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Business and Human Rights: a Tense, Mined and Contested Field

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Abstract

This essay aims to critically analyze the recent field of studies known as Business and Human Rights, which addresses the negative impacts of human rights violations at the corporate level, covering theoretical discussions, principles, guidelines, standards, and regulations. We developed the essay focusing on three key topics: the business activities of transnational corporations negatively impact human rights all around the world; the initiatives created in order to address the impacts of business over human rights are discursive and, therefore, distant from the practices; companies and corporations make various attempts to abstain from their responsibility, even if they make symbolic and material reparations. For this, we illustrate the abstention from corporate responsibility through the human rights violations in the case of João Alberto de Freitas' murder committed by Carrefour security guards in the parking lot of one of its stores in Porto Alegre, in 2020. Throughout the text, we argue that this field reveals the tensions between business and respect for human rights, understanding that this involves a minefield susceptible to being contested. Our contribution lies in indicating paths for the heavier involvement of researchers from the field of management with the real problems that challenge societies, such as human rights violations at the organizational level.

Keywords: business; human rights; corporations.

Introduction

Human beings have inviolable rights, or at least these rights should be inviolable, such as the right to life and freedom. This is at the core of Sen's (2004) human rights theory, which is linked to the author's conceptions about development as freedom (Sen, 2000). These conceptions, in turn, are based on the real capacities, in the sense of opportunities, that people have to live in dignity and freedom. However, Sen (2005) highlights that human rights and capacities are different, despite having common motivations.

Discussions about human rights go beyond any disciplinary field and, even if belatedly, the area of knowledge related to business, which negatively impacts human rights, approaches the topic with a research agenda for developing the field known as Business and Human Rights (Wettstein et al., 2018). Human rights violations in corporations and companies have become common in national and international news reports, although they often do not clearly have that connotation. Since the existence of the first corporations, the theme of human rights has gone unperceived in the discussions about corporations, perhaps due to the economic relevance of these organizations and because of their capacity to influence individuals and societies in policies, in everyday life decisions, and in the adoption of lifestyles. The fact is that ensuring that corporations respect human rights is one of the major challenges of today.

There is no lack of events that illustrate the imbalance between the economic relevance of corporations and the guarantee of human rights, whether at the international or national level. Companies that engage in the building of major hydroelectric and mining projects with the false promise of development and progress for the population have the support of supervisory and political bodies; however, the most visible results are human rights violations (Maisonnave & Almeida, 2018; Rênero & Dias, 2020). Firms create products that are unhealthy for consumption, such as Nestlé (Medina, 2021), or carcinogenic, such as Johnson & Johnson (Agência Folha, 2021). Companies damage the environment, contaminating regions, cities, and communities, putting workers at risk and in danger (Kemp et al., 2010; Medeiros & Silveira, 2017; Maranhão & Ferreira, 2018; Fontoura, Naves, Teodócio, & Gomes, 2019); they deny populations access to natural resources, such as water (Lindon, Canare, & Mendoza, 2014); and they use forced labor and human trafficking as management practices (Parente, 2014; Feehs & Wheller, 2019). The fourth industrial revolution, with projects, technologies, and applications that enable inadvertent or structural abuses of human rights, marginalize groups and produce, reproduce, and reinforce stereotypes (Garvie, Bedoya, & Frankle, 2016).

Besides these initial considerations, the actions of corporations at the global level have led to a rise in human rights violations within the context of transnational corporations and, even with the initiatives that have emerged to address the impacts of these violations, there has been a clear lack of effective engagement by them in practices that respect human rights (Banerjee, 2008; Wettstein, 2012). It is not that such violations have been uncommon throughout the history of corporations and companies; on the contrary, they have occurred in a wide variety of forms, but they are now more widely reported, even if through forms of alternative media. Also, many violations are becoming the targets of combat and resistance initiatives created by movements defending respect for human rights.

