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Just business redux

Transnational corporate responsibility decoded through relational justice

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Publication date
2024

Link to publication

Citation for published version (APA):
Bose, D. (2024). *Just business redux: Transnational corporate responsibility decoded through relational justice*. [Thesis, fully internal, Universiteit van Amsterdam].

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Download date:15 Nov 2026

Thesis Conclusion

The thesis provided an account of how both substantive and procedural aspects of corporate supply chain responsibility are normatively justified in the private law theory of relational justice. As such, the thesis demonstrated that human rights circumscribe business relationships. Corporate activities can significantly impact the lives and environments of people in distant regions, often without their consent or input. Relational justice, in its justification of corporate human rights responsibility, asserts that these distant stakeholders should have the ability to be equal participants in determining the course of actions that influence their lives which affect their ability to self-determine as individuals. This means that corporations have a responsibility not only to avoid harming these stakeholders but also to engage them in decision-making processes that affect their rights and interests. Substantive equality, coupled with the above, recognizes that power imbalances, often exacerbated by geographical and economic disparities, can result in unequal terms of relationships. Relational justice requires corporations to assess and mitigate these disparities. It emphasises that corporate actions should not perpetuate or exacerbate existing inequalities but should actively work to rectify them.

Thus, firstly, transnational corporate responsibility, as is argued in the thesis, extends to the entirety of the supply chain where limitations based on tiers are inherently arbitrary; the extent of this responsibility is to be determined on a case-by-case basis. This responsibility arises from the fact that relationships, under the framework of relational justice, cannot be treated as just in isolation when such relationships may have the effect of making other relationships unjust. Secondly, human rights due diligence is an intrinsic processual requirement in the formation of just relationships which enables (potentially) affected people to participate as equals in business decisions that may affect them. Moreover, it enables ascertaining what the terms of just relationships are *ex-ante* on a case-by-case basis which permits a distinction between arbitrary terms of relationships and just terms of relationships without relying on *ex-post* evaluations.

This is not only reflected in how the UN Guiding Principles articulate supply chain responsibility under Principle 13(b) or human rights due diligence in Principle 17, but also is supported by case law and legislation. It was demonstrated how case law reflects the unique horizontality of human rights in corporate harm and how this corporate responsibility is cascading in nature. Human rights due diligence legislation, further reflects this relational justice logic of corporate responsibility as first an *ex-ante* obligation to prevent harm to enable respect for self-determination and substantive equality of persons.

The answer to the research question, *how is Dagan and Dorfman's theory of relational justice able to normatively justify corporate human rights responsibility for distant impacts through human rights due diligence, if so, and how is this normative justification reflected in relevant case law and legislation?* is yes it is able to normative justify corporate responsibility for distant impacts, and in that manner explained above. Relational justice, as was presented in the thesis and in the introduction was shown to have an ambition to justify the responsibility of transnational corporations in an interpersonal human rights context.[1] However, as was demonstrated, relational justice only tackled one aspect of transnationality as regards how interpersonal relationships are independent of state borders, largely addressed in chapter 1. While that is helpful as a basis of articulating responsibilities of transnational corporations, it does not explain supply chain responsibility in the context of how the international economy is structured in the globalised world. This is because there is a web of relationships that structure the manufacture of a product or the provision of a service which involves not only crossing borders but also dealing with a web of legally distinct entities that distance the human rights impacts from the transnational corporation. This is coupled with the lack of engagement with the *ex-ante* requirement of prevention and mitigation of harm in a framework where relational justice says remedy is a backup mechanism.

Instead of summarising the chapters, which is largely done in the introduction where the main arguments are presented chapter-by-chapter, the conclusion presents that this thesis

[1] Hanoch Dagan and Avihay Dorfman, 'Interpersonal Human Rights' (2018) 51 Cornell Int'l L J 361.

culminates in the three key takeaways that business relationships are neither *domestic*, nor *isolated* nor merely *economic* when under scrutiny from a relational justice framework. This forms the three elements of the geographical distance, legal distance, and human rights due diligence respectively which represent the major normative 'takeaways' from the thesis. While the former was a matter of reframing relational justice properly in the corporate responsibility context, the latter two are the core contributions of the thesis. The relational justice approach, through its emphasis on self-determination and substantive equality, underscores in this thesis that corporate responsibility transcends the contours of conventional legal boundaries and state borders. That business relationships can be based solely on profit considerations is repudiated in the thesis. The relational justice justification of corporate human rights responsibility is thus that a framework of just relationships that enable self-determination and substantive equality necessitates that *justness* of relationships include considerations of human rights for distant persons through cascading responsibilities and human rights due diligence.

