
Global Governance und Politiknetzwerke: Legitimationsprobleme in Politik und Wirtschaft

Vorlesung "Globalisierung und Multinationale Unternehmen"
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Überblick

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 - 1.2. Vor- und Nachteile
2. Zivilgesellschaftliche Selbstregulierung
3. Legitimacy of Private Governance
 - 3.1. Input-/Output-/Throughput Legitimacy (K. D. Wolf)
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Politiknetzwerke

Definition:

- Politiknetzwerke sind nicht-hierarchische, nicht-staatliche, situativ angepasste Ordnungen zur Lösung komplexer politischer, ökonomischer, sozialer, ökologischer und technischer Probleme. Sie dienen als Mechanismus zur Ressourcen-Mobilisierung in Situationen, in denen die Fähigkeit zur Entscheidungsfindung, Planerstellung und Implementierung auf eine Vielzahl privater und öffentlicher Akteure verteilt ist (vgl. Schneider/Kenis 1991, S. 41)

D.h. im Rahmen der Globalisierung:

- Beteiligung globaler und lokaler Akteure
- Nebeneinander/Verknüpfung Regionen übergreifender politischer, ökonomischer, sozialer und ökologischer Themenfelder
- Global vernetzte Einflussnahme durch Protest, Boykott, Diskurs, Zusammenarbeit, Beteiligung etc.
- Es sind keine linearen, verfassungsmässig vorgesehenen Verfahren der Entscheidungsfindung auf internationaler Ebene notwendig

Politiknetzwerke

Vorteile:

- Problemlösung dort, wo keine institutionalisierten Verfahren bestehen oder diese unvollkommen sind (vgl. Steuerungsgrenzen des Rechts)
- Beteiligung der Betroffenen und Anspruchsgruppen
- Entscheidungsfindung lokal, problembezogen, ad hoc

Nachteile:

- Fehlende demokratische Legitimierung
- Fehlende Transparenz der Entscheidungsfindung
- Selektivität der Problemauswahl und der beteiligten Akteure
- Unklare Zuordnung der Verantwortlichkeit (vgl. Schneider 2000, S. 337)

Offene Fragen

- Lässt sich durch Supranationale Institutionen, Nichtregierungsorganisationen und Politiknetzwerke der politische und der wirtschaftliche (gesellschaftliche) Raum in einer globalisierten Welt wieder zur Deckung bringen?
- In welchen Bereichen ist eine negative, wo eine positive Regulierung notwendig?
- Wie lassen sich demokratisch legitimierte, transparente, offene Problembehandlungs- und Entscheidungsverfahren gewährleisten?
- Wer übernimmt angesichts der Vermischung unterschiedlichster (öffentlicher und privater) Akteure die Verantwortung für die Problemauswahl, die Regelsetzung und –durchsetzung?
- Legitimationsproblem!

Zivilgesellschaftliche Selbstregulierung

- Entstaatlichungsoption als mögliche Antwort auf die Legitimitätsprobleme des internationalen Regierens?
- These: die Effektivität politischer Steuerung wird durch das Zusammenlegen von öffentlichen und privaten Problemlösungsressourcen erhöht; gleichzeitig verbessern sich die gesellschaftlichen Partizipationsmöglichkeiten
- Gegenthese: „private-public partnerships“ erfüllen die normativen Anforderungen an die Effektivität politischer Steuerung nur unzureichend; Rückgriff auf Staatlichkeit bleibt unverzichtbar
- Untersuchungsgegenstand: Zusammenhang zwischen Entstaatlichung und Legitimität des Regierens

Quelle: Wolf, 2005, S. 200 ff.

