CORPORATE SOCIAL RESPONSIBILITY: BETWEEN MEANING AND MEANINGLESS

RESPONSABILIDADE SOCIAL CORPORATIVA: ENTRE OS SENTIDOS E O SEM SENTIDO

> Article received on: 1/31/2023 Article accepted on: 5/30/2023

Luiz Gustavo Gonçalves Ribeiro

Dom Helder Escola Superior (DHES), Belo Horizonte/MG, Brazil Lattes: http://lattes.cnpq.br/2361358630923674 Orcid: https://orcid.org/0000-0002-0065-1925 lgribeirobh@gmail.com

José Adércio Leite Sampaio

Dom Helder Escola Superior (DHES), Belo Horizonte/MG, Brazil Lattes: http://lattes.cnpq.br/6500803835232465 Orcid: https://orcid.org/0000-0002-9452-4811 joseadercio.contato@gmail.com

The authors declare that they have no conflict of interest.

Abstract

As a rich expression of meanings and uses, the work reveals the meanings of Corporate Social Responsibility. The text presents, under the ballast of bibliographic review and the logical-inductive method, the historical sequence of meaning of the term and culminates in the exposition of conceptual model of management that combines economic and social aspects, with respect for human rights, and that has the environment as an imperative of responsibility. It exposes the eventual emergence in the step of a binding international document, in order to avoid a gravitating reputational label that can be coined as blue, green or other washings. The first result of the research is that companies today do not fulfill their social

Resumo

Como expressão rica de sentidos e usos, o trabalho revela os sentidos da Responsabilidade Social Corporativa. O texto apresenta, sob a égide da revisão bibliográfica e do método lógico-indutivo, a sequência histórica do sentido do termo e culmina pela exposição de modelo conceitual de gestão que agrega aspectos econômicos e sociais, com respeito aos direitos humanos, e que possui o ambiente сото imperativo de responsabilidade. Expõe-se a eventual emergência no passo de um documento internacional vinculante, de modo a evitar um gravitante rótulo reputacional que pode ser cunhado como blue, green ou outros washings. Apresenta-se, pois, como primeiro resultado da pesquisa, que as empresas, hoje, não cumprem sua função social apenas com geração de lucros, e que,



function merely by generating profits, and that, as a second result, it is necessary that corporate management derives its social license to create wealth and pursue economic policies and practices that promote the sustainable development of society. In conclusion, it should be noted that the concepts attributed to Corporate Social Responsibility are incomplete duo to variation in the meaning of the expression over time and that its parameters are still only ethical, since they lack other, legal, parameters that companies must comply with.

Keywords: human rights; evolution; environment; corporate social responsibility; senses.

como segundo, é necessário, para tanto, que a gestão corporativa decorra da licença social que lhe é dada para criar riquezas e buscar políticas e práticas econômicas que promovam o desenvolvimento sustentável da sociedade. A título de conclusão, destaca-se que os conceitos atribuídos à Responsabilidade Social Corporativa são incompletos em razão da variação de sentido da expressão ao longo do tempo e porque os seus parâmetros ainda são apenas éticos, porquanto carecedores de outros, jurídicos, a serem cumpridos pelas empresas.

Palavras-chave: direitos humanos; evolução; meio ambiente; responsabilidade social corporativa; sentidos.

Introduction

Do companies fulfill their social function only by generating profits? This question divides opinion. A classical and liberal view tends to answer 'yes, they do'. It would not mean social irresponsibility, however, because, when generating profits, social benefits would be adrift. It is not, perhaps, the best interpretation, considering the history and recurrence of social inequality, scandals of human rights violations, disasters and impacts on the environment. The idea that companies have a duty beyond the generation of profits was encouraged from the 1950s onwards, going through several conceptual models since then. It remains a problematic concept, gravitating towards the idea of voluntariness, however much theoretical efforts have sought to develop it and give it a practical meaning.

This study aims to present some variations related to the theme by means of bibliographic review and the logical-inductive method. First, the various signifiers and meanings are analyzed, followed by an analysis of the diachronic nuances, with emphasis on the environmental dimension that started being added to the concept in the 1990s.

As a general objective, the emphasis is on the exposition of the incompleteness still in force regarding the understanding of Corporate Social Responsibility. As specific objectives, the focus is on the evolutionary analysis of the understanding of the term, the reasons for a new approach to this understanding, and also the need to establish legal parameters – and not only ethical ones – to deal with the topic. As a result of the research, the highlight is the finding that companies do not fulfill their social function only with the generation of profits, and that it is necessary, for that, that corporate management derives from the social license that is given to it to create wealth and seek policies and economic practices that promote the society sustainable development.

The methodological pertinence emerges from the historical observation of the meaning of Corporate Social Responsibility, which justifies the indicated diachronism, and which has always rested on the idea of voluntariness. With the findings of systematic lack of concern about basic human rights being granted, social inequality and the activity environmental repercussions, it was concluded, based on inductive reasoning, that there is still an incomplete understanding of Corporate Social Responsibility, justifying that law, and not just ethics, also presents adequate responses to the companies' social role, and these are the research problem and the formulated hypothesis, respectively.

1 Term and definition

Corporate social responsibility (CSR) is an expression with many meanings and uses. This plurality is a reflection of a historical path that dates back at least to the 1930s with the Berle-Dodd debate,¹ of divergent views on company's objectives and responsibility and the field of study that studies it, permeating economics, sociology, administration and law, among other domains of knowledge. The idea conveyed by the expression is not always coherent or convergent and tends to be close to or even confused with many other expressions such as *sustainable* or *responsible business, corporate conscience, conscious* or *ethical capitalism, corporate citizenship, corporate social performance, corporate sustainability, environment, society and governance* (ESG), among many (WOOD, 1991; CARROLL, 2008; MACKEY; SISODIA, 2014).

