

THE REPORTING OF CORPORATE MANSLAUGHTER IN SAMARCO AND VALE TAILINGS DAMS COLLAPSES BY BRAZILIAN WEBSITES

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ABSTRACT

One of the greatest problems regarding corporate manslaughter is its neutralization and justification by society. The media industry plays an important role in such a process because it can act as a public opinion mobilizer but also favors the suppression of such crimes from the public agenda. However, the advent of digital media brought the expectations that, with a higher number of voices disseminating content about these crimes, people would be more aware of its seriousness. Therefore, this paper aims to analyze how Brazilian news websites have approached the corporate manslaughter concept in the coverage of Samarco's and Vale's criminous tragedies. To do so, 318 news reports about these cases published on seven Brazilian websites were studied using the qualitative content analysis method. Five websites, self-classified as alternative-independent, and two mainstream media sites were studied. The study has found a high frequency of news reporting about these cases soon after the tragedies, but nowadays, they are getting lost in a spiral of silence. It was also observed that the sites are reluctant to report the cases as corporate manslaughter, framing the episodes as accidents or tragedies. The alternative-independent media appeared to be more inclined to frame it as a homicide but revealed not to have enough resources to produce their own content. In general, it was observed that the reporting approach neutralized and re-signified the crimes, favoring the companies. No effort to mobilize public opinion was observed to demand that the justice institutions punish the companies.

KEYWORDS

corporate manslaughter, agenda-setting, news framing, newsmaking

A NOTICIAÇÃO DE HOMICÍDIO CORPORATIVO NOS ROMPIMENTOS DAS BARRAGENS DA SAMARCO E DA VALE POR SITES BRASILEIROS

RESUMO

Um dos grandes problemas referentes aos homicídios corporativos é a sua neutralização e justificção perante a sociedade. A mídia tem um papel importante nesse processo, pois pode atuar tanto como mobilizadora da opinião pública, quanto favorecendo supressão desses delitos da agenda pública. O surgimento das mídias digitais fez crescer a expectativa de que, com um maior número de vozes que noticiem esse tipo de delito, haveria uma cobertura com diversidade de abordagens e pontos de vista. Nesse sentido, este artigo teve como objetivo analisar como os sites de notícias brasileiros abordaram o conceito de homicídio corporativo nas tragédias-crime da Samarco e da Vale. Para tanto, 318 matérias sobre esses casos, publicadas por sete sites brasileiros, foram estudados por meio da análise de conteúdo, sendo cinco classificados como alternativos-independentes e dois da mídia *mainstream*. Verificou-se que houve uma

grande frequência de notificação logo após os ocorridos, mas atualmente os fatos tendem a se perder na espiral do silêncio. Notou-se também uma relutância em reportar os casos como homicídio corporativo, sendo mais frequente o enquadramento como acidente ou tragédia. A mídia alternativa-independente demonstrou uma predisposição maior em enquadrar como homicídio, porém demonstrou pouca envergadura para produzir conteúdo próprio. No geral, observou-se uma abordagem que facilitou a neutralização e a ressignificação dos crimes favorecendo as empresas. Não se verificou nenhum esforço para mobilizar a opinião pública para cobrar dos órgãos de justiça a punição aos responsáveis nem a criminalização das empresas.

PALAVRAS-CHAVE

homicídio corporativo, *agenda-setting*, enquadramento, *newsmaking*

1. INTRODUCTION

Companies kill. Crimes committed upon the roots of business entities' activities have made many victims, deliberately or culpably. Although this is not a new issue, corporate manslaughter has gained low prominence in legal literature compared to other areas of criminology (Barak, 2016) and has been reported very timidly by news media (Barak, 2015; Cavender & Miller, 2013).

Tragédia-crime (criminal tragedy) is a neologism incorporated into Brazilian Portuguese, meaning a criminous accident involving numerous victims or damages, with broad media repercussion and high collective grief. The *criminal-tragedies* caused by the collapse of Samarco and Vale S.A. tailings dams in Minas Gerais state, Brazil, resulted in 291 fatal victims and an immeasurable environmental liability. These events are flagrant examples of a corporate activity that has prioritized profits against human lives (Ministério Público do Estado de Minas Gerais, 2022). They were both qualified as homicide by the juridical entities. However, the legal proceedings have faced turnarounds, and no one has been prosecuted until now.

One of the greatest problems concerning such crimes is the neutralization through invisibility and justification in the eyes of public opinion (Almond & Colover, 2010; Barak, 2015; Ruggiero, 2015). Mass media is partially responsible for that. Although there are many ways to be informed about what happens in the world, most people only get acquainted with some events through the media, for instance, catastrophes, wars, events, and political forums, among others. That has implications for people's routines, thoughts, and identities. Hence, the media interferes with the symbolic construction of reality. In such a process, the dominant classes manage to influence what is published and broadcast according to their interests. Maybe this explains why the media vehicles devote little effort to covering the crimes of the powerful, reducing the space given to those issues and controlling how they are reported (Machin & Mayr, 2012).

Digital media have brought the expectation of democratization of communication because the barriers to access the means of production were one of the causes of class asymmetry in such an industry. In fact, the number of content creators has increased

in cyberspace, and interactivity tools have made two-way communication possible. However, other problems have emerged, such as credibility crisis, cooptation of digital platforms by large corporations, and the focus on immediacy (Castells, 1996/2016).

Digital journalism may be considered an innovative category propitiated by such new technology. Nevertheless, from the beginning, media moguls have dominated this segment, and nowadays, it is a field disputed both by mainstream media and untrained people with no professional qualification in this area (Ferrari, 2014). In Brazil, online media is a source of information for 85% of the population, against 61% of television and 12% of press media (Carro, 2021). Therefore, this research aims to study how digital media have reported corporate manslaughter including in the alternative-independent field and the mainstream media. Taking Samarco and Vale *criminal-tragedies* as objects of study, the paper addresses the following question: how did Brazilian news websites approach the concept of corporate manslaughter in reporting these events?

