# The Politicization of Business Ethics: State, Corporation, and Society Seen from a Schmittian Perspective

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Political theory increasingly intersects with business ethics. A notable example is the application of philosopher Jürgen Habermas by Scherer and Palazzo, along with their interpreters, to advocate for the "politicization of the corporation" and "Political Corporate Social Responsibility" (PCSR). Consequently, business ethics focused on corporations also becomes politicized. From a Habermasian perspective, this politicization offers legitimacy through deliberation and consensus. However, a less represented perspective in business ethics discourse—legal philosopher Carl Schmitt's—highlights the darker sides of politicization, viewing it as an intensification of enmity. This shift undermines the unique ethical-reflective nature of business ethics.

**Key Words:** Carl Schmitt, enemy, Jürgen Habermas, partisan, Political Corporate Social Responsibility, politicization

> The snakes hiss at each other all around,
> As one always denies the other.
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> Däubler, 1910, *Das Nordlicht* II, 598[1]

I n recent decades, the shift towards a politicized business environment has significantly altered the balance of power between the state, corporations, and society. Where corporations were once considered purely economic entities within regulated frameworks, they now increasingly assume political stances that, to some extent, compete with those of the state. Through globalization and digitalization, major corporations—such as Alphabet (Google), Amazon, Meta, Apple, and Microsoft—have positioned themselves as quasi-governmental authorities, raising new questions regarding sovereignty and the distribution of roles between the public and private sectors. These corporations act not only as market participants but as

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[1] Author's translation of: "Die Schlangen zischen sich ringsum entgegen, Da eine stets die andere verneint."

regulators influencing international policy-making and legislation, sometimes even with extraterritorial impacts that challenge the sovereignty of nation-states. Business ethics thus assumes a new role as a normative and reflective framework that stands above polarized political debate: a role in which it must remain mindful of its unique capacity to reflect on complex societal issues without becoming entangled in the inherent conflicts of the political sphere.

In this article, it is observed that political theory increasingly operates within the register of business ethics (e.g., Parker 2003, 194–96; Buhmann 2016, 706–11; Mustafa 2024, 1). One of the most notable examples is the use of philosopher Jürgen Habermas by Scherer and Palazzo, as well as their subsequent interpreters, to theorize and advocate for the "politicization of the corporation." The moral philosophy that takes the corporation as its subject matter also becomes politicized. From a Habermasian perspective, such politicization has interesting and positive aspects, as it provides legitimacy through deliberation and consensus. However, from a perspective that is underrepresented in the discourse of business ethics, this politicization can also have a very dark side. This is the perspective of Habermas's anomaly, which is that of the controversial legal philosopher Carl Schmitt, who sees politicization as an intensification of the experience of the "enemy."

To conceptualize the "politicization of business ethics" (Rhodes 2016, 1503; Rhodes 2020, 90–91; Ben Khaled, Gérard, and Farjaudon 2022, 2–4; Jansen 2023, 29), I first examine the concept of the "politicization of the corporation." In this section, I take as a starting point Scherer and Palazzo's influential theorizing on the political conception of corporate social responsibility. In the following section, I provide a brief literature review of exegetes also dealing with this concept, concluding that a political game is being played in the register of business ethics. Political theory interpreted in business ethics wants to escape the anomaly of enmity, which creates an ethical impasse. This enmity is problematized in the third section; and in the fourth, I elaborate—based on Schmitt's work—that the highly politicized corporation forms a new political entity. This new corporate form is that of the contemporary "partisan" (Iyengar and Westwood 2015). If the corporation is subject to politicization and new political entities seem to be emerging that still bear the label "business," something is also happening to the moral philosophical study of it, that is, business ethics. In the fifth and final section, I conclude that business ethics is subject to politicization. From a Schmittian perspective, this is problematic as the enmity experience of the political displaces the idiosyncratic ethical-reflective character of business ethics. This is the "politicization of business ethics."

## THE CONCEPT OF "POLITICIZATION OF THE CORPORATION"

In their contribution "Toward a Political Conception of Corporate Responsibility: Business and Society Seen from a Habermasian Perspective," Scherer and Palazzo (2007) argue that established ideas about the division between political and economic factors have been eroded, which calls for a new and fresh perspective on the

role of corporations in society. This new perspective leads us to no longer view the corporation merely as an economic actor, but also as a political one. They call it the "politicization of the corporation" (Scherer and Palazzo 2007, 1115; Palazzo and Scherer 2008)—a phenomenon that was already conceptualized by Blumberg in the early 1970s. He mentioned how this politicization of the corporation was already manifested at that time: angry confrontations or disruptions of shareholder meetings, picketing, sit-ins, demonstrations and boycotts, bombings, sabotage and arson, intimidation, and interference with personnel recruiters on university campuses, and demands for the election of minority groups to boards of directors (Blumberg 1971, 426–27). Scherer and Palazzo are guided in their politicization concept by the philosopher and sociologist Jürgen Habermas. Renowned for his groundbreaking work in communicative rationality, social theory, and democratic thought, Habermas has crafted a sophisticated vision of how reason, language, and dialogue underpin societal structures. His contributions offer a refined framework for grasping and enhancing democratic processes. In seminal works like the two-volume *Theorie des kommunikativen Handelns* [*The Theory of Communicative Action*] (1981), Habermas explores how discourse and mutual understanding can nurture rational consensus and fortify the public sphere. The idea of politicization, according to Scherer and Palazzo, is accompanied by a political conception of corporate social responsibility (political CSR: "PCSR"), based on Habermas's *late* political philosophy, which served as a normative theory and starting point for a discussion in management theory and business ethics. Business ethics is defined by Crane and Matten as "the study of business situations, activities, and decisions where issues of right and wrong are addressed" (2016, 5). Scherer and Palazzo use "CSR" in this debate as an umbrella term that focuses on both the definition of "corporate social responsibility" and the integration of ethical issues and effective management in a "general approach" (Scherer and Palazzo 2007, 1096).

The authors rightly argue that a positivistic framework of CSR, which uses empirical methods, leads to an inhuman instrumental interpretation of CSR. Such a framework is suitable for an economic business theory but overlooks the ethical aspect that is so important in CSR. In favor of that ethical aspect, there are various "post-positivist" interpretations of CSR, such as 1) classical business ethics, which can be distinguished into virtue ethics, deontology, and the social contract, 2) postmodernist management theory, and 3) "*early*" Habermasian critical theory (1097). These three approaches were all rejected in the run-up to Scherer and Palazzo's political conception of CSR. Business ethics is too "monological," too theoretical, and wrongly seeks universal claims from a nonexistent "view from nowhere" (1102). Postmodernist management theory focuses only on criticizing the social and (business) economic structures of the status quo. Although this is important, it still does not define a positive legitimization of business; postmodern theories are, in contrast to classical business ethics, "relativistic" (1097, 1103).[2] The

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[2] For a well-founded critique of the claim that postmodern criticism in business ethics is relativistic, see Gustafson 2000, 648–69.

critical theory of early Habermas is dismissed as "idealistic" because in his view, corporations would have to become "altruistic actors" in which problem-solving would be done through the right argumentation procedures that lead to mutual understanding and agreement (1105).

In contrast to these (respectively) amoral, outdated, unfounded, and naively idealistic ideas, Scherer and Palazzo present a PCSR that is modeled on Habermas's political theory of deliberative democracy (1106). This theory challenges the standard political model in which legitimacy is sought through democratic discourse; legitimacy is not just a matter of "input" but also of "throughput", that is, the quality of the deliberative process between "input" (elections) and "output" (legislation). Within that throughput, "communicative action" should be aimed at mutual understanding (Habermas 1981, 1–112). This action forms the basis for Habermas's deliberative model; a model in which citizens meet on equal grounds for public debate (Habermas 2022b, 69–87, 89–109). The most fundamental aspect of the deliberative process is that norms and institutional arrangements are only valid if they are agreed upon by all those affected by their consequences (Habermas 1992, 152–53). Benhabib describes the characteristics of such a process of deliberation as follows: 1) deliberative proceduralism is a rational response to persistent conflicts of values at the material level; 2) this proceduralism makes the articulation of interest conflicts possible under conditions of social cooperation that are acceptable to everyone; and 3) finally, any deliberative model is at first glance susceptible to the argument that no modern society can organize its affairs without the fiction of a mass meeting that deliberates publicly and collectively (Benhabib 1996, 73).

It is this procedural interpretation of democratic legitimacy that forms the basis of the political conception of CSR (Scherer and Palazzo 2007, 1107). In the context of globalization and transnationality, CSR is concerned with the decentralization of authority and the emergence of political power for initially nonpolitical and nonstate organizations, such as nongovernmental organizations (NGOs), intergovernmental organizations, and transnational corporations. For this reason, according to Scherer and Palazzo, the legitimacy of corporations should not be sought in national democracies but beyond or above them. The problem with that global playing field, however, is that there are not widely shared legal or ethical standards and that the issue of a global CSR is much more complex than when approached at a national level. To keep up with the times, corporations must therefore replace the implicit adherence to social norms and expectations with explicit participation in the public process of political will formation. Scherer and Palazzo refer to this as the "politicization of the corporation" (1108).

