

Katarzyna Mojska¹ Wojciech Mojski²

Corporate Social Responsibility and Its Constitutional Context

Keywords: CSR, application of the constitution, constitutional clauses, vertical and horizontal effect of constitutional norms, constitutional rights and obligations

Słowa kluczowe: społeczna odpowiedzialność biznesu, stosowanie konstytucji, klauzule konstytucyjne, wertykalny i horyzontalny skutek norm konstytucyjnych, prawa i obowiązki konstytucyjne

Abstract

Climate change, the global pandemic, economic crisis and worldwide social unrest create uneasy and challenging environment for business to operate. These processes also add a new dimension to the debate on corporate social responsibility (CSR), that since at least the middle of the 20th century has been growing in importance and gradually became a permanent component of the reformulated business-society relations lexicon. The aim of the article is to outline ambiguous nature of CSR and to examine the theoretical possibilities of relating the constitutional norms of modern democratic states to this complex social problem, in particular in the context of such issues as application of the constitution, constitutional clauses, the vertical and horizontal effect of constitutional norms, constitutional rights and obligations.

¹ ORCID ID: 0000-0002-3382-7325, PhD, Department of International Relations, Faculty of Political Science and Journalism of Maria Curie-Skłodowska University in Lublin. E-mail: katarzyna.mojska@poczta.umcs.lublin.pl.

² ORCID ID: 0000-0002-4802-3346, PhD, Department of Constitutional Law, Faculty of Law and Administration of Maria Curie-Skłodowska University in Lublin. E-mail: wojciech.mojski@poczta.umcs.lublin.pl.

Streszczenie**Społeczna odpowiedzialność biznesu i jej kontekst konstytucyjny**

Zmiany klimatyczne, globalna pandemia, kryzys gospodarczy i ogólnoświatowe niepokoje społeczne tworzą niełatwe i wymagające środowisko dla działalności przedsiębiorstw. Procesy te dostarczają również nowych uwarunkowań dla debaty na temat społecznej odpowiedzialności biznesu, która co najmniej od połowy XX wieku zyskiwała na znaczeniu i stopniowo stała się trwałym elementem przeformułowanego dyskursu na temat relacji biznes-społeczeństwo. Celem artykułu jest zarysowanie niejednoznacznej istoty zagadnień z zakresu społecznej odpowiedzialności biznesu oraz zbadanie teoretycznych możliwości odniesienia norm konstytucyjnych współczesnych państw demokratycznych do tego złożonego problemu społecznego, w szczególności w kontekście takich zagadnień jak stosowanie konstytucji, klauzule konstytucyjne, wertykalny i horyzontalny skutek norm konstytucyjnych, konstytucyjne prawa i obowiązki.

✱

I. The Essence of Corporate Social Responsibility

The problem of social and environmental implications of business activities, and the resulting responsibility of entrepreneurs, is as old as business itself. However, ‘modern’ narratives upon these issues – involving primarily but not exclusively – representatives of business, public institutions, academia, and non-governmental bodies, emerged in the post World War II period, and have been carried out since then under the banner of CSR. On the one hand, CSR is described as having experienced “phenomenal rise to prominence”³ through a “journey that is almost unique in the pantheon of ideas in the management literature”⁴, on the other hand – as a “tortured concept, both theoretically and empirically”⁵. Indeed, through decades much has been written

³ A. Crane, A. McWilliams, D. Matten, J. Moon, D.S. Sigel (eds.), *The Oxford Handbook of CSR*, Oxford 2008, p. 6.

⁴ Ibidem.

⁵ P.C. Godfrey, N.W. Hatch, J.M. Hansen, *Toward a general theory of CSRs: the roles of benefice, profitability, insurance and industry heterogeneity*, “Business and Society” 2010, vol. 49, No. 2, p. 316.

about CSR, its conceptualizations and initiatives of practical applications proliferated, but neither scholars nor practitioners have ever agreed upon precise meaning of the term, particular definition, and the scope, sources and nature of companies' obligations. It has diverse variants ranging from vague statements on business "shoulds" or "should nots", to interpretations assigning to companies' duties somehow parallel to those of governments, and claiming that corporate social responsibility could be legally enforced⁶.

