

# *Business and Human Rights Scholarship in Social Issues in Management: An Analytical Review*

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## **Abstract**

*Business and human rights (BHR) scholarship addresses whether corporations have human rights responsibilities and if so, what such responsibilities mean for corporate behaviour. BHR scholarship is cross-disciplinary and scattered across numerous academic disciplines such as law, philosophy, management, political science and accounting. While BHR scholarship in law is well established, this review focuses on BHR scholarship in the social issues in management (SIM) field, which – like BHR scholarship – addresses the nature and content of corporate responsibility. Based on a review of 180 articles from SIM speciality journals published between 1990 and 2017, the article suggests that BHR research has emerged as a subfield of study within SIM. BHR scholarship to date has largely focused on the justification for why firms have human rights responsibilities, and on descriptive research studies at the organizational and macro level. The article develops a conceptual framework for future BHR research which can usefully guide scholars – both SIM and non-SIM BHR scholars – in identifying potential research gaps and embedding their research in related focus areas.*

**Keywords:** business and human rights, implementation, literature review, outcomes, social issue in management (SIM)

## I. INTRODUCTION

As corporations have faced mounting criticism from activists, local communities and academics for the effects that their operations have had on human rights in various locales, scholarship in the area of business and human rights (BHR) has gained significant traction.<sup>1</sup> Broadly speaking, BHR scholarship examines the responsibility of

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<sup>1</sup> Wesley Cragg, 'Ethics, Enlightened Self-Interest, and the Corporate Responsibility to Respect Human Rights: A Critical Look at the Justificatory Foundations of the UN Framework' (2012) 22:1 *Business Ethics Quarterly* 9.

corporations for abuses caused directly by corporations and their subsidiaries as well as for various forms of complicity in human rights abuses along their value chains.<sup>2</sup>

The genesis of BHR scholarship was largely in legal studies and BHR continues to be a heavily discussed topic among legal scholars.<sup>3</sup> The main concern of legal scholars has been to assess whether or to what extent corporate human rights responsibilities can be derived from or established through international law; in short, to justify the nature and content of human rights responsibilities as applied to corporations. While some have focused on reinterpretations of existing international law,<sup>4</sup> others have engaged in the theorization of new regimes to hold companies legally responsible for their human rights impacts.<sup>5</sup> Currently, there is a revived discussion among legal scholars on the role of the state in holding corporations legally responsible for human rights abuses<sup>6</sup> such as through extraterritoriality or other means of international regulation.<sup>7</sup> The strength of BHR scholarship lies in the justification and elaboration of corporate human rights responsibilities from a legal and philosophical perspective. However, there appears to date to be only a thin discussion of how to move from legal and philosophical responsibilities to the *fulfilment* of these responsibilities via organizational implementation.<sup>8</sup>

BHR scholarship has been expanding to other disciplines such as accounting,<sup>9</sup> economics,<sup>10</sup> international business,<sup>11</sup> and management. Within management, it is particularly social issues in management (SIM) scholars who engage in BHR

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<sup>2</sup> Nadia Bernaz, *Business and Human Rights: History, Law and Policy – Bridging the Accountability Gap* (Routledge, 2016); Michael A Santoro, 'Business and Human Rights in Historical Perspective' (2015) 14:2 *Journal of Human Rights* 155.

<sup>3</sup> Barbara A Frey, 'The Legal and Ethical Responsibilities of Transnational Corporations in the Protection of International Human Rights' (1997) 6 *Minnesota Journal of Global Trade* 153; Steven R Ratner, 'Corporations and Human Rights: A Theory of Legal Responsibility' (2001) 111:3 *The Yale Law Journal* 443; Jennifer A Zerk, *Multinationals and Corporate Social Responsibility: Limitations and Opportunities in International Law* (Cambridge, UK: Cambridge University Press, 2008).

<sup>4</sup> Frey, note 3.

<sup>5</sup> David Weissbrodt and Muria Kruger, 'Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with Regard to Human Rights' (2003) 97:4 *American Journal of International Law* 901.

<sup>6</sup> Bernaz, note 2; Stefanie Khoury and David Whyte, *Corporate Human Rights Violations: Global Prospects for Legal Action* (Abingdon: Routledge, 2016).

<sup>7</sup> Connie de la Vega, 'International Standards on Business and Human Rights: Is Drafting a New Treaty Worth It' (2017) 51 *University of San Francisco Law Review* 431; Nadia Bernaz, 'Enhancing Corporate Accountability for Human Rights Violations: Is Extraterritoriality the Magic Potion?' (2013) 117:3 *Journal of Business Ethics* 493.

<sup>8</sup> Denis G Arnold, 'Corporations and Human Rights Obligations' (2016) 1:2 *Business and Human Rights Journal* 255; Louise J. Obara, "'What Does This Mean?': How UK Companies Make Sense of Human Rights' (2017) 2:2 *Business and Human Rights Journal* 249.

<sup>9</sup> Ken McPhail and Carol A Adams, 'Corporate Respect for Human Rights: Meaning, Scope, and the Shifting Order of Discourse' (2016) 29:4 *Accounting, Auditing & Accountability Journal* 650; Javed Siddiqui and Shahzad Uddin, 'Human Rights Disasters, Corporate Accountability and the State: Lessons Learned from Rana Plaza' (2016) 29:4 *Accounting, Auditing & Accountability Journal* 679.

<sup>10</sup> Elisa Giuliani and Chiara Macchi, 'Multinational Corporations' Economic and Human Rights Impacts on Developing Countries: A Review and Research Agenda' (2013) 38:2 *Cambridge Journal of Economics* 479; Elisa Giuliani, Chiara Macchi and Davide Fiaschi, 'The Social Irresponsibility of International Business: A Novel Conceptualization' in *International Business and Sustainable Development* (Emerald Group Publishing Limited, 2014).

<sup>11</sup> Florian Wettstein et al, 'International Business and Human Rights: A Research Agenda' (2019) 54:1 *Journal of World Business* 54; Gail Whiteman and William H Cooper, 'Decoupling Rape' (2016) 2:2 *Academy of Management Discoveries* 115.

scholarship.<sup>12</sup> BHR scholarship within SIM could be interesting for the advancement of BHR scholarship overall because SIM scholars focus on the elaboration, examination and impact of social and ethical issues on organizations and their *management*.<sup>13</sup> SIM scholars also address the broad topic of implementing responses to social and ethical issues, using constructs such as corporate social performance.<sup>14</sup> SIM scholars further seek to explicate the origin, nature and content of corporate responsibilities, as does BHR. Their starting point often is a concept of the corporation not merely as a legal structure, but as a social or even political institution.<sup>15</sup> As such, they tend to interpret human rights responsibilities more expansively than legal scholars, with some of them arguing for broad positive responsibilities beyond a negative responsibility to respect human rights.<sup>16</sup> This, in turn, also requires systematic engagement with the moral limits of such responsibilities.<sup>17</sup> Such intellectual contributions typically approach the issue through the lens not of legal responsibilities, but rather through the delineation of rights and associated moral responsibilities of corporations.

The purpose of our article is to conduct a systematic review of BHR scholarship within SIM scholarship with three objectives: (1) to introduce non-SIM BHR scholars to useful SIM concepts to strengthen and complement their own research, (2) to expand SIM scholars' understanding and knowledge about emerging BHR issues to advance their own research agendas, and as a consequence (3) to evaluate the potential of BHR to develop into a subfield of study within SIM. BHR, as we show in this article, has made significant progress in both the legal and SIM literature. However, there are also pressing questions that we seek to address related to the ways in which BHR is implemented and the outcomes of BHR-related actions by corporations.

Our study complements existing recent reviews on BHR scholarship<sup>18</sup> in two ways. First, our review is broader in that we include the broad literature in SIM compared with Brenkert<sup>19</sup> who focused on the contributions of business ethicists to BHR scholarship and

<sup>12</sup> Juliane Reinecke and Shaz Ansari, 'Taming Wicked Problems: The Role of Framing in the Construction of Corporate Social Responsibility' (2016) 53:3 *Journal of Management Studies* 299; Florian Wettstein, 'CSR and the Debate on Business and Human Rights: Bridging the Great Divide' (2012) 22:4 *Business Ethics Quarterly* 739.

<sup>13</sup> Donna J Wood and Jeanne M Logsdon, 'Social Issues in Management as a Distinct Field: Corporate Social Responsibility and Performance' (2019) 58:7 *Business & Society* 1334; Edwin M Epstein, 'SIM's Directions: "Back to the Future"' (2019) 58:7 *Business & Society* 1418; Gerald F Cavanagh, 'Research and Teaching on Social Issues: Some Accomplishments and Future Challenges' (2019) 58:7 *Business & Society* 1413.

<sup>14</sup> Donna J Wood, 'Measuring Corporate Social Performance: A Review' (2010) 12:1 *International Journal of Management Reviews* 50.

<sup>15</sup> Andreas Georg Scherer and Guido Palazzo, 'Toward a Political Conception of Corporate Responsibility: Business and Society Seen from a Habermasian Perspective' (2007) 32:4 *Academy of Management Review* 1096.

<sup>16</sup> See Florian Wettstein, 'Silence as Complicity: Elements of a Corporate Duty to Speak out Against the Violation of Human Rights' (2012) 22:1 *Business Ethics Quarterly* 37; Stepan Wood, 'The Case for Leverage-Based Corporate Human Rights Responsibility' (2012) 22:1 *Business Ethics Quarterly* 63.

<sup>17</sup> See, e.g., John Douglas Bishop, 'The Limits of Corporate Human Rights Obligations and the Rights of for-Profit Corporations' (2012) 22:1 *Business Ethics Quarterly* 119.

<sup>18</sup> Arnold, note 8; George G Brenkert, 'Business Ethics and Human Rights: An Overview' (2016) 1:2 *Business and Human Rights Journal* 277; Patricia H. Werhane, 'Corporate Moral Agency and the Responsibility to Respect Human Rights in the UN Guiding Principles: Do Corporations Have Moral Rights?' (2016) 1:1 *Business and Human Rights Journal* 5; Michael A Santoro and Florian Wettstein, 'Human Rights' in R W Griffin (ed.), *Management* (New York: Oxford University Press, 2014).

