



When Corporations Cause Harm: A Critical View of Corporate Social Irresponsibility and Corporate Crimes

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Abstract

Corporations perform actions that can inflict harm with different levels of intensity, from death to material loss, to both companies' internal and external stakeholders. Research has analysed corporate harm using the notions of corporate social irresponsibility (CSIR) and corporate crime. Critical management studies (CMS) have been subjecting management and organizational practices and knowledge to critical analysis, and corporate harm has been one of the main concerns of CMS. However, CMS has rarely been deployed to analyse CSIR and corporate crime. Thus, the aim of this paper is to critically analyse the perspectives of CSIR and corporate crimes on corporate harm via CMS in general and postcolonial studies in particular. The paper contributes by arguing that research on CSIR and corporate crime could be perceived as producing research that does not challenge the essence of contemporary corporation profit-seeking activities that ultimately produces corporate harm. We argue that CSIR and corporate crime are ideologies that assist in disguising the contradiction between producing shareholder value and the social good that is at the heart of the modern corporation system and the current economic system. Furthermore, the postcolonial view of CSIR and corporate crime highlights how they are based on a Western-centric view of corporate harm that ignores the realities and perspectives of the Global South, especially in situations where corporate harm leads to death in the Global South.

Keywords Corporate social irresponsibility · Corporate crime · Critical management studies

Introduction

There has been considerable evidence that corporations can inflict harm on society. Recent episodes such as the cases of the Union Carbide Bhopal factory in India (Walters 2009), the 2010 British Petroleum Oil environmental disaster in the Gulf of Mexico (Lin-Hi and Blumberg 2011), the 2008 financial crisis (Woods 2009) and the Vale dam collapses in

Brazil that caused severe harms to the cities of Mariana in 2015 and Brumadinho in 2019. Furthermore, almost every year, there is at least one significant worldwide corporate scandal creating suffering for a large number of people. Research has used the term corporate social irresponsibility (CSIR) to designate such phenomena, which are characterized by “unethical and morally distasteful behaviour” (Ferry 1962, p. 66) that inflicts harm at different levels of intensity—from death to material loss—to both internal and external corporate stakeholders (Mena et al. 2016).

Despite the growing interest in CSIR (Armstrong 1977; Brammer and Pavelin 2005; Lange and Washburn 2012; Antonetti and Maklan 2016), the field of business ethics and society has favoured discussions of corporate social responsibility (CSR) (Aguinis and Glavas 2012; Kolk 2016) over further analysing CSIR (Pearce and Manz 2011; Riera and Iborra 2017). Research on CSR has been centred on the meaning and expectations of responsible corporate behaviour rather than irresponsible behaviour (Lange and Washburn 2012). We argue that such a focus is surprising given the high frequency of irresponsible corporate behaviour

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(Lin-Hi and Muller 2013; Putrevu et al. 2012). This is problematic because, in so doing, CSR research has rarely explored events and situations in which corporate profit maximizing is in dramatic conflict with the needs of internal and external stakeholders (Banerjee 2017). Furthermore, CSR has become an “academic growth industry”, occupying increasingly more space in prestigious journals such as the *Journal of Business Ethics* (Hanlon and Fleming 2009, p. 938), while attempts to conceptualize CSIR have been scarce (Jones et al. 2009). However, the latter has received more attention in the last ten years (Riera and Iborra 2017). Moreover, what if the harmful corporate action can be considered a crime?

The urgency of this topic becomes clearer when harmful corporate actions are classified as crimes, a trend that has been on the rise at least since the 1980s (Lansing and Hatfield 1985; Chirayatg et al. 2002). The term corporate crime has been widely used in recent decades referring to corporate practices and conduct that violate criminal laws (Braithwaite 1985; Szwajkowski 1985; Tombs and Whyte 2002; Green 2006; Payne 2012). Such practices have had a severe impact on the daily lives of various corporate stakeholders, as research shows that corporate crimes come with a heavier financial burden and have claimed more lives than street crimes (Clinard 1990; Donziger 1996; Gottlieb 2009). In spite of this, research on corporate crimes is uncommon (Snider 2000; Braithwaite 1985; Lynch et al. 2004; Payne 2012; Machin and Mayr 2012), particularly in the field of business ethics and society (for exceptions see Lansing and Hatfield 1985; Song and Hun-Han 2017).

Nonetheless, to denounce, to analyse and to challenge the harms that corporations may cause to society has been a central concern of critical management studies (CMS) as well as the harmful consequences of the power of corporations in the current capitalist economic system (Alvesson and Willmott 1996; Fournier and Grey 2000; Adler et al. 2007; Prasad et al. 2016). Fragmented and complex as it is (Grey and Willmott 2005; Kuhn and Deetz 2009; Alvesson and Willmott 1996), CMS does not find mainstream management to be “ethically defensible” (Willmott 1995, p. 36), and there have been calls for CMS to analyse more current business and societal issues (Prasad and Mills 2010). Typically, CMS has questioned and challenged the following points: the authority of mainstream management (Stookey 2008; Alvesson et al. 2009); the oppressive character of management and organization (Alvesson and Willmott 1992; Adler 2002; Prasad et al. 2016); instrumental reason (Alvesson and Willmott 1992, 1996); and the dominant power, ideology, managerial privilege, and hierarchy (Adler et al. 2007; Alvesson et al. 2009). Following such traditions, the roots, assumptions and developments of CSR have been submitted to critical scrutiny by CMS scholars (Adler et al. 2007; Banerjee 2008; Prasad and Mills 2010; Fleming et al. 2013;

Özkazanç-Pan 2018). Nonetheless, the CSR power dimension in particular has not received enough attention outside the realms of CMS-inspired analyses (Banerjee 2017), and CSIR and corporate crime have been subjected to critical (management) scrutiny even less frequently.