What is perceived as groundbreaking from the perspective of scholarly analysis is the 1953 H. Bowen's definition, according to which CSR refers to "the obligations of businessmen to pursue those policies, to make those decisions, or to follow those lines of action which are desirable in terms of the objectives and values of our society"⁷. The 1960s saw intensification of efforts to clarify the meaning of CSR. Significant contribution in this area is attributed to Keith Davis, for whom "social responsibilities of businessmen need to be commensurate with their social power"⁸, and the very essence of social responsibility grows out of concern for the ethical consequences of decisions that may affect the interests of other entities and the entire social system⁹. In the subsequent decade, the Committee for Economic Development (a prominent US think tank) formulated a new approach to CSR, stating that "business functions by public consent, and its basic purpose is to serve constructively the needs of society – to the satisfaction of society"¹⁰. Moreover, in this view, the "social contract" between the world of business and society is undergoing significant transformation. The former is called upon to take greater than ever responsibility toward society, and to contribute to the improvement of quality of social life beyond mere provision of goods and services¹¹.

⁶ K. Buhman (Re-)enter the State: *Business and Human Rights Dynamics as Shapers of CSR Norms and Institutions*, [in:] *Corporate Social Responsibility and Corporate Change: Institutional and Organizational Perspectives*, ed. A. Sales, New York-Berlin-Heidelberg 2019.

⁷ H.R. Bowen, *Social Responsibilities of the Businessman*, New York 1953, p. 6.

⁸ K. Davis, *Can Business Afford to Ignore Social Responsibilities?*, "California Management Review" 1960, vol. 2, No. 3, p. 70.

⁹ Idem, *Understanding the social responsibility puzzle. What does the businessman owe to society*, "Business Horizons" 1967, vol. 10, No. 4, p. 46.

¹⁰ Committee for Economic Development, *Social Responsibilities of Business Corporations*, New York 1971, p. 11.

¹¹ Ibidem, p. 15.

In the late 1970s, A.B. Carroll proposed the first unified definition concerning the structure of social responsibility of business encompassing: “economic, legal, ethical, and discretionary expectations that society has of organizations at a given point in time”¹².

Within the last two decades of the 20th century, the concept of CSR was clearly evolving into an umbrella term formula, encompassing complementary and overlapping frameworks, such as business ethics, stakeholder theory, corporate citizenship and corporate sustainability¹³. From the perspective of the purposes of this analysis, the last three seem to be particularly significant. Stakeholder theory stems from the assumption, that except direct participants in purely economic performance, such as owners, shareholders, employees, creditors, subcontractors, etc., there is a wide spectrum of individual and collective entities, that have a “stake” – a legitimate interest in the broadly understood activity of a business enterprise. On the one hand, stakeholders are affected by business operations – i.e. management strategies, manufacturing processes and products, on the other hand – they may use their own resources and methods to regulate company behavior. The broad versions of the theory discussed, grant status of a stakeholder to i.a. public authorities, local communities and individuals (e.g. those who may be harmed as a result of company’s operations), non-governmental organizations, or even incorporate (albeit not without theoretical controversy) natural environment¹⁴.

As the new millennium had been approaching, the concept of corporate citizenship was gaining prominence. Two key interpretation strands can be identified in reference to this framework. According to the first, based on a specific analogy between enterprises and individual citizens, companies should act as “good citizens” of states and communities in which they reside¹⁵ by contributing to maintenance of social well-being. The second, more far-reaching interpretation, looks at corporate citizenship through the lens-

¹² A.B. Carroll, *A three-dimensional conceptual model of corporate performance*, “Academy of Management Review” 1979, vol. 4, No. 4, p. 500.

¹³ A.B. Carroll, *Corporate social responsibility: The centerpiece of competing and complementary frameworks*, “Organizational Dynamics” 2015, vol. 44, No. 2. p. 15.

¹⁴ E.W. Orts, A. Strudler, *The Ethical and Environmental Limits of Stakeholder Theory*, “Business Ethics Quarterly” 2002, vol. 12, No. 2; R.A. Phillips, J. Reichart, *The Environment as a Stakeholder? A Fairness-Based Approach*, “Journal of Business Ethics” 2002, vol. 23, No. 1.

¹⁵ A.B. Carroll, *op.cit.*, p. 93.

es of changing relationship between market and state, business and politics¹⁶, within which the former participates in governance activities and provision of public goods, thereby – to a certain degree – stepping into the role of public authorities. In this view, corporate citizenship refers to participation of business in “administering” civil rights and the corresponding extension of its social responsibility¹⁷.