<sup>19</sup> Brenkert, note 18.

hence focused on the ‘normative ethics of business’. Similarly, the reviews of Arnold<sup>20</sup> and Werhane<sup>21</sup> are narrow in that they focus on particular topics within BHR – justification for corporate human rights obligations and the moral status of corporations, respectively. Santoro and Wettstein<sup>22</sup> provide a review of BHR scholarship by limiting their review to the most influential books and academic articles. These reviews are important contributions to the BHR literature, and their focus allowed each to undertake thorough analyses of their respective research question. Second, our review differs from existing reviews in that we conducted a systematic literature review and applied a sequence of methodological steps (as explained in the next section) while the existing reviews were more selective in their literature review and did not discuss their methodology explicitly.

The paper is structured as follows. The next section provides an overview of the review methods. This is followed by an overview of existing BHR scholarship in SIM studies. Following the literature review, Part IV presents a research agenda. Finally, we outline the development of BHR as a subfield of study within SIM before a conclusion is drawn.

## II. REVIEW METHODS AND SCOPE

We have focused our literature review on BHR research within SIM. SIM scholarship examines the ‘relationship between business and society at various levels of analysis’ including the actions of managers, business firms and the market.<sup>23</sup> Given the different levels of analysis and its wide spectrum, SIM is a highly interdisciplinary research field with scholars from backgrounds in legal studies, accounting, strategy, marketing, sociology and philosophy, to name just a few.<sup>24</sup> Given the disciplinary diversity of SIM scholars and the relatively broadly defined scope of SIM (and this broad scope is on purpose),<sup>25</sup> it comes as no surprise that SIM scholarship goes by a number of names such as ‘business and society’, ‘environment, social and government (ESG)’, ‘business ethics’, ‘corporate social performance’ and ‘corporate social responsibility’ (CSR).<sup>26</sup> Thus, SIM scholarship is boundary- and level-spanning.<sup>27</sup> SIM research not only encompasses work on specifying the nature and content of corporate responsibility, it also addresses topics such as the ways in which corporations decide how to respond to pressures for responsible behaviour and to social issues, as well as measurement of outcomes of corporate actions related to social issue responses.<sup>28</sup>

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<sup>20</sup> Arnold, note 8.

<sup>21</sup> Werhane, note 18.

<sup>22</sup> Santoro and Wettstein, note 18.

<sup>23</sup> Wood and Logsdon, note 13; Cavanagh, note 13.

<sup>24</sup> Barry M Mitnick, ‘The Distinction of Fields’ (2019) 58:7 *Business & Society* 1309; Archie B Carroll, ‘Social Issues in Management: Comments on the Past and Future’ (2019) 58:7 *Business & Society* 1406.

<sup>25</sup> Carroll, note 24.

<sup>26</sup> Wood and Logsdon, note 13.

<sup>27</sup> *Ibid.*

<sup>28</sup> Donna J Wood, ‘Corporate Social Performance Revisited’ (1991) 16:4 *Journal of Management Review* 691; William C Frederick, ‘From CSR1 to CSR2: The Maturing of Business-and-Society Thought’ (1994) 33:2 *Business & Society* 150.

Recently, Wood and Logsdon stressed that SIM scholarship is ever-evolving, with a primary mission ‘to continually point the way toward the next big set of issues, problems, experiments, and solutions in business-society relationships.’<sup>29</sup> BHR certainly is one such ‘next issue’, and given its mission, we believe it is valuable to review how SIM has taken it on. In our article, we refer to SIM scholarship as described broadly in the paragraph above, but we acknowledge that there are important nuances and distinctions within SIM scholarship. In a similar vein, corporate social performance ‘is a set of descriptive categorizations of business activity, focusing on the impacts and outcomes for society, stakeholders and the firm itself.’<sup>30</sup> Thus, it is broader than some other concepts within SIM as it has three major components (CSR principles, processes and outcomes). While we respect the diversity of SIM scholarship, we refer here to SIM scholarship as an umbrella term capturing the issues at the intersection of business and society, and regard focused research on CSR, corporate social performance and business ethics as ‘areas of inquiry’ within SIM, as recently summarized in Epstein.<sup>31</sup>

The processes and procedures used in this literature review are similar to those applied in other reviews.<sup>32</sup> The literature review involved several systematic steps. First, we focused on the top five academic journals for SIM scholarship (*Business and Human Rights Journal*, *Business & Society*, *Business Ethics Quarterly*, *Business Ethics: A European Review* and *Journal of Business Ethics*). We acknowledge the publication of numerous influential books on BHR. However, we focused our literature review on the scholarly conversation within peer-reviewed journals that publish SIM research. Second, we accessed the journals through commonly used databases (such as EBSCOhost, Business Premier and JSTOR) or directly through their websites, and searched for BHR-related terms (such as human rights, complicity, or United Nations) in titles, abstracts, subject terms or keywords. In addition, each journal issue in which one or more articles appeared was analysed in parallel to ensure that no relevant article was missed. Finally, each article was read by the two authors independently to determine whether it dealt with a BHR-related topic. The authors compared their results and discussed any differences before agreeing on the classifications for each article.

In our review, we focused on articles that address human rights in the business context. BHR scholarship is diverse in breadth and depth. This breadth and depth is mirrored in the variety of articles that is included in our review. BHR scholarship ranges from broad foundational arguments on the role of business in human rights<sup>33</sup> to specific human rights

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<sup>29</sup> Wood and Logsdon, [note 13](#), 20.

<sup>30</sup> Wood, [note 14](#), 50.

<sup>31</sup> Epstein, [note 13](#), 4.

<sup>32</sup> Herman Aguinis and Ante Glavas, ‘What We Know and Don’t Know About Corporate Social Responsibility: A Review and Research Agenda’ (2012) 38:4 *Journal of Management* 932; Andrew Crane and Sarah Glozer, ‘Researching Corporate Social Responsibility Communication: Themes, Opportunities and Challenges’ (2016) 53:7 *Journal of Management Studies* 1223; Maria Goranova and Lori Versteegen Ryan, ‘Shareholder Activism: A Multidisciplinary Review’ (2014) 40:5 *Journal of Management* 1230.

<sup>33</sup> Ann E Mayer, ‘Human Rights as a Dimension of CSR: The Blurred Lines between Legal and Non-Legal Categories’ (2009) 88:4 *Journal of Business Ethics* 561; Michael A Santoro, ‘Post-Westphalia and its Discontents: Business, Globalization, and Human Rights in Political and Moral Perspective’ (2010) 20:2 *Business Ethics Quarterly* 285.

issues in the context of business, such as labour standards,<sup>34</sup> sweatshops<sup>35</sup> and poverty.<sup>36</sup> Likewise, BHR scholarship includes focused studies on particular industries such as the extractive industry,<sup>37</sup> electronics<sup>38</sup> and media.<sup>39</sup>

The review included articles published between January 1990 and August 2017. Several publications have called the mid-1990s the formal beginning of a more focused and systematic discussion on BHR.<sup>40</sup> As recently summarized by Wettstein and colleagues, ‘a systematic debate on BHR started to emerge only during the mid-1990s’, which was triggered by the complicity of oil companies in human rights abuses in Nigeria and the rising media and attention from non-governmental organizations towards sweatshop conditions and child labour in global value chains.<sup>41</sup> Prior to the mid-1990s, academic attention to BHR was rather ‘sporadic and fragmented’<sup>42</sup> with isolated publications in the 1970s and 1980s.<sup>43</sup> Donaldson’s seminal work *Ethics of International Business*<sup>44</sup> can be regarded as one of the first milestones in BHR and has set human rights as a foundational element for corporate conduct. BHR scholarship intensified in the mid-1990s.<sup>45</sup> Even though the mid-1990s are regarded as the starting point of a more systematic discussion on BHR, we started our literature review in 1990 to avoid missing any scholarship that could potentially be relevant to our analysis. Articles that were published online until August 2017, but had not yet been published in print, were included in the review because this work indicates themes to be found in forthcoming scholarship. In total, 180 articles were included in the analysis.

In reviewing the articles, content analysis was used.<sup>46</sup> Content analysis allows the researcher to reduce textual data into codes that capture the most relevant elements/themes of the article. We used content analysis mainly qualitatively to identify themes and topics of the reviewed articles. For the coding, we used a codebook that was

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<sup>34</sup> Laura P Hartman, Bill Shaw and Rodney Stevenson, ‘Exploring the Ethics and Economics of Global Labor Standards: A Challenge to Integrated Social Contract Theory’ (2003) 13:2 *Business Ethics Quarterly* 193; Gabriel Eweje, ‘Labour Relations and Ethical Dilemmas of Extractive MNEs in Nigeria, South Africa and Zambia: 1950–2000’ (2009) 86:S2 *Journal of Business Ethics* 207.

<sup>35</sup> Tara J Radin and Martin Calkins, ‘The Struggle against Sweatshops: Moving toward Responsible Global Business’ (2006) 66:2–3 *Journal of Business Ethics* 261.

<sup>36</sup> Rüdiger Hahn, ‘The Ethical Rational of Business for the Poor – Integrating the Concepts Bottom of the Pyramid, Sustainable Development, and Corporate Citizenship’ (2009) 84:3 *Journal of Business Ethics* 313.

<sup>37</sup> Geoffrey Chandler, ‘Oil Companies and Human Rights’ (1998) 7:2 *Business Ethics: A European Review* 69.

<sup>38</sup> Ozlem Arikan et al, ‘Signposts or Weathervanes? The Curious Case of Corporate Social Responsibility and Conflict Minerals’ (2017) 146:3 *Journal of Business Ethics* 469.

<sup>39</sup> Sarah Joseph, ‘“Is Fox News a Breach of Human Rights?”: The News Media’s Immunity from the Guiding Principles on Business and Human Rights’ (2016) 1:2 *Business and Human Rights Journal* 229.

<sup>40</sup> Wettstein, note 12; Anita Ramasastry, ‘Corporate Social Responsibility Versus Business and Human Rights: Bridging the Gap between Responsibility and Accountability’ (2015) 14:2 *Journal of Human Rights* 237.

<sup>41</sup> Wettstein et al, note 11, 55.

<sup>42</sup> Wettstein, note 12, 746.

<sup>43</sup> George Munchus, ‘Testing as a Selection Tool: Another Old and Sticky Managerial Human Rights Issue’ (1989) 8:10 *Journal of Business Ethics* 817; James E Post, ‘Assessing the Nestlé Boycott: Corporate Accountability and Human Rights’ (1985) 27:2 *California Management Review* 113.

<sup>44</sup> Thomas Donaldson, *The Ethics of International Business* (Oxford, UK: Oxford University Press, 1989).

<sup>45</sup> Ramasastry, note 41.

<sup>46</sup> Klaus Krippendorff, ‘Reliability in Content Analysis: Some Common Misconceptions and Recommendations’ (2004) 30:3 *Human Communication Research* 411; Robert Philip Weber, *Basic Content Analysis*, vol 49 (Sage, 1990).



