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Governance and Business-Society Relations in Areas of Limited Statehood: An Introduction

Sameer Azizi[1], Tanja Börzel[2], and Hans Krause Hansen[3]

1 Roskilde University, Denmark

2 Otto-Suhr-Institute for Political Science, Freie Universität Berlin, Germany

3 Copenhagen Business School, Denmark

Corresponding Author: Hans Krause Hansen, Professor and Vice Head of Department, Copenhagen Business School, Room DH.V.2.40, Solbjerg Plads 3, DK-2000, Frederiksberg, Denmark.

E-mail: hkh.msc@cbs.dk

Abstract

In this introductory article we explore the relationship between statehood and governance, examining in more detail how non-state actors like MNCs, international NGOs, and indigenous authorities, often under conditions of extreme economic scarcity, ethnic diversity, social inequality and violence, take part in the making of rules and the provision of collective goods. Conceptually, we focus on the literature on Areas of Limited Statehood and discuss its usefulness in exploring how business-society relations are governed in the global South, and beyond. Building on insights from this literature, among others, the four articles included in this special issue provide rich illustrations and critical reflections on the multiple, complex and often ambiguous roles of state and non-state actors operating in contemporary Syria, Nigeria, India and Palestine, with implications for conventional understandings of CSR, stakeholders, and related conceptualizations.

Keywords

Limited statehood, governance, businesses, NGOs, CSR

This special issue contributes to research on business-society relations in regions of the world where state capacity to govern effectively is severely constrained for complex economic, political and historical reasons. Scholars typically use terms like “developing countries,” “transition economies” or “global South” to refer to such regions with respect to their institutions, power relations and authority structures, and relative position in the global political economy (Lange, 2015). Our ambition is to offer fresh perspectives on the governance and business-society relations in what can be more precisely conceptualized as “areas of limited statehood” (ALS). While ALS are more prevalent and prominent in the global South, the ALS literature also deals with global governance issues that emerge in industrialized contexts and emerging economies (Börzel, Risse, & Draude, 2018). At the core of this conceptualization, to be unfolded below, is an interest in investigating the multiple ways in which non-state actors including businesses take part in the making of rules and their implementation, and in the provision of collective goods, often under conditions of extreme economic scarcity, ethnic diversity, social inequality, and historically entrenched political and violent conflicts.

Despite a tremendous increase of studies on corporate social responsibility (CSR), business ethics and sustainability in the global South (Jamali & Karam, 2018), research is yet to convincingly conceptualize the processes that shape governance and business-society relations in such areas, including the role of the state (Rasche, Morsing, & Moon, 2017). The need for deep knowledge of the contexts in which businesses are operating has been continuously emphasized in the development-oriented CSR debates (Blowfield & Frynas, 2005, Halme, Roome, & Dobers, 2009; Jamali & Karam, 2018; Prieto-Carrón et al., 2006). Yet CSR, business ethics and sustainability studies tend to echo normative assumptions about the role of the state and business-society relations that are derived from research mainly conducted in North American and other Western countries (Banerjee, 2008; Blowfield & Frynas, 2005; Börzel and Risse 2020). It is often claimed, for instance, that the neo-liberal policies originating in the 1970s and 1980s have led to a “retreat” or “shrinking” of the state, on the one hand, and “governance gaps” or “regulatory vacuums” on global issues for MNCs to fill in, on the other hand (Matten & Moon, 2008; Scherer & Palazzo, 2011; Scherer et al., 2016). But in large parts of the global South, such gaps or vacuums existed well in advance of the global surge and spread of neoliberal paradigms and policies, and they developed in ways that do not easily compare to European or North American experiences. Likewise, concepts such as “deliberative democracy” (Scherer & Palazzo, 2011) entail theoretical assumptions about statehood that builds on the historical and geopolitical realities of bourgeois society in Europe, which makes it difficult to really acknowledge and grasp the multiple realities of the global South (Banerjee, 2018). Finally, areas in which the state is unwilling or unable to govern, are not always ungovernable nor ungoverned. Non-state actors, including business and non-governmental organizations, have sought to fill the gap, making rules and providing collective goods and services, including security, health, education, food security, human rights, and the rule of law (Börzel & Risse, 2020).