¹ In the 1930s, Adolfo Berle Jr., based on the positive law in force, defended that management was obliged to pursue the interests of stakeholders (BERLE JR, 1932), while Merrick Dodd Jr. understood that it should promote trust, but it was undesirable that emphasis was given to the view that companies exist with the sole purpose of generating profits for their stakeholders (DODD JR, 1932). Dodd is credited with inspiring the stakeholder theory with a position favorable to the *public interest*, while Berle is seen as the source of the stakeholder primacy thesis (O'KELLEY, 2018). In fact, this conclusion seems distorted, as it does not consider the propositional dimension of Berle's legal-dogmatic approach. If he, based on the law in force, said that the directors and managers' legal obligation was to generate profits, he did not fail to observe that, *de lege ferenda*, corporations should serve society as a whole, so that the stakeholders' interests should be equal or subordinate to the workers', customers' and the entire community's claims (BERLE JR, 1932, 572). So much so that, 20 years later, he claimed that the obligation of generating profit had been overcome with the change in the law, now imposing on directors the generation of trust 'for the whole community' (BERLE JR, 1954, p. 169).

One of the most used concepts was presented by the European Commission in 2011, understanding CSR as "the responsibility of enterprises for their impacts on society". More than respect for the applicable legislation and collective agreements between social partners, this responsibility imposes on them the duty to adopt processes "to integrate social, environmental, ethical, human rights and consumer concerns into their business operations and core strategy in close collaboration with their stakeholders". Everything with the aim of "maximising the creation of shared value for their owners/shareholders and for their other stakeholders and society at large", in addition to "identifying, preventing and mitigating their possible adverse impacts" (UNIÃO EUROPEIA, 2011, p. 7). It is one among many. In an effort to synthesize the multiple concepts presented, CSR can be defined as a corporate management model, based on the obligation of companies, which stems from the social license given to them to create wealth, to seek policies and economic practices that promote society's development sustainable. It is an incomplete definition and one that defies the criticism of knowing the nature of obligation. Although it extends to the legal domain, it is still placed above all in the ethical plane. It is not necessary to mention that part of the incompleteness is derived from the variation in the meaning of the expression over time, beyond synchronic divergences.

2 The diachronic meanings of CSR

The first approaches, outside the merely instrumental or selfish perspective of a "company guided by profit" (FRIEDMAN, 1970), referred to *an ethical duty* of contribution and return of well-being that companies should give to society (BOWEN, 1953; EELLS, 1956). In addition to employment and taxes, the social return would mainly take place through donations to charities or free provision of goods and services by a foundation or entity established for this purpose (corporate philanthropy) and other community volunteering activities (WALTON, 1967). The foundations of this action were based on simple *business discretion* (EUROPEAN UNION, 2001; KOTLER; LEE, 2005) without impact on the company's object and operational processes, even though CSR already meant "going beyond obedience to the law" (McWILLIAMS; SIEGEL, 2001, p. 117).

Going one step further, they began to see them as moral obligations to meet the demands of internal (DRUCKER, 1982), internal and external stakeholders or society in general (DAVIS; BLOMSTROM, 1975; CARROLL, 1979). The stakeholder perspective goes beyond the priority or exclusive approach to the stakeholder, in order to include employees, customers, suppliers and, at least,

neighboring communities, without, however, failing to understand that the corporate obligation was always voluntary, going beyond behavior influenced by the coercive forces of the law or the union contract (JONES, 1980). Social responsibility was a result of the power and impact that companies had on various aspects of life in society, such as work and quality of life. It was their duty to help solve a social problem, if they had the means and conditions, even if the business objective was not directly associated with them. Evidently, it would be up to the company, after a cost-benefit analysis, to decide whether to develop its activities or not. When acting, the financial return generated the responsibility of providing well-being to society (DAVIS, 1975; FREEMAN, 1984). The pyramid metaphor divided into economic, legal, ethical, and philanthropic extracts sought to better explain this duty. At the base, there was the economic dimension or pursuit of profit and wealth, conditioned to its moral, ethical, and legal acceptance. The second extract, legal, was composed of the obligation to respect laws and regulations. Ethics was above: companies were obligated to do what was right and fair and to act ethically towards the community and the general public. Finally, the upper level, the philanthropic: it was the duty of every organization to contribute with resources to improve the quality of life of the people related to it (CARROLL, 1991). The stakeholder approach was important for identifying interested parties, but it was necessary to delve deeper into the foundation of the obligation that linked them to society. The social contract theory was revisited: companies should act ethically, because it is one of the parts of the social contract and that is how the other contracting parties expect them to act (DONALDSON; DUNFEE, 1999).

Studies have also focused on the means of making these obligations effective. Therefore, it was advocated that CSR should compose the strategy and business operations, especially with the adoption of risk management instruments and compliance of decisions and processes, which would guarantee the fulfillment of previously established objectives.² The studies, although they have not lost

² There is confusion between compliance, control and audit tasks. The corporate compliance area has among its tasks the continuous assessment of conformity to all rules and procedures of internal controls, definition and updating of the code of conduct (in general, with participation), monitoring of activities, prevention of conflicts of interests, and dissemination of the culture of controls by means of regulatory environment training and updating. It is not restricted, however, to the fight against corruption or criminal practices, even though certain companies, in Brazil, have the obligation to create an anti-laundering policy or program (BRASIL, 2012b), and also be objectively responsible for the practice of acts against the Public Administration with penalties mitigated by the existence of a consistent integrity program (BRASIL, 2013). Strictly speaking, it is compliance with all rules and regulations, including environmental ones (BREGMAN; EDELL, 2016). Brazilian positive law provides for the creation of a Socio-environmental Responsibility Policy by corporations that are required to carry out socio-environmental risk management (BRASIL, 2014). The *classic* internal audit is also intended to verify compliance with rules and procedures throughout the organization, including the compliance area, but in a timely manner and by sampling. Audit, unlike compliance, does not execute

the background theme (corporate ethics), are now oriented towards the design of responsible strategies and policies (RUSSO; TENCATI, 2009), towards the influence of changes and internal and external contexts on the corporate structure and organization (BASU; PALAZZO, 2008) and the ways of integrating those strategies and policies into business models and processes (ZADEK, 2004), as well as the mechanisms for implementing and measuring CSR initiatives (LATIF; SAJJAD, 2018).