In the specialist literature, Business and Human Rights has emerged as a promising field for

addressing the negative impacts of human rights violations at the corporate level, covering theoretical discussions, principles, guidelines, standards, and regulations. However, it is a field that is not immune to criticisms. And it is along these lines that we write this essay. We begin by discussing the foundations of the field and, in particular, the tensions. Then, we proceed to discuss the logic of corporations in their treatment of human rights, which points to a minefield. The third point we develop points to the possibility of contestation of the field. In this item, we explore an emblematic and recent case that occurred in Brazil, the murder of João Alberto de Freitas committed by Carrefour security guards in the parking lot of one of its stores in Porto Alegre, in 2020, based on written and oral sources from public pronouncements by those responsible for the company, as well as the criminal and civil cases relating to the event. All of the sources are in the public domain and are available in the legal proceedings, as well as in the main newspapers in the country. This case is presented in the essay as an element that supports our arguments, through it is not the pillar sustaining its form or structure.

The frequent appeals for researchers to get involved in social problems, in order to contribute to the changes needed to respond to the major challenges of societies, require responses built on theoretical foundations that criticize and contest the knowledge generated. In this essay, we intend to contribute to the field of studies of organizations and management, directing criticism toward to treatment given to corporations, predominantly as being capable of combatting human rights violations instead of treating them as a main cause for the occurrence of such violations. Potentially, this article could stimulate responses to the major challenges people face, based on the heavier involvement of researchers with theoretical inputs that offer critical guidance for discussing real problems of our societies, unlike more conventional perspectives, such as conceptions of Corporate Social Responsibility, Corporate Ethics, and Business and Human rights.

Business and human rights: tension in the constitution of the field

We begin talking about the tensions in the field of Business and Human Rights by mentioning the contradictions and criticisms in the conceptual discussion about the term. Human rights is a fluid concept, used in philosophy, politics, law, and other fields of studies, to refer to moral behavior and global justice, at one extreme, and to the authorized texts of the international legal conventions, at the other extreme (Soh & Connolly, 2020). There is discomfort with the broad use of human rights, and the two terms together, business and human rights, does not necessarily imply that they are intrinsically related, especially depending on the historical-cultural context they refer to. Business concerns productivity, return, and profits. Human rights refers to certain indispensable needs for human dignity, with it thus being desirable for people to have them ensured (Rabenhorst, 2004).

The emergence of a field of studies about Business and Human Rights shares proximity with the theoretical foundations of Corporate Social Responsibility, which served as a basis for calling the attention of researchers, practitioners, activists, and public authorities (Buhmann, 2009), in the face of the frequent cases of human rights violations in the 1990s. Schrempf-Stirling and Van Buren (2020) analyze the literature about the field and understand that the Business and Human Rights field constitutes an emerging subfield of Social Issues Management (SIM). But it is a fact that the creation of the United Nations Organization (UN), in the post-Holocaust period, and the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights, and

the International Covenant on Economic, Social, and Cultural Rights were preponderant in the theme of human rights gaining attention.

The initiatives of international organizations have focused on the development of normative instruments, codes of conduct, guides, and guidelines, as an effort for companies to follow such standards. However, we cannot fail to highlight that corporations have not engaged in adopting these practices and guidelines, leaving it clear that there is still resistance by corporations regarding the possibility of regulation and of binding treaties. This is evident in the document *Draft Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with Regard to Human Rights* (Bilchitz, 2016; Ramasastry, 2015; Weissbrodt & Kruger, 2003), which focuses on the responsibility of States in protecting and ensuring human rights and access for victims to justice and to remediation or reparations, which we understand to be necessary, but insufficient, given that it does not postulate about direct obligations of corporations.

The first attempts to extend to corporations responsibilities regarding the protection of human rights did not receive support and, in 2005, the UN created a working group, under the coordination of the Special Representative of the General Secretary, John Ruggie (Ruggie, 2007), to specifically address the actions of corporations with regard to respecting human rights. This initiative resulted, in 2011, in the document *Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework* (OHCHR, 2005).

