

A Black Radical Critique of ESG

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Environmental, social, and governance (ESG) seems to grow in popularity by the day, but central considerations like best practices, standardized metrics, and a demonstrable positive impact on people and the environment are almost nonexistent. Yet, in the United States' regulatory framework, one thing about ESG does seem clear—its instrumental role in value sustainability for investors. Drawing on postcolonial, decolonial, and radical Black theoretical perspectives, this article argues that the ability of ESG to capitalize on socioecological considerations is no accident. This critical analysis characterizes ESG as a paradigmatic example of the extractive nature of racial capitalist political economies like the United States. The article contends that ESG, much like the overarching liberal capitalist economy, is antithetical to the collective liberation project that is central to the *radical Black tradition*. In service of the imaginative worldmaking praxis that motivates this critical approach, the article offers a preliminary radical Black political economic framework.

Key Words: Black thought, instrumentality, decolonial theory, ESG, political economy, postcolonial theory

The rising prominence of environmental, social, and governance (ESG) in business ethics, government, and society makes one wonder what is so special about it. At face value, the name suggests that ESG prioritizes socioecological concerns in business. In that light, it seems similar to corporate social responsibility (CSR), which emerged in the 1970s as a call for business to go beyond what is legally required and incorporate society's needs into firm considerations.¹ Yet in the contemporary context, the scholarly literature trends toward CSR benefits to firm economic value.² As

¹ See Research and Policy Committee, *Social Responsibilities of Business Corporations*, COMM. ECON. DEV. 11 (1971), https://www.ced.org/pdf/Social_Responsibilities_of_Business_Corporations.pdf. (“Business functions by public consent and its basic purpose is to serve constructively the needs of society—to the satisfaction of society.”) See also Keith Davis, *The Case for and Against Business Assumption of Social Responsibilities*, 16 ACAD. MGMT. J. 312, 312 (1973).

² See, e.g., Kwang Hwa Jeong et al., *Permanency of CSR Activities and Firm Value*, 152 J. BUS. ETHICS 207 (2018) (showing that firms with permanent CSR activities in Korea demonstrate higher earnings response coefficients (ERCs) than other firms, which bodes better for long-term firm value); Hoje Jo & Maretno A. Harjoto, *Corporate Governance and Firm Value: The Impact of Corporate Social Responsibility*, 103 J. BUS. ETHICS 351 (2011) (demonstrating that CSR social initiatives within a firm positively influence firm value more than external CSR initiatives, like those that address community or environmental concerns); Ye Cai et al., *Doing Well While Doing Bad? CSR in Controversial Industry Sectors*, 108 J. BUS. ETHICS 467 (2012) (finding that CSR engagement of firms in controversial industries positively affects firm value).

business ethicist Archie B. Carroll has noted, “It is clear from CSR trends and practices that social responsibility has both an ethical or moral component as well as a business component.”³ Then it is not surprising that the term “ESG” emerged at a United Nations conference in 2005, where it was theorized that sustainable societies will drive firm value, and managers should pursue those goals.⁴ CSR was rebranded as the financial- and governance-driven framework known as ESG, which emphasized management’s financial fiduciary responsibilities to its shareholders.⁵

This article positions ESG as a derivative of CSR that relates to people and the environment in extractive ways.⁶ It conceptualizes ESG as a paradigmatic example of the forcible instrumentality of the liberal market economy, on the basis that extractiveness and coloniality have been characteristic of it.⁷ The article aims to situate ESG as a logical next move following from the notion in radical Black and decolonial theory that the liberal capitalist system developed concurrently with the processes of slavery and the expropriation of Indigenous land.⁸

Additionally, the article aims to advance decolonial theory in business ethics. Using a radical Black lens, the project seeks to reimagine Bobby Banerjee’s call to “recover and re-embed the social into the economic.”⁹ It builds on the decolonial idea that neoliberal firms are not appropriate vehicles for social and environmental change.¹⁰

This view is shared by the radical Black tradition, which implicates the entire political economic system. Black political economic traditions tend to uplift “the right to Black self-determination, a pursuit that has often been at odds with the theory and practice of American liberalism, which cherishes and defends individual rights.”¹¹ The radical Black tradition is expressly interested in critically analyzing the oppressive structures and conditions that define Blackness from an anti-colonial anti-capitalist perspective for the purpose of dismantling the racialized neoliberal order in service of collective liberation for all people.

after controlling for negative firm characteristics in a US sample from 1995 to 2009); Maretno Harjoto & Indrarini Laksmana, *The Impact of Corporate Social Responsibility on Risk Taking and Firm Value*, 151 J. BUS. ETHICS 353 (2018) (finding that CSR activities are positively associated with firm value because CSR reduces risk taking and avoidance).

³ Archie B. Carroll, *A History of Corporate Social Responsibility: Concepts and Practices*, in THE OXFORD HANDBOOK OF CORPORATE SOCIAL RESPONSIBILITY (Andrew Crane et al., eds., 2008).

⁴ VALUES INV. STRATEGIES & RSCH. LTD., U.N. GLOB. COMPACT, INVESTING FOR LONG-TERM VALUE: INTEGRATING ENVIRONMENTAL, SOCIAL AND GOVERNANCE VALUE DRIVERS IN ASSET MANAGEMENT AND FINANCIAL RESEARCH (2005), <https://digitallibrary.un.org/record/681686>.

⁵ Dorothy S. Lund & Elizabeth Pollman, *The Corporate Governance Machine*, 121 COLUM. L. REV. 2563, 2613 (2021). Also, note that there are ongoing debates in ESG regarding constituency statutes and benefit corporations.

⁶ Matthew Paterson, *Commodification*, in CRITICAL ENVIRONMENTAL POLITICS 54, 54 (Carl Death, ed., 2013); Robert Mayer, *What’s Wrong with Exploitation?*, 24 J. APPLIED PHIL. 137 (2007).

⁷ See Nancy Fraser, *Expropriation and Exploitation in Racialized Capitalism: A Reply to Michael Dawson*, 3 CRITICAL HISTORICAL STUDIES 163 (2016). See also Paterson, *supra* note 6.

⁸ See OLÚFMI O. TÁÍWÒ, RECONSIDERING REPARATIONS 14–68 (2022).

⁹ Subhabrata Bobby Banerjee, *A Critical Perspective on Corporate Social Responsibility: Towards a Global Governance Framework*, 10 CRITICAL PERSP. ON INT’L. BUS. 84, 93 (2014).

¹⁰ *Id.* at 84.

¹¹ AJ Rice, *Political Economy and the Tradition of Radical Black Study*, 22 SOULS 44, 45–46 (2020).

Scholarship that engages radical Black perspectives has been scarce in business ethics despite the recent uptick.¹² This article attempts to expand that literature in the field and to contribute to the steadily increasing body of research on race and business ethics.¹³

By accentuating the overlap between the radical Black and decolonial traditions, the article helps to emphasize the ways in which postcolonial theory is an outlier. At the same time, the article demonstrates the many areas where popular postcolonial,¹⁴ decolonial, and radical Black theory coalesce.

Moreover, the increasing use of these frameworks points to a progressively more political turn in business ethics.¹⁵ Indeed, there has been a small but growing invocation of Black political philosophy and political economy.¹⁶ This project aims to further popularize the importance of a political economic approach to business ethics.

By way of a roadmap, [Section 1](#) outlines the amorphous nature of global ESG regulation and metrics before honing in on the United States to review how courts have encouraged an instrumentality over social responsibility with regard to corporate purpose. In [Section 2](#), I present a brief introduction to the radical Black tradition, its general and political economic theory, and relevant concepts, before offering a brief summary of its analytic value. [Section 3](#) explores postcolonial and decolonial critiques of instrumentality. Additionally, this part surveys decolonial critiques of instrumental CSR, which I argue necessarily implicate ESG. In [Section 4](#), I offer a radical Black critique of ESG-like instrumental social responsibility endeavors. Taking care to honor the radical Black tradition's commitment to collective liberatory imagination and praxis, I offer a humble framework composed of a nonexhaustive set of principles that should set a minimum standard for a radical Black political economy in [Section 5](#). Finally, in [Section 6](#), I consider objections before concluding in [Section 7](#).

