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## Brand Activism and Democratic Legitimacy: Exploring Pitfalls through a Habermasian Analysis

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## Introduction

An increasingly popular tactic of corporations is to publicly communicate their position on controversial socio-political issues, such as climate change, gender discrimination, or racism. In 2020, corporations such as Nike, Ben and Jerry's, and L'Oréal were quick to condemn racial injustice and police violence on their social media channels after the death of George Floyd. This practice, called brand activism,<sup>1</sup> political advocacy,<sup>2</sup> or corporate social advocacy,<sup>3</sup> is a marketing strategy where corporations align their brands with certain values, by taking a public stance on controversial socio-political issues that do not directly relate to their core business.<sup>4</sup> Often, corporations combine this approach with tangible commitments such as pledging a certain percentage of revenue to a non-profit. Beyond the #BlackLivesMatter movement, examples are numerous. There is Airbnb's 'We Accept' advertisement (2018), which showed people of different nationalities in response to President Trump's temporary closure of the US's borders to refugees. Other famous examples are Gillette's 'The Best a Man Can Be' campaign (2019) that confronts gender stereotyping and sexism, Adidas's Pride Pack, a collection of rainbow-colored shoes and clothing in support of the LGBTQIA+ community, and Ikea's 'Fortune Favours the Frugal' advertisement (2021) showing how Ikea products can help battle climate change by living a frugal and eco-friendly life.<sup>5</sup>

Brand activism is a curious phenomenon, being both a form of advertising *and* a speech act in the political public sphere. The impact of brand activism as a form of

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<sup>1</sup> Sometimes, the practice is called corporate social activism or corporate political advocacy. See Wettstein and Baur, 'Why Should We Care about Marriage Equality?'

<sup>2</sup> Florian Wettstein and D. Baur, "'Why Should We Care about Marriage Equality?': Political Advocacy as a Part of Corporate Responsibility', *Journal of Business Ethics*, 138 (2016), 199–213.

<sup>3</sup> Alan Abitbol and others, '#RaceTogether: Starbucks' Attempt to Discuss Race in America and Its Impact on Company Reputation and Employees', *Public Relations Journal*, 2018; Melissa Dodd and Dustin Supa, 'Testing the Viability of Corporate Social Advocacy as a Predictor of Purchase Intention', *Communication Research Reports*, 32 (2015), 287–93.

<sup>4</sup> Dodd and Supa; Wettstein and Baur.

<sup>5</sup> While most activist advertisements are progressive, a minority of brand activism is conservative. See Kotler and Sarkar 'Finally, Brand Activism!'. As an illustration, 'We the People Wines' made a television advertisement to convey the idea that America is under attack from fellow 'woke' Americans. The advertisement used the voice of Ronald Reagan over fragments of protests, to promote patriotic values and 'freedom'.

advertising on sales, brand image, consumer attitudes, and brand authenticity has been the subject of numerous studies.<sup>6</sup> However, much less attention has been paid to the influence of brand activism on the socio-political issues it aligns itself with, and on the public sphere within which it is expressed. Given the dual nature of brand activism, any comprehensive analysis of the phenomenon must gauge its impact not only as a form of advertising or marketing, but as a form of socio-political speech within the public sphere as well. As the public sphere constitutes a realm where democratic legitimacy takes shape, it is moreover crucial to examine the effects of such discourse on processes of democratic legitimation.

There has been considerable research that focused on the impact of (non-marketing) corporate influence on the public sphere and democratic legitimacy.<sup>7</sup> These investigations begin by noting that corporations are increasingly stepping into a transnational void of legal regulation. They do so through collective self-regulation in the form of corporate social responsibility, corporate sustainability, corporate citizenship, or corporate philanthropy. Those in favor of this development have argued that even though corporations are not elected nor democratically controlled, their initiatives can be democratically legitimated as a response to the demands

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<sup>6</sup> For example: Camilla Jacobson and others, 'Femvertising and Its Effects on Brand Image: A Study of Men's Attitude towards Brands Pursuing Brand Activism in Their Advertising', *LBMG Strategic Brand Management - Masters Paper Series*, 2018; Shivakanth Shetty, Belavadi Venkataramaiah Nagendra, and Anand Kerena, 'Brand Activism and Millennials: An Empirical Investigation into the Perception of Millennials towards Brand Activism', *Problems and Perspectives in Management*, 17 (2019); Sourjo Mukherjee and Niek Althuizen, 'Brand Activism: Does Courting Controversy Help or Hurt a Brand?', *International Journal of Research in Marketing*, 37.4 (2020), 772–88; Bassant Eyada, 'Brand Activism, the Relation and Impact on Consumer Perception: A Case Study on Nike Advertising', *International Journal of Marketing Studies*, 12.4 (2020), 30; Joon Soo Lim and Cayley Young, 'Effects of Issue Ownership, Perceived Fit, and Authenticity in Corporate Social Advocacy on Corporate Reputation', *Public Relations Review*, 47.4 (2021).