The *United Nations Guiding Principles* and the *OCDE Guidelines for Multinational Companies* are the relevant documents; however, they are not accompanied with or do not contain a binding treaty. The documents point to the responsibility of the State in ensuring that companies respect and protect human rights in all their activities, as well as establishing reparation and remediation channels for potential victims of violations. However, there are difficulties in delimiting up to what point corporations have responsibility or the extent of these.

These principles, although they express society's expectations regarding the responsibilities of corporations, create a tension in the field, given that the responsibilities of corporations are not binding. So, corporations can choose not to comply with the principles and standards regarding human rights. On this point, McConnel's (2017) discussion regarding a business and human rights treaty at the international level is relevant, arguing that the State has failed in its responsibility to protect and ensure human rights. However, this argument contains caveats, for example, regarding the distribution of responsibilities between the State and corporations in a proportional way.

The sticking point we see in this argument concerns the political and economic authority of corporations, which has already been highlighted in this essay. This is because the power of political negotiation of corporations can reduce the efforts to distribute duties between the State and other business players. Bilchitz's (2016) proposition of a binding treaty that leads to the State's recognition of the legal obligations regarding human rights, just like commercial treaties, if possible to deliver, could give new shape to the question, but it would not resolve the issue of the analysis made by FASTERLING (2017), which shows the distancing of business from human rights. This author argues that adequate implementation for the respect of human rights requires a modification of strategic corporate objectives, which would lead to the associated costs and risks being seen as obstacles that most corporations are not willing to assume.

Soh and Connelly (2020) point to the underlying tension between human rights and the corporate activities characteristic of the fourth industrial revolution. This tension is ignored in the attempts to defend business and human rights compatibility. For example, there is no discussion about what “constitutes damage or exploitation in the digital era, as well as a reassessment of the respective roles and duties of states and companies in mitigating these new ones” (Soh & Connelly, 2020, p. 15). The authors revealed the selective use and reinterpretation of human rights so that company declarations about the fourth industrial revolution appear to be compatible with emerging business models; however, these are projected to exert control over groups and individuals.

Another tension in the field of BHR is indicated by Chomsky and Herman (1979), when arguing about the existence of a relationship between the deterioration of human rights and the growth of the US economic structure and political system; and by Sen (2005), when stating that the declarations and documents relating to human rights are more an imperialist imposition of the West, as they do not consider Asian peoples in terms of their cultures, favoring Western cultures. Sen’s argument is echoed in Maher’s (2019) and Easterling’s (2017) discussion about the drawing together of business and human rights having focused on the creation of corporate initiatives geared toward human rights management. The authors conclude that these initiatives see human rights as a concern of strategic management and risk management, making sense when recognizing the instrumentalist nature of business regarding the treatment of resources. In this discussion, Maher (2019) makes a relevant criticism: human rights management encourages decontextualization from the realities. This author’s argument is that these initiatives do not include the voices of those whose rights are affected by the activities of corporations, so their rights continue to be disrespected.

This argument of Maher (2019) is plausible, given that the legitimized corporate initiatives tend to project companies and corporations that make large investments in programs and actions geared toward respecting human rights; however, they do not consider the history and context of the realities of the communities holding the rights. We agree with Maher (2019) in the sense that participation in initiatives that promote corporations, in a ranking, raises the following question: why are human rights important for business? Among the various answers, the main one is that public recognition of respect for human rights by companies is a tool for improving corporate performance, as occurs with Corporate Social Responsibility. This, together with the absence of a binding treaty, is problematic, as it reveals tensions in the construction of the field in the attempts to combine business and human rights.

Impacts of corporate activities on human rights: a minefield

The field of Business and Human Rights contains gaps, starting with the definition and understanding of what human rights are, also including the lack of a binding treaty, and being full of controversies, primarily given the attempts by corporations to abstain from their responsibilities when they are accused or denounced for violations. The human rights applied to business players involve those rights that directly affect the employees of the company or corporation; those that involve business partners and their employees, whether from the public or private sector; and those that affect the community and environment in which the company operates.

