

‘Business, human rights and peace in popular culture’

(Working Paper)¹

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Abstract

200 words

Blockbuster movies such as *Blood Diamond* or *Avatar* explore corporate responsibility themes in various ways. How might such popular culture products affect the emerging regulatory landscape on business-related human rights impacts and conflict-sensitive business practices? What role might popular culture -- in particular ‘big screen’ movies -- have to play in fostering greater awareness of, and business respect for, these norms and standards? Most scholarship on addressing the governance gap in these areas is directed to ‘supply-side’ factors -- how to design or improve legal, regulatory and policy initiatives. Scholars in the ‘business and human rights’ and ‘business for peace’ fields have focussed relatively little on insights as to the ‘demand side’ -- whether, how and to what extent consumer behaviour may be relevant in driving shifts in business practices or in complementing or demanding governmental action. This working paper explores a possible research agenda on how the nexus of business, human rights and peace is treated in pop culture, and what (if any) significance this might have to the universe of regulatory and other activity in this field. It asks how important pop culture might be in shaping a critical mass of informed consumers, a potentially relevant regulatory resource.

Key Words

Business and human rights; business and peace; conflict-sensitive business; corporate responsibility; regulation; business ethics; consumer ethics; consumer behaviour; pop culture.

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Introduction

The 2016 Matt Damon film *Jason Bourne* has taken millions at the box office.³ It features ‘Aaron Kallor’ (Riz Ahmed), the young high-profile CEO of trendy social media firm ‘Deep Dream’. Kallor is portrayed as the benevolent new media social networking tycoon, the dynamic corporate guardian of individuals’ internet privacy rights, in the face of intrusive governmental security surveillance. ‘Privacy is freedom’ Kallor defiantly tells the CIA Director (Tommy Lee Jones).⁴ In that line Kallor puts before the audience a principal theme of contemporary debate about the role of global media and telecoms companies in striking an appropriate balance between personal freedom and societal security.

Blockbuster movies from *Blood Diamond* to *Avatar* feature corporate social impact and responsibility themes as allegories or in varying degrees of explicitness. If we are seeing a shift in expectations about the societal role and responsibility of business, how might popular culture affect the emerging if piecemeal regulatory landscape relating to the social impact of corporate and financial activity? What role might popular culture -- in particular ‘big screen’ movies -- have to play fostering greater business awareness of, and respect for, human rights standards and conflict-sensitive business practices? How have more recent mainstream Hollywood movies conveyed corporate responsibility issues, whether or not their creators have harboured or intended any overt or covert didactic social education or sensitisation purposes or effects? What, if anything, might be said about the relative significance of such popular culture products within the grander scheme of regulatory and policy initiatives to address the so-called corporate accountability ‘governance gap’?

There is a growing literature on the human rights dimensions of the ‘governance gap’ -- the gap between business’s societal influence or impact, and the means for greater public accountability for this power (e.g., Ruggie 2013). Principally by reference now to the 2011 *UN*

³ Dir: Paul Greengrass, Perfect World Pictures & Others in association with Universal Pictures.

⁴ As it happens, in the film we learn that Kallor’s own position on these issues is compromised, for his firm has been at least partly funded by the CIA as part of its passive surveillance strategy under the umbrella operational initiative ‘Iron Hand’.

Guiding Principles on Business and Human Rights,⁵ most scholarship focusses on how best to design and deliver the requisite regulatory frameworks, and the promise or pitfalls of various existing or potential legal and regulatory mechanisms and public policy initiatives. Yet at least in relation to some industry sectors, the ‘demand side’ dynamics of consumer power (along with other market impulses and influences) might hold as much if not more regulatory promise as the supply of these instruments, mechanisms, frameworks.⁶ At least, it might be hypothesised that the development of a critical mass of relevantly informed, motivated consumers might be an important variable in the relative efficacy of public, private and hybrid regulatory schemes addressed to social impact issues. This might be so both directly (in consumers’ own purchasing and information-sharing behaviour) and indirectly (as a source of demand on governments and others for action, and as a ‘primed regulatory resource’ in and through which regulatory initiatives might achieve greater traction).

This working paper explores a possible research agenda on how the nexus of business, human rights and peace has been treated in pop culture products, and how significant this phenomenon might be in shaping informed consumers as primed regulatory resources. This paper’s structure reflects its nature as a work-in-progress: part curiosity, part indulgence, part serious enquiry into the true nature of an effective and transformational regulatory landscape and approach. It traverses my two main areas of interest: emerging frameworks on ‘business and human rights’ (‘BHR’), and what for convenience I will call ‘business for peace’ (‘B4P’, scholarship around the positive roles that it is said that business can play in finding, complementing and consolidating peace).⁷ The **first section** sketches the terrain an enquiry like this might conceivably cover, including how Hollywood has treated human rights issues generally. It also includes some big caveats, especially my narrow definition of ‘pop culture’ and my restricted focus on mainstream ‘Big Screen’ English language productions. The section addresses the normative question of whether pop culture products ought to be ‘socially responsible’. Much of the paper consists in putting aside possibly related issues -- as one way to define and refine a viable research agenda.

⁵ As endorsed in UN Human Rights Council Resolution 17/4 of 16 June 2011.

⁶ In this paper I intend ‘regulation’ fairly broadly to connote intentional public initiatives to influence certain conduct by reference to certain standards. I do not define consumers or stock exchanges (etc.) as ‘regulators’ but certainly see them as having regulatory effect: see generally Ford 2015a: 11-12)

⁷ I have elsewhere advanced the argument that there are strategic risks to an overly-broad framing of the BHR project, in terms of the impact on coherence and consensus (Ford 2015b, 2015c). However, for this paper I do intend to attempt to be categorical about what I mean by ‘BHR’ or ‘B4P’.

The **second section** comprises discussion of a small and not particularly methodologically sound selection of movies that -- in my view -- deal in some interesting and varying ways with BHR and B4P issues. In the **third section** I begin to develop some thoughts about an emerging research agenda in this area. I note that while most BHR and B4P scholarship is self-consciously and professedly cross-disciplinary, most of it does not dwell much on the consumer (relative to governmental and business and civil society actors, and their strategies or policies, regulatory or self-regulatory activities).⁸ The section explores the building blocks towards some theory of the potential shaping influence of pop culture products in relation to responsible business conduct and its regulation.

Scope and limits of enquiry

This section clarifies my intended scope and puts to one side a range of interesting issues conceivably raised by this paper's title. First, I limit my enquiry here to English language productions, acutely aware of the considerable limits of a very Western / American / Eurocentric / Anglophone enquiry. In the paper I do briefly explore the need to avoid problematic assumptions about universal cultural resonance among audiences in relation to identifying or relating to human rights themes in pop culture. Second, I assume that the reader understands the term 'pop culture' but in any event I mean modern popular creations transmitted by mass media, intended for the public as a whole and especially for younger people (contrasting 'popular' with the 'high' culture products intended for elite consumption or intellectual analysis).

In the caveats that now follow I elaborate on what I take 'pop culture' to mean in this paper.⁹ What follows, then, is an extended list of caveats about the issues this paper does not deal with, but which each seem capable of supporting a fun or mini or viable research agenda, too.

- TV Series Artificially, I put aside here popular consumption TV shows, clearly a hugely significant vehicle for social messaging on contemporary issues. I gloss over these

⁸ For one recent exception, see an overview on 'Shopping for a better world' by Palazzo et al 2016. The authors' title appears to be taken from a 2004 study by Marcel Carrington and others (see here Carrington 2010).

⁹ In any more substantive research project framing 'BHR / B4P and Pop Culture', one other definitional issue would be deciding what constitutes an issue that in relevant ways raises 'human rights' principles. This corresponds to questions in the BHR field about the proper scope of the BHR narrative (Ford 2015b), one context for which is the conceivably wide net of the UNGPs' concept of 'adverse impact'.

partly because of inadequate primary research on my part! Serialised fictional TV shows give their writers the scope to explore current political, social or economic issues relatively timeously, to the point where one might wonder whether plot-lines in shows such as *The West Wing* or *House of Cards* are not only shaped by current political events around them but may also play some role (alongside conventional political inputs) in shaping political discourse.

I doubt there is an entire TV series that can be viewed as addressing BHR or B4P themes. Memorable episodes within high-profile TV series that have directly engaged with these issues may be too numerous to mention, or their episodic treatment may be too indirect, fleeting or one-off to amount to an enduring pop culture input for the purposes of this paper. My attention was drawn to Season III of the popular US legal drama *Suits*.¹⁰ This features an oil company CEO ('Ava Hessington') who eventually pleads guilty to a charge of bribing a foreign official ('Colonel Muriga'), whom it later emerges had killed people in the host country who had protested against Hessington Oil's proposed pipeline. The show engages with torts-based transnational human rights litigation under the *Alien Torts Claims Act* (28 U.S.C 1350). These episodes aired in the same year (2013) that the US Supreme Court handed down its decision in *Kiobel v Shell* in which Nigerian plaintiffs sought to sue Shell in the US for alleged complicity in human rights violations by the Nigerian state.¹¹ Even if the director treated such issues in way that would leave a lasting informed impression on an objective viewer, one has to doubt the cultural impact of single episodes. I am not sure whether other office-based series raise corporate responsibility issues in any consistent way. While one would have to account for the limited reach globally and/or culturally of many TV series, a whole research or teaching agenda probably exists on the normative or didactic dimensions of TV shows in relation to human rights or other social and justice issues. Nevertheless, here I focus on big-screen movies.

- Music and music videos Influential American hip-hop artist Kanye West's '*Diamonds from Sierra Leone*', released in mid-2005, won 'Best Rap Song' at the 48th Grammy

¹⁰ Created by Aaron Korsch; Untitled Korsch Production and others in association with NBC Universal. I am grateful to Louise Bartholomew for bringing my attention to this part of the *Suits* series and its timing.

¹¹ 133 US Supreme Court 1659 (10-1491), decided 13 April 2013.

Awards.¹² Now of course a central BHR issue since at least the late 1990s has been the role of so-called ‘conflict’ or ‘blood’ diamonds in fuelling civil wars (e.g., Angola, Sierra Leone, Liberia) and state human rights abuse (e.g., Zimbabwe). West’s lyrics themselves are not explicit about conflict diamonds, and in fact make no reference at all to that issue or indeed to Sierra Leone.¹³ Nevertheless, the music video, while shot in Prague, does feature black African children mining for diamonds under guard, a subtitled plight (‘we are the children of blood diamonds’) that is contrasted with images of ‘first-world’ jewellery shoppers.¹⁴ The music video does begin with a quote from West ‘Little is known of the Sierra Leone / and how it connects to the diamonds we own’. The video does contain a statement at the end (‘Please purchase conflict-free diamonds’). The music video is thus far more explicit than the song itself in terms of this well-known BHR/B4P theme. Reluctantly, I will nevertheless put aside music and music videos -- *par excellence* paradigms of popular culture -- in this exploration of the topic.