**Table 1.** Codebook for literature review

Code	Definition
Authors	List of authors
Year	Year of publication in journal issue
Title	Title of the article
Journal	Name of the journal
Research theme	Justification, implementation and outcome
BHR justification	Theories and factors used to argue for or against corporate human rights obligations
BHR implementation	Specific activities undertaken by businesses to their perceived human rights obligations
BHR outcome	Consequences and impact of corporate human rights engagement activities, including effects on individuals, communities and the corporation itself
Research type	Conceptual, empirical, descriptive and normative
Conceptual studies	Focus lies on the development of propositions, hypotheses or relations between different constructs based on a literature review. No new empirical data are retrieved
Empirical studies	Focus is on the examination of new collected empirical data used to make theoretical and/or practical contributions
Normative studies	Focus is on putting forward a particular position relating to what standards, values, behaviour and actions should be like. It is evaluative and can rely on philosophical and non-philosophical argumentation
Descriptive studies	Focus is on reporting data, describing and/or evaluating a phenomenon without the intention to make a theoretical and/or practical contribution
Level of analysis	Micro, organizational and macro
Macro level studies	The unit of analysis is beyond individuals and a specific organization, including construction of institutions such as structures and mechanisms of social order, and interaction of multiple actors in the construction of institutions
Organizational level studies	Organization is unit of analysis
Micro level studies	Individual (employee, manager, consumer...) is unit of analysis

inductively derived. [Table 1](#) provides an overview of the codebook. For plausibility and reliability reasons, several rounds of coding were conducted. The two authors coded each article along the dimensions of the codebook independently of each other. The articles were divided into batches of 25 and after each author coded a batch of 25 articles, the authors compared and discussed their coding and coding differences to refine the codebook before continuing with the next batch of articles. This process allowed for a continuous refinement of the applied coding categories and followed the procedures of other literature reviews.<sup>47</sup> The level of coding agreement between the authorship team increased from 73 per cent for the first article batches to 92 per cent for the last article batches.

The articles were first coded along their research themes (see [Table 1](#)). We identified three research themes (justification, implementation and outcome). These themes

<sup>47</sup> Kamel Mellahi et al, 'A Review of the Nonmarket Strategy Literature: Toward a Multi-Theoretical Integration' (2016) 42:1 *Journal of Management* 143.

highlight the discussions on (1) why corporations have human rights responsibilities, (2) how corporations manage human rights responsibilities, and (3) what results from corporate human rights management.<sup>48</sup>

Besides identifying research themes, we were interested in the epistemological perspective of BHR research in SIM outlets because SIM encompasses many different areas of inquiry, such as business ethics, which is predominantly normative, and CSR that has been described as being more theoretical.<sup>49</sup> We broadly divided the articles into conceptual, empirical, normative or descriptive.<sup>50</sup> *Conceptual articles* are theory-based and review the literature to develop a concept in the form of propositions, hypotheses or relations between different constructs. This type of research does not include any collection of new empirical data. Obviously, most papers use or refer to concepts. We classified an article as conceptual when the authors present a new concept or derive a new and innovative relationship among concepts to advance existing scholarship.

Similar to conceptual papers, *empirical studies* include propositions or hypotheses between different constructs but include an examination of new collected empirical data. Empirical studies can take various forms such as survey studies, case studies or other studies that include observation and collection of quantitative or qualitative data.

*Normative articles* put forward a particular position relating to what standards, values, behaviour and actions should be like. Normative research is evaluative and can rely on philosophical and non-philosophical argumentation to elaborate on behavioural standards and/or societal expectations (business ethics) or argue what the law should look like (legal scholarship).

Finally, *descriptive papers* do not engage in empirical work, but rather report data, describe, and evaluate a phenomenon such as multi-stakeholder initiatives. More specifically, the ‘major focus is on reporting fact or opinion [with] no intention of a theoretical or prescriptive contribution’.<sup>51</sup>

Finally, we categorized the articles along their primary level of analysis (macro, organizational and micro). Macro level research focuses on the *construction* of institutions such as structures and mechanisms of social order. Articles at this level of analysis, drawing on the distinction made by Scott, examine how various actors cooperate, govern and affect each other.<sup>52</sup> Macro level studies are about the management of relationships between organizations and external bodies.<sup>53</sup>

Organizational-level research uses the corporation as the unit of analysis; here scholars focus on corporate practices and policies. Studies on this level look at the organizational

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<sup>48</sup> Shannon L Blanton and Robert G Blanton, ‘Human Rights and Foreign Direct Investment: A Two-Stage Analysis’ (2006) 45:4 *Business & Society* 464; Sondra Harcourt and Mark Harcourt, ‘Do Employers Comply with Civil/Human Rights Legislation? New Evidence from New Zealand Job Application Forms’ (2002) 35:3 *Journal of Business Ethics* 205.

<sup>49</sup> Frank GA De Bakker, Peter Groenewegen and Frank Den Hond, ‘A Bibliometric Analysis of 30 Years of Research and Theory on Corporate Social Responsibility and Corporate Social Performance’ (2005) 44:3 *Business & Society* 283.

<sup>50</sup> *Ibid.*

<sup>51</sup> De Bakker, Groenewegen and Den Hond, *note 49*, 294.

<sup>52</sup> W Richard Scott, *Organizations and Institutions: Foundations for Organizational Science* (Thousand Oaks, CA: Sage Publications, 1995).

<sup>53</sup> Marlei Pozzebon, ‘The Influence of a Structurationist View on Strategic Management Research’ (2004) 41:2 *Journal of Management Studies* 247.



construct overall and ask whether corporations (not individual actors within organizations) are responsible for human rights and if so, how corporations can implement such responsibilities. Thus, we include articles in this category on the conceptualization of the role of corporations when it comes to human rights, or the examination of corporate practices or strategies with regard to human rights, for example. Finally, micro level research focuses on the individual, i.e., the manager, employee or consumer, and can address issues such as how individuals react to human rights abuses, how they make sense of them, or how they evaluate them. [Table 1](#) summarizes the codebook and lists brief definitions of the codes.

A few words of caution are needed at this stage. First, as described above, we coded the articles along research themes, types of research and primary level of analysis. As common with such categorizations, they can suffer some ambiguity as different scholars might define the categories slightly differently. Thus, subjectivity is certainly a challenge, although one endemic to qualitative research generally. To minimize this, the two authors coded the articles independently of each other and discussed each discrepancy in coding until agreement was reached. Second, given that human rights itself is a broad construct, one could argue that almost all BHR articles have a macro perspective. In fact, the line between organizational and macro level studies is particularly thin. When categorizing the articles, we kept asking whether an article focused on the organization (corporation) and its policies, responsibilities and management practices, or whether the article focused on the construction of norms, standards and other institutions in relation to external bodies. We acknowledge that there often can be a fine line between the categories and some articles include elements of several categories. When articles included elements of more than one category, we assigned the dominant category. Finally, the type of journals included in the literature review has an effect on the type of articles published.

### III. THE CURRENT STATE OF BHR SCHOLARSHIP IN SIM

Surprisingly, not many articles provide an explicit definition or description of what is meant by BHR. [Table 2](#) provides an excerpt of some descriptions of BHR (sorted by publication year). Some scholars describe BHR in positive terms as assigning business responsibility, duties and obligations towards human rights,<sup>54</sup> while other scholars use negative terms such as corporate wrongdoing, complicity and contribution to human rights *abuses*.<sup>55</sup> Similar to CSR scholarship,<sup>56</sup> there is a wide range of elaborations of what BHR scholarship is about. Thus, for our purposes we use BHR as an umbrella term to describe the role and responsibility of corporations for human rights.

We divided the review time period (1990–2017) into four 7-year intervals to see how the number of BHR publications has developed over time. [Graph 1](#) provides an overview

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<sup>54</sup> Nien-hê Hsieh, 'The Responsibilities and Role of Business in Relation to Society: Back to Basics?' (2017) 27:2 *Business Ethics Quarterly* 293.

<sup>55</sup> Stephen J Kobrin, 'Private Political Authority and Public Responsibility: Transnational Politics, Transnational Firms, and Human Rights' (2009) 19:3 *Business Ethics Quarterly* 349.

<sup>56</sup> Scherer and Palazzo, [note 15](#).

**Table 2.** Business and human rights definitions

Author	Definition
Ruggie (2008) <sup>a</sup>	‘provide more effective protection to individuals and communities against corporate-related human rights harm’
Kobrin (2009) <sup>b</sup>	‘complicity in violations of human rights by their operating units’
Cragg, Arnold and Muchlinski (2012) <sup>c</sup>	‘responsibility for protecting and advancing and enhancing respect for human rights’
Wettstein (2012) <sup>d</sup>	‘contribute to wrongdoings in the course of their “regular” business conduct rather than by engaging in some specific, overt and deliberate harmful activity’
Ramasastry (2015) <sup>e</sup>	‘establishing a core obligation of companies to respect human rights wherever they operate, to do no harm and when harm is caused to provide a meaningful remedy to victims’
Santoro (2015) <sup>f</sup>	‘business thus has both a negative duty to itself avoid human rights violations in its own operations and in its supply chain and positive duties, when possible, to help to protect victims from and remedy violations by others’
Hsieh (2017) <sup>g</sup>	‘assigning to MNEs not only a responsibility to refrain from infringing on human rights, but also responsibilities to protect individuals against human rights violations by third parties’
Whelan and Muthuri (2017) <sup>h</sup>	‘actors seek to force or encourage MNCs to comply with a given set of behavioral norms, to reconstruct or amend their policies, or to somehow alter their practices’

<sup>a</sup>John Ruggie, ‘Protect, Respect and Remedy: A Framework for Business and Human Rights’ (2008) 3:2 *Innovations: Technology, Governance, Globalization* 189.

<sup>b</sup>Kobrin, note 55, 350.

<sup>c</sup>Wesley Cragg, Denis G Arnold and Peter Muchlinski, ‘Guest Editors’ Introduction: Human Rights and Business’ (2012) 22:1 *Business Ethics Quarterly* 1.

<sup>d</sup>Wettstein, note 16, 38.

<sup>e</sup>Ramasastry, note 40, 240.

<sup>f</sup>Santoro, note 2, 14.