However, what is at the core of our understanding of this minefield is the fact that the violation of human rights is inherent to the activities and operations of transnational corporations. Corporations can be dangerous, murderous, genocidal, racist, and chauvinist (Banerjee, 2008; Key & Malnight, 2010; Sklair, 2002; Oliveira & Silveira, 2021). They have been and are accomplices of totalitarian governments, of criminal organizations, and of genocides (Oliveira, 2019; Stokes & Gabriel, 2010; Stel, 2014). Human rights violations occur all around the world, but in developing countries located in Africa, Latin America, and Asia, they occur more frequently (Banerjee, 2008; Barros, 2018; Ruggie, 2008).

Transnational corporations are responsible for the majority of human rights violations, which have occurred systematically (Nolan & Taylor, 2009; Wettstein et al., 2018), whether because of their position of strictly complying with the legislation or through silent complicity (Kobrin, 2009; Ruggie, 2008). These organizations have achieved a level of sophistication in their economic and legal relationships such that when violations become a transnational problem the national rules are insufficient for allocating accountability (Lopez, 2020). However, the fact that there are no binding treaties does not absolve them of accountability for such violations, whether in their country of origin or anywhere else they operate.

The responsibility for protecting human rights has historically been attributed to the State. However, the argument of authors such as Kobrin (2009) about corporations being a political and economic authority in the world is sustained in various ways, making them responsible. This is because companies do not wish to fall under the regulation of legal instruments that set out rights and duties regarding their responsibility with respect to human rights. Corporations are powerful and exert a strong influence over society, the market, and governments, adopting political behaviors to avoid a binding treaty imposing rules and obligations on them (Weissbrodt & Kruger, 2003; Wettstein, 2010), such as the strategic use of tax incentives for governments to restrict the legal channels of lawsuits for damages and human rights violations (Banerjee, 2008). In addition the impacts of the operations of transnational networks extend to the different continents, hindering “the identification of responsibilities and the pursuit of reparations” (Barros, 2018, p. 91).

Given the denouncements and accusations of human rights violations, corporations respond with attempts to abstain from their responsibilities regarding the events, or, often, corporate silence becomes an alternative so that time leads to forgetfulness. The adoption of passive positions, such as silence, is justified with corporate arguments that business is legitimate, legal, and its objectives are the generation and maximization of shareholder returns, and that questions related to human rights are not their responsibility. Also common are responses sustained by rhetorical arguments and moral disengagement, for example, saying that “it’s not our responsibility,” “it’s not our fault,” or “we’ll do what it takes to make amends” (Medeiros, Silveira, & Oliveira, 2018). Corporations evade the accusations by alleging that the corrupt actions of governments are not their responsibility, but the tax incentives granted to corporations do not benefit local communities.

How much is a black life worth? Contesting the field

We will begin by pointing to an emblematic case that will serve to argue our contestation of the field known as Business and Human Rights, particularly in relation to one human rights violation: racism. The context of this case used to illustrate our arguments in contesting the field of Business and Human Rights is marked by racist violence in Brazil, particularly in the region in which it occurred, as the few and weak public policies are not sufficient and effective in tackling the discrimination that hinders the life of the black population in the region and in the country. Two security guards, both white men, who worked at Carrefour in Porto Alegre suffocated João Alberto, a 40-year-old black man, father of four children, murdering him with no chance for him to defend himself: they lay on João's body for more than five minutes while he was lying on the ground.

The murder of the customer João Alberto de Freitas, in the parking lot of one of Carrefour's stores, did not go unnoticed by the general public, given that it reverberated in the press, on social media, in the company's pronouncements, in the comments of internet users, and in relatives' statements. João Alberto was murdered after doing his shopping, but the crime he suffered began from the moment he arrived at the establishment, when he was monitored by the security team and ostensibly accompanied, characterizing common discriminatory violence (Palomino, 2021). That is, João Alberto's murder originated from racism, which is a pattern that is repeated in the region.