- Documentaries I would also put aside here and not consider as ‘pop culture’ non-fiction documentaries, feature films and other short films directly intended to inform or educate and persuade on BHR and B4P issues.¹⁵ I would put these aside conscious that more innovative strategies such as short films might hold significant potential for building social cohesion or bridging divides, as for example has been tried in the ‘frozen conflict’ in Cyprus.¹⁶ One reason for excluding these contributions, in relation to my ideas below

¹² Released 31 May 2005; Roc-a-Fella / Def Jam.

¹³ I am grateful to Zacariah Calabro for bringing my attention to this song. Wikipedia notes that the artist did record a remix with some additional verses dealing with Sierra Leone. The Wikipedia entry notes that the remix begins ‘Good Morning! This ain’t Vietnam. Still, people lose hands, legs, arms for real. Little is known of Sierra Leone, and how it connects to the diamonds we own’. It is said that an unofficial remix ‘Conflict Diamonds’ by West’s friend Lupe Fiasco is more explicit: https://en.wikipedia.org/wiki/Diamonds_from_Sierra_Leone.

¹⁴ See the official / Vevo version on Youtube: <https://www.youtube.com/watch?v=92FCRmeggNqQ>.

¹⁵ I note here that a number of leading transnational human rights groups host ‘film festivals’ where fictional films, falling within my meaning of ‘pop culture’, are shown. Short human rights films are a hybrid of documentary and educational advertising: see for example Amnesty International’s ‘top-10’ list of human rights videos: <https://www.amnesty.org/en/latest/education/2015/05/10-best-human-rights-videos/>, or the most recent Human Rights Watch film festival: <https://www.hrw.org/news/2016/06/05/18-powerful-films-bring-human-rights-struggles-life>. For general discussion of human rights film festivals see Tascón 2015. I include in ‘documentaries’ self-produced video content such as Youtube postings.

¹⁶ I refer here to USAID and UNDP supported short films made around 2009-13 with the cooperation of chambers of commerce on the island with a view to reassuring people across the divide, illustrating commonalities, and motivating reconciliation and conflict resolution: Fiona Mullen ‘Business for Peace: the Case of Cyprus’ (author copy of draft paper delivered at the American University Sharjah, October 2016), 12. These short films were ‘What if’ and ‘Cyprus: The 9 O’Clock News in the Year 2030’, the latter portraying the island as a thriving tourist destination and where a fictional ‘Friendship Olive Oil’ produced by Greek and Turkish Cypriots wins a business award: <https://www.youtube.com/watch?v=Pbrk1i4xXBI>.

on the regulatory significance of an informed consumer base, is an assumption, which may be wrong. This is that the vast majority of viewers of these sorts of productions are likely to already be persuaded about or interested in BHR and business ethics / social impact issues (even if the production gives them more precise understanding or greater motivation).¹⁷ Instead I am more interested in mainstream productions that in some ways, in varying degrees of explicitness, and with varying degrees of intentionality, impart a message to viewers about these themes -- but where corporate responsibility and social impact themes are not themselves put out as the drawcard. And so I would put aside here ‘Michael Moore’-style documentaries, critical documentary movies with an obvious enough link to BHR, from *The Corporation* (2003) to *True Cost* (2015), and docu-movies on issues such as climate change that while not raising BHR or B4P issues as such can be viewed as commentaries on the impact of business activities on society, such as *An Inconvenient Truth* (2006). I put these aside conscious of the power of well-made movie-length documentaries, some of which are marketed as movies. If not themselves emanations of pop culture, their motifs can become mainstreamed into pop culture. In terms of films about corporate impact on human rights, the very powerful and persuasive 2013 film *Blackfish* is an example of this potential, albeit dealing with corporate impact on animal rights.¹⁸ The film critically examines SeaWorld Inc., in relation to the captive orcas (killer whales) used to entertain audiences. I discuss historical and biographical dramas below.

- Advertising While it raises some fascinating issues, I also put aside here the role of consumer television, Youtube and other advertising as one pop culture medium or manifestation.¹⁹ Clearly this medium, and both the creative license and the considered psychological leverage associated with the industry, constitutes an important platform for influencing consumer understandings. For instance, no doubt there exists research on the scope for influencing the approach to sustainability and social or environmental

¹⁷ For a list of human rights documentaries generally (not necessarily BHR-related), see <https://freedocumentaries.org/human-rights-documentaries>. See too Gibney 2013 on ‘1011 best human rights films’ (feature films and documentaries), and the associated website <http://www.watchinghumanrights.org/2013/11/19/about-the-book-watching-human-rights-the-101-best-films/>.

¹⁸ Dir. Gabriela Cowperthwaite; CNN Films in association with Magnolia Pictures. I am grateful to ANU PhD candidate Tim Vines for our discussion of *Blackfish* in November 2016.

¹⁹ Likewise I put aside publicly-funded social and consumer awareness campaigns, often using TV and internet adverts. For example, Australian state and federal governments are leading users of social advertising, with a history of campaigns on social issues such as smoking, racism, energy efficiency and domestic violence (see Flowers et al 2001, 5; cf. Adler and Pittle 1984).

impact of a whole new generation of (current and future) consumers through advertising oriented at children.

- Gaming Largely out of ignorance, I also put aside the world of online and other video gaming. This significant pop culture phenomenon is a medium in which messaging on business responsibilities might well be present (or, it could be argued, might well be needed).²⁰ Obviously, some movies have gaming spin-offs and vice-versa. The partnership in relation to education on sustainable future cities between the producers of *Minecraft* (one of the world's most popular video games) and the United Nations agency UN-Habitat is an example of the scope for overt positive social messaging through this mass medium.²¹ Daniel Bond has rightly distinguished gaming from movies in the context of sensitising more ethical consumers, in that the interactivity of gaming platforms and culture would normally require a level of moral engagement and deliberation of participants that more passive movie-watching audiences are not asked to rise to.²²
- Printed matter Some would argue that books are not 'mass media' and so do not fit within any definition of 'pop culture'. In any event, I put aside here novels, graphic novels, cartoons and comic books giving substantial treatment to BHR or B4P issues. The more famous and influential of these might be seen (depending on one's definitional stance) as having a pop culture presence.²³ For instance, the memorable massacre of workers in Nobel laureate Gabriel Garcia Marquez's celebrated novel *100 Hundred Years of Solitude* clearly requires the reader to engage with BHR issues.²⁴ Marquez presents a fictional account of the factual 1928 massacre around a labour dispute at the US-owned United Fruit Company in Santa Marta, Colombia -- an event

²⁰ I acknowledge my LLM student Daniel Bond (2016) who in the course of studies drew my attention to this source of pop culture influence in a BHR context -- and went on to write persuasively on that issue. Bond noted edutainment games such as management game *Sweatshop* (Littleloud, 2011), where gamers must balance labour standards and profitability issues, contrasting with outright action games such as *Far Cry II* (2008) that happen incidentally to raise issues such as conflict minerals.

²¹ For one source on deliberately educational entertainment games, see www.gamesforchange.org/.

²² See n. 20 above, with my acknowledgment of Bond's ideas as developed in his LLM coursework in response to questions I posed in Week 9 of the BHR course.

²³ I discuss the 2005 film *The Constant Gardener* below, conscious that started life as John le Carré's 2001 novel (Hodder and Stoughton, London).

²⁴ As noted by John Morrison of the Institute for Human Rights and Business in an address in Colombia, discussed in Annie Kelly's article 'Can post-conflict Colombia become a business and human rights leader?' (*The Guardian*, 7 June 2013; <https://www.theguardian.com/sustainable-business/colombia-business-and-human-rights-leader>).

that can be seen as directly tied to the earlier civil armed conflict in Colombia and its legacy for the last five decades of conflict. Nevertheless I put books such as this aside -- it is for other research to map BHR/B4P links in literature and the fine arts more generally.

Turning then to mainstream ('Hollywood') English-language movies, I would put aside a number of other genres or tropes as being of less interest for my purposes here:

- Evil / all-powerful corporation Allen has chronicled (2016) how the cliché of the ill-intentioned, faceless, all-powerful and ambitious evil corporation became 'so deeply embedded in the landscape of contemporary culture' in the form of movies. In this paper I would not include discussion of these sorts of movies. I am interested in depictions of corporate impact on human rights and/or peace during the course of otherwise mainstream for-profit activities, where the corporation is not itself seeking to replace or displace the state, or conspire against the overall public good. I therefore put to one side the 'trope' of movies that Allen describes. In these the 'evil corporation' is itself the central player in the dystopian (often futuristic) society portrayed in the movie, such that its human rights footprint is unsurprisingly highly negative. Allen would list corporate characters such as the Buy 'n' Large Corporation in the huge box office animation success *Wall-E* (2008, where the corporation has taken control of a world rendered uninhabitable); the supposedly benevolent Soylent Corporation in *Soylent Green* (1973, starring Charlton Heston); the Weylan-Yutani Corporation in the *Alien* movies (1979-); and Omni Consumer Products in *RoboCop* (1987).

To Allen's list might be added others such as bio-weapon manufacturer the Umbrella Corporation in *Resident Evil: Retribution* (2012), the privacy-invasive internet service provider Gregg Microsystems in 1995's Sandra Bullock film *the Net*, or the quasi-military Multinational United Company contracted to contain and relocate aliens in *District 9* (2009).²⁵ Finally, the *James Bond* franchise confirms the embeddedness of the 'evil corporation' motif in Hollywood-style movies, from Zorin Industries

²⁵ While loosely based around *apartheid* displacement / relocations such as happened in real-life District 6 in Cape Town, South Africa, *District 9* could be viewed as touching on contemporary BHR debates in Australia in terms of the role of private firms contracted to run controversial off-shore detention centres for asylum-seekers / irregular arrivals (see *No Business in Abuse*, 2016). More generally, the company in *District 9* raises broader questions about militarised private security contractors.