<sup>7</sup> Carl Boggs, *The End of Politics: Corporate Power and the Decline of the Public Sphere* (Guilford Press, 2001); A. Claire Cutler, 'Problematizing Corporate Social Responsibility under Conditions of Late Capitalism and Postmodernity', in *Authority in the Global Political Economy*, ed. by Volker Rittberger, Martin Nettesheim, and Carmen Huckel, International Political Economy Series (London: Palgrave Macmillan UK, 2008), pp. 189–216; Daniel Nyberg, André Spicer, and Christopher Wright, 'Incorporating Citizens: Corporate Political Engagement with Climate Change in Australia', *Organization*, 20.3 (2013), 433–53; Daniel Nyberg and John Murray, 'Corporate Politics in the Public Sphere: Corporate Citizenspeak in a Mass Media Policy Contest', *Business & Society*, 59.4 (2020), 579–611; Daniel Nyberg, 'Corporations, Politics, and Democracy: Corporate Political Activities as Political Corruption', *Organization Theory*, 2.1 (2021); Phil Ramsey, 'The Public Sphere and PR', in *The Routledge Handbook of Critical Public Relations*, by Jacquie L'Etang and others (Routledge, 2015).

within a new, transnational public sphere.<sup>8</sup> They state that CSR activities can at least in principle be politically embedded through discourse participation and enlarged mechanisms of transparency, monitoring, and reporting. Others have criticized the democratic legitimacy of CSR initiatives, claiming that the private character of the corporation and its focus on profit maximization and shareholder primacy stand in the way of the provision of public goods. These authors content that rather than opening a new public sphere, CSR contributes to the naturalization of self-regularization and the legitimization of private transnational accumulation strategies as integral dimensions of the public sphere.<sup>9</sup> Debates on the influence of corporate action on the public sphere have mainly focused on non-marketing corporate behavior and have largely ignored the influence of marketing-tactics on democratic legitimacy and public sphere processes.

The handful of studies that did examine the impact of marketing tactics on the public sphere have been generally positive, interpreting brand activism as an empowering phenomenon. Van der Meer has described it as a way for corporations to successfully legitimize their political action, maintain and renew their social license to operate.<sup>10</sup> Jennifer S. Fan concluded that corporations can positively contribute to meaningful change, and that their involvement is legitimate and desirable.<sup>11</sup> The general evaluation within articles on ‘positive marketing’,<sup>12</sup> is also optimistic about

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<sup>8</sup> For example: Andreas Georg Scherer, Guido Palazzo, and Dorothee Baumann, ‘Global Rules and Private Actors: Toward a New Role of the Transnational Corporation in Global Governance’, *Business Ethics Quarterly*, 16.4 (2006), 505–32.

<sup>9</sup> Cutler.

<sup>10</sup> Toni G. L. A. van der Meer and Jeroen G. F. Jonkman, ‘Politicization of Corporations and Their Environment: Corporations’ Social License to Operate in a Polarized and Mediatized Society’, *Public Relations Review*, 47.1 (2021).

<sup>11</sup> Jennifer S. Fan, ‘Woke Capital: The Role of Corporations in Social Movements’, *Harvard Business Law Review*, 9.2 (2019), 441–94.

<sup>12</sup> Positive marketing is marketing that creates value on three fronts: the firm, the consumer and society.

brand activism.<sup>13</sup> Specifically regarding the public sphere, Sibai, Mimoun and Boukis argued that brand activism conducts ‘free speech boundary work’ and redefines the social norms of what can be said in public.<sup>14</sup>

However, there seems to be a lack of *critical* research documenting the impact of marketing on the public sphere. In an integrative overview, Stoeckl and Luedicke categorize sixty years of marketing criticism.<sup>15</sup> Their analysis shows frequently recurring criticisms, such as the fact that marketing deceives consumers, is intrusive, takes up too much volume in public spaces, promotes superficial and material desires, normalizes credit debt, externalizes social costs of overconsumption on the public, promotes wasteful and linear consumption cycles, and does not live up to the social or environmental causes it promotes.<sup>16</sup> But the impact of marketing on the public sphere is not mentioned. One recent publication asserts that brand activism is part of a broader power struggle, legitimizing corporations as substitutes for the welfare state and democratic institutions,<sup>17</sup> but it fails to integrate these findings in a comprehensive theoretical framework that gauges the relationship between brand activism and democratic legitimacy processes emerging from the public sphere. This article aims to construct such a theoretical framework that elucidates the role of brand activism in exacerbating the legitimacy deficit of our institutional order. This framework seeks to differentiate the impact of brand activism from external corporate influences on politics and the public sphere. Rather than simply bypassing communicative legitimation processes, brand activism actively incapacitates these

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<sup>13</sup> For example, Gopaldas uses the Dove ‘Real Beauty’ campaign as an example of positive marketing that might create value on three fronts: for the firm, in the form of a pro-social brand image, for plus-sized consumers, who can see themselves represented, and for society, in the form of expanded notions of beauty. While Gopaldas ends his article with some limitations of positive marketing, such as the fact that it is ‘unlikely to address the structural roots of societal problems because they can contradict the profit motives of corporations’ Ahir Gopaldas, ‘Creating Firm, Customer, and Societal Value: Toward a Theory of Positive Marketing’, *Journal of Business Research*, 68.12 (2015), 2446–51 (p. 6)., those critical thoughts are never thought through.