§1 Just business relationships as respecting human rights

§1.1 Business relationships are not merely domestically ring-fenced

What the relational justice framework and its interpersonal human rights arm enables the readers to visualise is that the demands of private law, and consequently the horizontal demands of human rights, are not circumscribed within state borders and extend transnationally. As the first chapter pointed out in the articulation of relational justice theory, both public and private law further self-determination and substantive equality, but the former furthers it in a vertical sense for *citizens* and the latter furthers it in a horizontal sense for *persons*.[2] This horizontal framework of conduct loses its legitimacy under relational justice if human rights are not taken as part of the global minimum floor of interpersonal conduct.[3] The corporate responsibility to respect human rights, therefore, does not depend on state jurisdiction but is a universal demand in private law. This is echoed practically in the fourth

[2] Hanoch Dagan and Avihay Dorfman, 'Postscript to Just Relationships: Reply to Gardner, West, and Zipursky' (2017) 117 Colum L Rev Online 261, 267.
[3] Dagan and Dorfman, 'Interpersonal Human Rights' (n 1) 385.

chapter through the structure of the UN Guiding Principles which articulate direct corporate human rights responsibilities of an interpersonal nature without reference to state jurisdiction. In fact, the Commentary to Principle 11 particularly states that corporate responsibility 'exists over and above compliance with national laws and regulations protecting human rights'.[4]

What this entails is that in interpersonal interactions (which, as one may recall, is restricted to business relationships in the thesis, i.e., relationships between the corporation and the person), the interdependence of the modern world necessitates that business relationships have a global minimum standard to comply with. The example of *Nestlé v Doe* from the fifth chapter is apt in this regard where the normative foundations were elaborated in practice in national courts.[5] In that case, the consequence of this relational justice framework of inquiry would be that the business decisions of *Nestlé* taken in the US should not merely concern matters in the US (either for geographical circumscription or for legal entity circumscription), especially when business decisions are taken within the background condition of child slavery in Ivory Coast. The thesis showed that the court's opinion in the case presented an incorrect view of doctrine not only from a normative sense but also in the common law legal development sense. Business decisions have to be cascading and are not domestically confined in that cascade either as circumscribed by national law. The *Nevsun* case depicts this development of law correctly.

In the description of *Nevsun* v *Araya*,[6] perhaps this global standard is demonstrated best through the thin separation of public/private and national/international law. In that case where allegations of human rights harms were framed as tort law violations, it could be clearly seen that the court saw itself as the guardian of the system of international human rights, but in the horizontal sphere, pronouncing on violations of a *global* minimum standard of conduct for corporate activities *in tort law*.[7] In doing so, it also affirmed that the use of 'human rights' as a

[4] UNHRC, 'Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework' A/HRC/17/31 (21 March 2011) UN Doc A/HRC/17/31, Commentary to Principle 11 (hereinafter 'UNGPs').
[5] *Nestlé USA, Inc v Doe* 141 SCt 1931 (US 2021).
[6] *Nevsun Resources Ltd v Gize Yebeyo Araya et al* [2020] SCC 5.
[7] ibid p 1.

terminology has symbolic value greater than the sum total of the ordinary demands of torts that are alleged to have been violated.[8]

The same is echoed in legislations where all legislations discussed their aim for protection of human rights in corporate activities not merely domestically but globally in the operations of the transnational corporation. In fact, this transnationality (meant in the geographical sense here[9]) of human rights impacts was the very rationale for the adoption of the laws like the French law,[10] and the Norwegian law.[11] The legislation specifically applies extraterritorially since the protection of human rights in supply chain activities, due to its transnational nature, is inherently incapable of being ring-fenced for any legislation to be effective in combatting human rights impacts.

Till this point, relational justice has had (fairly) straightforward answers upon reframing the normative position for corporate responsibility, i.e., relational justice and interpersonal human rights, in its articulation of the framework of interpersonal interactions as independent of the state (but dependent on it for background conditions) enables human rights responsibilities to be articulated horizontally without the restriction of state jurisdiction which ordinary human rights cases would succumb to. Nonetheless, relational justice can be pushed forward in its understanding of corporate responsibility to address the question of the legal distance in supply chains as discrete legal entities apart from the question of geographical distance.