(triggering catastrophe in Silicon Valley so as to dominate the world microchip market in *A View to a Kill*) to the Carver Media Group (fostering armed conflict in order to be first to report on its so as to boost its media ratings and sales in *Tomorrow Never Dies*). Of course the *Bond* movies also famously often feature the ‘SPECTRE’ organised crime network, raising among other things many of our false assumptions about binary distinctions between licit and illicit, state and private economic activities.²⁶

Here one might also consider a much rarer redemptive trope on the capacity for pro-social or more benevolent corporate enterprise. A prime example is the 2001 family hit *Monsters, Inc.*, in which the city of Monstropolis generates electricity by sending scary monsters to trigger and harvest human children’s screams.²⁷ By the movie’s end, the reformed company instead sends monsters to make children laugh, both a far richer and friendlier source of electrical generation. Whatever fertile ground such a genre creates for commentary on pop culture’s portrayals of the ideal role of business in a sustainable, safe and just society, one can put it aside for present purposes in relation to BHR and B4P.

- The Business of Conflict Speaking of the conflict-inciting corporate agenda in *Tomorrow Never Dies*, I would put aside movies where the industry itself has something of a vested interest in insecurity and conflict, that is in particular Hollywood arms-dealer movies from *Lord of War* (2005) to *War Dogs* (2016, albeit based on a true story).²⁸ One reason to put these aside is that, as the B4P literature states now almost as a refrain, the vast majority of companies by number, value and sector gain little from increased conflict and insecurity in the world, even if many are often immune in commercial terms to conflict dynamics.

²⁶ See Cockayne, J., *Hidden Power: the Strategic Logic of Organised Crime* (Hurst, London, 2016).

²⁷ Dir. Peter Docter; Walt Disney / Pixar with Buena Vista Pictures. I am grateful to fellow dad John Katsos for raising this movie (conversation, American University Sharjah, October 2016).

²⁸ One might include here the fictional Democra Corporation, a private contractor to Bosnian peacekeepers in *The Whistleblower* (2000, starring Rachel Weisz). This ‘based on a true story’ movie is a critique of US private military contractor DynCorp, which has faced accusations of employees’ involvement in sexual and other crimes in conflict-affected situations. This is an example of a movie that is of course part of pop culture but not demonstrably so -- it is not well known, its title is not a household name in Western homes as some of these other examples might be.

- Slavery / Slave Trade movies Whether or not one thinks its famous offspring *Gone with the Wind* romanticised or critiqued slavery, Hollywood has a rich tradition of (anti-)slavery movies, from *Uncle Tom's Cabin* and *Roots* (a mini-series) to *Amistad*, *12 Years a Slave* and *Django Unchained*.²⁹ In my view, a paper with the title mine has should properly include this genre: after all, the Atlantic and other slave trades and the institution of slavery were *par excellence* situations of business activity directly and seriously breaching human rights on a widespread and systematic scale. Nevertheless I put these movies aside mainly because of their historical focus, conscious both of sentiments about the unresolved human rights legacy of these profoundly immoral events, and of the prevalence today of other varyingly egregious forms of forced and indentured labour. 'Modern slavery', child labour and human trafficking are among the most high-profile of contemporary BHR issues, and from the United Kingdom to California have (along with 'conflict minerals') prompted the most energetic legislative and regulatory responses of any BHR issue. Trafficking and other issues have had some treatment in pop culture,³⁰ but to my knowledge we have yet to see a high-profile movie dealing in some way with the ways in which the modern slavery or trafficking phenomenon may be linked to mainstream commercial production and supply chains.³¹

I would add here -- for the purposes of setting aside -- movies set in and critically engaging with the colonial era and which may have BHR and B4P themes. Putting aside too 'Westerns' (so-called 'Cowboy and Indian') movies, the most famous modern movies on the colonial-era -- from *The Mission* or *1492: Conquest of Paradise*, to *Out of Africa* or *Last of the Mohicans*, from *Zulu* to *Cry Freedom* to *Ghandi* -- arguably cannot be interpreted as meditations on BHR and B4P issues, at least not in any direct way in terms of conceivable audience reflection. Nevertheless, and as with slavery above, since the entire colonial enterprise can be viewed as a partly commercial endeavour and so as 'BHR and B4P writ very large', this genre must be mentioned.

²⁹ For one review about what various slave and slave trade movies 'got right' and 'got wrong' see Moore, A., '8 Memorable Movies about Slavery' *Atlanta Black Star* blog, 2014, <http://atlantablackstar.com/2014/09/07/8-memorable-films-slavery-got-right-got-wrong/>.

³⁰ For instance, 2008's *Taken* featuring Liam Neeson; human trafficking plots are more common in TV series such as *CSI* and *Criminal Minds*. As noted, in this paper I am interested in mainstream business actors, and not particularly interested in the portrayal or treatment in pop culture of outright illegal / criminal business activities affecting human rights, such as human and narcotics trafficking.

³¹ As noted, I am less interested here in business activity that is clearly illicit and underground, even if some productions such as *Blood Diamond* illustrate intersections between licit and illicit networks and supply chains.

After all, private corporations from the Dutch East India Company to the Virginia Company to the British South Africa Company were of course at the forefront of colonial expansion and economic development / exploitation. In this regard I discuss below the movie *Pocahontas* in my discussion of *Avatar*. The point of colonialism as BHR writ large having been made, and doubting that mainstream audiences would pick up that point in most of the classics, I put this genre aside. I discuss other historical and biographical movies briefly below.

- Natural Disaster and Climate Change movies As noted above in discussing films such as *Wall-E*, I put aside here movies portraying corporate characters that have been directly involved in (or profit as a result of) an environmentally devastated planet. While there are of course many ready conceptual links to be drawn at the nexus of business, human rights and climate change,³² I put this genre to one side at this point.
- Civil wrongs litigation I also put aside here, hesitatingly, the many Hollywood ‘courtroom dramas’ that deal with alleged injustices by corporate actors, generally civil wrongs or torts. The lead exemplars are *Erin Brockovich* (2000, starring Julia Roberts) and *The Insider* (1999, starring Russel Crowe), with the obvious observation that while framing serious civil wrongs as human rights might be good strategy or principle, of course not all torts claims can be described in human rights terms. Nevertheless, my reluctance in putting this genre aside is because its better exemplars speak powerfully to access-to-justice issues in contemporary Western society: access to effective remedies for claims of business-sourced human rights abuse is one of three ‘pillars’ of the UNGPs, and a significant issue in contemporary BHR debates.³³
- The Wall Street genre What about films about the late 2000s financial crisis (such as *Margin Call* and *Too Big to Fail* (2011))? Do films of that wider genre (classically, *Wall Street* 1987, 2010) count as ‘business and human rights’ films? Would calling these productions ‘BHR’ movies be drawing too long a bow between arguably socially irresponsible investor and trader activity and its ultimate impact on human rights through recessionary and other economic impacts on members of society? Would this

³² [References redacted]

³³ [References redacted]

involve too wide and legally untenable a definition of ‘adverse impact’? There is perhaps an argument that can be made that in net global social impact terms of such systemic manipulation of the financial system, these are clearly telling a ‘human rights’ story. There is an existing debate about global tax avoidance and tax forum shopping (a topic that Hollywood has not really engaged with), being framed as a BHR issue (IBA 2014; cf. Ford 2015b). Nevertheless I put this genre aside, along with more general meditations on American capitalism such as 2007’s excellent and highly original *There Will Be Blood*.

- Historical and biographical drama In this working paper I would put historical and biographical drama movies aside. Although they are not documentaries, neither are they strictly works of cinematographic fiction (accepting that much art is derivative and socially shaped, and there is very little ‘pure’ fiction). In framing this paper I was reluctant to include such movies including because it is arguable that (like documentaries) they would tend to be selected by people already interested in their overt theme of corporate injustice.

Here the most obvious recent BHR movie within my definitional parameters, albeit not a particularly well-known one, is 2014’s *A Prayer for Rain*.³⁴ Featuring well-known American star Martin Sheen, it portrays dilemmas in the lives of American and Indian protagonists in the lead up to the 1984 disaster at Union Carbide’s Bhopal gas plant. The most deadly industrial accident in history, in the BHR world ‘Bhopal’ is a by-word for the jurisdictional and other problems of accessing judicial remedies against transnational corporations for mass civil wrongs. Another biographical human rights drama in the same mould (although not a BHR or B4P movie as such) is something like *Seven Years in Tibet* (1997, starring Brad Pitt). Featuring as they do highly credible high-profile Hollywood stars, movies such as this can certainly be seen as pop culture vehicles for important human rights themes -- perhaps even if the public becomes aware of the making and release of the movie but chooses to avoid watching it.

For the reason discussed above I would have put aside from discussion entirely two other historical dramas, except that I saw a particular BHR/B4P point that might be

³⁴ Dir. Ravi Kumar; Revolver Entertainment.

derived from them. One is 2004's *Hotel Rwanda* starring Don Cheadle, the other the Spielberg blockbuster *Schindler's List* (Liam Neeson, Ben Kingsley, Ralph Fiennes).³⁵ In both movies, based on true stories, we see private businesses and businesspeople act as a refuge for people fleeing mass violence on a genocidal scale. The point to be made from including these is that too often the BHR and B4P literatures, like some 'evil corporation' movie tropes (see below), frame businesses and business actors as potential or actual human rights violators. In these hotel and factory rescue / shelter movies (respectively), we see some reflection of the reality that in many parts of the world with human security problems, corporate sites such as mining settlements can act as 'islands of civility' (Kaldor 1999) in addition to what role they might play in the realisation of any social and economic rights. A large formal mining operation in a remote unstable area might be site of grievances and conflict, but may also be the only 'island' where, for instance, women feel safe moving about after dark. I say this although I think that it is very unlikely indeed that viewers would take this sort of message away from watching either movie.

There is a host of other issues that I would not explore here, all ripe for further discussion. One is the normative question of whether pop culture *ought* to have a corporate responsibility social conscience, along with a didactic or morally educative purpose.³⁶ Presumably the premise for any such argument is that the enormous influence of pop culture players gives rise (through some transmission mechanism that I will leave to moral philosophers) to a concomitant responsibility to wield that influence in 'pro-social' ways. Many might argue that Hollywood in any event has a decidedly 'liberal' (in the US political sense) bias.³⁷ My own view is that this is a difficult argument to make, including for the principled reason of the intrinsic social value of creative license to entertain (within well-recognised parameters such as the norm against inciting racial or religious violence). There is nothing to stop TV show creators and writers, for instance, adding varying weights of social educational gloss and 'pro-social'

³⁵ *Hotel Rwanda* 2004 directed by Terry George, United Artists; *Schindler's List* 1993 directed by Stephen Spielberg, Universal Pictures.

³⁶ One can find the issue discussed in the blogosphere, eg Smith, S., 'Does Pop Culture have a Social Responsibility?' This Ain't Living Blog 2011, http://meloukhia.net/2011/11/does_pop_culture_have_social_responsibility/; and by the same author 'Does Pop Culture have a Responsibility to Educate? XOJane Blog 2013, <http://www.xojane.com/entertainment/does-pop-culture-have-a-responsibility-to-educate>. See too Xue, E., 'Should films have a social responsibility?' Quora response 2012, <https://www.quora.com/Should-films-have-social-responsibility>.