Zivilgesellschaftliche Selbstregulierung

- Bestimmung des Entstaatlichungsgrades: Umfang und Gewicht zivilgesellschaftlicher Funktionsübernahme
 - » Kriterien Umfang: Problemidentifikation, Besteuerung problemlösungsrelevanter Ressourcen, Normsetzung, Regeldurchsetzung, Vermeidung von negativen Externalitäten, Beschaffung von Akzeptanz und Legitimität
 - » Kriterien Gewicht: konstituierende Funktion, Entscheidungsfunktion, Beratungsfunktion, Funktionswahrnehmung, Grad der Kompetenzübertragung durch Staaten

Quelle: Wolf, 2005, S. 204 ff.

Zivilgesellschaftliche Selbstregulierung

- Normative Anforderungen an die Legitimität entstaatlichten Regierens; Kriterienkatalog:
 - » Output-Legitimität (Steuerungsanforderungen): Verbindliche Regelsetzung, Überwachung der Regeleinhaltung, Vermeidung von negativen Externalitäten, Gemeinwohlorientierung der politischen Steuerung
 - » Input-Legitimität (Autorisierung und Autorität): formale, explizite und gesetzlich verankerte Autorisierung, inhaltliche Autorität: Berufung auf Normen und Rechte, auf anerkanntes Gemeinwohl, auf Sachkompetenz
 - » Prozedurale Legitimität: Transparenz, deliberative Qualität, Verantwortlichkeit und Zurechenbarkeit
- Möglichkeit der empirischen Überprüfung: Verhaltenskodizes über sozialverträgliche Produktionsmethoden

Quelle: Wolf, 2005, S. 208 ff.

Output-legitimacy: Does it work?

- Kriterium Wirksamkeit: Inwieweit sind private Akteure in der Lage, staatsgleiche Funktionen zu übernehmen? Dazu gehören insbesondere (Wolf 2005: 209):
 - » „make binding decisions, enforce rules, and monitor compliance;
 - » guarantee the general welfare orientation of governance;
 - » avoid negative externalities;
 - » establish and protect the constitutional framework in which (private) governance activities take place (,meta governance‘).“
- Beachte:
 - » on the global level: no world governance with legitimate monopoly to use force; alternative mechanisms of enforcement: persuade with normative or utilitarian arguments, exert moral pressure, mobilize public opinion, mobilize market forces against firms and governments. (Wolf 2005: 209)

Input-legitimacy (being entitled vs. being an authority) (Wolf 2005: 213)

- Formal entitlement („being in authority“)
 - » regulatory competence acquired through formal delegation by de iure authorized body
 - » procedure of authorization
 - explicit authorization by law (permanent, limited)
 - implicit authorization (state does not object)
 - ex post recognition by authorizing body/by those governed
 - self authorization
- Substantial authority (being acknowledged as „an authority“ on the basis of expertise of moral credibility)
 - » claim based on a priori rights and norms/
 - » claim based on generally accepted notions of the common good/self defined notions of the common good
 - » claim based on accepted professional expertise (knowledge is relevant for problem solving)

Throughput-legitimacy: Procedural requirements

- Transparency-activities in public vs. behind closed doors
- Deliberative quality: arguing/bargaining/exerting pressure
- Responsiveness and reliability: private actors can be placed under obligation to act/can act voluntarily
- Responsibility and accountability: actors may/may not be identified and held responsible
- Congruence demand is met/not met

(Wolf 2005: 214)

An alternative approach to legitimacy: The societal acceptance of corporate behavior

Legitimacy

- can be understood as the conformation with social norms, values and expectations.
- is subjectively perceived and is ascribed to actions or institutions by processes of social construction
- is vital for organizations as it is the precondition for the continuous flow of resources and the sustained support of the organization's constituents.