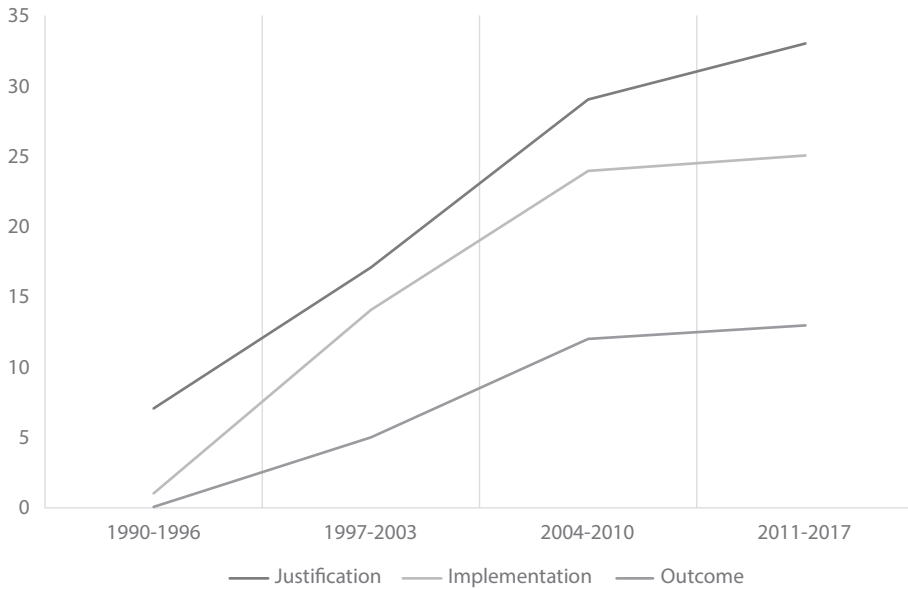
<sup>g</sup>Hsieh, note 54, 305–306.

<sup>h</sup>Whelan and Muthuri, note 82, 741.

of the development of each research theme per time interval. The number of publications in each theme has been consistently increasing. This development illustrates not only the growth of the BHR scholarship in SIM but also its healthy maturation. Of the three research themes, justification has been consistently increasing at the highest rate during each time interval.

Tables 3 and 4 provide a numerical overview of the research themes, type of articles, and level of analysis. The smallest number of articles were empirical studies on BHR. Empirical studies only started appearing in 2001 but new empirical work has been regularly published since then.<sup>57</sup> With regard to the level of analysis, just over 50 per cent of the reviewed articles focus on the organizational level, while 45 per cent focus on the macro level. Only a very small number of reviewed articles (2.2 per cent) address the

<sup>57</sup> Harcourt and Harcourt, note 48; Eweje, note 34; Blanton and Blanton, note 48; Obara, note 8.



**Graph 1.** BHR theme development over time

**Table 3.** BHR scholarship in SIM themes and research type

Research Type	Justification	Implementation	Outcome	Total	Total (%)
Conceptual	12	15	5	32	17.8
Normative	53	2	0	55	30.6
Descriptive	19	38	12	69	38.3
Empirical	2	9	13	24	13.3
<b>Total</b>	<b>86</b>	<b>64</b>	<b>30</b>	<b>180</b>	<b>100</b>
<b>Total (%)</b>	<b>47.8</b>	<b>35.6</b>	<b>16.6</b>		

**Table 4.** BHR scholarship in SIM themes and level of analysis

Level of Analysis	Justification	Implementation	Outcome	Total	Total (%)
Macro	42	21	19	82	45.6
Organization	42	43	9	94	52.2
Micro	2	0	2	4	2.2
<b>Total</b>	<b>86</b>	<b>64</b>	<b>30</b>	<b>180</b>	<b>100</b>
<b>Total (%)</b>	<b>47.8</b>	<b>35.6</b>	<b>16.6</b>		

micro level of analysis (see Table 4). In the following sections, we provide a detailed discussion of each research theme.

### A. Justification

Scholars use legal and/or ethical argumentation to justify whether businesses have human rights responsibilities, and if so, what the nature and content of those responsibilities are.

For example, scholars refer to criminal, international and human rights law and describe how these laws can or should be applied to corporations and make corporations thereby legally accountable for human rights abuses.<sup>58</sup> Other scholars describe cases of corporate complicity and thereby derive reasons for why corporations should have human rights responsibilities.

Besides relying on law, scholars focus on ethical argumentation for whether corporations have human rights responsibilities and apply ethical theories, such as Kantian ethics,<sup>59</sup> Confucian ethics,<sup>60</sup> and social justice.<sup>61</sup> Hsieh, for instance, argues for a corporate duty of assistance, and outlines some specific conditions when corporations have a duty to assist, and ‘help provide mechanisms through which those affected by their activities are able to contest corporate decisions.’<sup>62</sup> Table 5 provides a summary of the main theoretical perspectives and argumentations that are made in this BHR theme and lists several scholarly contributions.

Graph 1 shows that the justification theme is the strongest research theme in BHR and has not only been continuously growing but rising at a steeper rate than the other two research themes. The continuous discussion on justification has less to do with a dispute about whether business has human rights responsibilities, but rather with a fine-tuning of the foundations why corporations should have human rights responsibilities in light of new developments in the legal realm or of soft-law initiatives. Besides, we see a rise in justifying corporate human rights responsibilities for specific industries or issues.<sup>63</sup> We believe that it is relatively easier to make justification the basis of a paper in SIM due to the existence of a well-established normative conversation in the literature. Implementation-related scholarship, however, is harder to write about because it requires that we go into the black box of the organization, and outcome-related scholarship requires time, resources and data.

In conclusion, research on the justification of corporate human rights obligations can best be described as being of normative nature applying philosophical and non-philosophical argumentation for or against corporate human rights obligations. Most research in this research stream focuses on the organizational and macro levels discussing the role of companies and other stakeholders in defining corporate human rights obligations, and less so on the role of the individual, such as employees or managers.

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<sup>58</sup> Robert McCorquodale, ‘Corporate Social Responsibility and International Human Rights Law’ (2009) 87:2 *Journal of Business Ethics* 385; Doug Cassel, ‘Outlining the Case for a Common Law Duty of Care of Business to Exercise Human Rights Due Diligence’ (2016) 1:2 *Business and Human Rights Journal* 179.

<sup>59</sup> Tracey Luke, ‘The Ethics of Using Trade Policy to Evoke Change: The China–US Example’ (1998) 7:4 *Business Ethics: A European Review* 231.

<sup>60</sup> Tae Wan Kim, ‘Confucian Ethics and Labor Rights’ (2014) 24:4 *Business Ethics Quarterly* 565.

<sup>61</sup> John D Bishop, ‘For-Profit Corporations in a Just Society: A Social Contract Argument Concerning the Rights and Responsibilities of Corporations’ (2008) 18:2 *Business Ethics Quarterly* 191.

<sup>62</sup> Nien-hê Hsieh, ‘The Obligations of Transnational Corporations: Rawlsian Justice and the Duty of Assistance’ (2004) 14:4 *Business Ethics Quarterly* 643, 658.

<sup>63</sup> Shane Darcy, ‘“The Elephant in the Room”: Corporate Tax Avoidance and Business and Human Rights’ (2017) 2:1 *Business and Human Rights Journal* 1; David Bilchitz, ‘The Necessity for a Business and Human Rights Treaty’ (2016) 1:2 *Business and Human Rights Journal* 203.

**Table 5.** Summary of BHR research on justification

Theoretical perspective	Argumentation	Sample studies
Capability approach	Poverty is a human rights violation and any action that contributes to poverty is prohibited	Byrne (2014) <sup>a</sup>
Capacity and leverage	Firms have a responsibility for human rights because of their influence (leverage) along their supply chain to improve the human rights situation	Wood (2012); Campbell (2006); Cragg (2012) <sup>b</sup>
Common law	Corporations become liable for negligence when they fail their duty of care to exercise human rights due diligence	Cassel (2016); Buhmann (2016); McCorquodale (2009) <sup>c</sup>
Complicity	Corporations do not only have negative but also positive obligations to protect human rights. From corporations' silent complicity derives the corporate duty to speak out against human rights violations	Wettstein (2010 and 2012); Monge (2015); Kobrin (2009) <sup>d</sup>
Confucian ethics	Labour rights can be compatible with Confucian ethics. Labour rights can help in developing an intimate community at work and thereby contribute to develop Confucian values and ideals	Kim (2014) <sup>e</sup>
Criminal law	The Dutch Penal Code can be used to hold a firm liable for criminal offences committed by their employees in the course of work. An Italian statute introduced 'structural negligence': firms incorporated in Italy could be held liable for human rights violations abroad if they fail to install guidelines and control systems to properly evaluate and oversee risks	Voiculescu (2009) <sup>f</sup>
Extraterritoriality	There is no requirement for states under international law to hold their corporations accountable for human rights violations committed abroad. Still, extraterritoriality can be a fruitful option to hold firms accountable for their complicity in human rights violations	Bernaz (2013) <sup>g</sup>
Kantian ethics	Corporations have the ontological status to be duty bearers. Corporations have the responsibility to respect basic human rights without which individuals cannot have a dignified life	Arnold et al (2010); Luke (1998); Hahn (2009) <sup>h</sup>
Political CSR	Responsibility boundaries between state and firms are shifting. Corporations are framed as political actors who are expected to fill regulatory gaps and take responsibility for issues that states do or cannot do	Wettstein (2012); Maack (2009) <sup>i</sup>
Sensemaking	Firms justify their responsibility for human rights by referring to it as the right thing to do, as contributing to the firm's financial performance, and as having committed managers at the top of the firm	Obara (2017) <sup>j</sup>

(Continued)

**Table 5.** (Continued)

Theoretical perspective	Argumentation	Sample studies
Social contract	<p>Responsibility attributions to government and business are based on a social contract according to which business is responsible for generating wealth, and government is responsible for ensuring equitable sharing</p> <p>Based on social contract theory, firms have a responsibility to respect human rights and negative obligations towards human rights such as refraining from interfering with education and job training</p>	Cragg (2000); Hartman, Shaw, and Stevenson (2003); Bishop, (2008); Brenkert (2009) <sup>k</sup>

<sup>a</sup>Edmund F Byrne, ‘In Lieu of a Sovereignty Shield, Multinational Corporations Should Be Responsible for the Harm They Cause’ (2013) 124:4 *Journal of Business Ethics* 609.

<sup>b</sup>Stepan Wood, ‘The Case for Leverage-Based Corporate Human Rights Responsibility’ (2012) 22:1 *Business Ethics Quarterly* 63; Campbell, note 109; Cragg, note 1.