1. AN OVERVIEW OF ESG

1.1 The Structure, Regulation, and Metrics of ESG

The term “ESG” emerged at a United Nations conference in 2005, where it was theorized that sustainable societies will drive firm value, and managers should

¹² See e.g., Tabitha Celeste Mustafa, *Corporate Responsibility and Repair for Anti-Black Racism*, *BUS. ETHICS Q.* 1 (2024); Rashedur Chowdhury, *Self-Representation of Marginalized Groups: A New Way of Thinking Through WEB Du Bois*, 31 *BUS. ETHICS Q.* 524 (2021).

¹³ See e.g., Mustafa, *supra* note 12; Penelope Muzanhamo & Rashedur Chowdhury, *A Critique of Vanishing Voice in Noncooperative Spaces: The Perspective of an Aspirant Black Female Intellectual Activist*, 183 *J. BUS. ETHICS* 15 (2023); Abraham Singer, *What Sal Owes Mookie: What Do the Right Thing and Mangrove Teach Us About Business Ethics*, 188 *J. BUS. ETHICS* 419 (2023); Chowdhury, *supra* note 12; Nneka Logan, *Corporate Personhood and the Corporate Responsibility to Race*, 154 *J. BUS. ETHICS* 977 (2019).

¹⁴ Andreas Georg Scherer & Guido Palazzo, *Toward a Political Conception of Corporate Responsibility: Business and Society Seen from a Habermasian Perspective*, 32 *ACAD. MGMT. REV.* 1096 (2007); Andreas Georg Scherer, et al., *Global Rules and Private Actors: Toward a New Role of the Transnational Corporation in Global Governance*, 16 *BUS. ETHICS Q.* 505 (2006).

¹⁵ Jeffery Smith, *Navigating Our Way Between Market and State*, 29 *BUS. ETHICS Q.* 127 (2019); ABRAHAM A. SINGER, *THE FORM OF THE FIRM: A NORMATIVE POLITICAL THEORY OF THE CORPORATION* (2018).

¹⁶ See e.g., Mustafa, *supra* note 12; Chowdhury, *supra* note 12.

pursue those goals.¹⁷ To distill this further, ESG is essentially the notion that managers should attend to shareholder value through socioecological aims. Some scholars argue that this agenda took off because, as early as the 2000s, researchers began investigating the connection between ethically framed CSR and market considerations, ultimately finding a positive correlation between CSR and firm value.¹⁸ In short order, CSR was rebranded as the financial- and governance-driven framework known as ESG, which emphasized management's financial fiduciary responsibilities to its shareholders.¹⁹

Heretofore, ESG's general effort has been to consider socioecological factors beyond the scope of that which is regulated by law. In other words, ESG has largely been a voluntary undertaking by the business sector. This means that business executives have essentially had "unfettered discretion to enact ESG objectives" in the absence of regulation.²⁰ This form of social responsibility could be interpreted as "paternalism,"²¹ a form of benevolent dictatorship by corporate executives that forces stakeholders to rely on managers to exercise their goodwill.

Business's embrace of ESG could be construed as economic overreach into the social and political spheres. It could be interpreted as a legitimacy challenge to government or as fulfilling a role that government has ostensibly been unable to fill.²² For example, according to the ESG-friendly Business Roundtable whose membership is comprised of the top CEOs in the United States, the objective of the group is to "develop and advocate directly for policies to promote a thriving [US] economy and expanded opportunity for all Americans."²³ This is in sharp contrast to the Friedman-era belief that government is best and uniquely equipped to address ethical and social challenges.²⁴

Despite the ESG push largely coming from outside of government, the European Union (EU), United Kingdom, US Securities and Exchange Commission, and the US state of California have all mandated some form of ESG regulation. In the United States, both the SEC and California reporting guidelines focused explicitly on the environmental aspect of ESG.²⁵ By contrast, the Corporate Sustainability Reporting Directive (CSRD) in the EU requires organizations to publicly disclose

¹⁷ VALUES INV. STRATEGIES & RSCH. LTD., *supra* note 4.

¹⁸ Lund & Pollman, *supra* note 5.

¹⁹ *Id.* Also, note that there are ongoing debates in ESG regarding constituency statutes and benefit corporations.

²⁰ LYNN STOUT, *THE SHAREHOLDER VALUE MYTH: HOW PUTTING SHAREHOLDERS FIRST HARMS INVESTORS, CORPORATIONS AND THE PUBLIC* (2012).

²¹ Richard Marens, *Speaking Platitudes to Power: Observing American Business Ethics in an Age of Declining Hegemony*, J. BUS. ETHICS 239, 247 (2010).

²² See Jonathan R. Macey, *ESG Investing: Why Here? Why Now?*, 19 BERKELEY BUS. L.J. 258, 272–74 (2022).

²³ See *About Us*, BUS. ROUNDTABLE, <https://www.businessroundtable.org/about-us>.

²⁴ John G. Simon et al., *THE ETHICAL INVESTOR: UNIVERSITIES AND CORPORATE RESPONSIBILITY* 28 (1972).

²⁵ SEC Final Rule Release No. 33-11275, *The Enhancement and Standardization of Climate-Related Disclosures for Investors* (2024) (On June 12, 2025, the Trump-era SEC withdrew its proposed rules for enhanced ESG disclosures.). CA SB-253 Climate Corporate Data Accountability Act (2023). CA SB-261 Greenhouse Gases: Climate-Related Financial Risk., CA.GOV (2023).

environmental *and* social impacts in addition to governance disclosures according to European Sustainability Reporting Standards.²⁶

Moreover, ESG lacks standardization. There are well over 100 ESG frameworks.²⁷ Regulation varies at state, national, and regional levels. Additionally, the private sector ESG metrics established by ratings agencies and wealth management funds are inconsistent.²⁸ For instance, MSCI ESG, Sustainalytics, RepRisk, and ISS are four companies that have been regarded as leaders in ESG rating.²⁹ Across these ratings firms, the “E,” the “S,” and the “G” are all weighted differently.³⁰ In fact, these raters all have bespoke scoring methodologies without any obvious unified understanding of the fundamental components of ESG. Essential “ESG metrics vary from as few as 12 performance indicators to as many as 1,000 for other agencies.”³¹ This can lead to the issuance of vastly disparate scores for a single company.

Another related issue stems from allegations of bias in ratings. Larger companies and European companies tend to have higher ratings. For example, according to an American Council for Capital Formation (ACCF) report, Sustainalytics issued better ESG ratings to larger companies.³² And as noted earlier, the EU has more comprehensive disclosure requirements.

Ultimately, there is an understated diversity in ESG standards and reporting. What ESG entails seems to be in the eye of the beholder. ESG raters can analyze board diversity or human rights, recycling efforts or carbon emissions, or all the above. The disorder of the ESG space could be the result of poor coordination and execution by government, civil society, or business. But it might also be an attempt by business to stifle meaningful change through performative responsibility. In any case, there is nothing to indicate that ESG is in any way directly responsive to society’s broader social and environmental concerns.

1.2 The Legalized Instrumentality of ESG

It is because ESG has prioritized sustainable wealth creation for shareholders that it has remained acceptable in the mainstream legal view.³³ According to Dorothy

²⁶ See “Directive (EU) 2022/2464 of the European Parliament and of the Council.”

²⁷ See Dennis T. Whalen, *It’s Time to Reassess ESG and Sustainability Reporting*, NACD BOARDTALK (Oct. 28, 2019), <https://blog.nacdonline.org/posts/reassess-sustainability-reporting> [<https://perma.cc/6FMS-QLEW>]; see also Cynthia A. Williams & Jill E. Fisch, REQUEST FOR RULEMAKING ON ENVIRONMENTAL, SOCIAL, AND GOVERNANCE (ESG) DISCLOSURE 1, 9 (Oct. 1, 2018), <https://www.sec.gov/rules/petitions/2018/petn4-730.pdf> (“Over the last twenty-five years, voluntary disclosure of ESG information, and voluntary frameworks for that disclosure, have proliferated to meet the demands for information from investors, consumers, and civil society.”); See Javier El-Hage, *Fixing ESG: Are Mandatory ESG Disclosures the Solution to Misleading Ratings?*, 26 *FORDHAM J. CORP. & FIN. L.* 359, 367 (2021).

