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ACTIVISM FOR CORPORATE RESPONSIBILITY: CONCEPTUALIZING PRIVATE REGULATION OPPORTUNITY STRUCTURES

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Activism for Corporate Responsibility: Conceptualizing Private Regulation Opportunity Structures

ABSTRACT

In this paper, we examine how private regulatory initiatives (PRIs) – which define standards for corporate responsibility (CR) issues and sometimes monitor their application by firms – create opportunities and constraints for activist groups aiming to push firms toward more stringent CR activities. Drawing on social movement theory, we conceptualize how private regulation opportunity structures affect such CR-based activist groups' targets and tactics at both the firm and field levels. At the field level, we argue that both radical and reformative activist groups direct most of their time and resources towards PRIs with comparatively more stringent standards. At the firm level, while radical activist groups are likely to target firms participating in more stringent PRIs, reformative activist groups target firms participating in less stringent PRIs, or those that do not participate in PRIs at all. When facing unfavorable opportunity structures, CR-based activist groups tend either to advocate the creation of new PRIs or to shift their activities to pressure other focal points. This paper contributes to moving beyond extant literature's emphasis of PRIs as settlements of contentious firm-activist interactions towards also viewing them as starting points for activist groups aiming to push firms toward more substantive CR engagement.

Keywords: activism, corporate responsibility, political opportunity structures, private regulation, private regulatory initiatives, social movements

In 2005, the environmental activist group Friends of the Earth pressured several firms – including UK’s largest retailer, Tesco – to engage in the Roundtable on Sustainable Palm Oil (RSPO), a private regulatory initiative (PRI) aimed at designing standards to ensure sustainable palm oil sourcing and prevent deforestation (Friends of the Earth, 2005). Tesco and most of the other pressured firms joined the RSPO, but four years later Friends of the Earth withdrew its support for the PRI, criticizing both participating firms and the RSPO itself, which the activist group described as a ‘smokescreen’ (Friends of the Earth, 2009).

This case illustrates several points that are important for our paper. First, firms are increasingly expected to undertake a variety of corporate responsibility (CR) activities to address social, environmental, and ethical issues (Scherer and Palazzo, 2007, 2011; Scherer, Palazzo, and Baumann, 2006). Second, firms usually engage in CR activities in response to pressure, in particular from activist groups (Baron, 2001; King and Pearce, 2010; Proffitt and Spicer, 2006). Third, PRIs – regulatory bodies that define, and sometimes monitor and enforce the application of private rules (such as standards or codes of conduct) aimed at regulating firms’ activities with regard to CR issues – have become a new focal point for CR-based activists. And fourth, the existence of PRIs modifies CR-based activism: on the one hand, activist groups can now target PRIs – rather than individual firms or the state – to advance CR issues (e.g. Schepers, 2010), but at the same time, PRIs provide activist groups with additional leverage when targeting individual firms (such as Tesco in the above example) (Turcotte, de Bellefeuille, and Den Hond, 2007; Yaziji and Doh, 2009).

However, research to date has only theorized about the state and the individual corporation as focal points for CR-based activism, and has not considered when and how the existence of PRIs influences the activities of CR-based activist groups (Soule, 2012a; Timmermans and Epstein, 2010; Turcotte et al., 2007). We address this gap by examining how PRIs’ opportunity structures impact the ways in which different types of CR-based

activist groups (radical and reformative) mobilize. PRIs differ from nation-states and corporations, so current knowledge about how these two traditional focal points influence CR-based activism cannot simply be transposed unaltered to PRIs. For example, unlike the application of national legislation to clearly delimited territories (i.e. country borders), PRIs oftentimes regulate companies operating in multiple countries, and, in many cases, multiple PRIs regulate the same CR issue (Cashore, Van Kooten, Vertinsky, Auld, and Affolderbach, 2005; Reinecke, Manning, and Von Hagen, 2012; Zietsma and McKnight, 2009).

To develop our argument, we draw on social movement theory's core insight that regulatory institutions – such as states, markets, or PRIs – beyond having stabilizing effects, are also always “objects of power struggles and thus subject to conflict and contentiousness” (King and Pearce, 2010, p. 250). In particular, we build on the social movement concept of political opportunity structures (POS): the structural and cultural characteristics of regulatory institutions that enable or constrain activist mobilization (Kriesi, Koopmans, Duyvendak, and Giugni, 1992; McAdam, 1996; Tarrow, 1998). The POS perspective is adapted to our enquiry as we examine how certain characteristics of PRIs – understood as regulatory institutions – affect CR-based activism. Our main arguments are on the one hand that, at the field level, both radical and reformative activist groups direct most of their time and resources towards PRIs that have comparatively more stringent standards. On the other hand, at the firm level, while radical activist groups are likely to target firms participating in stringent PRIs, reformative activist groups target firms participating in less stringent PRIs, or those that do not participate in PRIs at all. When facing unfavorable opportunity structures, CR-based activist groups either advocate the creation of new PRIs, or shift their activities to pressure focal points other than PRIs – such as the state.

We contribute to expanding the literature on the dynamics of confrontation and collaboration between firms, activist groups and PRIs in the area of CR. Most current

literature treats PRIs as settlements between actors, and as stable outcomes of firm-activist interactions (e.g. Baron, 2003; Bartley, 2011; Helms, Oliver, and Webb, 2012). For example, reputation studies find that firms create PRIs as means to pacify critical activist groups, and to mitigate reputational problems (Fombrun, Gardberg, and Barnett, 2000; King and Lenox, 2000; Wright and Rwabizambuga, 2006). Research in ‘private politics’ depicts PRIs as settlements to what are often highly mediatized conflicts between activist groups and firms (Baron, 2003, 2009; Bartley, 2007, 2011). And advocates for a political view of CR deem adequately designed PRIs as ideal fora in which firms and stakeholders can collaborate to design appropriate CR policies and oversee their implementation (Palazzo and Scherer, 2008; Scherer and Palazzo, 2007, 2011). While all these approaches underline the importance of contention and power struggles between activist groups and firms before – and potentially leading to – the creation of PRIs, our core contribution here is to show and elaborate on how PRIs can provide the ground upon which subsequent and altered contention between CR-based activist groups and firms takes place.

Conceiving private regulation in this way has several important implications for theory and practice. First, in contrast to most extant studies, we argue that firms’ participation in PRIs does not necessarily settle conflicts and pacify activist groups. Second, in line with recent calls in organization theory for greater understanding of contentious processes (King and Pearce, 2010), we provide a conceptualization of how PRIs influence both challengers (i.e. CR-based activist groups) and incumbents (i.e. firms) (King, 2008b; Soule, 2012a; van Wijk, Stam, Elfring, Zietsma, and den Hond, 2013; Whetten, Felin, and King, 2009). Third, we enhance knowledge about how external pressures to deal with CR issues are brought to firms’ attention (Delmas and Toffel, 2004; Schrempf-Stirling and Palazzo, 2013; Sharma and Henriques, 2005). As private regulation modifies their playing fields, companies and their managers need to understand how the existence of PRIs influences activist pressure, which is

essential if firms hope to navigate the increasingly complex CR landscape.