Fortunately, critical scholarship has emerged that problematizes the predominance of conventional Western-biased normativity and puts center stage the different and often neglected contexts in which business-society relations unfold, contribute to, and are made subject to governance (Newell & Frynas, 2007; Banerjee & Prasad, 2008; Khan & Lund-Thomsen, 2011; Jamali & Karam, 2018). The contributions selected for this special issue represent this type of research and focus in detail on governance and business-society relations in vastly different areas of limited statehood – Syria, Nigeria, India and Palestine. Specific trajectories of colonization and decolonization characterize these areas alongside complex and conflict-ridden state formation processes, business operations, and struggles between social groups within and across national borders. The contributions highlight how socio-political conflicts shape the governance of business-society relations, business contributions to governance, the role of the state for both, as well as how transnational actors interact with the local realities in question.

All contributions take substantial inspiration from recent literatures on *Areas of Limited Statehood* (henceforth ALS), which offer novel conceptions for the study of how and to what effect state and non-state actors shape societal governance (Risse, 2010; Risse, Börzel, & Draude, 2018; Börzel & Risse, 2020). One of the main tenets of this literature is the insistence on understanding "statehood" and "governance" as analytically separate concepts. This distinction opens up for the investigation of questions that are central to understanding business-society relations and their governance. These include 1) how state actors, for deep-seated historical, economic and political reasons, are generally limited if not structurally constrained in terms of setting and enforcing rules, and providing collective goods; nor do they (fully) control the monopoly of the use of force, and 2) how non-state actors, including businesses, NGOs, international organizations, but also violent non-state actors (rebel groups, war lords, criminal networks) can make collectively binding rules and act as providers of collective goods (Berti, 2016; Cammett, 2014; Felbab-Brown, Trinkunas, & Hamid, 2017; Jo, 2015; Magaloni et al., 2020; Reno, 2010; Roy, 2011). In some cases, violent non-state actors even engage in full-scale governance in a given territory ("rebelocracy"), while in other cases they provide and maintain security, but leave broader rule-making and service provision to others ("aliocracy," see Arjona, 2015, 2016). The question as to how governance takes place under such circumstances, and with what effect, becomes a matter of conceptually informed empirical analysis of state and non-state engagement in governance and the variety of governance modalities involved (cf. Börzel & Risse 2020).

The selected contributions focus on contexts that offer unique insights into the complexities of statehood, business, and governance, and by implication, business-society relations. The central question explored by Belhoste and Nivet (2020) in their study of the French corporation Lafarge's operations in war-torn Syria is why the corporation remained in an area of limited statehood for so long, since their presence empowered terrorist groups as governors, and had negative consequences for the company and for the various political forces in the region and elsewhere. Nwoke's (2019) study of the oil industry in the Niger Delta investigates to what extent corporate social responsibility, in a context of limited statehood, contributes to "community development." He finds that business contributions to community development are limited since oil companies are more inclined to their affirmative duties (i.e., the pursuit of moral and social good) than to their negative injunction duties, such as addressing oil spills and environmental damages. This challenges the findings of other studies on business as governors in ALS, showing that companies curb their negative externalities by setting and implementing environmental, labor, and social standards but are reluctant to engage in the direct provision of public goods, such as education, health, or infrastructure (cf. Börzel & Deitelhoff, 2020). Vakkayil (2020) explores the Meghalaya region in Northeastern India as an indigenous area of limited statehood and analyzes the historically shifting interfaces between indigenous coalmining industries and state authorities. This study highlights the critical importance of examining indigenous authorities and industries often overlooked in conventional studies of governance and business-society relations (Sjoberg & Barkin, 2018) and provides a framework for exploring the interplay between such indigenous authorities and central state institutions, including the changing forms of state regulation of, and penetration into, an ALS over time. Finally, Arda and Banerjee (2019) focus on Palestine and analyze the transformation of local voluntary grassroots organizations into professional NGOs, acting like private actors more concerned with pleasing international donors than serving the needs of local communities. This study not only critically discusses the often problematic role of non-state actors, such as NGOs, in an area of limited statehood with its own, conflict-ridden and highly dramatic history, but more generally problematizes the ongoing professionalization, managerialization and marketization of civil society actors, with implications for how to consider their governance contributions.

In the remainder of this introductory article we provide an overview of central concepts and assumptions in the ALS literature. We discuss the contributions that emerge from these literatures, and what the four articles included in this special issue add to the state of the art. Finally, we offer some perspectives for future research on business-society relations, business responsibility, and governance of areas of limited statehood in the global South and beyond.