<sup>14</sup> Olivier Sibai, Laetitia Mimoun, and Achilleas Boukis, ‘Authenticating Brand Activism: Negotiating the Boundaries of Free Speech to Make a Change’, *Psychology & Marketing*, 38.10 (2021), 1651–69.

<sup>15</sup> Verena E. Stoeckl and Marius K. Luedicke, ‘Doing Well While Doing Good? An Integrative Review of Marketing Criticism and Response’, *Journal of Business Research*, 68.12 (2015), 2452–63.

<sup>16</sup> Stoeckl and Luedicke.

<sup>17</sup> Andreas Chatzidakis and Jo Littler, ‘An Anatomy of Carewashing: Corporate Branding and the Commodification of Care during Covid-19’, *International Journal of Cultural Studies*, 25.3–4 (2022), 268–86.

processes from within. Despite being frequently viewed as a response to pressures from civil society, I will show that the activist dimension of brand activism may, conversely, undermine critical voices within civil society.

## Theoretical Framework

I address the impact of brand activism on the public sphere and the constitution of democratic legitimacy through the lens of Habermas's normative political theory. While alternative theoretical perspectives on corporate action exist, Habermas's strength lies in his focus on the *democratic* ramifications of power dynamics, as well as providing a *normative* foundation for evaluating and critiquing the impact of power relations on democratic discourse.<sup>18</sup>

In *The Structural Transformation of the Public Sphere* (1962) Habermas conceives of the public sphere<sup>19</sup> as the space where public opinion is communicatively generated, which holds officials accountable and assures that the exercise of state power through the administrative system expresses the will of the citizens.<sup>20</sup> In this idealized scenario, political power is democratically legitimized through communicative power emanating from the public sphere. Later, in *Between Facts and Norms* (1996), Habermas distinguishes a second, undemocratic circuit of power. Here, social power is exercised on lawmakers and the institutionalized public sphere, circumventing communicative deliberation in the public sphere. This means that the exercise of political power is no longer democratically legitimized. Various corporate influences on politics fit into this framework. Examples include the issuing of relocation threats when faced with the requirement to provide healthcare for their employees or shaping the political agenda by offering financial incentives to narrow the range of issues put on the public agenda.

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<sup>18</sup> Both the democratic and normative focus are less developed in other theories that are often applied to corporate influence, such as a Foucauldian analysis of power dynamics, or a Butlerian theory of identity construction through discourse.

<sup>19</sup> In *Between Facts and Norms*, Habermas later distinguishes an informal public sphere in civil society, from a formal, institutionalized public sphere such as a parliamentary body.

<sup>20</sup> Jurgen Habermas, *The Structural Transformation of the Public Sphere: An Inquiry Into a Category of Bourgeois Society* (MIT Press, 1962), p. 176.

When social power illegitimately influences political power, Habermas believes that the informal public spheres of civil society could compel the political system to switch over to the official circulation of power, for it to regain legitimacy.<sup>21</sup> Yet, placing trust in civil society may prove misguided if civil society itself is manipulated by social power. Instead of merely circumventing public debate from the outside, social power can also *internally* transform public discourse. Habermas was aware of this problem. Not only is this an argument that had been made by the Frankfurt School<sup>22</sup> already, but Habermas himself described it before in *Structural Transformation*. Taking a more pessimistic outlook than later in *Facts and Norms*, he sketches how the bourgeois public sphere of the 16<sup>th</sup> century became ‘refeudalized’ in the 18<sup>th</sup> and 19<sup>th</sup> century, transforming from a space for inclusive, equal, and rational debate<sup>23</sup> into an internally stratified sphere, where public opinion became ‘managed’ by powerful commercial interests through privatization and commercialization of the media.

However, Habermas saw this development not as an inevitable problem, but as an unfortunate yet contingent development of the public sphere. Therefore, he could bracket the internal influence of social power on the informal public sphere in *Facts and Norms* by placing his confidence in civil society. Despite acknowledging the genuine challenge posed by the external influence of social power on political power, and the fact that the undemocratic circulation usually prevails,<sup>24</sup> Habermas claims that the threat of social power is not relevant for his normative project of legitimizing constitutional democracy because communicative power can *in principle* be kept free of illegitimate interventions of social power (i.e., of the factual strength of privileged interests to assert themselves). He optimistically refers to modern communications studies in Britain which have “done away with the image of passive consumers as cultural dopes who are manipulated by the programs offered to them”.<sup>25</sup>

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<sup>21</sup> Jürgen Habermas, *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy*, Studies in Contemporary German Social Thought (Cambridge, Mass: MIT Press, 1996), p. 373.

<sup>22</sup> For example: Theodor W Adorno and J. M Bernstein, *The Culture Industry: Selected Essays on Mass Culture*. (Florence: Taylor and Francis, 2005).

<sup>23</sup> Jürgen Habermas, *Between Facts and Norms*, p. 103.

<sup>24</sup> Jürgen Habermas, *Between Facts and Norms*, pp. 360–63.

<sup>25</sup> Jürgen Habermas, *Between Facts and Norms*, p. 377.