We start by providing an overview of PRIs in Section 2, and then review in Section 3 our conceptual grounding in social movement theory. In Section 4, we develop our overarching argument by examining the routes that CR-based activist groups can take, the dimensions of PRIs' opportunity structures, and how different types of CR-based activist groups can leverage those opportunities, advocate the creation of new PRIs, or shift to other focal points in their attempts to advance CR. Section 5 concludes with a discussion of our framework.

PRIVATE REGULATORY INITIATIVES

PRIs are generally seen as the result of political contestation and power struggles between stakeholders and firms about CR issues (Bartley, 2007, 2011; Timmermans and Epstein, 2010; Zietsma and McKnight, 2009), whose creation requires some enabling conditions. First, at least some firms concerned with the focal CR issue must be willing to participate in setting up the PRI, since compliance with PRI standards is voluntary (Zietsma and McKnight, 2009). Several reasons can lead to firms' willingness to participate. In some instances, proactive firms with higher social or environmental performances than their competitors may support the creation of PRIs to constitute barriers to entry and so secure competitive advantage over laggards (Baron, 2009; Gardberg and Fombrun, 2006; McWilliams and Siegel, 2011; McWilliams, Siegel, and Wright, 2006; Mügge, 2006). At other times, the entire industry may push for private regulation, especially if it feels its reputation is at stake (Barnett, 2006; Fombrun et al., 2000; Hoffman, 1999). Second, the participation of civil society groups can be another pre-condition for the constitution of PRIs: such organizations may see particular value in PRIs, as providing a means to regulate and monitor multiple corporations at the same time (Esbenshade, 2004; Katz, Higgins, Dickson,

and Eckman, 2009; Locke, Qin, and Brause, 2007). Third, the creation of PRIs sometimes requires government support, especially those that certify firms and provide labels for products (Bartley, 2007; Mügge, 2006).

As different types of stakeholders – firms, civil society organizations, and governments – can be involved in the creation of PRIs, different configurations of these stakeholders may also be involved in their governance. Abbott and Snidal (2009a, b, 2010) categorize PRIs as being governed by one, two, or three of those types of stakeholdersⁱ: Table 1 provides examples of these different PRI categories. Even if they are involved in the governance of a PRI, the amount of power each stakeholder group holds varies from PRI to PRI. Some give equal voting power to the different stakeholders, whereas others give more (or even all the) weight to one type of stakeholder (e.g. to firms) (Black, 2008; Fransen, 2012; Schepers, 2010). The question of which type of stakeholders participate in a PRI bears important consequences for its activities, such as monitoring firm compliance. For example, corporations self-monitor compliance in some PRIs, while monitoring is undertaken by the PRI itself, or by independent third-party organizations – such as audit companies – in others (Gereffi, Garcia-Johnson, and Sasser, 2001; Marx, 2008; O'Rourke, 2006; van Tulder and Kolk, 2001). So PRIs may differ from each other in structures and processes, and – as Table 1 also illustrates – can emerge at different points in time to regulate the same CR issue.

INSERT TABLE 1 ABOUT HERE

CONCEPTUAL GROUNDING

Core to social movement research is an understanding of the social world as

intimately contentious, and as one in which outsider groups challenge established social and regulatory institutions (such as the state, firms, or PRIs) in their attempts to make their claims heard and bring about social or political change (King and Pearce, 2010; Tarrow, 1998; Tilly and Tarrow, 2007; Weber, Heinze, and DeSoucey, 2008; Weber, Rao, and Thomas, 2009). In comparison to other theories examining social change and stability – such as neo-institutionalismⁱⁱ – social movement theory focuses particularly on contention, and on the activities of organized challenger groups. As this theory has also already been applied to CR-based activism (e.g. Arjaliès, 2010; den Hond and de Bakker, 2007; King, 2008b; King and Soule, 2007; Reid and Toffel, 2009; Soule, 2009), we adopt it as an adequate theoretical lens for our endeavors in this article.

Social Movements and Different Types of Activist Groups

Social movements are made up of several, more or less organized, individuals and groups with a general preference for, or resistance to, change concerning some aspect of social life (McAdam, Tarrow, and Tilly, 2001; McCarthy and Zald, 1977; Tarrow, 2011; Tilly and Tarrow, 2007). We define CR-based activism as the *mobilization of existing activist groups, which may have different attitudes and employ different tactics, but are motivated by the same goal: improving firm practices with respect to social, environmental, or ethical CR issues*. We focus on groups rather than individual activists because it is mostly existing activist groups who pressure firms to have greater CR engagement (e.g. Clean Clothes Campaign, Amnesty International, etc.) (Spar and La Mure, 2003), who either participate in or criticize PRIs (Turcotte et al., 2007; Yaziji and Doh, 2009), and who have the capacity to sustain their efforts for change in regulatory institutions over extended periods of time (King, 2008b). Indeed, we are not interested here in the micro-processes that lead individuals to form and sustain activist groups, but rather in how PRIs affect the activities of different

existing activist groups that take private regulation as their focal point.

While different activist groups of particular social movements share the same goal (in our case, increasing firms' engagement in CR), they possess varying ideologies and are often split into radical and reformative (or moderate) branches (Koopmans, 2004; Rowley and Moldoveanu, 2003; Rucht, 2004; Williams, 2004; Zald, 2000), an ideology-based distinction which has already been used to examine CR-based activism (e.g. de Bakker, 2012; den Hond and de Bakker, 2007; Derville, 2005; van Huijstee and Glasbergen, 2010; Vitols, 2011; Yaziji and Doh, 2013). This literature, while acknowledging that activist groups' ideologies may change over the long term, emphasizes that "[t]he concept of ideology comprises an interconnected set of beliefs and attitudes relating to problematic aspects of social and political topics that are shared and used by members of a group and that inform and justify choice and behavior" (den Hond and de Bakker, 2007, p. 903). As activist groups are likely to have limited time and resources, they must decide which target(s) to prioritize and which tactics to use, a choice largely informed by their – radical or reformative – ideologies (Zald, 2000).

We conceive of radical CR-based activist groups as those that emphasize problems with respect to firms' activities on CR issues (den Hond and de Bakker, 2007). Such groups tend to be critical of firms' intermediary steps toward addressing CR issues (Phillips, 2003) – they assess firms' CR activities in absolute rather than relative terms, and do not evaluate positively firms that are more proactive than others. Rather, radicals only evaluate proactive firms positively if they address CR issues in ways radicals consider entirely satisfactory (Derville, 2005). Hence, in their efforts to continuously 'raise the bar', these radical activist groups spend much of their time and resources deinstitutionalizing what are considered current CR best practices, but which they consider only as unsatisfactory, intermediary solutions (den Hond and de Bakker, 2007). Consequently, radical activist groups concentrate

on targeting and criticizing more advanced and proactive firms (Yaziji and Doh, 2009), and typically prefer disruptive, non-institutionalized tactics, that gain high media and public attention (Derville, 2005; Williams, 2004; Zald, 2000).