§1.2 Business relationships are not isolated bilaterally or by entities

This is why the thesis also demonstrates, in the third chapter, that business relationships are also not *isolated* in the sense that they concern only the entities in the relationship of immediate

[8] ibid para 125.

[9] The laws also tackle transnationality in the legal sense of applying to the entirety of the supply chain. See §1.2.

[10] 'N° 2578 - Proposition de Loi de M. Bruno Le Roux Relative Au Devoir de Vigilance Des Sociétés Mères et Des Entreprises Donneuses d'ordre' (2 November 2015) <https://www.assemblee-nationale.fr/14/propositions/pion2578.asp> accessed 30 June 2023.

[11] Ola Mestad and others, 'Supply Chain Transparency: Proposal for an Act Regulating Enterprises' Transparency about Supply Chains, Duty to Know and Due Diligence' (*Norwegian Ethics Information Committee*, 28 November 2019) 10 <https://www.regjeringen.no/contentassets/6b4a42400f3341958e0b62d40f484371/ethics-information-committee---part-i.pdf>.

consideration. In our *Nestlé v Doe* example above, the relationship between *Nestlé* and a supplier is not defined by just terms of relationships that are in vacuum but just terms of relationships should take into consideration the effects of the relationship on other entities and people like the child slaves in Ivory Coast who work for suppliers that supply exclusively to *Nestlé*. As a result, coupled with the geographical distance issue above, these requirements for just relationships demonstrate that business responsibilities of human rights impacts do not only extend beyond borders but beyond the immediate entities in question. Just business relationships should, as such, reflect this consideration since no relationship is just in a vacuum in this interconnected world. This was termed the *cascading effects of just relationships* in the thesis. If a *just* relationship can produce injustice in other relationships flowing from it, it is not a just relationship after all within a framework of just interpersonal interactions.

This cascading effect was best demonstrated by the case of *Begum* v *Maran* in the fifth chapter.[12] Legal doctrine is developing to reflect this view as that the seller of a ship would, in principle, be liable if they were to sell a ship to a company without safeguards against it eventually ending up at an unsafe shipbreaking yard when human rights harms may take place. That ordinary commercial dealings are isolated from human rights considerations elsewhere outside of the field of view of the two contracting parties is a myth: such a view is neither compatible with a relational justice framework of interpersonal interactions nor evolving doctrine nor commercial realities of the globalised world. It is also the position reflected in Principle 13(b) of the UN Guiding Principles on supply chain responsibility, as demonstrated in the fourth chapter, where the responsibility exists till there is a 'directly linked' business relationship where till the first tier or the tenth tier of the supply chain. This is because under the UN Guiding Principles, businesses have a responsibility to respect human rights in circumstances where the impact is linked through their operations, products or services but they are not the ones that are causing the impact. Similarly, all legislations discussed in the sixth chapter have the cascading responsibility of transnational corporations enshrined in their texts since their

[12] *Hamida Begum (on behalf of Md Khalil Mollah) v Maran (UK) Ltd* [2021] EWCA Civ 326.

human rights responsibilities apply to subsidiaries and suppliers. For example, recall the obligations laid down in the French law, which states that,

> (…) The [vigilance] plan shall include reasonable vigilance measures adequate to identify risks and to prevent severe impacts on human rights (…) resulting from the activities of the company and of those companies it controls (…), directly or indirectly, *as well as the activities of subcontractors or suppliers.*[13]

The position is similar in the Norwegian law,[14] but as was seen in the previous chapter, the German law contains an odd limitation to first-tier suppliers.[15]

Relational justice attempted to take on this task of overcoming the legal distance but did not do so, relegating it to a mere question of doctrine. In that sense, there was a lack of justification within the current articulation of relational justice as to responsibility of transnational corporations in a world of global supply chains. However, as *Begum* demonstrates, doctrine is indeed also developing in line with the normative expectations arising from relational justice which reflect the understanding of responsibility for directly linked impacts in the UN Guiding Principles as well, as argued in this thesis. The UN Guiding Principles have another facet that is crucial under the normative demands of relational justice: human rights due diligence.