The creation of a structured CSR plan, in which the company's economic and social goals and objectives were established, in addition to the team destined to promote engagement and continuous monitoring of the process, with an adequate budget, was one of these mechanisms. The forecast of an accounting system, audit to cover compliance and reports, was also another. The so-called social accounting, in which the company's activities were described, the commitments assumed before internal and external stakeholders, the actions undertaken and their results, made public through periodic reports, in addition to being an essential management resource, would reveal the seriousness of the corporate program (CROWTHER, 2000).

The internal audit body should be at the top of the organization and, like external audit, should enjoy autonomy. Audit work and reports should be based on standards, guidelines and indicators recognized by the market and society. Important guidance is given, for example, by the International Standards of Accounting and Reporting (ISAR) (UN, 2008), the principles of the United Nations Global Compact (UN GLOBAL COMPACT, 2000), the UN guidelines for Business and Human Rights (UN, 2011), the OECD Guidelines for Multinational Companies (OECD, 2011) and those of the International Organization for Standardization, contained in ISO 26000 on social responsibility (ISO, 2010).³⁴⁵⁶

processes or define control elements (TARANTINO, 2008, p. 21-22; ISO, 2021).

³ Namely, respect for the protection of internationally recognized human rights; non-participation in violations of these rights; support for freedom of association and the effective recognition of the right to collective bargaining; elimination of all forms of forced or compulsory labor; effective abolition of child labor; elimination of discrimination in employment; fight against corruption in all its forms, including extortion and bribery.

⁴ The concept of due diligence, drawn from its elementary notion of the company's duty to prove that it did everything that was reasonably possible to comply with the legislation and regulations in order to avoid illicit practices, aims to identify, prevent, mitigate, and account for how companies address their adverse human rights impacts. The process should include assessment of actual and potential impacts on human rights, integrating and acting on the results, tracking responses, and communicating how impacts are addressed (principle 17). Principles 18 to 21 elaborate its essential components.

⁵ Due diligence is also highlighted here, in order to identify, prevent, mitigate and account for how companies deal with their actual and potential adverse impacts as an integral part of business decision-making and risk management systems, including the supply chain. Due diligence can be incorporated into broader enterprise risk management systems (OECD, 2011, p. 23),

⁶ They are the following: accountability, transparency, ethical behavior, respect for stakeholder interests, the rule of law and international standards, as well as for human rights.

Certification by accredited institutions, although not necessarily a guarantee of CSR effectiveness, serves to reinforce control instruments and the perception of internal and external commitment.⁷

At a more advanced stage, research is oriented towards the company's culture and the need to introduce the principles of responsibility not only into its strategy, but into corporate routines and values (DOPPELT, 2003; WOOT, 2005).⁸ The aim is to overcome a negative morality based on the duty to prevent and not cause harm, through the positive morality of doing good, present at all levels of corporate and business relationships, and with the ability to generate voluntary and active commitment to internal and external, individual and society return (SWANSON, 1999). Some start talking about the *creation of shared value*, bearing in mind that corporate success is dependent on social well-being (McWILLIAMS; SIEGEL, 2000). At that moment, CSR, almost spontaneous in business decisions and routines, understands, presupposes, stimulates, and develops the organization's moral and social responsibilities (MAON; LINDGREEN; SWAEN, 2010).⁹

4 The environment as an imperative of all responsibility

Surveys carried out in 2019 indicate that human activities have already altered severely about 75% land and 66% marine environments (IPBES, 2019). About 25% plant and animal species are threatened by human actions, with one

⁷ ABNT NBR 16001 – Social Responsibility, revised in 2012, is based on ISO 26000 and allows the company to seek certification from accredited entities (BRASIL, 2022). Several organizations seek to develop elements of a certifiable ethical commitment management system around ISO 26000. See, for example, Synergy (2022). There are also several rating agencies that assess corporate governance and national policies in this field, based on the guidelines of the United Nations, the Organization for Economic Cooperation and Development, and the European Union. Standard Ethics Rating is one of those agencies, widely used by stock market management and sustainability indices. According to its classification, Brazil's corporate management and sustainability policy in 2014 was slightly below average (EE-) (SE, 2022). The same regarding the ESG rating of the Swiss Covalence (COVA-LENCE, 2022).

⁸ Although it is a concept that attracts wide debate, it can be defined as the shared perceptions, patterns of behavior, beliefs, symbols, rites, procedures, and even the myths that make up the company (ZAMANOU; GLASER, 1994, p. 475).