<sup>c</sup>Cassel, note 58; Karin Buhmann, ‘Public Regulators and CSR: The “Social Licence to Operate” in Recent United Nations Instruments on Business and Human Rights and the Juridification of CSR’ (2016) 136:4 *Journal of Business Ethics* 699; McCorquodale, note 66.

<sup>d</sup>Florian Wettstein, ‘The Duty to Protect: Corporate Complicity, Political Responsibility, and Human Rights Advocacy’ (2010) 96:1 *Journal of Business Ethics* 33; Rosemarie Monge, ‘Institutionally Driven Moral Conflicts and Managerial Action: Dirty Hands or Permissible Complicity?’ (2015) 129:1 *Journal of Business Ethics* 161; Kobrin, note 55; Wettstein, note 16.

<sup>e</sup>Kim, note 60.

<sup>f</sup>Byrne, note a (Table 5).

<sup>g</sup>Bernaz, note 7.

<sup>h</sup>Denis G Arnold, Robert Audi and Matt Zwolinski, ‘Recent Work in Ethical Theory and Its Implications for Business Ethics’ (2010) 20:4 *Business Ethics Quarterly* 559; Luke, note 67; Hahn, note 36.

<sup>i</sup>Wettstein, note 12; Thomas Maak, ‘The Cosmopolitical Corporation’ (2009) 84:S3 *Journal of Business Ethics* 361.

<sup>j</sup>Obara, note 8.

<sup>k</sup>Cragg, note 106; Hartman et al, note 36; Bishop, note 69; George G Brenkert, ‘ISCT, Hypernorms, and Business: A Reinterpretation’ (2009) 88:S4 *Journal of Business Ethics* 645.



## B. Implementation

Operating under the assumption that corporations have human rights responsibilities, numerous BHR scholars have examined how to implement human rights policies and processes. More than a third of reviewed articles focus on this theme. Two-thirds of the articles in the implementation theme focus on the organizational level while the other third address the macro level (Table 4). At the macro level, BHR scholars highlight how corporate human rights responsibilities can be implemented through multi-stakeholder and soft-law initiatives such as the UN Global Compact, which encourages corporations worldwide to adopt sustainable and socially responsible policies, and report on their implementation. BHR scholars describe the achievements and limitations of such private regulation initiatives.<sup>64</sup>

The majority of work in this theme describes the human rights management processes or proposes additional processes to manage human rights at the organizational level. The most common forms of implementing human rights management include codes of conduct that outline corporate human rights obligations,<sup>65</sup> due diligence mechanisms,<sup>66</sup> and stakeholder management tools.<sup>67</sup> Table 6 provides an overview of the implementation methods and a brief summary of some representative studies.

## C. Outcome

We found only a small selection of articles that discuss the outcomes of corporate human rights abuses and policies. Sixteen per cent of the reviewed articles address the effects or implications of corporate human rights responsibilities. Table 7 provides an overview of the outcomes that were addressed in this research theme. Broadly speaking, scholars examined the effects of corporate human rights abuses or policies on the bottom line,<sup>68</sup> improved corporate behaviour,<sup>69</sup> individual motivation,<sup>70</sup> and trust.<sup>71</sup> Two-thirds of the articles in this research theme focused on the macro level (Table 4). Janney, for example, discusses how the market reacts when firms join the UN Global Compact.<sup>72</sup> Several

<sup>64</sup> Andreas Rasche and Dirk U Gilbert, 'Institutionalizing Global Governance: The Role of the United Nations Global Compact' (2012) 21:1 *Business Ethics: A European Review* 100; Anil Hira and Jared Ferrie, 'Fair Trade: Three Key Challenges for Reaching the Mainstream' (2006) 63:2 *Journal of Business Ethics* 107.

<sup>65</sup> S Prakash Sethi et al, 'Freeport-McMoRan Copper & Gold, Inc.: An Innovative Voluntary Code of Conduct to Protect Human Rights, Create Employment Opportunities, and Economic Development of the Indigenous People' (2011) 103:1 *Journal of Business Ethics* 1.

<sup>66</sup> Björn FASTERLING, 'Human Rights Due Diligence as Risk Management: Social Risk Versus Human Rights Risk' (2017) 2:2 *Business and Human Rights Journal* 225.

<sup>67</sup> David Rice, 'Human Rights Strategies for Corporations' (2002) 11:2 *Business Ethics: A European Review* 134; Robert H Montgomery and Gregory F Maggio, 'Fostering Labor Rights in Developing Countries: An Investors' Approach to Managing Labor Issues' (2009) 87:1 *Journal of Business Ethics* 199.

<sup>68</sup> Blanton and Blanton, note 48.

<sup>69</sup> Jack N Behrman, 'Adequacy of International Codes of Behavior' (2001) 31:1 *Journal of Business Ethics* 51.

<sup>70</sup> Petya Puncheva-Michelotti, Marco Michelotti and Peter Gahan, 'The Relationship between Individuals' Recognition of Human Rights and Responses to Socially Responsible Companies: Evidence from Russia and Bulgaria' (2010) 93:4 *Journal of Business Ethics* 583.

<sup>71</sup> S Prakash Sethi and Donald H Schepers, 'United Nations Global Compact: The Promise-Performance Gap' (2014) 122:2 *Journal of Business Ethics* 193.

<sup>72</sup> Jay J Janney, Greg Dess and Victor Forlani, 'Glass Houses? Market Reactions to Firms Joining the UN Global Compact' (2009) 90:3 *Journal of Business Ethics* 407.

**Table 6.** Summary of BHR research on implementation

Implementation method	Finding	Representative studies
Code of conduct	Stohl et al (2009) review corporate codes of conduct and conclude that they are standard communication tools but are still geared towards profit expectations and legal obligations Sobczak (2003) reviews codes of conduct dealing with suppliers and argues they are complementary to legal standards and cautions that codes of conduct should not replace labour law	Stohl et al (2009); Sobczak (2003); Sethi et al 2011 <sup>a</sup>
Multi-stakeholder initiatives	Rasche and Gilbert (2012) evaluate whether the UN Global Compact has filled global governance gaps and how it can be adjusted to do so	Rasche and Gilbert (2012); Cavanagh (2004); Eweje (2009) <sup>b</sup>
Remedy/grievance mechanisms	Kemp et al (2011) reviewed grievance mechanisms in the mining industry and found that firms' grievance mechanisms did not consider power imbalances between firm and community and did not let the community co-develop the grievance mechanisms	Kemp et al (2011) <sup>c</sup>
Stakeholder dialogue	Rice (2002) shares insights of BP's stakeholder outreach with regard to human rights	Sanyal (2001); Rice (2002) <sup>d</sup>
UNGPs	Murphy and Vives (2013) apply concepts from the organizational justice literature to operationalize the UNGPs	Muchlinski (2012); Murphy and Vives (2013); Fasterling (2017) <sup>e</sup>

<sup>a</sup>Cynthia Stohl, Michael Stohl and Lucy Popova, 'A New Generation of Corporate Codes of Ethics' (2009) 90:4 *Journal of Business Ethics* 607; S Prakash Sethi et al, note 71; André Sobczak, 'Codes of Conduct in Subcontracting Networks: A Labour Law Perspective' (2003) 44:2–3 *Journal of Business Ethics* 225.

<sup>b</sup>Rasche and Gilbert, note 64; Eweje, note 34; Gerald F Cavanagh, 'Global Business Ethics: Regulation, Code, or Self-Restraint' (2004) 14:4 *Business Ethics Quarterly* 625.

<sup>c</sup>Deanna Kemp et al, 'Just Relations and Company–Community Conflict in Mining' (2011) 101:1 *Journal of Business Ethics* 93.

<sup>d</sup>Rajib N Sanyal, 'The Social Clause in Trade Treaties: Implications for International Firms' (2001) 29:4 *Journal of Business Ethics* 379. Rice, note 67.

<sup>e</sup>Peter Muchlinski, 'Implementing the New UN Corporate Human Rights Framework: Implications for Corporate Law, Governance, and Regulation' (2012) 22:1 *Business Ethics Quarterly* 145; Matthew Murphy and Jordi Vives, 'Perceptions of Justice and the Human Rights Protect, Respect, and Remedy Framework' (2013) 116:4 *Journal of Business Ethics* 781; Fasterling, note 66.

articles examined outcomes on the organizational level such as company responses to human rights reports<sup>73</sup> or the effect of intra-organizational pressure to conform to human rights expectations.<sup>74</sup> Only two articles discussed effects of human rights management at

<sup>73</sup> Menno T Kamminga, 'Company Responses to Human Rights Reports: An Empirical Analysis' (2016) 1:1 *Business and Human Rights Journal* 95.

<sup>74</sup> Glen Whelan and Judy Muthuri, 'Chinese State-Owned Enterprises and Human Rights: The Importance of National and Intra-Organizational Pressures' (2017) 56:5 *Business & Society* 738.

**Table 7.** Summary of BHR research on outcome

Outcomes	Finding	Representative studies
Economic benefit	Human rights are a determinant for foreign direct investment inflows (Blanton and Blanton 2009) Investors react positively when firms join multi-stakeholder initiatives such as the United Nations Global Compact (Janney et al, 2009)	Janney et al (2009); Blanton and Blanton (2006) <sup>a</sup>
Enhanced ethical behaviour	Inconclusive findings whether firms behave more ethically with the introduction of codes of conduct Social activists target high profile CSR firms but such campaigns do not necessarily improve the ethical performance on an industry level	Behrman (2001) <sup>b</sup>
Individual motivation	A person's support for political rights and tendency to idealism leads to an increased demand for purchasing from responsible firms or joining responsible firms, among other things	Puncheva-Michelotti et al (2010) <sup>c</sup>
Legitimacy	The religiosity of the community has a positive impact on a firm's employee practices and thereby enhances the firm's legitimacy within the community (Cui, 2016)	Wolf (2014); Cui (2016) <sup>d</sup>

<sup>a</sup>Blanton and Blanton, note 48; Jay J Janney, Greg Dess and Victor Forlani, 'Glass Houses? Market Reactions to Firms Joining the UN Global Compact' (2009) 90:3 *Journal of Business Ethics* 407.

<sup>b</sup>Behrman, note 69.

