 10 occurrences, selecting-in 72 terms. We cleaned this pool erasing the most commonly occurring words, e.g., "question", "article", "research", etc., resulting in a final selection of 40 terms. These terms, as they appear in the map (Figure 1) are grouped into 5 different clusters, based on the relevance of each term<sup>4</sup>. These clusters can also be interpreted as topics (van Eck and Waltman, 2011), thus we provide an explicative label for each one of them:

- *Capitalism and the legislative process* (12 terms): capitalism, civil society, European union, firm, influence, market, policy, politic, power, regulation, rule, state;
- *Democracy and business* (10 terms): community, development, environment, governance, organization, partnership, social enterprise, stakeholder, work, worker;
- *Socially-responsible business* (7 terms): citizenship, corporate social responsibility/CSR, corporation, global governance, government, responsibility, society;

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<sup>4</sup> When selecting the terms, the program assigns a relevance score to each term. "For each noun phrase, the distribution of (second-order) co-occurrences over all noun phrases is determined. This distribution is compared with the overall distribution of co-occurrences over noun phrases. The larger the difference between the two distributions (measured using the Kullback-Leibler distance), the higher the relevance of a noun phrase. Intuitively, the idea is that noun phrases with a low relevance (or noun phrases with a general meaning), such as paper, interesting result, and new method, have a more or less equal distribution of their (second-order) co-occurrences." (van Eck and Waltman, 2011, p. 50-51)

- *Corporations and human rights* (6 terms): business, company, human right, human rights due diligence, law, modern slavery;
- *Threats to democracy* (5 terms): crisis, democracy, Europe, populism, relationship.

The *Capitalism and the legislative process* cluster groups the body of research dealing with the role of organizations in influencing the legislative process, in shaping economic activities and the other way around, looking at how policy and regulations act on firms. The *Democracy and business* cluster refers to research focusing on the role of different stakeholders in creating the conditions to build partnerships between business, workers, social enterprises and communities. The *Socially-responsible business* cluster represents the literature discussing the issue of responsibility towards society, emphasizing the duty of both the government and the corporation to act responsibly towards citizens. The *Corporations and human rights* cluster groups the articles focusing on business and human rights, exploring the role of corporations in threatening or defending human rights also in connection with the law and due diligence. The *Threats to democracy* cluster identifies the topic related to the crisis of (European) democracy, represented by threats such as the ascending role of populism.

The topics emerged from the text analysis represent the areas covered in the literature review presented in section 2 of the present working paper. As depicted in Figure 1, these topics are highly connected to each other in the literature serving as the theoretical backbone for the whole Rebalance project.



Figure 2: Network visualization of the most common and connected terms of the text analysis - links with a minimum link strength of 40

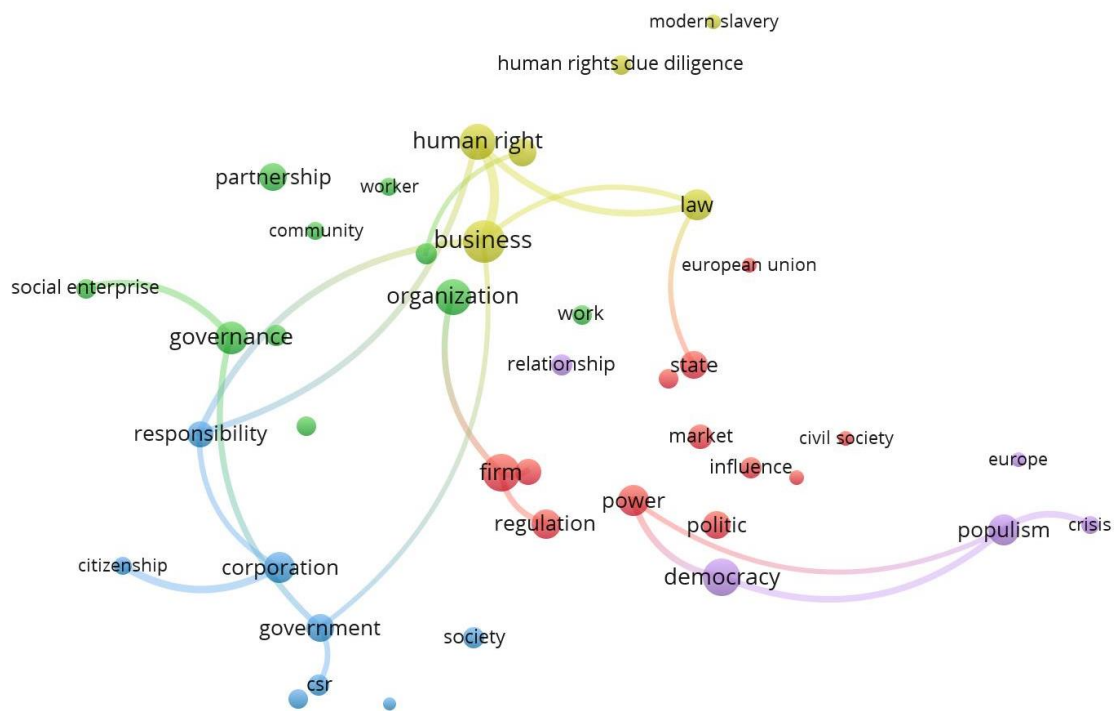


Figure 2 allows to see more closely the most relevant relations. The terms “business”, “corporation”, “firm” and the like remain relevant also within this network, which is not surprising considering the nature of the research questions tackled in the Rebalance project. However, Figure 2 also shows that other important Rebalance keywords are at centerstage: for example, the term “business” links to “human right”, “law”, and “governance”. This set of terms well describes the Rebalance project focus and its firm anchoring in the relevant literature. In particular, the analysis seems to confirm that delving into the connections between the economic behavior of business firms, government, and the role of law provides a fruitful way ahead to understand the dynamics regarding human rights infringement. Despite the fact that the algorithm clustered words around specific topics, as described above, Figure 2 also shows that many terms bridge different clusters. For example, in Figure 2 “governance” creates an arch between “social enterprise” (*Democracy and business cluster*) and “government” (*Socially-responsible business cluster*), and the latter is linked by “business” to “human right” (*Corporations and human rights cluster*), which links directly to “law” and “responsibility”. These paths link different clusters, showing that the topic each cluster represents is not isolated, siloed from the others. On

the contrary, clusters are highly connected: while specific topics can be identified within the theoretical background where the Rebalance project stands, these topics are all tightly connected, bridging different discourses. For example, referring to the cross-cluster paths described just above places “business” in a key connecting position between “government”, “governance” and “social enterprises”, on the one hand, and “human rights”, “responsibility” and “law”, on the other hand, suggesting that business can be conceived both as partner of authorities to govern transformational change via social enterprises and the like, and as an actor whose behaviors with respect to human rights must be regulated, in virtue of its responsibilities. The narrative behind the Rebalance project emerges clearly here, supporting the idea that we are not linking unrelated literature, but exposing in an original way a thread that was already there in the first place.