³⁷ Xue in Quora 2012, above.

messaging to their plots and scripts -- the TV series *Glee* may be one example.³⁸ Pop culture consumers will decide whether they can stomach being educated rather than entertained. This suggests that even if one did intend some positive social messaging or at least one intended raising certain moral and ethical issues, doing so too explicitly might be counter-productive to the product's palatability and reach. Perhaps the best guarantee of informative or educative (not the same thing!) influence is the quality and appeal of the work as a work of pop culture: if it is 'good TV' it can have some scope to be good (socially impactful) TV.³⁹

There is thus an apparent paradox here. The writer/director's considerable power to influence is like a form of magic the potency of which lies always in its potential, rather than its use. The more obviously and openly the power-bearer seeks to wield that influence, the less it becomes. That is, in theory Hollywood can have a didactic role in relation to issues such as corporate ethics and responsibility and accountability. However, as soon as movie-makers try to exercise that power, it risks vanishing if used too overtly in ways that depart from the audience's demand to be entertained not dictated to. Of course, many very successful Hollywood movies can be described as didactic and openly promoting some moral messaging. After all this would account for the blogosphere being replete with criticisms of 'preachy liberal Hollywood movies'. Nevertheless, it seems fair to argue that accessing popular emotions and consciousness on a mass scale might prove more difficult the more obvious the didactic intent.

We are familiar with normative or didactic approaches in mainstream Hollywood movies. One might argue that Vietnam War movies such as *Platoon* are highly effective at challenging popular assumptions while not short-changing the audience in terms of action, thrill and quality acting / directing / shooting etc.⁴⁰ Oliver Stone-type movies are action movies but are normative films, although the messaging is done subtly enough that the audience perhaps does not react to being 'educated'.⁴¹ These pop culture products would seem at first glance to hold a significant capacity to alter fundamental views about events or issue on a mass scale, at least

³⁸ This is the example raised by SE Smith in her blogs, above.

³⁹ As Smith notes (in XOJane 2013), "the best 'educational' pop culture is actually that which doesn't set out to be, and doesn't frame itself as such." She cites an example of casting a female as a top spaceship pilot without commenting as being more effective than "a heavy-handed 'ladies can do stuff too!' plot any day." Xue (in Quora 2012) notes that the best films often involve a degree of moral ambiguity rather than simplistic educative thrusts.

⁴⁰ I'm grateful to Michelle Worthington (ANU PhD) for discussions on this point.

⁴¹ One could argue that a movie such as *Platoon* is not didactic but merely seeks to give a relatively balanced factual account of the complexities (moral and otherwise) of war in reality.

in the US and like-minded or culturally affiliated settings.⁴² Here I enter a complex area populated by others with far more understanding both of psychology and of movies and their making. There are whole literatures on the didactic use of films to shift ethical positions or ‘build virtues and character’ (e.g. Niemiec and Wedding 2008). Some may draw moral messages and inferences from watching a movie, and others may not; those who draw such a message may not necessarily alter their behaviour in ethically relevant ways; not every movie has a clear ‘message’, and even where one can identify such messages, they are not necessarily didactic in intent or effect. A full exposition of this point would require one to understand how moral messaging processes work in relation to pop culture products, how if at all these translate into behavioural changes, and under what conditions (see generally Young 2012). For one thing, reactions and inferences from movies are surely likely to be so hugely subjective or idiosyncratic even within relatively homogenous cultural settings, let alone when understood in terms of global (culturally diverse) consumption of and meditation on popular culture.

It is possible our moral capacities are best described from an intuitionist perspective in the sense that ‘intuitions come first, strategic reasoning second’ (Haidt 2012: 106-7).⁴³ Haidt has shown how moral intuitions are generated automatically and quickly, before any moral reasoning process, and tend to persist despite later moral reasoning, so that controlled, conscious moral reasoning is in fact the servant of automatically-generated moral emotions (2012: xiv, 29, 53-59). If so, this would suggest that the bulk of our moral content and aspect is built on the basis of primarily emotional (very often unconscious or subconscious) reactions to external phenomena -- intuitive ‘flashes’ -- rather than on the functions of analytical reason. It might follow that generating responses at the intuitive and emotional levels is more effective than attempts to change others’ minds through strategies and tactics premised on persuasion on the basis of objective rationality.⁴⁴ To change people’s minds, Haidt’s science would suggest, one has to stop worrying about trying to persuade their rational conscious mind, and instead address their emotions and intuitions.

⁴² It may be that deliberately morally ambiguous plots and outcomes might prompt more critical thinking than more linear didactic productions, although Haidt (2012, see below) might argue that such critical conscious reasoning is relatively insignificant in the formation of moral positions.

⁴³ I’m very grateful to ANU corporate ethics PhD scholar extraordinaire Michelle Worthington for referring me to Haidt’s work. The reader will immediately see that I am skimming across some important disciplines for the purposes of making my propositions. Such is a working paper.

⁴⁴ Haidt does caution that ‘gut feelings’ could be a disastrous basis for public policy or law, but that nevertheless we might be more likely to trigger ethical behaviour in society by addressing people’s intuitive and emotional sides than by their reasoned and strategic conscious minds : 2012: 105.

From a corporate responsibility strategy perspective, this might suggest that value-based and didactic messages through that address and persuade on the emotional and intuitive level might hold far more significance in shifting individual and group worldviews than reasoned rational appeals to ‘do no harm’ or ‘do some good’. For those pop culture producers with such didactic intentions, the skill then would be to manipulate audience emotions without the audience feeling that they have been emotionally manipulated (if that makes sense). Below I explore a theoretical approach to linking pop culture treatment of BHR and B4P themes with addressing the governance gap relating to these issues. For present purposes it may be sufficient to note the Haidtian findings and argument about the relative efficacy, in promoting ethical conduct, of appealing to emotional intuitive premises rather than rational ones. It would suggest that in ‘cinematic moments’ that succeed in making strong emotional connections (Young 2012, Ch. 6) there may be considerable social power that may hold potential regulation-complementing significance. The empirical holy grail of course would be some way more confidently to claim how relatively important a movie may have been to any ethical behavioural change -- to be able to show that ‘the movies made me do it’ (Young 2012, Ch. 8).

Of course where audiences are overtly and consciously seeking to be educated, such as in a university graduate studies context, there may be a role for pop culture in relation to BHR / B4P education (e.g. Billsberry et al 2012 in management; Teays 2015 on business ethics; Salzmann 2011 on legal ethics).⁴⁵ In relation to my own disciplinary base (law and regulation), I would note that there is a literature on the intersections of legal and popular cultures (e.g. Friedman 1989; Freeman 2005; Bainbridge 2006), including in relation to potential educative contributions through film and other forms of popular culture (e.g. Asimow and Mader 2013). Much as I would love to develop a taught course dealing with these themes, further discussion of this overt educative role for pop culture products is beyond this paper’s scope.

Human rights and pop culture generally

Beyond the narrower issue of *business* and human rights, of course there is a broader question of the significance of pop culture in relation to human rights information and education more generally.⁴⁶ There is a small but identifiable literature on the portrayal of human rights issues

⁴⁵ See also, for example, the UCLA law school course ‘Law and Popular Culture’ <https://curriculum.law.ucla.edu/Guide/Course/293>.

⁴⁶ For one gimmicky overview, see <https://prezi.com/zdnngenxfsx/human-rights-in-pop-culture-presentation/>.

in popular culture (e.g. Mihr and Gibney 2015).⁴⁷ The task of trying to come up with a ‘top 10’ list of movies raising human rights issues (which is not the same things as ‘human rights movies’) is itself illustrative of something inherent in the human rights field: for a subject dealing in imperative universals, there is of course no consensus on the priority human rights issues, or indeed on what threshold might exist for when an issue is legitimately one of ‘human rights’. Subjectivity reigns, as it does with internet lists of ‘best human rights movies’.⁴⁸

One human rights group has challenged Hollywood to ‘educate’ the public through human rights themes in mainstream movies.⁴⁹ As noted earlier, in some conservative circles (in the US), Hollywood is seen as biased towards ‘liberal’ values. Arguably, some movies on the post-9/11 ‘war on terror’ have confronted mainstream audiences with actions done in furtherance of their wider security but which may involve difficult questions of human rights or humanitarian law, such as the torture of suspects portrayed in the movie *Zero Dark Thirty* (or, for instance, the TV mini-series *24*). In relation to a movie such as *Zero Dark Thirty* it is difficult to know whether most viewers interpret such exposure as pro- or anti- ‘enhanced interrogation’, and difficult to discern the creators’ intention. Nevertheless the issue is certainly raised for debate.⁵⁰ In a plot relating to the dilemmas of those remotely controlling armed drones in counter-terrorism operations, the recent action-thriller movie *Eye in the Sky* (2015, starring Alan Rickman, Helen Mirren and others) directly introduced audiences to core International Humanitarian Law / Geneva Conventions legal principles around targeting, such as distinguishing military from civilian targets, proportionality, and so on. What will be interesting is whether the rise in popular interest in business responsibility leads to a wave of movie-making where equivalent stark human rights issues are put ‘out there’ for audiences to confront. As noted earlier in discussing Bond’s point on video gaming, the relative passive nature of a movie audience may not make for the same imperative to navigate these moral and

⁴⁷ Part III of this edited volume (‘Human Rights in Popular Culture’) includes contributions such as ‘Making Human Rights Visible through Photography and Film’ (Ch. 24).

⁴⁸ For a list of IMDB’s recommended human rights movies, see <http://www.imdb.com/list/ls052579163/>. An example of this subjectivity is the list chosen by Katherine Brooks in her blog ‘10 Movies every Human Rights Advocate Should See’ *Huffington Post* blog, 2014, http://www.huffingtonpost.com.au/entry/human-rights-watch-film-festival_n_5413640, or see Kristin Ramus’ <https://mubi.com/lists/films-about-human-rights>.

⁴⁹ Human Rights First 2016: “American popular culture reaches into living rooms and theaters across the world. We challenge the entertainment industry to recognize this power and tackle human rights issues with the accuracy and complexity they demand.” See <http://www.humanrightsfirst.org/topics/popular-culture>.

⁵⁰ The debate on Hollywood’s treatment of enhanced interrogation or torture of terrorism suspects is beyond the scope of this paper; see too Flynn and Salek 2012.

legal issues as an interactive medium might. Would some form of future hybrid (between a big screen movie and shared gaming) involve greater engagement with normative issues?