²⁸ El-Hage, *supra* note 27, at 388.

²⁹ See Timothy Doyle, *Ratings that Don’t Rate: The Subjective World of ESG Ratings Agencies*, AM. COUNS. FOR CAP. FORMATION (2018).

³⁰ See generally Elroy Dimson, Paul Marsh, & Mike Staunton, *Divergent ESG Rankings*, 47 *J. PORTFOLIO MGMT.* 75 (2020).

³¹ Doyle, *supra* note 29, at 8.

³² *Id.* at 9–10. See also El-Hage, *supra* note 27, at 371.

³³ See Lund & Pollman, *supra* note 5, at 2614 (citing Beate Sjäfell & Christopher M. Bruner, *Corporations and Sustainability*, in *THE CAMBRIDGE HANDBOOK OF CORPORATE LAW, CORPORATE GOVERNANCE AND SUSTAINABILITY* 3, 4 (Beate Sjäfell & Christopher M. Bruner eds., 2020)).

S. Lund and Elizabeth Pollman, the mainstreaming of ESG highlights “how the corporate governance machine took a concept that was unlinked from shareholders, and through law, institutions, and culture, reshaped it, and in so doing, allowed it to thrive.”³⁴ The association between shareholder value and CSR is apparent as early as 2004 in the UN Global Compact’s *Who Cares Wins* report. One portion of the report refers to the Global Compact and its principles as a “corporate responsibility initiative,” although the same document states:

The institutions endorsing this report are convinced that in a more globalised, interconnected and competitive world the way that environmental, social and corporate governance issues are managed is part of companies’ overall management quality needed to compete successfully. Companies that perform better with regard to these issues can increase shareholder value by, for example, properly managing risks, anticipating regulatory action or accessing new markets, while at the same time contributing to the sustainable development of the societies in which they operate.³⁵

Without shareholder advocacy for ESG, it may have been thrust from legal graces in the same manner as CSR.

The mainstreaming of ESG demonstrates the dominance of market-based rationales for CSR. It is no longer enough to demand that corporations undertake social initiatives on moral grounds. By some accounts, it is illegal for corporations to engage in socially responsible activities without a demonstrable value to shareholders.³⁶ ESG exemplifies how CSR must be linked to economic factors to meet governance standards.

As a concept that emerged to address the legal demands of shareholder primacy, ESG has maintained an economic lens.³⁷ Whether interpreted as a governance framework or an ethical model of corporate responsibility, the governance component of ESG dictates that firms consider the legal ramifications of managerial decision-making.³⁸ The law mandates attention, and arguably primacy, to shareholder value. As a result, societal welfare—both environmental and social—becomes beholden to economic value. The economic considerations which govern environmental and social initiatives also constrain them.

An economically oriented ESG is both an adaptation and appropriation of CSR. As an adaptation, I mean only that ESG is derived from CSR. This is problematic because “sometimes CSR and ESG are used interchangeably.”³⁹ Pinning down ESG

³⁴ Lund & Pollman, *supra* note 5, at 2615.

³⁵ The Global Compact, *Who Cares Wins: Connecting Financial Markets to a Changing World* i–vii (2004), available at https://www.unepfi.org/fileadmin/events/2004/stocks/who_cares_wins_global_compact_2004.pdf.

³⁶ Lund & Pollman, *supra* note 5, at 2614.

³⁷ See e.g., The Global Compact, *Who Cares Wins*, *supra* note 35, at 9. (One of the endorsing firms of the Global Compact, ABN Amro Equities Research, is quoted as stating socially responsible initiatives like ESG “could improve stock picking ability.”)

³⁸ Lund & Pollman, *supra* note 5, at 2614.

³⁹ Elizabeth Pollman, *Corporate Social Responsibility, ESG, and Compliance*, in THE CAMBRIDGE HANDBOOK OF COMPLIANCE 662–72 (Benjamin van Rooij & D. Daniel Sokol eds., 2021).

is made increasingly difficult by the fact that there is no universal view of what ESG requires—the concept is wholly dependent upon context. As explained by several legal scholars, each letter of the ESG acronym is differently understood by different parties.⁴⁰ This imprecision allows ESG to seamlessly appropriate the social responsibility narrative more explicitly toward capital accumulation.

Economic primacy distinguishes ESG from CSR. The framework is attentive to the compliance duties set forth in corporate governance standards and, as we have seen, these already mandate concern for shareholder value. Moreover, ESG has evolved beyond a compliance metric to assess legal risk into a mechanism that simultaneously accounts for economic risks.⁴¹ Specifically, ESG purports to address all noneconomic factors that can impact long-term firm value and regulatory benchmarks.⁴² Anything outside of financials that can impact shareholder value should be considered.

Identifying the noneconomic factors that influence firm value is a recurrent topic among scholars. Academics, thus far, have typically entrenched fiduciary responsibilities into the ESG discourse, rather than questioning some of its fundamental premises. Some research skews toward different angles to assess the impact of ESG on firm value.⁴³ Yet other scholarship is intent on making ESG investing compatible with the duties of loyalty and care, to which managers are legally bound.⁴⁴

Regulatory bodies have likewise approached ESG through an economic lens. Even the UN Principles for Responsible Investment recommend incorporating nonfinancial ESG measures into financial decision-making, as well as revising accounting and disclosure frameworks to track ESG measures.⁴⁵ The Securities and Exchange Commission also attempted to formulate ESG-linked regulations. In a 2021 speech, former Acting Director of the SEC's Division of Corporation Finance John Coates remarked, "The SEC should help lead the creation of an effective ESG disclosure system so companies can provide investors with

⁴⁰ See Symposium, *Who Makes ESG? Understanding Stakeholders in the ESG Debate*, 26 *FORDHAM J. CORP. & FIN. L.* 277 (2021) (documenting the symposium remarks by Matthew Diller, Stephanie Betts, Lorenzo Corte, David M. Silk, Scott V. Simpson, Lisa M. Fairfax, Carmen X. W. Lu, David H. Webber, Leo E. Strine, Jr., and Sean J. Griffith). Annually, the *Fordham Journal of Corporate & Financial Law* hosts a symposium. Comments from multiple panelists addressed how multiple stakeholders are working to define ESG. The PDF with all the symposium participants is available at <https://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=1498&context=jcfl>.

⁴¹ Stavros Gadinis & Amelia Miazad, *Sustainability in Corporate Law*, 73 *VAND. L. REV.* 1401 (2020).

⁴² Virginia Harper Ho, *Risk-Related Activism: The Business Case for Monitoring Nonfinancial Risk*, 41 *J. CORP. L.* 647 (2015).

⁴³ Amal Aouadi & Sylvain Marsat, *Do ESG Controversies Matter for Firm Value? Evidence from International Data*, 151 *J. BUS. ETHICS* 1027 (2018) (on impact of ESG controversies on firm value). Beat Reber et al., *ESG Disclosure and Idiosyncratic Risk in Initial Public Offerings*, *J. BUS. ETHICS* (2021) (finding that voluntary ESG disclosure beneficially impacts idiosyncratic volatility and downside tail risk in the first year of US public trading).

⁴⁴ Max M. Schanzenbach & Robert H. Sitkoff, *Reconciling Fiduciary Duty and Social Conscience: The Law and Economics of ESG Investing by a Trustee*, 72 *STAN. L. REV.* 381 (2020) (demonstrating that corporate ESG investing can be in accordance with fiduciary law).