§1.3 Business relationships are not merely economic and necessitates co-authorship

Human rights due diligence is covered in the (second part of the) third and in the sixth chapters where the necessity of a processual obligation for corporate responsibility was justified in the normative framework of relational justice. The third chapter explained that, as a process requirement, human rights due diligence is fundamental in two ways. First, because the terms of just relationships are arbitrary without having determined what the terms of just relationships may be in that particular relationship, keeping in mind the substantive

[13] LOI n° 2017-399 du 27 mars 2017 relative au devoir de vigilance des sociétés mères et des entreprises donneuses d'ordre 2017-399, para 1 (France 2017) (emphasis supplied).
[14] Act relating to enterprises' transparency and work on fundamental human rights and decent working conditions s 4 (Norway 2022).
[15] Act on Corporate Due Diligence Obligations for the Prevention of Human Rights Violations in Supply Chains s 3(1).8 (Germany 2021).

requirements of cascading responsibility elaborated above. Second, human rights due diligence is a core necessity in the participation requirement of relational justice, especially regarding substantive equality requirements of relational justice. This is because the terms of *just* relationships cannot be set unilaterally but rather require parties to set the terms on an equal footing which can be done through human rights due diligence. Such a participation requirement essentially means that business relationships are not necessarily *economic* ones but have far more considerations, viz. of human rights, than maximisation of profit.

The fourth chapter illustrated how the UN Guiding Principles, through its articulation of human rights due diligence,[16] echoes this process conception of flattening the normative positions of the board of directors and the potentially affected people as respect for their substantive equality and self-determination. As was mentioned, it brings the affected people right into the boardroom as equal participants.[17]

The sixth chapter illustrated the specific positive law legislative instantiations of these normative requirements through the three human rights due diligence laws that are currently in force which are not thematically restricted in application. Under these laws, as the chapter highlighted, corporate responsibility (and liability) may arise from violations of human rights due diligence requirements which, in the laws, combine both substantive and procedural requirements outlined above. As such, non-compliance with procedural requirements and non-compliance with substantive requirements are separate harms as is most clearly visible in the French duty of vigilance law (Chapter 6 §1.1.2). However, while the ideal of just relationships have support in doctrine and positive law, there remains critical shortcomings in positive law. This is particularly noticeable as regards participation of stakeholders, which is a crucial element of a relational justice, as a framework of just interpersonal interactions, but is not visible strongly in the laws.

[16] UNGPs (n 4), Principle 17.
[17] John Gerard Ruggie and others, 'Ten Years After: From UN Guiding Principles To Multi-Fiduciary Obligations' (2021) 6 Business and Human Rights Journal 179, 187.

Together with the substantive requirements, human rights due diligence forms the articulation of corporate human rights responsibility in a framework of just interpersonal interactions as justified in the thesis. The ethos of the justification relies on self-determination and substantive equality within our liberal framework of relational justice. This justification of corporate responsibility as one where horizontal relationships cease to be just without taking into account human rights considerations, in the sense that they inhibit or destroy the opportunities of self-determination and substantive equality, is an inherent limitation of the market framework as such. Just business cannot but be built on just relationships.

The cases from common law jurisdictions and legislations from civil law jurisdictions are intertwined here in the conclusion under common themes to depict their unity and commonality in the articulation of corporate responsibility for human rights impacts in supply chains. Despite their distinct approaches, these legal systems converge on fundamental principles of corporate responsibility. Moreover, the increasing harmonisation of these legal traditions in the sphere of corporate responsibility due to their reference to international standards, i.e., the UN Guiding Principles, law further bolsters their compatibility. Therefore, relational justice theory, when applied to corporate responsibility in supply chains, is not merely compatible with both legal systems, but indeed, it is strongly reaffirmed from the unique vantage points each system offers. This synergy underscores the potential of the approach of a global minimum floor in addressing human rights impacts in corporate supply chains.

§2 The liberal flavour of corporate responsibility in the thesis

§2.1 Individual rights are in focus

Private law theory, and in particular, relational justice, as can be gathered from the above, is indeed not only able to sustain a corporate human rights responsibility conception but rather necessitates it. An unfettered scope of business relationships or corporate decisions is consequently unacceptable within this framework. The thesis conceptualises a circumscription of the global market order by human rights with a focus on the liberal commitments to self-determination and substantive equality. As a result, individual rights (or liberties) are

paramount and cannot be jettisoned for economic gains to corporations, even on a global scale for human rights impacts far removed from the centre of decision-making that may mobilise risks into actual harms. Hence, the minimum floor of just relationships, i.e., interpersonal human rights, can be conceived of as truly a global minimum, as the thesis explains, both in the sense of geographical coverage and application to the transnational corporate structure.[18] As a result, there is no such thing as an unfettered business discretion in the pursuit of profit — no matter the legal structure and territory, business activities have an inherent limit prescribed by way of human rights articulated as norms of horizontal interactions.