The most recent of the CSR’s complementary frameworks, with a great increase in references to, is corporate sustainability. Its definition is adopted from sustainable development and concerns the need to incorporate integration of economic, social and environmental aspects into business activities¹⁸. While the conceptualization of sustainable development evolves, and its scale and scope are widening, as illustrated by Sustainable Development Goals, also is catalogue of issues embraced by the notion of business responsibility. Companies are expected to contribute to solving societal challenges ranging from climate change, water and food crises, to poverty, social conflicts and inequality.

Several elements characteristic of the ambiguous essence of CSR can be derived from the multitude of CSR conceptualization and barely indicated interpretation. Firstly, this condensed overview reflects significant change in the perception of the place and role of business enterprises in the modern societies, as a consequence of increase in their power and impact on the provision of social goods. Defining them only in terms of purely economic entities is complemented by a wider context that recognizes them as “social institutions”. Secondly, the resulting transformation of the obligations of these entities is emphasized. In addition to the economic responsibility traditionally assigned to them, the issue of responsibility for the broadly understood quality of life of the communities in which they function is gaining importance.

¹⁶ I. Pies, *Introduction: Corporate Citizenship and New Governance – The Political Role of Corporations*, [in:] *Corporate Citizenship and New Governance: The Political Role of Corporations*, eds. I. Pies, P. Koslowski, Dordrecht-New York 2011, p. 1.

¹⁷ D. Matten, A. Crane, *Corporate citizenship: Toward an extended theoretical conceptualization*, “Academy of Management Review” 2005, vol. 30, No. 1, pp. 166–179.

¹⁸ M.M. Ashrafi, M. Adams, T. Walker, G. Magnan, *How CSR can be integrated into corporate sustainability: a theoretical review of their relationships*, “International Journal of Sustainable Development & World Ecology” 2018, vol. 25, No. 8, p. 694.

Fourth, the scope of entities to whom corporations are responsible, is significantly extending.

Discussion of CSR with multiplying definitions and theoretical formulations, as well as various business', stakeholders' or hybrid standard-setting and implementation strategies, certainly has been catalyzed by the multilayered and ambiguous dynamics of globalization processes. This refers to the rising power of business, with the most prominent example of multinational corporations and their global expansion, and accompanying changes in social consciousness on the role of companies in escalation of social and environmental problems, and their potential contribution in solving thereof. Although powerful multinationals are very important addressees of the demands and expectations contained in CSR, this concept is by no means limited to them. United Business Principles on Business and Human Rights – a widely recognized set of guidelines for states and companies to “prevent, address and remedy human rights abuses committed in business operations”¹⁹ states that “responsibility of business enterprises to respect human rights applies to all enterprises regardless of their size, sector, operational context, ownership and structure”²⁰.

As mentioned, enormous complexity and significance of the issues included into its subject-matter and operational scope makes CSR a divided field, in both theoretical and practical dimensions. One of the most important, long-standing and unresolved debates within the CSR discourse and practice is voluntary/mandatory debate. It concerns the very character of companies' obligations under CSR, and the corresponding regulatory mechanisms. For the adherents of the voluntary side of the regulatory scale, CSR should be approached as a form of “soft law” and implemented by business self-regulation instruments²¹. According to the opposite view, it could be moved to the sphere of enforceable regulation and equipped with a legal framework of specified duties. Both sides of the dispute, in addition to postulating the de-

¹⁹ Business and Human Rights Resource Centre, <https://www.business-humanrights.org/en/big-issues/un-guiding-principles-on-business-human-rights> (30.10.2020).

²⁰ United Nations, *Guiding principles on business and human rights: implementing the United Nations “Protect, Respect and Remedy” framework*, New York-Geneva 2011, p. 15.

²¹ J. Ruggie, *Multinationals as global institution: Power, authority and relative autonomy, “Regulation and Governance”* 2018, vol. 12, No. 3, p. 317.

velopment of regulatory mechanisms appropriate from their point of view, seek support for their arguments regarding the nature of CSR obligations in the existing normative systems, including constitutional norms.

II. Constitutional Context of Corporate Social Responsibility

A constitution is the basic normative act that defines the social, economic and political system of the state. In each of these regulatory scopes, it is an act that expresses the axiological preferences of the constitutional legislator, while at the center of the constitutional values of contemporary (democratic) constitutionalism are such values as human rights, democratic mechanisms and the rule of law²². It is also usually a supreme act and an act that should not be only a political or merely ideological declaration, but should be a real normative act that is directly applied in systemic practice. The supreme nature of a constitution should be expressed both in the need to clarify its provisions in the practice of creating and applying law and in actual activity, as well as in the prohibition of violating its provisions in these areas. The feature of direct application of a constitution assumes, in turn, that its provisions should be treated as the basis of “real” legal norms. In general, a constitution should therefore be treated as a capacious, lively and flexible “social contract” that covers²³ all situations that may occur in a state²³.