In contrast, reformative activist groups emphasize the importance of achieving workable solutions (Williams, 2004) – even if they do not immediately address CR issues comprehensively. Such groups value best practices as intermediary solutions and necessary steps towards stronger firm measures (Testy, 2002). Reformatives' moderate ideologies lead them to acknowledge firms as part of potential solutions – as well as (obviously) part of the problems. Hence, such groups evaluate firms in relative, rather than only in absolute terms: they favor proactive over laggard firms, where they perceive such proactivity as steps towards substantially improving CR issues in the long-term. Hence (given the choice) reformative CR-based activist groups will tend to focus their time and resources on working with proactive firms, as well as criticizing laggard firms at times (den Hond and de Bakker, 2007; Vitols, 2011). They spend most of their efforts institutionalizing implementable solutions, preferring more constructive and institutionalized tactics (Goldstone, 2004; Snow, Soule, and Kriesi, 2004; Tarrow, 2011; Williams, 2004; Zald, 2000), especially when interacting with proactive firms, but they also employ disruptive tactics toward laggards (den Hond and de Bakker, 2007).

This distinction implies important differences in radical and reformative activist groups' relative perceptions of PRIs as potential solutions to CR issues. Where PRIs might constitute partial solutions, they are rarely seen as perfect by groups of either type (Graz and Nölke, 2008; Haufler, 2003). But, overall, reformative activist groups are more likely to be sympathetic towards PRIs than are radicals. While radical activist groups tend to perceive firms as antagonists, to be excluded from solutions to CR issues (den Hond and de Bakker, 2007), we argue that they can nevertheless decide to endorse and even to participate in PRIs.

This is more likely to be the case when the PRI gives substantially less power to firms than to the activist groups themselves. In such situations, because it allows them to further their goals (firms' more stringent CR engagement) directly, radical activist groups are likely to use institutionalized, rather than their conventionally preferred disruptive tactics. It should be noted that, while we make a binary differentiation between radical and reformative activist groups, their ideologies are better understood as a continuum between two extremes, along which any particular group's ideology can be characterized as taking an intermediate state. For example, some extremely radical activist groups will probably never see PRIs as a legitimate solution to a CR issue – we assume that such groups will seek to change firms' behavior exclusively via other focal points than private regulation (such as changing state laws). However – and as others have done before (den Hond and de Bakker, 2007; Yaziji and Doh, 2013) – we treat ideology as dichotomous for conceptualization purposes, and we address the issue of ideological change over time in the discussion section.

Political Opportunity Structures

There are three general lines of inquiry in social movement theory. A first line investigates the formal and informal ways in which activist groups are organized – their *mobilizing structures* (McAdam, McCarthy, and Zald, 1996) – while a second examines their *framing processes*, and looks at how activist groups “[...] assign meaning to and interpret, relevant events and conditions in ways that are intended to mobilize potential adherents and constituents, to garner bystander support, and to demobilize antagonists” (Snow and Benford, 1988, p. 198). The core of this paper mostly concerns a third line of inquiry, which focuses on *political opportunity structures* (POS) (Kitschelt, 1986; Kriesi et al., 1992; Meyer and Minkoff, 2004; Williams, 2004). This POS perspective investigates toward which focal points activist groups deploy most of their time and resources, how and why they might move

from one focal point to another (scale shift), and how a particular focal point's characteristics impact on how different types of activist groups mobilize (Tarrow, 2011; Williams, 1994). As these are the main issues we address in this paper, we build on the POS perspective and translate it to the area of private regulation.

POS are “consistent – but not necessarily formal or permanent – dimensions of the political environment that provide incentives for collective action by affecting people's expectations for success or failure” (Tarrow, 1998, p. 76). These dimensions have been developed for the different focal points that activists target, most often the state – national POS (Kitschelt, 1986; Kriesi et al., 1992; Kriesi, Koopmans, Duyvendak, and Giugni, 1995; Tarrow, 1994) – but also international organizations such as the World Bank or the United Nations – international POS (Graubart, 2005; Shawki, 2010; van der Heijden, 2006).

In his review, McAdam (1996) identified four main dimensions of both national and international POS. First, the *formal institutional structure* of a regulatory system typically refers to its openness to participation. Second, its *informal structure* reflects the configuration of the power of elites in polities, and their strategies and attitudes toward challengers (Kriesi et al., 1992). Third, the *presence of allies* within the regulatory system is likely to increase the chances of successful mobilization, as they can give activist groups superior access to the polity. Finally, the *repression* ability and propensity of the state is likely to trigger or reduce activism (Tarrow, 1998). In the case of international POS, this last dimension is referred to as the *political output structure*, or how the international organization can enforce and monitor compliance with its rules and treaties (van der Heijden, 2006).

Despite the different conceptualizations and wide use of POS (e.g. beyond national and international POS, the POS perspective has also been extended to examine corporate or industry opportunity structures, see King, 2008b; Schurman, 2004; Soule, 2009, 2012b), this perspective has been criticized, notably for putting too much determinacy on structures and

too little emphasis on dynamic interactions between activist groups and those structures (see e.g. Goldstone, 2004; Goodwin and Jasper, 1999). We believe that our conceptualization of private regulation opportunity structures avoids most of these problems. First, as the POS perspective becomes stronger when examining multiple focal points cross-sectionally (e.g. Kriesi et al., 1995; Soule and King, 2006; van der Heijden, 1997), rather than a single focal point longitudinally (see also Goldstone, 2004), we compare how the opportunity structures of multiple existing PRIs regulating a CR issue are likely to influence the activities of CR-based activist groups. Second, and relatedly, our framework considers under what circumstances CR-based activist groups are likely to divert their efforts from PRIs to other focal points – moves the social movement literature describes as ‘scale shifts’ (Della Porta and Tarrow, 2005; Schneiberg and Soule, 2005; Soule, 2009; Tarrow, 2005). This conceptualization of POS, in which activist groups can shift the scale of their activities from one focal point to another, allows for assessing how these focal points impact activism, while not conceiving POS as determining every aspect of activist groups’ activities (Tarrow, 2011). Third, in considering these groups’ ideologies, we do not assume that opportunity structures alone predict their activities (Goodwin and Jasper, 1999; Tarrow, 1994), but rather how those activities are influenced both by groups’ ideologies and by the opportunity structures that are available (Koopmans and Statham, 1999).

CR-BASED ACTIVISM AND PRIVATE REGULATION

In this section, we expand existing conceptions of opportunity structures to private regulation, by conceptualizing private regulation opportunity structures (PROS) and how they affect the activities of radical and reformatory CR-based activist groups when they take private regulation – rather than the corporation or the state – as a focal point. Figure 1 illustrates this paper’s undertaking graphically.

INSERT FIGURE 1 ABOUT HERE

First – (a) in Figure 1 – we examine how the existence of PRIs modifies both the firm and field level routes that activist groups usually take to bring broader change in CR. CR-based activist groups either aim at instigating changes in individual firms’ behaviors – the firm level route – or in those of multiple firms at the same time – the field level route (den Hond and de Bakker, 2007; Soule, 2009). Second, (b), we conceptualize PROS via an analogy to international POS. As several different PRIs usually address a same CR issue, the distinct PROS of these initiatives will influence the activities of CR-based activist groups in different ways. Third, (c), we examine how these different PROS affect four main activities of radical and reformatory CR-based activist groups when taking private regulation as their focal point of contention. We look at how PROS and activist groups’ ideologies influence their choices as to where to spend most of their time and resources to pressure for CR change when taking (i) the field level route (Propositions 1, 2a and 2b) and (ii) the firm level route (Propositions 3, 4a and 4b). As CR-based activist groups may find themselves short of opportunities when taking private regulation as their focal point, they might therefore (iii) advocate the creation of new PRIs (Proposition 5), or (iv) leave the private regulation arena to shift their scale of contention toward other focal points altogether (Proposition 6).