The politicization conceptualized by Blumberg could thus be referred to as passive, while Scherer and Palazzo's concept of politicization is active. This PCSR strives for a democratic integration of corporate use of power, especially in the transnational context of incomplete legal and ethical regulation (1108). The core of CSR is no longer the business *ethical* argument (early Habermas) but the *political* argument of democratic will formation (late Habermas), which achieves "democratic control on the public use of corporate power." The corporation is thus a

political actor seeking public will (1109). An important phenomenon that demonstrates that corporations are already political actors is self-regulation, which, according to Scherer and Palazzo, takes place in a broad process of democratic will formation in combination with societal actors. This represents a movement towards the political process of policymaking through the creation and collaboration with "global institutions of political governance" (1110; cf. Urbinati 2003, 80). Other notable manifestations include the development of "corporate codes of conduct" in collaboration with critical NGOs, exposing CSR performance of corporations to third-party monitoring, and shifting attention and funds from corporations to societal challenges that go beyond those of direct stakeholders (Scherer and Palazzo 2007, 1115; cf. Garsten and Jacobsson 2007, 149; Jansen 2021; 2025). Seeking and finding democratic control over the public use of corporate power could also mean seeking and finding legitimacy for new forms of sovereignty competing with states. An understanding of CSR is no longer based on the separation of economy and politics (Scherer and Palazzo 2007, 1111). Economic activities should not be subject to higher norms than those of the political system itself, which is why Scherer and Palazzo place the primacy on politics in CSR (1112).

## POLITICS PLAYED OUT IN THE REGISTER OF BUSINESS ETHICS

A look at history reveals that the legitimacy of a political order is not a given but rather contested. Fukuyama distinguishes three forms of legitimacy: 1) the formation of a "state" based on a monopoly of violence, 2) the "rule of law," a form of law that is higher than positive law, and 3) "accountability" to those subject to political power (Fukuyama 2011, respectively 97 et seq., 245 et seq., 321 et seq.). PCSR specifically relates to the last two forms of legitimacy. It concerns alternatives to state regulation, that is, self-regulation and meta-regulation (Coglianese and Mendelson 2010) and raises the questions of who is ultimately accountable for the actions of corporations and to whom those corporations are accountable. The politicization of the corporation is an attempt to provide contemporary legitimacy to corporations (Bloom and Rhodes 2018, 202). This incorporates the ethical debate on the legitimacy of corporations into a broader political-philosophical context (Palazzo and Scherer 2006, 72; Freeman 2018, 15). This is not new—examples include Max Weber, who applies political philosophy to private enterprises and characterizes the total of shareholders in a corporation as "sovereign" (Weber 1919, 49), and Ernst H. Kantorowicz's interesting idea of the origin of the corporation (Kantorowicz 1957, 273–313). Viewing PCSR as a form of business ethics already considers large corporations as political actors that can be moralized through discourse ethics. To anticipate my own analysis and introduce the political philosopher Chantal Mouffe —a prominent critic of Habermasian deliberative democracy—I note that the politicization of the corporation involves playing a political game in the register of business ethics (Mouffe 2005, 75–76). The tension of a moralization of the political that conceals the politicization of ethics is perceptible in the background of the

successive exegeses of PCSR. Therefore, I aim to provide a concise literature review of several noteworthy articles on PCSR.[3] Each contribution will elucidate how the political takes precedence over the ethical. Later in this article, it will become clear how Mouffe, following in the footsteps of the legal philosopher Carl Schmitt, distinguishes between the political and the ethical; and how politicization occurs in formerly nonpolitical registers where enmity is intensified (Schmitt 1932a, 22).

Political philosophy within CSR has a tradition in business ethics. Dubbink highlighted the clash between CSR thinking and neoclassical market theories, emphasizing their incompatible views on human nature and market functioning. He proposed replacing the neoclassical idea of the market as harmonious with the view of the market as a vulnerable system (Dubbink 2004, 37–41). The harmonious market doctrine neglects the real historical development of the market (cf. Taubes 1987, 57). Dubbink also raised concerns about the democratic nature of "corporate political discretion", suggesting that social power can give some actors undue influence (Dubbink 2005, 62–63). He, along with Smith, argued that modern liberal democratic societies need to assign greater moral responsibility to corporations (2011, 225–26). Dubbink and Van de Ven contended that while liberalism prohibits the politicization of the market, it does not forbid its moralization (2012, 222, 231–33). Liberalism has traditionally justified apolitical markets and clear boundaries between politics and economics (Dubbink and Van Liedekerke 2014, 532–53; cf. Friedman 1962, 7–21). Dubbink asserts that economic systems like the market are inherently political constructs. He contends that politics is about determining associations and dissociations within society, rejecting the notion of an apolitical market, and emphasizing the political nature of economic decisions.

Néron (2010) responded to calls in business ethics literature to understand economic actors as political entities. He argued that overcoming the "denial of politics" in business ethics is pragmatically useful, asserting that politics is unavoidable but "some things are more political than others" (349). Referring to Crane and Matten, Néron noted resistance in business to the idea that corporations are embedded in political relations (Crane and Matten 2008, 30). Using a business ethical vocabulary with strong political connotations is controversial (Néron 2010, 348; cf. Néron 2016, 721), making competitors "wicked others" (Flahault 2003, 17). Néron emphasized that politics permeates all aspects of human existence and societal order, challenging the idea that domains like business ethics can exist in a completely apolitical sphere. This perspective contests attempts to separate business ethics from the inherently political significance of human existence, suggesting that political forces are at play even within seemingly nonpolitical domains.

Mäkinen and Kasanen (2016) demonstrated that the politicization of business ethics is not a fixed concept. They view it as a juridification of business ethics (cf. Jansen and Jeurissen 2022; Jansen 2023; 2025), arguing that PCSR has not sufficiently addressed the need for increased moral responsibility in global political regulation. Juridification refers to filling legal gaps by creating new laws to regulate

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[3] For a brief summary of the literature review see already Jansen 2024.

issues (Derrida 1993, 231). This trend aligns with Kübler's study on juridification as a quantitative increase in law (1987, 212–19). Mäkinen and Kasanen argued that neoclassical market theories often defend corporate moral responsibility, which leans towards a libertarian social view (2016, 105–107). In the global economy, regulated markets must consider the political context and regulation of business activities. Just and moral labor division requires corporations and governments to comply with ethical standards, a matter of "global governance" (cf. Mouffe 2005, 103–107). Business ethics should engage with global behavioral standards for corporations (Mäkinen and Kasanen 2016, 113–14). Along with Goodman, Mäkinen argued that democratizing corporations at the meso-level might undermine macro-level democratic control due to legitimacy issues and private power dominance (Goodman and Mäkinen 2023). Politics intertwines with power and control, blurring legal regulations and political decision-making distinctions. Ethical standards in the global economy suggest that politics extends beyond national borders, intersecting with political governance and regulation.

Hussain and Moriarty (2018) argued that transferring territorial democratic procedures to a global level poses transnational challenges. They contended that international corporations should challenge states by imposing democratization projects on unwilling governments. Scherer and Palazzo's model, they argued, fails to address the democratic deficit in the political conception of corporations. Hussain and Moriarty suggested that corporations should be excluded from policymaking roles in PCSR, limiting participants to political NGOs and other groups (2018, 532–33). This aligns with the idea that politics involves inclusion and exclusion struggles, advocating for excluding corporations from certain political realms to address the democratic deficit.

Based on this brief literature review of significant texts on PCSR, from my perspective, the paradigm of enmity is an unavoidable issue in PCSR that is characterized by associative/dissociative dynamics (Dubbink et al.), the quest for political significance (Néron et al.), political decision-making processes (Mäkinen et al.), and inclusive/exclusive frameworks (Hussain and Moriarty). Rhodes and Fleming (2020) took this concept of the political seriously, showing how political concepts dissolve into economic and moral categories in the PCSR discourse, pseudo neutralizing the concept of the political (cf. Schmitt 1932a, 38). This is part of a larger political movement where political landscapes dissolve into transnational institutions (Kymlicka 1990, 267–68).

Habermas argues that the increasing juridification of various domains threatens the lifeworld. He points to the colonization of the lifeworld by legal systems, wherein legal interventions disrupt spontaneous communication and interactions within the lifeworld (Habermas 1981, 70). At the core of this process of colonization is law, which dominates the lifeworld and enforces assimilation. Habermas contends that while juridification was initially emancipatory, it has ultimately led to dilemmas and problems. He acknowledges this dilemma: juridification has had emancipatory aspects, but it has also subjected the lifeworld to external imperatives and threatens to undermine communicative power. Habermas suggests that a solution may lie in the internal democratization of the lifeworld (Habermas 1996, 253–64), in which the

lifeworld is organized "according to the principle that the validity of every norm of political consequence be made dependent on a consensus arrived at in communication free from domination" (Habermas 1968, 284). However, this may be unsatisfactory due to the specter of power imbalances and the inevitability of conflicts in stakeholder relations, particularly for powerless stakeholders (Dawkins 2015). In situations of such dependency, the concept of democratic participation is at best vague and at worst ideological. Like law, it imposes a foreign logic on the involved parties that does not consider their concrete needs. According to Loick, Habermas's criticism of juridification is thus overly focused on the perspective of law itself and fails to analyze the non-legal conditions of law (Loick 2017, 234–42). Furthermore, I concur with Gadamer that the ideal of transcending a natural determinacy into a rationally conscious motivation appears to be a dogmatic exaggeration that is inappropriate for the human condition (Gadamer 1971, 312). According to Rhodes and Fleming, the deliberative basis of PCSR wrongly postulates the availability of a public space where a rational consensus can be achieved (2020, 948). In the wake of Mouffe, this democratic political model is unable to recognize the dimension of antagonism inherent to any political order (Mouffe 1999, 753). I would like to add that such politics is also unable to recognize *new* forms of antagonism (Laclau and Mouffe 1985, 159–71). It makes me wonder whether the assertion that a power-free discussion is possible might be a ruse by the power itself.