Given this scenario, the aim of this paper is to critically analyse the notions of CSIR and corporate crimes. To do so, in the next section, we will present how CMS in general and postcolonial studies in management and organizations in particular analyse corporations’ harmful actions in society. Then, we will discuss how early research on CSIR and then on corporate crime analyse corporate harm. In the last section, we will provide a critical analysis of CSIR and corporate crimes. This paper contributes to business and society studies by subjecting CSIR and corporate crimes to critical scrutiny following the CMS tradition.

Critical Management Studies and a Postcolonialism View of Corporate Harm

CMS has chosen the world of management and corporations as one of its main targets of critical analysis (Alvesson and Willmott 1992; Adler et al. 2007; Prasad et al. 2016). CMS has focused on corporate “dark sides”, both those occurring within organizational boundaries and practices (sexual harassment, physical and psychological abuse, etc.) and phenomena occurring outside organizational boundaries (focusing on the destruction of organizational assets, frauds, environmental disasters, etc.) (Linstead et al. 2014). CMS has shown that corporations are far from having a non-problematic and solely positive existence in the world. One of the main characteristics of corporations that raises concern within this movement is their power and ability to influence a wide geographical, cultural, and social area with the aim of obtaining higher profits (Clinard et al. 1979). Such power is perceived as having no or very little limits, impacting policies and societies worldwide (Keys and Malnight 2011; Mir and Mir 2015).

Some critical views have portrayed corporations as being psychopaths (Bakan 2005) and private tyrants (Chomsky 2005). Although CMS is not a unified body of knowledge (Adler 2007), it has painted a dark and particular view of corporations as instruments of domination and exploitation (Willmott 2008; Fleming and Banerjee 2016). Some scholars within the CMS movement perceive corporations “as political entities, sites characterized by power struggles in which some groups dominate others by creating meanings that draw upon resources from both the firm and the broader society that favour particular interests” (Kuhn and Deetz 2009, p. 173). Alternatively, CMS advocates to foster a more complex view of management (Grey and Willmott

2005) by promoting a political project seeking to unmask the “power relations around which social and organizational life are woven” (Fournier and Grey 2000, p. 19). Following this thread, CMS asserts that “maximizing profits” is a very narrow and simplistic goal for corporate managers, thus deconstructing the view that corporations merely pursuing financial gain will benefit wider societal interests such as justice, community and human development (Alvesson and Willmott 1992; Adler 2002). In fact, as emergent research on CSIR and corporate crimes shows, this narrow view of management may have been producing more harm to society than good.

Despite its relevance, CSIR actions have rarely been subjected to critical scrutiny, while CSR has received critiques from perspectives outside the critical management realm. For example, Friedman (1970) presented one of the first critiques of CSR, asserting that the only social responsibilities corporations actually have is to use their resources and to the engagement in activities to increase corporate profits, following the rules (i.e. engaging in any wrongdoing). CSR initiatives have also been criticized for serving only as a marketing strategy with little impact on corporate stakeholders (Freitag 2008a, b; Mullerat 2009; Aras and Crowther 2010). Such initiatives have also been criticized for serving as mere corporate rhetorical tools (Castka et al. 2004; Lepoutre and Heene 2006; Ciliberti et al. 2008; Heath 2010).

Following a more critical stance, it has been proposed that corporations are designed and mainly concerned with delivering shareholder economic value, thus limiting their ability to deliver social and/or environmental benefits (Banerjee 2014, p. 85). CSR approaches that dominating the academic discourse have been portrayed as either instrumentalizing the social, idealizing the corporation, or as an approach that distances the corporation from the social (Sandoval 2015). In short, despite its emancipatory rhetoric, CSR discourse and initiatives are defined by narrow business interests (Banerjee 2008), and CSR has been instrumental in further supporting corporate financial interests by enabling the discursive legitimization of corporations that cause negative environmental and social impacts (Banerjee 2017). In terms of environmental concerns, corporations have constructed green symbolisms without taking the radical steps to protect the environment effectively (Adler et al. 2007).