Theorizing and Exploring Areas of Limited Statehood

The literature on governance in ALS (Risse, 2011; Risse, Börzel, & Draude 2018; Börzel & Risse 2020) argues that any sovereign nation-state can display different degrees of statehood, depending on a range of historical, economic and socio-political circumstances. Taking their main lead from Max Weber, ALS literatures conceptualize statehood as a type of political order with a particular kind of organizational or institutional structure, which has the capacity to hierarchically set and enforce rules and claims to control the monopoly of the use of force. As such, the state constitutes an authority with the capacity to rule legitimately, and where it is consolidated, it casts a "shadow of hierarchy" that provides incentives for governments and non-state actors to engage in rulemaking and provision of collective goods. It follows that *limited* statehood exists in *areas* where "the central authorities (national governments) lack the ability to implement and enforce rules and decisions and/or lack the legitimate monopoly over the means of violence" (Krasner & Risse, 2014, p. 549), a situation which can have severe consequences for the organization and provision of collective goods. Analytically, the concept of *area* has different dimensions: a) a *territorial space* within a country, for example a sub-region; b) a *sector* or policy area, for instance health, sanitation, education or security; c) a particular *segment of the population* structurally or culturally excluded from certain rights or goods in principle expected and delivered by the state; and d) a *temporal dimension*, such as with the occurrence and repercussions of natural or human-caused disasters fundamentally challenging the capacity of the state to govern (Risse 2011, p. 5), which spurs alternative and non-state interventions and solutions to the dramatic problems at hand.

ALS literatures offer the important insight that limited statehood is really not at all reserved to the global South nor are ALS a recent phenomenon. In fact, state actors *everywhere* have been unable to govern all facets of their territory at times, just as non-state actors in various ways can play a role in rulemaking and the provision of collective goods. While limited statehood appears to be mostly present in the global South, examples also abound in Europe and North America, conventionally assumed to be the regions of the world with more consolidated statehood. Consider, for instance, the surge of private policing in conflict ridden urban settings from which public police forces have receded, or the operation of criminal organizations, which set de facto rules and provide collective goods. These are phenomena known well in regions with consolidated statehood (Heucher, Linke-Behrens, & Schettler, 2017). The assumption that areas of limited statehood can be found everywhere is particularly useful as it helps nuance, if not correct, problematic conceptions like “failed state.” Originally developed in the context of mounting security concerns in the US and the so-called “war on terror” (Rotberg 2003; for a critique Call, 2008), the concept erroneously implies that effective and legitimate governance is confined to consolidated states of the global North. If “failure” is to be overcome, classical Western state models and modernization ideals must be promoted, if not potentially implemented through foreign intervention in the South. As Nwoke puts it in his contribution to this special issue, most of the literature on failed states tends to “disclose a prescriptive inclination toward the Western statehood prototype” (p. 6). The concept of ALS provides an alternative. It broadens the scope for investigation by offering an analytic framework also capable of addressing regions within more consolidated states that display features of limited statehood. It maintains the centrality of the state as an actor in governance, while reducing the element of stigmatization inherent to notion of “failure.”

Another central insight drawn from ALS literatures in general and the four contributions in particular is that the presence of areas of limited statehood is not equivalent to the *absence* of governance. Contrary to the assumptions contained in notions like “ungoverned spaces” (Clunan & Trikunas, 2010), areas in which the state is weak or absent are neither ungoverned nor ungovernable (cf. Börzel & Risse, 2020). “Governance” is always shaping social life in some form or another. It is involved in everyday practices and the implicit customs and norms that shape communities. The rules and institutions, formal as well as informal, that continuously evolve and are contested over time in any society are unthinkable without governance in some form or another. The concept of governance in its most general sense can refer to any mode of coordinating social action. In this special issue, we more narrowly use it to refer to the different “institutionalized modes of social coordination to produce and implement collectively binding rules, and/or to provide collective goods” (Börzel, Risse, & Draude, 2018, p. 7). As such, governance has structural and process dimensions, covering not only *governance by government*, but also *governance with* government (i.e., by and trough networks of cooperation between public and private actors). Finally, it is possible to speak of *governance without government*, which refers to the rulemaking and self-regulation by non- state actors. Here, businesses, international organizations, NGOs, grassroot movements, rebel groups, war lords, terrorist groups, and criminal networks (Berti, 2018; Felbab-Brown et al., 2017; Lilyblad, 2014; Williams, 2002) can in different ways potentially act as “functional equivalents” for the state as governor (Börzel & Risse, 2016, 2020). They do so by contributing to the provision of collective goods, alternative regulatory frameworks, and sometimes by exercising certain measures of control over the means of violence. It is by building on such key insights from ALS literatures, and combining them with other relevant concepts from the social sciences, humanities and business studies, that the four contributions selected for this special issue seek to avoid the prescriptive inclinations of competing literatures. Through careful empirical analysis, each of them engages in novel understandings of business-society relations and their governance.