While Habermas provides an excellent theoretical framework to think about the influence of social power on processes of democratic legitimation, he fails to think through the consequences of his own theory. The refeudalization of the public sphere is a consequence from living up to its own ideal of inclusiveness and can therefore not as easily be set aside as he does in *Structural Transformation*. Habermas's account of the 16<sup>th</sup> century bourgeois public sphere has been criticized for overestimating its inclusiveness. Marginalized groups like women, the proletariat, and people of color did not have access, which means that 'public' opinion reflected bourgeois, masculinist, and racist norms. While Habermas was not completely ignorant of this fact,<sup>26</sup> he did not think through the impact of addressing this exclusion on the ideal of rationality.<sup>27</sup> Striving for inclusion created challenges for another idealized aspect—rationality and argumentative consensus. As women, the working class, and other excluded groups gained greater visibility in the public sphere, diverse and structurally incompatible political perspectives emerged, challenging the unity of reason that previously allowed male bourgeois citizens to reach consensus through argumentation. The persistent clash of interests within the public sphere raised doubts about establishing a general interest through rational debate. Consequently, the primary role of the public sphere shifted to negotiating compromises and devising practical solutions. Under these circumstances, the public sphere became characterized by internal stratification instead of external exclusion. In this expanded public sphere, the emphasis shifted to who can speak the loudest (often determined by financial resources) rather than which argument is more reasonable. Thus, the refeudalization and internal stratification of the public sphere cannot be theoretically ignored, as they are a consequence of living up to the public sphere's own ideal of inclusiveness.

*Facts and Norms* approaches the influence of social power on the public sphere in the same way as *Structural Transformation*, treating it as a contingent issue that he can bracket to construct a theoretical framework. However, Amy Allen

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<sup>26</sup> Habermas has acknowledged the exclusion of women already in *Structural Transformation*, and had also criticized the fictitious identity of the role of property owners with that of human beings pure and simple (STPS p. 56), and later, in *Between Facts and Norms* he also addressed the legitimacy problem by acknowledging the dependence of social position and political voice (BFN, p. 420-423).

<sup>27</sup> Graham Knight, 'Activism, Branding, and the Promotional Public Sphere', in *Blowing up the Brand: Critical Perspectives on Promotional Culture*, ed. by Melissa Aronczyk and Devon Powers, Reference, Information and Interdisciplinary Subjects, 21, 2010.



rightfully remarks that we cannot simply abstract from the process by which social power *always* influences the *internalization* of moral norms needed to create rational communicators.<sup>28</sup> Essentially, individuals become rational by adopting internalized standards through social power, shaping their identities as deliberators in the process. Therefore, “social power is constitutive of the very identities of rational deliberators, [...] *internal* to the generation of communicative power”.<sup>29</sup> Moreover, the modern communications studies in Britain cited in *Facts and Norms* overlook manipulation in situations where the public is *actively* engaged.<sup>30</sup> An engaged public, even when active, can be subject to manipulation if the norms guiding their actions are shaped by social power.

I argue that brand activism serves as a means to manipulate such an actively engaged public, diminishing its ability to effectively counter the influence of social power on political dynamics. It operates as a form of opinion management which is effective even for a highly activist citizenry. Habermas has severely underestimated the capacity of social power to stifle resistance within civil society and to incapacitate the possibilities or willingness of civil society to resubject democracy to the official circuits of power. Even in his latest work, *A New Structural Transformation of The Public Sphere and Deliberative Politics*, in which he returns to his theory of the public sphere considering contemporary developments such as social media, he fails to think through the consequences of his own theory. He claims that the central problem of our times is the diminishing *perception* of a conceptual boundary between private and public domains. This erosion, propelled by digitalization and leading to fragmentation, negatively impacts individuals’ subjective perspectives on their roles within the political public sphere. However, he is convinced that nothing essential has changed in the social basis for a separation of the public sphere from the private spheres of life. As I will show, this argument does not adequately consider the findings of *Structural Transformation*. The latter work demonstrated that not only the perception of a separation is affected but that the actual boundaries between private

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<sup>28</sup> Amy Allen, ‘The Unforced Force of the Better Argument: Reason and Power in Habermas? Political Theory’, *Constellations*, 19.3 (2012), 353–68.

<sup>29</sup> Jürgen Habermas, *Between Facts and Norms*, p. 364.

<sup>30</sup> Joseph L. Staats, ‘Habermas and Democratic Theory: The Threat to Democracy of Unchecked Corporate Power’, *Political Research Quarterly*, 57.4 (2004), 585–94 (p. 590).

and public domains, as well as strategic and communicative actions, have broken down. This is particularly salient in the brand activism of corporate actors.

## The Historical Emergence of Brand Activism

Brand activism is not new. It can be perceived as early as 1982, when United Colours of Benetton aired its pioneering advertisements on health-related, political, and racial topics. However, it was not until the late 2010s that customers started to treat brand activism as ‘normal’, rather than as a mere ‘extra’, with up to 63% of customers expecting companies to take a stand on issues such as climate change, social justice, or women’s rights.<sup>31</sup> This surge in brand activism can be linked to shifts in the political landscape that corporations have navigated since the 2010s.<sup>32</sup> This era has witnessed a rise in polarization<sup>33</sup> and a reduced willingness to engage in rational discourse. The rise of new media has played a role in exacerbating polarization, due to increased availability of niche or partisan media,<sup>34</sup> and the nurturing of echo chambers that limit exposure to diverse information, instead reinforcing existing viewpoints.<sup>35</sup>

Initially emerging as a cultural conflict along party lines,<sup>36</sup> such as in the US between conservative Republicans and progressive Democrats, this polarized political environment has evolved into a media landscape characterized by fervent emotional debates and division over *specific* cultural and political issues.