Five selected movies on BHR and/or B4P themes

What follows are short ‘case notes’ on five movies selected as pop culture products exploring BHR and often also B4P themes.⁵¹ Of course they are not offered as reviews of the particular movies *as movies* (although I happen to have enjoyed each of them). Through what follows intend a dual exercise. One purpose is to reflect on how BHR and/or B4P themes might have been treated in the movies, for their own sake. The other is to explore, in the form and degree of incompleteness of a working paper, the ways in which such products might be seen as capable of serving as vehicles for stimulating, at scale, popular awareness and engagement on various corporate responsibility issues. I have chosen these movies, the first two perhaps better known than the remainder:

- *Blood Diamond*: responsible supply-chains for a potential ‘conflict mineral’.
- *Avatar*: human rights and conflict-related impacts of major extractive industry projects, especially in relation to land and natural resource issues, indigenous groups, and private security in fragile or ‘high risk’ settings.
- *The Constant Gardener*: prior informed consent, public health and human rights in a context of undue corporate influence on regulatory institutions.
- *Philadelphia*: workplace rights as core issues of ‘business and human rights’.
- *Ex Machina*: corporate actors, internet freedom and personal privacy rights.

The paper’s final section then explores what significance any such more ethically demanding consumers might have in the context of efforts to supply more effective regulatory and policy responses to the governance gap at the nexus of business, human rights and peace.

⁵¹ The framing of this paper as addressing both BHR and B4P is somewhat arbitrary -- these happen to be the two areas on which I do most research and other work.

'Blood Diamond'

It is no surprise that one might turn first to this 2006 Hollywood action drama, set amid the conflict economy of late 1990s civil war Sierra Leone. The film garnered Academy Award nominations for its two leading male actors (Leonardo di Caprio and Djimon Hounsou).⁵² Hounsou's peasant character and his family are caught up in the at-gunpoint forced labour of rebel-controlled alluvial diamond fields and various associated brutalities. Di Caprio's character is a private military contractor whose employer is based no doubt on real-life Anglo-South African firm 'Executive Outcomes'. In the process of the two men's inter-twined ordeal around various actors' pursuit of a particularly appealing large uncut stone, the audience is in effect shown (including through the narrative of a Western investigative journalist, (Jennifer Connolly)) how the global consumer diamond supply chain -- mediated through the heart of the legitimate gemstone buyers of Europe and beyond -- can have direct links to both funding and motivating serious civil armed conflict. At the movie's end, Hounsou's character appears at a conference in Kimberley, South Africa, on reforming the diamond certification system. This of course is a direct reference to the landmark 2000 conference that led to the *Kimberley Process Certification Scheme*.⁵³

Professional critics (if not audiences necessarily) would automatically put it in the category of 'advocacy-entertainment' where compelling action scenes and big-star drawcards highlight a social injustice. A well-established *Washington Post* critic called it 'an unusually smart, [socially] engaged popcorn flick'.⁵⁴ Most reviews in effect suggested that the action, drama, scenery and so on served to satisfy those seeking nothing more than that entertainment, while still offering up some challenging moral / ethical dilemmas. Other reviews were less generous, with one *Boston Globe* critic saying the film fell short as a social statement or at being genuinely provocative.⁵⁵ For that reviewer the movie made an 'obvious ... cynical' overt moral

⁵² 2006; dir. Edward Zwick; Bedford Falls & others. This is not the place to comment on why a white foreigner character was necessary to the telling of this story; one answer of course is simply that this is show business, and di Caprio largely constitutes 'the show'; another is that a proper telling of a 'blood diamond' narrative should in fact include Europeans and others due to the 'it takes two to tango' dynamic whereby transnational networks of licit and illicit actors are involved, not just crazed African 'warlords'. Conflict diamonds are not just an African story, even if the victims of African resource economy conflicts invariably are.

⁵³ [Refs redacted].

⁵⁴ Hornaday, A., 'Blood Diamond' (Review) *Washington Post*, 8 December 2006.

⁵⁵ Burr, T., 'Diamond' trades on action and star appeal' *Boston Globe*, 8 December 2006: http://archive.boston.com/ae/movies/articles/2006/12/08/diamond_trades_on_action_and_star_appeal/

appeal and '[wore] both its social conscience and its Hollywood calculation on its sleeve.' For this reviewer, the movie-makers had made an open proposition to viewers:

'If you attend our lecture on Third World suffering and First World culpability ...we will give you Leonardo DiCaprio pitching woo to Jennifer Connelly and, yea, many loud and hair-raising action scenes. If you want to further examine the ethics behind your engagement ring, that's up to you -- but we sincerely hope you do.'⁵⁶

If this captures the essential bargain involved in movies with social justice messaging or themes, reasonable people might disagree whether the movie's makers effectively balanced entertainment with education. There is not necessarily a trade-off between these two, but if the balance were easier we would probably have more commercially viable films like *Blood Diamond*. There is a difference between challenging the viewer to think on moral dilemmas, and indicating to the viewer which moral choice is preferable. Others beyond this paper might discuss whether a film such as *Syriana* (2005, starring George Clooney) -- with its intricate multiple parallel storylines -- was likely to have been effective in highlighting links between global corporate petro-politics and instability or social conflict -- assuming the film could attract viewers not already persuaded that those links are pervasive and problematic.

'Avatar' (and 'Pocahontas')

A special part of the 2011 *UN Guiding Principles on Business and Human Rights* (GP number 7) deals with the particular responsibilities of states (in relation to business actors) in conflict-affected settings. If in a classroom or boardroom one could devise a scenario with the 'perfect storm' of risk indicators on BHR and B4P, it might include: a zone of weak, dysfunctional or contested governance; a foreign extractive industry company or companies; distant but direct shareholder pressure for secure access to valuable minerals; an especially vulnerable indigenous or other distinct population, on communally held and culturally priceless land; especially fragile ecosystems or other natural assets; and largely unaccountable private militarised security contractors. All these red flags align in the storyline of the blockbuster, multi-billion dollar-earning and widely-acclaimed movie *Avatar* (2009), written, directed and

⁵⁶ Ibid.

produced by James Cameron of *Titanic* fame.⁵⁷ Alongside its huge box-office takings, the movie has high ratings (over 80%) on movie-goer sites such as ‘Rotten Tomatoes’ and ‘Metacritic’.

In terms of the ‘audience bargain’ discussed above, the movie offered viewers pretty obvious themes about serious social impact, exploitation and injustice, but all wrapped in seriously cool sci-fi animation visual effects entertainment value -- with romance and action-drama too. Most influential critics appear to have concluded that relatively simplistic plot about ‘nasty mining company confronted by brave warrior tribe’ remains viable (in audience terms) because of the sheer visual experience, creativity and fantasy involved. The film’s moral questions (if not choices) are posed and played out in the dilemmas and decisions of the lead character (Sam Worthington): *at what price to people and planet the pursuit of profit, here from valuable mineral resources?* The film can perhaps be seen as part of the ‘obvious evil corporation’ trope discussed above (and the ‘noble savage’ one?), save that in *Avatar*’s RDA Corporation we have an ostensibly legitimate conventional listed mining corporation: the history of too many real-life large-scale natural resource investment projects is not, so to speak, on a completely different planet. Nor are the power imbalances, land displacement, social disruption, conflict etc., of historic instances of (in effect) corporate colonisation.⁵⁸

In terms of ‘how does it portray BHR / B4P themes’, the movies does so without particular subtlety and in that sense there is a feast for student essay writers here, whether viewed through the lens of GP7 (home state duties) or Pillar II (corporate responsibilities), or the extractive industry-focused *Voluntary Principles on Human Rights and Security* (2000), recent global frameworks relating to private security firms, or other frameworks of possible application. Scholars of B4P and corporate social engagement issues could have a field day assessing Sigourney Weaver’s character’s efforts at community outreach. There is more to write here. In terms of the question ‘can movies change consumer / corporate conduct’, I spent most of *Avatar* transfixed by the sensory experience, even as my academic mind recognised and digested the

⁵⁷ *Avatar* 2009, dir. James Cameron, Lightstorm and others with 20th Century Fox.

⁵⁸ One might see *Avatar* (ostensibly a highly original fictional fantasy world) as an adaptation of the 1995 Disney film *Pocahontas* (dir. Mike Gabriel and Eric Goldberg, Walt Disney Pictures with Beuna Vista Pictures). As in *Avatar*, there a good-souled male representative of a foreign corporate entrant to a ‘new world’ befriends an indigenous native female in an effort to bridge the gaps between corporate and community. The earlier film was a fictionalised account of historical folklore surrounding the Virginia Company’s entry into the colonial setting that became the United States. See too for pop culture treatment of the Virginia Company story the movie *The New World* 2005 (starring Colin Farrell), and even ‘Peanuts’ in *This is America, Charlie Brown* (1998).

‘message’ (at the time I was writing a doctorate on responsible investment in fragile and conflict-affected settings). However, one might wonder whether the movie will be remembered by viewers far more for ‘the ride’ than for the moral tale. The jury might be divided on whether one might say that in taking its popular culture epic-movie status, *Avatar* shifted popular sentiment on responsible natural resource extraction by mainstream firms. Cameron would argue that it would be unfair to judge the movie on this basis: it is, after all, only a film...

‘The Constant Gardener’

Adapted from John le Carré’s eponymous 2001 novel, the 2005 drama movie *The Constant Gardener* was a commercial and critical success, with multiple Academy Awards, BAFTA and other nominations.⁵⁹ This is notwithstanding the fact that the author was, on my reading, being fairly openly political in his novel; the film’s success is a testament to film-making skill in honouring this without alienating audiences who are not interested in indoctrination or information. A human rights activist (Rachel Weisz in an Oscar-winning role) has been murdered in a remote part of Kenya. At first glance it appears to be a crime of passion. In trying to understand why she may have been killed, her British diplomat husband (Ralph Fiennes) uncovers his wife’s investigations into a sinister global pharmaceuticals company.⁶⁰ He learns that she had discovered that the company had been using unwitting African subjects in the slums of Nairobi to conduct live human trials with an unapproved experimental drug (‘Dypraxa’), knowing that it has harmful, indeed sometimes lethal, side effects. The company wishes to cover up this fact and avoid any delays in bringing the drug to Western markets before its competitors can produce an alternative. Senior staff members in the British diplomatic corps are, in effect, ‘captured’ and corrupted by the UK-based global pharma firm, facilitating its activities.

For nerdish analysts of the UN Guiding Principles and BHR National Action Plans, the movie would speak to the role envisaged for diplomatic missions in promoting human rights compliance by ‘their’ corporate nationals in host countries with weaker or compromised regulatory systems. Yet we may need more theorised work on what is an appropriate degree

⁵⁹ 2005; dir. Fernando Mierelles; Focus Features.