Following Mouffe, the consensus that PCSR assumes to exist between corporate interests and citizen interests cannot be considered either possible or desirable. Democracy thus does not work from the central premise of a desired consensus (cf. Rescher 1993, 128–30) but from the central premise of "dissensus" (Rhodes and Fleming 2020, 948). Rhodes et al. (2020) further developed this concept of "dissensus" for business ethics. In the context of contemporary political contingencies, they turn to Mouffe's "radical democracy" (Laclau and Mouffe 1985, 149–94; Mouffe 1993, 9–22) as a form of contestation that offers hope for an inclusive and sustainable alternative to reactionary populism, authoritarian strongmen, and exploitative capitalism. I would now like to quote from Mouffe's *On the Political* (2005):

> What this change of vocabulary reveals is not, as some would have it, that politics has been replaced by morality but that politics is being played out *in the moral register*. It is in that sense that I am proposing to understand the "moralization" of politics—to indicate not that politics has become more moral but that nowadays political antagonisms are being formulated in terms of moral categories. We are still faced with political friend/enemy discriminations but they are now expressed using the vocabulary of morality. To be sure, this has already been the case for some time in international politics and those in the United States have always been particularly fond of using moral vocabulary to denounce their political enemies. … But what is new is that … this moralization of politics is now taking place also in European domestic politics. And in this field it is clearly a consequence of the consensual post-adversarial model advocated by all those—arguably well-meaning theorists—who have contributed to the establishment of the post-political perspective (75–76).

In the previous literature review on the politicization of corporations in business ethics, there is an anomaly in the background that has already been pointed out by

Rhodes et al. It concerns an anomaly that Carl Schmitt identified in the twentieth century and that was the major source of inspiration for the political philosophy of Chantal Mouffe. An analysis based on Schmitt's political philosophy illuminates the implications of the politicization of corporations.

## THE ENEMY: A PROBLEM STATEMENT

There is a large body of politically theoretical work that criticizes business ethics and points out its oxymoronic nature, namely, the business aspect that concerns itself with strategy and self-interest and the ethics aspect that focuses on responsibility and doing good (Cooke 1986; Shepard, Shepard, and Wokutch 1991; Collins 1994; Beltramini 2003; Weidenbaum 2005). Because of the oxymoronic potential of business ethics, there is a call for a "politicization of business ethics" (Rhodes 2016, 1503): the politicization should overcome the oxymoron. This politicization should be seen as a broader dynamic in which everything is considered potentially political, following Schmitt's approach (Schmitt 1932a, 22), or even the ultimate foundation of ethics is political (e.g., Žižek and Daly 2004, 163). The politicization of all domains increases pressure on the state as the number of competing interests increases. Once everything becomes political, the economic domain becomes a contest of organized parties striving for victory rather than reconciliation. The politicization of corporations contributes to alienating a sizeable part of the public, which does not contribute to social peace, according to Lemieux (2021, 8). Dissensus rather than consensus is increased.

The paradigm of enmity is from my own point of view an inevitable problem of an associative/dissociative political significance seeking political decisionistic and inclusive/exclusive PCSR. For this reason, I align my argument in this article with Schmitt's concept of the political. Through the lens of "state, corporation, and society seen from a Schmittian perspective," I present a conceptual framework that does not primarily oppose a Habermasian liberal[4] viewpoint but rather engages in a form of "counter-thinking" (Habermas 1989; Mouffe 1992; cf. Plessner 1924, 176). In doing so, I do not posit that the liberalism of Habermas is unrealistic; rather, it becomes so to the extent that it fails to undergo critical examination through Schmitt's political distinction. Moreover, this political division, much like the individual, remains highly contentious and can be viewed as a degeneration within the political culture of its era. Even in this latter scenario, Schmitt's distinction still holds value as it specifically alerts us to that political degeneration. I will delve deeper into this aspect in the section "Why a "Schmittian Perspective"?"

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[4] In this article, Habermas's philosophy is categorized as "liberal." This categorization should be seen as the antithesis of the anti-liberal Schmitt, where "liberalism" is the belief "that for people of good faith, all of our political differences can be overcome if we only remain committed to speaking" (Kahn 2011, 156). This liberalism should not be confused with Habermas's own positioning of deliberative politics between liberal and republican, where the former concept focuses on the state as an administrative apparatus that aggregates the interests of a market-driven society, and the latter emphasizes the role of politics in forming a solidaristic community of free and equal citizens, where politics and solidarity are significant sources of social integration (Habermas 1996, 239–40).

Power and sovereignty as primary political concepts without doubt play a crucial role in PCSR. The competition (economy) for power, extending beyond mere state power (politics), has resulted in a new form of sovereignty. The result is a state that is legally obliged to give every party an equal chance to power, a weak state that is threatened with dissolution (Lefort 1971, 117; Hirst 1999, 10): the "demise of the state" (Veldman 2013, 24–28), which means the demise of the state's sovereignty. The politicization of business ethics has emerged from liberal views, driven by a focus on corporate social responsibility and advocacy for state regulations to enforce ethical standards, reflecting concerns over societal impacts and promoting fairness and sustainability. To stay close to Schmitt's words, liberal thinking avoids or ignores politics, and therefore the (sovereign) state (Schmitt 1932a, 19), in an extraordinarily systematic way:

> and moves instead in a typical always recurring polarity of two heterogeneous spheres, namely ethics and economics, intellect and trade, education and property. The critical distrust of state and politics is easily explained by the principles of a system whereby the individual must remain *terminus a quo* and *terminus ad quem* (1932a, 70–71).

The stability of societal peace, a goal toward which business ethics aims to contribute, faces threats from two recurrent institutional disruptions: economic instability and political animosity. Business ethics encounters challenges on both fronts and its handling of these disturbances significantly shapes its identity and societal role. However, while business ethics manages economic disturbances reasonably well, it grapples considerably more with political turbulence. Although business ethics is studied from perspectives within law, psychology, sociology, anthropology, and other disciplines; it historically reveals itself as a typical liberal discourse situated between the two heterogeneous spheres of ethics and economy. It is not surprising that liberal philosophers such as Habermas and Rawls have been popular philosophers in business ethics for years, as De George also notes (De George 2008, 74–75; cf. Lippke 1995, 126). Analogous to the less mainstream philosophers Schmitt and Mouffe (Martin 2016, 436), the ultimate consensus promoted by liberal business ethics relies on exclusionary acts. Business ethics based on popular Habermasian thinking cannot understand the political as "serious," because liberal thinking is forced to deny the insolubility of dissensus (Mouffe 2005, 11–12). Habermas's "deliberative democracy" is an attempt to resolve dissensus, an attempt that opens the possibility of a new study of business ethics for Scherer and Palazzo, among others (Palazzo and Scherer 2006; Scherer and Palazzo 2007; 2009; Scherer 2018).

The Schmittian concept of enmity in its most pure form does not provide a solid foundation for a concept of business ethics unless one seeks an "ethics of evil" of course (Naso and Mills 2016). However, it does establish a firm foundation for politics that is played out within the register of business ethics. Deliberative theory provides a framework for mutual understanding of previously disputed matters. Within this framework, efforts are made to establish institutions and political cultures where individuals with different values can peacefully coexist (Habermas 1996, 78). In this article, the Schmittian distinction of the political, particularly

the figure of the partisan, serves as a concept. Concepts are created by philosophy to configure and understand events (Deleuze and Guattari 1991, 32–34). If successful, it reveals the danger of politicizing corporations and business ethics, alongside the positive aspects that I do not deny.

There exists a discrepancy between Scherer and Palazzo's view of corporate politicization and a "Schmittian perspective," which encompasses more than just Schmitt's perspective; for example, Mouffe and Derrida are significant Schmittian thinkers in this context, and in this article. Essentially, Schmitt delineates two forms of politicization. Firstly, it is the "political becoming" of a phenomenon, associated with his conceptual understanding of politicization, directly linked to his concept of the political, divided into friend and enemy. This can encompass all social or ideological fields as long as the subject is intensified in the friend-enemy distinction. Secondly, there is his concrete approach to the politicization of the corporation, asserting that every corporation is under the political authority of the state and acts in favor of the state. This reflects his conservative Catholicism (see the next section). Therefore, a corporation never escapes the state, as it must be politicized. Scherer and Palazzo offer a much more realistic view of the corporation in the modern economy, one where the corporation does indeed escape traditional state structures. However, it is possible to classify the politicized modern corporation within a Schmittian vocabulary specifically, under the concept of a political entity that has escaped from traditional nation state, supranational, and international law. Companies are gaining more power, but at the same time, the traditional legal structure—that is, democracy—seems to be less involved in decisions that originally concern those companies. This leads to more political influence from companies but less political influence from society, which is why Höllerer et al. (2017) write about "a politicization of corporations at the expense of a de-politicization of society." This is why I bring up Schmitt's notion of the "partisan"—an increasingly influential figure within a collection of societies that are becoming increasingly less influential.