Spaces of Governance and the State

Rather than conceptualizing specific regions in terms of failed states or ungoverned spaces, it is more productive to understand them as complex spaces of governance (i.e., areas of limited statehood in which the governance of business-society relations and the role of business as governors can take particular forms). Nwoke's study of the oil industry in Nigeria's Delta region provides an illustrative example of a complex space of governance and its dynamics. Here, the Nigerian state's ability to implement and enforce regulations over oil corporations is seriously constrained for complex historical, economic and political reasons. This does not mean, however, that Nigeria is "ungoverned" or "ungovernable," but rather that some governance without government is provided, and this in intricate ways. Oil corporations ignore their "negative injunction duties," which means they fail to correct the social injuries and suffering they have caused to people and the environment, and instead engage in affirmative duties, such as the building of infrastructure, hospitals, and schools. While the Nigerian state is not able to provide and enforce the needed social and environmental regulations to avoid social inequality and environmental degradation to continue in the Delta region, corporations provide some collective goods based on their corporate interests, and in addition to this, they seek to secure corporate operations through private militias.

Vakkayil's study of the coal mining industry in the Meghalaya region, India, and its interactions with the Indian state at various levels, also suggests the development of a complex space of governance. The study elicits the central role of indigenous organisations as governance actors in their own right, but operating in parallel if not occasionally entwined with various levels of the state. While the central state has enabled indigenous autonomy in Meghalaya, the arrangement has implied various governance settlements – compromises – but over time also seen a growing importance of the state in the region, especially as neoliberal inspired modes of governance begin to proliferate from the 1990s onwards. This case suggests how growing governance by government is possible in areas of limited statehood under specific historical, economic and political conditions. As such, it makes an important contribution to the mainstream debates on governing business-society relations, suggesting how states in the global South are neither theoretically nor in practice necessarily incapable of governing business-society relations. While the study at hand does not directly touch upon the question of CSR and business responsibility, its observations about the growing role and intervention of the state in business activity in Asia supports other recent research in countries like India (Subramaniam et al., 2017) and China (Hofman, Moon, & Wu, 2017). The possibility of an active role of the state in governing CSR and business-society relations is indeed there, but will unfold against the background of state and non-state dynamics in contexts that obviously do not mirror the Western and Anglo-Saxon world (Hofman et al., 2017; Knudsen & Moon, 2017; Knudsen, Moon, & Slager, 2015).

This leads us to discuss the critique of the Eurocentric perceptions of the nature and role of the state offered in the four contributions as they echo key assumptions in the ALS literature, which tends to overlook the Janus-faced nature of statehood, which can facilitate as well as compromise and undermine effective and legitimate governance in areas of limited statehood. The "dark sides of statehood" (Börzel & Risse, 2020, pp. 270-272) are revealed most clearly in Belhoste and Nivet's (2020) study of the French MNC Lafarge in Syria during the civil war between 2011 and 2014, and in Arda and Banerjee's (2019) study of the role of NGOs in Palestine. Both regions have suffered from prolonged, explosive and deep-seated political conflicts and war. They have also seen multiple, heterogeneous and powerful external actors intervene in their territories. Shifting actors and alliances populate the space of governance, the state included – but what kind of "state"? While the Syrian government and its affiliates were key partners in Lafarge's investment in the country in 2010, the civil war resulted in the gradual retreat of the Syrian state army in the areas where Lafarge operated. The Syrian state was unable to control the means of violence, which provided space for controversial non-state actors to become governance providers, including ensuring the security of Lafarge's assets and staff. Lafarge's management continued operations in Syria due to their engagement with actors helping finance terrorist groups, including ISIS operations. The study illustrates the extreme fluidity of an area of limited statehood, where various governance actors engage in violent conflict to (re)gain the control over the use of force, as well as to implement and enforce rules and decisions. Presumptions about the nature of an ideal "state" and its role in governing business-society relations fall flat as "quasi-states" emerge and fill in governance gaps in specific territorial areas. Obviously, such findings also unsettle conventional understandings of business stakeholders, an issue we will return to below.

