The Legitimizing Power of Contestation: Grounding Multi-Stakeholder Initiatives in the Rawlsian *Theory of Justice*

Multi-Stakeholder Initiatives (MSIs) have emerged as a versatile device for corporations to develop and implement CSR measures like self-regulation or the provision of public goods (Scherer and Palazzo 2011). Yet, despite the omnipresence of MSIs, their normative legitimacy is still subject to debate. In particular, it is contested whether private actors are legitimized to assume public responsibilities and whether global MSIs are legitimized to influence the affairs of nation states (Mena and Palazzo 2012). In this conceptual paper, I suggest to ground this question in John Rawls's *Theory of Justice*. The research question is: In how far and under which conditions are global MSIs normatively legitimized according to the Rawlsian *Theory of Justice*? Rawls's theory seems apt because it not only specifies the relationship between public and private actors (Rawls 1971; Singer 2015), but also due to its international scope (Rawls 1999). In this paper, I will argue that the legitimacy of MSIs strongly depends on the degree of statehood of those states affected by their policies. Political actions are usually ambiguous, i.e. there are people benefitting from them as well as people who are put at a disadvantage. Hence for an MSI's policies to be legitimized, all those who are affected by them must have means of contestation. In a Rawlsian ideal state, a *well-ordered society*, it is the institutions of the basic structure which provide such means of contestation. Here, MSIs are legitimized as long as the regulation resulting from them lies within the confines set by the state's basic structure, e.g. political institutions or the judicial system. Yet, in a *non-well-ordered society*, i.e., a state unwilling or unable to assume its regulatory responsibilities, such means of contestation are sorely lacking, hence, the legitimacy of an MSI hinges on whether it endows means to make its actions contestable for all people affected by them (Hsieh 2009). This requires in particular to overcome the often-reported problem of marginalizing stakeholders, e.g., low-skilled workers or third parties. It is

concluded that a Rawlsian approach to Political CSR shares more similarities to a

Habermasian approach to Political CSR than is often assumed.

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