(Suchman 1995)

Legitimacy: Three sources of legitimacy (Suchman 1995)

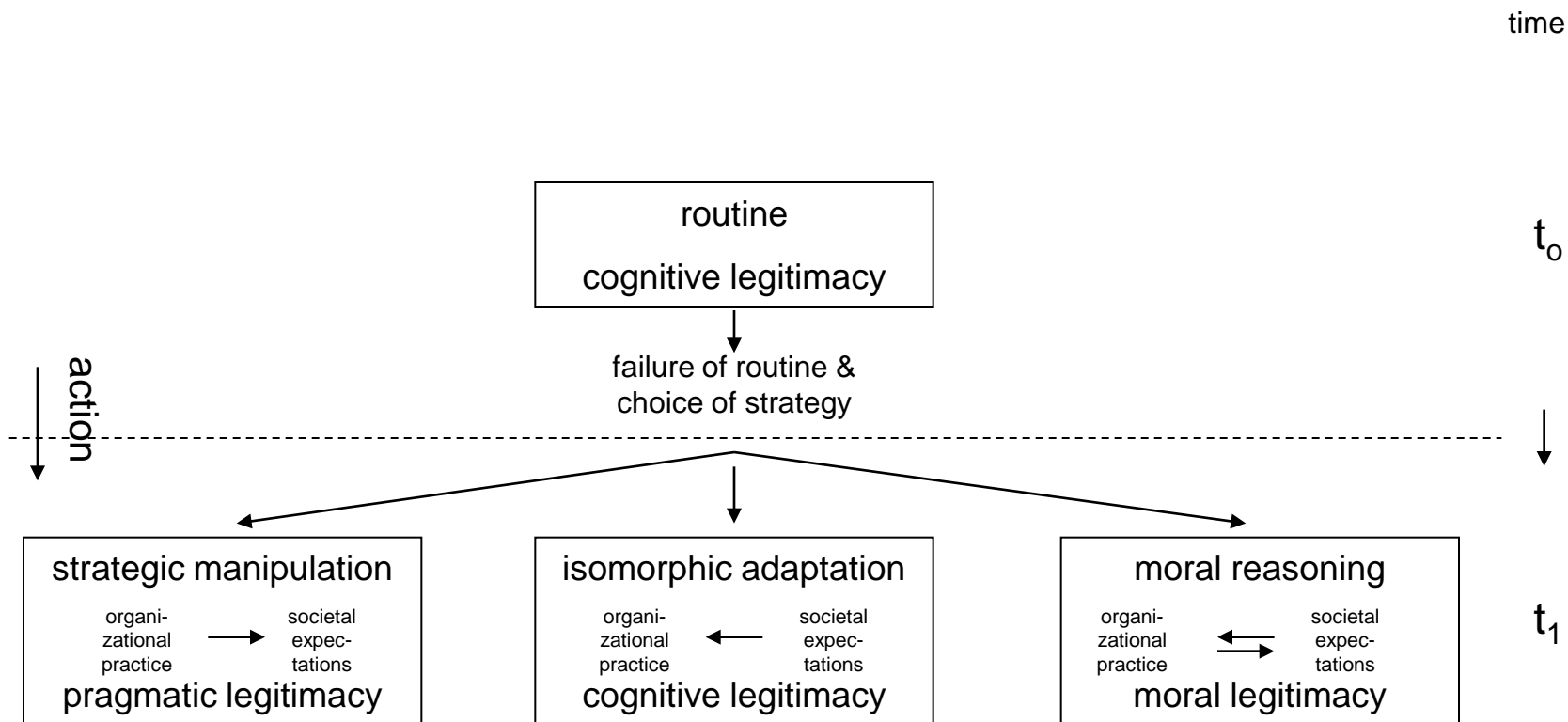
- pragmatic legitimacy
 - » calculation of benefits as the result of the institutions's/organization's existence or behavior
- cognitive legitimacy
 - » subconscious acceptance of the institution/organization as the natural way of how things are
- moral legitimacy
 - » result of an explicit moral discourse about the acceptability of the institution/organization and its behavior

Legitimacy as a key concept in the debate on CSR (Palazzo and Scherer 2006)

- a main motivation of an organization's engagement in CSR is the attempt to address perceived legitimacy gaps
- efforts to convince the relevant publics of the corporation's right to exist and the acceptability of its course of action are intensified when attention for corporate misconduct is growing and legitimacy gaps are widening
- corporate legitimacy efforts are a reaction to the erosion of routine

Three legitimization strategies (Suchman 1995, Palazzo and Scherer 2006)

- in case of failure of routine corporations have three legitimization strategies at their disposal
 - » strategic manipulation
 - » isomorphic adaptation
 - » moral reasoning



Strategies of Organizational Legitimacy (Scherer, Palazzo and Seidl 2011)

How do corporations reproduce legitimacy?