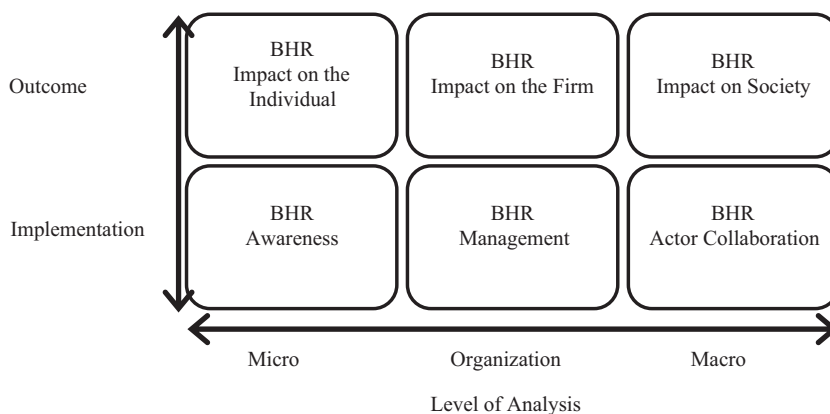
<sup>c</sup>Puncheva-Michelotti et al, note 70.

<sup>d</sup>Julia Wolf, 'The Relationship between Sustainable Supply Chain Management, Stakeholder Pressure and Corporate Sustainability Performance' (2014) 119:3 *Journal of Business Ethics* 317; Jinhua Cui, Hoje Jo and Manuel G Velasquez, 'Community Religion, Employees, and the Social License to Operate' (2016) 136:4 *Journal of Business Ethics* 775.

the micro level: for example, Puncheva-Michelotti and colleagues<sup>75</sup> looked at how an employee's understanding of human rights affects their decision making.

Outcome is the smallest research theme within BHR. However, it is one that could become critical in assessing the results of BHR management across different levels of analysis based on attributions of ethical obligations to businesses. If firms have human rights obligations and if they manage their human rights responsibilities, what concrete effects on human beings emerge as a result? What are the effects of managing human rights on the individual level for employees and for victims (do victims receive remedies?), on the organizational level (how do human rights management tools relate to corporate performance?), and on the macro level (what are the effects of corporate human rights management efforts on the number of human rights abuses?). These are just a few pressing questions that need attention in future research, as we discuss in the following section.

<sup>75</sup> Puncheva-Michelotti et al, note 70.



**Figure 1.** Themes in the integration of BHR and SIM scholarship

#### IV. BUSINESS AND HUMAN RIGHTS RESEARCH AGENDA

Our literature review revealed that BHR is an evolving field within SIM with rising numbers of publications and three major research themes. SIM journals have certainly been open to BHR scholarship, but there is more that could be done. In the following, we present a conceptual framework for future BHR research (see Figure 1). This conceptual framework can usefully guide scholars – both SIM and non-SIM BHR scholars – in identifying potential research gaps and embedding their research in related focus areas. The framework consists of two dimensions. On the horizontal axis, we highlight the level of analysis capturing the micro, organizational and macro levels. While we will emphasize the need for more research on the micro level, we will also highlight potential future research directions on the organizational and macro levels. On the vertical axis, we highlight the two research themes – implementation and outcome – that we believe need more consideration in future BHR research. We selected these dimensions based on our literature review and categorization of existing research. Thus, we see future BHR research clustering around raising awareness and triggering actions among employees, examining the management of BHR processes and impact on the firm and society as a whole, and on investigating collaborations with other stakeholders.

Here we note the ways in which SIM scholarship and BHR scholarship can benefit from each other. Early BHR scholarship emerged out of analyses of international law, focusing on specifying the nature and content of human rights obligations faced by businesses. As such, this BHR research focused on the theme of justification and largely at the macro level of analysis. BHR scholarship within the field of SIM picked up the theme of justification, primarily but not exclusively from a philosophical perspective. Both fields address normative concerns from different perspectives: philosophical (SIM) and legal (BHR). Although there is a paucity of micro level SIM scholarship in BHR, business school scholars do have particular expertise in understanding the individual- and organizational-level processes that affect implementation of business' human rights obligations. Drawing on ideas from organizational theory, SIM scholarship has also added conceptual work

to BHR. More generally, SIM researchers have particular expertise in the study of implementation and outcomes, such as scholars that examine corporate social performance.<sup>76</sup> SIM scholars can take ideas related to implementation, help make them practicable by using tools from organizational theory, and then assess the outcomes of business actions related to BHR. In this respect, legal scholarship is complementary with SIM scholarship. Legal scholarship in BHR would benefit from a better understanding of organizational implementation and the assessment of outcomes associated with it, while SIM scholars would benefit from a more fulsome understanding of the provenance of human rights obligations faced by businesses. The framework we have outlined in [Figure 1](#) is useful for understanding the path that research on such issues might take.

### A. Future Research at the Macro Level

At the macro level – that is, outside of the organizational context – there are important questions that have received inadequate scholarly attention to date. *BHR actor collaboration* refers to the processes by which interested actors seek to influence the behaviour of organizations with regard to human rights. Here it would be interesting to examine questions such as the following: what type of soft-law initiatives are most successful in terms of including participating firms with low human rights abuses? What legitimacy mechanisms of soft-law initiatives exist and are most effective for BHR?<sup>77</sup> Why have some corporate human rights abuses received more attention (activist support) than others? Social movement theory can be helpful here because it provides insights into why and how activists and groups approach corporations.<sup>78</sup> Additionally, work in non-market strategy<sup>79</sup> is useful for BHR research in understanding how corporations might effectively respond to the expectations of non-market actors such as activists, legislators and the media (among others) in the human rights domain.

A further macro level topic that has not received attention in BHR scholarship as of yet is *BHR impact on society*. This addresses how the results of both actor collaboration and the behaviours of firms affect outcomes germane to human rights: what are the impacts of actions by various external actors and organizations in the human rights domain? The most obvious impact is of course the reduction of human rights abuses. Such research could answer essential questions such as these: what is the most effective approach to reduce human rights abuses by corporations – social activism, litigation, regulation or

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<sup>76</sup> Tobias Hahn et al, 'Ambidexterity for Corporate Social Performance' (2016) 37:2 *Organization Studies* 213; Sandra A Waddock and Samuel B Graves, 'The Corporate Social Performance–Financial Performance Link' (1997) 18:4 *Strategic Management Journal* 303; Marc Orlitzky, Frank L Schmidt and Sara L Rynes, 'Corporate Social and Financial Performance: A Meta-Analysis' (2003) 24:3 *Organization Studies* 403.

<sup>77</sup> Sébastien Mena and Guido Palazzo, 'Input and Output Legitimacy of Multi-Stakeholder Initiatives' (2012) 22:3 *Business Ethics Quarterly* 527.

<sup>78</sup> Frank Den Hond and Frank GA De Bakker, 'Ideologically Motivated Activism: How Activist Groups Influence Corporate Social Change Activities' (2007) 32:3 *Academy of Management Review* 901; Sébastien Mena and Daniel Waeger, 'Activism for Corporate Responsibility: Conceptualizing Private Regulation Opportunity Structures' (2014) 51:7 *Journal of Management Studies* 1091.

<sup>79</sup> David P Baron, 'Integrated Strategy: Market and Nonmarket Components' (1995) 37:2 *California Management Review* 47; Jonathan P Doh, Thomas C Lawton and Tazeeb Rajwani, 'Advancing Nonmarket Strategy Research: Institutional Perspectives in a Changing World' (2012) 26:3 *The Academy of Management Perspectives* 22.

corporate policies? To what extent are these approaches complementary? A key challenge in BHR is access to remedy. Thus, one of the most important outcomes for society is for the victims to receive remedy. The BHR scholarship in SIM has been surprisingly silent in this regard – most likely because it is hard to get access to data. However, data become more and more available through databases such as the Corporations and Human Rights Database, Asset4 and Sustainalytics, which will strengthen research in this direction.

BHR research at the macro level focused on the collaboration with other actors is at the intersection of BHR and corporate diplomacy scholarship, which is slowly getting more traction.<sup>80</sup> Broadly speaking, corporate diplomacy refers to how corporations manage international issues (such as human rights) and how they engage with and collaborate with public institutions. Thus, the emphasis in this literature is mainly on firm–government collaboration, which is key for progress in macro level BHR research because most human rights abuses are conducted by state actors in the name of joint firm–state projects. Finally, insights from network theory<sup>81</sup> can provide novel perspectives on how actors connected to human rights abuses collaborate to address abuses and provide remedy. An analysis of power relations within the network can help in exploring the most efficient ways of providing remedy. A network analysis could thus outline different ways how actors can collaborate or use pressure on other actors within their network to achieve their objectives such as explicit corporate assumptions of human rights responsibilities or receiving remedy.

## B. Future BHR Research at the Organizational Level

At the organizational level, we see two main avenues for future research: the management of BHR and the impact of BHR on the corporation. *BHR management* refers to the processes that organizations use to respond to BHR issues. Such processes can include codes of conduct or other statements of ethical principles regarding human rights, introducing mechanisms to provide remedy to victims of human rights abuses, social auditing and reporting, and human rights assessment and risk management tools among many others. BHR management deals with keeping track of potential human rights infringements, measuring corporate involvement, and the like. It goes without saying that some disciplines such as accounting have already been engaged in the question of how businesses can implement their human rights responsibilities. We hope that our review helps make BHR scholarship in SIM more accessible to non-SIM scholars, such as accounting scholars, and they might find connecting factors to join existing BHR conversations in SIM.

While we have seen significant coverage on BHR management, we still want to highlight several future research questions. What management systems, mechanisms

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<sup>80</sup> Michelle K Westermann-Behaylo, Kathleen Rehbein and Timothy Fort, 'Enhancing the Concept of Corporate Diplomacy: Encompassing Political Corporate Social Responsibility, International Relations, and Peace through Commerce' (2015) 29:4 *The Academy of Management Perspectives* 387.

<sup>81</sup> Mark S Granovetter, 'The Strength of Weak Ties' (1973) 78:6 *American Journal of Sociology* 1360; Jeffrey Pfeffer and Gerald R Salancik, *The External Control of Organizations: A Resource Dependence Perspective* (Stanford University Press, 2003); Timothy J Rowley, 'Moving Beyond Dyadic Ties: A Network Theory of Stakeholder Influences' (1997) 22:4 *Academy of Management Review* 887.



and reporting schemes would be needed to ensure business accountability for human rights abuses? What are optimal processes for managing human rights issues, and do these processes differ based on industry, location, or other factors? When reviewing the literature, we noticed that access to remedy was one of the topics that has not been significantly addressed. How can corporations provide effective remedies (including access to remedy) to victims of human rights abuses? What does remedy in cases of human rights abuses actually look like – apology, monetary compensation, rebuilding villages? The next step would be to analyse the effects on organizational-level outcomes such as profitability, legitimacy and reputation as a result of different sorts of human rights management processes (*BHR impact on the firm* in Figure 1).