⁹ There are those who divide the approaches into four large groups of theories: (a) instrumental theories, based on the companies' financial performance or profit; (b) ethical theories, which analyze the ethical obligations of integrity in the company's structure and operation; (c) integrative theories, dedicated to the study of the return that the company gives to society, on which it is dependent for its existence, continuity and growth, and (d) political theories, which recognize (and emphasize) social duties, the promotion of rights, respect for the democratic order and participation in the process of social cooperation, constitutive of the "citizen enterprise" (GARRIDA; MELÉ, 2004). At the transnational and global level, CSR advances above all in the treatment of the supply chain and a policy on a network of responsibilities (WOOT, 2005; SAMPAIO; PINTO; FABEL, 2021).

million species facing extinction, many within decades (IPBES, 2019). Ecosystems have declined in size and condition by 47% globally compared to estimated baselines (IPBES, 2019). From a strictly economic perspective, more than half of global GDP is moderately or highly dependent on nature and its services and, therefore, exposed to risks of nature loss (WEF, 2020, p. 13). Industries that are highly dependent on nature generate 15% global GDP (\$13 trillion), while moderately dependent industries generate 37% (\$31 trillion). Together, the three largest sectors that are highly dependent on nature generate about US\$8 trillion in gross value added. They are the following: construction (\$4 trillion), agriculture (\$2.5 trillion), and food and beverage (\$1.4 trillion). WEF (2020, p. 13) found that more than three-quarters (76%) of the population want CEOs to lead the way in producing change, rather than waiting for governments to impose them (KEHOE, 2019). Companies are more trusted than the government in most countries, including Brazil, where 64% people trust companies and 34% trust the government (EDELMAN, 2022). Nevertheless, most people believe that companies are not doing enough to prevent climate change, and for most of them these same companies do not provide reliable information (EDELMAN, 2022).

In the United States alone, climatic disasters have caused cumulative damage since 1980 in the order of US\$ 2.5 quadrillion with rising averages. The last three years broke records with damages that reached US\$ 22 billion in 2020, US\$ 20 billion in 2021, and more than US\$ 18 billion in 2022 (USA, 2023). Although global data are incomplete, it is estimated that the 10 most destructive weather events of 2021 cost US\$ 170 billion (KRAMER; WARE, 2021). These calculations include "natural" events such as hurricanes, storms, cyclones, droughts, and heat waves. There are those more directly anthropic or technological such as industrial pollution, nuclear radiation, toxic waste, dam failures, transportation accidents, factory explosions, fires and chemical spills; all of them, even if (or when) translatable into figures, are not able to reflect the human, cultural heritage, and biodiversity losses (MOTTA, 1997; MARKHVIDA *et al.*, 2020; JENSEN; TIWARI, 2021).

These notes serve to demonstrate how corporate responsibility has to necessarily include its environmental dimension, not just as good intentions, but as a structuring element of the business itself. Not as a mere promise, but as an effective commitment incorporated into corporate culture and practices. Corporate governance guidelines began to demand sustainability policies and practices. The dimensions related to economics and ethics need the environmental complement to compose a responsible management system. Perhaps the first major approach to the need for this inclusion took place with the concept of the Triple Bottom Line by John Elkington, formed by the 3Ps: profit, people and planet (ELKINGTON; ROWLANDS, 1997).

Standardization, auditing and certification instruments now include the environment as a central element, or at least equivalent to the others. The United Nations issued several guidelines in this regard, such as the Technical Guidance on Eco-Efficiency Indicators (UN, 2004) and three of the ten Principles of the Global Compact (preventive approach to environmental challenges, initiatives to promote greater environmental responsibility, incentive to the development and dissemination of environmentally friendly technologies) (UN GLOBAL COM-PACT, 2000). The Global Reporting Initiative (GRI) standards, which are widely used worldwide, establish the standards that should guide the preparation of sustainability reports and best global corporate management practices. There are universal standards, applicable to all organizations, sectoral standards, for specific economic segments, and thematic standards, as the name suggests, by subject (GRI, 2021). AccountAbility AA1000 Principles are also widely used by companies and as a means of communicating environmentally responsible practices.¹⁰ The International Organization for Standardization, in turn, created ISO 14000 on environmental management system (EMS), auditing, labeling, environmental performance assessment and life cycle analysis of ISO 14000 products (ISO, 2015).11

In Brazil, the National Institute of Metrology, Quality and Technology (INMETRO), in partnership with the ABNT/CB-25 and ABNT/CB-38 Quality Committees, developed the "Certificate Management System" (CERTIFIQ), aimed at providing to society information about certificates issued in Brazil by certification bodies accredited by Inmetro in the environmental management systems of ISO 14001 (BRASIL, 2019). The Ethos Indicators are also a reference for this purpose (ETHOS, 2014). The Brazilian Stock Exchange (B3), like other similar institutions, created an index of sustainable companies, the ISE B3. This is an average performance indicator of the asset prices of companies with a recognized commitment to corporate sustainability and ESG practices. The company

¹⁰ The principles are: inclusiveness (people must have a voice in decisions that impact them), materiality (decision makers must clearly identify sustainability issues), responsiveness (companies must act transparently about their environmental policy and possible impacts of its performance), and impact (companies must monitor and review their practices, based on socio-environmental responsibility (ACCOUNTABILITY, 2018).

¹¹ There are standards for labor auditing, for example those developed by the Fair Labor Association (FLA, 2022), and more specifically for workers in the apparel sector, including the supply chain, those of the Fair Wear Foundation (FWF, 2022).

that wants to participate in the index responds to a questionnaire developed by the Center for Sustainability Studies of the Getúlio Vargas Foundation and undergoes a thorough analysis of the necessary requirements. Inclusion improves corporate reputation and investor confidence (B3, 2022).¹²