Politicization within the PCSR discourse signifies transforming an economic entity into a legitimate political-economic entity, not merely a political-economic entity (Scherer, Palazzo, and Seidl 2013). Thus, PCSR provides a legitimate reality to a political-economic entity (Scherer and Palazzo 2008). This legitimate reality brings forth a political reality of power and sovereignty, where Schmitt becomes interesting again compared to Habermas. Deliberation also stems from political power and maintaining such governance relies on a new type of sovereignty beyond the state. I interpret this beyond-state political entity as the Schmittian partisan, which I will delve into further in the next section. The form of sovereignty envisioned by Scherer and Palazzo thus needs to incorporate Habermasian intersubjective deliberation and political decision-making to be legitimate in a world facing grand social challenges (Voegtlin et al. 2022, 13). Aligned with the republican tradition, this approach suggests that political opinion-forming does not solely revolve around reaching compromises but centers on public discussions aimed at rational, acceptable regulations based on shared interests and principles. The idea is to perceive politics as a process of communication among participants seeking rational decisions (Habermas 1996, 138–39) and conflict resolution (cf. Virovere,

Kooskora, and Valler 2002; Jansen 2021). The discourse of collective will formation propels this process; it starts by seeing rivals as opponents willing to compromise, not enemies, and extends to include strangers in a shared political culture while preserving their distinct identities (Habermas 2022a, 152–54).

Mouffe, however, identifies dangers in this consensus-driven model. Taking right-wing populist parties as an example, she notes their creation of collective identities around specific values and ideas. Similarly, business ethics is not devoid of the emotional appeal found in political populism. Business ethics does not solely rely on rational decision-making despite our preference for it; it also relies on eliciting emotions and moral convictions. According to Mouffe, there always seems to be something outside or potentially outside Habermas's intersubjective deliberation because concrete decisions must meet several abstract conditions. The intent to reach a consensus, for instance, is continuously threatened in practice by contemporary political populism, which habitually drives a wedge between "the people" and "the establishment." In contrast to those who view politics through a consensus-oriented model, populists are keenly aware that politics invariably involves creating an "us" versus "them," necessitating the formation of collective identities (Mouffe 2005, 69–72). So far, this has remained a theoretical exercise. Following Schmitt, however, Mouffe does relate significant empirical consequences to this. If the political game is played in the register of business ethics, opponents are not qualified in ethical terms, or competitors in economic, but rather both in political terms. They are no longer bad opponents or bad competitors, but they are bad human beings: they are "enemies" (76). In the following sections, I discuss the Schmittian implications of politicizing business ethics. I do this by first succinctly explaining Schmitt's political philosophy and then applying it to the core business of this article: the politicization of business ethics.

## WHY "A SCHMITTIAN PERSPECTIVE"?

Before delving deeper into Schmitt's political theory, it is crucial to understand the man Carl Schmitt in relation to the ideas later discussed in this article. Schmitt is often described as the "crown jurist of the Third *Reich*" due to his significant role in supplying ideas to German fascism and his active engagement in the Nazi system (e.g., Koenen 1995; Ward 1998, 137–39; Stirk 2005). Schmitt's approach constitutes an anti-liberal defense of dictatorship, where a dictator, in the name of the "people," can set aside the rule of law to decide autonomously (Schmitt 1921). He viewed sovereignty in this context and conceived politics as an extreme distinction between friend and enemy, where every political community is a potential enemy (Schmitt 1932a). According to Schmitt, the enemy is essential for any political entity, posing a potential existential danger rather than an ongoing conflict (cf. Derrida 2003, 123–24). Schmitt expected inhabitants of such a political community—that is, the state—to be willing to kill and die for the state. For the young pre-war Schmitt, the state held "value" within which individuals fulfilled the "significance" assigned by the state (Schmitt 1914). Schmitt argued that liberal states are too weak to survive,

thus advocating for the *Führerprinzip*, where decisions are made by one man and imposed from the top down (Schmitt 1940).

Given Schmitt's Nazi, anti-Semite, racist, and pro-total war stance, why pay attention to him in our field? Hannah Arendt addresses this in her *The Origins of Totalitarianism* (1951): studying Nazi scholars like Schmitt can illuminate the blind spots of liberal democracy, providing a cautionary approach *against* totalitarianism. Schmitt's theories are "arresting reading," according to Arendt (1951, 339), because they help comprehend liberal democracy's vulnerabilities, which are difficult to pinpoint within the system. This approach demands that ethicists temporarily suspend moralizing the enemy in order to learn from them. Nowadays, we cannot exclude dangerous thinkers from the discourse. Events like the COVID-19 pandemic, the storming of the Capitol, and wars involving Russia and Ukraine, and Israel and Hamas, have shifted the Western self-image. With the rise of China, the resurgence of Russia, and limited success in neutralizing these developments, a notion of politics has resurfaced, haunted by past demons. Reading Carl Schmitt for government inspiration is of course dangerous but sidelining him as a warning is also problematic. Schmitt's influence spans across left-wing and right-wing thinkers like Benjamin, Arendt, Jünger, Strauss, Derrida, Agamben, Mouffe, Mbembe, Latour, Liu Xiaofeng, and Dugin. While evil thinkers see Schmitt as a visionary, those confronting evil cannot ignore him. In business ethics, Schmitt's articulation of enmity or critique of values should not replace strategies addressing animosity or pursuing corporate values. Schmitt contributes to political theory by exposing gaps in an unrestrained belief in liberal, that is, Habermasian, business ethics.

This article reinterprets Scherer and Palazzo's Habermasian notion of politicizing the corporation through a "Schmittian" lens. Schmitt is recognized in literature, both in ethics and political philosophy, as a compelling counter to Habermas (Orsi 2012; Velasco 2019; Ward 2022; Wheeler 2001). The literature suggests that a Habermasian political reality of communication and deliberation might inadvertently lead to a Schmittian reality of friend-enemy distinctions. In PCSR, where political engagement should translate into ethical and social advocacy, transparency, accountability, policy compliance, sustainability, and long-term vision, this reinterpretation implies political engagement involving sovereignty, legal maneuvering, identity-driven thinking, aggression, and conflict-oriented approaches.

In the hope that I have clarified the significance of Schmitt for this contemporary era, I would like to report on the politicization of business ethics, both in conjunction with and extending beyond Schmitt.

*Roman Catholicism and Political Form*

To provide the necessary Catholic context for concepts related to the political and the partisan, I revisit Schmitt's early text *Römischer Katholizismus und politische Form* [*Roman Catholicism and Political Form*] (1923). Schmitt discusses the dominance of science and technology in modern society, arguing that they influence mentality and shape a framework for cosmic and metaphysical ideas: "In this artless mythology, based on mathematics and mechanics, the universe assumes the form of a colossal dynamo" (Schmitt 1923, 39). Class distinctions blur, with industrialists and

workers adhering to economic philosophies of capitalism and socialism, mirroring Lenin's vision of an "electrified earth" for modernizing Russia (Lenin 1920; Schmitt 1923, 40). However, Schmitt argues that both capitalism and socialism are mistaken paths, focusing solely on the method of "earth electrification." Schmitt contrasts the rationality of the modern economy with the institutional and legal rationality of the Roman Catholic Church (Schmitt 1919, 127; 1970, 109). He claims that the modern economy denies the true nature of the needs it serves, with highly rationalized production and nonrational consumption (Schmitt 1923, 42; cf. Donoso Cortés 1851, 214). This pseudo-rationality evokes theological concern for Catholics, much like how Protestants viewed Rome as the Antichrist (Schmitt 1923, 43). Economic philosophy, blind to political concerns, clashes with the political nature of Catholicism, which invokes laws beyond supply and demand (Schmitt 1923, 44). Schmitt predicts that this focus on supply and demand will bring about a new form of politics, politicizing the economy and leading to conflicts over modern wealth (Schmitt 1923, 46–47).

Schmitt characterizes the Church, succumbing to the modern economy, as a representative authority detached from economic or military power, embodying pure authority (Schmitt 1923, 48). Historically, the Church has played a unique role as a representative of society in its bond with Christ's incarnation and the sacrifice on the cross, known as the *civitas humana* (Schmitt 1923, 49). This idea of representation contrasts with modern economic thinking, focused on technical efficiency. Although Catholicism can adapt to different social and political forms, an alliance with the modern economy is impossible according to Schmitt (Schmitt 1923, 58). Schmitt argues that the modern economy's rise has erased certain forms of representation, promoting the depoliticization of the state, which he opposes (Schmitt 1923, 59). A strong state, encompassing political, economic, and administrative aspects, should counterbalance this trend. In his 1932 speech "Strong State and Sound Economy," Schmitt concludes that Germany lacks a strong state, instead having strong parties that absorb their members and guide them ideologically from cradle to grave (Schmitt 1932b, 219). This leads to a proliferation of the state in every direction, blurring boundaries between state, corporation, and society[5] (Schmitt 1932b, 219–21).

Schmitt emphasizes the need to distinguish the state from other spheres, asserting that only a strong state can dissolve this dreadful coalescence (Schmitt 1932b, 221). He regards the corporation like an antichrist that should be subjugated by the state, akin to the distinction in the First Epistle of John (1 John 2:18) between the Antichrist (the modern economy) and "many" antichrists (the corporations). The corporation should adopt the state's values and act virtuously in line with them.