The study by Arda and Banerjee (2019) problematizes the image of the "sovereign state," including the often taken-for-granted premise about "host-states" ensuring enforcement of international regimes, such as human rights. The Palestinian Authority is limited in controlling the means of violence in the Palestinian context, as the Israeli state's security apparatus can rescind the Palestinian Authority at any time. The context is furthermore complex as both the occupying power of Israel and local power actors violate human rights. This poses an extremely challenging context for business-society relations. Businesses engaging with any of these two political sides are perceived as highly controversial by various international stakeholders of MNCs, local businesses and communities, and the operations of NGOs equally so, as their professionalization and competitive practices in the transnational field of NGOs increasingly delink them from the local communities they were supposed to serve.

Drawing on the ALS literature, the contributions thus provide fertile ground for addressing the governance challenges of territorial contexts in ways that are different from key frameworks employed in the CSR literature. Scholars have related CSR to the literature on varieties of capitalism (VoC) (Hall & Soskice, 2001; Favotto, Kollman, & Bernhagen, 2016) by drawing on the National Business Systems (NBS) as an eclectic framework to study the governance of business-society relations across different national contexts (Whitley, 1997; 1999). The NBS framework has not only been influential in conceptualizing CSR within Anglo-Saxon contexts for comparative purposes (Blindheim 2015; Bondy, Moon, & Matten, 2012; Matten & Moon, 2008), but has also influenced studies of CSR in global South (Amaeshi, Adegbite, & Rajwani, 2016; Jamali & Neville, 2011; Muthuri & Gilbert, 2010). Overall, such studies tend to presume the existence of constitutive elements such as the political system, the financial system, the education and labor system, and the cultural system (Whitley, 1999). However, such systems have historically been developed through strong or at least active state interventions in the largest industrialized nation states – a reality that is not reflecting the governance of business-society relations in global South (Jamali et al., 2017). Instead, the four articles included here suggest the need to revise the idea of the assumption that the state is always at the center in the governance of business-society relations at the national level in the global South. The ALS framework is particularly useful in addressing the heterogeneous nature and role of the state in governing business-society relations at the subnational level and sheds light on the importance of investigating its less than obvious role in subnational contexts not only in Global South but also in industrialized nations of the Global North. Despite the fact that MNCs often operate in areas within formally sovereign states where the state-led institutional configuration is weak or even non-existing, CSR studies tend to marginalize or exclude such contexts from mainstream debates. The four articles in this special issue shed light on such issues with a particular emphasis on governance of corporate responsibility "without the state," as exemplified by Nwoke's study of Niger Delta and Belhoste and Nivet's (2020) study of Lafarge in Syria.

Space of Governance and Non-State Actors

As already indicated, the ALS literature opens up for the study of spaces of governance, populated by state and non-state actors operating and providing governance in complex ways. This conceptual move helps shed light on established but also new types of stakeholders in business-society relations, as various non-state actors take on governance roles. For example, in his study of the Nigerian oil industry, Nwoke shows how corporations are expected to comply with local norms and to contribute to the provision of collective goods. In the study of coal mining in Meghalaya by Vakkayil, we see how the various political arrangements between the state and indigenous governance actors have changed coal mining from an indigenous-controlled small-scale mining into increasing consolidation and commercialization of mining activities, which may or may not provide resources for the provision of collective goods. Arda and Banerjee's (2019) study of Palestine shed light on the increasing role of NGOs in the economy, driven by regimes of international aid, which have transformed the NGOs into the largest employees in Palestine. Several perceptions of the legitimacy of the NGOs exist in the context of Palestine and not all NGOs are perceived as legitimate by local communities. At the same time, international actors deem traditional and representative actors and political parties, seen as legitimate as the local level, as illegitimate. Arda and Banerjee (2019) show how neoliberal ideology penetrating aid regimes resulted in an "NGOization" of collective goods delivery in Palestine. The pressures towards performance management, professionalization and marketization characterizing the international aid regime lead NGOs to neglect critical voices and the legitimacy of local communities in governing the delivery of collective goods and services necessary for welfare. NGOs have primarily sought the legitimacy of their donors rather than their beneficiaries. Their observations relate critically to an important argument in some ALS literatures in which the provision of "governance assistance" is framed as an alternative to neoliberal state building packages (Risse, 2013, p. 82). For Arda and Banerjee (2019), such a claim is embedded in a Eurocentric logic because it tends to neglect a space for resistance in which local communities take part and contribute to the process of institution building.

