



# Engaging Marginalized Stakeholders: Towards a Dialogical Theorization of Effective Corporate-Rightholder Remedy

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## Abstract

In the remediation of business-related human rights abuses, meaningful stakeholder engagement which culminates in effective access to remedy begins with forms of communication that enable the voice and agency of marginalized stakeholders, and value their lived experiences. Here, we consider how the development of a *dialogical* theorization of stakeholder engagement is aligned with the practical and ethical goals of an effective access to human rights remedy. Drawing on dialogical theory, we discern four ethical criteria —*power cognizance, polyphonic pluralism, generative agonism and discursive unfinalizability*— that reveal three general approaches to stakeholder engagement —*essentially monologic, seemingly dialogic and authentically dialogic*— based on the extent to which they exhibit the criteria above. We propose and discuss an 'authentically dialogic' approach for organizations adopting morally expansive, victim-centric approaches to engagement in the design and implementation of company-led remedial mechanisms.

**Keywords** Stakeholder engagement · Marginalized stakeholders · Access to remedy

## Introduction

Despite decades of strategic, pragmatic and normative research into the question of how, when and why corporations engage with their various stakeholders, surprisingly little attention has been paid to marginalized groups (Arnold, 2016). This neglect represents a 'colossal problem' within stakeholder theory more generally (Chowdhury et al., 2023, p. 1) and a specific challenge for research into stakeholder engagement (SE), where severe human rights abuses can be a feature of stakeholder marginalization. At present, access to remedy (i.e. the journey towards the restoration of abused rights) is made available via both state-based and non-state-based mechanisms, with the latter resting heavily on the good will and efficacy of a company's own approach

to respecting human rights and guaranteeing the engagement of affected stakeholders. It is the question of how human rights remedy processes are influenced by SE approaches that we seek to address in this paper.

Despite valuable advances in SE, there remain persistent concerns with the way in which it is implemented, which has significant implications for effective access to remedy in rights abuse settings. For example, even where companies appear to be proactively engaging with affected stakeholders, there have been cases where the dialogue between parties has been instrumentalized, coopting agreement and cajoling consensus, despite local dissent (Maher & Buhman, 2019). Horowitz (2015) saw SE take the form of cultural manipulation, where a Brazilian mining company used dialogue with respected senior community members to secure the consent of younger community activists strongly opposed to the company's plans. Banerjee (2017) points out that consensus-seeking dialogues are often 'structurally biased' to corporate and government actors, rather than the desires of local communities. In such instances, this structuring relational feature renders SE a rhetorical device that limits rightholder influence on the remedy process, as was the case in the aftermath of the Fundão dam disaster (Maher, 2022; Tuncak, 2017). These concerns are only amplified in severe rights abuse settings, as documented in the Barrick

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Mining case where, following multiple cases of sexual violence against women by private security guards, subsequent remedial mechanisms were seen to inhibit direct influence from the abused rightsholders themselves (Knuckey & Gianini, 2015). Arguably then, rightsholders face a dual marginalization: not only having had fundamental rights abused but also being subsequently partially or wholly side-lined in the process of remedy.

In light of such concerns there have been calls for more meaningful forms of SE (Maher & Buhmann, 2019) that not only place rightsholders on a more equal footing but are respectful of their voice and enabling of their freedom and agency. In this paper we develop an ethics of dialogue within SE that is more facilitative of marginalized stakeholders' 'freedom of thoughts, convictions, behaviours' (Stückelberger, 2009, p. 335). We advance a dialogical approach to SE that is ethically conducive to rights abuse settings, where the approach to dialogue is not instrumentalized by coopting or consensus-seeking interests but instead ethically shaped towards effective access to remedy *with* rightsholders. For example, a key ethical demand of dialogue according to Bakhtin, (1984) is that neither party in the dialogue (e.g. company, community organizations, rightsholders) should try to 'finalize' the other (see Bakhtin's idea of 'unfinalizability'). That is, it is deemed unethical when one party claims to determine all that the other is and can be, for instance, in terms of *the* rights they should hold or *the* needs they have (as is often predetermined in top-down forms of engagement). Such criteria adhere to a foundational sense of individual freedom and moral agency which lie at the core of effective rightsholder remediation. Note that ethical criteria can be interpreted both as a set of dialogical norms that could be practically adopted in SE settings—i.e. guiding what the company and stakeholders *should* do—as well as a descriptive 'toolkit' for evaluating SE—i.e. for assessing whether, and to what extent, they *actually do* adhere to them.

In this paper we offer three main contributions. First, we expand the field's problematization of the notion of stakeholder engagement into the context of corporate human rights abuses, highlighting conceptual and practical impediments to remedy processes and outcomes. We incorporate within this a refinement of stakeholder marginalization as a *relational* concept born of specific vulnerabilities provoked by corporate-stakeholder relationship. Second, drawing on relevant dialogical theory (Bakhtin, 1984; Freire, 1970) we advance an ethically conducive theorization of dialogue for human rights remedy processes, discerning four key dialogical criteria: *power cognizance*, *polyphonic pluralism*, *generative agonism* and *discursive unfinalizability*. We then mobilize these criteria as a lens for interpreting forms of stakeholder engagement, discerning three prominent types based upon their relative alignment with our criteria: *essentially monologic*, *seemingly dialogic* and *authentically*

*dialogic*. Finally, we discuss the implications of companies conforming to these types for individual's rights and agency during remediation processes. We explore the implications of our theorization for companies seeking more meaningful forms of engagement with marginalized stakeholders. As our contribution lies in extending SE into corporate-rightsholder abuse settings, it is to this unique SE context that we now turn.

## The Normative Context for Engagement and Dialogue in Rights Abuse Settings

The United Nations Guiding Principles on Business and Human Rights (UNGPs), unanimously endorsed by the Human Rights Council in 2011 (Human Rights Council, 2011), represent the policy framework with the 'most substantial normative content' on business and human rights (Arnold, 2010, p. 377). Under the UNGPs, stakeholders affected by business-related abuses have the right to access remedial mechanisms. Remedy functions 'to rectify the wrong done to a victim [...] to correct injustice' (Shelton, 2015, p. 19), and—in the business and human rights context—it aims at redressing abuses committed by companies directly through their own activities, or by virtue of their business relationships.

Despite the fact that remedy has been recognized as part and parcel of the corporate responsibility to respect human rights and has been echoed in the business ethics discourse (Mena et al., 2010; Muchlinski, 2012; Schormair & Gerlach, 2020; Wettstein, 2015), it remains one of the greatest failings of, and most critical areas for growth within human rights protection and corporate accountability—a 'blind spot' in corporate responsibility research and practice (Schrempf-Stirling et al., 2022).