⁶⁰ The company ‘KDH’ (‘KVH’ in the novel) has produced the drug and is testing it through a contracted clinical research outfit called ‘Three Bees’. The novel lacks the movie’s relatively hope-filled ending hinting that some justice might be found.

and form of such public-private dialogue and cooperation in addressing human rights risks especially in fragile states (Ford 2016). Alongside this, in an SDGs era of development cooperation, we perhaps need to address popular understandings of the merits of appropriate public-private dialogue in pursuit of regulatory objectives. This is because the bulk of BHR and B4P commentary still looks suspiciously on the government-business nexus; far from a need for closer interaction (for example by diplomatic missions) to address human rights risks, most see these relationships as already invariably too close. With its conspiratorial tones, the lay audience member would get something of the same broad gist from *The Constant Gardner* in terms of inappropriately close relationships that facilitate corporate action that is very problematic in human rights terms.⁶¹

In the film that problematic conduct is human subject trials in a developing country for a drug intended for a developed world market, without free prior informed consent. The novel / movie plot-line was in fact one covered in the conventional print media in 2000, in a multi-part *Washington Post* series called 'The Body Hunters',⁶² itself picked up by many other news outlets.⁶³ This exposed practices such as those used by Pfizer in relation to its experimental drug 'Trovan' -- intended for Western markets but trialled on low-income African subjects in questionable circumstances in 1990s northern Nigeria during Abacha's military rule. It was this story, as broken in *The Post*, which provided the first material on which I wrote academically in relation to business and human rights, in the context of access to first-world judicial forums for claims of torts in violation of human rights (Ford and Tomossy 2005). Would reading the novel and especially watching the film -- something I only did a few years after the news reports -- have had a similar effect in motivating research? Writ far larger, how much more informative and influential, in terms of reach and resonance, might the 'fictional' film have been than the hard-hitting facts of the investigative journalist for *The Post*? There is at least an interesting question for classroom discussion here, even if not a full research agenda:

⁶¹ While the lay viewer is certainly left with a sense of the potential for sinister dealings by 'Big Pharma' corporate players, I think that it goes too far to suggest that audiences would draw from the film messages about the human rights obligations of Big Pharma in terms of drug prices and access, and the appropriateness of the current patent protection regimes: cf. Kinley and Joseph 2002.

⁶² Stephens, J., 'The Body Hunters: where profits and lives lie in the balance' 6-part series *Washington Post*, 17 December 2000 <http://www.washingtonpost.com/wp-dyn/content/story/2008/10/01/ST2008100101390.html>. See too, in reflecting on the movie and the third world drug trial problem, Angell, M., 'The Body Hunters' *New York Review of Books* October 2005: <http://www.nybooks.com/articles/2005/10/06/the-body-hunters/> and Shah's subsequent book (Shah 2006).

⁶³ See for example in the UK <http://www.independent.co.uk/news/science/the-true-story-of-how-multinational-drug-companies-took-liberties-with-african-lives-315125.htm>.

how does *The Constant Gardener* treat human rights issues in global pharmaceutical research?⁶⁴
How important in the overall response to that issue might this movie have been relative to a classic piece of investigative reporting?

'Philadelphia'

I choose *Philadelphia* as one of the five movies so as to illustrate the point that while 'BHR' considers itself a very new field, it is easy to forget that one of its partly overlapping components -- labour and workplace rights -- has a well-established pedigree at least in the developed world. While much scholarly BHR debate is about legislation required nationally (and, some argue, internationally), labour and workplace rights, as well as avenues for their remedy, are in general already legislated for, or indeed constitutionally protected, in all OECD countries. In an affluent Western democracy such as Australia, for example, the bulk of the case-load of the national human rights institution relates to workplace claims that may reach the threshold of human rights claims, especially where they involve discrimination on proscribed grounds such as race or gender. These are clearly 'BHR' issues, even if the focus in Western advocacy and academic circles is instead on human rights impacts of business, trade and investment activity in developing countries, including labour and workplace rights in global supply chains.

In the movie, Tom Hanks's character is unlawfully dismissed from his employment on grounds that also constitute a human rights violation, viz., discrimination (unjustifiable differentiation) on the basis of his being HIV-positive. As with *Blood Diamond*, it is with a movie such as *Philadelphia* that one perhaps can begin more confidently to sketch out some ideas about the possible significance of a major pop culture product, trope or phenomenon to addressing human rights issues, including BHR issues. It is of course another question to attempt to assess the significance of such 'interventions' relative to deliberate and formal regulatory, policy, advocacy and other activities and their associated publicity or awareness-raising strategies.

⁶⁴ It might be said that the film in fact dwells very little on the African victims of the drug trial (or their potential access to legal remedy, for example). One critic called the film 'wildly condescending' and that the 'socially-conscious indictment of dehumanizing corporate abuses ... hardly registers' because the film comes across primarily as a love story against a backdrop of sinister corporate-diplomatic relationships: Gonzalez, E., 'The Constant Gardener' (Review) *Slant Magazine*, 4 July 2005: <http://www.slantmagazine.com/film/review/the-constant-gardener>.

'Ex-Machina'

Ex Machina was a 2015 independent *Frankenstein*-esque Sci-Fi movie. It is one listed by Allen (2016) as falling within the 'evil corporation' trope that I have above, successfully or not, sought to slice off from consideration here. Nevertheless I include it here perhaps less for its own sake (it was a critical and commercial success, but is not very widely known), but more as a proxy for a genre reflecting a significant BHR issue. I mentioned this at the outset of this paper, in relation to 2016's *Jason Bourne* franchise instalment. The issue of corporate impact on individual privacy rights especially in relation to digital and telecommunications technology may be considered a less familiar BHR issue than 'bad mining company abroad' (*Avatar*) or 'compromised supply chain integrity' (*Blood Diamond*). Yet at the same time it may also be considered far more pertinent or at least immediate in terms at least of its potential impact of many viewers of the sorts of movies being discussed.

The Google-like company in the movie is called 'BlueBook', although really the focus is the company's CEO. BlueBook mines data from its users' internet searches. It completely dominates internet searching. It uses this data about humans' preferences, desires and so on to programme robots with apparently very advanced 'artificial intelligence'. A young programmer wins a weekend away with the company's eccentric CEO, who proceeds for his own research purposes covertly to record interactions between the young man and a 'female' robot 'Ava' (Alicia Vikhander). It must be said that most viewers might not emerge from the movie with any relevantly informed or at least transformed outlook on corporations and data privacy. Still, Hollywood will surely continue to explore this theme in future in ways that may prove to be important elements of the popular and political consciousness about BHR privacy issues. As noted, it is an overstatement to suggest that *Ex Machina* in general, but certainly its meditations on digital privacy, have indisputably entered the Western or even just the US pop culture lexicon. 1995's *The Net* may have 'taught audiences across [the US] to fear this scary thing called the Internet' before it really got going.⁶⁵ However, the movie did not necessarily imprint itself or the internet privacy-freedom meme in popular culture, and is dated.⁶⁶ The great

⁶⁵ For one discussion see Mackie, D., 'Sandra Bullock's *The Net* 20 Years Later' *People* online, 27 July 2015: <http://people.com/movies/sandra-bullock-movie-the-net-20-years-later/>.

⁶⁶ In the eugenics sci-fi cult movie *Gattaca* (1997, not a box office success) the Gattaca Aerospace Corporation makes use of genetic information about employees. However this use of the most personal of data appears to be a society-wide phenomenon in terms of determining future life directions, and is not conveyed in the movie as deriving from a corporate agenda as such in ways that could render this a 'BHR' film.

defining movie-based cultural commentary on the digital or social media age has arguably yet to be made. It is hard to imagine data privacy and internet freedom issues not featuring in some way when it is.

Allen describes *Ex_Machina* as one examination of ‘how corporations have been freed from all forms of social responsibility in the digital age’ (2016). That is an overstatement, but Allen does observe that in movies of this sort the issues is not so much corporate access to one’s private life as the role that individual consumers (out of apathy, convenience, ignorance, trust or other factors) play in enabling corporations to ‘take on a life of their own’ and accumulate so much potential influence over private data. The significance of this movie (or more accurately this type of movie -- it was not a blockbuster) might lie in what it tells us about the mix of regulation vs. consumer preferences in this and other areas of corporate ethics and responsibility. After all, if informed consumers are not motivated to press home data-related human rights concerns in any concerted way, what are the prospects for influencing, expanding and sustaining corporate self-regulation or industry or state regulation to protect those same concerns?

Towards a regulatory theory contribution

One way to approach this paper is captured in the blog title ‘Can Movies Save the World?’⁶⁷ This can be posed as a question of the extent, and relative significance, of the influence of pop culture messaging and products in transforming citizen / consumer mindsets and behaviours. With that, in theory, would also come a shift in the positions of businesses and governments. The ‘save the world’ phrase is more often than not used sarcastically, but the context here is debate within the academic BHR and B4P fields around the relative roles of different regulators and other actors in ensuring rights-compliant and conflict-sensitive corporate conduct. As I shall argue, that debate’s focus on regulatory interventions often takes place without any particular consideration of the actual or sought-after consumer and market dynamics in relation to which any regulation would and should be designed.

⁶⁷ Walber, D., ‘Can Movies Save the World?’ MTV News (blog post), 2013, <http://www.mtv.com/news/2770808/human-rights-watch-2013/>. The blog itself is simply about a Human Rights Watch Film Festival. See above for discussion of film festivals’ role.

Many BHR observers are critical of the current (2008/2011 UN Guiding Principles) framework, seeing it as legitimising an abdication of public regulatory responsibility so that the corporate responsibility to respect human rights is ‘left to consumers and market forces’ (Lopez 2013: 72). Yet this approach misconceives the nature and intent of the framework while downplaying the relative significance of such actors and forces to any viable strategies to narrow the governance gap. It is an approach that reflects patterns in the study of BHR. In this field the focus of scholarship is very much on this ‘supply’ side (the merits or prospects of various regulatory initiatives that might be deployed: ‘how can we provide better laws, policies and schemes to fill the governance gap?’) rather than the ‘demand’ side of consumer behaviour (‘how significant are market and consumer impulses relative to legislative and regulatory ones, and how does consumer action fit into regulatory strategies?’). The latter seems an important but neglected part of the overarching BHR debate at this time (see too Palazzo et al 2016: 200). This neglect exists even while scholars in the BHR field repeatedly describe their work and their subject as inescapably inter-disciplinary.