⁴⁵ Satyajit Bose, *Evolution of ESG Reporting Frameworks*, in *VALUES AT WORK: SUSTAINABLE INVESTING AND ESG REPORTING* (Daniel C. Esty & Todd Cort eds., 2020).

information they need in a cost-effective manner.”⁴⁶ Past SEC Chair Gary Gensler also spoke to the impetus for regulating ESG initiatives in a 2022 press release, “I think investors should be able to drill down to see what’s under the hood of these strategies. This gets to the heart of the SEC’s mission to protect investors, allowing them to allocate their capital efficiently and meet their needs.”⁴⁷ Even in reference to consumer protection, statements from the SEC spoke to economic rather than ethical concerns related to ESG. An added concern is that the proposed rules from the SEC did not eliminate the possibility of firms using ESG disclosures for the wrong reasons, such as using it instrumentally for economic gain. Additionally, the SEC did not define ESG nor did it mandate integrating the concepts. The lack of clarity could have prompted initiatives that were purely financial in the name of governance, while environmental and social concerns were neglected.

2. RADICAL BLACK THEORY AND PROMISE

2.1 *A Brief Introduction to Radical Black Theory*

Radical Blackness is an expansive concept that can help reshape how to analyze and destabilize liberal economic critique. The tradition of radical Blackness, as defined by Charisse Burden-Stelly, refers to:

[B]lack communist, socialist, and leftist analyses of the structural and material conditions of local, national, and global blackness, and efforts to imagine and bring into being liberating possibilities for all oppressed people. It centers critical political economy analysis, attends to intra-racial class conflict and antagonism, theorizes the international character of blackness as a special condition of surplus value extraction, and strives for the eventual overthrow of capitalism.⁴⁸

The tradition of radical Blackness can be interpreted as having an explicit liberatory agenda that may be especially appropriate for imaging alternatives to globalized racial capitalism.

By contrast, the Black Radical Tradition (BRT) has been adept at using Black epistemology, ontology, and phenomenology to unsettle global racial oppression. The BRT is a liberatory exercise rooted in Black (or African-descended) resistance to colonialism and enslavement.⁴⁹ Central to the BRT is an activist ontology rooted in past, present, and future collective liberation. These traditions are related, at times overlapping, but distinguishable.

⁴⁶ John Coates, Acting Dir, SEC Div. of Corp. Fin., *ESG Disclosure—Keeping Pace with Developments Affecting Investors, Public Companies and the Capital Markets*, US SECURITIES AND EXCHANGE COMMISSION, <https://www.sec.gov/news/public-statement/coates-esg-disclosure-keeping-pace-031121> (Mar. 11, 2021) (published to accompany Coates’s remarks at the 33rd Annual Tulane Corporate Law Institute).

⁴⁷ Press Release, U.S. Sec. & Exch. Comm’n, *SEC Proposes to Enhance Disclosures by Certain Investment Advisers and Investment Companies About ESG Investment Practices* (May 25, 2022), <https://www.sec.gov/news/press-release/2022-92>.

⁴⁸ Charisse Burden-Stelly, *W.E.B. DuBois in the Tradition of Radical Blackness: Radicalism, Repression, and Mutual Comradship, 1930–1960*, 32 SOC. & DEM. 32 181, 190 (2018).

⁴⁹ CEDRIC J. ROBINSON, *BLACK MARXISM: THE MAKING OF THE BLACK RADICAL TRADITION* 171 (1983).

The radical Black tradition has a few concepts to help situate its theoretical perspective. To begin with, *racial capitalism* recognizes the racial logics of free-market capitalism unrecognized in Marxism. Racial capitalism interprets the history of liberal capitalism as fundamentally constructed through mutually constitutive extractive processes of racialized exploitation and capital accumulation. According to philosopher Olúfemi O. Táíwò, the current global structure is based on the way political economic power was distributed through the harmful practices and legacies of colonialism and slavery.⁵⁰ Táíwò argues that we ought to engage in decolonial reparations as a worldmaking project to apportion “the costs of making the just world toward those corporations, governments, and people that have inherited the moral liabilities of the worldmaking that preceded us.”⁵¹

Secondly, the tradition is keen to recognize the importance and interrelatedness of collectivity and imagination. Robin D. G. Kelley describes the *black radical imagination* as “a collective imagination engaged in an actual movement for liberation.”⁵² This is based on the action-oriented idea that if we dream and engage in principled struggle together to free the most oppressed among us, we will all be free.

Lastly, in a similar way, *marronage* has been utilized as a theoretical intervention and embodied as a liberation tactic. For example, in the writing of Frantz Fanon, he described “a zone of nonbeing, an extraordinarily sterile and arid region, an incline stripped bare of every essential from which a genuine new departure can emerge.”⁵³ In other formations, such as Kelley’s, marronage is fugitivity from captivity and oppression into an imagined world of “peaceful coexistence.”⁵⁴ The constructive grounding of marronage is evident in the often transient maroon societies largely comprised of self-emancipated enslaved persons who blended the worlds of *their* pasts in Africa—not the past—with new worlds on Turtle Island and elsewhere. That is to say, marronage is an ontology of action that exists in fugitivity, transcending space and time.

Moreover, the concepts and praxis of radical Blackness lend themselves to a critical discussion of the relationship between the economic, racial, and political aspects of the liberal capitalist world and give way to an imaginative process of liberation from liberal capitalism and colonialism. That is the essence of radical Black political economy. Sometimes at odds with conservative, liberal, and nationalist projects, radical Black political economy is discernible by its critical diagnosis and emancipatory politic rooted in *liberation for all* through the abolition of the interconnected, oppressive power structures that order society to prop up racial capitalism. AJ Rice offers an analytical articulation of the characteristics of radical Black political economy: 1) Black cultural, economic, and political phenomenology is positioned within circumscribed temporal confines in global capitalism; 2) a

⁵⁰ Táíwò, *supra* note 8.

⁵¹ *Id.* at 98.

⁵² ROBIN D. G. KELLEY, FREEDOM DREAMS: THE BLACK RADICAL IMAGINATION 150 (2004).

⁵³ FRANTZ FANON, BLACK SKIN, WHITE MASKS xii (2008).

⁵⁴ KELLEY, *supra* note 52, at 17.

critical inter- and intra-racial class and gender power analysis is undertaken; 3) political economy is interrogated using an anti-capitalist anti-imperialist lens; and 4) the goal is collective liberation, not race-specific liberation.⁵⁵

2.2 *The Promise of Radical Black Theory*

A radical Black perspective offers business ethics a particularly fitting framework for analyzing ESG relative to other critical positions explored in later sections of this article. This body of work, while often complementary or applicable to other schools of thought, is generated through the experiences and contexts of people in the Black diaspora in their struggle for liberation from the legacies of anti-Blackness. What began foremost in response to the concurrent processes of the Transatlantic Slave Trade and colonization has persistently evolved to resist new matrixes of power and control, including Jim Crow segregation and mass incarceration in the United States and stifling indemnity and diplomatic isolation in Haiti as punishment for its independence. Moreover, much of the intellectual value of a radical Black perspective in analyzing ESG is that it is responsive to what Black Radicalists take to be the two foundational problems of the development of the liberal capitalist political economy: racialized slavery and colonial rule. That is to say, insofar as the radical Black view of liberal capitalism is that it is predicated on racial capitalism, it is also an indictment of the intrinsic instrumentality of that structure. Equally important, the radical Black account diagnoses these foundational maladies as ongoing problems for which abolitionist politics and practice are an antidote. Furthermore, as this article deals with analyzing ESG in the US context, the legacies and contexts that continue to structure the US political economy are especially relevant. In this way, a radical Black lens appears remarkably suited for the task at hand—arguing that ESG is purely instrumental and is therefore an ineffective remedy for the ills of liberal capitalism that is itself instrumental.

Other leftist perspectives are no doubt valuable, but they may not be best suited for the aims of this project. Postcolonial theory tends to offer a descriptive account of the impacts of colonialism and imperialism in the immediate aftermath of formal colonial rule in, very often, former European colonies. Decolonial theory emerged primarily from Latin American theorists to critique colonial power and structures as works in progress (e.g., Hawaii, Palestine, Puerto Rico) rooted in the advent of colonialism. While both intellectual traditions can support the analysis of ESG, neither appear to do so with the same congruity as the radical Black tradition.