In order to answer such a question, the research is focused on three specific objectives: (a) analyze the frequency of reporting of such events by the websites studied since their occurrence; (b) study the emphasis and the visibility of categories related to corporate manslaughter using a sample of reports, and (c) classify these reports' news framing. The study followed a predominantly qualitative approach under the content analysis method (Mayring, 2000).

2. THEORETICAL FRAMEWORK

Corporate manslaughter is the death occurred in the scope of labor or community contexts, as a consequence of a company's activity, either by ineptitude, neglect, risk assumption, or intent (Barak, 2015). It differs from individual or gang crimes, when felons act alone or in groups, eventually motivated strictly by the commitment of an offense.

Corporate crime is more than the sum of individual crimes committed within the organization because it occurs when the whole institution is engendered for its perpetration, intentionally or not. It refers to an institutional architecture that legitimates illegalities and co-opts its members to participate, or to be conniving, under penalty of sanction. In these cases, the level of legitimation may increase to the point that the whole society accepts these acts as part of a given reality, or worse still, not even perceive them as crimes (Ruggiero, 2015). Such actions are institutionalized and perpetuate themselves in the organization structure, despite the board of directors' successions. One factor contributing to its occurrence is when the corporate strategy prioritizes profits and operational goals that risk employees' and community members' safety and lives (Ruggiero, 2015). Such practices range from using low-quality inputs to deliberately annihilating individuals and people in favor of capital interests (Banerjee, 2008).

The main difficulty in defining corporate manslaughter is the determination of authorship because it can result from the failure of diffuse agencies, and it is often impossible to indict culprits (Almond & Colover, 2010). Either that, even when it is possible to find someone to apportion blame, it is necessary to prove the crime is rooted in

institutional architecture and not the result of an individual agency, an exogenous scheme (e.g., sabotage), or external agents.

In modern corporations, the “person” is a legal entity that distinguishes from the individual; it can set up contracts, raise resources, and file lawsuits against individuals or other organizations — however, the criminal responsibility for its own offenses is still a problematic issue (Barak, 2015). On the other side, such a distinction between the private individual and the legal person permits, moreover, an organization to be sued, but the staff members and stockholders, who earned the bonuses and profits obtained at the expense of misconduct, are not even publicly exposed (Barak, 2015). Or the opposite, in case there is strong collective commotion, individuals may be charged for acts that, as a rule, were institutionalized practices of the organization, and the condemnation of such executives will not prevent future crimes committed by the corporation (Almond & Colover, 2010).

Large multinational companies adopt a pyramidal ownership structure (Morck, 2010) with no major shareholder, which makes it difficult to identify who is “the owner”. Each investor intends to maximize the return on investment rate, be it a billionaire, another large corporation, a pension fund, or a small-scale saver who invests in the stock market. This system pressures the managers to earn more profits and increase the firm’s share value. Not rarely do they draw on reckless management and discretionary accounting practices to inflate performance records (Theiss et al., 2019). Such financialization is an attribute of rentier capitalism. However, this system has an internal contradiction because it can lead to a short-term orientation, stimulating risky or fraudulent management to increase the share price (Cavender & Miller, 2013). The fast turnover of staff members hinders keeping track of responsibilities in this intricate system that involves private interests and risk exposure, and once an accident occurs, those liable for it are already away.

Such a system has created a fertile ground for the appearance of necrocapitalism, which has developed upon colonialist and imperialist ideologies, resulting in the current symbiosis involving the state and the market, reframing the sovereignty of territories in line with the interests of big business conglomerates (Banerjee, 2008).

According to Zaitch and Gutiérrez-Gómez (2015), the 1980’s neoliberal reforms aimed at solving the problem of idle capital, searching for new businesses to invest in, to avoid a surplus crisis. One premise was to open the markets. Therefore, countries with abundant mineral resources were forced to implement economic policies and legislation that fostered new ventures, offering legal certainty and tax advantages. That encouraged promiscuous relationships between the state and the globalized capital, resulting in negative externalities, such as territory expropriation, tax losses, economic reprimarization, corruption, environmental degradation, harm to public health, and deaths caused by mining activities. There is evidence that mining companies follow a profitability cycle, neglecting safety and public interest (Davies & Martin, 2009).

Leighton (2013) adverts that the wealth concentration by the private sector was followed by a maldistribution of political power, reflecting on criminology theory, to whom large corporations are practically invisible. Tillman (2013) highlights that such unbalance reproduces the general idea that these companies are not only *too big to fail*, but also *too big to jail*.

Ruggiero (2015) posits that the crimes of the powerful are like “experiments”, that is, companies introduce new and more profitable forms to operate their activities, sacrificing the general welfare and spoiling the natural resources. If society does not react, entrepreneurs are encouraged to introduce new ethics, rules, and socio-political arrangements to justify their practices. The capacity to redefine what is justifiable is proportional to the power exerted by each actor in a social system that is increasingly biased, concentrated, and polarized.

Such a complex network reinforces the contradictory relation between the historical obligation to control and criminalize illicit acts by one side and, by another, the need to reproduce capital (Barak, 2016). That helps to explain why society asks for and endorses punishment for individual crimes, especially those around which there was an intense commotion and media coverage, but at the same time legitimates impunity for large corporations because the criminalization of these organizations would cause losses to many investors, including the small shareholders.

As stated by Cavender and Miller (2013), the public condemnation of corporate crimes is as severe as “street” crimes. They cause an initial upheaval, but they rarely lead to social mobilization. They are perceived as serious events only in case of human deaths and significant material damages (Borges et al., 2015). Nevertheless, the notion of criminality associated with corporate homicides is complex, and public opinion is loath to apportion blame in these cases more than for individual crimes (Almond & Colover, 2010).