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<sup>31</sup> *From Me to We: The Rise of the Purpose-Led Brand* (Accenture Strategy, 2018).

<sup>32</sup> The historical context within which brand activism emerged, has been excellently analyzed by van der Meer and Jonkman, in ‘Politicization of Corporations and Their Environment’, 1 March 2021.

<sup>33</sup> Peter Van Aelst and others, ‘Political Communication in a High-Choice Media Environment: A Challenge for Democracy?’, *Annals of the International Communication Association*, 41.1 (2017), 3–27.

<sup>34</sup> van der Meer and Jonkman, ‘Politicization of Corporations and Their Environment’.

<sup>35</sup> Jürgen Habermas, ‘Reflections and Hypotheses on a Further Structural Transformation of the Political Public Sphere’, *Theory, Culture & Society*, 39.4 (2022), 145–71; Seth K. Goldman and Diana C. Mutz, ‘The Friendly Media Phenomenon: A Cross-National Analysis of Cross-Cutting Exposure’, *Political Communication*, 28.1 (2011), 42–66; Silvia Knobloch-Westerwick, Cornelia Mothes, and Nick Polavin, ‘Confirmation Bias, Ingroup Bias, and Negativity Bias in Selective Exposure to Political Information’, *Communication Research*, 47.1 (2020), 104–24.

<sup>36</sup> James Davison Hunter, *Culture Wars: The Struggle to Define America* (New York: BasicBooks, 1991).

Irreconcilable stances on socio-political and cultural matters now shape citizens' self-identification within opposing groups.<sup>37</sup> This transformation can be attributed to a waning trust in and disengagement with the political party system. Beyond historical factors such as the failure of the welfare state and the 2008 financial crisis, the erosion of trust in traditional party politics is closely linked to its mediatization<sup>38</sup> as a consequence of the rise of social media. As political parties become dependent on the media, their operations and structure adapt to the media's rules and logic.<sup>39</sup> Media rules and logic are designed to connect with the widest possible audience by employing strategies such as simplification, sensationalism, visual presentation, speed, immediacy, personalization, humanization, narrative construction, and audience engagement. For instance, journalists start to prioritize stories centered on individual experiences over abstract structural obligations, despite the latter potentially carrying more severe consequences. These human-centered narratives are preferred because they establish emotional connections with the audience, are more easily understood, possess a clear narrative structure, and can be transformed into visually compelling stories.

The mediatization of political parties by which they internalize said logic of the media, is evident from those parties' increased emphasis on media management and strategy, branding and campaigning, or the fact that they engage in social media for direct public interaction. Their spokespersons undergo media training or are even selected based on their media presence. Their increased mediatization leads to depoliticization, a shift from political topics to human-interest stories; personalization, a focus on individuals rather than policies; and moralization, framing issues in moral terms rather than personal preference or pragmatism.<sup>40</sup> Historically, *both* human-centered and political issues, individuals and policies, as well as moral and pragmatic questions were discussed in the public sphere. However, the growing emphasis on

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<sup>37</sup> Gertrude Himmelfarb, *One Nation, Two Cultures*, 1st Vintage Books ed (New York: Vintage Books, 2001).

<sup>38</sup> *Political Public Relations: Concepts, Principles, and Applications*, ed. by Jesper Stromback Kiousis Spiro, 2nd ed. (New York: Routledge, 2019).

<sup>39</sup> Thomas Schillemans, 'Fighting or Fumbling with the Beast? The Mediatization of Public Sector Agencies in Australia and the Netherlands', in *Media and Governance* (Policy Press, 2019), pp. 101–22.

<sup>40</sup> Magnus Frostenson and Maria Grafström, 'Mediatization and the Construction of What Is Morally Right and Wrong in Contemporary Business', *Media, Culture & Society*, 44.3 (2022), 532–48.

depoliticized, personal, and moral issues, culminates in an erosion of public trust in the political system and increased disengagement of the public with traditional party politics and an increased focus on specific socio-political issues instead.

Corporations, too, have been impacted by the process of mediatization, feeling compelled to adapt to media logic.<sup>41</sup> Their social visibility has increased, as information circulates rapidly, allowing prompt expressions of discontent and mobilization of support. Changes in media processes, shifting their focus on monitoring individual companies' behavior, highlighting intense conflicts, sensationalism, negative content, power struggles, and infotainment, have further amplified corporations' visibility and accountability.<sup>42</sup> Consequently, citizens have shifted their focus from traditional party politics to corporations, prompting corporations to adapt in response to societal expectations. Corporate action comes to depend not only on legitimacy granted by the state, but on moral and ethical legitimacy as well, which can be established in communicative processes. This leads communicative processes to be increasingly influenced by strategic action, for example, in brand activism.