(a) Private Regulation and Routes for CR-based Activism

CR-based activist groups taking the conventional firm level route can seek to advance their claims directly with the firm(s) whose practices they wish to change – for instance via boycotts or media campaigns aimed at raising public awareness about problematic practices –

with the goal of ultimately cascading CR change from the targeted firms to others in the same sector (Böhm, Spicer, and Fleming, 2008; den Hond and de Bakker, 2007). On the other hand, activist groups using the conventional field level route will seek to pressure public authorities to adopt more stringent legislation concerning the CR issue they aim to affect (Baron, 2001, 2003; Lyon and Maxwell, 2004; Reid and Toffel, 2009). We now examine how the existence of PRIs for a particular CR issue affects the possibilities of CR-based activist groups taking either of these two routes.

Field level route. As PRIs regulate multiple firms, activist groups can take the field level route to bring about CR change. By targeting a PRI, and attempting to change its rules or control mechanisms, such groups can impact the multiple corporations participating in the focal PRI. Examining activism targeted at the state, Zald (2000) covers three field level possibilities: (1) participating or (2) not participating in the political process, and (3) creating new political parties. Similar possibilities are available to CR-based activist groups when private regulation exists: they can exert influence on PRIs using either (1) participatory or (2) non-participatory tactics (Aguilera, Rupp, Williams, and Ganapathi, 2007; Soule, 2009), but they can also (3) advocate the creation of new PRIs (see our Proposition 5 below).

Participatory tactics consist of putting pressure on the PRI from within rather than from without, and therefore involve – as a first step – the formal engagement of the activist group in the governance of the focal PRIⁱⁱⁱ. In a second step, a participating activist group can use several means – e.g., lobbying, coalition-building, or participating in the diverse committees developing new or revising standards – to enhance the PRI’s capacity to address a CR issue effectively, and so ensure participating firms improve their CR activities. Hence the logic of these tactics (as opposed to that of non-participatory tactics) is more institutionalized and collaborative than disruptive.

In contrast, non-participatory tactics consist of putting pressure on the PRI from outside rather than from within – their logic is confrontational or disruptive, rather than collaborative. When CR-based activist groups use these tactics, their objective is to pressure the PRI via the media and public opinion to force it to revise its procedures and standards toward more stringent solutions for the CR issue at hand.

Firm level route. Previous research has shown the importance of different firm and environmental variables when it comes to which firms activist groups are most likely to target (e.g. King, 2008a; King and Soule, 2007) – for example, large and highly visible firms are more likely to be targeted than their smaller counterparts, or business-to-business firms (Bartley and Child, 2011; Rehbein, Waddock, and Graves, 2004). Besides these traditional firm characteristics, we argue that PRIs offer CR-based activist groups important potential leverage solutions via the firm level route, as they can provide activist groups with powerful benchmarks against which they can evaluate a firm’s commitment to improving their performance on CR issues (Yaziji and Doh, 2009). Hence, activist groups can suggest participation in a PRI as a concrete solution to improving a firm’s commitment to CR. Indeed, successful activist mobilization not only involves the careful definition of a problem (Gusfield, 1981), but also the presentation of possible solutions to those problems (Snow and Benford, 1988). When firms are criticized with regard to a CR issue, providing them with potential solutions will make them more likely to change their CR behaviors.

We suggest that whether CR-based activist groups use the leverage private regulation provides against a firm depends on whether they see that firm as proactive with regard to a CR issue, or as a laggard – and that such (non)proactivity is expressed by firm’s (non)participation in relevant PRIs (Scherer and Palazzo, 2011; Zadek, 2004), which in turn signals that they (don’t) accept some level of external authority over their CR activities

(Baron, 2003; Gilbert and Rasche, 2008). Thus CR-based activist groups using private regulation as a focal point can have two different types of firm targets: participating or non-participating firms. However, firms can participate in PRIs in ways that involve accepting different degrees of authority and constraints on their activities, and these differences are also likely to impact on how activist groups perceive the degree of their proactivity.

(b) Dimensions of Private Regulation Opportunity Structures

As noted above, we draw on and adapt international POS to define PROS. Although PRIs are private in nature, their structures and processes have several similarities with those of governmental organizations, especially public international organizations (Abbott and Snidal, 2009a, b, 2010). Both are regulatory institutions, although neither have the same degree of ‘hard power’ as the state, and both – very often at least – have transnational dimensions. Just as in international organizations, PRIs are governed by a highest rule-making body (like the UN General Assembly) which represents the stakeholders involved and usually makes decisions after deliberations (and sometimes voting) among those stakeholders, which also have policy-influencing mechanisms (e.g., sub-plenary committees providing recommendations for policy decisions). PRIs are formal organizations, typically managed by secretariats that provide guidelines for the enforcement of their rules, and deal with the initiatives’ day-to-day operations, in the same way as the executive organs of international organizations. Of course, PRIs and international organizations differ on a number of other dimensions, such as the type of stakeholders involved (e.g. firms or nations), their legitimacy, or origin. However, generally speaking, PRIs function in similar ways to multilateral international organizations when it comes to making and implementing decisions (i.e. their regulatory process) (Abbott and Snidal, 2009a). These similarities allow for the adaptation of knowledge about international organizations to PRIs (Mena and Palazzo, 2012;

Richardson and Eberlein, 2011; Risse, 2006) – so we can translate the four dimensions of international POS described above to PRIs, which we can define as their *organizational structures*, *informal structures*, *rule adequacy*, and *output structure*. Table 2 summarizes these dimensions and gives comparative examples from existing PRIs.

INSERT TABLE 2 ABOUT HERE

Organizational structure. As for international POS, how a PRI's regulatory system is organized influences how activist groups can leverage that system to bring about change. Based on the literature on international opportunity structures (van der Heijden, 2006), we define a PRI's organizational structure as its openness to formal participation by activist groups, ranging from *open* to *closed*. The degree of this openness can be measured by such characteristics as the type of its voting system (e.g. if only one type of stakeholders is allowed to vote in the general assembly) or the diversity of stakeholders included in its working groups on the development of standards.

Informal structures. The informal structures and underlying processes of a regulatory body also matter for activist groups (Kriesi et al., 1992). As for international POS, the informal structures of an initiative relate to how integrative its decision-making procedures are, ranging from *integrative* to *exclusive* (Kriesi, 2004; van der Heijden, 2006). While activist groups might be included in PRIs' formal processes, their decisions may be taken by elites who do not consider other interests. Hence, PRIs' informal structures refer to the relation of power between constituents, which can be measured by, for example, the extent to

which decision-makers allow external stakeholders to voice their concerns, or the former's attitudes towards certain groups in the PRI (King, 2008b).

Rule adequacy. The extent to which different stakeholders perceive that a PRI's rules are adequate to solve – or at least improve – a CR issue is another important PROS dimension. As for whether the public sees ideas in a polity as sensible or legitimate (Koopmans and Statham, 1999; Kriesi, 2004), a PRI's rules also need to be perceived as adequate or legitimate (Mena and Palazzo, 2012). The rule adequacy of a PRI can be understood as its ability to “solve or ameliorate the problems at hand as well as consider and address important consequences of the decision itself” (Rucht, 2005, p. 219), ranging from *inadequate* to *adequate*. A PRI can be inadequate because its rules do not require firms to change their CR behavior sufficiently, are not adapted to rule-targets, or provoke problematic side-effects (Raines, 2003; Sethi, 2003; Vogel, 2010). A PRI's rule adequacy could therefore be measured by, for example, the number of issues about which it is publicly criticized, or the extent to which stakeholders affected by an issue regulated by a PRI perceive it as dealing with that issue in a credible way.