In many countries, it is possible to punish corporate crimes, but generally, the legal systems are not very precise about manslaughter. The United Kingdom is one of the few countries to have a specific law regarding corporate homicide, which enables the indictment of a firm, as it considers that any death, occupational or external, is due to a “managerial failure” of executives, who are responsible, ultimately, for the operational control (Almond & Colover, 2010). Such a law came into effect in 2008, but some studies posit that the results have been frustrating, revealing punishment asymmetries, which are more severe for small firms (Hébert et al., 2019).

Where there is no specific legislation, classifying corporate crimes depends on juridical system agents’ interpretation. In Brazil, environmental crimes are punishable by law, and firms can be charged (Lei nº 9.605, 1998, Article 3). In contrast, corporate manslaughter, as stated before, does not exist explicitly in the criminal field, prevailing the interpretation that legal persons do not act of their own will. Directors and employees can be indicted for homicides because, in this case, it is possible to prove a causal nexus. Therefore they can be prosecuted for acts that result in deaths, but the firms cannot (Silva et al., 2019).

For Barak (2016), the slowness and the difficulty in the prosecution and the punishment of large corporations’ crimes, compared to less powerful firms as well as individual crimes, reveals a political economy of crime. Barak (2015) also posits that the official statistics of most countries index individual crimes, but when involving political and economic elites, large corporations, governments, and states, they are not officially counted nor reported by the media as crimes. According to the author (2015), if such offenses

were recorded, people would notice that they are more likely to become a victim of the powerful than the powerless.

As stated by Ruggiero (2015), the powerful have successfully coordinated economic, political, and symbolic resources to create the idea that they are beyond reproach, so they use such hegemonic power to escape all sorts of judgments. The author affirms that these crimes are more likely to occur in social contexts of transformations, inequalities, and changes. Therefore such transgressions are perceived as a necessary evil to achieve development, not crimes.

According to Barak (2015), in many cases, the existing laws would suffice to punish such crimes. However, the powerful escape from condemnation and stigmatization through alliances, negotiations, and justifications that undermine the moralization of their misbehaviors. Most of the rationalization of the impunity for corporate crimes arises from spurious relationships between firms and governments. For the author (2015), such adjudication of impunity is underpinned by the idea that punishment at the corporate level would be even more harmful to society than the crime itself, for instance, the extinction of job positions and fewer tax revenues.

Budó (2016) emphasizes that the conjunction of state and market has caused harm to humanity and nature beyond the juridical category of crime. The author affirms a discrepancy between the judicial-penal discourse and its practice because it simultaneously proclaims equality and justice, and the law is asymmetrically applied. Historically, she proceeds, there is an ideology of diminishing some social groups, which legitimizes the persecution and the punishment of the most vulnerable people under the discourse of order maintenance. However, this same system seems limited when judging and punishing the misbehaviors of the powerful.

Such criminalization ideology imprints on the poorer the images of transgression; they are displaced to the opposite side of correctness, justifying the exercise of an authoritarian power against them on behalf of a development project (Quijano, 1998). Under this rationale, the elite deploys methods such as aporophobia, racism, cultural supremacism, sexism, and moralism to diminish, criminalize and deride ethnic groups and underprivileged minorities. As society accepts and normalizes these conditions, it builds a path to legitimizing domination and aggression against others. Therefore, discriminated groups can be classified as lawbreakers, but the white executives cannot because they always act in favor of a legitimated system essential for development.

In a cultural criminology approach, Cavender and Miller (2013) categorize corporate crime into two levels: the *micro-politics*, where the problem is recognized as a transgression and actions are taken to remedy the damage; and the *macro-politics*, when economic, social, and political forces shape the reference frameworks to identify and to alleviate damages. Dominant ideologies and discourses at the macro-politics level interfere in the micro-politics level, affecting the perspective on the causes and solutions for the problem.

Finally, it is important to mention the concept of criminal selectivity, which unfolds into two dimensions. In primary criminalization, illicit acts are defined. Selective

criminalization begins at this point because the representation at legislative institutions is unequal, composed mostly of dominant classes (Martini, 2007). That explains, in part, why corporate manslaughter is still not considered a crime by Brazilian laws. On the other hand, secondary criminalization is the application of the criminal norm to punish the culprits. According to Baratta (2002), passionate and biased judgment by magistrates regarding the social class of defendants influences their verdict, a reason why crimes committed by the powerful are less likely to be punished because the perpetrators do not fit into the social stereotype of the transgressor.

2.1. THE ROLE OF MEDIA IN REPORTING CORPORATE HOMICIDES

Public opinion contributes to the social representation of corporate manslaughter, although the outcomes are ambiguous (Almond & Colover, 2010; Borges et al., 2015). Michel et al. (2015), studying the U.S. context, reported that groups with advantaged sociodemographic characteristics (white, higher level of education, more access to digital information technologies, non-religious, among other variables) tend to perceive the elite's transgressions as crimes. However, people with a more conservative and pro-capitalist attitude will likely perceive corporate crimes with less seriousness and justify firms' actions.

In such dispute for the signification of misdoings, the power of the big capital becomes strongly evident, deploying economic and political resources to erase their crimes from the social memory or justifying them through the creation of narratives to deviate attention or distort meanings. Staff members possess unparalleled social capital once they belong to the same field as those who establish the public agenda, including the media. Ruggiero (2015) stated that "the crimes of the powerful, following this line of analysis, may be seen as the result of proximity among actors, mutual trust, imitation, and the desire to perpetuate bonds, values and group interests" (p. 63).

One of the social and economic bonds the capitalist elite praises the most is with the media. According to McQuail (2010), media is a fundamental institution nowadays. Since it promotes the mediation between individuals and reality; many times, it is the only way to experience what happens in the world, bringing people closer to facts that are distant in time and space; moreover, it influences the construction of identities, once it provides a map of *where* and *who* people are, and which *direction* to follow. Media cannot determine public opinion but can influence it, offering an interpretative structure through how they frame the stories (Cavender & Miller, 2013).