Therefore, critiques of CSR suggest that corporations (or corporate managers) do not care for anything beyond corporate profit maximization, that current mainstream views on CSR fail to seriously consider the structural nature of the capitalist economic imperative; and that CSR may be seen as an ideological tool to promote corporations that are essentially non-ethical and not genuinely concerned with the environment (Fleming et al. 2013). As such, some perceive CSR as an ideological smoke screen and a predatory form of soft power that serves to

socially legitimize the neoliberal corporation (Hanlon and Fleming 2009). Using Hanlon and Fleming’s (2009, p. 945) own words, “CSR is a form of propaganda that preys on non-corporate forms of life or even opposition to enhance economic value through reputation”. According to this view, real social and environmental responsibilities are incommensurable with the current economic system, which makes up the corporate essence. In a nutshell, CMS views corporations as narrow profit seekers, instruments of domination and exploitation, and suggests that corporations are essentially composed of power struggles, indicating that corporate harm to external and internal stakeholders is the result of the very nature and essence of what corporations are. In this way, CSR initiatives are seen as a cynical discourse and instruments of power that attempt to hide the essence of what corporations truly do to attempt to legitimize them in society.

Within the CMS movement, postcolonial thought has been used to discuss general issues of management and organizations (e.g., Prasad 2003; Özkazanç-Pan 2008; Jack et al. 2011; Mir and Mir 2013; Yousfi 2014; Alamgir and Banerjee 2018). The postcolonial approach promotes the examination of a range of social, cultural, political, ethical and philosophical questions based on a critical scrutiny of the colonial experience and its persisting reverberation in today’s world (Jack et al. 2011; Prasad 2012). Such an approach, multifaceted as it is (Ashcroft et al. 2006), denounces many Northern epistemologies and practices as systems of exclusion of Southern realities and forms of knowledge (Prasad 2003; Alcadipani et al. 2012; Mir and Mir 2013). Traditionally, for Frenkel and Shenhav (2006), two perspectives dominate postcolonialism in management and organization studies: Orientalism (Said 1978) and hybridity by way of a third space (Bhabha 1994). Orientalism is grounded on a binary epistemology that performs purification, i.e., a strident distinction between colonizers and the colonized with the consequence of constructing the colonizers and the colonized as incommensurable ontological spaces. Alternatively, Bhabha’s thought offers a hybrid epistemology that takes into account the mixture of colonizers and the colonized and their mutual implications (Frenkel and Shenhav 2006, p. 855). More recently, decolonial thinking has emerged in Latin America, advocating that colonialism is the other side of the ongoing (European) modern project that has not ended with colonial independence. Quite the opposite, the modern capitalist world system enforces a racial/ethnic classification of people across the world, transforming people from the South into subaltern subjects who must passively accept the North as the centre of all power structures (Quijano 2000; Rodríguez 2001). Decoloniality also argues that reality cannot be interpreted from a universal standpoint but must be considered a diverse critical, ethical and political instance, which should privilege the

world's pluralities (Mignolo 2000; Ehrnström-Fuentes 2016; Abdalla and Faria 2017).

According to this critique, CSR may be portrayed as a product of the American hegemony in management and organization studies (Marens 2010). In this sense, multinational corporations (MNCs) engage in CSR practices that have been criticized from anti-colonial-inspired perspectives. MNCs have been considered colonial spaces (Mir and Mir 2015), which generate conflict with local communities (Calvano 2008), replicate gendered neo-colonialist discourses, and perpetuate exploitative material relationships between the Global North/South throughout CSR activities (Özkazanç-Pan 2018). Within MNCs there is a tendency to have a dichotomy between privileged “Anglosphere” and the underprivileged rest (Boussebaa et al. 2014). Furthermore, the CSR discourse has been analysed as radiating from the North to the Global South following a Eurocentric stance, promoting the neoliberal corporation and denying the existence of the North/South divide (Faria and Guedes 2010). It has also been claimed that CSR approaches have disregarded non-privileged stakeholders, such as indigenous communities and other marginalized and vulnerable groups (Banerjee 2017). In some cases, it is claimed that pursuing CSR initiatives has jeopardized the well-being of groups in the developing world (Blowfield and Frynas 2005) and CSR initiatives in the Global South has resemblance to the old colonial missions (Adanhounme 2011). Even when claiming to espouse CSR initiatives, corporations have created marginalization and victims among people who do not profit from corporate activity and are victims of displacement, unemployment and misery; additionally, the CSR literature has failed to recognize other realities beyond the modern world (Ehrnström-Fuentes 2016). Ehrnström-Fuentes (2016) argue in favour of a pluriversal approach to CSR that does not assume CSR as a universalist discourse but that takes into account the values and realities beyond the (European) modern world system.

In short, CSR has been portrayed from a postcolonial perspective as a set of Western-centric discourses and practices that do not take into account the peculiarities of the Global South and quite often create more harm than benefits in Southern communities. Thus, the anti-colonial stance in our field of research claims that such harm—which may even involve death—caused by corporations also emerges from the colonial mind-set of corporations, which follow the Anglo-Eurocentric logics that disregard the perspectives, logics and the points of view of communities and social groups in the Global South. Thus, by ignoring the differences between North and South, corporations from the first region tend to inflict harm to the latter. Harm created by corporations has also been analysed via the notions of CSIR and corporate crime, even though such notions have been less often subjected to critical scrutiny, as was mentioned above.