All in all, the Rebalance project looks consistently positioned at the crossroads of those literatures dealing with (public) policies and (managerial) strategies. The text-based analysis presented in this section confirms the need to reinforce bridges between communities of scholars that discuss these overlapping but often disconnected concepts and, also in the light of the literature review, points to the opportunity of identifying new constructs to explain the phenomena under scrutiny.

#### *Bibliographic analysis*

The bibliographic analysis reveals the connections between scholars. This is determined based on their number of co-authored documents. We apply fractional counting<sup>6</sup> as it is preferred by the literature to provide more reliable results (Perianes-Rodriguez et al., 2016). As previously described, in the case of text data the software works by using a threshold to find the most relevant items. Given the multi-disciplinary body of work under analysis, to build the co-authorship analysis we used a threshold of two documents per author, in order to grasp even the smallest connections between the different scholarly communities participating into the Rebalance project. 48 authors met the threshold, out of which the largest network had 6 authors<sup>7</sup>. The rest of them formed other 27 fragmented networks. Figure 3 presents the results of the co-authorship analysis. The co-authorship network shows that the scholarly communities exploring the issues connected to the Rebalance project are very much isolated, and only two sub-networks emerge which connect,

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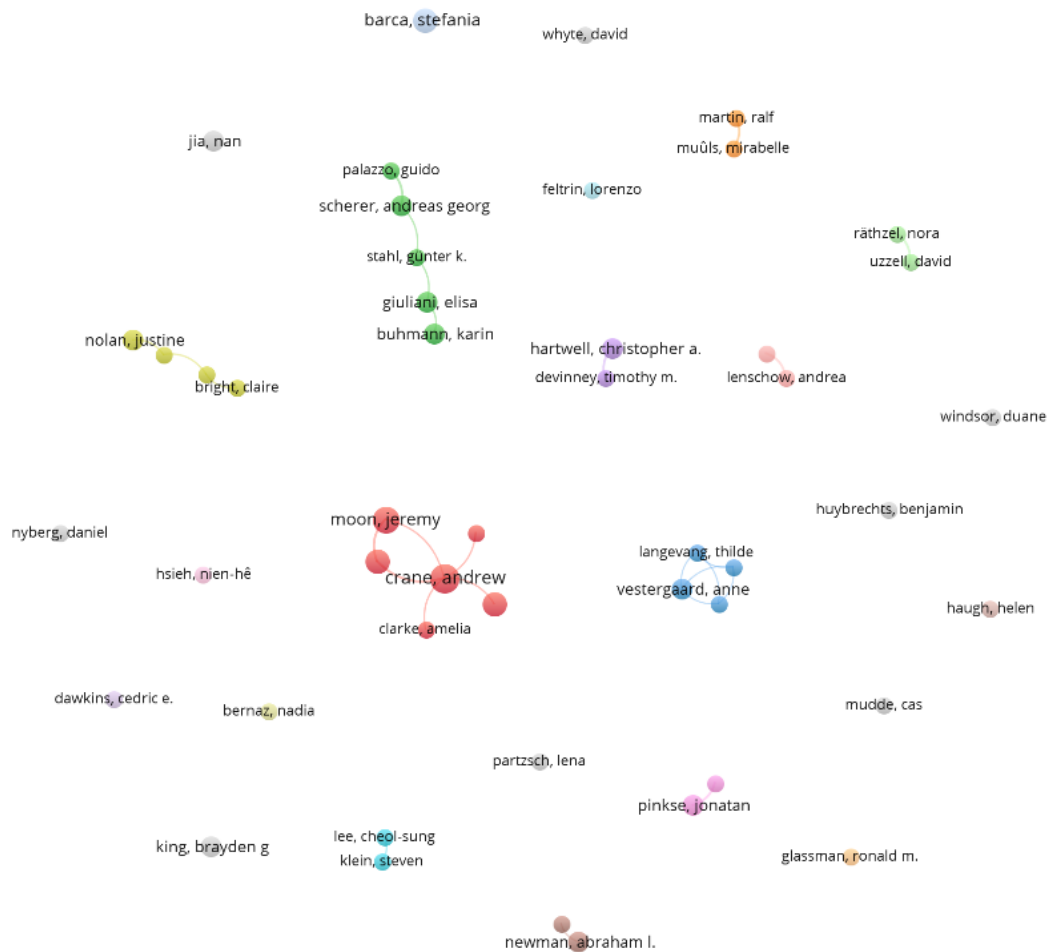
<sup>6</sup> Fractional counting means that the weight of a link is fractionalized. For instance, if an author co-authors a document with 10 other authors, each of the 10 co-authorship links has a weight of 1/10.

<sup>7</sup> Each set is formed considering that at least two authors produced a document together, the more fragmented these networks are the less collaboration is happening between the scholars.



respectively, five and six authors. Hence, based solely on the references used by the partners for their literature review, we suggest that the investigation of the intricate relationship between capitalism and democracy seems not to be relying on a large integrated scholarly community.