The UNGPs offer a 'system of remedy' (Human Rights Council, 2011, p. 27) that includes three possible remedial mechanisms: state-based judicial remedies; state-based non-judicial remedies; and non-state-based non-judicial mechanisms. State-based-judicial mechanisms remain 'at the core of ensuring access to remedy' (ibid, p. 28), and—depending on the severity of the human rights abuse—non-judicial mechanisms may not be appropriate. However, a range of remedies beyond judicial means should be made available to affected stakeholders, including organization-led mechanisms, which are the focus of our analysis.<sup>1</sup> Rights holders

<sup>1</sup> Under the UNGPs, non-state non-judicial remedial mechanisms include those who are administered by a company alone, as well as more collaborative initiatives (Human Rights Council, 2011, pp. 31–33). While this contribution focuses specifically on company-led mechanisms, business and human rights scholars have offered interesting contributions on the provision of remedy through multi-stakeholder initiatives – see for instance Harrison and Wielga, 2023.

affected by business-related human rights abuses should be able to seek, obtain and enforce a bouquet of remedies: a range of remedies depending upon varied circumstances, including the nature of the abuses and the personal preferences of rights holders' (UN General Assembly, 2017, p. 12). The current few studies on non-judicial pathways to remedy call for further research into more ethical, just and inclusive remediation processes (Knuckey & Jenkin, 2015; McPhail & Ferguson, 2016; Schormair & Gerlach, 2020).

There are different reasons why a company might be interested in directly engaging in the provision of remedy, including efficiency, costs and reputational concerns (Olsen, 2023). Olsen (2023) offers a thorough analysis of cases in which companies and victims may decide to engage in non-judicial remediation, such as the presence of weak institutions, corporate resources available to offer ad hoc mechanisms (which is often linked to the large size and public visibility of the company), and the pressure and influence that come from local civil society organizations. Similarly, Kauman and McDonnell (2016) present different reasons that justify the importance of company-led mechanisms, including the prevention of escalation of abuses through early and direct interventions, as well as an organizational learning process about the abuses which would guarantee non-repetition of the abuses (Human Rights Council, 2011, p. 27).

In offering a remedial process, companies are expected to use their managerial tools (Cragg, 2012), including stakeholder engagement, to take the necessary steps in the aftermath of a wrongdoing. Remedy is composed of both procedural aspects, i.e. how a remedy can be accessed—and substantial features—i.e. the actual outcomes of the remedial process. Within the UNGPs normative framework, principle 31 sets internationally recognized criteria for effective access to remedy, that focus primarily on the procedural aspects of how grievance mechanisms operate (Wielga & Harrison, 2021) which include an underling foundation on engagement and, crucially, dialogue (Human Rights Council, 2011, p. 34). Non-judicial remedial mechanisms are required to be legitimate, accessible, predictable, equitable, transparent, rights-compatible and a source of continuous learning. However, from a procedural perspective, company-led mechanisms have often failed to meet the remedy standards required by the corporate responsibility to respect human rights, as analysed by Vives-Gabriel and van der Merwe (2023) in the case of the Marikana Massacre remedial process. It is not uncommon that company-led mechanisms provide a remedy that is considered by affected stakeholders to be ineffective or inappropriate to the specific situation and cultural context (Kauman & McDonnell, 2016). One of the main reasons for this ineffectiveness is that organizations often prescribe the pathway to remedy *for* stakeholders. Rather, the path should be designed and implemented

*with* stakeholders through a participatory process based on dialogue and engagement. The pathway to remedy should offer ways to overcome barriers to participation (Human Rights Council, 2014), so to avoid the 'pathology' of a 'disconnect remedy' whereby there is a broken link between the issue underpinning a grievance and the actual remedy offered (Owen & Kemp, 2024). We argue that in order to avoid the 'disconnect remedy pathology', the remediation process should be dialogically-driven.

Under the business and human rights premise, affected stakeholders refer to 'those people whose basic dignity and equality are at risk of harm from the ways in which business gets done' (Ruggie et al., 2021, pp. 186–187). Without an empathetic attention to rightsholders' testimony about their abuses, companies are not able to access victims' lived experiences (Meyers, 2021) and, thus, offer an appropriate and effective remedial mechanism. While stakeholder theory had the potential to be 'the feminine counterpart to traditional management' (Burton & Dunn, 1996, p. 140; building on Wicks et al., 1994) and inform the procedural dialogue-based aspect of a pathway to remedy, stakeholder engagement practices have been traditionally patriarchal and ostensibly relational, reinforcing modes of exclusion, subordination and oppression of vulnerable groups, including in their right to accessing remedy (Owen & Kemp, 2024; Zagelmeyer et al., 2018). This makes it crucial to question what a more participatory form of SE dialogue would look like and how might it overcome some of the limitations of traditional firm-centric approaches.

## Marginalized Stakeholders and Engagement

Business ethics theorists have paid surprisingly little attention to conceptualizing marginalized stakeholders. There are few definitions, typologies and/or characterizations of what constitutes and indeed contributes to, stakeholder marginalization and certainly nothing in the context of rights abuses settings. As Arnold puts it, giving voice to marginalized stakeholders remains 'an important and surprisingly neglected aspect' (Arnold, 2016, p. 7), while Chowdhury et al. assert that 'the neglect of marginalized stakeholders is a colossal problem' in stakeholder theory (Chowdhury et al., 2023, p. 1). To start redressing this deficiency, we offer a brief analysis of the concept of *vulnerability* as the key structuring feature of marginalized (i.e. 'at risk' and 'disadvantaged' (Munari et al., 2021)) stakeholders, before proceeding to problematize the wider stakeholder engagement literature's shortcomings for understanding human rights remedy.

Looking at the wider multi-disciplinary literature, the notion of vulnerability is often considered rather problematic (Virokannas et al., 2020; Adorno, 2016), with the research

divided between two distinct interpretations. The first one applies vulnerability as a label to individuals and groups based on their individual, personal and/or socio-economic characteristics. That is, human vulnerability is a product of a person's gender, race, disability, income, for example. This individual-based approach to vulnerability—as a feature of individual agency, rather than structure—might easily lead to labelling people in a patronizing way, stigmatizing individuals as incapable and deficient because of their personal characteristics. This view tends to overlook the contributing role of social processes, structures and institutions that 'created and sustained that very vulnerability' in the first place (Koch, 2015, p. 141; Munro & Scoular, 2012; Brown et al., 2017) which may help account for how and why marginalization occurs for some stakeholders.

Other research recognises that whilst vulnerability is intrinsic to human experience—an ontological condition of humanity—its form and severity varies depending on the susceptibility to harm by others (e.g. corporate or government actors). Here, vulnerability is not limited to either individual agency or structural forces but as a feature of self-other *relations*; i.e. vulnerability is a relational concept. Indeed, the term vulnerability derives from the Latin *vulnus*, which means *wound* and related to the human capability of being wounded. 'From this perspective, *all human beings* are vulnerable because they are all susceptible [...] to be abused' (Adorno, 2016, p. 1). Crucially here, how much an individual is deemed vulnerable and, thus, prone to marginalization, depends on specific contextual factors shaping corporate-rightsholder relations. For instance, women are not vulnerable per se to corporate rights abuses but may be rendered significantly vulnerable by the specific overlay of poor/unethical corporate decision-making upon local norms and social systems (e.g. patriarchal/religious stratification) that both enable and expedite abuses on their rights. Here, far from being an innate quality or state, vulnerability is an 'openness or susceptibility to impacts' (Meyers, 2021, p. 50), an increased likelihood to being abused that is generated by institutional and interpersonal aggressions. Therefore, when considering stakeholder engagement with marginalized stakeholders this would focus attention on vulnerabilities produced by and structured within discrete corporate-rightsholder relationships.