Within this paper’s parameters, pursuing this line of questioning would seem to involve advancing two related hypotheses or assumptions: (a) that pop culture content is influential over the formation of consumers’ ethical or moral attitudes and behaviours, and (b) that consumer postures and actions are influential over the trajectory of trends in BHR and/or B4P and their governance. In principle, as best illustrated perhaps by successful targeted consumer boycotts, values-based or ethical purchasing behaviour can strongly influence business decisions and practices (Smith 1990; Council of Europe 2009). A flipped and more confronting version of this basic proposition is that while we as scholars may focus on what governments and business should do ‘more’ of, consumers by their actions or inactions can also be conceived of as ‘responsible’ for human rights violations associated with business practices (Palazzo et al 2016: 200).

BHR and B4P scholars’ focus on policy, regulatory and corporate interventions and initiatives as the main vector for addressing the governance gap may be at odds with ‘popular’ sentiment. Half (49%) of all respondents to a 2013 ‘Eurobarometer’ survey believed that citizens themselves (through their behaviour and decisions as consumers) should take the lead in influencing responsible and ethical corporate actions. Only about a third (36%) thought that public authorities should take the lead through policies and regulation (European Commission 2013: 71). Of course there is no mutual exclusion here and all actors can make appropriate

contributions, but the survey does prompt reflection on overall characterisations of BHR trends and what or who should be shaping them or holds most potential to shape them.

Any theory that pop culture products might have importance in the overall governance of responsible business in society might need to navigate whatever literature might exist on the relevance of the existence of a receptive or engaged consumer base to the efficacy (etc.) of any regulatory scheme. No doubt some regulatory initiatives are informed by, and initiated as a result of, consumer and other market pressure, advocacy and action. On the other hand, some regulatory initiatives might be the catalyst for raising consumer awareness. There may be something of a chicken-egg relationship in terms of which comes first. Nevertheless, the significant point is that one may venture an hypothesis that one variable in whether a formal regulatory scheme succeeds is whether there exists some primed critical mass of consumers, morally persuaded and motivated on a Haidtian level, whose conduct complements the initiative.

This seems an important or at least viable potential research path since most of the literatures on BHR and B4P multi-stakeholder and other governance and regulatory schemes look at a range of other factors ('political will', technical design, industry buy-in, etc) in judging the success or otherwise of these initiatives. There does not seem to be as much focus on this other variable: how prepared was the ground on which regulatory action sought to play out, and would a different consumer attitude have given the regulatory efforts greater purchase and traction? Law (and other regulatory tools) are of course not autonomous and isolated from their social context, such that pop culture as a social force has some relevance to constituting and interpreting law (Friedman 1989: 1582). A shorthand way of framing this question, then, might be to ask whether The Kimberley Process Certification Scheme would have what traction it does without the residue of public consciousness (and associated public regulatory and diplomatic mandate or imperative) generated by the film *Blood Diamond*?

The question then is the relative relevance of consumer information and action (direct/indirect) to the overall regulatory landscape, and whether / how an informed or primed consumer base is an important regulatory resource or asset. The primary problem for any early-stage 'theory' of pop culture's regulatory significance for the sphere of corporate responsibility is the large body of literature (much of it empirically-based) that prompts considerable caution with any assumptions (a) that consumers are sufficiently informed about ethical purchasing issues and

(b) that possession of information will result in changed attitudes and that consumers will then act on this information or pursuant to this new attitude / understanding in relevant ways, at scale and in an ongoing way. (There is a related assumption, which is that pop culture consumers consciously or unconsciously take any in-built moral messaging on board).

One survey shows that while 79% of Europeans (and 87% of Americans) respond that they are interested in what companies do to behave in a responsible way towards society, only about a third (36%) say that they feel informed about what companies do with regard to socially responsible behaviour, with 62% saying that they do not feel informed (European Commission 2013: 9-13). I am not an expert in marketing psychology. However, it is clear that education or persuasion generally is about much more than just the provision of information or knowledge. The same must go for consumer awareness (Flowers et al 2001: 10). The problem in the consumer ethics space is not necessarily one of information asymmetry which, if corrected, would lead to more pro-social consumer conduct, and so on. Here we still encounter in the BHR field what has been described as a rather 'naïve' information-based approach (Palazzo et al 2016: 202): that if consumers were only more aware of human rights, conflict-related or other ethical issues, they would adapt their behaviours accordingly, with transformative results that most legislative schemes might struggle to achieve.⁶⁸

There are a number of important assumptive leaps between 'information' and 'persuasion' (Adler and Pittle 1984: 160). These relationships, especially between changed attitudes and changed behaviour, are not well understood, but we know enough to assert that there is no guarantee that changed attitudes will result in changed behaviours, especially in a sustained way over time (Addler and Pittle 1984: 168-9). This is so even before one factors in the complex, multi-cultural nature of audiences and pop culture consumers, who cannot be conceived of as passive homogenous recipients.⁶⁹

Indeed one hurdle for my paper's ideas is that the 'ethical consumer' is to some extent a myth (Devinney et al 2010). Despite a very probable increase in the proportion of consumers that

⁶⁸ Some research suggests that the existence of corporate responsibility initiatives might (positively) affect consumers' purchasing decisions, but this assumes a certain level of awareness of and information about these initiatives (Dolnicar and Pomeroy 2007). As other research cited here shows, there is also an assumption about the information-behaviour leap.

⁶⁹ I return below to the large problematic assumptions we might make about the universal cultural resonance of Western pop culture products such as Hollywood movies.

have absorbed and are motivated by the values of ethical consumerism, there has not been as evident a change in actual consumption behaviour (e.g. De Pelsmacker et al 2005; Auger and Devinney 2007; Carrington et al 2001, 2010).⁷⁰ Existing evidence shows an intention-behaviour gap: for various conjectured reasons, stated ethical intentions seem rarely to translate into actual ethical buying behaviour at the ‘moment of truth’ (the cash register) (Carrington et al 2010: 139). No doubt more research is needed on the conditions under which consumers informed of and motivated by ethical concerns will adapt their behaviour and so act as a ‘social control’ on business behaviour (Burke and Milberg 1993).

Of course there is no reason not to welcome policy initiatives to inspire or invite consumers to think about the social impact of their purchasing behaviour (e.g. Council of Europe 2009).⁷¹ Indeed, consumer information and education programmes have been suggested as public policy alternatives to direct regulation (Adler and Pittle 1984; Fast et al 1989).⁷² However, these campaigns often rest on ideological or philosophical grounds, not empirical evidence supporting their ability to change consumer behaviour. If so, this represents a challenge to even the most skilled attempts to promote behavioural change through deliberate information and education or persuasion techniques. Existing literature reviews (e.g. Flowers et al 2001) point out the paucity of overarching comparative studies of change strategies for consumer understanding and action. Even those reviews tend not to assess pop culture as a source of adult education on consumer issues, although they do point to the character of the wider social context possibly being as influential as targeted campaigns. Indeed it may be that consumer education received from informal sources performs better than formal deliberate education initiatives (Fast et al 1989). One would need to search (or research) further to explore how such a marketing studies proposition links with Haidt’s psychological theory argument (2012) that our moral positions are largely based on intuitive and emotive responses rather than rational ones. Therein might lie some fertile ground for theorising about the significance of pop culture products such movies in generating ethical behavioural shifts -- relative both to public educational campaigns, and to regulatory initiatives intended to prompt or require such shifts.

⁷⁰ Compare work such as White et al suggesting that consumers do purchase more ethically once they are able to understand quite specifically how their conduct will address problematic patterns and injustices (2012).

⁷¹ It is interesting to note here an example of a government agency (Canada’s Privacy Commissioner) using a blog platform to generate debate about the best privacy-themed movies of all time, so going to the Commission’s public education mandate: <http://blog.priv.gc.ca/index.php/2012/10/26/privacy-pop-our-top-ten-films-on-privacy/>.

⁷² Such strategies are invariably accompanied by critiques that educational campaigns intended to shift behaviours in the target market are no substitute for regulation.

Concluding thoughts

We seem to be living through some noticeable shift in societal expectations about the social impact, responsibility and accountability of business. This may be so in Beijing as well as Brussels and is not necessarily confined to OECD countries. Proactive and consistent advocacy efforts and corporate or regulatory initiatives certainly matter in shifting behaviours and attempting redress. However, it may be that this ‘expectations shift’ and these formal activities or initiatives are not part of a linear normatively progressive progression. Instead they may be triggered or accelerated or informed mostly by, and in response to, particular high-profile shocks, revelations or landmark events, from Bhopal to Rana Plaza. Yet as against these initiatives, instruments etc., what do we know about how relatively important (or not) a critical mass of informed and persuaded consumer-citizens might be to advancing policy or regulatory or industry-led initiatives, or to directly affecting business practices? Our worldviews on such issues are perhaps formed as much by our pop culture exposure and participation as by our engagement with civic current affairs. That is, it is possible that our moral positions on issues such as corporate responsibility owe more to ‘films’ than ‘the news’ (accepting the existence of a spectrum between ‘pure’ fictional creations and ‘pure’ current affairs reportage). We legalist BHR scholars perhaps understandably focus on regulators and regulatees in the narrower sense. We are not necessarily adept at exploring, explaining or extrapolating the importance and influence of the consumer-citizen and how these actors fit into, smooth the pathway for, or otherwise affect efforts at narrowing governance gaps.

In doctoral work 2008-2010 I mused briefly about the relative significance of famous movies and books in contributing to this expectations shift (see Ford 2015a: 337). This paper is a work-in-progress attempt to explore this further. It is perhaps partly just the pseudo-scholarly indulgence of a movie-lover. However, it also partly derives from a sense that scholars of business, human rights and peace -- especially those hailing from a law tradition -- may focus excessively on (and over-estimate the significance of) the provision of regulatory solutions, relative to market and consumer dynamics and the power that these hold to drive truly systemic changes. This ‘supply’ focus is understandable, since despite our rhetoric about cross-disciplinarity, the best work is usually still grounded in a solid grasp of one disciplinary approach. In that sense, it is natural for lawyers to emphasise the ‘supply’ side, and not spend their time reading journals from marketing, psychology or management studies. Nevertheless, part of the point of this paper is the neglected link between supply and demand. This is because

insights from those fields, especially as to ethical consumer behaviours, may be vital to the appropriate design and delivery of effective, efficient, responsive and legitimate legal and regulatory interventions.