Figure 3: Results of the co-authorship analysis

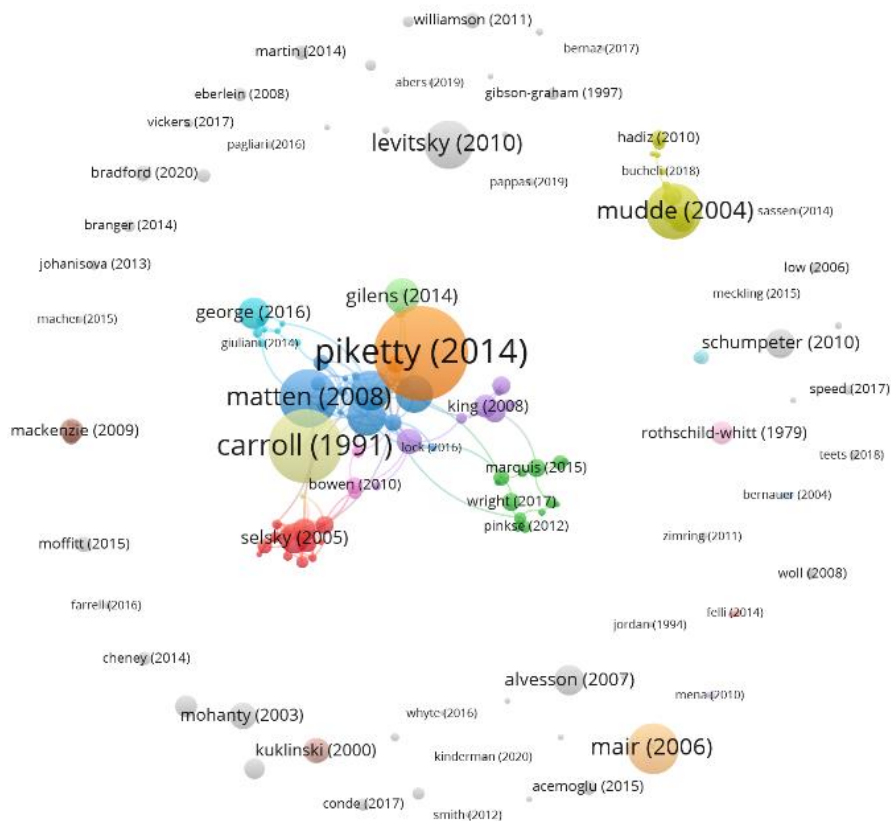


Note: The network represents the authors that are co-authoring articles within the analyzed database; ties represent the co-authorship relationships; the larger the node, the higher the number of articles co-authored by that author (Van Eck and Waltman, 2014).

As a further exercise, we performed the citation analysis, where we focused on the relatedness of articles based on the number of times they cite each other (adopting the article as unit of analysis). The citation analysis allows to highlight how a body of knowledge about a certain topic is building on its foundations, pointing to the milestones (foundational

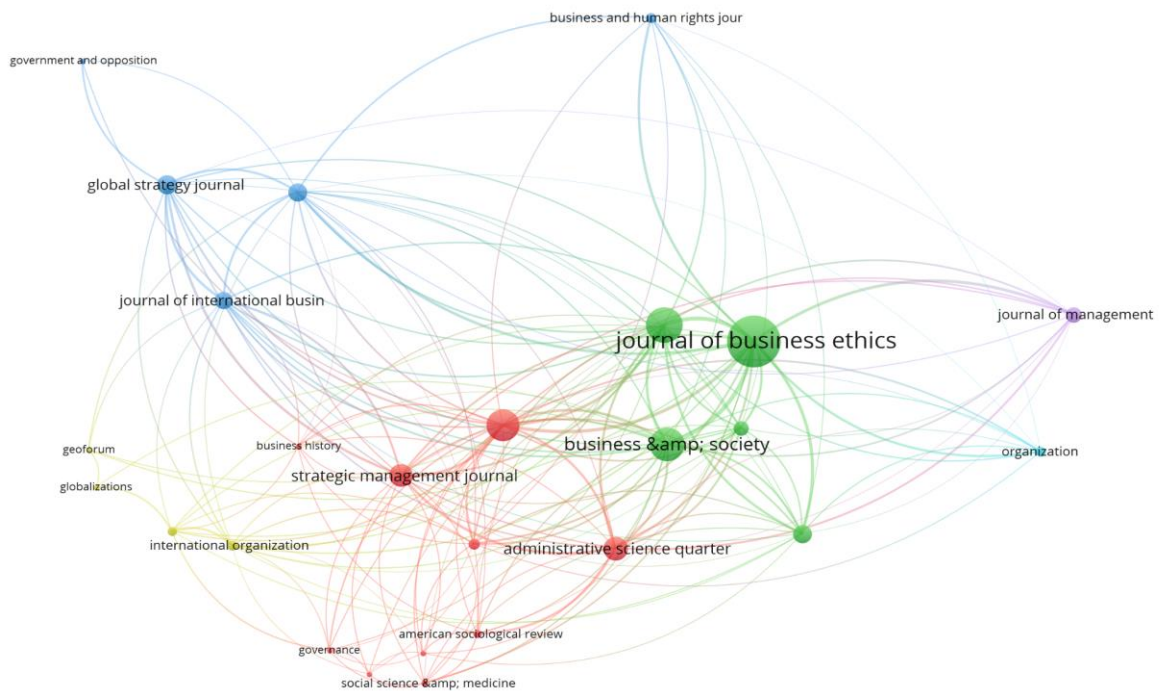
articles) that serve as the playing field over which the conversation is taking place. As a threshold we used 25 as the minimum number of citations. 156 documents met this threshold out of which the largest set had 71 documents. The rest of the documents remain in small, fragmented networks just as Figure 4 shows. The results highlight a central core of articles that are highly cited: the works of Thomas Piketty (2014), Dirk Matten (2008), and Archie Carroll (1991) emerge as the most cited and at the core of the web of connections within the literature quoted in the Rebalance project.

Figure 4: Results of the Citation analysis using documents as a unit of analysis



Note: The network represents the articles that are cited by other articles in the database (in this case, they are connected by a link); the larger the node, the higher the number of citations for the article (Van Eck and Waltman, 2014).

Figure 5: Results of the Bibliographic Coupling using academic journals as a unit of analysis



Note: The network represents the connections between academic journals that are cited in the same article; the larger the node, the higher the number of times the journal is cited (Van Eck and Waltman, 2014).

Finally, Figure 5 shows the results of the Bibliographic coupling: this method looks if two journals are cited in the same article, and uses the “document” as unit of analysis (the article citing the journals). It serves the role of assessing if certain journals are pivoting the evolution of the debate around a certain topic and, in turn, if communities of scholars are connected through the journals they publish in. The graph here employs fractional counting<sup>8</sup>, and the threshold selected imposes the presence of a minimum of 3 documents co-citing two journals. 28 journals met this threshold, and 26 of them form a connected set.

It is interesting to read Figure 5 in the light of Figure 3 and 4 above that, respectively,

<sup>8</sup>In the case of fractional counting, giving a citation to a publication that has already been cited by five other publications has the same weight as giving a citation to a publication that has already been cited by 500 other publications. In the first situation, five new bibliographic coupling links are introduced, each with a fractional counting weight of  $1 / 5$ , which gives a total weight of  $5 \times (1 / 5) = 1$ . The second situation results in 500 new bibliographic coupling links, each with a fractional counting weight of  $1 / 500$ , and again a total weight of  $500 \times (1 / 500) = 1$  is obtained. In the case of full counting, all bibliographic coupling links have a weight of one in both situations, and therefore the total weight equals 5 in the first situation and 500 in the second situation.

provide a co-authorship and citation analysis. Figures 3 and 4 uncover that there is a clear fragmentation and disconnection between the networks of authors. Although a core set of papers at the center of the co-authorship network exists, the other nodes of the network are very much sparse, highlighting that there is little collaboration among them. Nevertheless, Figure 5 provides clear evidence that even if communities are disconnected, they have common references also in terms of outlets, since the network of cited sources is highly dense. The *Journal of Business Ethics* sits at the center of the network: through it, other specialized journals such as *Social Science and Medicine* can relate to a generalist journal such as the *Journal of Management*. Another frequently cited journal, *Business and Society*, creates a connection between the *Business and Human Rights Journal* and the *Global Strategy Journal*, another pair of specialized outlets. These bridges as highlighted in this bibliographic analysis can be leveraged within the Rebalance project to enhance its scholarly impact.