CSR-CSIR: Corporate Harmful Actions as (Mere) Irresponsibility

Debates around companies' social irresponsibility emerged from a dissatisfaction with corporate initiatives that claim to be socially responsible. For Ferry (1962, p. 67), CSR initiatives are “too little, too late and too superficial, are directed at the wrong objects, and have not resulted in an exercise of responsibility commensurate with the size and importance of the modern corporation”. Social irresponsibility is then defined as a “decision to accept an alternative that is thought by the decision-maker to be inferior to another alternative when the effects upon all parties are considered. Generally, this involves a gain by one party at the expense of the total system” (Armstrong 1977, p. 185) at the same time that managers in companies seeking to generate profit are expected to perform actions that may harm others (Armstrong 1977; Pearce and Manz 2011).

Frequently, CSIR has been considered in relation to what stakeholders perceive to be socially irresponsible behaviour (Brammer and Pavelin 2005; Strike et al. 2006; Tench et al. 2007; Wagner et al. 2008; Williams and Zinkin 2008). This is usually defined in terms of behaviours that cause harm to stakeholders (Mena et al. 2016) or as “corporate actions that results in (potential) disadvantages and/or harm to others” (Lin-Hi and Muller 2013, p. 1932). Examples of CSIR are environmental disasters, corruption scandals, and corporate actions that harm customers and employees. CSIR can harm companies in that, as a result, they may face difficulties in attracting customers, investors and employees, not to mention lawsuits and consequent financial losses (Lange and Washburn 2012). CSIR can also produce moral anger on the part of important stakeholders (Antonetti and Maklan 2016), and media coverage of CSIR increases the financial risk for companies involved in “acts of irresponsibility” (Kölbel et al. 2017). Discussions have also emerged about how to address consumers' negative responses to CSIR events (Grappi et al. 2013; Sweetin et al. 2013; Ferreira and Ribeiro 2017). Thus, research on CSIR has mainly focused on the impacts of corporate irresponsibility on the companies themselves.

If, initially, CSIR tended to stress the limitations of the CSR rhetoric (Ferry 1962; Schwarze 2003) and the fact that immoral decisions were made by managers to generate profit at the expense of others (Armstrong 1977), more recently, CSIR shifted its attention to the “old shareholder business model”, whereas CSR is presented as “the new and emerging stakeholder business model” (Jones et al. 2009, p. 301). Thus, CSIR is perceived as the outcome of old fashion management styles. Moreover, CSIR is explicitly or implicitly perceived as the dual-opposite of CSR, making both notions interdependent (Lange and Washburn

2012; Putrevu et al. 2012; Windsor 2013; Mazzei et al. 2015). This means that discussing CSIR has the potential to better inform CSR initiatives or practices (Jones et al. 2009; Lin-Hi and Muller 2013; Ormiston and Wong 2013).

The main characteristics of the CSIR model are the idea that “environmental degradation and pollution are inevitable and little if anything can or should be done”, the perception that “employees are resources to be exploited”, and that “social exclusion is an inevitable by-product of the operation of the market”, among others. As opposed to CSIR, the CSR business model is characterised by the ideas that “environmental degradation and pollution are not inevitable, should not be tolerated and it is important to raise awareness and commit to action”, “employees are resources to be valued”, and “social inclusion helps to correct market inefficiencies”, among others (see Jones et al. 2009, p. 304).

In addition to this discussion, Jones et al. (2009), in one of the most in-depth examinations of CSIR (Murphy and Schlegelmilch 2013), suggested a framework in which CSIR-CSR represent the opposite sides of a continuum and claimed that, depending on which side of the continuum the company operates, CSR is a “core” or an “add on” in the company business model. For the authors, “the CSI[R]-CSR model can be described as a conduit of corporate governance in that it acts as an enabler to action. As a problem-solving tool, it can assist planning and thus help facilitate a potentially better managed, more productive and socially responsible, profitable business” (Jones et al. 2009, p. 306). Thus, this framework is meant to help managers better perform their duties, and it is also important to make them aware that “avoiding bad” is a condition for “doing good” (Lin-Hi and Muller 2013). Research on CSIR aims to produce tools that avoid the trap of CSIR and assumes that corporations can simultaneously be productive, profitable and socially responsible.

Although some argue that there is a system in place that legitimizes CSIR globally (Sionneau 2010), research on CSIR tends to advocate that corporate irresponsibility is the result of bad governance protocols and a lack of board oversight (Murphy and Schlegelmilch 2013). Moreover, CSIR occurs when the strategic management of stakeholders implements immoral practices grounded on deception and manipulation (Greenwood 2007). Irresponsible behaviour is caused by the lack of moral values and ethical principles among corporate leaders (Riera and Iborra 2017). CSIR also occurs when companies do not incorporate CSR into their business strategies or when there are pressures emerging from local markets or even corrupt local governments (Wu 2014). Therefore, research on CSIR perceives CSIR to be mainly the outcome of poorly managed corporations and the lack of moral values of top executives. Therefore, more and better CSR is seen as the antidote to CSIR.