How we conceptualize vulnerability (individual vs. relational) matters because it shapes the nature of the process through which engagement with marginalized stakeholders proceeds towards human rights remedy. For example, The Universal Declaration of Human Rights (1948) directly connects the idea of human dignity to the right of self-determination—a connection that has been widely confirmed by human rights theorists (Meyers, 2021). Under an individual approach, with the assumption that vulnerability might preclude self-determination, 'monologic' corporate

interventions are deemed appropriate (Brown, 2011), where abused individuals are effectively *told* what rights, needs and choices they have during remedy. This view limits the potential agency of marginalized stakeholders within remediation (Munari et al., 2021). On the contrary, a relational approach to vulnerability promotes the idea that, whilst conditioned by surrounding relationships, rights-bearers are agentially engaged in co-determining the remedial journey with other social agents in the relationship. Here, what we might see as more 'dialogic' practices of engagement become instrumental in contesting power relations, and the vulnerability of rights-bearers, by allowing the possibility for human agency (Bebbington et al., 2007; Passetti et al., 2019). This activated human agency prevents to 'silence the voices of marginalized groups and therefore stifling their participation and influence' (Dillard & Vinnari, 2019, p. 21). We now examine the wider field of stakeholder engagement, highlighting and problematizing the extent to which prominent forms of SE are more or less suitable to the challenges facing rightsholders subjected to relational marginalization.

A substantive body of the stakeholder engagement literature is driven by stakeholder theory (Freeman, 1984), originally a *strategic* orientation, promoting forms of engagement (Kujala et al., 2022) focussed around a 'stakeholders' willingness to participate in business value creation. Typically, the participation of a stakeholder relies on resource contribution to improve various outcomes, such as firm performance, reputation, or competitive advantage. (p. 1153)". In this vein, stakeholders register as worthy of attention and, thus, engagement, based on the extent to which they wield power and resources that affect the interests of the company (Freeman, 1984; Mitchell et al., 1997). In this way, whereas consumers, competitors, shareholders, suppliers as well as trade unions would be considered legitimate subjects of stakeholder engagement (possessing strategic importance), it is unclear where marginalized stakeholders register here (Kujala et al., 2022), given their being dispossessed of resources and capabilities (by the company). Indeed, under a pure strategic view of stakeholder engagement, we might observe a 'paradox of salience', a situation in which marginalized stakeholders ostensibly possess great *urgency* and indeed *legitimacy* (Mitchell et al., 1997), but a marked lack of *power* and resources, rendering them ostensibly invisible to companies.

Others have sought to explore the moral dimension of stakeholder engagement (Greenwood, 2007; Noland & Phillips, 2010), with Kujala et al. (2022), observing a common view in the field that 'Stakeholder engagement is moral if the organization has good intentions and/or the relationship is reciprocal and voluntary'. (p. 1153) but, crucially, that this is often implicit within SE research. That is, some assume that by merely having a CSR policy, for example, recognizing the importance of engaging stakeholders, a moral position has,

therefore, been adopted. For various reasons, this may not be sufficient for addressing the ethical concerns facing certain stakeholders, especially significantly disenfranchised ones. Others counter that SE-driven stakeholder theory, whilst good at *identifying* potentially effected stakeholders, is ill-equipped as a framework to *address* real and complex ethical issues managers face (Donaldson & Preston, 1995). Greenwood (2007) further questions the extent to which SE should be assumed a ‘necessarily responsible practice’, concluding that SE best be viewed as a ‘morally neutral practice’ (p. 315). Interestingly, whether approaches to SE are considered moral or not, there is an increasing concern that the *nature* and *process of engagement* between companies and stakeholders may significantly shape and constrain the ethical quality of outcomes (e.g. remedy). For example, the strategic approach to SE commonly involves communicating to external stakeholders the decisions that have been made by the company (via websites, representatives, presentations, committees, brochures etc.). These ostensibly one-way modes of communication restrict the degree of participation—two-ways modes—in pursuing ethical outcomes desired by those most affected stakeholders (Kujala et al., 2022). This approach appears somewhat aligned with individual approaches to vulnerability which seemingly invite/justify monological remedy process for marginalized stakeholders.

Of potential promise for marginalized stakeholders has been the increasing emphasis placed on SE activities that aim to cultivate ‘dialogue’ between companies and stakeholders, allowing ‘voice’ in the decisions that companies come to make (Murphy & Arenas, 2010; O’Riordan & Fairbrass, 2014). More aligned with relational conceptions of vulnerability, this is potentially fruitful for marginalized stakeholders as it suggests that SE could enable *mutual* problem-solving (Putzer et al., 2018) and *joint* decision-making (Morsing & Schultz, 2006), at least where a company’s social responsibilities are recognized (Burchell & Cook, 2008). In theory, involving marginalized stakeholders in a dialogue (e.g. via a roundtable or consultation) represents a step away from those top-down, firm-centric approaches to SE that tend to exclude the voices of those impacted by a rights abuse, and who are best placed to drive meaningful solutions to ethical problems (Roloff, 2008). Rather than restoring rights to marginalized stakeholders, forms of SE dialogue that remain essentially top-down in nature, may not only fail marginalized stakeholders but ironically further their marginalization:

‘Often, when governments or other actors from the top [...] organize a process, many of its aspects are affected in ways that can reinforce patterns of marginalization, maintain the status quo and increase the organizers’ power’ (García-López & Arizpe, 2010, p. 203).

More recently, research has started to illuminate how different forms of stakeholder engagement (i.e. more top-down

Vs more bottom-up), can exhibit different degrees of participation and so too, different consequences for both firm and stakeholder (Bowen & Herremans, 2010; García-López & Arizpe, 2010; Maher, 2019; Maher & Buhmann, 2019; Murphree et al., 1996; Stückelberger, 2009). For Maher and Buhmann, (2019), even where the rights of potentially marginalized stakeholders are explicitly inscribed in powerful institutional guidelines such as UNGP and OECD, where these are then mobilized in a top-down manner, decisions concerning resolutions ‘tend to be designed and implemented under the dominating approaches of the organizations that drive the process rather than the communities that are affected’ (p. 232).

Evidently, the simple fact of dialogue operating between companies and rightsholders doesn’t automatically equate to the kinds of processes that contribute to healthy and successful remedy outcomes. As Stückelberger (2009, p. 337) points out, ‘a dialogue can be abused in manifold ways, e.g. to avoid decision and action or to continue unethical practices while the dialogue is being pursued’. This resonates with calls for more meaningful forms of dialogue based upon bottom-up forms of engagement, in order to avoid further infringement of stakeholder rights (Maher & Buhmann, 2019). It is within this debate that we start to see explicit recognition of power imbalances, diffuse interests, resources and capabilities underlying corporate-rightsholder relationships, coupled with a corresponding effort to mitigate them via principles, norms and/or values: an *ethics of SE dialogue*.