1. pragmatic approach

- corporations try to convince key stakeholders of the usefulness of their output, procedures, structures, and leadership behavior
- method:
 - » (1) corporations deliver direct or indirect benefits to constituents or
 - » (2) they strategically manipulate perceptions (e.g., symbolic management, instrumental PR)
- the underlying assumption: **the corporation controls its environment**
- corporations attempt to *appear* consistent with normative demands from their societal context "while leaving the essential machinery of the organization intact" (Ashforth and Gibbs 1990: 181)
- proposition: Corporations will choose **manipulation strategies** if organizational change is costly and the environment can be manipulated quite easily

Suchman 1995, Palazzo & Scherer 2006, Scherer, Palazzo and Seidl 2011

How do corporations reproduce legitimacy?

2. cognitive approach

- corporations adopt to societal expectations. These expectations are manifest in the established social rules in a given historical-cultural-local context
- method: when external demands change, corporations change their structures, processes, behavior
- the underlying assumption: **the environment controls the firm** (Suchman, 1995). Corporations cannot manipulate the norms and expectations of their societal context
- proposition: Corporations choose **isomorphic adaptation strategy** if societal expectations are coherent, organizational changes to meet societal expectations can be made at low cost, and manipulation strategies are assumed to fail

Suchman 1995, Palazzo and Scherer 2006, Scherer, Palazzo and Seidl 2011

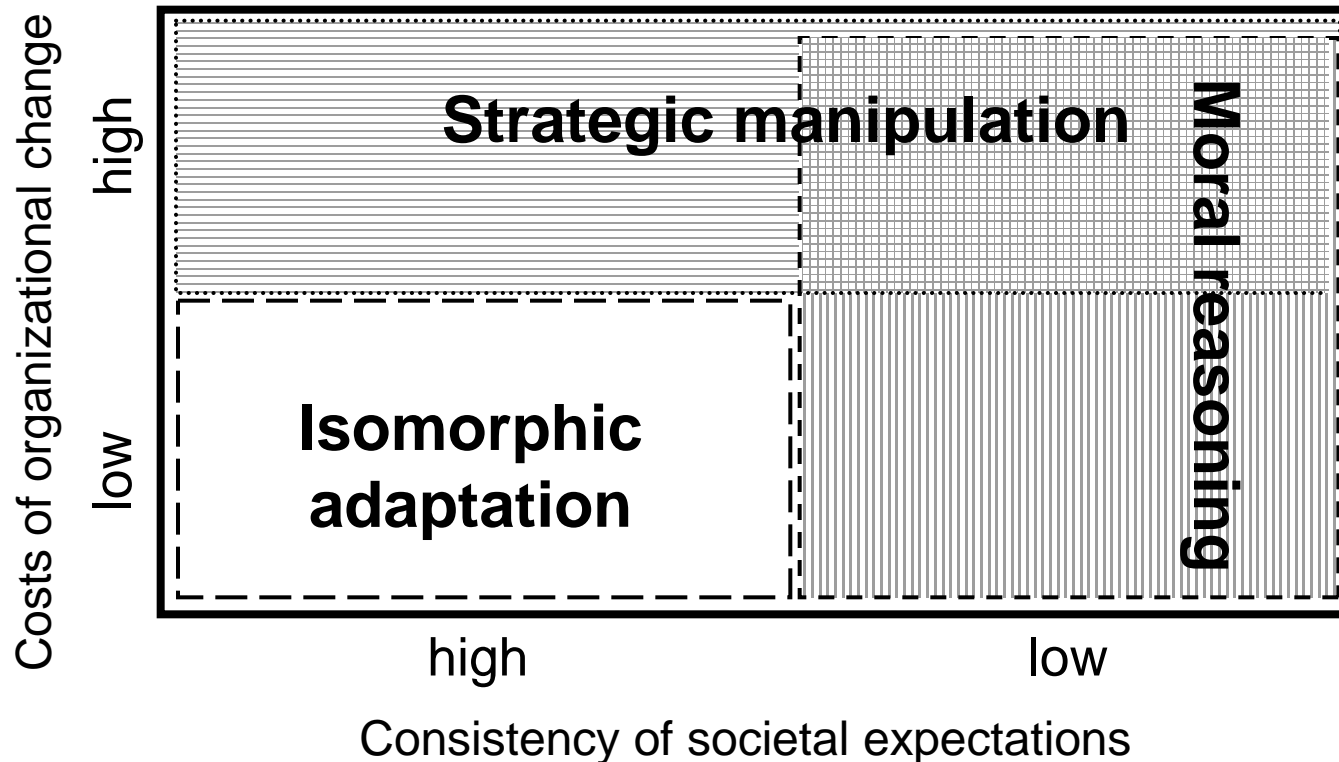
How do corporations reproduce legitimacy?