Output structure. We can describe the fourth dimension of PROS as a PRI's output structure. As for international organizations (Kitschelt, 1986; Scharpf, 1999; van der Heijden, 2006), a PRI's output structure depends on the effectiveness of its rules, and refers to the strength with which it monitors and enforces its rules, ranging from *weakly* to *strongly monitored* (Mena and Palazzo, 2012; Richardson and Eberlein, 2011; Risse, 2006). In the context of PRIs, a strong output structure can be achieved by using independent third-party audits of rule enforcement, which are expected to encourage greater compliance than other forms of monitoring, such as self-monitoring by corporations (Marx, 2008; O'Rourke, 2006).

(c) Private Regulation Opportunity Structures and CR-based Activist Groups'

Activities

We contend that activist groups evaluate PROS by comparing these four dimensions in the different PRIs that regulate CR issues (see examples in Table 2). This comparative perspective also aligns with international POS, which examine how activist groups compare different international organizations' opportunity structures (van der Heijden, 2006). We argue that both radical and reformatory activist groups evaluate PRIs whose PROS dimensions are more open, integrative, adequate, and strongly monitored as more appropriate solutions than more closed, exclusive, inadequate, and weakly monitored PRIs. Inclusive and open PRIs have been shown to develop more legitimate solutions to CR issues than do more exclusive and closed PRIs (Bäckstrand, 2006; Fransen, 2012; Mena and Palazzo, 2012; Risse, 2006), and, in the same vein, the strength (particularly the independence) of monitoring is seen as a critical dimension in the effectiveness of the solutions PRIs provide (Gereffi et al., 2001; Kolk and van Tulder, 2002).

Not only does the comparison of PRIs along their PROS dimensions determine how effective the solutions they provide are perceived, but the ideology of CR-based activist groups matters as well. Radical activist groups are generally more critical toward PRIs than are their reformatory counterparts^{iv}. Thus the relative evaluations of radical and reformatory CR-based activist groups converge – both see PRIs whose PROS dimensions are more open, integrative, adequate, and strongly monitored as more likely to provide appropriate solutions than more closed, exclusive, inadequate, and weakly monitored PRIs. But they diverge when evaluating PRIs in absolute terms: radical activist groups are less inclined even to evaluate more open, integrative, adequate, and strongly monitored PRIs as acceptable solutions. We now examine the core of our framework, that is, how PROS affect the activities of CR-based activist groups that take private regulation as a focal point.

(i) *PROS and the field level route.* Reformative activist groups prefer to develop to their fullest potential those PRIs they perceive as currently offering more advanced – if not necessarily perfect – solutions to CR issues (Yaziji and Doh, 2009): those PRIs that are comparatively more open, integrative, adequate, and strongly monitored. Reformative activist groups favor participatory over non-participatory tactics in such PRIs, which reflects their preference for institutionalized and collaborative tactics. They are thus more likely, first, to engage with those PRIs and, second, to use participatory tactics within such initiatives. However, supporting the most advanced existing solutions sometimes also involves delegitimizing PRIs that offer less advanced solutions. While most of their activities are likely to center on the PRIs they deem worthy of support, reformative activist groups also use non-participatory tactics against PRIs whose PROS dimensions are more closed, exclusive, inadequate, and weakly monitored. For example, the WWF, considered a reformative activist group, helped create the Forest Stewardship Council (FSC) – a PRI setting standards for sustainable forest management – and participated in and supported this initiative. In contrast, the WWF has been much more critical toward another PRI dealing with the same issue – the industry-initiated Sustainable Forestry Initiative (SFI) – which is more exclusive and closed than the FSC (Walsh, 2006; see also Table 2).

Favoring more far-reaching solutions than reformatives, radical activist groups usually attempt to delegitimize solutions that, while effective, still fall short of their own expectations, so as to improve them further, or to encourage the emergence of even more effective solutions. Thus, radicals are most likely to focus on PRIs whose PROS dimensions are comparatively more open, integrative, adequate, and strongly monitored. However, in contrast to reformative activist groups – and consistent with their preference for more disruptive action – radical activist groups will favor non-participatory over participatory tactics: in doing so, they aim both to improve those PRIs and/or pave the way for the

emergence of more stringent solutions. As is the case when targeting the state with non-participatory tactics to pressure firms indirectly (Schurman, 2004; Zald, 2000), undermining the existing solutions for a CR issue that PRIs represent also puts indirect pressure on firms, both participating and non-participating, by discrediting the supposedly proactive CR practices endorsed by firms in these more advanced PRIs. Thus, in their efforts to bring about change in CR activities via the field level route, we propose that:

Proposition 1. Both reformative and radical CR-based activist groups spend more time and resources targeting PRIs that are more open, integrative, adequate, and strongly monitored than others.

In terms of tactics, comparing reformative and radical activist groups, we propose that:

Proposition 2a. The more open, integrative, adequate, and strongly monitored a PRI is, the more likely reformative CR-based activist groups are to select participatory over non-participatory tactics when targeting this PRI.

Proposition 2b. Regardless of a PRI's opportunity structures, radical CR-based activist groups are more likely to select non-participatory over participatory tactics when targeting a PRI.

This last proposition is illustrated by two examples: the non-participatory and critical tactics adopted by the radical group Friends of the Earth toward the Roundtable of Sustainable Palm Oil, on the basis that this PRI is inadequate and does not contribute

effectively to solving the deforestation issue (Friends of the Earth, 2009); and, in contrast, the participatory and supportive tactics used by two reformative groups – Rainforest Action Network (RAN) and the WWF, which both prefer negotiation to confrontation – towards the above mentioned FSC.

(ii) *PROS and the firm level route.* We have outlined above that the targeting of firms over CR issues depends largely on their perceived proactivity. Firms that participate in no PRIs at all are likely to be seen as laggards compared to those that engage, since the latter show some form of readiness to address the issue beyond individual firm level measures (Scherer and Palazzo, 2007; Zadek, 2004). By the same token, firms participating in PRIs that are comparatively more open, integrative, adequate, and strongly monitored are likely to be perceived as more proactive than those engaging with more closed, exclusive, inadequate, and weakly monitored PRIs (Behnam and MacLean, 2011; MacLean and Behnam, 2010).