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[5] Schmitt viewed society as an entity that shapes and delineates itself through a political unity. This unity arises from the necessity to draw boundaries and distinguish between what falls within the community and what lies beyond it (Schmitt 1928, 239–52). It is a collection of associations, such as religious, cultural, or economic groups, that exist either within or outside a political state. A society is thus a network of associations, but it is politically unified within the political entity, i.e., the state, which is distinct and essential for the coherent operation of politics (Schmitt 1932a, 44–45).

This is similar to Putin's nationalization of foreign companies, where nations friendly to Russia are rewarded and Russian companies investing in the West should be fully Russian-owned (Seddon and Stognei 2023). This kind of politicization is evident in Russian and Chinese companies, and in the US and EU, where companies follow political sanctions and support against adversaries. The distinction between friend and enemy serves as the ontological basis for this argument, as I will explicate later, since companies, according to Schmitt, ultimately cannot avoid taking a political stance. After thirty years of value neutrality and business dealings with Russian (former) partners, it is evident that Russia has not, as might have been expected, moved towards liberalism.

Stern (2011, 9) links the idea of a strong and indivisible state to sixteenth-century political philosopher Jean Bodin, who responded to early modern divided sovereignty characterized by competing claims. The Dutch East India Company (VOC), the first multinational corporation and stock-issuing company, laid the groundwork for modern international law. Grotius, supporting the VOC, argued for open seas for Dutch trade against the Spanish-Portuguese monopoly (Koskenniemi 2010, 43). This struggle for sovereignty can be seen as a precursor to "corporate sovereignty," a semi-institutionalization of politicized quasi-sovereignty (Wilson 2007, 331). Bodin described sovereignty in relation to state competitors, and Barkan (2013) argues that today's corporate power represents new political sovereignty, with Anglo-Saxon companies particularly immune from the law (Barkan 2013, 4). An example is the "investor-state dispute settlement" (ISDS), where foreign investors can present disputes with host countries to a separate arbitration panel, demanding compensation for government actions harming investments. Critics argue that ISDS gives companies excessive power and undermines host countries' sovereignty (Boué 2024). There are proposals to reform ISDS to respect both investors and host countries (Anderson and Beaumont 2020).

In the following section, I discuss Schmitt's concept of the political, where his friend-enemy distinction becomes manifest. Regarding economics, Schmitt states, "In the domain of economics, there are no enemies, only competitors" (Schmitt 1932a, 28). However, globalization complicates this statement, with states and corporations having both competitors and enemies. To understand Schmitt's notion of the political, I will primarily focus on his work *Der Begriff des Politischen* [*The Concept of the Political*] (1932) and secondarily on his *Theorie des Partisanen* [*Theory of the Partisan*] (1963) to understand the corporation as a particular political figure, that is, the partisan.

### The Concept of the Political

As is well known, every political theory is based on a certain anthropology: a view on the nature of the human species. For example, Thomas Hobbes's view of the human being is based on the assumption that humans are wolves to one another (1642, 24), while John Locke's view assumes that people are inclined towards community and friendship (1689, 10), and Jean-Jacques Rousseau sees humans as born free but everywhere in chains (1762, 45). According to Schmitt, liberals have an overly optimistic view of human nature, which makes them unsuited to see politics clearly. Schmitt emerges in the twentieth century as a modern interpreter of Hobbes. Theology

itself has sought to bring people to redemption since the beginning of Christianity—that means that people are lacking something—while Satan tries to convince people that they lack nothing (cf. Baudelaire 1869, 61). In this sense, liberalism is in itself evil, even satanic (Schmitt 1922, 63–64; Taubes 2003, 66). The satanic nature of the human being should be interpreted in Schmittian terms as a dangerous nature, its *humana potentia* (cf. Spinoza 1677a, 110–13). Schmitt's reasoning regarding human anthropology is rooted in a Nietzschean idea of "the will to power" (Nietzsche 1886, *passim*), and if everything related to power and its use happens only among humans, then we are completely on our own. The issue is not that humans act like wolves or gods towards each other, but rather that humans treat each other as humans: "*Homo homini homo*" (Schmitt 1954, 30). A "mortal god," to use Hobbes's words, is necessary to avert this danger (Hobbes 1651, 114). For Schmitt, this means a strong state—a holding power that prevents the great catastrophe (*katechon*) from occurring (Schmitt 1950a, 59–60; 1956, 54): "the quintessential nature of the state of nature, or the behemoth, is none other than civil war, which can only be prevented by the overarching might of the state, or the leviathan" (Schmitt 1938, 21).

"The concept of the state presupposes the concept of the political," Schmitt states (Schmitt 1932a, 19). Schmitt distinguishes between "politics" and "the political."[6] This means that politics is related to political practice, while the political relates to the actual being of politics and the way in which society is organized. The problem that Schmitt saw was that the modern twentieth-century state had merged with society, or merged with categories that have nothing to do with the political, such as economics and ethics (Schmitt 1932a, 26). In fact, the modern state seems to have become an enormous industrial factory. Political ideas are generally only recognized if groups can be identified that have a plausible economic interest in turning them to their advantage. On the one hand, the political disappears into economic-technical thinking, and on the other hand, the political becomes obscured by eternal ethical commonplaces (Schmitt 1922, 65). Categories are characterized by opposites. Schmitt wants to "teach you differences" (Shakespeare 1606, 40): for ethics, that is the distinction between good and evil, for aesthetics between beautiful and ugly, and for economics between profitable and unprofitable. According to Schmitt, there is also such a final distinction for the political, which makes it a separate category: "The specific political distinction to which political actions and motives can be reduced is that between friend and enemy" (Schmitt 1932a, 26).[7]

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[6] This is a distinction where "politics" is an ontic designation, while "the political" is an ontological designation, or in Heideggerian terms: the political is the ontological determination of politics (Heidegger 1927, 78; 1948, 259). This distinction is also found in the work of Claude Lefort (1986, 11). Philippe Lacoue-Labarthe aligns the distinction made by Lefort between the political and politics with Heidegger's ontological difference, i.e., the distinction between being and the being of beings (Lacoue-Labarthe and Nancy 1983). In his texts, Lacoue-Labarthe refers to Heidegger's *Einführung in die Metaphysik* [*Introduction to Metaphysics*] (1953, 169–70).

[7] Exactly the opposite and a typical liberal concept of politics can be found in *How Fascism Works: The Politics of Us and Them* (2018), where Jason Stanley argues that only a specific kind of politics recognizes a friend/enemy distinction, namely fascist politics.

At some point, all nonpolitical categories can acquire a political charge. This occurs when a fundamental opposition begins to emerge within that category that determines the experience of the political, or the experience of friend and enemy as a specific political distinction, a *differentia politica* (Schmitt 1932a, 37). But what is such an enemy experience? We experience the Other as enemy because we recognize the enemy within ourselves (Schmitt 1947, 71), that is, "what isn't part of ourselves doesn't disturb us" (Hesse 1919, 97). Schmitt argues that the political is not equivalent to nonpolitical categories. The political cannot be reduced to, for example, aesthetic, moral, and scientific judgments: an enemy is not an enemy because they are ugly, or immoral, or stupid, and a friend is not a friend because they are handsome, or moral, or smart (Schmitt 1932a, 27). The distinction of friend and enemy is therefore fundamentally independent (Strauss 2007, 103–104) and precedes other categories. This is the primacy of the political. The political is oriented towards the real possibility of death. In short, anyone who confronts the real possibility of death knows there is an ever-present enemy (Schmitt 1932a):

> There exists no rational purpose, no norm no matter how true, no program no matter how exemplary, no social ideal no matter how beautiful, no legitimacy nor legality which could justify men in killing each other for this reason. If such physical destruction of human life is not motivated by an existential threat to one's own way of life, then it cannot be justified. Just as little can war be justified by ethical and juristic norms. If there really are enemies in the existential sense as meant here, then it is justified, but only politically, to repel and fight them physically (49).

The political derives its strength from the most diverse areas of existence. The political is not a separate domain of reality but merely the degree of intensity of a union or separation of groups of people (Schmitt 1932a, 38). The distinction between friend and enemy thus serves as the existential criterion on the basis of which the intensity of ethical and economic criteria can be determined. The closer ethics or economics approach the limit of the distinction between friend and enemy, the more intense the political discourse becomes (e.g., Courchene 1980). The concept of "politicization" should therefore be understood in this way: as an intensification of the *concrete* experience of the enemy (Schmitt 1932b, 216–19; 1932c, 90; cf. Voegelin 1933, 160; Löwith 1935, 33; Agamben 1995, 99–104). In the Schmittian sense, this experience of the political can only be explained by resorting to unqualified terms. Politics involves ultimate meanings, or intensities: the content does not determine the political; the intensity of the content does. According to Kahn, we envision a pure experience of the political as the moment when the debate concludes, and action commences. The language at that transitional point is rhetoric, not rational: "There are no excuses to be made, no reconsiderations of the justice or legitimacy of the claim" (Kahn 2005, 15). This marks the juncture where Habermas's discourse ethics falls short as a model for the normative character of the political.