BHR scholarship addressing BHR management and BHR impact on the firm can gain from institutional theory and organizational legitimacy. According to institutional theory, organizations adjust their behaviours according to the perceived standards or norms within society.<sup>82</sup> Thus, an institutional theory approach to the adoption of corporate human rights policies might shed more light onto the opportunities and challenges of managing human rights, such as identifying the institutional factors that facilitate or hamper the adoption of corporate human rights policies. Recent institutional theory contributions to logics<sup>83</sup> and entrepreneurship<sup>84</sup> provide further interesting avenues for future research in BHR on the organizational level. Are there different BHR logics at play when looking at different cases (such as conflict minerals, the Rana Plaza collapse, or modern slavery) that would account for the adoption of different types of corporate policies or responses? In a similar vein, which role has John Ruggie played as an institutional entrepreneur and how has he (his role) influenced corporate reactions to the UNGPs?

When it comes to the impact of BHR on the firm, another area for future research would examine the effects of corporate human rights abuses as well as of corporate human rights policies. This research area is at the intersection of BHR and organizational legitimacy. Suchman refers to legitimacy as ‘a generalized perception or assumption that the actions of an entity are desirable, proper, or appropriate within some socially constructed system of norms, values, beliefs, and definitions.’<sup>85</sup> BHR scholarship has much in common with research on organizational moral legitimacy. Moral legitimacy is achieved when actors co-create values and norms in collaboration with other actors. An organizational moral legitimacy approach might help in examining how such universal corporate human rights responsibilities in terms of codes of conduct or remedy processes can be co-created.<sup>86</sup> Other questions at the intersection of BHR and organizational legitimacy include: what corporate human rights policies are perceived as legitimate? What is the impact of introducing human

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<sup>82</sup> Paul J DiMaggio and Walter W Powell, ‘The Iron Cage Revisited: Institutional Isomorphism and Collective Rationality in Organizational Fields’ (2000) 48:2 *American Sociological Review* 147.

<sup>83</sup> Patricia H Thornton, William Ocasio and Michael Lounsbury, *The Institutional Logics Perspective: A New Approach to Culture, Structure, and Process* (Oxford University Press on Demand, 2012).

<sup>84</sup> M Tina Dacin, Peter A Dacin and Paul Tracey, ‘Social Entrepreneurship: A Critique and Future Directions’ (2011) 22:5 *Organization Science* 1203; Silvia Dorado, ‘Small Groups as Context for Institutional Entrepreneurship: An Exploration of the Emergence of Commercial Microfinance in Bolivia’ (2013) 34:4 *Organization Studies* 533.

<sup>85</sup> Mark C Suchman, ‘Managing Legitimacy: Strategic and Institutional Approaches’ (1995) 20:3 *Academy of Management Review* 571.

<sup>86</sup> Tatiana Kostova and Srilata Zaheer, ‘Organizational Legitimacy under Conditions of Complexity: The Case of the Multinational Enterprise’ (1999) 24:1 *Academy of Management Review* 64.

rights policies on a firm with low legitimacy versus a firm with high legitimacy? Do some firms gain more from introducing human rights policies than others?<sup>87</sup> Can the existence of corporate human rights policies lessen the effect of human rights abuses on corporate legitimacy?<sup>88</sup> What is the impact (if at all) on corporate legitimacy when corporations get connected to human rights abuses? Thus, integrating institutional theory and organizational legitimacy into BHR scholarship will help develop more robust conceptual frameworks as well as advance theory development in the BHR field.

### C. Future Research at the Micro Level

Most BHR research is relatively silent when it comes to the micro level of analysis. This is a common challenge in SIM and management scholarship in general and referred to as the ‘micro-macro divide’.<sup>89</sup> Micro level research is important because ‘[n]onmarket strategy decisions are made by leaders whose motives, judgment, and choices may differ significantly. Therefore, research is needed on the role of heterogeneity of leaders and their interface with the nonmarket environment in driving firm performance’.<sup>90</sup> Leadership scholarship might be helpful for BHR as it examines managers’ intentions and choices and how these in turn influence their corporations’ decisions and strategies.

*BHR awareness* addresses the processes by which individuals become aware of BHR issues affecting their organizations. Such awareness can occur at the level of local country management, functional-area management, or at the senior management level. The ways in which individuals become aware of and then take action regarding BHR issues is an understudied area that has implications for how organizations in turn respond to BHR issues. At this level of analysis, organizational behaviour scholarship can enrich BHR scholarship. If the existing discussion in BHR has largely concluded that corporations have a responsibility to respect human rights, it is time to examine *how* managers and employees can fulfil such responsibilities as well as when they perceive the existence of them. A number of questions arise from organizational behaviour scholarship that are germane to BHR at the micro level: how do you inform, train and educate your staff, employees and managers about BHR? The role of leadership can be crucial.<sup>91</sup> Obara’s<sup>92</sup> recent contribution to BHR fits in the BHR awareness cluster: she took a sensemaking perspective and examined how managers in UK firms made sense of human rights.

The historical context of the involvement of human rights can provide a fruitful perspective for future human rights research at the micro level. Throughout history, human rights have been standing for empowerment, self-determination and the betterment of one’s situation. Thus, ‘human rights have come to define the hopes of

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<sup>87</sup> Pratima Bansal and Iain Clelland, ‘Talking Trash: Legitimacy, Impression Management, and Unsystematic Risk in the Context of the Natural Environment’ (2004) 47:1 *Academy of Management Journal* 93.

<sup>88</sup> Paul C Godfrey, ‘The Relationship between Corporate Philanthropy and Shareholder Wealth: A Risk Management Perspective’ (2005) 30:4 *Academy of Management Review* 777.

<sup>89</sup> Aguinis and Glavas, note 32, 933.

<sup>90</sup> Mellahi et al, note 47, 165.

<sup>91</sup> Lisa Jones Christensen, Alison Mackey and David Whetten, ‘Taking Responsibility for Corporate Social Responsibility: The Role of Leaders in Creating, Implementing, Sustaining, or Avoiding Socially Responsible Firm Behaviors’ (2014) 28:2 *The Academy of Management Perspectives* 164.

<sup>92</sup> Obara, note 8.

the present day'.<sup>93</sup> The micro-underpinnings of this (and how they determine employee and consumer behaviour) might be an interesting area of inquiry for future research. How do individuals (employees, consumers, etc.) interpret human rights and how does this interpretation affect their behaviour towards others and others' human rights? While the UNGPs and other initiatives provide some guidance, there is no research on what kind of actual duties lie on individuals for respecting and protecting human rights. What duty does the individual employee have towards local and distant consumers or other stakeholders such as employees in supplier factories? And how do such duties translate into the daily tasks of the employee?

When addressing these questions, attention focus theory, identity theories and sensemaking theory could be helpful. Identity theories focus on what influences the creation of identity and how identity then affects behaviour.<sup>94</sup> Thus, an identity-focused theory could highlight how employees identify with human rights abuses of fellow employees or other individuals such as consumers or community members.

Raising BHR awareness will ultimately have an impact on the individual, the manager and employee (upper left box in Figure 1). Until now there have been no studies examining the effect of a firm's involvement in human rights abuses or a firm's acceptance of human rights obligations on individual employees. What are the outcomes of a firm's human rights commitment? Does corporate human rights commitment affect an employee's organizational identification and motivation? What are the effects of corporate complicity in human rights abuses on employee morale or a corporation's attractiveness to prospective employees? There have been a few studies which examined a firm's corporate social responsibility policies and their effects on employees,<sup>95</sup> but there have been no studies on the impact of human rights abuses on the firm–employee relationship. While Obara<sup>96</sup> examined how employees make sense of human rights, it is equally relevant to examine how employees perceive human rights abuses by their corporations. How do employees react, justify and defend their corporations' actions?

Insights from sensemaking theory can be helpful in addressing the aforementioned questions. Sensemaking is about language and communication. Ring and Rands define sensemaking as a 'process by which individuals develop cognitive maps of their environment.'<sup>97</sup> Peoples' senses and assigned meanings to reality are derived from their cognitive predispositions, beliefs and assumptions. Sensemaking is dynamic, social and retrospective. It assumes that social reality depends on cognitive structures<sup>98</sup> and that people 'deal with their realities and especially the actions that have to be undertaken by them in continuous learning processes, fed by experiences and

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<sup>93</sup> *Ibid.*, 83.

<sup>94</sup> Peter J Burke, 'Identity Processes and Social Stress' (1991) 56:6 *American Sociological Review* 836.

<sup>95</sup> Abraham Carmeli, Gershon Gilat and David A Waldman, 'The Role of Perceived Organizational Performance in Organizational Identification, Adjustment and Job Performance' (2007) 44:6 *Journal of Management Studies* 972.

<sup>96</sup> Obara, note 8.

<sup>97</sup> Peter Smith Ring and Gordon P Rands, 'Sensemaking, Understanding, and Committing: Emergent Interpersonal Transaction Processes in the Evolution of 3M's Microgravity Research Program' (1989) *Research on the Management of Innovation: The Minnesota Studies* 337.

<sup>98</sup> Karl E Weick, *Sensemaking in Organizations*, vol 3 (Sage, 1995).

driven by the sensegiving capacity of the human mind'.<sup>99</sup> A sensemaking approach to BHR can provide a fruitful path in examining the effects of human rights abuses and/or policies on employees.

Table 8 provides an overview of the above discussion on future BHR research, the different theoretical perspectives, sample research questions, and some proposed research methods. Given the type of research questions and data available, we suggest mostly qualitative research methods.

## V. DISCUSSION: BHR AS A SUBFIELD OF STUDY WITHIN SIM

Within SIM, there are a variety of subfields that follow the pattern we propose that BHR might usefully pursue. Like other fields such as corporate social performance, corporate political activity and sustainability,<sup>100</sup> we see BHR as emerging as a subfield of study within SIM. Like fields, subfields develop when inquiries or conceptual and empirical problems are not addressed in existing fields in such a way as to adequately move and develop the inquiries and problems further.<sup>101</sup> This might be due to various reasons such as that existing fields or subfields have different epistemological positions, assumptions, methodologies and perspectives that make them less than fully applicable to new areas of inquiry. Wettstein, for example, stresses that 'human rights claims deal with the indispensable and thus with what is owed to human beings.'<sup>102</sup> Abuses of human rights are humiliating to the victims and exemplify a disregard towards the individual's human qualities. Thus, human rights abuses are closely linked to a quest for remedy, to undo the humiliation and restore one's dignity and freedom. Given this foundation, BHR can be understood as having developed out of a crisis with increasing cases of human rights abuses resulting in a search for remedying existing harm.<sup>103</sup> In contrast, existing subfields within SIM such as CSR and corporate social performance sought to advance the proposition that businesses could not only ameliorate the harms caused by their activities to stakeholders and society, but also create positive benefit for them. Our review of BHR scholarship within SIM illustrates how BHR has gradually separated itself from other related subfields in SIM to develop as its own SIM subfield. This development occurred in several waves.