Nevertheless, most CSIR research seems to have a monolithic view that a company is either grounded in CSIR or CSR. Research has posited that MNCs may act irresponsibly in one geographical location and responsibly in another (Strike et al. 2006) or that MNCs can be “good” and “bad” at the same time (Herzig and Moon 2013; Keig et al. 2015). For such a view, CSR does not imply less CSIR or vice versa, and a company can have high levels of both, even though the non-monolithic view of CSIR-CSR also assumes that a company can fulfil economic, environmental and social expectations at the same time. However, the non-monolithic research on CSIR neglects MNCs having different behaviours in different geographical regions due to the fact that MNCs tend to benefit from the postcolonial condition of the world and, thus, sustain the exploitation of the Global South. In addition, irresponsible corporate actions can be described as either intentional or unintentional (Lin-Hi and Muller 2013). Intentional CSIR are corporate actions that are deliberately designed to harm others (e.g., bribery, illegal waste disposal), whereas unintentional irresponsible corporate actions are not deliberately inflicted by the corporation but are the outcome of unanticipated consequences of corporate activities (Lin-Hi and Muller 2013). In general, it is thought that concerns with social issues impact business decisions via managerial benevolence and stewardship, governmental regulation and supervision and consumer choices (Kuhn and Deetz 2009, p. 175).

Thus, research in CSIR asserts that harmful corporate actions are essentially irresponsible, regardless of whether they are intentional or unintentional. Such research has focused on the negative impacts of CSIR on the wrongdoer and perceives CSIR as an outcome of old-fashioned and amoral styles of management. Research on the topic also assumes that a corporation can deliver profits and social and environmental goods to society all at once. Moreover, good governance practices are perceived as the vaccine to CSIR, and most research on the field has considered that CSR initiatives prevent the occurrence of CSIR. An important facet of CSIR is that such acts may involve the violation of laws, as we shall discuss next.

Corporate Crimes: Corporate Harmful Actions as Criminal Activities

Corporate actions that harm organizational actors and/or society may be punishable by the law, especially criminal law, and have been discussed under the banner of corporate crime (Clinard and Quinney 1973; Clinard et al. 1979; Braithwaite 1985; Baucus and Dworkin 1991; Shover and Hochstetler 2002; Lynch et al. 2004; Payne 2012; Song and Hun-Han 2017). Interest in criminal actions involving corporations can be traced back to discussions of white-collar

crime (Sutherland 1940, 1941, 1944). White-collar crime is “a violation of the criminal law by a person of the upper socioeconomic class in the course of his occupational activity” (Sutherland 1941, p. 112). Examples of this type of crime include the misrepresentation of corporate financial statements, manipulation in the stock market, and bribery of public officials or private agents (Sutherland 1940). The very notion of white-collar crime has evolved over time, and this evolution has impacted on how such crime is investigated (Vadera and Aguilera 2015). Essentially, the notion of white-collar crime focuses on the law-breaking misconduct of powerful corporate individual agents.

However, this notion usually does not distinguish between crimes that individual agents commit against the corporation for their own private benefit, such as fraud (Zahra et al. 2005), and crimes committed for the benefit of the corporation (Staw and Szajkowski 1975; Schrage and Short 1978). Although it is possible to consider that a corporate crime occurs when “agents of a corporation use the corporate infrastructure or assets to commit a crime meant to boost general profits and benefit shareholders” (Etzioni and Mitchell 2007, p. 187), research on corporate crime deploys different terminologies, such as white-collar crimes, corporate wrongdoings, economic crimes, organizational crimes and corporate frauds to designate similar phenomena (Song and Hun-Han 2017). In doing so, there are controversies around the very notion of corporate crime (Baucus and Dworkin 1991; Baucus and Near 1994; Daboub et al. 1995). In addition, research discusses the impacts of corporate crime on society (Donziger 1996; Gottlieb 2009; McGee and Byington 2009).

In addition, research on corporate crime has been mainly concerned with what sort of corporate law breaking constitutes a corporate crime since the term crime leads to semantic and theoretical problems associated with corporate harmful actions that entail a sense of objection similar to a crime but are not specified under criminal law (Michalowski and Kramer 1987). The main question raised by such assumptions is can a corporate harmful action that is not against the law be considered a crime? The search for answers to this question has fuelled interesting debates. For example, whereas for some corporate crime refers strictly to violations of criminal laws or convictions under these laws (Shapiro 1990; Tappan 1947; Baucus and Dworkin 1991), for others, such crimes also include civil laws and regulatory violations (Schrager and Short 1978; Clinard and Yeager 1980; Braithwaite 1985). Additionally, scholars have considered that the state definition of crime should be abandoned and replaced by definitions that take into account human rights given the ability of corporations to influence the enforcement of law (Michalowski and Kramer 1987; Pearce and Tombs 1999). Even “corporate transgression” has been proposed as a term to prevent the semantic and theoretical problems that may

arise with the notion of crime as defined by the state (Michalowski and Kramer 1987; Bandura et al. 2000). Moreover, it has also been argued that when corporations engage in morally unacceptable practices that are, however, not in violation of any present legislation, new laws and regulations may be created to avoid the recurrence of undesired corporate misconduct (Daboub et al. 1995). In short, research on corporate crime has not only addressed controversies around the most appropriate terminology to define corporate crimes but also attempted to define what legally and ethically can and cannot be considered a corporate crime.