In the case study of French MNC Lafarge in Syria by Belhoste and Nivet (2020), conflicting quasi-state actors, such as the Kurdish Partiya Yekîtiya Demokrat (PYD) and ISIS/Daesh, became key stakeholders over time for the French company, partly controlling the means of violence in the areas necessary for Lafarge's operations. Lafarge obeyed to the various demands in order to ensure security of its corporate assets and employees. These decisions have had devastating impact on Lafarge as a precedence case against the corporation and selected senior managers have been established, with the latter being charged with violation of an embargo, endangering the lives of others, and financing a terrorist enterprise. In other words, key local stakeholders necessary for the continuation of Lafarge's businesses operations within the context of Syria were, from an international perspective, banned and considered illegal non-state actors.

These insights problematize the conventional understanding of stakeholders. The dominant understanding in stakeholder theory (Freeman 1984) and in CSR literature in general presumes a distinction between state actors (e.g., regulators and policy makers), on the one hand, and civil society organizations (e.g., public interest organizations, and such NGOs, etc.), on the other. However, these boundaries are more problematic in ALS as various actors can engage in governance systems that often operate in parallel or even replace the state. The contributions by Nwoke (2019) and Belhoste and Nivet (2020) show how the differences between legitimate and illegitimate stakeholders become blurred when businesses seek to become governors or empower terrorist groups as governors in extreme contexts (Flanigan, 2014; Hanekom & Luiz, 2017). Moreover, as war and conflict studies underscore, the threshold for who are perceived legitimate or illegitimate actors in conflict areas is a highly political one, which can change according to the shifting local and international political interests at any given time (Berti, 2018; Hill, 2017; Phillips 2003).

By shedding light on the multifaceted political nature of local organisations, including traditional institutions, indigenous organisations, terrorist groups, and freedom fighters, the contributions to this special issue nuance our understanding of stakeholders and provide food for thought on what business responsibility entails for governance of ALS. Stakeholder management in ALS is not only a matter of responding to stakeholders with high levels of power, legitimacy and urgency, which has long been a dominant argument in the CSR literature (Mitchell, Agle, & Wood, 1997). It is – in some instances but not all – also a matter of assessing the political nature of with whom businesses engage. Especially the Lafarge case study underscores the fatal consequences for businesses when engaging with stakeholders in ALS as radically different perceptions of the legitimacy and legality of stakeholders can co-exist or enter in conflict at the local and international levels.

All these insights also feed into debates on what has been referred to as the "social license to operate" and the question of whether there is, as Demuijnck and Fasterling put it, a "contractarian basis for the legitimacy of a company's specific activity or project" (Demuijnck & Fasterling, 2016, p. 675). Building on philosophical works on "contractarianism" (e.g., Kantian, Hobbesian and/or Rawlsian), this debate draws on moral ideals for the state-public relations that are translated into the sphere of business-society relations. Donaldson and Dunfee (1994, 1999) further developed this approach through the Integrative Social Contracts Theory, distinguishing between “macro” contracts (i.e., universal morality, hypernorms) and “micro” contracts that involve situational and contextual “authentic norms” (Donaldson & Dunfee, 2002 p. 1858). Businesses have, in other words, “moral freedom” to engage in tailor-made micro contracts at corporate, industry and/or national level ethics and norms, as long as such contracts build on universal morality (Donaldson & Dunfee, 2002 p. 1858). In a similar vein, the dominant literature on stakeholder theory emphasizes the legitimacy of stakeholders – rather than social contracts – as the key unit of analysis (Barney & Harrison, 2020). In any case, the ALS literature’s focus on governance by, with and without government throughout all societies provides a strong incentive to develop analytical lenses beyond the Eurocentric and normative assessment of where to draw the lines between formal/informal, legitimate/illegitimate and legal/illegal state and non-state actors. Our collection of articles raises important questions about legality and legitimacy of stakeholders beyond an “universalist morality” and *a priori* understanding of the nature of actors. While this is an important insight for any corporate or wider political project of governing business-society relations in the global South, it is one that remains largely untouched in both the social contracts and stakeholder debates.