The analysis of non-regulatory civic and consumer/citizen influences in this field may also assume particular importance in light of the coming Trump administration in the US. That pending government appears most unlikely indeed to lead on the responsible and sustainable business agenda.⁷³ This challenges scholars and advocates to explore the prospects for that agenda in a scenario where other sectors of society must take that lead. Also, we appear to be seeing a decline in the West in the perceived or real authority and social capital of formal institutions (especially of big government and big business).⁷⁴ If so, we ought to ask more questions about the authority and influence of alternative sources of social normative frameworks, guidance, and commentary. If our objective in the BHR and B4P fields is to assess and solve problems rather than toe a disciplinary line for its own sake, it seems important to ask about such societal sources of influence on the business responsibility / sustainability agenda. This includes those impulses that take their thrust and content from, and adhere to the 'norms' of, popular culture -- shaped by and shaping popular understandings. In a post-Arab Spring, post-Occupy, post-Brexit world, understanding what Paul Simon pointed out may be 'written on the subway wall' may be just as significant to navigating the future as the trend-trajectory scenarios drafted in swish consultancies attempting to map global trends.

'Can movies save the world?' is a striking question. It is too blunt, but it does convey what seems to be a rich research agenda, one extending beyond a movie-lover's indulgences or his preliminary fumbling encounters at the nexus of regulation, psychology and consumer ethics. Indeed such a research path is not necessarily far-fetched from more mainstream research agendas of the sort that I have pursued hitherto in both BHR and B4P. For instance, thinking about pop culture + peace + business can be tied directly to the ideas offered by our peak global institution about what might work in building peace. In attempting to give content to 'international peacebuilding' in his landmark post-Cold War 1992 'Agenda for Peace', the then-UN Secretary-General included ideas about focusing on curriculum development and

⁷³ See my blog Ford, J., 'Trumping the responsible business agenda' *Private Sector, Public World*, 10 November 2016: <https://privatesector-publicworld.blogspot.com.au/2016/11/trumping-responsible-sustainable.html>.

⁷⁴ For example, a 2015 Gallup poll showed American's trust in major institutions from The Supreme Court to major banks was at historic polling lows: <http://www.gallup.com/poll/183593/confidence-institutions-below-historical-norms.aspx>.

cultural understanding issues, especially in relation to addressing perceptions within and across deeply divided societies and polities.⁷⁵ The Secretary-General no doubt had in mind state-sponsored curricula products aimed at building inter-society cohesion and addressing historical issues or stereotypes, and perhaps such initiatives hold promise. But would movies not also fit in here? We must accept that such pop products can also serve negatively to entrench stereotypes or convey messages about one society's claimed superiority. Yet accepting that they can have strong moral messaging effects (even or perhaps especially where not openly didactic), how might movies and other pop culture products fit into wider efforts to build a more peaceful, tolerant and inclusive world more generally?

This raises what I think are an interesting set of questions in relation at least to my area of research, revolving as it does around the private sector's role in relation to promoting and protecting human rights and peace:

- In what ways are BHR and B4P (and wider corporate responsibility / accountability / sustainability) themes treated thus far in popular culture, including within particular cultural landscapes?
- How can / do pop culture products and producers shape emerging trends on socially responsible business conduct (and its regulation), both globally and in particular settings or markets?
- What is the relative significance of such stimuli and how would one ever begin to assess whether, for example, *Blood Diamond* did more to influence consumer purchasing of (or at least awareness of) conflict-free diamonds than The Kimberley Process Certification Scheme? How did the pop culture 'intervention' complement the formal governmental, business and civil society framework and initiative (and perhaps vice versa)?
- How far can movie-makers (and other artists) go in approaching their products with a didactic intent, before they risk alienating audiences?
- How can we in the West begin to understand better the extent and limits of the 'soft power' of pop culture products in an information age (Keohane and Nye 1998)?

⁷⁵ *An Agenda for Peace: preventive diplomacy, peace-making and peacekeeping*, UN Doc. A/47/277, 17 June 1992, [56]: 'Reducing hostile perceptions through educational exchanges and curriculum reform may be essential to forestall a re-emergence of cultural and national tensions which could spark renewed hostilities.'

- In what ways may Western and, no doubt more significantly, non-Western pop culture messages be shaping (or capable of shaping) consumer mind-sets on a truly mass scale in the giant markets of China, in particular?

Research that looks at how Chinese popular culture addresses issues such as corporate responsibility would arguably be useful, not just fun, to do. Some experts expect China to surpass the United States as the largest film market in the world by 2018. We now have Hollywood A-listers such as Matt Damon starring in Chinese blockbuster films.⁷⁶ At the same time one has the phenomenon of movies ‘directed by Hollywood, edited by China’ (USCESRC 2015): with an eye toward distribution in China, American filmmakers increasingly edit films in anticipation of Chinese censors’ many potential sensitivities.⁷⁷ This might have a ‘chilling influence’ (USCESRC 2015: 11) on human rights or democracy-related messages in such films (although much of the sensitivity is better described as relating to prickly nationalist sentiment in terms of China and the Chinese people’s place in the world vis-à-vis Western powers and people). This ‘chilling effect’ phenomenon is important in human rights terms, and deserves further treatment elsewhere. For now, it suffices to note the need for some humility and better understanding in relation to the limited practical reach and cultural resonance of Western movies and their themes or messages. It is also sensible to observe that movie analysis is of course rather an elitist preoccupation: far more people live a *Slumdog Millionaire* reality than ever sit around dissecting that film’s possible meanings.

Indeed in all the preceding discussion in this paper one must surely approach the issue of pop culture’s potential impact on business-in-society issues (or any other social issues) with a very good deal of caution as to who comprises the ‘population’ in ‘popular’ culture. This is a caution, ultimately, as to the presumed universal cultural resonance and impact of Western pop culture products and motifs (see e.g. De Mooij 2010: 12-17).⁷⁸ Again, a research agenda arguably exists in exploring further this paper’s questions with a far more sophisticated approach to cultural relativism and audience-specific factors and conditions. After all, responses to movies are so subjective and idiosyncratic anyway, even among one’s limited friendship circles (to say

⁷⁶ ‘Great Wall’ (released 16 December 2016); dir Zhang Yimou; Universal Pictures and others.

⁷⁷ I am grateful to Daniel Bond (ANU LLM 2016) for this reference.

⁷⁸ There remain many assumptions about the universalising effect of Western pop culture when married to social and mass media: see for example of this assumption Bersert-Price, V., ‘From Pop Culture to Global Culture: how Millennials and Technology are Influencing Our World’, *Huffington Post* 2015, http://www.huffingtonpost.com.au/entry/from-pop-culture-to-globa_b_8765928.

nothing of whether strong responses in fact ever lead to behavioural change). Another major premise of this paper still requires further attention. Whatever the behavioural and other effects ‘at scale’ of audience engagement with a major Hollywood movie addressing corporate responsibility / accountability themes, one might argue that the audience is invariably self-selecting in ways that curtail any scope for profound impact. Whole parts of the mid-West US population, for instance, may simply decline to see another perceived ‘preachy liberal Hollywood movie’; those who do watch it might already be on board with the normative propositions it advances. In this paper I have tried (admittedly without any prior grounding in film or cultural studies) to reflect on the limits of pop culture’s didactic power and purpose in relation to my own scholarship field. That influencing power would seem to be one whose potency is likely to vanish as soon as the power-holder seeks to wield it and make it manifest in any explicit messaging where this is perceived as educating or preaching. On the other hand, analysis of didactic movies and their effects may also be simply futile, since one might argue that all movies are normative (the movie-making process is essentially and inescapably value-selective and normative).

Notwithstanding all this, I conclude on a final indulgent wistful thought, one reflecting the day-dreams of an increasingly pessimistic lover of the natural world. Here I drift from BHR and B4P themes to much broader sustainability, biodiversity and conservational concerns, but I hope that the point carries. In one of these day-dreams, some fabulous Chinese movie-makers produce a truly epic, hugely popular, much-watched and discussed modern Chinese movie which cleverly and in culturally-resonant terms challenges Chinese audiences over a pressing sustainability issue. In this particular day-dream, say it is the slaughter of Africa’s elephants and rhinos to satisfy [mostly Chinese] demand. In the day-dream, this is a new movie that towers over others, framing and informing and filling the cultural conversation, shaping the *zeitgeist* on a topic whether it be conservation and biodiversity, climate change, responsible business (or all of the above and more...).

The day-dream proceeds with mass ‘captive’ audiences who have come to be entertained but are not necessarily averse to or aware of being educated in the process (depending on how skilfully this is done). If the movie theatre is one last urban waking refuge in the mobile phone era (and if itself not yet undermined by other content platforms), what scope is there for well-crafted movies to transform mindsets at scale on social issues of universal and planetary concern? I think of that ‘serene and blessed mood’ of the anticipating movie-goer just before

the show, that strange time-suspended period in a truly gripping movie where ‘even the motion of our human blood / Almost suspended, we are laid asleep / In body, and become a living soul / [and] *We see into the life of things...*’. I think of movies’ power to ‘disturb me with the joy / Of elevated thoughts; a sense sublime / Of something far more deeply interfused.’⁷⁹

From that movie (as the day-dream goes), Chinese audiences on a massive scale emerge all determined in their own ways and spheres to ensure that the issue be resolved (be it appetite for ivory or the deeply pathetic market for rhino horn, etc.). Would a pop culture product such as a brilliant unforgettable movie be capable of generating this deep emotional and intuitive reaction, and would that sentiment, writ large, be capable of translating into actions, and would those actions be capable of leading to fundamental change in market-relevant behaviours? To take the rhino horn example, does the possibility of a pop culture-enlightened and motivated cultural population sketched in this day-dream hold vastly more ‘regulatory’ potential than technical legal directives from Beijing? How might it complement such formal initiatives, or lay and ease the awareness-compliance pathway for regulations? Can pop culture and its products be understood as far more significant -- in efforts towards generating and shaping a demand for sustainability, peace or accountability -- than formal institutional products such as the SDGs, the Agenda for Peace or various industry transparency initiatives? Or, since our formal processes and officials are all socially embedded, how do these -- the popular sentiment or cultural trope, the institutional mandate or mechanism, the intellectual idea -- all help constitute each other in ways that might potentially be transformational?

If they are to enjoy and engage emotionally with content, audiences cannot be preached to. Yet we know or intuit that the creators of pop culture products hold considerable power to set in motion or deeply affect collective and individual ways of relating to the world. Their finest productions become embedded in our social fabric (albeit by no means universally), providing potentially a shared basis on which to design institutions and processes that will reflect and in turn shape popular thought and action. On the face of it, there seems enough to begin to imagine a viable research agenda on the treatment of business, human rights and peace themes in popular culture (or at least mainstream movies), and conversely on how popular culture’s treatment of these themes might impact the universe of ‘supplied’ and ‘demanded’ efforts to address the governance gap.

⁷⁹ William Wordsworth ‘Tintern Abbey’ (1798), with apologies to other lovers of that great poem.

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