Although focussed on dialogue between company and socially driven shareholders (i.e. not rightsholders directly), Goodman and Arenas (2015) draw upon Habermasian principles of the ‘Ideal speech act’ wherein all effected actors work towards generating a moral norm that can be agreed by all parties (i.e. consensus-seeking dialogue). ‘Communicative action’, they outline, adopts a set of speech principles that enable a dialogue ‘oriented to reaching understanding’ (p. 168), a situation seemingly more conducive to guiding corporate-rightsholder relations. We will unpack the theoretical contradictions of consensus-seeking ‘dialogue’ as we move into the next section of the paper. For now, it is worth noting the role of ethical norms and values in enabling more meaningful SE dialogue. This is fleshed out extensively by Stückelberger (2009), who proposes up to nine different forms of dialogue—explorative, learning, testimonial, revealing, dialectic, action-oriented, public relations, confrontational and negotiating—each being context-specific (e.g. ‘*negotiating* dialogue’ between unions and management). These are set against a backdrop of fundamental ethical conditions, of which four seem especially relevant to dialogue with marginalized stakeholders: human dignity, equality/justice, freedom of thought and participation. Echoing Goodman and Arenas (2015), of freedom, for example, Stückelberger (2009, p. 335) asserts:

‘Freedom of thoughts, convictions, behaviours and actions is another core value for an ethics of dialogue. One may have the right or even obligation to force somebody to do something or to abstain from doing something, but then the decision is not based on dialogue, but order. Dialogue presupposes the possibility to express an opinion in a free way [...]’

Given the context-specific characteristics of ‘relationally marginalized stakeholders’ outlined above, it would seem that there are a wide range of assumptions about the nature of SE, the motivations guiding them, the structures governing modes of participation as well as ethical principles guiding dialogue, that might maintain or even heighten marginalization, if left unchallenged or unexplored. Moreover, whilst highlighting dysfunctional engagement (e.g. co-optation/consensus seeking), the extant literature has not deployed appropriate dialogical communications theory to interrogate and develop SE engagement in the context of corporate-rightsholder abuses. It is to this task that we turn in the remainder of the paper.

## Ethical Criteria for Meaningful Stakeholder Engagement

‘Meaningful engagement with affected stakeholders is a core source of information for enterprises to understand about their impact and its implications for those potentially or actually affected’ (Buhmann, 2023, p. 153). While the value of SE has been discussed within the business and human rights movement, *the ethical criteria* under which a stakeholder engagement process could be considered *meaningful* remains an open question. Policymakers and practitioners have increasingly tried to establish what a meaningful process would look like, and why it is considered a central expectation of responsible business conduct. The OECD regards SE to be meaningful when it is ongoing, ‘two-way, conducted in good faith and responsive’ (OECD, 2017, p. 18). While this might give a broad understanding of expectations from a practitioner perspective, the conceptualization of the approach remains thin. In this section, we elaborate on the four ethical criteria for conducting meaningful SE, and the three different approaches to engagement that are based on dialogic theory: *essentially monologic*, *seemingly dialogic* and *authentically dialogic*. We turn now to the main tenets of dialogism.

The UNGPs emphasize communication and dialogue with rightsholders as a key form of accountability (Rugge et al., 2021). ‘However, achieving accountability to less powerful groups is fraught with difficulties and is not simply about “giving” them a seat at the table’ (Tanina et al., 2023, p. 2). The term dialogue is often assumed

simply as interactional talk; a sequential speech ‘move’ from one person to another, technical in nature rather than moral and social in substance. Prominent dialogic theorists have argued that the nature, process and outcomes of such communication between multiple interlocutors can range between different levels (Bakhtin, 1981; Freire, 1970), from what we theorize being the essentially monologic to the seemingly dialogic to the authentically dialogic encounter. Critical accounting scholars have extensively argued the relevance of participatory-dialogic approaches in SE for corporate accountability (see, among others, Bebbington et al., 2007; Brown, 2009; Tregidga & Milne, 2020; and-in this Journal-Passetti et al., 2019). These approaches are underpinned by the ideas of Freire (1970, 1985), and the recognition that the internalization of oppression and normalization of disempowerment (i.e. the negation of agency) impact the way in which the oppressed—i.e. marginalized stakeholders—interact with their oppressor—i.e. business.

Through dialogism, authentic dialogue is not information transmitted from A (i.e. the organization) to B (i.e. the stakeholder), or by A about B, but rather by A with B. Dialogical theory is a *relational* (A with B) communications theory, where ‘utterances’ interact in anticipation of the other. This is distinct from traditional SE approaches that might centrally determine the solution to what they perceive as the problem/abuse and then proceed to inform wider stakeholders of their solutions in order to seek legitimacy and/or acceptance (i.e. A to/about B). This is monological stakeholder engagement 101. In contrast, knowledge of the problem/abuse and the total horizon of possible solutions lies in the ongoing dialogue of A with B, and the acceptance and embrace of lived experiences which allow for reciprocal learning. In this, all interrelating parties are endowed with agency and ownership of the process, analysing the issues from different perspectives for transformative change.

In this process, dialogue is inherently productive, according to Bakhtin (1984), in that its continuity and absorption of multiple and diffuse voices aggregates valuable knowledge from all actors interacting, rather than galvanizing support for a singularity in the discourse (monologue), meaning that effective solutions can still be possible, even in situations where agents disagree or have different goals. For Bakhtin dialogue, as distinct from monologue’s adherence to one position, solicits multiple positions (or perspectives) that can be variously expressed via the interactions of those in the dialogue. The inclusion of many voices—polyphony—is key to dialogue; ‘a plurality of independent and unmerged voices and consciousnesses ... [which] combine but are not merged in the unity of the event’ (Bakhtin, 1984, pp. 6–7). The emphasis on

‘poly’ (phonic) here is not on many people ‘attending’ the dialogue (i.e. numerical weight) but on the open inclusion of many available views or ‘vantagepoints’ (i.e. qualitative, productive knowledge/learning).<sup>2</sup> The number of actors involved is irrelevant when the dominant voice remains one (e.g. the organization leading the engagement). This is not dialogic or polyphonic in the sense discussed by Freire and Bakhtin because it galvanises a singular knowledge narrative or truth and excludes the potential of others. Dialogic dialogue, rather, is interactive and inclusive of the polyphonic setting in which it occurs, inviting all actors equally to participate- to contribute their available knowledge into the ongoing enrichment (and learning) of the dialogic theme at hand (remediation of human rights).