These substantive norms are complemented by participation requirements of human rights due diligence as well, which provide the justification necessary for business decisions to be legitimate for parties that are not represented within this decision-making process. These two major extensions of relational justice propounded in the thesis, viz. that of the existence of a minimum floor for *transnational* (in *both* the legal and geographical sense) corporate entities and of human rights due diligence, fulfil the liberal promise in relational justice theory for the articulation of *just* interpersonal interactions. As *Interpersonal Human Rights* mentions,[19]

> Such unhappy interpersonal transnational encounters are part and parcel of an increasingly globalized environment [and] [t]he failure to hold corporations and other private actors accountable for grave violations of the fundamental private rights of persons when those violations occur in states with weak private law institutions is a matter of growing international concern.

As interpersonal human rights consider its workings beyond the considerations of positive laws of specific jurisdictions (not positive law as commonality of national laws), it is imperative that a 'global' floor signifies much more than 'beyond the state' when speaking of transnational corporate activity.

How breaches of these responsibilities should be compensated, whether through direct payments, insurance pay-outs etc., is a separate matter. To reiterate, the responsibility in the

[18] Dagan and Dorfman, 'Interpersonal Human Rights' (n 1) 385.
[19] ibid 362–63.

thesis is an *ex-ante* responsibility in contributing to a system where harms do not occur in the first place, not for quantification of compensation *ex-post* for harms that have occurred.

§2.2 From the abstract person and beyond

Within this framework, the crucial element is that the person is not an abstract liberal person who has a presumed equality in abstract transactions,[20] but an inherently vulnerable one subject to significant power imbalances when in relationship with a transnational corporation.[21] This is true to the placement of relational justice as a repudiation of the abstract person to make way for a fuller conception of the individual.[22] The power imbalance between a person and transnational corporation forms a theme in business and human rights in general, mirroring the liberal framework of relational justice. The assumption of inequality between persons provides a thick conception of what is *just* in an interpersonal relationship, i.e., a relationship between corporate entities and people. It necessitates consideration for the person as placed within their set of characteristics and circumstances. This power imbalance assumption forms a critical element of why corporations have to respect human rights and human rights due diligence requires taking into account viewpoints that would otherwise not be heard — no one hears screams from the ground sitting atop a glass tower unless compelled to.

The utility of the focus on individual is what enables the articulation of a justification of human rights responsibility of corporate entities based on self-determination and substantive equality. As such, a strong liberal justification of corporate responsibility is thus quite beneficial in the current economic globalisation framework that is built on liberal logic. Yet, of course, other approaches might provide useful insights that were not able to be incorporated into the thesis.

[20] Jessica Whyte, *The Morals of the Market: Human Rights and the Rise of Neoliberalism* (Verso Books 2019) 220.
[21] Hanoch Dagan and Avihay Dorfman, 'Substantive Remedies' (2020) 96 Notre Dame L Rev 513, 527–28.
[22] Hanoch Dagan and Avihay Dorfman, 'Just Relationships' (2016) 116 Colum L Rev 1395, 1405.

§3 Questions remain for further research

§3.1 Thematic issues like labour law

Many thematic issues were bracketed in the thesis including fundamental questions like those of labour rights, child labour, modern slavery etc. which would require a specific deep dive to do justice to such topics. Relational justice, of course, remains a strong contender for inquiry into, e.g., labour rights in the supply chain — what labour considerations arise even though the transnational corporation does not have an employer-employee relationship with the eventual workers? In fact, labour rights are one of the most prominent spheres of human rights harms in transnational corporate activity — what labour obligations arise in supply chains is therefore an interesting avenue to pursue, drawing from the work of the thesis. The International Trade Union Confederation's Global Rights Index 2023, which states that

> The past 10 years have seen a consistent increase in the violation of workers' rights (…). What the 2023 Index has highlighted over the past year is a steady attack on workers who dare to demand fair pay for their labour, and this has been evident across economic and geographical regions. The line between autocracies and democracies is blurring and workers are on the frontlines as governments and business attempt to obscure it further.[23]

The question is, is the absence of the employer-employee relationship between a transnational corporation and the supply chain worker fatal to its consideration as a *just labour* relationship? The question might be worth pursuing in building the theoretical foundations of corporate responsibility for human rights impacts further in the context of labour relationships.