A Schmittian ontological perspective on the political potentially yields a wide range of conceptual figures for the political corporation. For instance, there is the

neutral figure of liberal capitalism that ignores the political within a corporation; the conservative enterprise that serves the state, thus keeping the political within the sphere of the state; and a clerical variant of the enterprise that might represent a hyper-politicization (in the sense of going beyond mere politicization). Those who explore and interpret this Schmittian ontological perspective can also account for the fact that this perspective does not necessarily exclude later or even contemporary interpretations and adaptations of Schmitt's ideas. For Derrida, politicization emerges from the deconstruction and reactivation of social structures, making their open possibilities and contingencies visible. Deconstruction is a method that uncovers the hidden political biases and power dynamics within certain frameworks or structures. Derrida's notion of nonabsolute closure demonstrates that contexts can never be fully fixed, thus making politicization and political actions necessary (Derrida 1988, 136, 152–53; cf. Jansen 2025).

According to Derrida, the symptoms of neutralization and depoliticization that Schmitt criticizes in our modernity reveal a hyper-politics. As politics decreases, politics increases, and the number of enemies rises with the number of friends. This paradox leads to an inversion of a deadlock, unveiling a structure of decision and event. Schmitt's concept of the "partisan" explores this paradox by analyzing the hyperbolization of politics in the future of World War II and earlier centuries. According to Derrida, Schmitt shows how the unfolding of pure hostility and depoliticization undermines the classical boundaries of politics, revealing a new form of politics where the partisan plays a central role (Derrida 1994, 129–30). The difference between their interpretations lies primarily in emphasis. Schmitt focuses on the political and strategic role of the partisan in conflicts and the challenges this poses to traditional international law (Schmitt 1963, 74–80). Derrida, on the other hand, problematizes the categorizations and assumptions attributed to the figure of the partisan, and explores the ethical and philosophical implications of this figure within broader political discourses.

### Digression on Enmity and Violence

In Schmitt's political philosophy, experiencing the enemy does not necessarily entail violence. The enemy is a potential existential threat with whom one can still do business, appreciate art, or debate. However, when the economic, aesthetic, or ethical realms intensify between communities, politicization occurs, posing danger. Schmitt views universal liberalism as a greater threat of concrete violence, seeing it as a form of technical neutralization. Since the twentieth century, European states have been grappling with technical thinking, resulting in abstract, vacuous, and depoliticized states (Schmitt 1929, 81). He argues that the term "humanity" gains prominence in this depoliticized state but is used ideologically for imperialist expansion, justifying inhumane acts (Schmitt 1932a, 54). Recognizing the enemy as human is, for Schmitt, a solution to avoid an inhumane spiral of violence.

Although the distinction in Schmitt's writings is a postulate that serves as a starting point, Mouffe expands on the distinction between friend and enemy within the human psyche, referencing two institutions: on the one hand Elias Canetti (Mouffe 2005, 21–25), and psychoanalysis on the other (25–29). Canetti, in his

*Masse und Macht* [*Crowds and Power*] (1960), elucidates how the parliamentary system confirms opposing political entities. These opposites are brought together by democratic institutions, presuming they will engage in rational conversation. Canetti, however, deems this expectation unrealistic. Modern democracy, based on deliberation and ideally culminating in consensus, should not be viewed as a rational level but rather as a way to minimize potential conflicts. Nevertheless, the "crowd" continues to exert a perennial allure on individuals—not merely archaic but a deeply ingrained aspect of human psychology. This attraction towards a "we" opposed to a "they" will always persist and must be understood as irrational without threatening democratic institutions. These attractions represent manifestations of passions behind collective identifications in politics. Reason can do a lot to control passions but also points to a path that is difficult to tread. Those who think that people in a political sense will ever live according to the strict dictate of reason, "those people are dreaming of the golden age of the Poets. They're captive to a myth," as Spinoza once noted in his *Tractatus politicus* [*Political Treatise*] (1677b, 506). Acknowledging these irrational passions is crucial for political mobilization. Political mobilization necessitates a conflicting representation of the world; thus, political discourses should offer not just policy and procedure but also identities. In other words, politics should not only problem-solve but also represent the inevitable "we" against a "them" (Canetti 1960, 169–200; cf. Habermas 1992, 184–85).

In addition to Canetti, Mouffe introduces psychoanalysis in her validation of the friend-enemy paradigm. In *Das Unbehagen in der Kultur* [*Civilization and Its Discontents*] (1930), Freud explores human instinct and recognizes its inherent aggressiveness rather than innate tenderness. Throughout history, cultures have encouraged communal bonds by harnessing the libidinal instincts of love, *Eros*, for containing this aggressiveness (Freud 1921, 40). These communities are formed through partial identification, implying the distinction between "we" and "they" (Freud 1930, 55–63). Freud acknowledges the potential for violent escalation in this context. Along with the eternal struggle between *Eros* and Death, civilization evolves (Freud, 1930, 65–66). Building upon Freud, Lacan introduces the concept of "*jouissance*" ["enjoyment"/"pleasure"], which signifies excessive enjoyment beyond pleasure and is associated with encounters with the Real and symbolic lack, and which is a crucial element for understanding political identifications (Lacan 1975, 9–18; 1986, 167–240). This element is used by Žižek to explain the attraction of nationalism as the shared enjoyment of the community, creating a friend-enemy opposition because "they" are hostile to "our way of life" (Žižek 1993, 200–201).

Despite the individualistic nature of societies deemed "modern," according to Mouffe, collective identifications based on human psyche remain essential. They significantly impact political dynamics and require acknowledgment in liberal democratic theory. Blanchot argues further that a collective always exists thanks to the principle of finitude, meaning a finite group of people, rooted in the boundaries of the individuals who are part of it. That group would not tolerate forgetting to carry the finitude constituting those beings to a higher degree of tension (Blanchot 1983, 5–7). Neglecting collective identifications underlying the political and advocating exclusively for a rational understanding of democracy, disregards the extraordinarily

complex nature of political dynamics. Presently, the predominance of consensual politics, as argued by Rancière, even indicates its political opposite: "post-democracy" (Rancière 1995, 95–121) or as Mouffe refers to "post-politics" (Mouffe 2005, 29). Following this vein of thinking, there are compelling reasons to believe that even in peaceful exchanges of ideas, one must always consider the passion of enmity, which by no means denies or diminishes the immense moral potential for peaceful coexistence.

For the ethics and politics of nonviolence, the theme of the enemy is particularly interesting. For instance, Butler, in their work *The Force of Nonviolence* (2020), takes the potentially hostile nature of every social bond as the starting point for their thinking on fundamental nonviolence. They do this by referring (again) to Freud, who, based on Hobbes, posits that hostility is more fundamental for humans than love. Butler's argument is that for nonviolence to be meaningful as an ethical and political starting point, it cannot simply suppress or ignore the reality of violence and aggression. Nonviolence manifests itself, according to Butler, as meaningful when violence looms or seems the most likely goal. At that crucial point, where destruction is immediate but simultaneously constrained, arises the question of what causes that constraint, that imposition of boundaries. What causes the shifting of that impulse and what sustains and preserves it (Butler 2020, 39)? Precisely because corporations become political actors and thus competitors of states, capable of effecting a real and new monopoly on violence, we must consider what the breakdown of the classical state order structured around the delineation between the political and nonpolitical—in the *ius publicum Europæum*, since the Peace of Westphalia—signifies. Schmitt links the emergence of such a political actor with the fact that any constraint, imposition of boundaries, or shifting of the violent impulse of enmity has been lifted, leading us into the terrain of the "partisan" (Schmitt 1963). Since corporate sovereignty does not pertain to an economic association subordinate to state sovereignty, nor does it involve state sovereignty that aligns with Schmitt's original friend-enemy distinction, I invoke Schmitt's concept of the "partisan," which is simultaneously nonstate and fits within Schmitt's friend-enemy distinction, to argue that large contemporary corporations are increasingly moving in its direction.[8]

*Theory of the Partisan*

It is the intensifying technically neutralized uniformity that, in contrast to the concrete experience of the enemy, poses a great globalist danger (Schmitt 1950a, 321). This technical thinking is so extensive that it has crept into the very fabric of our legislature. Given this ubiquitous technology, Heidegger once wondered whether democracy was a proper and sustainable form of government (Heidegger 1966, 55). Schmitt even speaks of "motorized law" (Schmitt 1950b, 29)—a neutralization that indicates a loss of the political itself and of the state's monopoly on

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[8] This is also a direction in which Slavoj Žižek has previously speculated about multinational corporations in his *Welcome to the Desert of the Real* (2002, 37–38).

the political. This is a worrying loss because it creates the conditions for a new political figure, an international legal phantom: the "partisan."