What stands out in relation to most of these guidelines and recommendations is the need to comply with the principles that guide environmental law, such as prevention, information, and participation. The idea of actions to anticipate risks in the enterprise and the adoption of measures that prevent or mitigate the impacts of their occurrence is combined with the need for transparency and integrity of corporate information about such risks. Participation involves not only company workers, but the affected community. One even talks about a social license to operate, which can have a more rigorous meaning, of prior authorization from the affected community for a certain undertaking or activity to take place, which raises the debate about the possibility of the voice of the (affected) minority to impose itself to the interests of society in general (SIMPSON, 2014) and decisions based on emotional appeals and not on objective considerations of pros and cons (JONES et al., 2017). These criticisms, amplified by the strength of the economic lobby, led to a more lenient interpretation, which, at least, flees from the purely utilitarian preference of waiving licenses or granting them by bureaucratic bodies, to demand that the licensing process contemplates social participation and, in particular, the groups most directly affected (GEHMAN; LESRUD; FAST, 2017).¹³ More than formal or bureaucratic approval, acceptance of the project is necessary, which requires the affected groups' effective and informed involvement.¹⁴ A socially responsible company must enjoy credibility and trust before stakeholders and especially affected parties, which contributes to obtaining the proper legitimacy for its operations (THOMSON; BOUTILIER, 2011).¹⁵

¹² The rating agencies, which assess corporate governance, began to include the environmental dimension in their analyses. Standard Ethics Rating is one of those agencies, widely used by stock market management and sustainability indices. According to its classification, Brazil's corporate management and sustainability policy in 2014 was slightly below average (EE-) (SE, 2022). The same regarding the ESG rating of the Swiss Covalence (COVALENCE, 2022).

¹³ According to principle 10 of the Australian Enduring Value Framework, mining companies must implement effective and transparent engagement with stakeholders, through communications, public consultations and independent reports (AUSTRALIA, 2015).

¹⁴ In the case of indigenous communities, prior and informed consent was required (ILO 169).

¹⁵ The concepts presented by the authors have important distinctions: legitimacy distinguishes projects that were rejected (without social license) from those that were accepted by stakeholders. Credibility distinguishes projects that have been accepted from those that have been approved by stakeholders through formal negotiation, definition and agreement on the roles and responsibilities

There is also a pragmatic argument for adopting the social license to operate: improving corporate reputation and preventing future challenges (BOUTILIER, 2014).

There is intense discussion about the CSR future. If it continues as it is or if it becomes a duty that is more legal than ethical (MAON; LINDGREEN; SWAEN, 2010), towards respect for human rights, including environmental ones, in the step of a binding international document, in order to avoid, among other ills, reputational laundry in the form of blue and greenwashing (RUGGI, 2011; SELLE; GATTI, 2017; DEVA, 2022). This is an interesting point for further research and development.

Final considerations

Given the importance that companies assume for the creation of wealth, income and jobs and for the sustainable practice of policies and economic achievements, understanding the corporate management model becomes imperative to measure the responsibility and impact that each company has on the society and, in particular, on the community with which, directly or indirectly, it is related.

Corporate social responsibility is involved, therefore, not only in a certain nuance of corporate behavior aimed at the bases of achieving the social contract with regard to obtaining profits. What we have today is the need, with intensities still under development and lacking future answers in terms of legal parameters, and not just ethical ones, to fulfill duties, to integrate concerns of an economic, social and environmental nature, in order to make vigorous practices that enshrine respect for human rights, consumers and environmental impacts in the development of activities and strategies.

Therefore, the problem of the still incipient understanding of Corporate Social Responsibility is answered with the need for the law to assume responsibility, which has not yet been attributed to it, as the driving force of effective business practices of respect for human dignity, sustainability and commitment to the environmental cause. With this, one expects that the objective of demonstrating that companies do not fulfill their social function only with the generation of profits and that their social legitimacy should be sought from economic practices that promote the society's sustainable development.

of the company and stakeholders. Trust distinguishes projects that were approved from those for which stakeholders adopted what they called a sense of co-ownership or psychological identification through collaborations, shared experiences and vulnerabilities (THOMSON; BOUTILIER, 2011). These distinctions are part of a pyramidal model for defining social license, adopted by the Australian Centre for Corporate Social Responsibility (ACCSR) (BLACK, 2013).

References

ACCOUNTABILITY. *AA1000 AccountAbility Principles*, 2018. Available from: https://www.accountability.org/standards/aa1000-accountability-principles/. Access on: Dec. 22, 2022.

AUSTRALIA. Minerals Council. *Enduring Value Framework*. Kingston: MCA, 2015. Available from: https://www.minerals.org.au/sites/default/files/190503%20Enduring%20Value%20Principles.pdf. Access on: Dec. 10, 2022.

BASU, K.; PALAZZO, G. Corporate social responsibility: a process model of sensemaking. *Academy of Management Review*, v. 33, n. 1, p. 122-136, 2008.

BERLE JR., A. A. For whom corporate managers are trustees: a note. *Harvard Law Review*, v. 45, n. 8, p. 1365-1372, 1932.

BERLE JR., A. A. The 20th century capitalist revolution. New York: Harcourt, 1954.

BLACK, L. *The social licence to operate:* your management framework for complex times. New York: Routledge, 2013.

BLOWFIELD, M. Corporate social responsibility: reinventing the meaning of development? *International Affairs*, v. 81, n. 3, p. 515-524, 2005.

BOLSA DE VALORES DO BRASIL (B3). *O que é o ISE B3*, 2022. Available from: https://iseb3. com.br/o-que-e-o-ise. Access on: Dec. 22, 2022.

BOUTILIER, R. G. Frequently asked questions about the social licence to operate. *Impact Assessment and Project Appraisal*, v. 32, p. 263-272, 2014.

BOWEN, Howard R. Social responsibilities of the businessman. New York: Harper & Row, 1953.

BRASIL. Instituto Nacional de Metrologia, Qualidade e Tecnologia. Apresentação. *Certifiq*, 3 abr. 2019. Available from: https://certifiq.inmetro.gov.br/. Access on: Dec. 22, 2022.

