BOOK REVIEW


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Whilst conceptual and empirical works on corporate social responsibility (CSR) have long flourished, the editors of this volume, Charlotte Walker-Said and John D. Kelly, suggest that our knowledge of the actual and potential impact of CSR on human rights remains limited. In his preface to the collection, Kelly posits that this is due to the broader problem “of discussions of human rights”, which, “however well informed and insightful”, tend to be “‘siloed’, both by disciplines... and location”. The “fine tuned engines of disciplinary thought”, he argues, are “by their nature” ill-suited to addressing “what Weber taught us to call ‘Tolstoy’s Questions,’ not what is true? or even who are we? but rather what is to be done?...” As Walker-Said notes in her introduction, the editors sought to address this ‘silo’ problem by inviting “experienced ethnographers, political scientists, legal scholars... [and] historians... to inform current deliberations on two key questions: can codes and practices of corporate social responsibility solve fundamental human rights problems? And what happens when CSR becomes a new vehicle of progressive politics that characterize the human rights movement?”

Part I of the volume begins with Peter Rosenblum (chapter 2) suggesting that although CSR can signal “co-optation and the derailing of mobilized activism into countless soft initiatives”, it can also open “the door to advocates” and create “conditions for new laws and better enforcements”. In this and various other ways – such as his associating CSR in the apparel industry with problems brought about by ‘globalization’, and CSR in the extractive industry with problems that long pre-date globalization – Rosenblum posits the need for nuance when it comes to identifying CSR’s precedents. By way of contrast, the remainder of part I is a little more blunt. Thus, and whilst it does contain some interesting details (such as Shell’s links to Biafran gunrunners, see chapter 4), the remainder of part I boils down to the suggestion that CSR in the tobacco and extractive industries is little more than rhetoric and spin.

Part II of the volume is focused on legal matters. Amongst other points made, Jonathan A. Bush (chapter 6) proposes that the Nuremberg trials (1945-1949) should be considered a part of CSR’s history due to their asserting that economic actors need to comply with a binding set of norms that can be in contradiction with, and forbid, domestic laws (e.g., the laws of Nazi Germany). After this, David Scheffer (chapter 7) provides a valuable resource for those interested in the link between war crimes tribunals, corporate liability for atrocity crimes, and the Alien Torts Statue of 1789.
Scott A. Gilmore’s contribution to part II (chapter 8) is entitled ‘Sanction and Socialize: Military Command Responsibility and Corporate Accountability for Atrocities’. In referring to the international relations, organization theory, and legal literatures, and in noting the historical links that have existed between companies of war and business, Gilmore suggests that the CSR movement has a lot to learn from the laws of war. In particular, he argues that the notion of command responsibility, which arose in international humanitarian law and recognizes the need for sanctions and socialization, can help redress CSR’s historical tendency to emphasize socialization over sanctions. Caroline Kaeb’s contribution is also inter-disciplinary (chapter 9). But whereas Gilmore suggests that understandings of CSR have hitherto been lacking due to their emphasis on socialization and ‘soft norms’, Kaeb suggests that understandings of CSR compliance have focused on (rational or economic) sanctions too much. Accordingly, she draws on works in behavioral economics, socio-psychology, and moral philosophy, to propose that human rights and CSR can be enabled through the promotion (and recognition) of appropriate moral sentiments, and not by commoditizing social-norms.

Part III of the volume conceives of ‘Africa as CSR Laboratory’, and looks into the complex ways in which states themselves, and various other actors, contribute to the reconfiguration of sovereign claims and capacities (and the role of CSR therein). Lauren Coyle (chapter 14) builds on extensive ethnographic research in Ghana to outline the controversial (and ongoing) ‘shadow sovereign’ activities of AngloGold Ashanti. Her detailing of the company’s apparent disregard for meaningful ‘offer and acceptance’ when it comes to negotiating access to land, and their allegedly violent treatment of (informally organized) local mining opponents, is very worrying. Much more positively, Charlotte Walker-Said (chapter 13) argues that sustainability regimes have resulted in African states such as Cameroon and South Africa harmonizing “financial, corporate, juridical, and administrative aims” in ways that result in their being “more likely to respect human rights as part of… [their] obligation to fulfill capitalist objectives”.