In the following sub-sections, we aim to distinguish SE based on mere consultation (i.e. monologic encounters), from quasi-dialogic and authentically dialogic (i.e. meaningful) participatory processes. The latter represents an operationalization of an authentically dialogic approach to human rights remediation that embraces the following four ethical criteria of meaningful SE:

1. *Power cognizance*. There is a reflective acknowledgement of the power dynamics shaping the corporate–rightsholder relationship. Freire’s theory of dialogic action requires the problematization of the engagement process, arguing for an un-hierarchical encounter between actors with different powers. Communication that proceeds in the context of concealed power imbalances is not seen as authentically dialogical, as the pretence of harmony can obscure, channel and/or pacify different points of view and important tensions and struggles that naturally exist in a dialogue (especially one set upon structural inequalities). As a reflective practice, SE parties would be proactively aware of the ‘conditions of freedom’ that surround, shape and constrain interlocutors, making these explicit and open for discussion.
2. *Polyphonic pluralism*. The dialogical process is agent capacious, actively including all relevant parties to the remedy process, not in spite of, but exactly because of the different viewpoints they can bring into fuel the dialogical process. Dialogism embraces pluralism and allows continued renewal of viewpoints without forcing participants to align with a consensus or dissensus that they may not wish to seek (Brown, 2009). This leaves participants free to align, change, contest, reflect, modify and reassert their views. Forms of communication that look to advance or coalesce around a single viewpoint are by definition monological and non-agentic, as they effectively annex or exclude what might be relevant and valuable ‘truths’ (Manetti et al., 2021). This ethical criterion is about equality and fairness, with a right extended to all parties to participate as equals within the dialogue and, moreover, a respect for the inevitably different ‘truth/s’ and lived experiences held by each.
3. *Generative agonism*. Dissent and conflict are vital elements of an effective dialogue aimed at transformative outcomes. A key outcome of normalizing conflict, difference and struggles as legitimate and necessary features of dialogue is the generation of richer forms of reciprocal learning. This ethical criterion connects somewhat to human flourishing and development in the sense that a core goal of authentic dialogue is ongoing and mutual learning that is enriched, not undermined by, relational differences with others in the dialogical encounter (Brown, 2009). Indeed, the most effective forms of remedy are likely those that allow for contestation, whereas those that are shy of or hostile to it will restrict the full potential horizon of understanding generated across the dialogue as interlocutors learn about the struggles, barriers and tensions of others and develop accordingly from their interactions with one another other. This matters because if contestation is not normalized, the dialogue is open to problematic group norms such as group think and group shift and new voices are potentially silenced by conflict (Dillard & Vinnari, 2019; Tregidga & Milne, 2020).
4. *Discursive unfinalizability*. A key ethical condition of dialogue is its resistance to being closed down to the exclusion of further inputs by other agents. That is, it is unethical to seek to finalize the other, to shut them down or restrict their agency within the ongoing dialogical process. Of course, for various reasons interlocutors within a dialogue will not be willing and indeed practicably able to stay perpetually within a specific local/episodic dialogical event. Decisions will need to be made and actions taken. What we see here as ‘unfinalizability’ is that authentic dialogues will remain open to further ‘discursive opportunities’ for all agents (others) at both macro and micro level, enabling reciprocal learning about rightsholder remedy over time.

<sup>2</sup> For example, the term ‘echo chamber’ has been used in social media research to describe communications involving many thousands of interlocutors but around a very well-defined topic and scripts; with a very strong ethos of self-policing in place to close-down alternate viewpoints and exclude ‘voice’. See Glozer, S.; Caruana, R.; Hibbert, S. (2019), ‘The Never-Ending Story: Discursive Legitimation in Social Media Dialogue’, *Organization Studies*, 1,26.

We would underline that these four criteria for meaningful SE are neither linear nor sequential but mutually inter-related features of a dialogue. Whilst they are interrelated and may well operate in concert, we have separated them out here for clarification purposes. By applying these four

criteria to real life examples of SE we are able to better discern and characterize three general types of SE, based specifically on dialogic theory: *Essentially Monologic*, *Seemingly Dialogic* and *Authentically Dialogic*. The three approaches are summarized in Table 1 and explored in detail in the following sub-sections.

### Essentially Monologic Encounters

While stakeholder consultation and stakeholder engagement are frequently conflated with one another, stakeholder consultation can be considered a monologic approach to engagement aiming towards one-sided knowledge extraction (Arnstein, 1969; Jami & Walsh, 2017). Consultation approaches do not account for participants' agency and may reify power imbalances.

'Participation [through consultation] without redistribution of power is an empty and frustrating process for the powerless (*i.e. marginalized stakeholders, the oppressed*). It allows the powerholders (*i.e. the organization, the oppressor*) to claim that all sides were considered, but makes it possible for only some of those sides to benefit. It maintains the status quo' (Arnstein, 1969, p. 216).

An essentially monologic approach to stakeholder engagement can be characterized as a one-way consultation led by the 'engager' on the 'engaged'. In Freire's vision (1970), the dialogic encounter differs from the monologic encounter, where a subject (in our case, a company), who by virtue of one's strength or social status imposes or manipulates ideas regarding a certain object (*i.e. remedial process and outcomes*) to a second dominated subject (*i.e.*

marginalized stakeholders). In essentially monologic engagement, organizations are reacting to other pressures and threats in their risk environment (litigation, reputation) and build only a tokenistic and fleeting connection with marginalized stakeholders. Whilst communication with other more powerful stakeholders may occur (international civil society organizations, human rights experts, shareholders), any communication with marginalized stakeholders themselves is one-way, with no attempt to include their voices in the decision-making process and with no accountability for the outcomes of the remedial process. In short, essentially monologic forms of stakeholder engagement are characterized by a defensive and unilateral approach to stakeholder management (Kujala et al., 2022).

Organizations initiate monologic processes for persuasive, strategic and instrumental purposes (Brown, 2009). They might use 'accounting spectacles'—including SE—to spin a positive story in the face of abuses. However, in some cases, 'the corporate spectacle eventually departs so significantly from the lived experience of those affected that it is time for "spectacle script revision"' (Pupovac & Moerman, 2022, p. 3). In the cases of business-related human rights abuse, access to remedy is largely predetermined by an organizational script—a set of organizational and legal goals shaping the communication process. Monologic encounters of this kind exclude or externalize victim voices that might otherwise provide valuable context-specific insights into their lived experiences, and the effectiveness of the proposed remedy.