Journalistic coverage of white-collar crimes related to frauds and corruption is frequent, but when it involves corporate homicides, mass media are still reluctant, and the space and time devoted are in inverse proportion to the size of the organizations accused of misdeeds (Slingerland et al., 2006). Although the coverage of corporate crimes has increased, the media still focuses on managers' accountability and government agents' misbehavior, not on the institutional elements that have led to the offense (Cavender & Miller, 2013). In the case of manslaughter, there is resistance to reporting these events as such, referring to them much more as tragedies or natural disasters (Katiambo, 2021).

News production is a social and political phenomenon involving many variables — culture, social behavior, technology, and economy, among others. In order to understand such processes, it is necessary to invoke an array of theories that may, broadly, be grouped in the same theoretical school, focused on the emitter and devoted to understanding what is included in the mass media agenda, how they do that and under which sociopolitical and economic conditions. Each theory has its specificity in such a framework, but overall, they propose political sociology of content production.

The gatekeeping theory is one of the first theories in such a school, addressing how the editor sets up the agenda for a specific edition. It postulates that such an actor, intentionally and following his own judgment, determines the media content and, therefore, interferes in the list of day-life events to which the audiences will have access (Shoemaker & Vos, 2009). Once much of the information necessary for the maintenance of a democratic society reaches the citizen through the media vehicles, such a process of gatekeeping is crucial in defining the public agenda because the society's perception of the relevance of an issue is based on its presence in the media agenda (McCombs & Reynolds, 2002).

The agenda-setting theory studies how and why such a content selection system occurs. It is the agenda-setting first level (McCombs, 2004). In this same line, Noelle-Neumann (1974) develops the spiral of silence theory. On the premise that audiences assess a subject's relevance from its salience in media, the author posits that the issues omitted in the agenda are perceived as irrelevant. Therefore people will be less encouraged to debate these matters. Consequently, these issues will fall into oblivion and will hardly be catapulted to the arenas of discussion and deliberation. For this reason, powerful actors will try to interfere in the media agenda, suppressing the contents against their interests and highlighting those favorable to their domination project.

However, the problems involving media content go beyond the existence, absence, or prominence of a subject on the agenda. They also include how such issues are presented, that is, how they are framed, which McCombs (2004) named the *second level* of agenda-setting. Framing is the process the media vehicles deploy to compose their content to distribute it as a product for their audiences, and, for this reason, they influence how people interpret reality (Linström & Marais, 2012). The sources interviewed, the details selected to appear in the news, the data and information, and the illustrative material, among others, are part of the news framing; therefore, they will give sense.

Such a process of newsmaking commences with a dispute for space and also pervades the construction of meaning. According to Retegui (2017), the newsmaking theory aims at casting light on these issues, focusing on the micro-social relations, that is, the routines of newsrooms. However, the author points out that such routines differ from those compiled in a guidebook. Once journalists are involved in a symbolic universe dominated by the big capital, they are likely to reproduce such discourse. If they try to intone a different note, they will suffer sanctions because this system controls the whole news production chain.

Mass media belong to a field where the economic dimension weighs heavily. They are for-profit organizations that have a double linkage with the market. On the one hand, they need to have revenue through selling content to the audiences (news, entertainment,

and information services). On the other hand, they serve as marketing communication channels for other organizations to advertise their products (advertisements). McManus (1994), following this rationale, alerts that productive efficiency is taken to the extreme, sometimes at the expense of content quality. The author points out that, in market-oriented journalism, the news values, which indicate the potential of events to become published news, are measured according to sales volumes, not the relevance of an event to society.

According to Oliveira (2014), big media corporations adopt large-scale production standards, making vehicles very similar because it is more economically viable to buy content than to afford in-house production. The problem is that the main Brazilian news agencies are owned by big private media conglomerates operating within the same economic framework. The news is produced for the main vehicle of the group, whose editors decide which other vehicles they will distribute the content to and what will be exclusive for their subscribers (Oliveira, 2014). This gatekeeping process is based on commercial purposes and economic and political reasons if the content concerns advertisers or allied interests.

These theories were formulated before the advent of the internet. Nevertheless, they are still useful for digital journalism. While previously, the websites trailed behind traditional media, such hierarchy no longer exists. Ndzinisa et al. (2022) remark that the mainstream media increasingly consider digital social networks as fonts of information and use these resources as channels to interact with their audiences.

However, the quality of the information circulating on the internet is problematic. The practice of journalistic looting is very common (Ferrari, 2014). It occurs when one takes news from other media vehicles, including mainstream media, “patches” these excerpts together, and publishes them as their own content. One of the issues concerning independent media is the amateur character, with irregular and low-quality coverage. However, as the audiences are included in the digital universe, they learn how to search for more reliable information (Michel et al., 2015).

An undeniable evolution provided by digital media is agility, but that has created the phenomenon of *news flashpoints*. Waisbord and Russel (2020) define such concept as the sudden and brief periods when an event gains much space in the media, causing upheaval and mobilization. Authors emphasize that this is a feature of online journalism, intensified by social networks, blurring even more the line that separates professional journalism from other forms of information. Thus, flashpoints involve not only journalistic material but also different narratives about an event through various platforms. They add that this is a chaotic process, as the forms of information diffusion are intertwined and feed each other. There are many voices, but they are more like “noise” than the expression of diversity because there is no commitment to news quality or the truth.

Waisbord and Russel (2020) point out that news flashpoints have many causes. The first one is news values. The problem with such a metric is that it considers the level of the audience an event can generate, not its importance to society. Therefore, an issue that is

relevant to society but not considered noticeable by the media will not receive much journalistic coverage. The second cause is the news cycle, which differs from the cycle of social problems. In general, the public interest in an issue decreases before its solution. The internet is making this cycle go around even faster. The third factor is the emphasis the media devote to a subject depending on the editorial line of the vehicle, which is determined by the owners' political position. The last factor is the phenomenon of market-oriented journalism, which favors amenities and sensationalism (McManus, 1994).