The attempts by the Carrefour employees to prevent the murder from being filmed were unsuccessful, and a video produced by witnesses went viral, leading to outrage all around the country. However, disagreements still surround the event and, for that reason, we have entitled this section of the essay with a question that Carrefour already answered in its communication when saying that "Nothing will bring João Alberto's life back." That is, there is no possibility of any reparation.

João Alberto de Freitas was beaten and murdered on the night of November 19th of 2020, in the parking lot of one of Carrefour's stores in Porto Alegre, by two of the store's security guards. It is not our job here to describe who João Alberto was, but we are not unaware of the fact that he was black and poor. There are therefore reasons for us to affirm that we are faced with a case of racism, which is a human rights violation. Racism is a politically, culturally, and economically produced and reproduced line to demarcate, at its upper side, those humans socially recognized for their identities and who have access to human and civil rights and to material resources; and, at the other side, below the line, are those humans whose condition of being human is questioned and denied and, therefore, they are denied all civil, human, material, and social rights (Grosfoguel, 2016).

For this essay it is not relevant what motivated João Alberto de Freitas' murder by the store's security guards, or even why the aggressions intensified to the point of causing death by suffocation, as according to the autopsy carried out by the examiners of the Legal Medical Department: "The time the report took was due to the major complexity. It involved the work of three examiners, pathologists, specialists. The work was highly complex. Analysis of the crime scene, analysis of the victim, of the body, in the autopsy. Complementary and protocolary exams" (G1.Globo.com, 2020b). In the legal documents it says that: "In the case at hand, according to the analysis of the video of

the moment at which the event unfolded, it can be seen that, regardless that the event may have been started by the victim, the actions of the perpetrators surpass what could be conceived as necessary to contain him, as they proceeded to carry out aggressions against him when he was already on the ground." Whatever the motivations, the murder reveals the violation of a right that should be inviolable: the right to life.

Six people were accused: two security guards hired from an outsourced security firm (white men) where the authors of the aggression; one Carrefour employee who tried to prevent other customers filming the scenes; another employee who prevented the wife from getting to the victim; and two employees also from the outsourced company who helped immobilize the victim. The accusation was of "triple-qualified willful homicide (vile motive, cruel means, and resource that hindered the victim's defense)" by the Public Ministry of the state of Rio Grande do Sul, and the inquiry was concluded on December 11th of 2020 and the denouncement made one week later, on the 17th (G1.Globo.com, 2020a). The company Carrefour and the outsourced company were indicted to provide clarifications.

What were Carrefour's responses? Or its attempts to abstain from its responsibility for the death of João Alberto?

Carrefour, both at the international level and within Brazil, announced measures with a view to ensuring the protection of human rights, including: the creation of an External Committee on Diversity and Inclusion; a review of employee training, "a complete review of the training actions of collaborators and third parties, with regard to respecting safety, respecting diversity, and the values of respect and rejection of intolerance"; termination of the outsourcing contract with the security company and internalization of security; and the dismissal of the employee who was in charge of the store at the time of João Alberto's death. These reparations are foreseen in the documents on business and human rights, but they are insufficient as reparation for the loss of life, whether physical or social.

The Carrefour chain called the human rights violation structural racism, announcing the adoption of antiracist actions as part of a company policy of zero tolerance of racism: "Besides the racial learning, training on the new safety model, the diversity policy was reviewed from the perspective of zero tolerance, where Carrefour will not tolerate any type of discrimination, whether with customers or collaborators or with all of its suppliers" (G1.globo.com, 2020b).