Developed under these premises, the case of Barrick Gold in Papua Guinea represents one of the first non-state mechanisms created after the endorsement of the UNGPs. A brutal sequence of abuses and sexual violence were perpetrated

**Table 1** Approaches to engagement

Engagement approaches	Main features	Implications for marginalized stakeholders
Essentially monologic	Encounter is based on one-way consultations led by the engager <i>on</i> the engaged	Voice silenced
	Tokenistic involvement of marginalized stakeholders, with no real attempt to include stakeholders' voices in decision-making processes	Agency restricted
	No accountability for the outcome of the engagement, and no organizational learning activated	Access to remedy prescribed
Seemingly dialogic	Encounter might include a manifest attempt to directly engage marginalized stakeholders, but the engagement is often staged or partial	Voice displaced
	Communication remains top-down and consensus seeking	Agency narrowed
	There is minimal accountability, and substantial organizational learning is unlikely	Access to remedy predetermined
Authentically dialogic	Encounter is based on authentic dialogue with suspended power imbalances	Voice distributed
	Plurality of voices informs the dialogue; mutual understanding and dissensus are expected and embraced	Agency restored
	Organizations become learners and seek a transformative change; accountability is actively pursued	Access to remedy co-determined



against local women by the mine's private security personnel (Albin-Lackey & Ganesan, 2011; BSR, 2018). After a number of reports of these and other human rights abuses, and after a few years of denial from the company, serious failures were recognized by Barrick Gold Corporation. The company undertook responsive actions, including the creation of a Porgera Remedy Framework for female victims of sexual assaults. Monologic in nature, the remedial mechanism did not include direct engagement with abused rightsholders and sexual assault survivors, particularly during the design phase (Knuckey & Giannini, 2015). During the implementation phase of the remedial mechanism, women were given the opportunity to provide feedback, but there was no clear procedure on how those inputs were taken into consideration. In the end, 'many rights-holders perceived the remedy packages offered by Barrick to be insulting, unfair, inadequate, and failing to reflect the severity of the harms suffered' (Knuckey & Giannini, 2015, p. 69). Barrick's complicity in subsequent human rights violations and failed remediation in an all too similar case in Tanzania is illustrative of the ineffectiveness of monologic approaches to remedial systems, and the lack of learnings by the company on how to pre-empt future abuses (Lauwo & Otusanya, 2014).

Another example of a monologic approach to SE is the Dakota Access Pipeline case, illustrative of the inadequacy of 'consultation' approaches in terms of engagement and remedy. The crux of the case lies in the conflict between the construction of an oil pipeline across sacred lands and the rights of the Standing Rock Sioux Tribe (Mengden, 2017). Executive Order 13007 requires agencies to 'consult' with Indigenous tribes on projects that affect their Sacred Sites. Despite this, the order does not grant Native Americans legally enforceable rights to defend their rights; the requirement is for agencies to simply 'listen' to tribal concerns and grievances (Mengden, 2017). In the Dakota Access Pipeline case, this one-sided consultation process did not translate to meaningful engagement towards any substantive remedy for the tribes involved (Johnson, 2019). Mengden (2017) problematizes the consultation approach of the pipeline nothing that it, 'places all the power into one party's hands. The imbalance of power and inability of the tribes to seek remedy based on inadequate consultation procedures is insulting to the sovereign tribes that dwell within its U.S. borders' (p. 448). This statement underscores the major issue with monologic approaches to engagement with marginalization groups: it consolidates power with the powerholders, leaving marginalized groups without a legitimate opportunity to seek remedy for abuses.

In both these cases, none of the four ethical criteria are met. The company does not allow for any suspension, redistribution or, crucially, acknowledgement of power during the engagement process (cf. *power cognizance*), keeping tight control of the narrative and denying agentic presence

to affected stakeholders (cf. *polyphonic pluralism*). Conflict, difference and struggles are not normalized in the engagement process (cf. *generative agonism*), and the companies aimed at closing the process without keeping it unfinalized and open to ongoing learning for non-repetition of the abuse (cf. *discursive unfinalizability*).

### Seemingly Dialogic Encounters

In response to critiques regarding the biased nature of stakeholder consultation, stakeholder management approaches have adopted the term 'stakeholder dialogue' (Golob & Podnar, 2014; Nartey et al., 2023). Stakeholder dialogue has been proposed as a means towards corporate legitimacy and 'social license to operate'—'a search for consensus' (Golob & Podnar, 2014, p. 250). The seemingly dialogic encounters appear to contain some aspects of dialogue, i.e. vis-a-vis stakeholder engagement with relevant parties, both affected individuals and experts, invited into a stakeholder dialogue. Outwardly, these can appear as dialogic events in that multiple voices are overtly included. Unfortunately, it is often the case that these represent moments of staged or partial engagements—more of a symbolic speech act—where organizations who host the dialogue, close it down and fail to transform the dialogue into meaningful learning and behaviour beyond their predetermined organizational goals. Such engagement types adhere to a more monologic than dialogic form, in that victim's voices do not contribute to the construction of learning and shaping of behaviour in the overall remedy process. Organizations founding their mechanisms on 'apparent' dialogue and engagement might fall short in providing effective outcomes.

A seemingly dialogic approach to stakeholder engagement can be characterized as loosely based on the notion of a dialogue but lacking in (or only partially aligned with) the four ethical criteria for dialogue. Whilst there is a manifest (and potentially well meaning) attempt to engage with marginalized stakeholders more directly, communication remains top-down and predominantly consensus-seeking in nature i.e. social legitimacy is an over-riding goal. With the primary aim of garnering stakeholder support, the inclusion of marginalized stakeholders' voice is contingent upon their agreement with the engaging organizations' views and aims. Any dissensus around the organizations' engagement goals is generally excluded. In short, seemingly dialogic forms of stakeholder engagement are characterized by a proactive and bilateral approach to SE but retain the goal of managing stakeholder voice, thus, falling short of authentic participation in the remedy process. 'Dialogue' serves to channel, annex and filter out disagreements and to (re)align participants to an apparent consensus.

This approach is exemplified by the case of the Fundão dam disaster analysed by Maher (2022), where a 'parentalist

care' approach towards victims included intensive consultation sessions which, however, were not matched by direct involvement of rightsholders in the conception and design of the remedial mechanism. 'Stalling and exhaustion' were effectively used under the appearance of a dialogue to make the victims surrender and settle, through techniques of neutralization, evasion and self-promotion. 'This model with everyone participating should work in theory but it doesn't, do you know why? Because it's just appearance/facade, a smoke curtain of participation where who really runs things [...] it's the companies' (Maher, 2022, p. 23).

Forms of stakeholder engagement that are superficially bolted onto some predetermined organizational end goal are for Freire not dialogic (though appearing based on dialogue and engagement) and for Bakhtin they are essentially unproductive and disempowering. Real-world examples of this can be found in cases of failed (unsatisfactory/undialogic) remedy where affected stakeholders are consulted; however, their participation in the remedial engagement is predicated on formally waiving their rights to any future claims of resulting from the harm/incident. In these cases, companies require stakeholders to sign legal waivers to engage in remedial processes, arguing that the waivers result in predictability and finality for the stakeholders (Jos, 2021). While urging finality in itself is fundamentally undialogic, we further argue the notion of a meaningful engagement is significantly undermined once stakeholders have signed away their rights. Legal waivers further entrench power imbalances between companies and affected individuals, formally stripping away the latter's agency and rendering authentic dialogue futile (Jos, 2021).

Another example of seemingly dialogic approaches to stakeholder engagement is the Apple Foxconn case, where a dialogue appears to be established with stakeholders, but power imbalances and low accountability persist (Clarke & Boersma, 2017). In 2001, Foxconn, a major supplier for Apple, came under intense scrutiny due to a series of worker suicides and reports of unsafe worker conditions. Apple's response, involving audits, revised supplier guidelines and remediation plans, was aimed at improving working conditions and increasing transparency. However, critics claimed that these measures were insufficient and failed to instigate meaningful change; rather, they maintained the status quo power dynamics (Clarke & Boersma, 2017). The seemingly dialogic engagement in the case includes multiple stakeholders but not their actual voices and is ultimately controlled and limited by organizational goals.