Effectiveness and Implications of Business in Governance

The ALS literature also address the effectiveness of non-state and especially business contributions to governance. Nwoke’s study draws on the early CSR literature to distinguish business responsibility in terms of affirmative duties and negative injunction duties. The study reminds us that businesses have long played a governance role in society, but the role has changed from a public goods service provider delegated by the state to one being driven by voluntary engagements and responsive to demands and reactions of specific segments of the public. Unlike claimed by the better part of the literature on business as governors in areas of limited statehood, Nwoke argues that MNCs operating in the Niger Delta region focus on positive affirmative duties through the provision of collective goods and services (e.g., building schools, roads, granting scholarships etc.) rather than resolving the negative injunction duties (e.g., preventing oil spills, ending gas flaring, preventing acid rains and forest fires) directly or indirectly caused by their business operations. He argues that affirmative duties enable corporations to selectively target issues that can result in improved corporate image and reputation, while neglecting those duties which may be more costly but beneficial for the sustainability of local communities in question. The strategic decision to focus on affirmative duties still supports the logic of profit maximization embedded in the Anglo-American market-based shareholder value ideology. In theory, corporations should engage in both affirmative and negative injunction duties. However, conceptually grounded empirical studies of areas of limited statehood, such as the Niger Delta region help shed light on how the lack of regulation and the absence of local pressures create a space for maneuvering for corporations that help subordinate their negative duties to the affirmative duties. Their findings raise the question of why and when companies choose to directly engage in the provision of public goods and services rather than curb their negative externalities.

A somewhat similar pattern is at stake in Belhoste and Nivet's (2020) study of Lafarge in Syria. Strategic decisions by the company to remain operative came at the cost of employee security and in support of organizations labelled terrorist and illegal. Building on data from multiple internal and external sources the authors argue that the strategic decisions made by Lafarge's senior management during the Syrian civil war represented a kind of "organization of short-sightedness," with senior management unable to fully understand the local dangers and their implications for the company's employees. Such short-sightedness suggests that senior management in corporations in some cases are only rudimentarily aware of the consequences of their strategic engagements. In the case of the Delta region, however, there was full awareness of the consequences of strategic decisions. There were records of environmental degradation, but the companies nonetheless deliberatively decided not to meet their negative injunction duties.

ALS literatures focusing on businesses' governing role have explained their engagement with reference to the logics of appropriateness and consequences (Börzel & Risse, 2010). The former corresponds roughly to the affirmative duties mentioned above, suggesting "morality" is implied when international stakeholders mount pressures on businesses and their decision-making processes. The latter relates to the negative injunction duties, where corporations seek to avoid and correct social injury caused by them for reasons of corporate self-interest. Our collection of articles provides a more nuanced pictures of the drivers of strategic decisions by businesses in ALS than extant research (Thauer, 2014). The studies by Nwoke (2019), and Belhoste and Nivet (2020), show that governing corporate responsibility differs across the global South, that corporations have multiple strategic options available, and that choice is driven by amalgam considerations of governance structures, actors and corporate interests. This observation is in line with recent studies that shed light on the prevalence of multiple logics tied to different institutional orders. These interact in complex ways to influence CSR adaptations in specific contexts, thus resulting in uniquely shaped forms of local CSR expressions relative to country context (Azizi & Jamali, 2017; Jamali et al., 2017).

While our collection of articles problematizes the claim that businesses are driven more by morality than instrumental logics, other scholars have advocated for a change in the understanding of business. The neoclassical view of business as a purely profit-maximizing actor solely driven by shareholder interests is challenged by scholars regarding business as a political actor driven by moral legitimacy in global governance (Scherer & Palazzo, 2011; Scherer et al., 2014, 2016). This evolving understanding of business-society governance draws on the bulk of studies of “soft law,” private regulation and governance through industry standards, certificates and multi-stakeholder initiatives (Vogel 2009, Bernstein & Cashore, 2007; Abbott & Snidal, 2009; de Bakker, Rasche, & Ponte, 2019). Critics suggest that what appear to be legitimate multi-stakeholder actions driven by MNCs frequently end up excluding resilient voices in local communities (Banerjee, 2018). This has severe negative impacts on the livelihood of communities and on work conditions for laborers in global value chains (Ehrnström-Fuentes, 2016; Lund-Thomsen & Lindgreen, 2014). Moreover, conceptualizing business as a political actor driven by a moral sense of obligation to contribute to governance neglects CSR approaches that stress the extent to which business is subject to normative expectations by stakeholders to behave socially responsible (Deitelhoff & Wolf, 2013; Börzel & Deitelhoff, 2018). Global and local norms constrain companies in their quest to maximize profits. Violating CSR norms, whether they are voluntary or not, can incur significant costs suffered by consumers and stakeholders that businesses have to facture into their strategic decision-making processes (Börzel & Deitelhoff, 2018).