Our bibliometric analysis leads to a clear conclusion: while the scholars the Rebalance project is bringing together come from different scholarly communities, the co-authorship analysis, the bibliographic and in particular the keyword co-occurrence analyses demonstrated that the topics these communities study are very much interconnected. Projects like Rebalance, thus, generate the possibility to bring together researchers that study in isolation what should be studied together, opening opportunities for cross-fertilization and knowledge exchange that would not emerge autonomously, by themselves, despite their relevance.

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## APPENDIX

### Appendix I

#### Review Methodologies by Research Question

##### *RQs1. Business, human rights and democracy*

In addition to the general literature review standards such as relevance, credibility, timeliness, objectivity, diversity, we also paid special attention to the following criteria:

*Human rights framework, a rights-based approach to analyze the sources* - The framework is intended to provide a universal and comprehensive set of standards and principles that all governments and other actors should follow in order to respect, protect, and fulfill human rights. It also provides a basis for holding governments and other actors accountable for violations of human rights, and for providing remedies and redress to victims of such violations.

*Intersectionality* - Intersectionality recognizes that people may experience multiple forms of oppression and discrimination, including those based on race, gender, sexual orientation, socioeconomic status, and other factors. A literature review that uses an intersectional approach considers the ways in which different forms of oppression and discrimination intersect and interact with each other. Incorporating intersectionality as a standard of literature review leads to a deeper understanding of the complexities of human rights issues, and informs more effective policies and practices for promoting and protecting human rights in the business context.

*Participation* - The review includes sources that incorporate the perspectives and voices of the affected communities. Participation refers to the right of individuals and groups to participate in decision-making processes that affect their lives and communities. In the context of capitalism and human rights, a literature review that incorporates participation as a standard would examine the ways in which capitalist systems impact the ability of individuals and groups to participate in decision-making processes that affect them. This aspect is important as it examines the ways in which capitalist systems can be restructured to promote greater participation and democratic decision-making, such as alternative economic models that prioritize community-based decision-making and worker ownership.

*Accountability* - The literature review incorporates accountability mechanisms to prevent human rights violations as a standard in examining the ways in which capitalist systems impact accountability for human rights violations. This helps explore how corporations and other economic actors can avoid accountability through complex legal and financial structures, or how economic globalization has created a regulatory race to the bottom that undermines accountability. It also helps examine the ways in which accountability mechanisms can be strengthened to promote greater accountability for human rights violations and identify areas where further research is needed to explore the potential for stronger accountability mechanisms that prioritize human rights.

Additional considerations taken into account:

*Ideological perspective* - Literature on capitalism, human rights and democracy may be analyzed from different ideological perspectives, which can affect the interpretation of the research findings. It is important to consider the political or philosophical biases of the authors and how they shape their arguments and conclusions.

*Power relations* - Capitalism is a system that is characterized by unequal power relations, which can impact the enjoyment of human rights. Literature on this topic needs to consider how economic inequalities, such as income and wealth disparities, impact on human rights.

*Corporate responsibility to respect human rights* - Literature on capitalism, human rights and democracy needs to consider the role of corporations in promoting or undermining human rights. This may involve examining corporate practices and policies, as well as legal and regulatory frameworks that govern corporate behavior. The type of publication should also be taken into consideration as papers will be positioned differently if they are published in a particular journal or in an edited book serving a different purpose.

Timeframe choice:

The timeframe for this literature review was from 2011 to 2023. This timeframe was chosen to ensure that the review included recent and relevant literature on the research question. The adoption of the UN Guiding principles on Business and Human Rights (UNGPs) in June 2011 impacted significantly on further field developments. Nonetheless, some additional sources published in the previous period were considered if significantly relevant to the concept development. The literature review also covers the years 1985-2000 for works focused on the issues related to the transition to capitalism in post-Soviet societies.

Process of paper selection:

The papers for this literature review were selected through a systematic search of academic databases, including Google Scholar, JSTOR, SSRN, Researchgate, HeinOnline and WUR library. The search terms used included "capitalism and human rights," "capitalism and democracy," "capitalism and the rule of law," "corporations / corporate actors and human rights," and "economic inequality and human rights," "oligarchic society and democracy," "oligarchic society and human rights," "oligarchic society and the rule of law," "corporate capture," "structural inequality". The search was limited to articles and books published mostly in English (some resources were found in Russian and Ukrainian) and focused on empirical studies, theoretical analyses, and policy recommendations. After the initial search, the papers were screened based on their relevance to the research question and their methodological rigor. The final selection of papers was based on their ability to provide insight into the research question.

#### *RQs2. State regulation on Human Rights and Carbon Emissions and MNCs*

In order to identify relevant research to be included in our review we began by defining the relevant period of scholarship on the regulation of MNCs and global supply chains. Based on increasing scholarly recognition of global-scale governance challenges that originate from international business (Braithwaite and Drahos, 2000)<sup>9</sup>, as well as the emergence of private forms of business governance (Bartley, 2018)<sup>10</sup>, we narrowed the scope of relevant research to scholarship published since 2000. Next, in order to distill key ideas in the relevant literature, we conducted a targeted review of influential scholarship on the relationship between regulatory authorities and regulated companies (Bradford, 2019<sup>11</sup>; Edelman, 2016<sup>12</sup>; Farrell and Newman, 2016<sup>13</sup>; Kinderman, 2020<sup>14</sup>; Mallard and

<sup>9</sup> Braithwaite, J. and Drahos, P. (2000). *Global Business Regulation*. Cambridge University Press.

<sup>10</sup> Bartley, T. (2018). *Transnational Corporations and Global Governance*. *American Review of Sociology*, 44, 145-165.

<sup>11</sup> Bradford, A. (2019). *The Brussels Effect: How the European Union Rules the World*. New York: Oxford University Press.