Summarily, stakeholder engagement that adopts the forms of what we have described as seemingly dialogic, although potentially well-intentioned, does not incorporate the full and active voices of the marginalized stakeholders. There may be implicit alignment with some ethical criteria for dialogue but this is likely partial. Seemingly

dialogic encounters do not appear to be power cognizant but rather muted to, or disinterested in, acknowledging the power dynamics characterizing and shaping the dialogue. The scope for nurturing generative agonism is rather limited too, largely due to the problematization of dissensus, as an unwanted feature of engagement. Crucially, whilst the dialogue may appear to be 'open to all', the criterion of polyphonic pluralism is substantially restrained by pre-determining the 'true' (preferred) route to remedy. That is, only a single or narrowed set of truth/s are ever heard over the perceived 'din' of other available truths that might have otherwise enriched the remedy process. Interestingly, in the case of the Fundão dam disaster, the notion of discursive unfinalizability is somewhat inverted, where the dialogue is used not as a way of remaining 'open to the other', but as an instrument for stalling their pathway to remedy.

### Authentically Dialogic Encounters

Authentically dialogic encounters present the ideal ethical scenario, where all the four ethical criteria are fully met. In this case, power imbalances are critically reflected on and (at least temporarily) suspended (i.e. *power cognizance*). A plurality of voices and perspectives informs the dialogue, and it is aimed at mutual understanding rather than forced consensus (i.e. *polyphonic pluralism*). Both parties are enabled to contest and dissent, and relational differences are embraced (i.e. *generative agonism*). Under this view, a dialogic approach can empower rightsholders and facilitate contextually, culturally and religiously sensitive outcomes (Islam et al., 2024). According to Freire (1970), dialogic dialogue allows agents to inquire and reflect upon their feelings and reality, towards transformational changes and new ways of thinking that, crucially, recognize different lived experiences amongst participants. Meaningful dialogic engagement has the potential to be emancipatory in recognizing marginalized stakeholders as agentially active and enabling them to have their stories heard, and become inquisitors and architects of their own realities through their heightened moral awareness and reclaimed active agency of their rights. At the same time, organizations become learners in the process and activate a transformative change towards ongoing learning and emancipatory change for the non-repetition of the abuse (i.e. *discursive unfinalizability*). Freire developed his dialogic theory in an oppressive context, proposing an avenue to emancipation in which the oppressed, or marginalized stakeholders, become central to their own emancipation, i.e. remediation process. Emancipatory transformation is sought through actions of change informed by dialogic reflection (Anderson et al., 2003). As agents engage in dialogic encounters, affected stakeholders receive opportunities to be heard and claim their own remedy, moving towards new realities in which abused rights are

redressed and compensated, and the conditions that allowed for those abuses to happen have been mitigated (Nagda et al., 2003). Under this approach, the dialogic ideal of *discursive unfinalizability*—the organizational openness to others as a source of ongoing learning to avoid abuse repetition—is met with a clear closure and remedial outcome at the micro-level (i.e. for rightsholders).

An example of a dialogic approach to remedy is provided by the Fair Food Programme (FFP), the first operating worker-driven social responsibility (WSR) model, that acts as an operable context for dialogic approaches to remediation (Dillard et al., 2023; Shivji, 2023, 2024). The model has been developed as a praxis to dialogism that demonstrates the power of authentic dialogue, agency and enforcement to profoundly impact the lives of marginalized workers. The FFP takes a worker-driven approach to remedy, positioning workers at the centre of its design and implementation so that the means (i.e. the procedural aspects) are designed and implemented around the end (i.e. the outcome of remedy). For example, the program places a significant emphasis on ensuring all workers are not only educated about their rights but also on how to utilize the various remedial mechanisms for them. It also emphasizes the importance of reporting issues. Audits are conducted at least once a season, and auditors speak to at least 50% of the workforce outside of the presence of their supervisors. They meaningfully engage when investigating issues in order ‘to dig down to the root of the problems’ towards preventing reoccurrence (Shivji, 2024).

Further, the program requires each farm to have a Health & Safety Committee consisting of at least one worker from each crew alongside management, which meets monthly to discuss workplace health and safety issues. The WSR model leverages the massive buying power of big brands to ensure effective remedy for workers in the program at the base of their supply chain. Participating brands sign legally binding agreements with the Coalition of Immokalee Workers, committing to pay a premium for each pound of tomatoes they buy (economic remedy) and to only purchase FFP crops from FFP growers who comply with the Fair Food Code of Conduct. Workers were meaningfully involved in developing the Fair Food Code of Conduct. As such, growers who fail to comply with the Code, including cooperating with the various remedial mechanisms and investigations, are prohibited from selling their tomatoes to participating brands, which comprise most of their business.

In line with our theoretical framework for authentically dialogic remedial mechanisms, FFP positions meaningful engagement through dialogic participation, polyphonic collaboration and worker agency as fundamental to the effective functioning of its system (Rosile et al., 2021). In this case, marginalized workers whose rights are at risk are deputized to define, monitor and remediate their own rights.

The FFP example provides evidence of an authentically dialogic approach to SE with all four of our criteria being met. It begins with an explicit acknowledgement of the intersecting power dynamics that marginalized stakeholders may encounter (cf. *power cognizance*) whilst formerly opening up the dialogue to all effected parties *and* their distinct views (cf. *polyphonic pluralism*). Before the establishment of the FFP, the power differentials between the workers and the growers were so significant that workers’ perspectives could be easily ignored, especially in cases of abuses. The program makes visible the contestable—i.e. the unfair treatment of workers—through a worker-driven remedial process (Dillard et al., 2023) which normalises conflict and tensions characterizing the specific corporate-rightsholder relationships into the dialogue (cf. *generative agonism*) rather than being ignored or assumed away. Finally, the example exhibits an ongoing disposition to learning from the dialogue, fostering a resilience to any future repetition of the abuse (cf. *discursive unfinalizability*).

Having analysed how the ethical criteria can be applied to characterize and evaluate prominent approaches to SE, we now present our conclusions.

## Discussion and Conclusions

This paper presented four different ethical criteria required for SE engagement to be considered meaningful and discussed three approaches to engagement that can be implemented during access to remedy. Despite the importance of opening up the interaction with stakeholders, the practices of engagement ‘have often been unsatisfactory and not enough progress has been made in terms of the ability to engage multiple perspectives and take into account marginalized voices’ (Manetti & Bellucci, 2016, p. 988). Through dialogism, organizations become learners, listening to what stakeholders have to say, considering alternative perspectives and critically engaging with each other's ideas. This process of mutual learning and respect can initiate a transformative social change (Freire, 1970), including the restoration of rights.