3. METHOD

The study follows a qualitative approach, exploratory-descriptive type, designed as content analysis research. As defined by Mayring (2000), content analysis is a controlled process of studying the material's manifest content, the formal aspects, and the latent meanings under a hermeneutic approach. Such technique is not limited to frequency, that is, counting how many times a category appears in the material, but also includes the comprehension of meanings.

The corpus of analysis consisted of 318 news reports published online. Of these, 137 were about Samarco's criminal tragedy, and 180 were about Vale's. They were selected from 3,121 news reports. Some 1,512 were about the Samarco case, and 1,619 were about the Vale case. In the case of Samarco, they were published from November 5th, 2015, the day of the criminal tragedy, to December 7th, 2016, just after the Federal Justice accepted the accusation presented by the Federal Public Prosecutor's Office (FPPO). In the case of Vale, the period ranges from January 25th, 2019, when the tailings dam collapsed, until February 5th, 2022, soon after the Minas Gerais State Public Prosecutor's Office appealed to the Superior Court of Justice, who transferred the proceedings to the federal level, returning the process to "square one".

The material was collected from seven Brazilian news websites. Five are self-defined as alternative-independent and suggested by an expert in Brazilian digital journalism (Brasil 247, CartaCapital, Conversa Afada, Nexo, and Tijolaço). Two are among the biggest media vehicles in Brazil, thus representing the mainstream media (Globo.com and UOL/Folha de S. Paulo). The search tools of the websites were used to find the reports by typing the terms: "Samarco", "Mariana", and "barragem" (dam; combined and separately), and "Vale", "Brumadinho" and "barragem" (also combined and separately). The 3,121 search results were numbered using a simple random sampling, and 375 were selected, with a 90% confidence interval and an error margin of 4%. Only the reports with the crimes as the main subject were considered. Also, texts with identical content were discarded, denoted as copies of reports produced by news agencies, yet published by different sites. So, the sample summed up to 318 reports.

Table 1 displays the number of reports analyzed, distributed by the websites, and their classification (alternative-independent or mainstream).

	ALTERNATIVE-INDEPENDENT				MAINSTREAM		TOTAL	
	Brasil 247	CartaCapital	Conversa Afiada	Nexo	Tijolaço	Globo.com		UOL/Folha de S. Paulo
Samarco/Mariana	30	5	7	3	6	44	42	137
Vale/Brumadinho	38	13	8	8	3	35	76	181
Total	68	18	15	11	9	79	118	318

Table 1 Number of reports analyzed per website

Initially, each text was divided into content analytical units (Mayring, 2000). The units devised were: headlines, illustrations (such as photographs, drawings, and graphics), illustration captions, subheadings, leads, and the rest of the report.

Next, the categories of study were defined. They constitute the core aspects of interpretation and classification. This study uses the deductive category approach, which previously defined categories, usually based on the theoretical framework (Mayring, 2000). Therefore, for this paper, the categories were the explicit mention (or related terms) of corporate manslaughter, human fatalities, names of the companies involved, and negative externalities of mining.

In order to classify the news framing, the analysis considered the most recurrent expressions in each analytical unit, the information used to compose the report, the sources interviewed and the images portrayed in illustrations. One other researcher was asked to classify the material, and classification was compared with that of this paper's author to ensure validity. They disagreed on 8% of the total. The divergences were resolved after the argumentation of both sides. Those cases in which the framing remained inconclusive were discarded from the analysis.

4. DATA ANALYSIS

Samarco is a privately held company owned by Australian group BHP and the Brazilian group Vale, two world giants of mining commodities, steel industry, and logistics. In 2015, Samarco was Brazil's second biggest iron ore producer (Departamento Nacional de Produção Mineral, 2016).

The FPPO (Ministério Público Federal, n.d.) classifies the collapse of the Fundão tailings dam, near the historical city of Mariana, as the world's biggest accident involving mining rejects. It killed 19 people and contaminated the Doce River riverbed with toxic mud, reaching the Atlantic Ocean. In January 2016, the Federal Police indicted Samarco, Vale, and Vogbr (the contractor to inspect the dam safety) for crimes. In October of the same year, the FPPO accused 21 executives of willful manslaughter and environmental crime, as well as Samarco, Vale, and BHP for environmental crime. The following month, the Federal Justice accepted the denunciation and established judicial proceedings. Until now, no one has been judged — from the 22 accused by the FPPO, only seven remain defendants in the lawsuit.

Meanwhile, Vale is the world's biggest iron ore producer, operating in around 30 countries (Vale, n.d.). It is an organization that adopts a pyramidal ownership structure (Morck, 2010), having no majority shareholder to whom people could associate the company's image. Only six investors hold shares above 5%, and none own more than 8% of stocks.

On January 25th, 2019, the Vale mining waste dam of Mina do Córrego do Feijão collapsed in the municipality of Brumadinho, also in the Minas Gerais state, destroying some of the company's facilities and nearby farm properties and killing 272 people. Vale and the German safety certification provider, TÜV Süd, were held liable for the accident. On January 21th, 2020, the Minas Gerais State Public Prosecutor's Office (Ministério Público do Estado de Minas Gerais, 2022) started investigating the crimes and filed a complaint against 16 persons. The following month, the State Court accepted the accusation and began the legal proceedings. However, in October 2021, the Superior Court of Justice dismissed the case, which was running at the state level, because judges considered that the proceeding should run at the federal level. The Minas Gerais State Public Prosecutor's Office then appealed this decision at the beginning of 2022, and in June of that year, the Federal Supreme Court accepted the request, and the proceedings continued at the state level. In November 2021, Vale S.A., TÜV Süd, and 19 executives were indicted by the Federal Police, reinforcing the supposed authorship and materiality of a criminal offense.