## Femvertising

One of the activist causes that has been widely supported in brand activism, is gender equality. Feminist brand activism, or 'femvertising', is a form of media-friendly, consumption-oriented female empowerment advertising. Examples of such advertisements are numerous. One of the most renowned is Dove's campaign for 'Real Beauty' (2004), showing women of different colors and sizes, with the aim of building self-confidence in women and girls. There is Audi's animated short film 'The doll that chose to drive' (2016), about a doll that leaves the pink shelf to cross to the blue one, where she decides to drive a toy Audi R8. The advertisement promotes the idea that "playing, like driving, should not be influenced by gender stereotyping". H&M created 'She's a Lady' advertisement (2016) highlighting non-stereotypical traits in females, such as strength, short hair, etc. Lastly, there is #LikeAGirl from Always

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<sup>41</sup> Øyvind Ihlen and Josef Pallas, '18. Mediatization of Corporations', in *18. Mediatization of Corporations* (De Gruyter Mouton, 2014), pp. 423–42.

<sup>42</sup> David L. Altheide, 'Media Logic and Political Communication', *Political Communication*, 21.3 (2004), 293–96; Daya Thussu, 'News as Entertainment: The Rise of Global Infotainment', 2007, 1–224.

(2014), in which children and adults are asked to do activities like a girl, such as running or throwing like a girl. As the children carried out the activities powerfully, the adults deliberately carried out asked activities in a feeble way. The advertisement aimed to counter our use of the phrase ‘like a girl’ as an insult.

Windels et al.<sup>43</sup> conducted both qualitative and quantitative content analyses of award-winning femvertisements, revealing that the feminist ideals that are espoused with it, legitimate certain features of neoliberalism as such neutralizing feminism’s political force.<sup>44</sup> The alliance between feminism and neoliberalism within femvertising parallels a shift that has been described by Nancy Fraser for the feminist movement (as a whole), in which feminist values are increasingly used to legitimize neoliberal capitalist structures. She gives a historical narrative starting with second-wave feminism’s alliance with the New Left in the 1960s as a radical challenge to the economism, androcentrism, and étatism of state-organized capitalism. She notes how the movement has evolved in the context of rising neoliberalism, and how its ideals have converged with the demands of a new form of post-Fordist, disorganized, transnational capitalism.<sup>45</sup> The entire feminist activist movement, not just feminist advertising, has undergone this shift, as has been empirically demonstrated for feminism within diverse cultural sites since 2012, such as within US presidential politics and foreign policy rhetoric,<sup>46</sup> feminist activism,<sup>47</sup> New York Times bestselling popular feminist books,<sup>48</sup> popular culture such as articles in mainstream print media,

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<sup>43</sup> Kasey Windels and others, ‘Selling Feminism: How Female Empowerment Campaigns Employ Postfeminist Discourses’, *Journal of Advertising*, 49.1 (2020), 18–33.

<sup>44</sup> To describe the feminism within contemporary advertisements, Windels et al. used the term ‘postfeminism’ where this article favored the term ‘neoliberal feminism’ instead. Both terms sometimes describe different phenomena, with postfeminism being a broader term. However, the way in which Windels et al. define post-feminism, as a feminist movement that at the same time incorporates and repudiates feminist ideals, justifies using both terms interchangeably in this context.

<sup>45</sup> Nancy Fraser, ‘Feminism, Capitalism and the Cunning of History’, *New Left Review*, 56, 2009, 97–117.

<sup>46</sup> Michaele L. Ferguson, “‘Women Are Not an Interest Group’: The Issue of Women’s Issues in the 2012 Presidential Campaign”, *Theory & Event*, 16.1 (2013); Michaele L. Ferguson and Lori Jo Marso, *W Stands for Women: How the George W. Bush Presidency Shaped a New Politics of Gender* (Duke University Press, 2007).

<sup>47</sup> Ferguson, “‘Women Are Not an Interest Group’: The Issue of Women’s Issues in the 2012 Presidential Campaign”.

<sup>48</sup> Catherine Rottenberg, *The Rise of Neoliberal Feminism* (Oxford University Press, 2018).

women's magazines, popular TV shows and films,<sup>49</sup> social media feminism,<sup>50</sup> blogs,<sup>51</sup> and the discourse of NGO's and nonprofits.<sup>52</sup>

To understand the problems at stake with feminist values being co-opted to legitimize a neoliberal capitalist order, Fraser notes how the movement's relative success in transforming culture stands in sharp contrast with its relative failure to transform institutions.<sup>53</sup> The central issue with this is that we cannot merely align the former with the latter in order to fulfill feminist aspirations, because the cultural shifts initiated by second wave feminism have supported a structural transformation of capitalist society which directly contradicts feminist ideals for a just social order.