BRASIL. Banco Central do Brasil. Resolução n. 4.327, de 25 de abril de 2014. Dispõe sobre as diretrizes que devem ser observadas no estabelecimento e na implementação da Política de Responsabilidade Socioambiental pelas instituições financeiras e demais instituições autorizadas a funcionar pelo Banco Central do Brasil. *Diário Oficial da União:* seção 1, Brasília, DF, p. 22, 28 abr. 2014. Available from: https://www.bcb.gov.br/pre/normativos/res/2014/pdf/res_4327_v1_O.pdf. Access on: Dec. 20, 2022.

BRASIL. Lei n. 12846, de 1 de agosto de 2013. Dispõe sobre a responsabilização administrativa e civil de pessoas jurídicas pela prática de atos contra a administração pública, nacional ou estrangeira, e dá outras providências. *Diário Oficial da União:* seção 1, Brasília, DF, p. 1, 2 ago. 2013. Available from: http://www.planalto.gov.br/ccivil_03/_ato2011-2014/2013/lei/l12846.htm. Access on: Dec. 20, 2022.

BRASIL. Instituto Nacional de Metrologia, Qualidade e Tecnologia. *A Norma Nacional – ABNT NBR 16001*. Brasília, DF: Inmetro, 2012a. Available from: http://www.inmetro.gov.br/qualidade/ responsabilidade_social/norma_nacional.asp. Access on: Dec. 22, 2022.

BRASIL. Lei n. 12.683, de 9 de julho de 2012. Altera a Lei n. 9.613, de 3 de março de 1998, para

tornar mais eficiente a persecução penal dos crimes de lavagem de dinheiro. *Diário Oficial da União:* seção 1, Brasília, DF, p. 2, 10 jul. 2012b. Available from: http://www.planalto.gov.br/ccivil_03/_ato2011-2014/2012/lei/l12683.htm. Access on: Dec. 20, 2022.

BREGMAN, J. I.; EDELL, R. D. *Environmental compliance handbook*. Boca Raton: CRC Press, 2016.

CARROLL, A. B. A history of corporate social responsibility: concepts and practices. *In:* CRANE, A. *et al.* (ed.). *The Oxford handbook of corporate social responsibility*. Oxford: Oxford University Press, p. 19-46, 2008.

CARROLL, Archie B. The pyramid of corporate social responsibility: Toward the moral management of organizational stakeholders. *Business horizons*, v. 34, n. 4, p. 39-48, 1991.

CARROLL, A. B. A history of corporate social responsibility: concepts and practices. *In:* CRANE, A. *et al.* (ed.). *The Oxford handbook of corporate social responsibility*. Oxford: Oxford University Press, 2008. p. 19-46.

COVALENCE. ESG ratings, 2022. Available from: https://www.covalence.ch/. Access on: Dec. 12, 2022.

CROWTHER, D. Social and environmental accounting. Harlow: Financial Times/Prentice Hall, 2000.

DAVIS, K. Five propositions for social responsibility. Business Horizons, v 18, n. 3, p. 19-24, 1975.

DAVIS, K.; BLOMSTROM, R. L. *Business and society:* environment and responsibility. New York: McGraw-Hill, 1975.

DEVA, S. Treaty tantrums: past, present and future of a business and human rights treaty. *Netherlands Quarterly of Human Rights*, v. 40, n. 3, p. 211-221, 2022.

DODD JR., E. M. For whom are corporate managers trustees? *Harvard Law Review*, v. 45, n. 7, p. 1145-116, 1932.

DONALDSON, T.; DUNFEE, T. W. *Ties that bind:* a social contracts approach to business ethics. Boston: Harvard Business School Press, 1999.

DOPPELT, B. Leading change toward sustainability. Sheffield: Greenleaf, 2003.

DRUCKER, P. The new meaning of corporate social responsibility. *California Management Review*, v. 26, n. 2, p. 53-63, 1982.

EDELMAN. *Edelman trust barometer 2022:* global report. Chicago: Edelman, 2022. Available from: https://www.edelman.com/sites/g/files/aatuss191/files/2022-01/2022%20Edelman%20Trust%20 Barometer%20FINAL_Jan25.pdf. Access on: Jan. 7 jan. 2023.

EELS, R. S. F. Corporation giving in a free society. New York: Harper and Bros, 1956.

ELKINGTON, J.; ROWLANDS, I. H. Cannibals with forks: the triple bottom line of 21st century business. *Alternatives Journal*, v. 25, n. 4, p. 42-43, 1999.

ETHOS – INSTITUO ETHOS DE EMPRESAS E RESPONSABILIDADE SOCIAL. Indicadores Ethos para Negócios Sustentáveis e Responsáveis. São Paulo: Ethos, 2014. EUROPEAN UNION. European Commission. *Green paper:* promoting a European framework for corporate social responsibility. Brussels: EC, 2001.

FLA – THE FAIR LABOR ASSOCIATION. *Accountability and transparency are the foundations of responsible business*, 2022. Available from: https://www.fairlabor.org/. Access on: Dez. 17, 2022.

FREEMAN, R. E. Strategic management: a stakeholder approach. Boston: Pitman, 1984.

FRIEDMAN, M. The social responsibility of business is to increase its profits. *New York Times Magazine*, 13 set. 1970. Available from: https://www.nytimes.com/1970/09/13/archives/a-friedman-doc-trine-the-social-responsibility-of-business-is-to.html. Access on: Dez. 10, 2022.

FWF – THE FAIR WEAR FOUNDATION. *Get to know Fair Wear*, 2022. Available from: https://www.fairwear.org/about-us/get-to-know-fair-wear. Access on: Dec. 17, 2022.

GARRIDA, E.; MELÉ, D. Corporate social responsibility theories: mapping the territory. *Journal of Business Ethics*, v. 53, n. 1, p. 51-71, 2004.