These two events resulted in a large social commotion and intense media coverage. The following content analysis is structured along three axes according to the specific objectives declared in the introduction of this paper: frequency of reporting, visibility of the categories of study, and news framing.

4.1. FREQUENCY OF REPORTING

The frequency was calculated considering the number of weekly reports published by the websites analyzed. Graphs (Figure 1 and Figure 2) display the frequency of reporting about the Samarco and Vale cases.

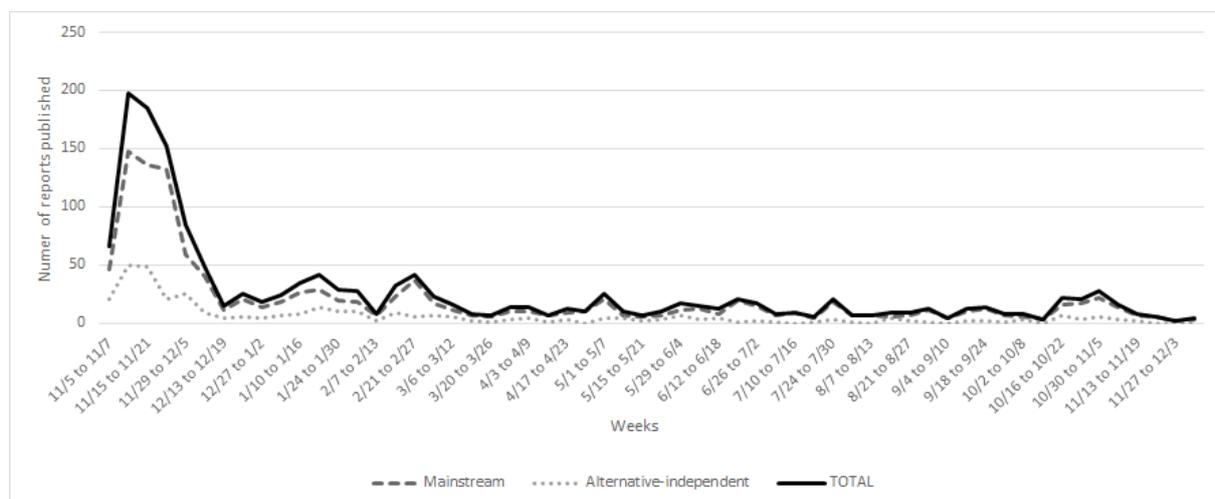


Figure 1 Weekly frequency of reports – Samarco/Mariana (11/5/2015 to 12/7/2016)

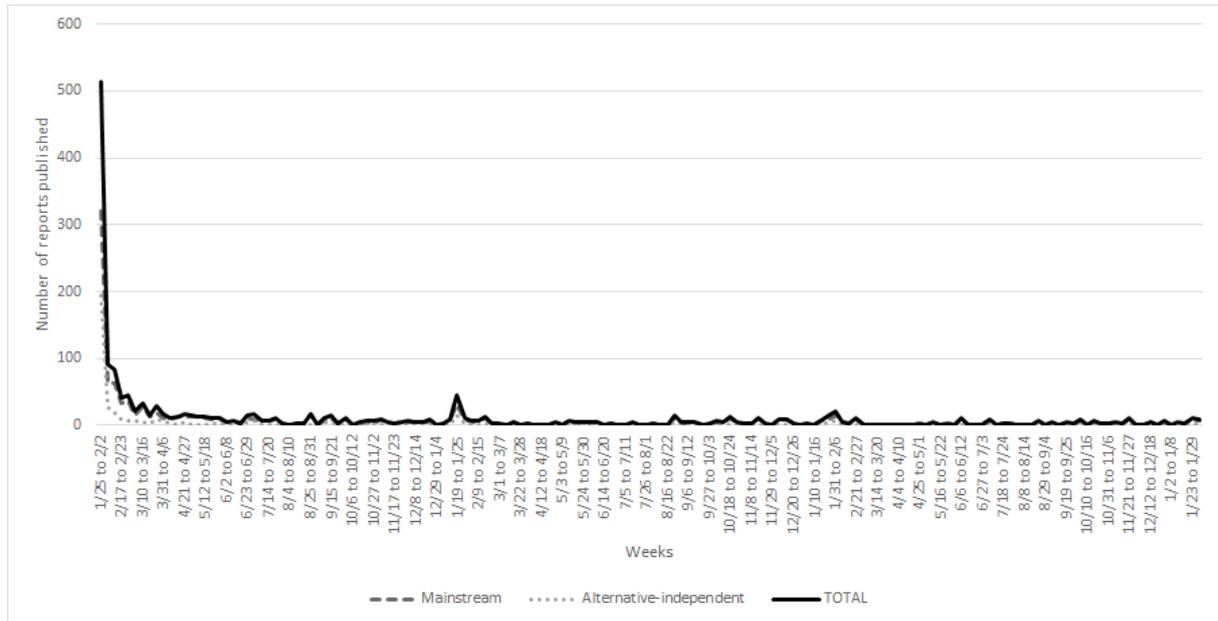


Figure 2 Weekly frequency of reports – Vale/Brumadinho (1/25/2019 to 2/5/2022)

The data may differ from the actual frequency, depending on the search terms used and the indexation criteria adopted by the websites analyzed. Nevertheless, the graph shows a coverage concentration on the day the events occurred and the subsequent weeks, and after that, a steep drop in the reporting frequency can be observed, indicating the news flashpoints phenomenon (Waisbord & Russel, 2020). Secondary peaks are noted. In the Samarco case, they occur between mid-January and mid-February 2016, which coincides with the indictment of the culprits by the Federal Police and the denunciation by the FPPO and its acceptance by the federal judicial authorities between mid-October and mid-November 2016. Regarding the Vale case, these peaks are not related to the proceedings calendar but to the anniversaries of the criminal tragedy, when media vehicles publish news stories with sensationalist elements.