The contestation of the field known as Business and Human Rights begins in its reason for being, which is to address the obstacles of corporate structures for the universal achievement of human rights, where racism is one of the main barriers (George, Martin, & Van Ho, 2021). By placing both terms in the same basket, structural, political, social, and organizational barriers are addressed so that human rights violations, such as racism, no longer occur. An important point raised by George, Martin, and Van Ho (2021) in this discussion is that racism has different configurations depending on the country or context; however, the field shows no efforts to consider such differences between the nations where transnationals operate. From Erika George's viewpoint (see George, Martin, & Van Ho, 2021, p. 205), "BHR is comfortably 'not racist,' and that's not the change that's going to get us to where we need to be." It is not enough for the field to be "not racist," given

that, to promote effective changes, it is necessary to be antiracist. This is a discussion that reveals the disconnect between business and human rights, since capitalism is racist, and although corporations may not be racist, they are not antiracist.

In his criticism of the black reason, Mbembe (2017) discusses the differences between the “Western conscience of the Black,” the discourse focused on the Western action of attributing racial identity to the Black; and the “black conscience of the Black,” a declaration of identity on the part of Afrodiasporic intellectuals who refute the Western discourse and recover the Black’s own identity. Mbembe (2017, p. 10) uses the term “black reason” to refer to “forms of knowledge, a model of extraction and depredation, a paradigm of subjection, including the modalities that govern their eradication; and, finally, a psycho-oneiric complex.” Mbembe (2017, p. 60) makes reflections on the occupation and seizure of lands in colonization, problematizing whether the “Other, the native, is a human being in the same way as those who are taking over their land.” The native is represented as a stranger to the human condition, who inhabits a zone outside the space where humans exert their rights, their humanity, where there is the reign of the supremacy of humans over those who are not completely humans. His reflections about the social construction of the Black, whose term was created to mean exclusion and continues to be associated with the category of slave, begins with its origin in the slavery system and endures in neoliberalism with the conception that “The black man is someone (or something) that someone sees when then do not see anything” (Mbembe, 2017, p. 1). The invisibility of blacks denies their humanity, and, moreover, determines the choice of who should die, whether physically or symbolically. Thus, the Black is the “Other,” a symbol of inferiority.

In the institutional communications of the Carrefour chain, a comment was released supporting the relatives of João Alberto and rejecting intolerance, also mentioning that the 20th of November was the saddest day in Carrefour’s history. The president of the chain stated he had asked for the teams of the group in Brazil to collaborate with the justice system and the authorities so that “the facts of this horrible act are brought to light.” Responsibility was not assumed by Carrefour, for the rhetoric is: “no type of violence and intolerance is acceptable, and we do not accept situations like this occurring.” The chain did not admit its responsibility, alleging it had carried out all “the necessary actions so that those responsible are legally punished,” although it did publically assume a commitment to combat structural racism. Abílio Diniz made a statement, asking the company “to spare no efforts and work tirelessly” so that cases of racism are not repeated. “Moreover, Carrefour should organize so that it is a transforming agent in the fight against structural racism in Brazil and around the world” (G1.Globo.com, 2020b).

Efforts directed at creating policies and actions were discussed by the Committee created to combat structural racism; however, this initiative caused criticisms from black movements and controversies due to the fact it did not include dialogues with the black movements, treating the question in an individualized way by including public figures (Ferreira, 2020), which shows decontextualization from the realities in the proposition of measures (Maher, 2019). This is important to mention because an approach to racism decontextualized from the reality compromises the BHR agenda for companies to respect and protect human rights in the corporate environment and repair human rights violations.

The Carrefour Group's reparation is a combination of different forms: symbolic, such as apologies, other measures and antiracist policies, and support for the family; and economic, such as the agreement with the family. On May 27th of 2021, Carrefour Group signed an agreement to pay damages to João Alberto Freitas' widow. However, apologies are not enough to repair human rights violations, especially if the right to life was the object of violation. Apologies and other symbolic reparations, despite being necessary, cannot be an alternative for an easy exit when the damages suffered can never be recovered. The black movement *Coalizão* is demanding from the Public Ministry the criminal accountability of Carrefour and of the outsourced company, besides the withdrawal of the operating license of the Carrefour store where João Alberto's murder occurred (Brasil de Fato, 2020). So, the field of BHR is contested for not providing punishments that consider the impossibility of a company operating without accountability for its human rights violations.