3. moral approach

- corporations engage in a process of communicative exchange where the legitimacy demands are examined
- methods:
 - » corporate dialogue with stakeholder groups,
 - » engagement in public politics,
 - » the acceptability of social demands and corporate behavior is examined by means of discourse
- in a heterogeneous normative context, complying with the normative standards of society has less to do with the habitualization of existing social norms or the engineering of a corporate image but more with participating in the public discourse
- corporations will engage in **moral argumentation strategies** if societal expectations are heterogeneous and no clear standards are available

Suchman 1995, Palazzo and Scherer 2006, Scherer, Palazzo and Seidl 2011

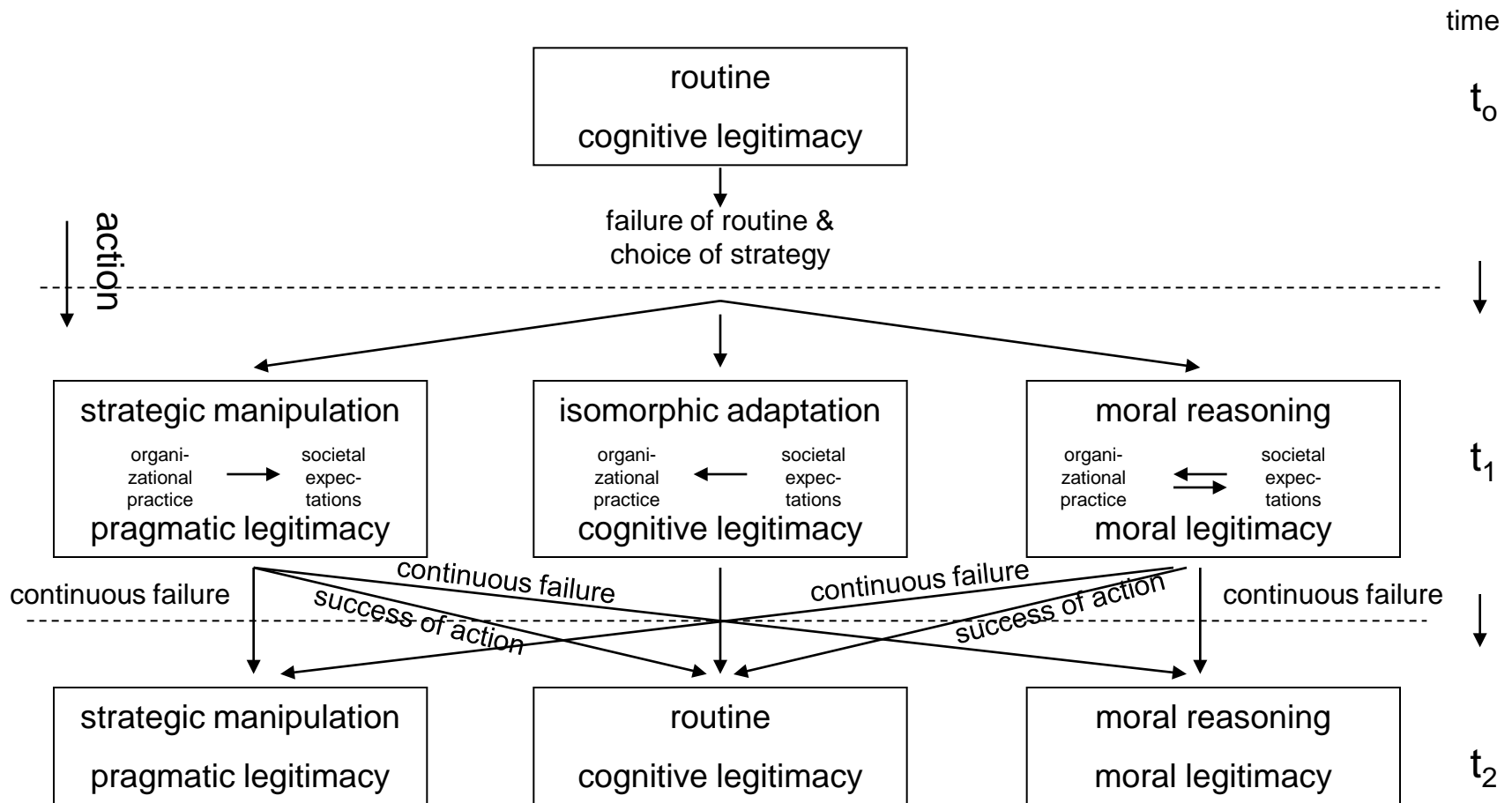
Legitimization strategies



Factors that Influence the Choice of Strategies of Organizational Legitimacy (Scherer, Palazzo and Seidl 2011, Seite 18)

Open questions

- How can corporations handle the contradictions between these legitimization strategies?
- How can they manipulate, adapt, and engage in moral discourse at the same time?
- What organizational provisions can be established to easily switch between different legitimization strategies?

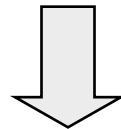


Strategies of Organizational Legitimacy (Scherer, Palazzo and Seidl 2011, Seite 9)

Thesis

Current transition from stable industrial society to a globalized postindustrial society:

- Cognitive legitimacy is eroding
- Pragmatic legitimacy provokes growing resistance
- Moral legitimacy has become the core source of societal acceptance (Palazzo and Scherer 2006)



A turn towards moral legitimacy implicates a turn from the economic, utility-driven, and output-oriented view on CSR to a political, communication-driven, and input-oriented concept of organizational responsibility.

The new Post-national Constellation (Habermas) and growing complexity of legitimacy demands

- globalization is the process of growing transnational interdependence of economic and social activities
- regulation capacity of nation state agencies is in decline
 - » global public goods problems
 - » loss of congruency between political sphere and economic sphere
 - » „failed states“, absence of rule of law, corrupt governments, weak law and enforcement
 - » as a result business firms operate in heterogeneous legal environments with unclear legal standards

Habermas 2001, Beck 2000, Scherer and Palazzo Oxford Handbook of CSR 2008, Scherer & Palazzo 2010

The new Post-national Constellation (Habermas) and growing complexity of legitimacy demands