The concept of the partisan falls outside classical international legal distinctions, such as war and peace, combatants and noncombatants, friend and enemy, domestic and foreign. This is a pattern that Schmitt calls "classical," in which the partisan can only be a marginal phenomenon (Schmitt 1963, 9). "The theory of the partisan flows into the question of the concept of the political, into the question of the real enemy and of a new *nomos* of the earth" (95). Just as Schmitt lucidly explains the concept of the political through a limited number of criteria, he also does so with "the concept of the partisan" (18), which serves as "intermediate commentary on the concept of the political" (1963, front). For the partisan, he has four criteria: "irregularity, increased mobility, intensity of political engagement, and telluric character" (22). First and foremost, the partisan is a political actor who does not wear a particular uniform; in other words, the partisan is not state-bound and does not represent the dominance of the public sphere (Schmitt 1963, 14; Schmitt and Schickel 1969, 179–83). Secondly, the partisan has no fixed base, moves quickly, and is much less predictable than a state political entity due to increased mobility through technologization (Schmitt 1963, 16). This also relates, of course, to the metaphor of the uniform: "[W]ho can change uniform or alter a prescribed insignia without ado, is mobile" (Schmitt and Schickel 1969, 184). Thirdly, the political character of the partisan is very important. The word "partisan" is derived from "party" and refers to the relationship with an active political group (Schmitt 1963, 15): "party = partisan" (Schmitt and Schickel 1969, 193). Finally, the partisan has a "telluric" character, which refers to its connection with the ground, that is, mountain ranges, forests, jungles, and so on. (Schmitt 1963, 21): "That is, … the soil [*Boden*], the surface upon which the tactical and strategic evolutions are brought to fulfillment" (Schmitt and Schickel 1969, 197).

In his "Dialogue on the Partisan" with Maoist Joachim Schickel, Schmitt states that "these four criteria, … are means of assistance for academic work. Thus, they ought not to be the last word … of the immeasurable problem of the partisan, but rather a provisional beginning" (Schmitt and Schickel 1969, 178). If the four basic criteria are extrapolated meticulously to the business world, then a case can be made for interpreting the politicized corporation as a contemporary partisan. I found inspiration for this in Drutman's *The Business of America is Lobbying* (2015)—which thematizes both the politicized corporation and corporatized politics (Drutman 2015, 118–32; cf. Weber 1919, 47)—and the recently published research by Fos, Kempf, and Tsoutsoura, *The Political Polarization of Corporate America* (2022). The article concludes that executive teams are becoming more partisan, that executives are becoming more Republican, and that the choices of these Republican executives to appoint new Republican executives are increasing (Fos, Kempf, and Tsoutsoura 2022).

The conceptualization of the multinational corporation as a partisan in this article does not preclude it from being understood through other Schmittian frameworks, as I noted in the section on "Roman Catholicism and Political Form." For instance, there exists the possibility of the political corporation that aligns with the state, as

seen in Marxist theory, where capital and state form a close alliance. This is indeed the case with most multinational corporations, which adhere to the political regulations of the EU or the US. These entities are not independent partisans but rather ideological representatives of the state, acting in accordance with the authority of the Leviathan-state. However, in this article, I have chosen to emphasize the type of multinational that succeeds in extricating itself from this sphere of power, hence why Schmitt's notion of the partisan is preferable to alternative conceptualizations. Let's apply the four criteria to the politicized corporation, as a "provisional beginning" to this deviant political entity "seen from a Schmittian perspective." To this end, I use Schmitt's criteria as "concepts" (à la Deleuze and Guattari 1991, 32–34).

This politicized corporation is a nonstate entity. This has one exception in the (Western) capitalist world, which is the nationalized corporation. In this antonym of privatization, the state buys or demands private corporations in the public interest. This can establish a legal monopoly when a company or industry is nationalized. In America, this is an exceptional phenomenon. An example is the nationalization of the airport security industry under the Transportation Security Administration (TSA) after the terrorist attacks of September 11, 2001 (Roots 2003, 504). The fact that the corporation is not tied to a state also makes it mobile. For example, we saw energy giant Shell move from the Netherlands to the United Kingdom in 2022 and "alter a prescribed insignia" with the removal of the predicate "Royal Dutch." This move followed pressure from Dutch activists to reduce harmful emissions (Seijger 2021).

However, the fact that corporations have an irregular and mobile character does not necessarily make them politicized corporations. Political engagement is necessary and recent publications show that this engagement is thriving within corporations (Farrell 2016; Höllerer, Meyer, and Lounsbury 2017; Clegg, Geppert, and Hollinshead 2018; Van der Meer and Jonkman 2021; Ozery 2022; Papenfuß and Schmidt 2023; Lee et al. 2022). This political engagement in Schmittian terms significantly differs from the Habermasian concept and extends beyond mere lobbying or profit-maximization through political influence (cf. Kuo 2018, 80). Schmitt's political perspective revolves around the essence of political oppositions and sovereignty. It is not just about seeking consensus or lobbying for self-interest, but about recognizing and confronting adversaries, often in a confrontational and conflictual context. Therefore, the Schmittian politicization of corporations should not be confused with nonmarket strategies, such as corporate political activities (CPA), where companies attempt to shape government policy favorably to their benefit (Hillman, Keim, and Schuler 2004, 846). Schmitt's view differs from other approaches in business ethics by emphasizing that political conflicts are deeply rooted in the essence of human existence and cannot be completely resolved. Whereas hostility in Habermas's viewpoint is something that can and should be overcome, and within CPA, at best, a component of a strategy to influence policy and create a more profitable political environment for themselves (Katic and Hillman 2023, 1911–12). What CPA correctly concludes is that economic oppositions, labeled by Schmitt as "competition," are replaced by "political competition" (Liedong 2022, 623–38), indicating that companies have entered the realm of

political agency. Yet again, in CPA, this agency is not existential or ontological but rather superficial and strategically oriented towards profit maximization.

The telluric character of the partisan is Schmitt's most complicated criterion, which he himself indicates in his dialogue with Schickel: "I hold it thoroughly possible … that my four criteria are simply surpassed within a few years" (Schmitt and Schickel 1969, 198). Nevertheless, a corporation is connected to the earth on which tactical and strategic evolutions take place, and thereby has a telluric character (197). In addition, due to its irregularity and mobility, the earth—considering, for example, climate change—is not so much an enemy of the corporation as it is of the state (Schmitt 1919, 138). The corporation thus has an advantage in this. Despite the "telluric character" of the partisan, Schmitt compares the partisan in the later "Dialogue on the Partisan" with water and the state with a rock (Schmitt and Schickel 1969, 186; cf. Schmitt 1942). That mighty rock, however, seems subject to erosion by the water.

In summary, comparing a multinational corporation with the concept of the partisan provides normative insights into business ethics. The partisan operates outside traditional state structures. Similarly, multinationals function across national borders and influence global policy and economic systems without allegiance to a single state. This comparison highlights issues of sovereignty and power dynamics on a global scale. The partisan challenges established norms and authorities, akin to how large corporations challenge national regulations and shape regulatory frameworks to their advantage. This raises questions about the legitimacy of corporate power and the ethical implications for global governance. The partisan operates beyond these conventional ethical and legal boundaries. Multinationals, in their pursuit of profit and market dominance, may also stretch such boundaries, that is, ethical limits of corporate actions and their impact on global justice.

## THE POLITICIZATION OF BUSINESS ETHICS

The development in which corporations increasingly must be seen as partisan entities creates a new relationship between state, corporation, and society, and a new way of thinking about business ethics. Both the international and national political orders have become more diverse in terms of sovereignty distribution (Schmitt 1962, 163; cf. Spengler 1922, 506–507). The unity of the state as a "political association" becomes subject to erosion when corporations start taking over state functions, thus placing the state as a competing entity next to (former) "economic associations" (Schmitt 1932a, 39–45; cf. Schmitt 1939–1941, 77–78). Big corporations such as Alphabet, Amazon, Meta, Apple, and Microsoft have stepped in to play as competitive governmental associations. The increasing number of state, meta, and self-regulations regarding the internet have led to conflicting norms, authorities, and interests. It is suggested that the emphasis on alternative regulatory styles is a diversion from implementing effective state regulation, that is, "hard law" (Veldman 2018). Some of these regulations have extraterritorial effects that limit the sovereignty of other states to regulate internet content as they wish. This raises questions about what "sovereignty" these days means (Barkan 2013); for

instance, what sovereignty over the internet means. Big corporations instigate new forms of sovereignty and blur the line between public and private, as part of the modern economy (Agamben 2007, 285). This sovereignty question is the continuous outcome of this new political development, in which the concept of the political has become both more complex and more important, with far-reaching implications on how we organize our state, corporation, and society, and manage our collective affairs (Rhodes 2020, 89-112). In short, we have arrived at a political order to which Peter Sloterdijk (1993) formulated "hyper politics" as a response.

If the corporation is subject to politicization, it has an impact on the moral philosophy that has the same corporation as the subject of its study: business ethics. The discourse of business ethics shares the fate of concrete corporations and is also subject to politicization (cf. Schmitt 1930, 301). In Habermasian terms, the political character indicates something about the quality of a particular type of content of a discourse that is conducted. In short, the political character can be used to *valuate* a discourse. From a Schmittian perspective, there are roughly three objections to politicization that are important for the discourse of business ethics.

1. The first objection is the impossibility of a final rational consensus based on open, power-free deliberation in a politicized business ethics (Schmitt 1932c, 49–50; cf. Mannheim 1929, 110). This can be traced back to Schmitt's insurmountable friend-enemy distinction. This danger also looms in Habermas's work, but he considers it politically inopportune (Habermas 1973, 111).