There are different levels of analysis to explain the basis of corporate crimes: micro perspectives, which advocate that corporations offer several opportunities for crimes to be committed, but the decision to commit the crime is individual (Gottfredson and Hirschi 1990; Grasmick et al. 1993; Herbert et al. 1998); macro perspectives, which assert that corporate crimes are committed by organizations or groups of individuals and can be attributed to institutional pressures originating from the competitive and legal environment in which the corporation operates (Braithwaite 1989; Fisse and Braithwaite 1993; Benson and Cullen 1998); and meso-level perspectives, or organizational-level perspectives, which consider corporate crimes phenomena emerging from corporations seeking to achieve performance targets as much as organizational procedures and operational patterns. According to the latter, institutional and organizational factors are both accountable for corporate crimes (Szajkowski 1985; Coleman 1987; Baucus and Dworkin 1991; Baucus and Near 1994; Mon 2002). In addition, meso-level perspectives also regard corporate crimes as the result of the interplay between individual choices and institutionalized values and social norms mediated by specific organizational features, such as culture (Vaughan 2007). Therefore, different levels of analyses have been used in attempts to search for the causes of corporate crime, reediting the classical debate on the interplay between agency and structure (Greve et al. 2010; Aven 2015).

Furthermore, debates have emerged regarding how to establish the intentionality of the corporate crime, how to attribute responsibility to corporations (Schrager and Short 1978; Kramer 1984; Vining 2003), and how to determine a corporate “personal identity” that can be punished for past corporate crimes (Diamantis 2018). Research also considers that corporate crimes can occur due to the declining role of regulatory agencies and the difficulties for such agencies to act in an increasingly globalized world (Chirayatg et al. 2002). Shareholders’ corporate ownership that prevents progressive corporate governance is also perceived as affecting the existence of corporate crime (Ciepley 2018).

From what we have presented so far, academic debates on corporate crime are embedded in controversies about the most appropriate terminology to define actions broadly

considered corporate crime and legal debates regarding what can be considered a corporate crime. Moreover, research asserts that corporate profit-seeking activities, un-ethical corporate agents, flawed governance policies, lack of proper state regulation, and corporate environmental factors, such as competitive pressures, social contexts and legal frameworks, can influence the occurrence of corporate crimes. The underlining idea is that corporate crime is an exceptional corporate dysfunction caused by multiple factors that can be combated with the appropriate state regulatory and legal framework.

Moreover, MNCs can exert influence worldwide, particularly in various countries specially in the Global South that have not developed a legal framework that addresses corporate crimes, having political power that, together with economic power, can create significant harm to society (Michalowski and Kramer 2006). It is argued that corporate interests and their political allies wield disproportionate influence over the legal system and law enforcement of local communities, reducing the likelihood that harmful corporate consequences will be criminalized or controlled (Griffin III and Miller 2011). Here, the literature on corporate crime does not account for the legal and regulatory issues of the Global South due to colonial and neo-colonial legacy.

Reframing Corporate Harm Via Critical Lenses

To critically analyse CSIR and corporate crimes, it is important to stress that, since their emergence, large corporations have controlled an increasing percentage of economic activity and have displaced the social costs of their operations, the so-called externalities, to workers and communities (Perrow 1991). For example, “some of the externalities that were disguised or neglected by firms were pollution, crowded cities (...) industrial accidents, violent business cycles leading to unemployment, and the exhaustion of easily available natural resources” (Perrow 1991, p. 735). More recently, however, claims have been made that, in the context of globalization and increasing CSR activities, the division of activities between private business and nation-state governance has been blurred, as various corporations have started to assume social and political responsibilities that go far beyond legal requirements. This indicates that such companies are attempting to fill the regulatory vacuum in global governance (Scherer and Palazzo 2011). In this reframing of the role of corporations in society, it is assumed that corporations and society have similar interests.

However, from a CMS perspective, as noted previously, corporations and CSR activities may hide contradictions that may well enable corporate socio-economic domination. In this reading, there is a call to expose and question CSR’s

unarticulated logics and to examine the implications of the increasing role of the corporate citizen in contemporary globalized capitalism. In fact, whether corporations can serve the community interests at all has been questioned (e.g. Kuhn and Deetz 2009). As was discussed above, CSIR and corporate crime are mainly perceived as the opposite of CSR, and the first two are notions have been used to account for the harms created by corporations to internal and external stakeholders but have rarely been submitted to CMS scrutiny.

If we depart from a CMS perspective on management and organizations (e.g. Alvesson and Willmott 1992), corporations are perceived as instruments of domination and exploitation, as political arenas in which different groups fight over internal domination. CMS tends to claim that corporations are essentially profit-seeking entities, putting profit seeking activities above social interests within the logics of the capitalist economic system. Framing corporate harm as mere corporate social “irresponsibility” or as a “crime” can be deceitful if it posits that corporate-produced harms to society are exceptions to “normal” allegedly positive corporate activities.