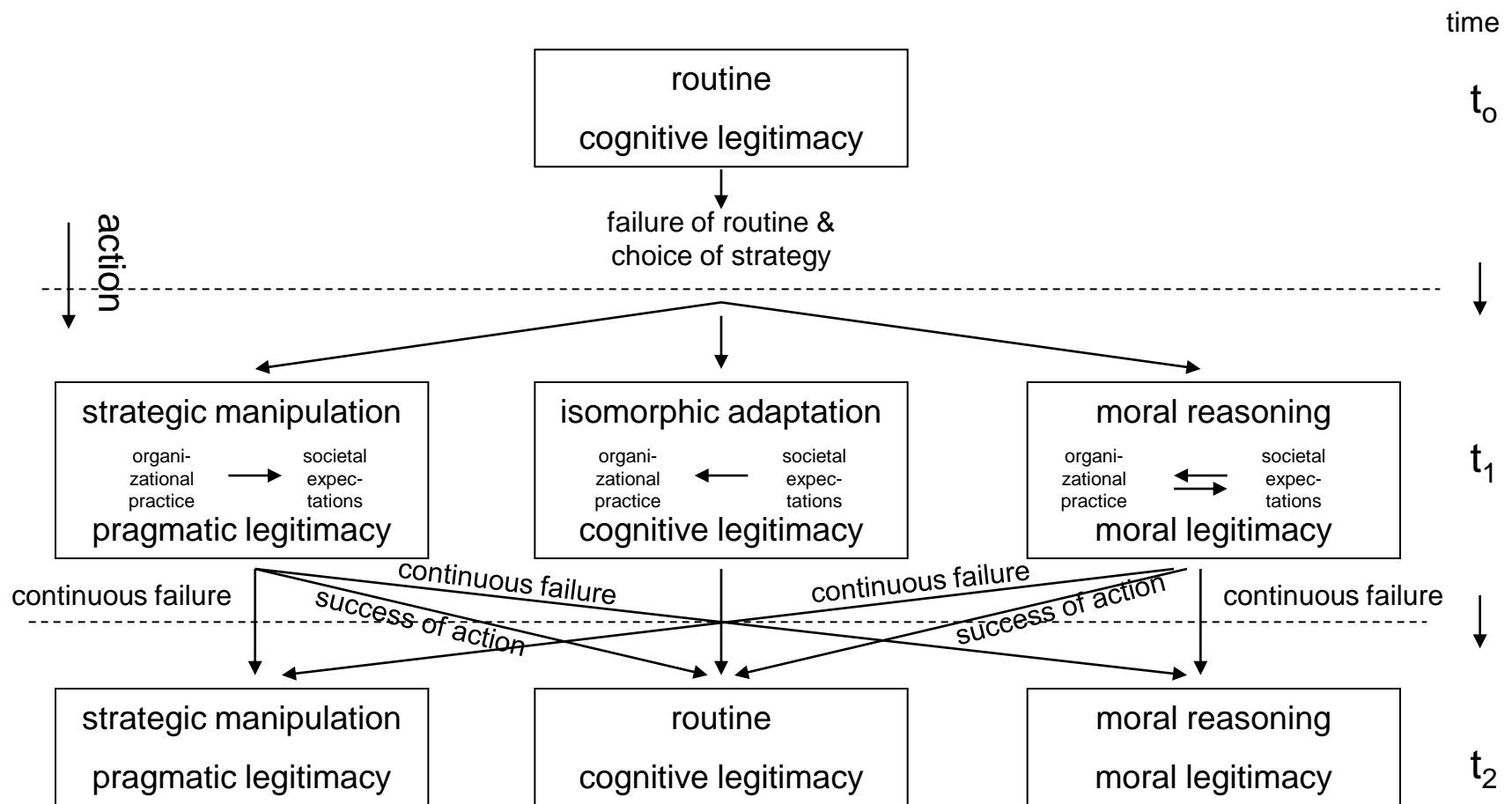
- cultural homogeneity within social communities is eroding due to processes of migration and individualization
 - » increasing heterogeneity/pluralism of norms, values and life-styles (Beck-Gernsheim and Beck 2002)
 - » as a result business firms operate in heterogeneous cultural environments
- business firms are facing a growing complexity of legitimacy demands and societal expectations in their corporate environments