That supports the theory that preconizes that news chronological patterns differ from the judicial and business cycles (Waisbord & Russel, 2020). Newsworthy events must be impactful and bring updated information at a pace that neither the judicial court routines nor the business decision agenda can match. Intentionally or not, this feature may favor the spiral of silence phenomenon in covering such crimes (Noelle-Neumann, 1974).

4.2. EMPHASIS AND VISIBILITY OF CORPORATE CRIME

To accomplish such objective, the reports were firstly organized in a cross-table by content analytical unit and categories of study. The results are displayed in Tables 2 and 3. The numbers represent the frequency that each category of study (rows) appears under each content analytical unit (columns). The numbers out of the parentheses represent the subtotal in each unit. Regarding the numbers within the parentheses, the

first refers to alternative-independent media, and the second to mainstream media. For instance, in the first row and the first column of Table 2, the number 4 indicates that the category “manslaughter” was cited four times in the news headings, thrice by alternative-independent vehicles and once by a mainstream vehicle.

	HEADING	ILLUSTRATION	ILLUSTRATION CAPTIONS	LEAD, SUBHEADING	REST OF THE TEXT
Manslaughter	4 (3/1)	—	3 (2/1)	13 (6/7)	22 (11/11)
Human fatalities	3 (2/1)	1 (0/1)	7 (6/1)	13 (6/7)	80 (21/59)
Name of the company	60 (25/35)	11 (5/6)	44 (26/18)	13 (6/7)	131 (45/86)
Externalities of mining	4 (3/1)	—	—	13 (6/7)	19 (12/7)

Table 2 *Emphasis and visibility of the categories of study – Samarco/Mariana*

	HEADING	ILLUSTRATION	ILLUSTRATION CAPTIONS	LEAD, SUBHEADING	REST OF THE TEXT
Manslaughter	8 (5/3)	2 (2/0)	4 (4/0)	21 (14/7)	40 (20/20)
Human fatalities	9 (3/6)	4 (1/3)	15 (3/12)	51 (23/28)	103 (38/65)
Name of the company	110 (39/71)	21 (11/10)	52 (25/27)	141 (52/89)	146 (53/93)
Externalities of mining	3 (3/0)	1 (1/0)	3 (3/0)	8 (7/1)	27 (18/9)

Table 3 *Emphasis and visibility of the categories of study – Vale/Brumadinho*

In both cases, a significantly smaller frequency of categories “manslaughter”, “human fatalities”, and “externalities of mining” can be noted. Regardless of the offenses classified as homicides by the judicial authorities, such expression appears timidly in the reports. It is noteworthy, however, that the alternative-independent media are more inclined to report the facts as homicides, as the frequency count demonstrates. The number of human fatalities is the second most cited category, but such information is included in a less visible part of the report (the rest of the text), as the names of the companies have greater exposure in all analytical units of content. Whether purposeful or not, it suggests the neutralization of the crimes and their outcomes (Almond & Colover, 2010; Barak, 2015; Ruggiero, 2015).

The category “externalities of mining” is the major absence, supporting the thesis that structural issues do not have news value or their coverage conflicts with the interests of the big capital (Waisbord & Russel, 2020). Nevertheless, it is important to highlight that such a category is more cited by the alternative-independent websites, reinforcing the importance of a media system with a broad diversity of voices.

Regarding the analytical unity “illustration”, the absence of images that report homicides or human fatalities is reasonable since these are sensitive contents. However, it can be noticed that the names of the companies appear in this analytical unity with a greater frequency. The qualitative observation revealed that reports including the names

of the companies do not mention the categories “manslaughter” nor “human fatalities”, making it difficult to associate the brands with the criminal acts.

However, most reports mentioning the names of the companies emphasize remedy actions, stock market values, and the impact on local economies. In more visible analytical categories, like the “heading”, the names of the companies are dissociated from the criminal tragedies through many writing tricks. For example, to report that the Federal Justice authorities have accepted the denunciations provided by the FPPO, UOL/Folha de S. Paulo, on November 18th, 2016, used the following heading: “Justiça Acata Denúncia Contra 22 pessoas por Desastre em Mariana” (Court Accepts Complaint Against 22 People for the Disaster in Mariana).

The companies’ names are not mentioned in the headings or leads, which are the parts of a news report with higher visibility. They are mostly mentioned in the rest of the text. One of the reports published an illustration that is worth mentioning — an infographic highlighted by the heading: “*Mariana* no Tribunal [emphasis added]” (Mariana Taken to Court) as if the “town” were being judged, not the company responsible for the criminal tragedy.

Other similar examples are: “Lama de *Mariana* (MG) Avança e Provoca Matança de Peixes [emphasis added]” (Mud of Mariana [MG] Spreads and Kills Fishes; UOL/Folha de S. Paulo, November 16th, 2015); “Lama de *Brumadinho* Deve Alcançar Bacia do São Francisco em 15 Dias [emphasis added]” (Mud of Brumadinho May Reach São Francisco River Basin in 15 Days; Brasil 247, January 30th, 2019).

In both cases, the readers may interpret that the “mud” belongs to the towns and are not the consequence of the companies’ crimes.

Another point to be mentioned regards the sources heard. Approximately 59% are the companies’ voices against 22% of the victims, whose lines almost always narrated personal losses or other predicaments caused by the tailings dams bursts. Only one report, published by alternative-independent Brasil 247, gives voice to the Movement of People Affected by Dams, a group that advocates for the solution of the structural consequences of mining.