João Alberto's murder is not an isolated case of Carrefour in Brazil, given that different stores of the corporation have already featured in cases of questionable conduct and violations of the right to life: the case of the dog *Manchinha* being beaten to death; the case of the death of an employee during his shift, whose body was hidden with boxes so as not to close the store during opening hours; the control and monitoring of employees' breaks during work hours; ostensible retaliation toward strikers; and an undue accusation of stealing his own car and physical aggression against a black customer, configuring a case of racism (Brasil de Fato, 2020).

The criticism directed toward necrocapitalism, a form of capitalism "that involves the disappropriation and subjugation of life to the power of death" (Banerjee, 2008, p. 1541), addresses the explanations about human rights violations, as well as their naturalization and impunity. Banerjee (2008, p. 1549) describes necrocapitalism as a contemporary form of accumulation, in which "the corporation is a powerful player and, in combination with the State, supranational organizations, and international agencies, it contributes to the necrocapitalist privatization of sovereignty," in the context of necropolitics, a term coined by Mbembe (2003, p. 39) in reference to "contemporary forms that subjugate life to the power of death."

The logic of necropolitics establishes the boundaries that classify and stratify populations using symbolic and material markers, such as race and social class, to determine who should die and who should live. Handl, Seck, and Simons (2022) defend intersectionality as an analytical tool to be used in the field of Business and Human Rights to analyze the oppressive structures and expose the complexity of human conditions with regard to questions of gender and race. Critical theoretical references stimulate the involvement of the questions raised, such as the critical theory of race, given that race and racism are ignored in the field. This absence is explained by Linarelli, Salomon, and Sornarajah (2018), who describe the global capitalist system as a system that benefits a small portion of the world population, creating an extensive transnational class that is alienated and believed to be disposable.

Necropolitics is a deliberate political option with the purpose of restricting and violating the human rights of ethnic minorities, despite the existence of laws that protect them. In this context, "sovereignty means the capacity to define who is important and who is not, who is disposable and who is not" (Mbembe, 2003, p. 27). Considering the insufficiency of the notion of biopower (Foucault, 2008) to explain the submission of life to the power of death, Mbembe (2003, 2016, 2019)

assumes that sovereignty is the power and capacity to determine who can live and who should die, that is, the power to control and define mortality and life.

João Alberto's murder occurred the day before what was established as Black Awareness Day in Brazil. This is not a coincidence, or an intention to reject the date. That is not what is concerned. The routine of racism is silent in the corporate environment that moves necrocapitalism, where necropolitics is present every day, weakening, suspending, or removing human rights from populations earmarked to die. Here our contestation of the field of Business and Human Rights is strengthened given that "necropolitics immobilizes bodies, subjecting them and transforming them into naked life. To be rich, someone has to be poor; to be healthy, someone has to be sick. To live, others have to die" (Montenegro, Pujol, & Posocco, 2017, p. 144). While the underlying logic of necrocapitalism is around contemporary relations, constituting zones of death, consideration should not be given to the corporate promises regarding the respect for human rights.

A tense, contested minefield

In this essay we have discussed the field of studies known as Business and Human Rights, which has gained form and been consolidated in recent decades as a reference for research regarding respect for and the protection of human rights by corporations, and reparation when violations occur. In the elaboration of this essay, we found a gap with regard to the studies on Business and Human Rights and its relationship with the area of Social Issues Management, which inspired us to make suggestions for research of the systematic review type that indicates the social players that constitute the field, the publications in the field, the research groups and national and international institutions, and the main topics studied. This research could contribute to significant advancements in the field of Organizational Studies.