When reviewing the BHR literature we can roughly divide the literature in three overlapping waves. The first BHR research wave started in the 1990s. Here, BHR scholarship often focused on single issues such as child labour, discrimination or

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<sup>99</sup> Esther MJ Schouten and Joop Remmé, 'Making Sense of Corporate Social Responsibility in International Business: Experiences from Shell' (2006) 15:4 *Business Ethics: A European Review* 365.

<sup>100</sup> Shawn L Berman and Michael E Johnson-Cramer, 'Stakeholder Theory: Seeing the Field through the Forest' (2019) 58:7 *Business & Society* 1358; Douglas A Schuler, Kathleen Rehbein and Colby D Green, 'Is Corporate Political Activity a Field?' (2019) 58:7 *Business & Society* 1376.

<sup>101</sup> Donald C Hambrick and Ming-Jer Chen, 'New Academic Fields as Admittance-Seeking Social Movements: The Case of Strategic Management' (2008) 33:1 *Academy of Management Review* 32.

<sup>102</sup> Wettstein, note 12, 750.

<sup>103</sup> Ramasastry, note 40.

**Table 8.** Future business and human rights research: theoretical perspectives, questions and methods

Focus area	Questions	Theory	Research methods
BHR actor collaboration	Why have some corporate human rights abuses received more attention (activist support) than others?	Social movement theory	Longitudinal analysis, discourse analysis
	How can corporations collaborate with external stakeholders such as governments to address human rights?	Corporate diplomacy	Longitudinal analysis, qualitative case studies
Impact on society	How do victims of human rights violations obtain remedy?	Social network theory	Comparative analysis
BHR management	What are optimal processes for managing human rights issues, and do these processes differ based on industry, location or other factors?	Institutional theory	Comparative analysis
Impact on the firm	What is the impact of introducing human rights policies on a firm with low legitimacy versus a firm with high legitimacy?	Legitimacy theory	Discourse analysis
BHR awareness	How does leadership set the tone at the top to raise awareness for BHR?	Leadership theory	Participant observation study
	What are the cues that trigger managerial awareness of human rights issues?	Attention focus theory	Qualitative case study
Impact on the individual	Does corporate human rights commitment affect an employee's organizational identification and motivation?	Identity theories	Individual-level surveys
	How do employees react, justify, and defend their firms' actions?	Sensemaking theory	Interviews

corruption, or industries such as oil and gas.<sup>104</sup> The BHR discussion appears to be rather scattered, isolated and disconnected as publications focused on particular issues and discussed firms' role regarding that issue instead of a broader role of business for human rights.<sup>105</sup> It appears that individual human rights issues were examined in isolation of each other without much cross-referencing. In this first wave, scholars either embedded their discussion in a broad human rights narrative by referring to the UN Declaration of Human Rights or other initiatives, or they embedded their discussion in existing narratives such as CSR or business ethics.<sup>106</sup> Using the language of CSR, BHR scholars sought to delineate normative underpinnings – grounding in international law – for the extension of human rights responsibilities to corporations as non-state actors.

The second wave of BHR started with the appointment of law professor John Ruggie as the UN Secretary-General's Special Representative on Business and Human Rights in 2005. Amongst others, Ruggie's mandate was to identify corporate responsibility and accountability standards in relation to human rights. With the establishment of this mandate, we observed an increased discussion on the broad topic of *business* and human rights and questions of whether firms have human rights obligations in general – in contrast to the more issue-focused discussions in the first wave. With the creation and tenure of the mandate, we observed increasing efforts by BHR scholars to examine corporate responsibility through international codes of conduct. Wettstein<sup>107</sup> sees a similar shift in the BHR discussion at that point. The creation of the UN mandate introduced the terminology of BHR. Until then, the term did not appear in scholarly work in SIM. At that stage, the BHR discourse was still frequently embedded in existing narratives such as CSR and publications were at the intersection of CSR and BHR or business ethics and BHR<sup>108</sup> with some isolated exceptions.<sup>109</sup>

However, in our literature review we have seen a recent shift in BHR discourse. Several years after the establishment of the Ruggie mandate, scholars started using the term BHR more independently from other SIM concepts.<sup>110</sup> Thus, we see a third wave of BHR scholarship separating itself from existing concepts in SIM scholarship and paving the

<sup>104</sup> P Andiappan, M Reavley and S Silver, 'Discrimination Against Pregnant Employees: An Analysis of Arbitration and Human Rights Tribunal Decisions in Canada' (1990) 9:2 *Journal of Business Ethics* 143; Walter Block, 'Discrimination: An Interdisciplinary Analysis' (1992) 11:4 *Journal of Business Ethics* 241; Iain A Davies and Andrew Crane, 'Ethical Decision Making in Fair Trade Companies' (2003) 45:1–2 *Journal of Business Ethics* 79.

<sup>105</sup> Although see Andrew Clapham, *Human Rights Obligations of Non-State Actors* (Oxford University Press, Oxford, 2006); Andrew Clapham and Scott Jerbi, 'Categories of Corporate Complicity in Human Rights Abuses' (2000) 24 *Hastings International and Comparative Law Review* 339; Ratner, note 3.

<sup>106</sup> Wesley Cragg, 'Human Rights and Business Ethics: Fashioning a New Social Contract' (2000) 27:1 *Journal of Business Ethics* 205; Peter Frankental, 'The UN Universal Declaration of Human Rights as a Corporate Code of Conduct' (2002) 11:2 *Business Ethics: A European Review* 129; William C Frederick, 'The Moral Authority of Transnational Corporate Codes' (1991) 10:3 *Journal of Business Ethics* 165.

<sup>107</sup> Wettstein, note 16.

<sup>108</sup> Sep Arkanı and Robin Theobald, 'Corporate Involvement in Human Rights: Is It Any of Their Business?' (2005) 14:3 *Business Ethics: A European Review* 190; Ian Holliday, 'Doing Business with Rights Violating Regimes Corporate Social Responsibility and Myanmar's Military Junta' (2005) 61:4 *Journal of Business Ethics* 329.

<sup>109</sup> Tom Campbell, 'A Human Rights Approach to Developing Voluntary Codes of Conduct for Multinational Corporations' (2006) 16:2 *Business Ethics Quarterly* 255. Kobrin, note 55.

<sup>110</sup> Ralph Hamann et al. 'Business and Human Rights in South Africa: An Analysis of Antecedents of Human Rights Due Diligence' (2009) 87:2 *Journal of Business Ethics* 453.



way towards BHR as a subfield of study in SIM.<sup>111</sup> Recent contributions to BHR refer to BHR in its own right without embedding it in other SIM concepts or making it part of other SIM concepts.<sup>112</sup> Our literature review on BHR revealed an evolution of BHR scholarship from a narrow, issue and industry-focused discussion, to an embedded discussion in connection with SIM concepts, to finally discussing BHR in its own right without explicitly referencing other SIM concepts. We posit, therefore, that in the future, BHR scholarship will continue to evolve as a subfield within SIM, albeit with its own terminology, in much the same way that other subfields within SIM have. The strength of SIM as a field is that it evolves over time to include new subfields that address issues related to ethical implications of business activity as well as business-government-society relationships that present new epistemological challenges. BHR within SIM is the latest, but surely not the last, expansion of the SIM field to take in relevant subfields.

## VI. CONCLUSION

Undeniably, BHR constitutes an important topic that has gained momentum within SIM scholarship. The contribution of this article is threefold. The first contribution is the identification, examination and categorization of extant BHR scholarship within SIM. Our review provides scholars outside the BHR field with an understanding of past research accomplishments in BHR research. Our review highlights the evolution of BHR scholarship from a narrow and issue-focused discussion that was initially embedded in the CSR narrative to a broader discussion on business' role in human rights. Second, we assessed the current state of BHR scholarship in SIM studies to date and identified gaps in the existing literature when it comes to (1) micro level analysis, (2) the implementation and outcome of corporate human rights management, and (3) empirical studies. Finally, we have sought to advance the view that BHR is emerging as a subfield of study in SIM.

BHR scholars are already convinced of BHR's distinctiveness from other SIM subfields such as CSR, sustainability or corporate social performance. However, the key is to convince scholars *outside* the subfield of the need for its existence and legitimacy 'because the aim of the aspiring community is to work alongside and be taken seriously by the other fields in the academic establishment'.<sup>113</sup> Legitimacy is particularly important for BHR scholarship because it is based on two interlocking normative claims. One normative claim is that binding human rights responsibilities already exist. The other normative claim extends human rights responsibilities – which have been traditionally the responsibilities of states – to non-state actors such as corporations. Both claims have been the subject of significant critique and analysis. Normative claims are often treated as suspect within management studies,<sup>114</sup> and thus

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<sup>111</sup> Obara, *note 8*.

<sup>112</sup> Kamminga, *note 81*; Benjamin Thompson, 'Determining Criteria to Evaluate Outcomes of Businesses' Provision of Remedy: Applying a Human Rights-Based Approach' (2017) 2:1 *Business and Human Rights Journal* 55.

<sup>113</sup> Hambrick and Chen, *note 101*, 37.

<sup>114</sup> Sumantra Ghoshal, 'Bad Management Theories Are Destroying Good Management Practices' (2005) 4:1 *Academy of Management Learning & Education* 75; James P Walsh, Alan D Meyer and Claudia Bird Schoonhoven, 'A Future for Organization Theory: Living in and Living with Changing Organizations' (2006) 17:5 *Organization Science* 657.

a field that has normative claims embedded within its scholarship faces significant challenges to its legitimacy.

While our review revealed the rise of BHR scholarship within SIM, the question will be, ‘whether management scholars will embrace the BHR paradigm’.<sup>115</sup> While legal scholars have dominated BHR scholarship and made important contributions to it, our review has shown that significant contributions to BHR have also been done in other fields, namely in SIM. Having the exposure as an interdisciplinary field across other areas such as management will only further advance the development and impact of BHR scholarship. While BHR scholarship will benefit from an increasing exposure to other fields, it can equally inform other fields and issues.

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<sup>115</sup> Santoro, note 2, 157.