In detailing historical and contemporary links between foreign firms and armed revolutionaries, William Reno (chapter 12) makes what is arguably the most interesting contribution to part III, and to the collection overall. He notes that whilst many efforts to sanction actors in armed conflicts prima facie limit sovereign state capacities, all but the weakest and most friendless of states have managed to avoid prosecutions for violations of international humanitarian law. By way of contrast, he notes that “the bulk of sanctions and prosecutions for war crimes have targeted rebels and other nonstate actors”, and that the diplomatic “marginalization of rebel groups, coupled with assumptions about the[ir]… criminal nature… objectives and motives, exposes those who conduct commerce with them to considerable risk”. Given that rebel groups may have legitimate objectives, Reno suggests that:

A contemporary version of rebel recognition would have to incorporate some notion of CSR that is compatible with corporate engagement with rebels. [This]… would require relaxing the assumptions that most rebellions are criminal enterprises and that corporate engagement with rebel groups is tantamount to a war crime.
As this quote highlights, the edited collection, and those chapters that make a link between war and corporations in particular, contain some novel insights of interest to the broad domain of CSR and human rights scholarship and practice. Nevertheless, the broader influence of the edited collection will likely be limited by a number of considerations.

Somewhat strangely given the tenor of the collection’s preface and introduction, the first consideration relates to the volume’s inter-disciplinary status. Indeed, apart from chapters 8 and 9, which explicitly try to integrate and synthesize knowledge from various fields in an inter-disciplinary fashion, the volume should be considered a multi-disciplinary resource comprised of contributions that stay within well-defined domains (e.g., anthropology, law). The making of any inter-disciplinary insights, then, is largely left to readers. Indeed, Kelly and Walker-Said suggest as much in their final thoughts by noting that readers will need to read “across” the volume’s papers if they are to “leave the siloes so seamlessly constituted by each individual discipline behind”. In the absence of more explicit guidance, however, it is not obvious how the volume’s separate contributions might be combined to address Tolstoy’s question of what ‘is to be done?’ with regard to the role of CSR in promoting human rights.

The second consideration arises due to a lack of consistent and serious consideration of the broad literature on CSR. In the collection’s tenth chapter on Multistakeholder Initiatives, for example, it is written that the “failure to identify and critique MSI features and developmental processes over the last decade has mystified MSIs and left them poorly understood at an individual and an institutional level”. As anyone vaguely familiar with the flourishing literature on MSIs in political science, management and organization studies will recognize, this comment is, at best, poorly informed. Likewise, the authors of the collection’s chapter on ‘The Virtue’s of Volunatarism’, should have looked beyond the likes of popular writers such as Michael Porter. By drawing upon a variety of traditions in business ethics and critical management studies, for example, the authors would have been in a much stronger position to adjudicate upon the potential strengths and weaknesses associated with conceiving of corporate responsibility in instrumental terms.

The final consideration limiting the volume’s likely impact relates to a general lack of theory. In part, this is the result of the editor’s inviting contributors with apparently heavy empirical, and predominantly anthropological or legal, interests. Whilst empirical works can obviously prove of value, they can be repetitious and lack novelty. Much of part I, for example, could be very quickly communicated in terms of de-coupling and co-optation theories that are ‘101’ for institutional and corporate political activity theorists. And further engagement with various theorists that are only referred to in passing (e.g., Nietzsche, Rawls), would have likely resulted in Walker-Said’s introductory suggestion that “human rights have achieved near-universal legitimacy as an ethical regime” being questioned rather than presumed. Amongst other things, such questioning would have encouraged fuller consideration of how China, and her state-owned enterprises, might seek to radically transform, rather than revise or refine, the human rights regime.
Despite these concerns, the edited volume contains a number of valuable contributions for post-graduate students and scholars interested in legal developments, corporate agency, and responsibility. Additionally, the volume’s clear recognition of the continuing importance of states, sovereignty, war, and violence, provides a welcome counterpoint to the much more peaceful, democratic and consensual focus, of the CSR literature more generally.

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