Similarly, child labour, for example, produces considerations that require much more depth and analysis than the thesis could have gone into within the boundaries of the research project. Child labour produces unique questions within the just relationship framework, including ones where ability to participate and articulate self-determination concerns would be a focus. How can guardians participate on behalf of a child to articulate what they think may be the best interest of the child and what are the considerations in these just relationships? Is there a

[23] International Trade Union Confederation, 'Global Rights Index 2023' (30 June 2023) 7–8.

distinction in relational justice between adults and children when relational justice speaks of 'persons'? It appears not, but then what are the consequences of the absence or presence of such a distinction? Many such open questions remain for a future project to be taken up from where this thesis concludes.

There can, of course, be no comprehensive list of thematic issues that can be studied, drawing from the work of the thesis, including issues like what the relational justice formulation of corporate responsibility may mean for corporate law, duties of directors of corporations and the like. The possibilities are endless.

§3.2 Different lenses on the same issues, like decolonial lenses

Thematic issues aside, different approaches can be used to affirm (or uncover tensions in) what has been said theoretically in the thesis. This leaves scope for public international law analogies, law and political economy, critical theory, decolonial theory and the like to reiterate corporate responsibility using different logics than the liberal logic of the thesis or to, e.g., uncover hidden power relationships that may have been obscured in the thesis which can inform further refinement of or challenges to the theoretical approach of the thesis.

An obvious contender, that was also flagged in the thesis, is the worry that any articulation of a set of norms as universal attracts colonialism concerns with it, and legitimately so. I have addressed some colonialism concerns of business and human rights legislation in my other work,[24] which is a growing field of study.[25] Relational justice, in its treatment of people as inherently situated in different societal, cultural, power, and economic contexts, has immense potential to formulate an articulation of a postcolonial future for corporate responsibility in the context of globalisation. It is in this idea of the person as vulnerable that relational justice may

[24] Debadatta Bose, 'Decentring Narratives around Business and Human Rights Instruments: An Example of the French Devoir de Vigilance Law' (2023) 8 Business and Human Rights Journal 18.

[25] Caroline Omari Lichuma, '(Laws) Made in the "First World": A TWAIL Critique of the Use of Domestic Legislation to Extraterritorially Regulate Global Value Chains' (2021) 81 Zeitschrift für ausländisches öffentliches Recht und Völkerrecht / Heidelberg Journal of International Law 497; Fatimazahra Dehbi and Olga Martin-Ortega, 'An Integrated Approach to Corporate Due Diligence from a Human Rights, Environmental, and TWAIL Perspective' (2023) 17 Regulation & Governance 927.

present an avenue to deeply scrutinise business relationships even in the 'North in the South (…) and a South in the North.'[26]

Admittedly, Dagan and Dorfman, in *Interpersonal Human Rights*, give a fleeting response to the colonial worry, and even one that may seem like a caricature of the Global South. They say that the kind of wrongs that they address 'transcend the particularities of the existing legal traditions' and take the example that there cannot be a respectable postcolonial critique of immunity of spousal rape.[27] The example, in itself, is telling. Perhaps an example of weak labour protections in some countries and its intertwinement with the international economic order would provide a better illustration of how relational justice may or may not avoid being complicit in the creation of neo-colonial hierarchies. For example, the issue of prohibition of child labour may be universal from the perspective of the Global North; but a blanket prohibition may mean starvation for families in the Global South since an income source would be absent — issues are not as simple and universal as they seem to be.[28] Especially given that corporate human rights harms were at the centre of interpersonal human rights, it makes spousal rape an odd illustration otherwise.

That said, there is potential in relational justice to tackle this issue with much more depth and rigour than this thesis could have undertaken. It would be a worthwhile research line to draw from the work of the thesis and into questions of colonialism which is otherwise largely absent from private law theory discussions.

The major takeaway from the research that is expounded in the thesis is that even though questions remain from within and outside private law theory, relational justice, in particular, can sustain corporate human rights responsibility for distant harms on a conceptual level. One of the largest (legal and otherwise) problems facing humanity today is, slowly but steadily, being solved by the re-embedding of economic activity in social ordering, where the market is

[26] Sujith Xavier and others, 'Placing TWAIL Scholarship and Praxis: Introduction to the Special Issue of the Windsor Yearbook of Access to Justice' (2016) 33 Windsor YB Access Just v, vii.
[27] Dagan and Dorfman, 'Interpersonal Human Rights' (n 1) 383.
[28] Roland Pierik and Mijke Houwerzijl, 'Western Policies on Child Labor Abroad' (2006) 20 Eth & Int'l Aff 193.

circumscribed by human rights concerns. The trends are promising, and the theory gives a glimpse of what the ideal future can look like.