<sup>12</sup> Edelman, L. B. (2016). *Working Law: Courts, Corporations, and Symbolic Civil Rights*. Chicago: University of Chicago Press.

<sup>13</sup> Farrell, H., Newman, A. (2016). The new interdependence approach: theoretical development and empirical demonstration. *Review of International Political Economy*, 23(5), 713-736.

<sup>14</sup> Kinderman, D. (2020). The challenges of upward regulatory harmonization: The case of sustainability reporting in the European Union. *Regulation & Governance*, 14(4), 674-697.

Sun, 2022<sup>15</sup>; Pagliari and Young, 2015<sup>16</sup>; Vogel and Kagan, 2004<sup>17</sup>; Woll, 2008<sup>18</sup>).

Criteria for influential scholarship related to the scope of the research, i.e. an explicit focus on the relationship between regulatory authorities and regulated companies, and the centrality of the research in the field indicated by citations and the presentation of a distinctive argument:

Our first findings section presents an original synthesis of this literature. To further narrow the scope of the literature in accordance with our empirical focus we then carried out a keyword search on Google scholar. For CSDD case study, we used the search terms “sustainability due diligence” as well as “mandatory due diligence Europe”. For the CBAM case study we used the search terms “carbon border adjustment” as well as “carbon leakage Europe”. Abstracts were parsed for relevance to the focus on the regulation of MNCs and global supply chains. This is presented in our second findings section, followed by a section that presents our refined RQs.

### RQs3. *The structure of regulatory processes and their impact*

In this paper we follow the standard practices to conduct a systematic literature review. For our purpose traceability is essential, therefore each decision and step is registered throughout the research process (DeSimone et al., 2021<sup>19</sup>; Short, 2009<sup>20</sup>). The protocol is as follows: 1. determine the research question, 2. select the keywords, 3. develop the query, 4. refine the search, 5. screen the results, 6. coding of the articles, 7. describe the results.

1) The aim of the review is to identify the literature that captures the (micro)dynamics that lead corporations to influence the regulatory process of governmental institutions, e.g., the EU commission and the EU parliament. We wanted to capture how the literature analyzed the different actors (organizational forms, levels of analysis, etc.) and activities (political cooperation, brokerage, mobilization, etc.) that participate in these processes. We were interested in the mechanisms shaping corporate-political connections and focusing on a network perspective and on methods that have been used to detect and/or unbox multiplexity (Kilduff and Tsai, 2003)<sup>21</sup>. The research question that best describes our interest is: “How do corporations affect regulatory/legislative processes?”.

2) The formulation of the research question allowed us to select the main keywords to develop our query. To locate the studies in this second step and pick the best keywords to develop our research, we focused at first on key references to our work, in order to cross-check the value of our keywords. We started from a recent and relevant literature review by Wei et al. (2022)<sup>22</sup> studying corporate-political connections, and from other important articles discussing topics related with corporations affecting regulatory/legislative processes with their behaviors (Cui et al., 2018<sup>23</sup>; Lux et al., 2011<sup>24</sup>).

<sup>15</sup> Mallard, G., Sun, J. (2022). Viral Governance: How Unilateral US Sanctions Changed the Rules of Financial Capitalism. *American Journal of Sociology*, 128(1), 144-188.

<sup>16</sup> Pagliari, S., Young, K. (2015). The interest ecology of financial regulation: interest group plurality in the design of financial regulatory policies. *Socio-Economic Review*, 14(2), 309-337.

<sup>17</sup> Vogel, D., Kagan, R. A. (2004). *Dynamics of regulatory change: How globalization affects national regulatory policies*. University of California Press

<sup>18</sup> Woll, C. (2008). *Firm Interests: How Governments Shape Business Lobbying on Global Trade*. Ithaca: Cornell University Press.

<sup>19</sup> DeSimone, J. A., Brannick, M. T., O'Boyle, E. H., Ryu, J. W. (2021). Recommendations for Reviewing Meta-Analyses in Organizational Research. *Organizational Research Methods*, 24(4), 694–717. <https://doi.org/10.1177/1094428120967089>

<sup>20</sup> Short, J. (2009). The art of writing a review article. In *Journal of Management* (Vol. 35, Issue 6, pp. 1312–1317). <https://doi.org/10.1177/0149206309337489>

<sup>21</sup> Kilduff, M., & Tsai, W. (2003). *Social Networks and Organizations*. SAGE Publications Ltd

<sup>22</sup> Wei, Y., Jia, N., Bonardi, J.-P. (2022). Corporate Political Connections: A Multidisciplinary Review. *Journal of Management*, 014920632211368. <https://doi.org/10.1177/01492063221136839>

<sup>23</sup> Cui, L., Hu, H. W., Li, S., Meyer, K. E. (2018). Corporate political connections in global strategy. *Global Strategy Journal*, 8(3), 379–398. <https://doi.org/10.1002/gsj.1325>

<sup>24</sup> Lux, S., Crook, T. R., Woehr, D. J. (2011). Mixing business with politics: A meta-analysis of the antecedents and outcomes of corporate political activity. *Journal of Management*, 37(1), 223–247. <https://doi.org/10.1177/0149206310392233>

Finally, we picked 2 groups (the second composed by two subgroups) of keywords that best suited the research: the first group concerns the identification of the corporate subject; the second group identifies the political processes firms aim at influencing; thus it is composed by the "political" attribute and the type of activity/process, in order to create relevant combinations of keywords used in our literature of interest (such as "legislative process", "deliberative activity")

3) It is important to note that while the research question may be specific, developing the right query imposes some limitations; hence we prefer to adopt a conservative approach and to keep the search very broad in order to include all relevant studies, so as to risk exclusion of just a minor share of relevant literature. The selected query is the following: TITLE-ABS-KEY Group 1: business OR businesses OR corporate OR corporation OR corporations OR firm OR firms OR company OR companies OR organization OR organizations AND Group 2A: deliberative OR normative OR legislative OR regulative OR regulatory OR political OR policy PRE/ Group 2B: process OR processes OR procedure OR procedures OR activity OR activities OR affair OR affairs. While still adjusting the query, the first several attempts produced an enormous number of results, oftentimes more than 1 million articles. Eventually the search results were refined by assigning every keyword to a specific category, and by using the correct operators to determine a logical order. The query was developed to be used on Scopus, hence the operators presented in this paper are suitable for the aforementioned database. The setting "TITLE-ABS-KEY" searches in the title, abstract and the keywords of each article. The keywords in each group are separated by "OR" and they are considered on the same level. The keywords of Group 1 are straightforward, aiming to capture the common terms in studies that refer to firms and organizations. The keywords of the second category are divided into two groups, Group 2A and Group 2B are separated by "PRE/", an operator used on Scopus to set an order between the search terms. As mentioned above, we wanted to find articles that deal with 'legislative processes', since in the literature it is likely that these two words will appear together and, in this order, we categorized 'legislative' in Group 2A and 'processes' in Group 2B. While the keywords within these two groups are considered to be on the same level, they should not be interpreted as synonyms. Therefore, the purpose of these two categories was to restrict our search results by determining very specific concepts analyzed in this type of research.