Thus, on the one hand, as radical activist groups are usually confrontational and concentrate their activities on requiring further improvements from proactive firms (Turcotte et al., 2007; Yaziji and Doh, 2009), they are more likely to target those that participate. Furthermore, such groups target firms that participate in PRIs that are comparatively more open, integrative, adequate, and strongly monitored compared to others, as they represent the current best practices with regard to a CR issue: by targeting those firms, radical activist groups look to push the initiatives in which these firms participate towards even more stringent rules. On the other hand (and as we propose above) reformative activist groups' collaborative behavior translates into a higher propensity, first to engage in PRIs, and then to use participatory tactics to work within these initiatives. This does not prevent such groups from occasionally using confrontational tactics towards laggard firms (den Hond and de Bakker, 2007). When targeting such firms, reformative activist groups' leverage the solutions

the most advanced PRIs represent as benchmarks with the aim to pressure laggard firms to participate in those PRIs. This happened, for example, when the WWF (participating in the FSC) launched a campaign against the operations of the global timber company Danzer in the Republic of Congo. The WWF's objective was to persuade Danzer to participate in the FSC and have its concessions in Congo certified; a goal that was subsequently achieved (Châtel, 2009; FSC-Watch, 2006). We therefore propose that, to promote CR change via the firm level route (depending on firms' (non-) participation in PRIs):

Proposition 3. Whereas radical CR-based activist groups spend more time and resources targeting participating firms, reformative CR-based activist groups spend more time and resources targeting non-participating firms.

Following the above reasoning, radical and reformative activist groups are likely to prefer to target firms participating in PRIs with different opportunity structures. Comparing radical and reformative groups, we propose that:

Proposition 4a. When targeting participating firms, radical CR-based activist groups spend more time and resources targeting firms in PRIs that are more open, integrative, adequate, and strongly monitored compared to others.

Proposition 4b. When targeting participating firms, reformative CR-based activist groups spend more time and resources targeting firms in PRIs that are more closed, exclusive, inadequate, and weakly monitored compared to others.

(iii) PROS and advocacy for the creation of new PRIs. We have noted above that activist groups mobilizing against the state as a focal point can create new political parties (Zald, 2000). CR-based activist groups can use similar tactics when taking private regulation as a focal point: i.e., advocating a new and improved solution for a CR issue via the creation of a more stringent PRI than those that currently exist. As in state-directed activism, CR-based activist groups are more likely to do so when the existing opportunity structures do not provide them with sufficiently positive prospects for change (Zald, 2000).

Reformative CR-based activist groups face such a lack of opportunities when they deem none of the existing PRIs as worthy of their support – that is, when all PRIs regulating a CR issue are closed, exclusive, inadequate, and their rules weakly monitored. In such cases, reformative activist groups will be unable to improve CR behaviors via their preferred participatory tactics, as no extant PRI has effective regulatory power. As detailed previously, the process leading to the creation of a PRI depends on several enabling conditions. When favorable conditions are in place, reformative CR-based activist groups will therefore support the creation of a new PRI that they see as providing a more appropriate solution to the CR issue at hand – that is, a PRI whose PROS dimensions are more open, integrative, adequate, and strongly monitored than those of existing PRIs. We therefore propose that:

Proposition 5. The more closed, exclusive, inadequate, and weakly monitored existing PRIs are, the more likely reformative CR-based activists are to advocate the creation of a new PRI.

As opposed to reformative groups, radical CR-based activists prefer less institutionalized means of instigating change. Proposition 2 suggests that radical activist groups – who prefer disruptive tactics – are more likely to use non-participatory tactics. As

advocacy often entails participation in the future PRI, we argue that it is unlikely that radical activist groups will use advocacy, but will rather use scale shift.

(iv) *PROS and scale shift.* When CR-based activist groups face unfavorable PROS, they have another possibility – to shift their scale of contention to other focal points (i.e. the state or the corporation). Reformative CR-based activist groups may resort to such solutions when all the PRIs in a target field are closed, exclusive, inadequate and weakly monitored. While they are likely to advocate the creation of new PRIs in such a situation (c.f. Proposition 5), enabling conditions may be unfavorable, or such a creation process may be too slow to bring sufficient change, or might already have failed. In such cases, we argue that reformative groups will likely turn their efforts away from PRIs toward other available focal points.

The same argument is valid for radical CR-based activist groups. When there are only relatively closed, exclusive, inadequate, and weakly monitored PRIs associated with a CR issue, radical activist groups cannot target their preferred PRI targets – usually those which are more open, integrative, adequate, and strongly monitored PRIs – nor their preferred firm targets – those participating in such PRIs. In such situations – just as their reformative counterparts – radical activist groups are likely to shift their activities to other focal points, so we propose that:

Proposition 6. Whereas radical CR-based activist groups are likely to engage in scale shift the more closed, exclusive, inadequate, and weakly monitored existing PRIs are, reformative CR-based activist groups will only do so when not advocating the creation of new PRIs.

DISCUSSION

In this article, we examine how private regulation initiatives have become a new focal point for activist groups aiming to pressure firms to improve their CR engagement. We have detailed the dimensions of private regulation opportunity structures (PROS) and examined how they affect the activities of reformative and radical CR-based activist groups. We have conceptualized four main activities of activist groups: (i) taking the field level route and targeting PRIs by using either participatory or non-participatory tactics towards PRIs, (ii) taking the firm level route and targeting participating or non-participating firms, (iii) advocating the creation of new PRIs, and (iv) shifting the scale of contention to other focal points. We have underlined how the ideology of activist groups and the opportunity structures of existing PRIs determine activist groups' choices of where to allocate most of their time and resources among these four activities. We now discuss three issues that our framework does not explicitly address: how activist groups that participate in PRIs are likely to behave at the firm level; the potential role that ideological changes in activist groups may play; and how an evaluative assessment of PRIs could complement our contribution.

Participation of Activist Groups in PRIs and the Firm Level Route

We have noted that the firm level route is another way for CR-based activist groups to bring change at the field level, i.e. to change the processes of PRIs or to extend their coverage to additional firms so as ultimately to change the practices of multiple firms (den Hond and de Bakker, 2007). Targeting firms may seem contradictory to CR-based activist groups' participation in PRIs; but, as the example of WWF (an FSC participant) and Danzer above illustrates, CR-based activists are still able to target individual firms while participating in PRIs, which raises the question of whether activist groups could face a conflict of interest when co-opted to participate in PRIs.

We contend that our Propositions 3 and 4 concerning activist groups taking the firm level route also hold when they participate in PRIs. Reformative activist groups are more likely either to target firms that do not participate in PRIs at all, or that participate in PRIs that are less advanced than those in which the activist group participates (Propositions 3 and 4b). Hence, the potential for a conflict of interest between reformative activist groups' participation in PRIs and their targeting of individual firms can be expected to be a relatively minor issue, since they are unlikely to target firms participating in the same PRIs as themselves.

Radical activist groups are, first, much less likely than their reformative counterparts to participate in PRIs (Proposition 2), and, second, would only participate in PRIs that have extensive authority and decisive power over the firms they regulate (i.e., which are very open, integrative, adequate, and strongly monitored), and in which the activist groups themselves have greater decision-making weight than the participating firms. Under such circumstances, it would seem less necessary for radical activist groups to target participating firms because they themselves hold the power within the PRI (by using participatory tactics) to force those firms to improve their CR behaviors. In such situations, radical activist groups might target individual firms, which are not participants in the same PRIs as they are. However (as per our Propositions 3 and 4) radical activist groups taking the firm level route will likely spend most of their time and resources targeting firms that participate in open, integrative, adequate and strongly monitored PRIs. As radical activist groups would only themselves participate in such PRIs, it is therefore less likely, overall, that they would target individual firms in these situations.