2. The second is Schmitt's skepticism regarding values, which are so important in business ethics (e.g., Patzer, Voegtlin, and Scherer 2018; Schnebel 2000; Schormair and Gilbert 2021). This skepticism—Schmitt even calls values "tyrannical" (Schmitt 1979)—is inspired by Heidegger. Since the nineteenth century, the conversation about values has sought to fill the positivistic gap prompted by the disenchantment of the world (Heidegger 1943, 169). Value philosophy then presents itself as a scientific solution to a nonscientific problem (Heidegger 1987). Already Nietzsche called "into question the applicability of the concept of value to the total character of life" (Löwith 1983, 121). These days, contemporary values, according to Han, are seen as commodities for individual consumption. They undergo commercialization, wherein values like justice, humanity, and sustainability are exploited as sources of profit (Han 2019, 5); a rationale behind Jones, Parker, and Ten Bos referring to it as "denying ethics" (Jones et al. 2005, 96 et seq.). By valuing corporate policy through value philosophy, a positivist approach replaces the ethical considerations that have been disregarded (cf. Scherer and Palazzo 2007, 1079, 1106; Schmitt 1934, 65).

3. Thirdly, in Schmittian terms, the political character indicates something about the intensity of any possible content (Schmitt 1930, 307). Those who want to play this political game in the register of business ethics make business ethics a privatized form of state ethics, where political interests rather than reflective arguments are opposed to each other.

## BUSINESS ETHICS AS LIBERALISM

What Schmitt teaches us about the politicization of business ethics, in addition to the utilization of Habermas in the ethical theory formation by Scherer and Palazzo, is that ideally, companies operate entirely in favor of states. These states can be nation-states or large supranational states. This alignment with the state and compliancy assumes the primacy of politics. In this sense, the corporate sphere should be completely politicized within the framework of the state. However, what globalization brought about is that companies found ways to both adhere and deviate from states. On the one hand, there are very large companies that fall under state oversight. On the other hand, there are companies that can no longer be understood in that Schmittian way. They have grown so large and have become so detached from states that they have formed their own sovereignty: corporate sovereignty (Jansen 2024). These sovereignties, as an evasion of states, transformed economic entities into political entities and must be understood as "partisans" within Schmitt's conceptual framework. In a Schmittian sense, the figure of the partisan is highly significant as it manages to elude traditional state structures.

In this article, I have articulated several objections to PCSR related to the politicization of the corporation as well as that of business ethics.

1. A central concern revolves around the erosion of the unity of the state as a "political association," wherein companies partially take on crucial state functions. This places the state alongside "economic associations," transforming the modern state into an entity competing with other associations. At the same time, it is important to remember that corporations are not people (corporate citizenship) or states (Nyberg and Murray 2020a; 2020b). Thus, the notion that corporations could assume the role of a competing governmental association raises questions about the potential enrichment of "democratic processes of defining rules and tackling global political challenges," as advocated by Scherer and Palazzo (2007, 1110). In contrast, Rhodes and Fleming argue that this could contribute to the corporatization of the public sphere and promote dedemocratization: "corporatization of the public sphere will ultimately help de-democratize the economy and society, a trend already well underway in neoliberal countries around the globe" (Rhodes and Fleming 2020, 944).

2. A second objection, inspired by Schmitt, raises the question why people form political associations alongside economic ones and what the political significance of such associations is. While Scherer and Palazzo approach politics by emphasizing a particular interpretation of democratic legitimacy, Schmitt considers politics as inherently associated with polarization and antagonism. This brings up the crucial question of whether the CSR discourse could benefit from (even) more polarization (third objection). Of course, dissensus, in the sense of recognizing and valuing differences of opinion, is essential for a healthy and functioning society, and the pursuit of consensus is often unrealistic and counterproductive (Rescher 1993). In the context of CSR, this means that companies must acknowledge that their interests often clash with those of society. Instead of

attempting to obscure or minimize these conflicts, companies can be more transparent and honest about these tensions. By being more forthcoming about the limitations and challenges of their CSR initiatives, companies can increase public trust, at least in the long run. Furthermore, recognizing dissensus compels companies to take greater responsibility for the impact of their activities on various stakeholders. By exposing corporations to diverse, often conflicting interests, dissensus pressures them to address concerns substantively, helping them avoid reputational risks and regulatory challenges. This fundamentally differs from polarization, which inevitably accompanies hostility and division.

3. Further concern focuses on the consensus politics of Habermas in deliberative democracy, with the assumption of Rhodes and Fleming that negotiations are only aimed at mutually acceptable public goods considered naive (Rhodes and Fleming 2020, 948). In private regulatory initiatives, there is, for instance, a risk of "regulatory capture," where certain actors dominate communication (Buhmann 2020, 299). Despite the theoretical necessity of balanced deliberation, the reality of global supply chains dominated by private regulatory initiatives is imbued with power influences. The overrepresentation of Western corporations in these initiatives and the power dynamics in supply chains highlight the shortcomings of CSR as an ostensibly neutral ideological universality (Poesche 2020). This power-dependent element persists even with maximum diversity and inclusivity.

4. Finally, doubt exists about whether PCSR should seek legitimacy in the procedure of deliberative democracy. Scherer and Palazzo, as critics of the positivist framework of CSR employing empirical methods, suggest that this leads to an instrumental interpretation of CSR that neglects the ethical aspect (Scherer and Palazzo 2007, 1096–97). Scherer and Palazzo base their political conception of CSR on procedural legitimacy, which can also be categorized as positivist—specifically, as *legal* positivist[9] rather than *empirical* positivist but still as positivist. The procedure of empirical science is exchanged for the procedure of law, so that Scherer and Palazzo's suggestion—that an instrumental interpretation of CSR neglects the ethical aspect—remains valid (Bosman and Jansen 2024, 193).

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[9] Within the theory of legal positivism, various distinctions can be made. Broadly speaking, there is a separation between *descriptive* positivism on the one hand and *normative* positivism on the other. Descriptive legal positivism means that law can be characterized solely based on social facts and is indifferent to any moral or transcendent content. This means that legal analysis remains indifferent to any form of transcendence, regardless of whether substantive or procedural law is ascribed transcendence by (legal) theorists. For a famous description of this type of legal positivism, see H. L. A. Hart's renowned work *The Concept of Law* (1961, 181–82): "Here we shall take Legal Positivism to mean the simple contention that it is in no sense a necessary truth that laws reproduce or satisfy certain demands of morality, though in fact they have often done so." Normative legal positivism means that an official charged with authoritatively determining whether a particular norm is a law within a particular legal system should do so without making any moral or evaluative judgments. The primary distinction, therefore, is that the former pertains to analysis, whereas the latter concerns obedience (Spaak and Mindus 2021, 6–14). In the context of this article, the first form of positivism is meant.

The danger of, on one hand, the politicization of corporations, and on the other hand, the politicization of business ethics, is that it bypasses the Habermasian ideal based on communicative reason and discourse ethics. This interchange of categories places states and corporations in a friend-enemy relationship, given that in today's globalized world, states can be competitors and corporations can be adversaries. This trend is evident in conflicts like Ukraine and Gaza, where corporations are politically urged to align themselves with certain politically friendly or hostile nations. Perhaps, in line with Schmitt, this politicization of the corporate sphere offers a way to ease the nihilistic failure of capitalism, where every fundamental value is reduced to mere commodities, but the political game ultimately revolves around the question of who remains sovereign, who is the ruler. Ethics can at most give normative content to the ruler, but the ethical game does not ultimately revolve around the question of who remains as ruler (cf. Huizinga 1938, 78, 90–91). Anyone who aspires to the will and power to make decisions, engages in politics, and thus accepts the experience of the enemy, as Schmitt states (Schmitt 1921, 8).

To put it bluntly, another reason why ethicists and politicians ultimately play a different game is the following: politicians can argue convincingly that they have a monopoly on truth without actually having it, but this is not the case for ethicists. The partisanship of the political poses a big problem for business ethics. What, for example, should we do with the proposition that corporations should primarily prioritize moral values in their actions, at a time when these values have become increasingly sectarian and extremist and there is less and less agreement on ethical principles? It would be worthwhile to explore the Habermasian discourse approach in this context. Habermas's theory of communicative action provides a framework in which moral values can be discussed and justified in a rational and inclusive manner, even in times of increasing polarization and extremism. Thus, I do not view the Schmittian approach as articulated in this article as a replacement for the Habermasian perspective, but rather as a complementary reality check. Therefore, the greatest challenge for contemporary business ethics is to not be drawn into political polarization when it comes to issues involving the business sector, such as the climate transition, digitization, espionage, identity politics, sustainability, globalization, and so on. Business ethics has the idiosyncratic property of being able to reflect on these important themes without being obliged to make a decision. This by no means implies that ethics is irrelevant to politics; on the contrary, it means that ethics should be propaedeutic to political practice (not "the political" itself).

While Habermas advocates for communicative reason and discourse ethics, Schmitt emphasizes the conflictual nature of politics. Companies, as well as business ethics, should heed Schmitt's poignant observation. The practical implication thereof entails a certain "*Realpolitik*" and culminates in a more transparent stance of multinational corporations towards societies. On the one hand, this transparency pertains to the limitations and challenges posed by CSR initiatives, which can enhance stakeholder trust. On the other hand, business ethics should serve as a reflective and normative guide for corporate behavior without becoming entangled in the adversarial realm of politics. Ethics should remain a discourse that informs political practice without succumbing to the conflicts and violence inherent in

political partisanship. Business ethics seeking self-politicization does itself a disservice and falls into a Schmittian trap of conflict and potential violence. Business ethics should be what Schmitt abhorred: an "endless conversation" (Schmitt 1919, 1, 21, 27)—precisely what, according to Schmitt, liberalism excels at.

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