4.3. FRAMING THE CONTENT: NEWS FRAMING AND NEWSMAKING

Regarding the journalistic genre, the most common style was the *short report* (an average of 294 words and 1.7 sources cited), with a frequency of 267, considering the two cases combined. The genre *opinion (op-ed)* appeared 29 times in total, of which the alternative-independent media published 22. The *short notice* appeared 18 times. The more elaborated genres were scarce, like *interviews* (three times) and *news stories* (once). It is important to point out that less elaborated genres were more common in alternative-independent media. For instance, the website Brasil 247 alone dedicated 38 reports to the Vale/Brumadinho case, of which 16 consisted of material bought from news agencies. In addition, the other websites, including the mainstream, resorted to stories from other vehicles, citing them as “sources”, “patched” these pieces together, and published

as if they were their own content, denoting the practice of “journalistic looting” (Ferrari, 2014). Such features indicate a kind of journalism more focused on immediatism than on high-quality standards.

Concerning news framing, the frequency count is displayed in Tables 4 and 5.

FRAMING	ALTERNATIVE/ INDEPENDENT	MAINSTREAM	TOTAL
Incident	2	4	6
Accident	25	64	89
Tragedy	16	10	26
Environmental crime	1	1	2
Manslaughter	6	8	14

Table 4 News framing – Samarco/Mariana

FRAMING	ALTERNATIVE/ INDEPENDENT	MAINSTREAM	TOTAL
Incident	2	9	11
Accident	29	57	86
Tragedy	5	34	39
Environmental crime	2	1	3
Manslaughter	27	11	38

Table 5 News framing – Vale/Brumadinho

It can be noted that the predominant framing is an *accident*. In these cases, even mentioning the occurrence of fatal victims and citing the offenders, there is no explicit allusion to homicide. This finding raises some concerns. Differently from individual crimes, especially manslaughter, when the fact is reported as such, even before the identification of the suspect, in the case of corporate crimes, there is some prudence and reluctance in reporting this way (Slingerland et al., 2006). Usually, the terms accident, tragedy, or disaster are preferred (Machin & Mayr, 2012). There is no mention of words like accused, culprit, or suspect. In both cases studied, even after the Public Prosecutor’s Office provided the accusation, the Court accepted, and the media refused to use such terms. When an individual murder occurs, such classification is nearly automatic.

The websites studied, in the few times they mention crime or manslaughter, do that through the voice of third parties: “Colocar Refeitório na Rota da Lama Mostra Falta de Gestão de Risco, Diz Ex-ministra do Ambiente [emphasis added]” (Locating the Cafeteria in the Route of the Mud Flow Denotes Flaws in Risk Management, Says Former Environment Minister; UOL/Folha de S. Paulo, January 28th, 2019); “Lula Sobre Crime da Vale: ‘Quando as Pessoas Só Pensam em Lucro, Elas Permitem Genocídios Como o que Ocorreu em Brumadinho’ [emphasis added]” (Lula on Vale’s Crime: ‘When People Only Think About Profits, They Allow Genocides Like the One Occurred in Brumadinho’; Brasil 247, January 25th, 2020).

It is also important to mention the framing as *tragedy*, with no explicit allusion to corporate manslaughter. There were 65 reports classified as tragedies in both cases. UOL/Folha de S. Paulo deserves a particular mention once 24 out of 76 reports about the Vale/Brumadinho case adopt the storytelling style, narrating victims' miseries, with no mention of corporate crime suspicion or the negative externalities of mining.

Lastly, it was observed that many vehicles frame the stories giving voice to the companies, particularly in the most visible parts, like the heading and the lead. In the sample analyzed, there were 49 occurrences of such kind, 48 in mainstream media. For example: "BHP Billiton Lamenta 'Tragédias' em Encontro Anual da Empresa" (BHP regrets the 'tragedies' in annual company meeting; Globo.com, November 19th, 2015); "Vale Tem que Ser Preservada, Diz Diretor da Companhia" (Vale Must Be Preserved, Says Company Chief Executive Officer; UOL/Folha de S. Paulo, January 28th, 2019).

These results point to the connections between media and big corporations and how important it is to discuss the impartiality issue.

5. FINAL REMARKS

The objective of this study was to analyze how the Brazilian news websites have approached the concept of corporate manslaughter in the criminal tragedies of Samarco and Vale. In sum, results indicate that the media have adopted an approach that enabled the neutralization and re-signification of the crimes, favoring the companies. There was no consistent effort toward public opinion mobilization and demanding judicial authorities to punish the culprits. It can be said that the framing, in general, has varied from neutral to the companies' perspectives. It is worth mentioning that the defendants have not yet been judged and never even complied with the determination to compensate for the damages.

The victims of the criminal tragedies were given no voice in the media studied. They are mostly poor peasants and traditional communities, whose image is normally associated with backwardness and a hindrance to economic development. That reinforces the ideas of Quijano (1998) and Cavender and Miller (2013) about the need to develop cultural criminology studies focused on the victims. Society and the media, as they fail in criminalizing the corporations responsible for the criminal tragedies, in fact, shift the blame to the victims, as if the ultimate responsibility for their social condition lies exclusively on them, not the consequence of an economic model chosen by the state, which is subjugated by the market.

As Machin and Mayr (2012) posit, the criminal in society, is seen as the transgressor of the values held by society. This image does not fit the representation of an executive who incorporates the values of capitalism, or the big corporation, whose function is to profit for the shareholder and then spin up the economy. Therefore, the media is reluctant to report the transgressions of corporations and alert the citizens about the negative effects of an economic model that puts the big capital interests above the common good.

The media's role, in such context, may be explained by the words of Ruggiero (2015). According to the author, in ancient Greece, the term "idiotes" described someone who chose to live in total privacy, avoiding taking part in public sphere activities. Nowadays, this term refers to those who earn gains from any activity — licit or illicit — thinking this will turn into benefits for all. Unfortunately, the evolution of the public sphere has led to the rise of more political actors that fit in such a new definition. "*Idiotes*, in this case, will proliferate, and with them the justifications of the crimes of the powerful" (Ruggiero, 2015, p. 71).

Translation: Gilmar José dos Santos

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