Feminist ideals that were initially emancipatory within the context of state-capitalism, take on a more ambiguous meaning in the neoliberal era, simultaneously embodying both emancipatory and regressive elements. This shift can be discerned through the shift in meaning of feminist critiques directed at the economism, androcentrism, and étatism inherent in state-organized capitalism.<sup>54</sup>

In state-organized capitalism, injustices were often narrowly viewed as matters of class maldistribution. Second-wave feminism disrupted this economist perspective by politicizing 'the personal' and expanding the meaning of justice. The movement redirected focus towards injustices beyond the economic, for example in cultural traditions, civil society, and everyday life. Gender was seen a structure of differentiation not only on the level of (economic) distribution, but also on the level of (cultural) recognition and (political) representation. During the rise of neoliberalism, claims for justice were increasingly couched as claims for the recognition of identity

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<sup>49</sup> Michael L. Ferguson, 'Choice Feminism's Honey Trap', 2014; Michael L. Ferguson, 'Validating Women, Judging Men: The Therapeutic Non-Politics of Sheryl Sandberg's Lean In', 2013; Rottenberg; Angela McRobbie, *The Aftermath of Feminism: Gender, Culture and Social Change* (SAGE, 2009).

<sup>50</sup> Jessalynn Keller, "'Oh, She's a Tumblr Feminist': Exploring the Platform Vernacular of Girls' Social Media Feminisms", *Social Media + Society*, 5.3 (2019).

<sup>51</sup> Rottenberg.

<sup>52</sup> Sarah Banet-Weiser, *Empowered: Popular Feminism and Popular Misogyny* (Durham: Duke University Press, 2018).

<sup>53</sup> Fraser, 'Feminism, Capitalism and the Cunning of History'.

<sup>54</sup> The following discussion of the resignification of second-wave feminism's critique on economism, androcentrism and étatism in the context of neoliberal capitalism, is a summary of arguments proposed by Fraser, 'Feminism, Capitalism and the Cunning of History'.

and difference.<sup>55</sup> In this context, the nuanced and multi-dimensional vision of injustice of second-wave feminism, came to over-extend the critique of culture while largely ignoring the critique of political economy.

This change was exacerbated by a resignification of second-wave feminists' critique of the androcentrism of state-organized capitalism. The welfare state was rooted in the concept of the 'family wage', which idealized the male breadwinner as the ideal-typical citizen. This norm of the family wage served as the basis for state policy in matters of employment, welfare, and development. Second-wave feminism claimed that this ideal of the family wage was highly androcentric, considering male experiences as the standard, consequently leading to gender maldistribution (women were expected to take up unpaid care-work, earning less than men as a class), misrecognition (the ideal of the family wage led to subordination, culturally, in personal life, and in marriage) and misrecognition (due to men's domination of the political system). Rather than promoting women's incorporation as wage-earners as a solution, they sought to decenter wage work and valorize unwaged activities. However, in the neoliberal context, the critique of the family wage was co-opted to support a two-earner family and flexible capitalism, paradoxically reinforcing the valorization of waged labor, and the devaluation of unpaid work carried out by women. As such, the critique of the family wage came to be used to *intensify* the capitalist system's exploitation of female labor rather than to solve it.

Lastly, second-wave feminism criticized the technocratic and managerial étatism of state-organized capitalism that considered its citizens as clients or consumers. Instead, they promoted a horizontal, anti-hierarchical counter-ethos that was participatory and demotic. However, in the context of neoliberal capitalism, the critique of the étatism of the welfare state soon transformed into the kind of Thatcherist critique of the nanny state that invalidates *any* form of top-down help.

This transformed second-wave feminism might have led to cultural-valuational justice for women by focusing on the cultural revaluation of femininity, but the *cultural* changes promoted by this feminism legitimated a structural transformation of the capitalist institutional order that runs counter to feminist visions of a just *political-economic* society. It promotes the absorption of marginalized identities into prevailing

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<sup>55</sup> Nancy Fraser, 'From Redistribution to Recognition? Dilemmas of Justice in a "Post-Socialist" Age', in *Feminism And Politics: Oxford Readings In Feminism*, ed. by Anne Phillips (Oxford University Press, 1998).

power structures rather than challenging those power structures themselves. Brand activism suffers from the same difficulties. It does not confront economic disparities and the unequal distribution of resources and insufficiently addresses the root causes of political-economic injustice. The ‘progressive’ and ‘activist’ aspect of brand activism on a cultural level is simultaneously conservative in reaffirming unjust political-economic power structures.

## **Analysis**

Both the Habermasian framework as well as Fraser’s analysis of the resignification of feminist ideals, can help theorize the peculiar influence of brand activism on the public sphere and on processes of democratic legitimacy.

Brand activism is a form of advertising that increasingly comes to resemble public relations strategies. Since Habermas called the latter a form of ‘opinion management’, brand activism should be categorized as a form of opinion management as well, even though Habermas did not extend his analysis of opinion management to advertising. On the contrary, he clearly distinguished advertising and PR, emphasizing that the former targets private individuals in their role as consumers, while the latter aims to shape public opinion and influence private individuals as citizens. He believed that PR therefore had a more significant impact on the public sphere, as it disguises the messenger’s business intentions by presenting them as promoting public welfare.<sup>56</sup> Although Habermas’s distinction was rooted in a traditional interpretation from around that time,<sup>57</sup> the boundary between PR and advertising has blurred, especially in activist advertising. There, the emphasis has shifted from merely selling products or services, to building a favorable brand reputation. Given Habermas’s characterization of PR as ‘opinion management’, and the disappearance of the distinction between PR and (activist) advertising, I contend that brand activism should be viewed as opinion management

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<sup>56</sup> Jurgen Habermas, p. 193.