3. LEFTIST CRITIQUES OF INSTRUMENTALITY

3.1 *Postcolonial Theory*

3.1.1 Habermasian Social Theory

In his *Theory of Communicative Action*, Jürgen Habermas updates the Marxist reification critique with notions of Weberian rationalization in his “colonization

⁵⁵ Rice, *supra* note 11, at 47.

of the lifeworld” theory. According to Habermas, “The thesis of internal colonization states that the subsystems of the economy and state become more and more complex as a consequence of capitalist growth and penetrate ever deeper into the symbolic reproduction of the lifeworld.”⁵⁶ An important clarificatory note is that Habermas conceives of the social sphere as bifurcated between “lifeworld” and “system,” which allows him to formulate an “action-theoretic as well as a systems-theoretic analysis of the process of societal rationalization.”⁵⁷

The unformalized consensus background assumptions, norms, and values that are introduced and reproduced through social integration constitute what Habermas refers to as the lifeworld.⁵⁸ The lifeworld is the site of communicative action.⁵⁹ These communicative actions are based on mutual understandings taken for granted.⁶⁰

The system, for Habermas, is a mechanism that operates using logic which is internal to each subsystem to efficiently achieve an objective.⁶¹ In this way, subsystems are patterned according to steering mechanisms rather than communicative understandings. In other words, “the transfer of action over to steering media appears from the lifeworld perspective both as reducing the costs and risks of communication and as conditioning decisions in expanded spheres of contingency.”⁶² For Habermas, this separation of state and economy into distinct subsystems with their own steering mechanisms—power and money, respectively—is a byproduct of modernity and the ascendance of capitalism.⁶³ Moreover, subsystems are predicated on efficiency and, therefore, “instrumental rationality.”⁶⁴

The increasing complexity of modern societies is not so much a concern for Habermas as is the point where subsystems become so “hypertrophied that it unleashes system imperatives that burst the capacity of the lifeworld they instrumentalize.”⁶⁵ That is, the unwelcome overinfluence of steering mechanisms allows for the “uncoupling of system and lifeworld.”⁶⁶ This fissure unleashes a sort of functionalist logic onto the lifeworld structures which results in the absence of communicative rationality. The trouble, for Habermas, is that “systemic mechanisms suppress forms of social integration even in those areas where a consensus-

⁵⁶ JÜRGEN HABERMAS, *THE THEORY OF COMMUNICATIVE ACTION, VOLUME 2: LIFEWORLD AND SYSTEM: A CRITIQUE OF FUNCTIONALIST REASON* 367 (1987).

⁵⁷ Mark Murphy, *Public Sector Accountability and the Contradictions of the Regulatory State*, 42 ADMIN. THEORY & PRACTICE 517, 521 (2020).

⁵⁸ HABERMAS, *supra* note 56.

⁵⁹ *Id.* at 367.

⁶⁰ JÜRGEN HABERMAS, *JÜRGEN HABERMAS ON SOCIETY AND POLITICS: A READER*, 170–71 (1989).

⁶¹ HABERMAS, *supra* note 56.

⁶² *Id.* at 183.

⁶³ *Id.* at 183, 307.

⁶⁴ See generally Moritz Patzer, et al., *The Normative Justification of Integrative Stakeholder Engagement: A Habermasian View on Responsible Leadership*, 28 BUS. ETHICS Q. (2018); HABERMAS, *supra* note 56, at 183; JÜRGEN HABERMAS, *THE THEORY OF COMMUNICATIVE ACTION, VOLUME I: REASON AND THE RATIONALIZATION OF SOCIETY* (Thomas McCarthy trans., 1984).

⁶⁵ HABERMAS, *supra* note 60, at 190.

⁶⁶ HABERMAS, *supra* note 56, at 318.

dependent coordination of action cannot be replaced, that is, where the symbolic reproduction of the lifeworld is at stake. In these areas, the mediatization of the lifeworld assumes the form of a colonization.”⁶⁷ Moreover, colonization of the lifeworld occurs through “systematically induced reification,” wherein systems, through steering mechanisms, reify the symbolic structures of the lifeworld and result in pathological consequences.⁶⁸

Beyond the theory itself, Habermas’s colonization of lifeworld theory provides normative grounding for Marxism that retains a scientific approach responsive to material conditions. As Heath has put it, Habermas’s “view is that one cannot understand the existing structure of capitalist societies without seeing the ways in which these institutional arrangements serve to finesse the equality problem, nor can one understand the reasons for their characteristic instabilities. Thus Habermas’s critique is not *purely* moralizing, but retains an important historical and developmental dimension.”⁶⁹

Whether or not one accepts the Habermasian assessment of a colonized lifeworld as a problem in need of repair or a descriptive account, one can concede that there are times when the lines are obfuscated between the instrumental and social, or system and lifeworld. Likewise, it is plausible that this muddling could, at times, be problematic.

3.1.2 Is Habermas Critical Enough?

Habermas proves useful in offering up one moderate explanation for the concerns with allowing instrumental reasoning to permeate the socio-environmental sphere, but it could be argued that his early work fell short of teasing out the implications for diverse intersecting *counterpublics*. Nancy Fraser describes “subaltern counterpublics” as countercultural communicative spaces “where members of subordinated social groups invent and circulate counter discourses to formulate oppositional interpretations of their identities, interests, and needs.”⁷⁰ Habermas later allowed that there could be various intersecting public spheres within a society.⁷¹ However, there was a lack of critical force in his power analysis. Habermas was willing to settle for consensus over radical inclusion, giving way to possible power imbalances often predicated on race- and gender-based marginalization.⁷²

Habermas provides tools to analyze the cultural, environmental, and social spheres that acknowledges a theoretical and practical usefulness to modern systems

⁶⁷ *Id.* at 196.

⁶⁸ *Id.* at 327.

⁶⁹ Joseph Heath, *Habermas and Analytical Marxism*, 35 PHIL. & SOC. CRIT. 891, 907 (2009).

⁷⁰ Nancy Fraser, *Rethinking the Public Sphere: A Contribution to the Critique of Actually Existing Democracy*, in CRAIG J. CALHOUN, *HABERMAS AND THE PUBLIC SPHERE* 123 (1992).

⁷¹ See JÜRGEN HABERMAS, *BETWEEN FACTS AND NORMS*, trans. William Rehg 373–74 (1996); Jürgen Habermas, *Further Reflections on the Public Sphere*, Thomas Burger (trans.), in CALHOUN, *HABERMAS AND THE PUBLIC SPHERE* 424–25.

⁷² Max Visser, *Pragmatism, Critical Theory and Business Ethics: Converging Lines*, J. BUS. ETHICS 45, 50 (2019).

Lisa A. Zanetti & Adrian Carr, *Contemporary Pragmatism in Public Administration*, 32 ADMIN. & SOC. 433 (2000). Norman K Denzin, *Post-Pragmatism*, 19 SYMBOLIC INTERACTION 61 (1996).

while also recognizing the need to limit the reach of the economic and political spheres. Eventually, Habermas is asking: How can we protect the lifeworld from further encroachment by the market?⁷³ Yet we need not approach the market or its overreach with such determinacy.

3.2 Decolonial Theory

3.2.1 A Brief Overview of Decoloniality

Decolonial theory occupies a space beyond the reaches of liberal market and postcolonial worldviews. For leading decolonial business ethicist S. B. Banerjee, decoloniality aims to create space for other epistemologies, ontologies, and phenomenologies by destabilizing the notion of the universality of Western reason.⁷⁴ Decoloniality is antithetical to the dominant Eurocentric understanding of a singular worldview,⁷⁵ and instead, represents a pluriverse of “worlds” constituted by a multiplicity of cosmologies, epistemologies, lifeways, and ontologies that refuse the dominant worldview.⁷⁶ As such, the decolonial approach is rooted in a relational ontology that exists outside of an extractive diametric Western view of people and planet.⁷⁷ These alternate ontologies make possible “the subordination of economic objectives to ecological criteria, human dignity, and social justice,” which run counter to a liberal market perspective.⁷⁸ A paradigmatic interpretation of the decolonial view is that coloniality and modernity are co-constitutive.⁷⁹ In this way, “the whole global system owes its debts to colonialism and imperialism and how that system of neocolonialism continues to advance the interests of the Global North and other beneficiaries of the colonial endeavor.”⁸⁰ The same logics of extraction and difference that served colonialism and slavery created a structure that allows environmental, racial, and other forms of injustice to persist.⁸¹ Moreover, decolonial analysis is acutely attuned to the way coloniality structures dynamics of power and the very real material implications of the way that power is distributed.