GEHMAN, J.; LESRUD, L. M.; FAST, S. Social license to operate: legitimacy by another name? *Canadian Public Administration*, v. 60, n. 2, p. 293-317, 2017.

GRI – GLOBAL REPORTING INIATIVE. *GRI standards by language*, 2021. Available from: https://www.globalreporting.org/standards/download-the-standards/. Access on: Dec. 22, 2022.

IPBES – THE INTERGOVERNMENTAL SCIENCE-POLICY PLATFORM ON BIODIVER-SITY AND ECOSYSTEM SERVICES. Summary for policymakers of the global assessment report on biodiversity and ecosystem services of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services. Bonn: IPBES, 2019.

ISO – INTERNATIONAL ORGANIZATION FOR STANDARDIZATION. *ISO 14001:2015:* environmental management systems – requirements with guidance for use. Geneva: ISO, 2015.

ISO – INTERNATIONAL ORGANIZATION FOR STANDARDIZATION. *Discovering ISO 26000*. Geneva: ISO, 2010. Available from: https://www.iso.org/files/live/sites/isoorg/files/store/en/PUB100258.pdf. Access on: Dec. 22, 2022.

ISO – INTERNATIONAL ORGANIZATION FOR STANDARDIZATION. *ISO 37301:2021:* compliance management systems – requirements with guidance for use. Geneva: ISO, 2021.

JENSEN, O.; TIWARI, C. Subjective well-being impacts of natural hazards: a review. *In:* CHAIE-CHI, T. (ed.). *Economic effects of natural disasters:* theoretical foundations, methods, and tools. London: Academic Press, 2021. p. 583-599.

JONES, C. et al. The material and visual basis of institutions. In: GREENWOOD, R. et al. (ed.). The Sage handbook of organizational institutionalism. 2. ed. Thousand Oaks: Sage, 2017. p. 621-646.

JONES, T. M. Corporate social responsibility revisited, redefined. *California Management Review*, v. 22, n. 3, p. 59-67, 1980.

KEHOE, S. CEOs must lead change. *In:* EDELMAN. *2019 Edelman trust barometer:* executive summary. Chicago: Edelman, 2019. p. 9-11. Available from: https://www.edelman.com/sites/g/files/ aatuss191/files/2019-02/2019_Edelman_Trust_Barometer_Executive_Summary.pdf. Access on: Jan. 7, 2023.

KOTLER, P.; LEE, N. *Corporate social responsibility:* doing the most good for your company and your cause. Hoboken: Wiley, 2005.

KRAMER, K.; WARE, J. *Counting the cost 2021*: a year of climate break down. London: Christian Aid, 2021. Available from: https://app.box.com/s/ui6b821a8x38uby54i7hfsqm3fadyzx8/ file/896537370689. Access on: Dec. 15, 2022.

LATIF, K. F.; SAJJAD, A. Measuring corporate social responsibility: a critical review of survey instruments. *Corporate Social Responsibility and Environmental Management*, v. 25, n. 6, p. 1174-1197, 2018.

MACKEY, J.; SISODIA, R. *Conscious capitalism, with a new preface by the authors:* liberating the heroic spirit of business. Brighton: Harvard Business Review Press, 2014.

MAON, F.; LINDGREEN, A.; SWAEN, V. Organizational stages and cultural phases: a critical review and a consolidative model of corporate social responsibility development. *International Journal of Management Reviews*, v. 12, n. 1, p. 20-38, 2010.

MARKHVIDA, M. et al. Quantification of disaster impacts through household well-being losses. Nature Sustainability, v. 3, p. 538-547, 2020.

McWILLIAMS, A.; SIEGEL, D. Corporate social responsibility: a theory of the firm perspective. *Academy of Management Review*, v. 26, n. 1, p. 117-127, 2001.

MOTTA, R. S. *Manual de valoração econômica de recursos ambientais*. Rio de Janeiro: IPEA/MMA/ PNUD/CNPq, 1997.

OECD – THE ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOP-MENT. OECD Guidelines for Multinational Enterprise. Paris: OECD, 2011. Available from: https:// www.oecd.org/daf/inv/mne/48004323.pdf. Access on: Dec. 22, 2022.

O'KELLEY, C. R. T. Merrick Dodd and the great depression: a few historical corrections. *Seattle University Law Review*, v. 42, p. 513-533, 2019.

RUGGIE, J. Report of the Special Representative of the Secretary-General on the Issue of Human Rights and Transnational Corporations and other Business Enterprises. *Netherlands Quarterly of Human Rights*, v. 29, n. 2, p. 224-253, 2011.

RUSSO, A. A.; TENCATI, A. Formal vs. informal CSR strategies: evidence from Italian micro, small, medium-sized, and large firms. *Journal of Business Ethics*, v. 85, n. 2, p. 385-353, 2009.

SAMPAIO, J. A. L.; PINTO, J. B. M.; FABEL, L. M. T. Ordem e desordem na poliarquia pós-estatal: o papel da responsabilidade socioambiental das empresas. *Veredas do Direito*, Belo Horizonte, v. 18, n. 41, p. 225-247, maio/ago. 2021.

SELLE, P.; GATTI, L. Greenwashing revisited: In search of a typology and accusation-based definition incorporating legitimacy strategies. *Business Strategy and the Environment*, v. 26, n. 2, p. 239-252, 2017.

SIMPSON, J. Define 'consultation' and 'social licence'. *The Globe and Mail*, 22 out. 2014. Available from: http://www.theglobeandmail.com/opinion/define-consultationand-social-licence/article21199386/. Access on: Dec. 22, 2022.

SISODIA, R. S. Doing business in the age of conscious capitalism. *Journal of Indian Business Re*search, v. 1 n. 2/3, p. 188-192, 2009.

