

The Social Embeddedness of Transnational Markets

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Abstract 8a

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Transnational governance in the field of CSR and the UN Special Representative on Business and Human Rights: Re-embedding or dis-embedding transnational markets?

A common suggestion is that the rise of corporate social responsibility discourses and practices and, in particular, the emergence of the concept of corporate responsibilities to respect human rights, are to be read as indicators of a countermovement tending to re-embed liberalised markets in transnational society.

The paper will interrogate this claim by scrutinising the performance to date of the mandate of the United Nations Special Representative on Business and Human Rights (UNSR), as a candidate institutionalisation of social reembedding at global level.

First, the office of the UNSR will be briefly be contextualised with respect to UN's historical engagement with the social regulation of transnational economic activity (concentrating here on the UN human rights system). Second, the actual transnational governance practices and outputs delivered by the UNSR mandate up until now will be surveyed.

Third, the notion of "embedded liberalism", coincidentally coined in the 1980s by the current holder of the UNSR mandate, Prof. John Ruggie, and its contemporary deployment by him in framing the UNSR mandate will be explored. Fourth and finally, an analysis will be advanced that suggests that, though it may have issued from a Polanyian double movement, in itself, the UNSR's mandate, both in process and substance, is more saliently seen as embodying inherent biases affecting current forms of de-juridified transnational or global governance that tend further to promote, rather than restrain, social disembedding. In turn, this finding is demonstrated to provide an important qualification or limiting condition to the mooted role of social and economic rights, on the one hand, in counteracting the commodification of labour in multi-level governance arrangements at EU level and beyond, and on the other, supporting the constitutionalisation of such arrangements via deliberative democratic means.