4) The search was refined by limiting the results to journals that have a ranking of 4 or 4 stars on the ABS list of 2021, i.e., focusing on articles published in the following fields (ABS categories): business and economic history, entrepreneurship, ethics and CSR, human resource management, innovation, international business, organization studies, public sector, regional studies, social sciences, sectoral journals, social sciences, and strategy. Other filters applied were the publication stage including only final stage papers, the document type including only articles and review papers, and the date including only papers published up until December 2022. The query resulted in 1001 downloadable articles.

5) We proceeded with the screening of the abstract of these papers. A large number of studies were excluded from the final selection since our query only searches for papers that mention organizations and political activity or legislative processes, however it does not determine the direction of the effect. In management research it is a recurring topic to study the effect of rules, and regulations on the firm - we on the other hand were interested in the opposite. This process resulted in 77 articles that were coded in the next step.

6) Through coding and detailed reading of the selection there were other papers that had to be excluded, resulting in a final sample of 54 articles. They were coded using quantitative and qualitative variables as well. After describing the main characteristics of each paper, such as the analytical approach and the methodology used, we were also interested in the theories that they used and contributed to. We wanted to detect the different types of theories to which these articles refer regarding network studies, management theories and sociology. Furthermore, we coded the main constructs that were studied to understand the effect of organizations on the regulatory and policy making processes. We paid particular attention to qualitative variables that explain the enablers of

the connection, the goals of the actors and the results of the relationship. The detailed list of the coded variables is available upon request.

#### *RQs4. Drivers of MNCs human rights abuses*

The review of the literature is based on two strategies. The first part of the "Findings" section is a condensed assessment based on over 15 years of research by the authors and has involved repeated literature reviews, mostly undertaken starting through Scopus or Web of Science by using keywords such as "human rights", "labor rights", "indigenous", "child labor", "wrongdoing", "corporate social irresponsibility", etc. Particular care has been taken for research published in top management journals (FT45 or similar rankings), as well as BHR and business ethics journals (such as: Business and Human Rights Journal; Business & Society, Business Ethics Quarterly, among others). For selected authors, recognized as leaders in this field, we considered books and book chapters too. We note this piece is adapted from Nieri and Giuliani (2018)<sup>25</sup>, hence it has to be considered for internal use only. We note also that we have written three literature review papers on which they have grounded our assessment of the literature (besides Nieri and Giuliani, 2018, see also Giuliani and Macchi, 2014<sup>26</sup> and Wettstein et al., 2019<sup>27</sup>). The second part of the "Findings" section is based on keyword search in Web of Science by limiting the search to "human rights" in the abstracts of papers in Management disciplines and to a short selection of keywords such as "due diligence" or "loi du vigilance", "tax avoidance", etc. in the Business and Human Rights Journal.

#### *RQs5. How human rights backsliding affects voting decision*

The literature review presents a narrative account of existing scholarly research on the implications of exposure to business-related human rights infringements upon electoral behavior. The review takes into account the BHR literature, the political science literature and management theories. The order from BHR to management theories reflects a hierarchy of relevance and the identification of areas of complementarity from one literature to the next. BHR and cognate literatures occupy the highest rank because their primary concern is addressing the implications of business-related harm. The time frame selection for this literature covers the period coinciding with the emergence of the discipline around the early 2000s, with an increase around the mid-2010s, up until today. Political science, and participation studies particularly, provides crucial insights into the dynamics of political participation within today's Western democracies. The time frame selection for this literature covers a narrow period of ten to fifteen years, coinciding with an increased scholarly attention towards a broader notion of political participation, spurred by the rise of such phenomena as abstentionism, anti-system voting, etc. in Western democracies. Management studies are considered less relevant than the previous background literatures, mostly due to their limited concern with the implications of corporate victimization. The time frame selection for this literature covers the period coinciding with an increase in scholarly attention about corporate crimes and corporate political activities around the mid-'90s up until today. Most of the research was done through Scopus, Web of Science and Google Scholar, by using keywords such as "business related harm", "corporate victimization", "electoral behavior & business conduct", "corporate scandals", "normalization of deviance", etc. The BHR literature in particular was researched with special care for leading BHR and business ethics journals

<sup>25</sup> Nieri F., Giuliani, E. (2018) International business and corporate wrongdoing: A review and research agenda. In D. Castellani, R. Narula, N. Quyen, I. Surdu, and W. Ames (Eds.), *Contemporary Issues in International Business: Institutions, Strategy and Performance*. Palgrave Macmillan. [https://doi.org/10.1007/978-3-319-70220-9\\_3](https://doi.org/10.1007/978-3-319-70220-9_3)

<sup>26</sup> Giuliani, E., Macchi, C. (2014). Multinational corporations' economic and human rights impacts on developing countries: A review and research agenda. *Cambridge Journal of Economics*, 38(2), 479–517. <https://doi.org/10.1093/cje/bet060>

<sup>27</sup> Wettstein, F., Giuliani, E., Santangelo, G., Stahl, G. (2019). International business and human rights: A research agenda, *Journal of World Business*, 54 (1): 54-65. <https://doi.org/10.1016/j.jwb.2018.10.004>



(such as: Business and Human Rights Journal; Business & Society, Business Ethics Quarterly among others) and a broader range of legal journals. The refinement of the research question is based on a keyword search in Web of Science by expanding the search of terms to tailored areas identified as missing from the analysis of the background literatures. Among the areas of research are “electoral behavior & corporate crime”, “democratic institutions & corporate crime”, “social movements & market contestation”, etc. Worthy of mention is the addition of the environmental labor studies literature. The interest of this approach emerged during the discussion of the broader methodology to address the research question. Having opted for a case study approach, one potential candidate for analysis is the ILVA steel plant in Taranto, Southern Italy (Macchi and Giuliani 2018)<sup>28</sup>. As the source of large-scale and longstanding environmental and human rights adverse impacts, the ILVA is a fitting example to measure shifts in the political behavior of workers and the larger local community. The existent literature on this case has progressively focused on the role of unions and local collectives as critical subjects vis-à-vis both the firm management and governmental authorities at the local, regional, and national levels. Hence, the review includes a specific search based on terms such as “ILVA”, “worker environmentalism & ILVA”, “worker environmentalism & health risks”, etc. It also encompasses a broader research based on word search such as “labor environmentalism”, “union environmentalism”, “science-technology nexus”, “workplace environmental struggles”, “unions & environmental justice”. The timeframe for this literature spans the emergence of this sub-discipline since the late 2010s.