Ideological Change

Another issue that our conceptualization does not address directly is the possibility of

ideological change within activist groups as a result of their participation in PRIs. Social movement theory has shown that, over long periods, reformative groups that participate in existing state structures tend to become more moderate – and, likewise, that radical activists operating outside state institutions can become even more radical as a result of repression (Koopmans, 2004; Whetten et al., 2009).

However, extant research has also shown that ideological change is by no means trivial, and can face important obstacles, such as routines, organizational inertia (Hannan and Freeman, 1977), and – particularly important for our context – the question of core constituents’ endorsement of the organization’s ideology. Yaziji and Doh (2013) show that activist groups’ radicalism is strongly influenced by resource providers (e.g. donors): to the extent that these providers’ stances remains stable, it would be highly unlikely that the ideology of activist groups will change significantly. Another important aspect to consider is that, although internal conflicts over their ideological direction are frequent phenomena in activist groups, such conflicts do not lead to ideological change in many cases, but rather to the foundation by dissidents of new activist groups (Fantasia and Stepan-Norris, 2004; Rucht, 2004). While ideological change has been shown to be a consequence of shifting values in both the environments in which activist groups are embedded and those of their core constituents and resource providers (Zald and Ash, 1966), such processes generally occur over relatively extended time periods. Despite short-term ideological change in activist groups being less likely, future research should address longitudinal aspects of activist groups’ interactions with PRIs.

Evaluative Assessment of PRIs

An important point to note is that our conceptualization is a descriptive endeavor. While its implications do not allow for excessively optimistic conclusions of how the

interactions between CR-based activist groups and PRIs can affect the level and substantiveness of firms' CR engagement, a more critical or evaluative approach could shed additional light on our phenomenon of interest. For example, we have concentrated on describing contention between activist groups, firms, and PRIs once the latter are in place: by definition, this focus excludes an in-depth analysis of the conditions and power struggles underpinning PRIs' creation (see e.g. Bartley, 2007; Helms et al., 2012; Zietsma and McKnight, 2009).

In the same vein, our analysis concentrates on activist groups rather than individuals. From a critical point of view, this could raise important questions. For instance, we know that mobilization is a precondition for sustained interactions with power holders (McCarthy and Zald, 1977). At the same time, the formation of activist groups and their continuance over time require important resources (Edwards and McCarthy, 2004). However, the most vulnerable and marginalized segments of the world's population rarely have access to such resources, and so have trouble voicing their concerns and making them heard by power holders. They can be assumed not to be well represented either in the creation of PRIs or in the subsequent contentions between activist groups and firms. Such marginalized voices have to rely on more organized activist groups to bring their concerns to the attention of power holders such as firms and PRIs. However, past research has shown that the representation of marginalized stakeholders by established activist groups can suffer from serious flaws (Khan, Munir, and Willmott, 2007). Hence, a more normative or evaluative approach to our phenomenon of interest could be, on the one hand, to assess under what circumstances more organized activist groups' representation of marginalized stakeholders' interests yields substantial results for those stakeholders; and on the other, to aim to understand what other means marginalized stakeholders might have to gain access to PRIs when representation via more organized activist groups proves unsatisfactory.

Conclusion

The extant literature to date has largely portrayed PRIs as stabilizing solutions for firms, in the sense that their agreement to participate in PRIs can lead to the pacification of their previously contentious relationships with CR-based activist groups (e.g. Baron, 2003; Bartley, 2007; Scherer and Palazzo, 2007, 2011; Wright and Rwabizambuga, 2006). By contrast, we underline the continuation of contention and conflict – even after PRIs are created – and so contribute to a more dynamic view of CR and PRIs, which are both constantly in flux and never conclusively defined.

Current research underlines the positive consequences of firms' engagement in PRIs, such as enhanced reputation, competitive advantage, or as buffers against pressures (Fombrun et al., 2000; McWilliams et al., 2006; Wright and Rwabizambuga, 2006). Scherer and Palazzo, while talking about adequately representative and fair PRIs, mention that corporate engagement “helps to pre-empt potential conflicts between a corporation and its societal environment” – but they also note that “stakeholder conflicts do not vanish” (2007, p. 1109) necessarily as a result. Indeed, whereas an expectation of positive consequences might constitute initial justifications for firms' participation in PRIs, our conceptualization shows that there are also unintended consequences of such engagement. While firms may initially see private regulation as a solution to current problems, these very solutions can subsequently become channels through which activist groups pressure firms toward making further CR commitments (Turcotte et al., 2007). While we do not question that there can be benefits to firms from participating in PRIs, we contribute to the CR literature by pointing toward a more complete view of the implications of their engagement.

We also contribute to social movement theory, by extending the literature on POS to the realm of private regulation. Current conceptualizations of POS (King, 2008b; Schurman, 2004; Soule, 2009, 2012b; van der Heijden, 2006) neither consider nor capture how private

regulation affects activism, despite PRIs' potential regulatory power to address CR issues. Given that PRIs are increasingly becoming the yardsticks for advanced types of firms' CR engagements (Scherer and Palazzo, 2011), and, at the same time, that social movement theorists are taking an increasing interest in the topic of CR (Soule, 2009), we believe our article provides a fruitful extension of the burgeoning literature at the intersection between social movement theory, CR, and private regulation.

However, our conceptualization has some limitations, which can offer interesting avenues for future research. We have not looked in detail at the internal dynamics of contention within PRIs. Further research on the underlying processes, dynamics, and power struggles located in and around PRIs is needed in order to better understand issues of the politicization (Scherer and Palazzo, 2007) or de-politicization (Edward and Willmott, 2008) of firms' roles in governance, the marginalization of interests (Banerjee, 2007; Dingwerth, 2008), and the co-optation of non-profit interests by corporate ones (Shamir, 2010). For example, while we have provided arguments with regard to CR-based activist groups' use of participatory tactics, future research should address in more detail firms' and activist groups' strategic decisions to join, leave, or sustain their participation in PRIs – and the contentions underpinning such choices. A particularly interesting research endeavor would be to investigate how an activist group's decision to participate in a PRI influences micro-processes within the group, such as the distribution of power and resources among its individual members.

Nor does our conceptualization of PROS fully consider that a corporation may be concerned with several different CR issues – and might adhere to a PRI for one specific issue, but not for others. In those cases, CR-based activist groups might use one issue to cascade their campaigns onto other issues they feel the focal firm is not dealing with adequately (Bonardi and Keim, 2005). For instance, activist groups have been shown to target

corporations that have recently sustained reputational damage for issues unrelated to their focal campaigns (King, 2008a). Further research could address the relationship between issues, PRIs, firm engagement, and activism more comprehensively. In the same vein, it would be interesting to study how PRIs affect the framing processes and rhetorical strategies that underpin activist groups' tactics (Haack, Schoeneborn, and Wickert, 2012; Snow and Benford, 1988; Suddaby and Greenwood, 2005).

Finally, our conceptual framework allows for extensive empirical operationalization. Field level quantitative studies can test our propositions, using sustainable forest management, labor standards, or the mining industry (for example) as research settings, given the number of PRIs emerging in those areas. We suggest that a content analysis of criticism in relevant media is an appropriate starting point for data collection on activism against firms and PRIs. PROS can be operationalized by qualitatively examining the different dimensions in existing PRIs, and different activist groups' perception of these dimensions (by examining their reports on focal topics, for example). Such enquiries would allow for the sketching of a clearer picture of the differences in the politics of regulation and corporate responsibility across diverse issues and markets.