⁷³ Joseph Heath, *Habermas and Analytical Marxism*, 35 PHIL. & SOC. CRIT. 891, 908 (2009). HABERMAS, BETWEEN FACTS AND NORMS, *supra* note 71.

⁷⁴ Subhabrata Bobby Banerjee, *Decolonizing Deliberative Democracy: Perspectives from Below*, 181 J. BUS. ETHICS 283 (2022); WALTER D. MIGNOLO & CATHERINE E. WALSH, ON DECOLONIALITY: CONCEPTS, ANALYTICS, PRAXIS (2018).

⁷⁵ Here, Eurocentrism refers to the theoretical dominance of concepts like rationality and universality particular to European Enlightenment philosophy.

⁷⁶ Banerjee, *supra* note 74; Rubíná Mahsud & Jessica Ludescher Imanaka, *Global Collaborative Advantage: Efforts Toward Decolonization of Business Ethics and Management Scholarship*, 7 J. MGMT. GLOB. SUSTAINABILITY 25 (2019); WALTER D. MIGNOLO, THE IDEA OF LATIN AMERICA 144 (2009).

⁷⁷ Subhabrata Bobby Banerjee & Diane-Laure Arjaliès, *Celebrating the End of Enlightenment: Organization Theory in the Age of the Anthropocene and Gaia (and Why Neither Is the Solution to Our Ecological Crisis)* 2 ORGANIZATION THEORY (2021); *Confronting Extractivism—The Role of Local Struggles in the (Un) Making of Place*, 18 CRITICAL PERSP. ON INT’L. BUS. 50 (2019).

⁷⁸ Arturo Escobar, *Degrowth, Postdevelopment, and Transitions: A Preliminary Conversation*, 10 SUSTAINABILITY SCIENCE 451, 455 (2015) (discussing indigenous ontologies and collective well-being inclusive of nature).

⁷⁹ Mignolo & Walsh, *supra* note 74.

⁸⁰ Mahsud & Imanaka, *supra* note 76.

⁸¹ Táíwò, *supra* note 8.

None of this means to suggest that decoloniality is relativist—to the contrary, it is grounded in deep reflexivity.⁸² At the same time, unlike liberal or Enlightenment philosophy, there is no universal account of morality. But decoloniality does obviate the possibility of “worlds” that necessarily preclude other worlds and temporalities, which may be sufficient to conceive of *coloniality* as a wrong.

3.2.2 The Decolonial Critique of ESG

Often, decolonial critiques of business ethics are deployed explicitly against CSR. These accounts also implicate ESG as a derivative of CSR. Some accounts take particular issue with the instrumentalization of CSR, which I refer to plainly as ESG. This takes from the notion of decoloniality that economic goals are incompatible with broader aims of pluriversity insofar as the liberal political economy is in many ways irreconcilable with worldmaking guided by the interrelatedness of people and planet.

In his critique of postcolonial perspectives like Political CSR (PCSR), Banerjee makes sense of this interaction between liberal economics, power, and worldmaking through the lens of decoloniality. Specifically, his project seeks to problematize deliberative democracy as a colonizing Western perspective whose theoretical basis in rational discourse and consensus is an insufficient resource for communities living in and resisting the extractive and unequal difference logics forced upon them through the legacies of colonialism.⁸³ On Banerjee’s account, postcolonial perspectives like deliberative democracy that focus on procedure fail to adequately account for the power imbalances that have historically and continually structured relations between these other ways of being in the world and businesses operating through liberal markets. In that way, PCSR miscalculates the ability of “deliberative processes of corporate engagement with state and civil society actors” to engender “a more democratic public sphere.” His contribution suggests that there are alternative views “from below” rooted in pluriversity that better enable democratization.⁸⁴

Ehrnström-Fuentes and Böhm examine the relationship between the pluriverse and CSR. They cast CSR as an ontological process of worldmaking that constructs how people exist in and relate to place, particularly how place is made to facilitate the disentanglement between people and planet that breeds conflict and serves corporate interests.⁸⁵ Ehrnström-Fuentes and Böhm identify three paradigmatic CSR mechanisms of singularization that have enabled an ontology of place through a singular view of the world. First, stakeholderization transforms people and their environment into stakeholders with values and needs that must fit within the corporate ontology of place.⁸⁶ Second, standardization and certification “occlude ontological multiplicity

⁸² Subhabrata Bobby Banerjee, *Transnational Power and Translocal Governance: The Politics of Corporate Responsibility* 71 HUM. RELS. 796 (2018).

⁸³ Banerjee, *supra* note 74 at 285.

⁸⁴ Banerjee, *supra* note 74; BOAVENTURA DE SOUSA SANTOS, *DEMOCRATIZING DEMOCRACY: BEYOND THE LIBERAL DEMOCRATIC CANON* (2005).

⁸⁵ Maria Ehrnström-Fuentes & Steffen Böhm, *The Political Ontology of Corporate Social Responsibility: Obscuring the Pluriverse in Place*, 185 J. BUS. ETHICS 245 (2023).

⁸⁶ *Id.*

of diverging human–nonhuman relations” formulating a singular view of sustainability.⁸⁷ Third, global reporting exports the singular corporate representations of local worlds.⁸⁸ Ehrnström-Fuentes and Böhm argue that in these ways CSR impedes the pluriverse of less extractive worlds. Their political ontological account of CSR highlights the urgency of decoloniality and pluriversality, which is arguably outside the purview of modern corporations and CSR.⁸⁹

Rubiná Mahsud and Jessica Ludescher Imanaka further decoloniality through their concept of Global Collaborative Advantage (GCA). Their scholarship is critical of the dominance of Western philosophies in CSR frameworks and business ethics, more generally.⁹⁰ The authors argue that GCA is an approach more inclusive of diverse perspectives from the Global South in theory and practice that engenders a shift toward more equitable and collaborative business and business responsibilities.⁹¹ Their GCA model consists of four stages: (1) incorporating multiple perspectives, particularly from communities impacted by colonialism, (2) truth and reconciliation, (3) creating a “constellation” of places across the global rooted in local realities, and (4) research and training capable of both critiques and solutions.⁹² Mahsud and Imanaka attempt to reconcile the notion of a plurality of worldviews with global business as a path toward ethical exchange.⁹³

At the same time, the GCA approach seems sullied by some of the pitfalls of postmodernism to the extent that the pluriverse is incompatible with the modern liberal political economy. While the GCA account may avoid a colonizing perspective, it appears to lack some of the force of decoloniality. That is, the GCA does not appear to redistribute power. As Mahsud and Imanaka acknowledge, reparations are likely needed to correct this form of historical injustice.⁹⁴

4. A RADICAL BLACK CRITIQUE OF ESG AND INSTRUMENTALITY

Here, I argue that ESG is one of the paradigmatic examples of the instrumental force of racial capitalism. By drawing on the classic examples of US chattel slavery and settler colonialism, I emphasize the extractiveness of racial capitalism to underscore that ESG is purely instrumental in this context.

Racial capitalism is an essential component of the liberal political economy upon which the United States was built—chattel slavery and settler colonialism. African (later Black) bodies and people were commodified for the growth and expansion of the

⁸⁷ *Id.* at 253.

⁸⁸ *Id.* at 254.

⁸⁹ *Id.* at 257; Arturo Escobar, *Thinking-feeling with the Earth: Territorial Struggles and the Ontological Dimension of the Epistemologies of the South*, 11 *REVISTA DE ANTROPOLOGÍA IBEROAMERICANA* 11 (2016); Padini Nirmal & Dianne Rocheleau, *Decolonizing Degrowth in the Post-development Convergence: Questions, Experiences, and Proposals from Two Indigenous Territories*, 2 *ENV'T & PLAN. E: NATURE & SPACE* 465 (2019).