Concluding Reflections

This special issue introduces the literature on areas of limited statehood and sheds light on the debate on governance of business-society relations with/without the state and the contribution of business to governance in the global South. The special issue shows that the ALS perspective provides a useful way to investigate the governance of business-society relations and the role of business as governor when the state is too weak or absent. Engaging with the ALS perspective, the four contributions yield novel insights regarding the antecedents, processes and consequences of governing corporate responsibility and its contribution to governance. First, they reveal the limitations of conceptualizing business-society relations and the role of business as governor on the presumed role of the state derived from mainstream Eurocentric understanding of nation states and the delivery of public goods. This particularly applies to ignoring the dark sides of statehood. More often than not, the state is part of the problem rather than the solution for business-society relations and governance contributions of business in the global South. Second, the articles problematize the dominant claims about the role of businesses and their stakeholders in governing responsibility of business by shedding light on the heterogeneous nature of such actors and the implications of their collaborations when governing the responsibility of business with/without the state. Third, and related, the articles problematize the effectiveness of CSR in ALS by pointing to the outcome discrepancies that emerge when businesses seek to respond to global social norms vis-à-vis local social in order to ensure the legitimacy of the corporations.

By focusing on the global South, we do not want to imply that areas of limited statehood are confined to the postcolonial world of failed and failing states. Industrial democracies, too, contain areas where state authorities (e.g., the police) lack the ability to enforce the law, if only temporarily. The binary understanding of the "underdeveloped" global South and the "modern" as well as "developed" global North misses the fact that ALS constitute a global phenomenon in our present time. The insights of the special issue, therefore, travel beyond the global South. The articles embedded in the special issue have, however, mainly focused on large national and/or MNCs excluding the highly important debates about the role and responsibility of SMEs that is emerging as a distinct debate (Jamali et al., 2017; Morsing & Perrini, 2009; Spence, 2016). We call for future studies to apply the lens of governance with/without the state to study whether and how SMEs engage in governance of business-society relations, in the making of rules, or the provision of public goods and services, and how such activities have implications on the growth and performance of SMEs and their broader sectors and industries. Finally, we suggest that future research systematically links ALS theory to other critical approaches in the study of governance and business-society relations. Critical theorizing on these matters comes in several forms, including feminism, de- and post-colonialism, as well as governmentality studies, to mention a few (Arda & Banerjee, 2019; Banerjee, 2018; Hansen, 2018; Sjoberg & Barkin, 2018; Vallentin, 2015). Such critical theorizing not only raises conceptual and empirically relevant questions about who governs, how and to what effect, but also about historical modalities and the configuration of contemporary techniques and practices of governance in local, national and transnational organizational settings, all of which may enrich future studies of ALS.

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Author Biographies

Sameer Azizi is Assistant Professor of Business Studies at the Department of Social Sciences and Business, Roskilde University in Denmark. His main research interests revolve around different aspects of business-society relations in global South including theoretical debates on development-oriented CSR, business legitimacy, and the governance of business in areas of limited statehood.

Tanja A. Börzel is professor of political science and holds the Chair for European Integration at the Otto-Suhr-Institute for Political Science, Freie Universität Berlin. She is the director of the Cluster of Excellence "Contestations of the Liberal Script," together with Michael Zürn. Her recent publications include *The Oxford handbook of comparative regionalism* with Thomas Risse (Oxford University Press 2016), *Governance under anarchy*: *Effective and legitimate in areas of limited statehood* with Thomas Risse (Cambridge University Press 2020), and *Why noncompliance: The politics of law in the European Union* (Cornell University Press 2020).

Hans Krause Hansen is Professor of Governance and Culture Studies at Copenhagen Business School. His main research interests revolve around public and private governance, transparency. and surveillance regimes, corruption and anti-corruption. He has published widely in the fields of international political sociology, organization and communication studies.