NOTES

- ⁱ We do not consider the category in which governmental institutions govern PRIs on their own, as such PRIs are assimilable to international organizations (Abbott and Snidal provide the example of the ILO or the OECD). The opportunity structures for activism targeted at such organizations have already been covered elsewhere (e.g. van der Heijden, 2006), and we draw on these conceptions to develop private regulation opportunity structures.
- ⁱⁱ Whereas institutional theories emphasize how the environment shapes organizational behaviors – and tends towards stability – social movement theory rather emphasizes challenger organizations’ attempts to alter their environments – and so promote change (King, 2008b). Although more recent neo-institutional studies also examine change processes, they typically focus on examining how incumbent actors can come to realize the possibility of alternatives to the status quo, rather than – as social movement theory does – on the political and contentious processes involved in pushing for change in institutional environments. An exception is the literature on institutional entrepreneurship, which does focuses on political processes: but part of this literature has recently been criticized heavily because it seems to conflict with a basic premise of neo-institutional theory – that institutions make it hard for actors to envision alternatives to the status quo (Aldrich, 2011; Suddaby, 2010).
- ⁱⁱⁱ Some PRIs exclude activists groups from participation, in which case these tactics are not possible.
- ^{iv} We only consider PRIs that neither reformative nor radical activist groups see as perfect and definitive solutions to CR issues. While such perfect PRIs could exist in theory, in reality it is highly unlikely that PRIs could provide complete solutions to CR issues. And if such perfect PRIs existed, they would no longer attract criticism by CR-based activists as they

would have solved the CR issues involved – and so would fall outside the scope of this article.

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FIGURE 1

A Framework of Private Regulation as a Focal Point for CR-based Activism

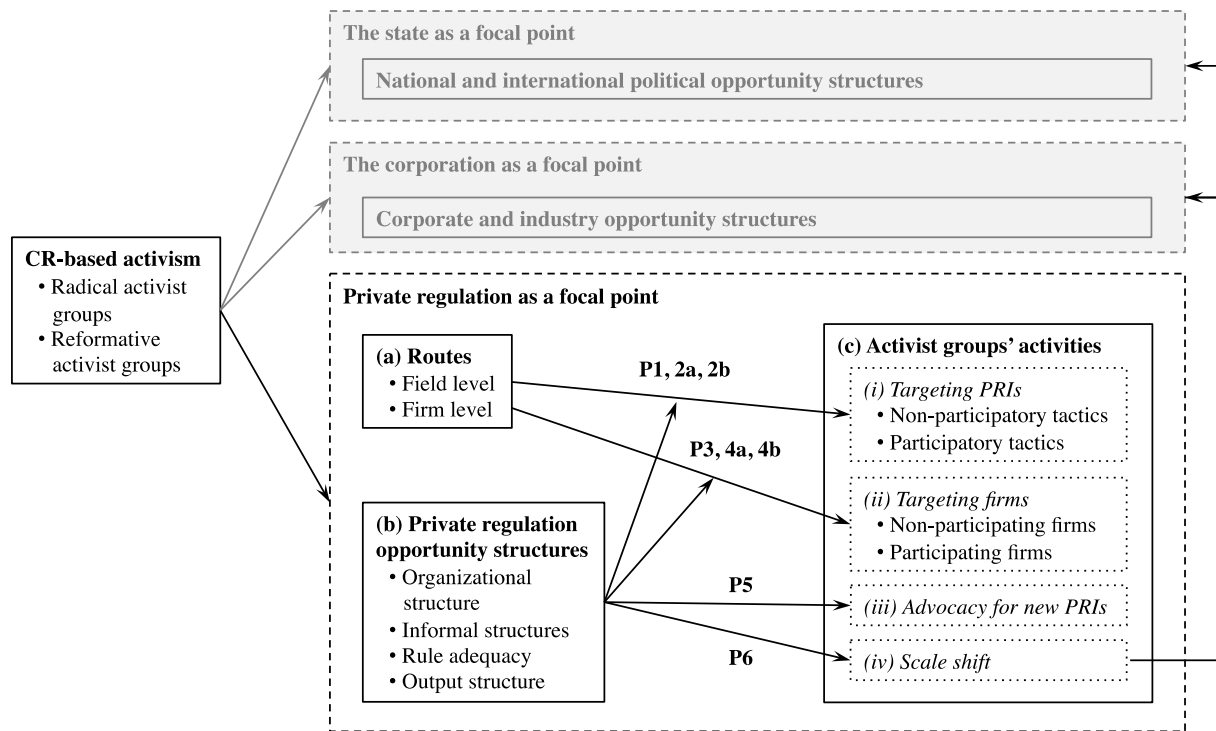


TABLE 1

Examples of Existing PRIs Following Abbott and Snidal's Categorization^a

Stakeholders participating in governance of the PRI			PRI	CR issue	Date of creation
Firms	Civil society organizations	Governments			
x			Responsible Care Sustainable Forestry Initiative	Sustainability in the chemical industry Sustainable forest management	1987 1994
	x		Workers' Rights Consortium GoodWeave (formerly RugMark)	Working conditions in the apparel industry Child labor-free certification of rugs' fabrication	2000 1994
x	x		Fair Labor Association Forest Stewardship Council	Working conditions in the apparel industry Sustainable forest management	1999 1993
x		x	United Nations Global Compact Equator Principles	CR guidelines Sustainable financing of bank projects	1999 2003
	x	x	Principles for Responsible Investment	CR guidelines for investors	2006
x	x	x	Extractive Industry Transparency Initiative Kimberley Process	Transparency of money transfers between governments and extractive firms Certification of conflict-free diamonds	2002 2003

^a Adapted from Abbott and Snidal (2009a; 2009b; 2010)

TABLE 2

Definitions and Examples of Private Regulation Opportunity Structures

Dimension of PROS	Definition	Value	Examples of indicators	Examples of PRIs (CR issue)
Organizational structure	Openness to formal participation by activist groups	Open <--> Closed	Type of voting system Repartition of votes between different constituents Structure of the general assembly	The <i>Voluntary Principles on Security and Human Rights</i> are more open than the <i>Global Business Initiative on Human Rights</i> (CR issue: human rights)
Informal structures	Integrativeness of the decision making processes	Integrative <--> Exclusive	Openness of the general assembly to the public Transparency (e.g. general assembly or board meeting minutes publicly available)	The <i>Forest Stewardship Council</i> is more integrative than the <i>Sustainable Forestry Initiative</i> (CR issue: sustainable forest management)
Rule adequacy	Extent to which the PRI's rules contribute to solving the issue with the minimum amount of negative externalities	Adequate <--> Inadequate	Number/extent of negative externalities created by the rules Extent and coverage of root-cause identification and solving Amount of public criticism of the rules	The <i>Rainforest Alliance</i> is more adequate than <i>Responsible Cocoa</i> (CR issue: sustainable cocoa farming)
Output structure	Strength of enforcement and monitoring of the PRI's rules	Strongly monitored <--> Weakly monitored	Type of monitoring Presence of further verification procedures Independence and/or accreditation of monitoring organizations Stringency of reporting requirements	The <i>Workers' Rights Consortium</i> is more strongly monitored than the <i>Worldwide Responsible Apparel Production</i> (CR issue: working conditions in the apparel industry)