<sup>57</sup> See for example: Fritz Machlup and itz Machlup, *The Production and Distribution of Knowledge in the United States* (Princeton University Press, 1962), p. 270.



in the Habermasian sense, thus as a form of manipulation of decision-making in favor of one's own private interests while feigning to be oriented toward general interest.<sup>58</sup>

Fraser's analysis supports this preliminary interpretation of brand activism as a form of opinion management. It shows exactly how femvertising constitutes manipulation of public opinion in favor of the private interests of the corporation, while feigning to be oriented toward general interest. While it might seem to contribute to the general interest by promoting a certain cultural reevaluation of femininity, these cultural values have also legitimized a neoliberal institutional order which directly contradicts feminist ideals for a political-economically just society by benefiting corporations instead. The latter profit from the new economic order centered on women's waged labor, characterized by an increased global operational freedom. The process of resignification, by which activist movements ambiguously entail both progressive as regressive aspects, has been remarked within other activist movements as well. The climate movement, for example, has also been shown to shift its attention away from more structural messages to those that fit the neoliberal, growth-oriented consumption society.<sup>59</sup> The processes described in this paper can thus be extrapolated from femvertising to brand activism in general.

Fraser's analysis might also take the application of the Habermasian framework one step further, and explain why brand activism is a peculiarly dangerous form of PR. While PR could be seen as an attempt to pre-emptively silence activist voices, brand activism invades existing activist communicative action and redirects it into a legitimizing narrative. Due to its ambiguous resignification that combines both a progressive and regressive, an activist and hegemonic aspect, it is not merely a depoliticizing force, but also one that claims to be active, co-opting activism in existing power structures. Therefore, it is even more effective at undermining the basis in civil society for criticizing the subsumption of political decision-making to unofficial circuits of power.

The framework moreover helps to explain why the impact of brand activism should be distinguished from the impact of external forms of corporate action and deserves separate attention. The latter influences the political and public sphere

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<sup>58</sup> Jürgen Habermas, p. 193.

<sup>59</sup> Joshua Karliner, *The Corporate Planet: Ecology and Politics in the Age of Globalization* (University of California Press, 1997), chap. 6; Béatrice Parguel and Johnson Guillaume, 'Beyond Greenwashing: Addressing "the Great Illusion" of Green Advertising', *Revue de L'Organisation Responsable*, 2021.

externally, which means that they aim to influence the exercise from political power by circumventing public debate. As we have seen, Habermas trusts that this influence of social power on political power will be criticized from within civil society, and that the latter will compel the political system to switch over to the official circulation of power. However, as I have shown, marketing tactics such as brand activism try to transform public discourse from *within*. This makes them more dangerous because they operate on a deeper level, incapacitating the mechanisms within civil society that can reclaim the political system to answer to the official circuit of power, and thus to destroy the last prospects for reclaiming democratic legitimacy.

The analysis presented in this paper not only advances business ethics literature by providing a way to theorize the peculiarities of brand activism, but also advances Habermas's theory itself. The theorization of brand activism can help to show why Habermas might have been too quick to denounce refeudalization as a mere contingent aspect of the public sphere, or why his analysis in *Facts and Norms* is too optimistic. Previous criticisms on Habermas's theory have already show that social power cannot be abstracted. They stated that refeudalization can be regarded as a logical consequence of public spheres that have become more inclusive,<sup>60</sup> and that social power is integral to internalizing standards of rationality and can therefore not be bracketed.<sup>61</sup> The analysis of brand activism extends these criticisms by showing how Habermas failed to think about forms of manipulation in situations where the public is *actively* engaged, and why he might have drawn a too optimistic conclusion from British studies showing that the public is less passive than previously thought. The fact that brand activism claims to be critical while simultaneously being a legitimizing force, transforms activist movements from within, thus showing that even when actively engaged, the citizenry can be manipulated into legitimizing existing power structures.

## Conclusion

In conclusion, the phenomenon of brand activism, exemplified by femvertising, has emerged as a complex fusion of advertising and political speech. As such, we should

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<sup>60</sup> Knight.

<sup>61</sup> Allen.

critically examine its impact on the public sphere, as the space where the legitimacy of political power is constituted. Drawing on Habermas's normative political theory and Fraser's analysis of the resignification of feminist ideals under neoliberalism, this paper theorizes brand activism as a form of opinion management, manipulating public opinion in favor of corporate interests while masquerading as aligned with the general interest. It reveals how brand activism may appear progressive on the surface but ultimately reinforces neoliberal structures that contradict the original emancipatory goals of activist movements. Brand activism poses a distinctive threat to democratic legitimacy, as it not only depoliticizes but actively co-opts and redirects activist voices, undermining the potential for civil society to challenge and reclaim political decision-making from unofficial circuits of power. This critique is not only relevant for the domain of business ethics, but also poses significant challenges for Habermas's trust in civil society, highlighting the inherent dangers of manipulation even in actively engaged publics.

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