Palazzo and Scherer 2006, Scherer and Palazzo 2008, Scherer and Palazzo 2010

Consequences of the Post-national Constellation

- in the post-national constellation manipulation strategies and adaptation strategies are likely to face their limits
- societal expectations are becoming more heterogeneous and complex
- moral argumentation strategy becomes more important
- however: moral argumentation strategies cannot completely substitute routine, manipulation, and adaptation
- business firms have to establish the organizational capacity to activate each of the three strategies as conditions require
- they follow different legitimization strategies at the same time or switch between one strategy to another
 - » examples: Nike (manipulation, adaptation, and moral argumentation), McDonalds (adaptation and manipulation)

Suchman 1995, Palazzo and Scherer 2006, Scherer, Palazzo and Seidl 2011



Strategies of Organizational Legitimacy (Scherer, Palazzo and Seidl 2011, Seite 9)

Literatur

- Ashforth, B. E./Gibbs, B. W. (1990). The Double-Edge of Organizational Legitimation, in: *Organization Science*, Volume 1, S. 177-194.
- Beck, U. (2000). *What is Globalization?* Cambridge, UK: Polity Press.
- Beck-Gernsheim, E./Beck, U. (2002). *Individualization. Institutionalized Individualism and its Social and Political Consequences*. London: Sage.
- Habermas, J. (2001). *The Postnational Constellation*. Cambridge, Mass.: MIT Press.
- Palazzo, G./Scherer, A.G. (2006): Corporate Legitimacy as Deliberation: A Communicative Framework, in: *Journal of Business Ethics*, Volume 66, S. 71–88.
- Scherer, A. G./Palazzo, G. (2008). Globalization and Corporate Social Responsibility. In A. Crane, A. McWilliams, D. Matten, J. Moon and D. Siegel (Hrsg.), *The Oxford Handbook of Corporate Social Responsibility*. Oxford: Oxford University Press, S. 413 –31.
- Palazzo G./Scherer A. (2010). The United Nations Global Compact as a Learning Approach. In Kell G. & Rasche A. (Hrsg.), *The United Nations Global Compact: Achievements, Trends and Challenges*. Cambridge: Cambridge University Press, S. 234-247.
- Scherer, A. G./Palazzo, G./Seidl, D. (2011): Legitimacy Strategies in a Globalized World. Organizing for Complex and Heterogeneous Environments. University of Zurich, Chair of Foundations of Business Administration and Theories of the Firm, in: Working Paper No. 202, Dezember 2011.
- Schneider, V. (2000): Möglichkeiten und Grenzen der Demokratisierung von Netzwerken in der Politik, in: Sydow, JJ./Windeler, A. (Hrsg.): *Steuerung von Netzwerken. Konzepte und Praktiken*, Opladen/Wiesbaden: Westdeutscher Verlag, S. 327–346.
- Schneider, V./Kenis, P. (1991): Policy Networks and Policy Analysis: Scrutinizing a New Analytical Toolbox, in: Marin, B./Mayntz, R. (Hrsg.): *Policy Networks. Empirical Evidence and Theoretical Considerations*. Schriften des Max-Planck-Instituts für Gesellschaftsforschung Köln, Bd. 9, Frankfurt: Campus, S. 25-59.
- Suchman, M. C. (1995): Managing Legitimacy: Strategic and Institutional Approaches, in: *Academy of Management Review*, Volume 20, S. 571–610.
- Wolf, K. D. (2005): Private Actors and the Legitimacy of Governance Beyond the State. Conceptual Outlines and Empirical Explorations, in: Benz, A./Papadopoulos, I. (Hrsg.): *Governance and Democratic Legitimacy: Transnational, European, and Multi-Level-Issues*, London: Routledge, S. 200–227.