⁹⁰ Mahsud & Imanaka, *supra* note 76.

⁹¹ *Id.* at 27.

⁹² *Id.*

⁹³ *Id.* at 44.

⁹⁴ *Id.* at 40.

laissez-faire system,⁹⁵ while their human labor was exploited for no wage. Black people, thus, became the means to an economic end. Racial capitalism is indicative of an extractionist worldview fundamentally at odds with the notion of collective liberation.

The obvious concerns of coloniality and oppression that arise when thinking about the extractiveness of slavery are also relevant when thinking about ESG. A notable consideration involves valuing people and the environment wrongly—in other words, as a means to an economically desirable end. While the structure may be different and the intention pure, ESG is nevertheless an extractive colonial process. As an ideology, ESG fosters an ontology of disconnectivity between people and their environment which allows both to be used for value extraction. When the natural world or oppressed persons are instrumentalized as mechanisms to achieve capital accumulation, an injustice is done. In this way, ESG remakes coloniality.

ESG undermines the very socioecological possibilities some proponents claim it promotes. If race and liberal markets are taken to be mutually reinforcing, how can collective liberation exist within capitalism? And there is a further problem resulting from the way ESG is packaged and peddled—namely, as a form of social accountability, when it is, on some level, a movement toward corporate disinformation.⁹⁶ ESG couches economic drivers through the language of social and environmental responsibility. Yet it recreates a world wherein the collective liberation and primacy of people and planet are untenable. Of course, disinformation is a characteristic of coloniality. Extractive practices from US slavery to sweatshop labor have been touted as laudable beneficence toward, most often, racially and economically oppressed groups.⁹⁷

My focus here is not the racial implications of ESG—though there are many—but to highlight the broader concerns with approaches like ESG. The overarching premise is, as Matthew Paterson argues, that the liberal political economy “is oriented structurally towards endless accumulation and thus to the growth-related character of environmental problems.”⁹⁸ Extractiveness thereby governs ways of relating.⁹⁹ Framing the pursuit of social responsibility or justice in economic terms is extremely limiting. ESG exists in and as coloniality, such that it inhibits pluriversality and collective liberation. ESG, I argue, is a tool intended to sustain the liberal capitalist political economy, and, therefore, cannot foster collective liberation.

⁹⁵ See ACHILLE MBEMBE, *NECROPOLITICS* 177 (2019) (discussing the relationship between commodification and liberal capitalism).

⁹⁶ See William S. Laufer, *Social Accountability and Corporate Greenwashing*, 43 *J. BUS. ETHICS* 253, 255–58 (2003). See generally SHARON BEDER, *2 GLOBAL SPIN: THE CORPORATE ASSAULT ON ENVIRONMENTALISM* (2002).

⁹⁷ See e.g., Ernest Allen, Jr. & Robert Chrisman, *Ten Reasons: A Response to David Horowitz*, 31 *BLACK SCHOLAR* 49 (2001) (refuting the false claims espoused by Horowitz in an infamous article, which provided examples of the supposed benefits of slavery); Matt Zwolinski, *Sweatshops, Choice, and Exploitation*, 17 *BUS. ETHICS Q.* 689 (2007) (arguing that the moral objections to sweatshop work conditions are weakened by the fact that sweatshop workers choose to work in them, which indicates that the workers prefer the sweatshop to other work such that removing the option would harm them and violate their autonomy).

⁹⁸ Paterson, *supra* note 6.

⁹⁹ *Id.*

Those who are genuinely committed to justice and liberation should abandon ESG. Justice demands repair—the undoing of coloniality. ESG that intends to promote justice would require the capacity to encourage the pursuit of decoloniality—the elimination of a world made through extractive processes against people with their environment. This means ways of understanding, existing, and relating in the world would need to be decoupled from accumulation. A framework for collective liberation should be attentive to the demand to redistribute the unfair distributions of coloniality,¹⁰⁰ which is in no way an element of ESG. In this activist logic, we can also conceive of justice as what is necessary to decolonize the world into many worlds. This principle of Just Transition—as articulated by Movement Generation Justice and Ecology Project, suggests, “If it’s the right thing to do, we have every right to do it.”¹⁰¹ Perhaps, then, it is best to understand ESG as in the purview of people, even people within business, rather than firms. Justice, socioecological and otherwise, is a feature of collective struggles and movements, not business. As such, workers utilizing their imaginative capacity and emancipatory power may be the best hope for freeing themselves from the constraints of the liberal political economy.

There is an additional, albeit tentative, conclusion for those who endorse the decoupling of ethical and economic rationales: the repudiation of free-market capitalism.¹⁰² A rejection of liberal capitalism tends to be part and parcel of a critique of oppressive exploitative structures, such as racism, patriarchy, resource extraction, colonialism, and imperialism.¹⁰³ All oppression interacts to either subjugate or privilege,¹⁰⁴ forming complex “geographies of power” that can systematically analyze the ways gender, race, class, and nation interact to (re)produce power.¹⁰⁵ In this way, distinct sites of oppression are inextricably linked. A critique of one is incomplete without, at least, acknowledging the other(s).¹⁰⁶

Moreover, Black Radicalist critique clears the smoke screen of what seems to oftentimes be little more than “responsibility washing,” strategic management, or goodwill banking for predominantly economic reasons.¹⁰⁷ Yet even in a free market

¹⁰⁰ Táíwò, *supra* note 8.

¹⁰¹ Movement Generation, *Just Transition* (2017), <https://movementgeneration.org/justtransition/>.

¹⁰² This is a plausible implication using Marxist logic although it is not the sentiment expressed throughout the article. Use of Marxist thinking in this portion of the article does allow for greater attention to the interplay between systems and injustice, as well as the implications of interactions between ethics and economics.

¹⁰³ See Táíwò, *supra* note 8.

¹⁰⁴ See PATRICIA HILL COLLINS & SIRMA BILGE, *INTERSECTIONALITY* (2020); Kimberlé Crenshaw, *Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color*, 43 STAN. L. REV. 1241 (1991).

¹⁰⁵ Heidi Gottfried, *Reflections on Intersectionality: Gender, Class, Race and Nation*, 11 J. GENDER STUD. 23, 31 (2008).

¹⁰⁶ Nick J. Sciuillo, *Social Justice in Turbulent Times: Critical Race Theory & Occupy Wall Street*, 69 NAT’L. L. GUILD REV. 225, 226 (2012) (“Racism and capitalism are intimately tied together and mutually reinforcing ... These examples show how rejecting capitalism without explicitly rejecting racism is a shallow critique at best.”).

¹⁰⁷ See Robbin Derry, *The Gender Effect: Capitalism, Feminism and the Corporate Politics of Development*, by Kathryn Moeller. Oakland, CA: University of California Press, 2018. 320 pp. 29 BUS. ETHICS Q. 269, 269 (2019) (on using CSR for the wrong reasons).

system, there is room for marronage. There is an opportunity for US workers to organize their labor for their own liberatory purposes, much like the Zapatistas in Mexico and the Movimento dos Trabalhadores Rurais Sem Terra (MST) in Brazil, and to exist outside of the very political economies to which they are subjected. There is also an opening for firms to serve a reparatory function in the period of just transition and worldmaking through resource and power redistribution. In this way, they can benefit people and the planet.¹⁰⁸

5. A FRAMEWORK

Collective liberation is a cooperative project borne of the radical imagination grounded in communal agreements, aims, and commitments. Nonetheless, I present a few modest guardrails for developing a new world rooted in radical Blackness that can loosely constitute a radical Black political economic framework. These principles are not exhaustive but are of a minimum standard that one would expect of a radical Black economy:

1. Primacy of people and planet
2. Non-extractive relationships
3. Reparations
4. Self-determination
5. Self-governance.

First, the ideals of *primacy of people and planet* and *non-extractive relationships* are integral to an anti-capitalist anti-imperialist analysis. In such framing, economic, social, and political arrangements are not based on instrumental ways of interaction. Instead, the sustainability and flourishing of people and the planet trumps ways of engaging that would subsume them into primarily economic concerns that have only a tangential role in socioecological well-being. Additionally, a commitment to non-extractiveness means that whatever businesses exist ought to be careful and intentional as to how they engage with the people and environment that they have the potential to impact. These principles would alleviate some tensions that exist in the current political economy. Foremost, in economic sectors that clearly correspond with basic human needs like medicine and housing, no one would implicitly or explicitly be denied access to those resources. Another important consideration is that there should be some regard for resource management with respect to the entire living world. This means society should strive to maintain equitable power dynamics and resource distributions across business interactions.