The basic assumptions of contemporary constitutionalism do not usually cause disputes in a general sense. However, their more detailed contexts are not fully uniformly understood by scholars of constitutional law and in the practice of individual states, which also applies to the constitutional contexts of CSR. The constitutional analysis of the complex issue of CSR simultaneously touches upon such debatable issues of contemporary constitutional law as the issue of constitutional principles (constitutional clauses), vertical and horizontal effect of constitutional norms, as well as detailed aspects of individ-

²² E. Bulmer, *What is a Constitution? Principles and Concepts*, “International Institute for Democracy and Electoral Assistance”, Stockholm 2017.

²³ P. Lermack, *The Constitution Is the Social Contract So It Must Be a Contract... Right? A Critique of Originalism as Interpretive Method*, “William Mitchell Law Review” 2007, vol. 33, No. 4, pp. 1403–1445.

ual rights and constitutional obligations. Therefore, the constitutional problem of CSR does not become less complicated than the issues concerning its general essence discussed in this paper, and the outlined problems are only transferred to the normative and political practice levels²⁴.

At the outset, it should be noted that the main constitutional problem is the lack of legal regulations explicitly expressed in constitutions, which introduce the CSR principle. However, this is not a problem that would dictate to consider it as an intended “constitutional gap”, which next would disqualify the possibility of indicating the constitutional foundations of CSR, but this problem makes it necessary to resort to more sophisticated methods of interpreting the constitution, and this always causes some uncertainty. The subject of the constitutional exegesis in this context should be mainly the principles of the constitution that are the most similar in terms of their content to the indicated elements of CSR, include the principles of social market economy²⁵ and sustainable development²⁶. These principles have a broader normative scope than the CSR principle and they cover, in a logical and axiological sense, the mentioned conceptual categories that make up its scope and essence. In states, in which these principles do not have a direct constitutional anchorage, the possibility of interpreting the principle of CSR, at least indirectly, arise from the more general principles of a state protecting human rights and the rule of law. These principles are also related to CSR, as it is related both to the rights of other entities in relations with economic entities, as well as to the issue of legal regulation of these relations²⁷.

General assumptions concerning the constitutional foundations of CSR may however cause practical problems. First, the theoretical characteristics of principles that are the indirect constitutional basis of CSR, is related to the problem of their practical feasibility²⁸. This feasibility depends on the political or judicial “will” and in the concrete dimension it may be debatable,

²⁴ M. Bernatt, *Spoleczna odpowiedzialność biznesu. Wymiar konstytucyjny i międzynarodowy*, Warsaw 2009.

²⁵ P. Pysz, *Spoleczna gospodarka rynkowa. Ordoliberalna koncepcja polityki gospodarczej*, Warsaw 2008.

²⁶ M. Decleris, *The law of sustainable development. General principles*, Belgium 2000.

²⁷ M. Bernatt, op.cit., 102–116.

²⁸ J. Waldron, *Are Constitutional Norms Legal Norms?*, “Fordham Law Review” 2006, vol. 75, pp. 1697–1713.

which also applies to the more general second problem, i.e. vertical and horizontal impact of constitutional norms. The main addressees of constitutional norms are states, and the “natural” sphere of constitutional norms are the relations between the state and the individual (vertical dimension), and not the individual-individual relation (horizontal dimension). The reflection on the horizontality of constitutional norms²⁹ (and such detailed concepts as *Dritt-wirkung*, radiation of the constitution, positive obligations of the state, state action doctrine and third-party effect)³⁰, despite the fact that it is widely accepted in the scholarly opinion and in jurisprudence, but it however also causes some controversy³¹. In the context of the constitutional analysis of CSR, it is of paramount importance, as CSR by its nature refers mainly to horizontal relations. Nevertheless, at least in general terms, there are no convincing grounds for excluding the concept of the horizontal effect of constitutional norms and thus, for excluding the possibility of applying constitutional norms to relations between economic entities and other entities. This conclusion is mainly supported by the possibility of limiting economic activity in modern states by general clauses protecting the rights of others, and not only for reasons of public interest, and this allows for the creation of the concept of the “right to CSR”. However, even a conceptual negation of the horizontal effect of constitutional norms would not lead to a situation in which the state is deprived of the role of a superior entity in relation to economic entities. Thus, irrespective of the acceptance or rejection of the horizontal effect of constitutional norms, the state will always settle “private disputes”, which in turn leads to the practical (not conceptual) necessity of resolving the problems of horizontal impact of constitutional norms.