Therefore, by adopting such a naive view, CSIR and corporate crime perspectives take for granted that corporations and society have similar interests, which is something that is challenged by CMS as an ideology understood as “the presence of values embedded in language, routines, practices, and positions that privilege dominant groups which are difficult to identify, discuss, and assess owing to various covering mechanisms” (Kuhn and Deetz 2009, p. 175). Such ideology seeks to hide corporate powers and domination intentions (Hanlon and Fleming 2009; Fleming et al. 2013). In contrast, for CMS, corporations are designed for and mainly concerned with delivering shareholder value, which limits their ability to deliver social benefits because social benefits and profit seeking seem to drive corporations in irreconcilable directions (Banerjee 2008, 2014, 2017).

In doing so, whereas, for the mainstream view, “irresponsibility” and “crimes” are portrayed as anomalies in the corporate world, CMS perceives corporate harm as caused by the very essence of what corporations are, as noted above. As such, the notions of CSIR and corporate crime can be instrumental to disguising corporations’ will to dominate in society as well as the fact that harm is a “natural” consequence of what corporations do in attempting to maximize profit. In so doing, CSIR and corporate crime, following a CMS stance, can be portrayed as ideologies that hide the predatory essence of corporations and understand “irresponsibility” and “crime” as deviant from what would be the normal non-harmful corporate activity.

In the case of CSIR, particularly by portraying the harm inflicted by corporations as irresponsibility (which is the consequence of old-fashioned management styles) (e.g.

Jones et al. 2009), by positing CSIR as the other side of the CSR coin (e.g., Lange and Washburn 2012; Mazzei et al. 2015), by perceiving CSIR as the consequence of bad governance protocols (e.g. Murphy and Schlegelmilch 2013), and by advocating that CSIR can better inform CSR practices (Jones et al. 2009; Ormiston and Wong 2013), CSIR is thereby positioned as the “evil” that CSR fights. Thus, CSIR becomes a CSR “other” that must be avoided. In so doing, CSIR works to legitimize CSR as non-problematic, as if only CSIR was problematic, and, as such, it ignores several critiques of the latter as serving as a smoke screen to corporate harmful actions against people and society (as seen in Banerjee 2008; Hanlon and Fleming 2009; Fleming et al. 2013; Banerjee 2017). In addition, research on CSIR tends to ignore the capitalist system as a source of an explanation for corporate harm. In addition, the term irresponsibility encompasses diverse types of corporate harms that can include significant environmental disasters and the death of numerous people, which are quite serious and painful occurrences. Referring to them as ordinary irresponsibility can be a discursive strategy to downplay the importance and significance of corporate harms and wrongdoings as if they were minor events and, therefore, protecting corporations from more serious blame.

Unlike CSIR, framing corporate harmful actions as crimes highlights the seriousness of the corporate harm and can be perceived as giving the appropriate weight to the occurrence. However, research on corporate crime has debated the appropriate terminology to denominate criminal corporate harmful actions against society, leading to long and complex debates on the very nature of what is a corporate crime or even if a whole company can be considered a criminal actor (e.g., Clinard and Yeager 1980; Braithwaite 1985; Baucus and Dworkin 1991; Daboub et al. 1995; Vining 2003). Such important and necessary debates can make sense in the fields of legal studies and criminology but do not necessarily enrich our understanding of corporate harm in our field of inquiry, especially if we follow a CMS stance, which attempts to denaturalize management and organizations via critical lenses (Fournier and Grey 2000).

More appropriate for such a focus is to attempt to understand corporate crime research accounting for corporate harm. In this regard, like CMS, some research on corporate crime considers that corporations can commit crimes aimed at generating more profit and benefiting shareholders (e.g., Etzioni and Mitchell 2007) but does not posit that seeking profits is incommensurable with social and environmental benefits, as advocated by CMS. Research on corporate crime also demonstrates that such crimes are an individual choice (e.g., Herbert et al. 1998) related to personal values and opportunities permitted by the competitive and legal environments in which corporations are embedded (e.g. Benson and Cullen 1998). In so doing,

as argued above, research on corporate crime attributes the explanation for corporate crimes to flawed governance policies, a lack of adequate state regulation, competitive pressures, social contexts and legal frameworks with the underlying idea that corporate crime is an exceptional corporate dysfunction that can be avoided with appropriate state regulation and legal framework.

Thus, most corporate crime research posits that corporate crime is performed by “bad apples”, be they individuals or companies, that need to be addressed via the appropriate legal regulations and sanctions. The logic of the “bad apple” usually tends to focus on individual responsibilities and disregard the systemic logics that generate issues, as if excluding the “bad apple” would be enough to avoid further similar issues. CMS advocates the need to understand the root cause of management and corporate problems. In so doing, departing from a CMS stance, most corporate crime research does not seem to challenge the essence of profit-seeking corporations and does not treat corporate harm as the outcome of the very nature of what corporations are. It also seems to ignore the impact of capitalist logics as a root cause of the corporate harm that is characterized as corporate crime. Corporate crime research can also be perceived as legitimizing the current corporation essence problematized by CMS.