#### *RQ6. Companies and Populism*

We have adopted the mainstream strategy, opting for a selective or narrative style approach to the literature review to help address the research question. This approach was deemed most appropriate owing to the interdisciplinary nature of the research (as we also drew on the political science literature to help elaborate on the populism phenomenon), which required more of a narrative style to merge the two bodies of literature together coherently.

Timeframe choice:

The timeframe used is approximately 23 years, because the oldest publication selected was published in 2000.

Paper selection process:

The paper selection process was challenging due to the interdisciplinary nature of the research. It therefore required searching for papers within two key bodies of literature, namely: business and management, for papers related to CSR, and the political science literature for papers related to both populism and political regimes. In terms of our key paper selection criteria, we drew inspiration from the ABS journal ranking guide to source high quality peer reviewed papers. We used databases, such as Scopus and Web of Science, to search for relevant articles. Initially, we used keywords to source relevant papers, such as “CSR” “Political CSR”, and “democracy” and “populism”, but later broadened the search terms to keywords such as “populism & business” to help find relevant papers.

#### *RQs7. Social Enterprises and democracy*

At first, we defined the research question guiding our review: *How does the literature on social enterprises and alternative organizations address democracy?* We decided to focus on peer-reviewed articles, since most high-quality research in management and organization studies is being published

<sup>28</sup> Macchi, C., Giuliani, E. (2018). Business and human rights in Europe: Insights from the ILVA case. In *The Routledge Companion to European Business* (pp. 341–352). Routledge.

in peer-reviewed journals. Since the discourse on democracy within social enterprises or alternative organizations is a rather narrow field, we did not choose to set a timeframe to have as complete a picture as possible. To locate the studies, in a second step, we applied a keyword search in the library database Business Source Premier, since it is the broadest one, including also neighboring disciplines relevant for management and organization scholars. We filtered for academic articles in peer-reviewed journals in the English language and used the following two search strings: 1. (Democracy OR democratic OR representative OR representation OR deliberation OR deliberative) AND ("social enterprise" OR "social purpose organi?ation" OR "hybrid organi?ation" OR "social venture" OR "alternative organi?ation" OR "alternative organi?ing" OR "alternative form\* of organi\*") and 2. (participation OR participatory) AND ("social enterprise" OR "social purpose organi?ation" OR "hybrid organi?ation" OR "social venture" OR "alternative organi?ation" OR "alternative organi?ing" OR "alternative form\* of organi\*"). We chose to add the second search string in order to include studies that refer to democratic modes of participation, yet without using the term democracy. The first search string provided 67 initial hits, while the second one provided 56. In a third step, we selected and evaluated the studies. This happened in two stages. In stage one, we read the abstracts and keywords in order to get an understanding of whether a text would actually focus on a social enterprise or an alternative organization and whether it would relate (at least remotely) to democracy. At the end of stage one, 39 texts from the first search string and six texts from the second one remained, adding up to 45 articles that advanced to stage two. In stage two, we scanned the full texts with the aim to keep only these texts that relate at least to some extent to both social enterprises/alternative organizations and democracy (in the widest possible sense). In this stage we were rather conservative, meaning that we kept texts in the sample that only remotely touch on democracy or democratic principles. At the end of this stage 30 articles remained that were the basis for our analysis. Fourth, we analyzed the literature and synthesized the commonalities and differences in the articles. Through an in-depth examination of the articles in our sample, we analyzed the literature regarding five dimensions: type of article, level of analysis, conceptualization/centrality of social enterprises or alternative organizations, conceptualization/centrality of democracy, main findings regarding democracy and social enterprises/alternative organizations. Building on that, we synthesized the articles into groups regarding their commonalities and differences, e.g., regarding combinations of level of analysis and type of organization analyzed.

*RQs8. Cross-sector partnerships and the empowerment of beneficiaries*

Focusing on how cross-sector collaboration between profit and nonprofit can empower beneficiaries through a unique business model, we first performed a search on Scopus, designing a query able to capture most of the relevant literature. The query was divided into 4 groups of keywords, meaning that each paper needed to contain at least one keyword from each group. The first group contained keywords that capture non-profit organisations, while the second one is dedicated to for-profit organizations. We included in the first group also cross-sector-partnership-related words, as this allows us to isolate papers both on for profit/nonprofit organizations as well as on cross-sector partnership participated by firms. The third group is dedicated to the literature on beneficiaries' social position, while the fourth to the emerging models of cross-sector collaboration. The first group contains: "cross-sector partnership", "cross-sector social partnership", "cross sector partnership", "cross sector social partnership", "cross-sector collaboration", "cross sector collaboration", "cross-sector social collaboration", "cross sector social collaboration", "stakeholder partnership", "community engagement", "nonprofit", "non-profit", "NGO", "npo", "charity" and "civil society". The second group contains: "firm", "business", "company", "enterprise", "corporation" OR "mnc" OR "multinational corporation", "mne" and "multinational enterprise". The third group contains: "empowerment", "beneficiar\*" "social impact", "systemic change", "grand challenges", "wicked problem", "deep-seated problem", "social innovation" and "social issues" The fourth group contains: "responsible Innovation", "Inclusive Innovation", "sdg", "Sustainable Development", "sustainability", "corporate social. The literature review includes only journals that are rated 3,4 and 4\* on the ABS list of Journals, limiting the subject areas to Business, Management and Accounting, Economics,