We argue that this field reveals the tensions between business and the respect for human rights, understanding that this is a minefield and, for that reason, it is liable to being contested. And we do so here by exploring a recent case that occurred in Brazil, as it is emblematic for our arguments, not because it is unique; on the contrary, murders committed by corporations are common. Our contribution lies in indicating the weaknesses of the field entitled Business and Human Rights as a theoretical input to address real problems, stimulating the development of more potent theories for analyzing human rights violations and the relationships between supranational organizations, corporations, and states.

We understand that, at the heart of the field of Business and Human Rights, various aspects should be reviewed, but here we focus on three points: the field is not antiracist, which requires studies on racialized damage and the potentialities of the field to adopt antiracist efforts; the lack of a binding treaty that obliges corporations to respect human rights under the risk of losing their license to exist, hindering the attempts by corporations to abstain from responsibility; and the absence of an effort to include in the political discussions the participation of groups and individuals whose rights are potentially affected and violated.

We do not exempt the State from the responsibility of ensuring and protecting human rights. On the contrary, we think that the actions of the State could be geared toward the development of

policies that transcend the political appeal of the human rights discourse. For this, it is necessary to overcome some challenges, for example by building a more potent theoretical-conceptual foundation for human rights and of their underlying freedoms in the sense of questioning and addressing real problems. This would improve mechanisms for the creation, implementation, and assessment of public policies. However, first of all, it is necessary to think about which rights each policy intends to protect and respect. For that, it is imperative to bring the margins into the center.

This essay presents the result of a reflexive exercise regarding the criminal practices and human rights violations carried out by corporations and companies, and we have no answers. It is the result of studies started on topics such as corporate crimes, public safety, human rights violations, and the power and domination of corporations, economically, socially, and culturally. We sought to expose the ideas of authors who discuss the field of Business and Human Rights and, as an essay requires the authors to assume a position, we provide our contestation regarding a field that tries to combine respect for human rights and the pursuit of profits, primarily through the dimension of the power of corporations within the context of contemporary capitalism. The global financial/productive structure drives corporations to take advantage of the field of Business and Human Rights, and so it is urgent and necessary for there to be an in-depth and radical reformulation of domestic regulations (human rights based on local development) associated with adequate patterns of investments for the effective protection of human rights and an urgent break from the global racism exacerbated by necrocapitalism, in which everyone can be the “new blacks” (Mbembe, 2017).

In general, we also intended for this essay to be able to contribute to drawing the attention of academics and practitioners to the patterns in the responses of companies that play a main role in tragedies (accidental and criminal) negatively impacting communities. Regarding the academic contribution, this essay seeks to make an advance by theorizing about how states and corporations act together for the production and reproduction of human rights violations, fulfilling an agenda of necropolitics for their solutions with neoliberal foundations. Corporations invoke human rights, making promises of a better future for all, which allows them to operate with impunity, even if their operations clearly put communities, employees, and the environment at risk. Not that the knowledge about the prioritization of the accumulation of profits over human rights is new, but here we argue that there is a combination of cohesive narratives so that powerful corporations continue operating with impunity.

Finally, we intended with this essay to arouse an interest in studying and analyzing illegal, criminal, and damaging practices committed by companies and transnational corporations, providing other advances in relation to the field. Following the proposition of Barros (2018), the incorporation of the discussion about human rights violations in the analyses of organizational practices is potentially useful for fostering criticism about the topic as well as possibilities for action. More hopefully, we wonder whether it is possible for companies and companies to play the game and find different ways of doing business, protecting and respecting human rights, given that their violation, as in the case of João Alberto, is irreparable. Or for these, that is, corporations that violate human rights, to no longer exist.

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The authors use inclusive language that acknowledges diversity, conveys respect to all people, is sensitive to differences, and promotes equal opportunities.

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Second author: conceptualization (equal), funding acquisition (equal), investigation (equal), methodology (equal), project administration (support), resources (equal), supervision (support), visualization (equal), writing-original draft (equal), writing-review & editing (support).

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