Moreover, as discussed above, postcolonial research on management and organizations has analysed the aftermath of the colonial experience in our field, challenging the epistemologies and practices of the North and the constitution of the Southern subalternity (Frenkel and Shenhav 2006; Jack et al. 2011; Prasad 2012). Given that there are various cases in which significant harm perpetrated by corporations affects people from the Global South, it is important to analyse CSIR and corporate crime research via postcolonialism inspired lenses. For instance, research on CSIR posits that, in multinational corporations, a given company can act irresponsibly in one geographical location and responsibly in another (e.g. Strike et al. 2006), and a universal conception of CSR and CSIR has been proposed to institutionalize CSIR control and foster CSR promotion (Windsor 2013). In both cases, there is no mention of the colonial condition of the Global South as an explanation for corporate irresponsibility in the region. In fact, very rarely has CSIR research considered the colonial difference (Mignolo 2000) and the North and South divide in accounting for corporate harm, as if corporate irresponsibility is the same and can be accounted for in similar terms all over the world. Even research on CSR has been taking into account the contemporary colonial condition in arguing that CSR research tends to ignore the interests and perspectives of people from the South (e.g., Blowfield and Frynas 2005; Faria and Guedes 2010; Ehrnström-Fuentes 2016), but a similar movement has not taken place in CSIR research.

Furthermore, research on corporate crime as much as CSIR is mainly produced by Global North scholars looking at the realities of the North, offering a Western-centric perspective, as if corporate crime could be understood equally wherever it occurs worldwide. In addition, the corporate crime Western-centric view of institutions (e.g. Chirayat et al. 2002) tends to reinforce the privilege of the North, which is portrayed as having superior and more solid institutions than the South, without taking into account the persistent influence of the colonial past over Global South institutional issues as well as how companies take advantage and reinforce the postcolonial condition (e.g. Boussebaa et al. 2014). Institutions from the Global North are always used as the norm against which the Global South is compared, quite often in a derogatory manner.

Research on corporate crime also perceives such crimes as a malfunction and exception to the Western view that the state regulates corporations. However, corporations are extremely powerful actors in society and can shape their environment, undermining the state as an agent that can regulate corporate activities (Barley 2007) and even “have changed and continue to change social institutions—not even democracy is free” (Barley 2007, p. 214). To do so, corporations may “promote legislation that benefits corporate citizens at the expense of citizens”; “hinder or redirect the creation of agencies to protect the public good from the actions of corporations and the externalities they create”; and “privatize functions that have historically been performed by local, state and federal governments” (Barley 2007, p. 214).

Barley’s (2007) analysis is based on corporate action in the U.S., but if we focus on the relation between states and corporations in the Global South, a different and a far more problematic portrait can emerge. In various cases, harm inflicted by corporations on society generates death. To make sense of this, the notion of necrocapitalism is useful (Banerjee 2008). Necrocapitalism is “contemporary forms of organizational accumulation that involve dispossession and the subjugation of life to the power of death” (Banerjee 2008, p. 1541). Historical processes constituting imperialism and colonialism as forms of domination, accumulation and exploitation of territories, either informally or formally, have supported the expansion of capitalism (Banerjee 2008) and corporations worldwide. In this context, it is important to examine the relationships among nations, international institutions and transnational corporations to uncover the presence of imperialism in the institutional structures and processes that support contemporary capitalism that subjugate and suppress life. Necropolitics is the subjugation of life to the power of death, which is the necropower, i.e., the power to determine who dies (Mbembe 2003).

These two terms, necropolitics and necropower, are discussed by Mbembe (2003, p. 40) to account for the ways in which weapons are deployed “in the interest of maximum

destruction of persons and the creating of death-worlds, new and unique forms of social existence in which vast populations are subjected to conditions of life conferring upon them the status of living dead”. Banerjee (2008, p. 1546) argues that necrocapitalism emerges from the “intersection of necropolitics and necroeconomy as accumulation practices in a (post) colonial context, by specific economic actors—transnational corporations, for example”. Such practices “involve dispossession, death, torture, suicide, slavery, destruction of livelihoods and general administration of violence” (Banerjee 2008, p. 1546). Thus, the necrocapitalism notion (Banerjee 2008) can subsidize the analysis of corporate harm committed by corporations in regard to harm that involves death, violence and dispossession, especially in the Global South. Such a view perceives that corporations act to create harm to the benefit of the corporation in postcolonial regions of the world, offering a different perspective than CSIR and corporate crime research.

Conclusion

This paper sought to critically analyse the CSIR and corporate crimes perspectives of corporate harm. Departing from a CMS and postcolonial perspective, we argued that CSIR and corporate crime could be perceived as producing research that does not challenge the essence of contemporary corporation profit-seeking activities that produce corporate harm. CSIR and corporate crimes are discussed as ideologies that assist in disguising the contradiction between producing shareholder value and the social good that is at the heart of the modern corporation and the current economic system. Moreover, the postcolonial view of CSIR and corporate crime has highlighted how they are based on a Western-centric view of corporate harm that ignores the realities and perspectives of the Global South, especially in situations where corporate harm produces death in the Global South. Corporate harm is an issue of paramount importance in the contemporary world, and this paper has sought to increase the awareness of corporate and management contradictions that sustain the persistence of corporate harm in our world.

Compliance with Ethical Standards

Research involving Human Participants and/or Animals This article does not contain any studies with human participants or animals performed by any of the authors.

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