In order to create a new economic order, I argue *reparation* is a necessary principle and strategic action. On the one hand, a principle of reparation should

¹⁰⁸ See e.g., THOMAS DONALDSON, *THE ETHICS OF INTERNATIONAL BUSINESS* (1991) (for a contractarian perspective).

necessarily assess the current, widely unjust global political economy, seek to balance power differentials, and justly redistribute material resources and opportunities expropriated from communities impacted by the legacies of colonialism, imperialism, and racism. It compels the cessation of ideologies, practices, and structures that function as barriers to collective liberation. This would outright bar business practices such as coercion, exploitation, slavery, and exploitative trade agreements that historical analysis demonstrates serve racial capitalism—colonial, imperial, and neoliberal interests. This understanding of repair would also apply to the environment. A radical Black economy would prioritize regenerative environmental projects and prohibit extractive businesses that only purge the earth of its natural resources, destroy the vast living world, or facilitate the acceleration of climate change. On the other hand, the principle of repair aims to front run future concerns. If, for example, in the new worldmaking project something was found to cause the sort of disparate impact we ought to be concerned about, the new arrangement would seek to repair those effects as fully and expeditiously as possible.

Lastly, *self-determination* and self-governance are fundamental components of a worldmaking project, large or small in scale. While these ideas are related, they are distinct. In a radical Black economic context, self-determination refers to the ability to determine the conditions, distribution, procurement, and terms of individual or collective labor and any gains that might result from said labor. Moreover, one's ability to survive would not be tethered to one's ability to produce or extract value. That is, the entire structure, stability, and sustainability of such a world would not depend upon instrumentality. Economic self-determination is therefore antithetical to coercive and extractive arrangements that do not afford communities the opportunity to decide how, when, and why to allot their labor and resources. In this way, economic self-determination is quite dependent on self-governance.

Here, *self-governance* refers to the ability to engage in individual or collective decision-making and rule creation without concern over external intervention. Ultimately, much of self-governance is reliant on the dominance of equitable power distributions that permit a multiplicity of non-infringing ways of being in and relating to the living world—pluriversality. This newfound autonomy could result in communities who decide to engage in cooperative ecological enterprises or those that do not recognize labor as necessarily connected to exchange, markets, or money. But with so much possibility and limitless collective imagination, one can begin to see how radical Blackness could be freeing for everyone.

6. OBJECTIONS

6.1 Change

One concern that is likely to arise is how a radical Black political economy comes to be. How political economic change happens is widely debated,¹⁰⁹ and there are any

¹⁰⁹ Billie Murray, *Violence and Nonviolence in the Rhetoric of Social Protest*, 25 RHETORIC & PUB. AFFS. 145 (2022).

number of conceivable mechanisms to usher in a radical Black political economy. This article does not advocate any particular change strategy, but it presupposes that the process would align with the proposed preliminary framework.

It is worth considering that few, if any, successful liberatory movements in history have occurred without any upset to those in power. Martin Luther King, Jr. captured this sentiment in his *Letter from a Birmingham Jail*, noting “We know through painful experience that freedom is never voluntarily given by the oppressor; it must be demanded by the oppressed.”¹¹⁰ It is quite plausible that businesses and nation-states that benefit from unjust political economic arrangements would not want to change them. For that reason, we should be careful not to fall into the trap of believing common but false criticism that radical change and dismantling racial capitalism are inherently violent.¹¹¹ The irony is that the violence of the current political economy is well documented. Instrumental racial capitalist reasoning has excused slavery, genocide, apartheid, and rampant resource extraction—things we would otherwise find objectively bad, immoral, or unethical—for monetary gain and political power.¹¹² Therefore, we might expect some conflict regarding the commitments, logics, tactics, tools, and strategies evoked by proponents of radical Black and racial capitalist political economies. Contrast should not be viewed as a valid reason to object *ex ante* to a radical Black political economy over a racial capitalist economy; rather, these differences suggest a need for additional research into radical Black and other understudied leftist perspectives.

6.2 Breadth

Another concern about a radical Black critique of ESG is that it is so broad that it inculcates the entire liberal capitalist political economy. Insofar as ESG is a tool to use people and the planet instrumentally for “long-term value” or “economic sustainability,” then it is merely a symptom of the current political economy. Therefore, it is subject to the same critiques. However, my point has namely been to illustrate the ways in which ESG is a representative case of the extractive nature of free-market capitalism. In other words, ESG is purely instrumental. And the somewhat controversial upshot is indeed that subordinating or jettisoning economic aims signals trouble for liberal attempts at social responsibility. This suggests that even socially responsible or well-intentioned endeavors, when in the purview of neoliberalism, serve those interests.

A secondary worry regarding the scope of this critique is that under this view any economic gain is perceived as structural injustice, yet this objection misunderstands the crux of the radical Black critique. It is conceivable that economic gain, exchange, or market coordination could occur without features such as extraction and expropriation that are central to this account of the liberal capitalist

¹¹⁰ Martin Luther King Jr., *Letter from Birmingham Jail*, 26 U.C. DAVIS L. REV. 835 (1992).

¹¹¹ Kevin Drakulich & Megan Denver, *The Partisans and the Persuadables: Public Views of Black Lives Matter and the 2020 Protests*, 20 PERSPS. ON POL. 1191 (2022).

¹¹² See generally Táíwò, *supra* note 8; MBEMBE, *supra* note 95.

political economy. Even within capitalism, there are varieties in its practice. However, the aim of this project has been to interrogate the particular version liberal capitalism practiced in the United States and its implications for ESG within those confines.

6.3 Alternative Theoretical Traditions

A tertiary worry is that radical Blackness is less inclusive than postcolonial or decolonial frameworks that have already been applied in business ethics. To the contrary, a radical Black analytical framework is capable of interrogating the pernicious ways that race, gender, class, and other power structures have been utilized to sustain capitalism and colonialism in ways postcolonialism has largely been unable to do. And, while a radical Black framework is distinct from a decolonial framework, they share the same anti-colonial orientation. In this way, radical Blackness is complementary to decoloniality. By and large, the analysis extends left-leaning political economic analysis in business ethics.

7. CONCLUSION

The purpose of this article has been to demonstrate the instrumentality of ESG in order to argue that it is an archetype of the inherently extractive nature of the liberal capital political economy. In this analysis, radical Black, postcolonial, and decolonial perspectives were considered. Relying on the radical Black tradition, I argued that the instrumental nature of ESG is antithetical to the aims of collective liberation and justice. In the same tradition, I presented a set of principles that constitute a preliminary framework for a radical Black political economy and considered change-, scope-, and redundancy-based objections.

While I have made every effort to maximize the space provided, there are many questions left unanswered and avenues left unpursued. Scholars wanting to pursue a research program that centers collective liberation, deploys radical Black theory, or furthers political economic thought in business ethics have a plethora of research streams available to them. Consider: What substantive critiques and recommendations can activist logics and theories of collective liberation offer business ethics? Do businesses have a role in worldmaking beyond redistribution and repair? Is there a place for business in the radical Black imagination? Are decolonial corporations really decolonial? Do power imbalances between movements and corporations attempting to co-conspire necessarily result in cooptation?

Despite the many possible research questions to investigate, there are some upshots. Across theoretical traditions, there are business ethicists aiming to revolutionize business and political economy for the better. Many scholars, particularly those from left-of-center traditions, likely agree on the importance of prioritizing the needs of people and the planet over wealth creation. Finally, with sociopolitical tensions escalating, corporate wealth and power expanding, wildfires blazing, and floodwaters rising, coupled with ESG's inability to address these very real and deadly concerns, it would seem that a solution that reproduces the problem isn't much of a solution at all.

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