It should be also stated, that the implementation of constitutional principles and the settlement of the outlined problems depends primarily on the general approach to the actual application of the constitution in the practice of a state. If the constitution is treated in a state only as a declaration by po-

²⁹ M. Florczak-Wątor, *Horyzontalny wymiar praw konstytucyjnych*, Kraków 2014.

³⁰ A. Młynarska-Sobaczewska, *Wprowadzenie*, [in:] *Horyzontalne oddziaływanie Konstytucji Rzeczypospolitej Polskiej oraz Konwencji o Ochronie Praw Człowieka i Podstawowych Wolności. Studia i Materiały Trybunału Konstytucyjnego Tom LVI*, eds. A. Młynarska-Sobaczewska, P. Radziejewicz, Warsaw 2015, pp. 5–24.

³¹ *Ibidem*, pp. 7–11.

litical authorities, and by the courts as a “frivolous” act that requires confirmation by statutes, the chances of “reading” the CSR principle from its provisions decrease. It should be also noted that the real constitutional dimension of CSR in a state may also be influenced by conditions related to its constitutional identity. It is mainly related to the perception of the relationship between the social and free-market model of the economic system. In this context there is a fairly clear difference between the American approach – favoring the model of limited interventionism and the European approach – based to a significant extent on the model of the welfare state³². However, the elements of convergence in this respect, which also result from the processes of globalization of the economy, but also of the modern constitutionalism, allow for the conclusion that the two approaches are not opposing in nature and rather relate to interpretative accents on specific issues than negating the general possibility of indicating the constitutional foundations of CSR.

III. Conclusions

In the light of the assumptions of the contemporary constitutionalism, CSR can and should be perceived as a fully-fledged constitutional category. This category is anchored in the general principle of social market economy and the principle of sustainable development, in states in which these principles have gained a clear constitutional recognition or at least indirectly it has its constitutional basis in the principles of the state protecting human rights and the rule of law. CSR is primarily one of the elements of states constitutional task norms, the implementation of which should, in turn, be one of the goals of their broadly understood activities. In this dimension its detailed content should be determined *ad casum* in relation to specific situations regarding the relationship between economic entities and their social environment.

Due to the possibility of perceiving CSR as a special guarantee of the freedom of an individual from unauthorized interference that violates the sphere of specific constitutional rights by economic entities, it should also be treat-

³² A. Forte, *Corporate Social Responsibility in the United States and Europe: How Important Is It? The Future of Corporate Social Responsibility*, “International Business & Economics Research Journal” 2013, vol. 12, No. 7, pp. 815–824.

ed as a constitutional category that creates specific rights and obligations. CSR may be treated as the right of an individual to expect such an attitude from economic entities, but also to claim protection from states in cases of infringements. It should also be perceived as a positive obligation of the state, which should provide its citizens with adequate and fullest possible protection against socially irresponsible actions of economic entities. As a result, the state gains the full right to proportional establishment of detailed mechanisms limiting the freedom of economic activity within the framework of the CSR clause. It also seems that the constitutional principle of respecting the rights of others implies the need to treat CSR as a specific constitutional obligation of economic entities. The real scope of implementation of the constitutional category of CSR, in turn, depends, of course, on the systemic practice of individual states. This practice depends primarily on the general assumptions, traditions and activities carried out in a given state related to the degree and scale of socially and constitutionally motivated interventionism in the free market sphere. Summing up, it should be stated that while modern constitutional standards in theoretical terms create a framework for the “constitutionalization” of CSR, the concretization of this process depends on the choice of a specific state³³.