In the aftermath of a business-related abuse, victims are often told what they need to remediate their rights. This is particularly true for marginalized stakeholders, who are made vulnerable by the risk of being abused and—because of this risk—are considered less capable of being agentically active during a remedial process. A fundamental tenet in this process is SE, which however, is often designed and delivered unethically and undialogically. ‘A key challenge is to identify ways of *working with* rather than *speaking for* marginalized groups, whilst also recognizing how dominant discourses “constrain what is thinkable, sayable, or actionable”’ (Tanina et al., 2023, p. 4). Consequently, we proposed

remedial systems as dialogic entitlements (i.e. participation and speech rights) to ensure the functioning of dialogic approaches to remedy, where conscientization breaks the dominant form of interaction. Remedial systems designed and implemented as dialogic entitlements aim to address the severe power imbalances between business and stakeholders, while initiating a reciprocal process of learning for remediation and non-repetition of the abuse.

In their review of past, present and future research into SE, Kujala et al. (2022) neatly discern between the moral, strategic and pragmatic components of SE. We connect to these streams of research but in a way specific to the needs of marginalized stakeholders; ‘stakeholder engagement is morally positive if it involves recognition and respect (Noland & Phillips, 2010), doing good (Miska et al., 2014), empowerment of stakeholders (Ghodsvali et al., 2019), or the consideration of stakeholders’ wants, needs and *capabilities* (Todeschini et al., 2020, p. 18). By fleshing out the moral component of SE via our ethics of dialogue, we are able to reveal limitations of strategic and/or pragmatic approaches to SE in the context of marginalized stakeholders. For other kinds of SE settings (e.g. shareholders or unions) they may be appropriate but for human rights abuses, strategic or pragmatic would need to be coupled (or indeed triangulated) with substantive *moral* criteria (not just conveying a sense of ‘socially positive’ or ‘doing good’). What we have done specifically in this paper, is to mobilize the *moral* component of SE to problematize *strategy* focussed approaches whilst, crucially, interpretively developing some *pragmatic* challenges facing marginalized stakeholders in light of our four criteria (e.g. inequalities, violence, lack of agency and voice). In doing this, we make several contributions to understanding the forms and implications of approaches to engaging marginalized stakeholders.

As we saw, ‘essentially monologic’ forms labouring under the SE label, frequently labelled stakeholder consultation, may only engage with marginalized stakeholders in a highly limited and organizationally skewed manner. In these interactions, selective stakeholder participation is instrumentalized to mitigate threats from other stakeholders. While monologic stakeholder engagement may be appropriate in certain instances such as for information gathering or other scoping studies, we argue stakeholder consultation is an inapt form of engagement for non-state remedial mechanisms. This contribution is significant as this counters the UNGPs call for stakeholder consultation in their criteria for effective non-state remedial mechanisms (Human Rights Council, 2011). This is notably true for engaging with marginalized stakeholders in remedial processes, as monologic approaches can result in further hinderance of their agency. The focus of our second form, ‘seemingly dialogic’, upon consensus-building communications, moves us along from the intentional exclusion of ‘voice’ to the prioritization of

resonant ‘voices’; a co-optation of voices that aligns with organization’s predetermined approach to remedy. Neither form placed the voice of marginalized stakeholders at the centre of rights remedy processes. Within our final form of stakeholder engagement, ‘authentically dialogic’, marginalized stakeholders are part of an encounter that is power cognizant, that allows for polyphonic pluralism and generative agonism, while ensuring discursive unfinalizability and non-repetition of the abuse. This matters because the UNGPs asserts ‘guarantees of non-repetition’ of rights abuse as a feature of effective remedy. This is in line with the UNGP 31—effectiveness criterion (g) for which remedial mechanisms, including their engagement processes, are a source of continuous learning for the organization towards preventing future similar or relate harms (Human Rights Council, 2011; UN OHCHR, 2020). At the macro-level, unless organizations, institutions and indeed industries remain involved in some kind of dialogue with their stakeholders about remedy (or even prevention), then lessons about best/worst practices will be forgotten and abuses, unfortunately, repeated. At the micro level, communities and/or NGOs, for example, would have the discursive opportunity to feedback, revise and adapt within the potentially long legacy of rights remedy implementation.

One might ask why companies would engage or not engage in an authentically ethical encounter. While searching for the business case and advantages of this approach would take us into the territory of instrumental stakeholder theory (Jones et al., 2018), it is important to note that various benefits may yield. Philips (1997) sees stakeholder engagement—in *potentia*—as a mutually beneficial scheme of co-operation that takes the form of a moral partnership. In the case of remedy, companies might be reluctant to authentically engage stakeholders as this would imply their explicit connection to the abuse and the wrongdoing. But establishing and meeting ethical criteria for engagement gives a clear direction to businesses about the expectations derived from their responsibility to respect human rights. Authentically engaging stakeholders offers the opportunity to activate a cycle of organizational learning, where remedial approaches then become preventative and transformative (Shivji, 2024) and allow for long-term and collaborative relationships with local communities and affected stakeholders.

Whilst we have started to sketch the pathway to more meaningful forms of SE with marginalized SH, we note some boundary conditions to accompany our potential contributions. Firstly, we understand that other forms of communication such as ‘consultation’ and the gathering or provision of ‘one-way’ information may be operationally sensible and indeed necessary at times in the process of engaging marginalized (or other) stakeholders. That is, we expect SE generally to involve a gradient of one-way and two-way communications. However, when it comes

to mobilizing core moral components of SE (i.e. human rights) into remedy practices, engagements must be firmly embedded in meaningful, dialogic encounters. Finally, the process of restoration can only occur if it is recognized that something has been taken away and that there is a *will* to act in claiming it back. We must be highly sensitized to the significant challenges facing some marginalized stakeholders who may have suffered acute personal, social and psychological traumas. In severe cases, not only may there be little motivation to claim back human rights but the act of speaking openly with others about lived experiences may be a direct route to re-traumatizing some abused individuals. We would urge here the involvement of the experts invoked in the UNGPs (Principle 23) with the dialogic encounter.

For authentically dialogic encounters to occur, all four ethical criteria need to be met. However, while this represents the ideal ethical scenario, further research should investigate the challenges of their implementation in practice. Additional research should explore dialogic approaches, and their operationalization and effectiveness beyond remedial systems, including accountability systems and approaches to corporate governance. Tanina et al. (2024) calls for more research that goes beyond the mere conceptualization of dialogism and embraces action research to critically reflect on current practices. We find this suggestion crucial as it relates to harnessing the power of authentically dialogic approaches towards real impact for marginalized stakeholders. What happens to the engagement process if one of the ethical criteria cannot be met? For instance, agonistic pluralism has been widely debated in SE theory (Dawkins, 2015), but there might be real-life constraints that make the operationalization of contestation unattainable and unrealistic. This would be the case when rightsholders are not willing, not interested or not able to engage in a SE process with an organization, impeding the realization of the generative agonism ethical criterion. More broadly, we call upon the business ethics community to engage in human rights research to extend the current understanding of ethical engagement practices for the respect of human rights.

Finally, we recognize that the different ethical criteria and approaches to engagement can be employed beyond the specific business and human rights framing and could be further developed by scholars interested in a critical understanding of meaningful stakeholder engagement for accountability.

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## Declarations

**Conflicts of interest** All the authors declare none.

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