STANDARD ETHICS. Standard Ethics Rating (SER). *Country rating*, 2022. Available from: https://standardethicsrating.eu/component/finances/?project_id=2&option=com_financ-es&view=items&filter_order=it.date_item&filter_order_Dir=DESC&Itemid=116. Access on: Dec. 20, 2022.

SWANSON, D. L. Toward an integrative theory of business and society: a research strategy for corporate social performance. *Academy of Management Review*, v. 24, n. 3, p. 506-521, 1999.

SYNERGY – SYNERGY GLOBAL STANDARDISATION SYSTEM. Synergy CodEthic 26000 – Social responsibility and sustainability commitment management systems of the organisations, 2022. Available from: https://web.archive.org/web/20130402051857/http://www.synergy-gss.com/Syner-gyStandards/Codethic26000.php. Access on: Dec. 15, 2022.

TARANTINO, A. Introduction. *In:* TARANTINO, A. (ed.). *Governance, risk and compliance handbook:* technology, finance, environmental and international guidance and best practices. Hoboken: John Wiley & Sons, 2008. p. 1-37.

THOMSON, I.; BOUTILIER, R. Social license to operate. *In:* DARLING, P. (ed.). *SME mining engineering handbook.* 3. ed. Englewood: Society for Mining, Metallurgy, and Exploration, 2011. p. 1779-1796.

UN – UNITED NATIONS. United Nations Conference on Trade and Development. *A manual for the preparers and users of eco-efficiency indicators*. New York: UN, 2004. Available from: https://unct-ad.org/system/files/official-document/iteipc20037_en.pdf. Access on: Dec. 22, 2022.

UN – UNITED NATIONS. United Nations Conference on Trade and Development. *Guidance on corporate responsibility indicators in annual reports*. New York: UN, 2008. Available from: https://digi-tallibrary.un.org/record/621989?ln=en. Access on: Dec. 22, 2022.

UN – UNITED NATIONS. United Nations Human Rights Office of Higher Commissioner. *Guiding principles on business and human rights:* implementing the United Nations "Protect, Respect and Remedy" Framework. New York: UN, 2011. Available from: https://www.ohchr.org/sites/default/ files/documents/publications/guidingprinciplesbusinesshr_en.pdf. Access on: Dec. 12, 2022.

UN GLOBAL COMPACT – UNITED NATIONS GLOBAL COMPACT. *The ten principles of the UN Global Compact.* New York: UN, 2000. Available from: https://www.unglobalcompact.org/what-is-gc/mission/principles. Access on: Dec. 22, 2022.

UNIÃO EUROPEIA. Comissão Europeia. *Comunicação ao Parlamento Europeu, ao Conselho, ao Comitê Econômico e Social e ao Comitê das Regiões (COM(2011) 681 final)*. Bruxelas, 25 out. 2011. Available from: https://eur-lex.europa.eu/legal-content/PT/TXT/PDF/?uri=CELEX:52011D-C0681&from=EN. Access on: Dec. 22, 2022.

USA – UNITED STATES OF AMERICA. National Centers for Environmental Information. *Billion-dollar weather and climate disasters*. Silver Spring: NCEI, 2023. Available from: https://www. ncei.noaa.gov/access/billions/. Access on: Jan. 5, 2023.

WALTON, C. C. Corporate social responsibilities. Belmont: Wadsworth, 1967.

WEF - WORLD ECONOMIC FORUM. *Nature risk rising:* why the crisis engulfing nature matters for business and the economy. Cologny; Geneva: WEF, 2020.

WOOD, D. J. Corporate social performance revisited. *The Academy of Management Review*, v. 16, n. 4, p. 691-718, 1991.

WOOT, P. Should Prometheus be bound? Corporate global responsibility. New York: Palgrave Macmillan, 2005.

ZADEK, S. The path to corporate responsibility. *Harvard Business Review*, v. 82, n. 12, p. 125-132, 2004.

ZAMANOU, S.; GLASER, S. R. Moving toward participation and involvement: managing and measuring organizational culture. *Group & Organization Management*, v. 19, n. 4, p. 475-502, 1994.

ABOUT THE AUTHORS

Luiz Gustavo Gonçalves Ribeiro

Postdoctoral degree in Constitutional Law from the Università Degli Studi di Messina (UNIME), Messina, Italy. Doctoral and Master's degrees in Criminal Sciences from the Universidade Federal de Minas Gerais (UFMG), Belo Horizonte/MG, Brazil. Professor of the master's and doctoral programs in Environmental Law and Sustainable Development at Dom Helder Escola Superior (DHES), Belo Horizonte/MG, Brazil. Public Prosecutor in Belo Horizonte/MG, Brazil.

José Adércio Leite Sampaio

Postdoctoral degree from Universidad Castilla-La Mancha (UCLM), Ciudad Real, Spain. Doctoral and Master's degrees in Law from the Universidade Federal de Minas Gerais (UFMG), Belo Horizonte/MG, Brazil. Professor at Dom Helder Escola Superior (DHES), Belo Horizonte/MG, Brazil. Assistant Professor III at Pontificia Universidade Católica de Minas Gerais (PUC-MINAS), Belo Horizonte/MG, Brazil. Regional Attorney of the Republic.

Authors' participation

Both authors participated in the discussions about the results, revised and approved the final paper.

How to cite this article:

RIBEIRO, L. G. G.; SAMPAIO, J. A. L. Corporate Social Responsibility: Between Meaning and Meaningless. *Veredas do Direito*, Belo Horizonte, v. 20, e202513, 2023. Available at: http://www. domhelder.edu.br/revista/index.php/veredas/article/view/2513. Access on: Day month. year.