Literature

- Ashrafi M.M., Adams M., Walker T., Magnan G., *How CSR can be integrated into corporate sustainability: a theoretical review of their relationships*, “International Journal of Sustainable Development & World Ecology” 2018, vol. 25, No. 8.
- Bernatt M., *Społeczna odpowiedzialność biznesu. Wymiar konstytucyjny i międzynarodowy*, Warsaw 2009.
- Bosek L., Szydło M., *Komentarz do art. 31 Konstytucji*, [in:] *Konstytucja RP. Tom I. Komentarz do art. 1–86*, eds. M. Safjan, L. Bosek, Warsaw 2016.
- Bowen H.R., *Social Responsibilities of the Businessman*, New York 1953.
- Buhman K. *(Re-)enter the State: Business and Human Rights Dynamics as Shapers of CSR Norms and Institutions*, [in:] *Corporate Social Responsibility and Corporate Change: Institutional and Organizational*, ed. A. Sales, New York-Berlin-Heilderberg 2019.

³³ M. Tushnet, *The issue of state action/horizontal effect in comparative constitutional law*, “International Journal of Constitutional Law” 2003, vol. 1, No. 1, pp. 79–98.

- Bulmer E., *What is a Constitution? Principles and Concepts*, "International Institute for Democracy and Electoral Assistance", Stockholm 2017.
- Carroll A.B., *Corporate social responsibility: The centerpiece of competing and complementary frameworks*, "Organizational Dynamics" 2015, vol. 44, No. 2.
- Carroll A.B., *A three-dimensional conceptual model of corporate performance*, "Academy of Management Review" 1979, vol. 4, No. 4.
- Committee for Economic Development, *Social Responsibilities of Business Corporations*, New York 1971.
- Crane A., McWilliams A., Matten D., Moon J., Sigel D.S. (eds.), *The Oxford Handbook of CSR*, Oxford 2008.
- Davis K., *Can Business Afford to Ignore Social Responsibilities?*, "California Management Review" 1960, vol. 2, No. 3.
- Davis K., *Understanding the social responsibility puzzle. What does the businessman owe to society*, "Business Horizons" 1967, vol. 10, No. 4.
- Decleris M., *The law of sustainable development. General principles*, Belgium 2000.
- Drucker P., *The New Meaning of CSR*, "California Management Review" 1984, vol. 26, No. 2.
- Florczak-Wątor M., *Horyzontalny wymiar praw konstytucyjnych*, Kraków 2014.
- Forte A., *Corporate Social Responsibility in the United States and Europe: How Important Is It? The Future of Corporate Social Responsibility*, "International Business & Economics Research Journal" 2013, vol. 12, No. 7.
- Godfrey P.C., Hatch N.W., Hansen J.M., *Toward a general theory of CSRs: the roles of benefice, profitability, insurance and industry heterogeneity*, "Business and Society" 2010, vol. 49, No. 2.
- Lermack P., *The Constitution Is the Social Contract So It Must Be a Contract... Right? A Critique of Originalism as Interpretive Method*, "William Mitchell Law Review" 2007, vol. 33, No. 4.
- Matten D., Crane A., *Corporate citizenship: Toward an extended theoretical conceptualization*, "Academy of Management Review" 2005, vol. 30, No. 1.
- Młynarska-Sobaczewska A., *Wprowadzenie*, [in:] *Horyzontalne oddziaływanie Konstytucji Rzeczypospolitej Polskiej oraz Konwencji o Ochronie Praw Człowieka i Podstawowych Wolności. Studia i Materiały Trybunału Konstytucyjnego Tom LVI*, eds. A. Młynarska-Sobaczewska, P. Radziejewicz, Warsaw 2015.
- Orts E.W., Strudler A., *The Ethical and Environmental Limits of Stakeholder Theory*, "Business Ethics Quarterly" 2002, vol. 12, No. 2.
- Phillips R.A., Reichart J., *The Environment as a Stakeholder? A Fairness-Based Approach*, "Journal of Business Ethics" 2002, vol. 23, No. 1.
- Pies I., *Introduction: Corporate Citizenship and New Governance – The Political Role of Corporations*, [in:] *Corporate Citizenship and New Governance: The Political Role of Corporations*, eds. I. Pies, P. Kosłowski, Dordrecht-New York 2011.

Pysz P., *Spółeczna gospodarka rynkowa. Ordoliberalna koncepcja polityki gospodarczej*, Warsaw 2008.

Ruggie J., *Multinationals as global institution: Power, authority and relative autonomy*, "Regulation and Governance" 2018, vol. 12, No. 3.

Tushnet M., *The issue of state action/horizontal effect in comparative constitutional law*, "International Journal of Constitutional Law" 2003, vol. 1, No. 1.

Waldron J., *Are Constitutional Norms Legal Norms?*, "Fordham Law Review" 2006, vol. 75.