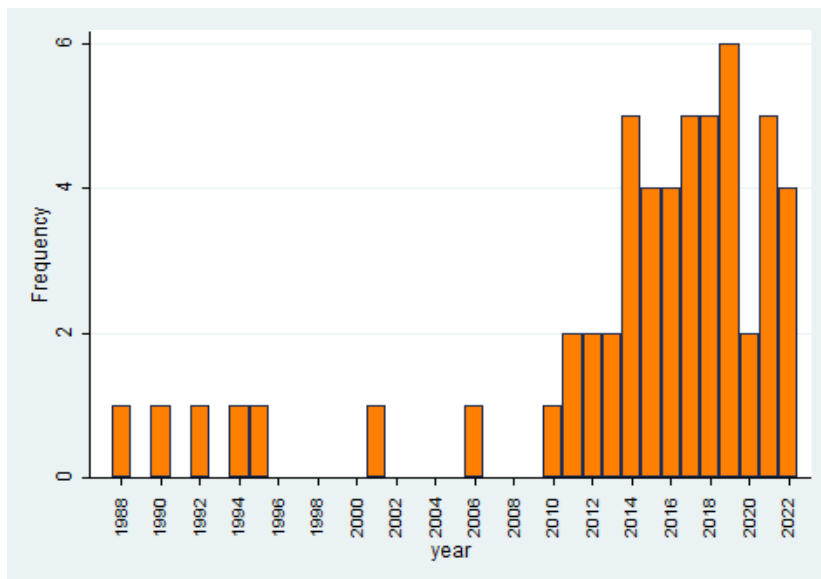
Econometrics and Finance, Social Sciences and Arts and Humanities. The steps above gave us a very focused set of papers, whose perimeter was very precise and selective. We thus decided to augment the set of papers based on our reading of the literature to identify relevant papers that Scopus did not select and integrate them into the literature review.

## Appendix II

### Structural literature review

This Appendix presents the systematic literature review (DeSimone et al., 2021; Short, 2009) that underpins the review presented in Section 2.1.3 “The structure of regulatory processes and its impact”. In what follows we provide a quantitative summary of the areas of research aimed at identifying the ways in which corporations influence the legislative process of governmental institutions. Our focus is on how the literature analyzes the different actors (organizational forms, levels of analysis, etc.) and activities (political cooperation, brokerage, mobilization, etc.) that participate in the regulatory processes. The research question that best describes the focus of this section is: “How do corporations affect regulatory/legislative processes?”.

We identified 54 (see Appendix I section 3 for details on the selection process) papers published between 1988 and 2022 that provide an answer to the research question. Most of them was issued between 2010 and 2022 (Graph 1), showing a growing academic interest in the topic in years in which the phenomenon of corporate influence on legislative processes is reportedly being problematic in terms of political capture (Murray and Nyberg, 2021).



Graph 1: Distribution of papers by year of publication

Most of these publications are retrieved from journals engaging in the disciplines of organizational behavior and strategy such as *Organization Studies* and the *Strategic Management Journal* (Table 2). A clear sign that the interest of management studies in the topic mainly focuses on firms’ behavior and its output in terms of firms’ strategic advantage.

The journal of *Social Science and Medicine*, then, proposes the highest number of publications among sectorial journals<sup>29</sup>. Healthcare is indeed an industry sector where political interest representation has been historically brought forward by both Big Pharma, social movements and citizens groups and has thus been studied accordingly.

Out of the total, 6 papers take into consideration the gender dimension and/or the question of minority or ethnicity (Akchurin and Lee, 2013; Best, 2012; Bindman et al., 2019; Brodtkin, 2011; Browne et al., 2017).

*Table 2: Complete list of journals and articles included in the final selection*

Journal	Nr	References
Academy of Management Annals	1	(Marquis and Raynard, 2015)
Academy of Management Perspectives	1	(Li et al., 2022)
Administrative Science Quarterly	2	(Gao and McDonald, 2022; McDonnell and Werner, 2016)
American Sociological Review	2	(Akchurin and Lee, 2013; Best, 2012)
British Journal of Management	1	(Anastasiadis and Spence, 2020)
Business History	4	(Decker, 2011; Rollings, 2014; Svendsen, 2014; Wuokko, 2021)
Business History Review	1	(Hansen, 2001)
Global Strategy Journal	4	(Benito et al., 2022; Brown et al., 2018; Bucheli and Salvaj, 2018; Cui et al., 2018)
Governance	3	(Angst and Brandenberger, 2022; Bindman et al., 2019; Teets, 2018)
Journal of International Business Studies	2	(Calluzzo et al., 2017; Koning et al., 2018)
Journal of Management	3	(Keim and Baysinger, 1988; Lenway et al., 1990; Shaffer, 1995)
Journal of Public Administration Research and Theory	2	(Binderkrantz et al., 2014; Brodtkin, 2011)
Organization Science	2	(Ahuja and Yayavaram, 2011; Choi et al., 2015)
Organization Studies	6	(Dieleman and Boddewyn, 2012; Eberlein, 2019; Hamann, 2019; Kislov et al., 2017; Murray and Nyberg, 2021; Shu and Lewin, 2017)
Public Administration	4	(Bunea and Ibenskas, 2017; Dunleavy, 1992; Hodson, 2021; Jordan et al., 1994)

<sup>29</sup> The complete list of sectors is available in the Appendix II.

Public Administration Review	3	(Baldwin, 2019; Boswell et al., 2015; . Kim and Darnall, 2016)
Social Science and Medicine	6	(Apollonio et al., 2014; Baggott and Jones, 2014; Browne et al., 2017; Campbell et al., 2020; Dahan et al., 2006; Hawkins et al., 2021)
Strategic Management Journal	6	(Guo et al., 2017; Jia, 2014; Jiang et al., 2021; Kim, 2019; Macher and Mayo, 2015; Ridge et al., 2019)

As far as the geographical focus is concerned, 12 papers are cross-country in scope, while the majority of others have the US, the UK or China as their setting. A viable interpretation of the reason why this geographical concentration happened is that the US and UK are the areas in the world where corporate political activity was first legitimized. As a consequence, its existence as an organizational phenomenon was openly known and studied for years. As far as China is concerned, then, the interest of companies in internationalizing in the Country let them face a different institutional environment than Western capitalism. So that the political strategies they had to put in place prompted the curiosity of the academic community.

Most papers in the sample are empirical (about 80%), with qualitative analyses being the most popular (63%), represented by case studies research (42%) or ethnographies (21%). The 20% of the papers adopt a quantitative research design. Quantitative works normally apply longitudinal data analysis to measure the impact of either new practices of policymaking to involve corporations in legislative processes, or the outcome of this public/private cooperation (Apollonio et al., 2014; Best, 2012). Just a few papers are purely theoretical - 5 conceptual contributions (Ahuja and Yayavaram, 2011; Brodtkin, 2011; Keim and Baysinger, 1988; Kim and Darnall, 2016; Teets, 2018) and 6 literature reviews (Benito et al., 2022; Cui et al., 2018; Keim and Baysinger, 1988; Marquis and Raynard, 2015; Shaffer, 1995; Teets, 2018). This is a sign of the presence of a structural difficulty to conceptualize a topic on which the academic literature in the management field is still a niche and knowledge is not extensive; and second, of the need to systematize the interdisciplinary research on stakeholders' ability to influence public policy making from e.g. management, economics, and political science before theorizing.