

# “Corporate Moral Agency: The Case for Anthropological Bigotry”

- *Response to the French article.*
- *Rejects the notion of a corporation as a moral agent*
- *“personae fictae” (fictional person) is a legal distinction not a moral distinction.*

# Corporativism

- *The view that corporations should be viewed as both legal and moral members of the community. (French)*
- Corporations can have “intentions”
- Corporations (not the persons that comprise it) can be held accountable (liable) for their actions.

# Traditionalist

- *Only persons, that is, entities with particular physical and mental properties, can be morally responsible. (Danley)*
- Corporations cannot “intend” anything
- The individuals that comprise a corporation are ultimately responsible for the corporation’s actions.

# Problems with the Corporatist Position

- *CID Structure does not reflect the ways decisions are actually made in corporate settings.*
- *CID Structure that did reflect how decisions are made would cease to be a normative criterion for determining which actions were corporate actions and which were not.*
- *If the CID Structure (including the corporate charter) did define corporate actions, then the result would be that a corporation could never act illegally.(271)*

# Additional Problems with the Corporatist Position

- *The corporatist seems to be equivocating on the meaning of the word “intend” – even while claiming to be using it in the same way the traditionalist does.*
- *“The sense in which a corporation intends is much different from that in which a biological person intends.”(271)*
- *New sense of intends could lead us to say that plants, animals and machines also have intentions. (Chess computer example p.272)*

# Intention and Responsibility

- *Intention has a link with responsibility in a way that is problematic for the corporatist.*
- *Problems with Remorse, regret, compensation, and punishment.*
- *Problems with determining intent, malice, premeditation, acts of passion.*
- *Problem of punishment: “An English jurist put the point well in an often quoted quip to the effect that corporations have no pants to kick, no soul to damn.”(272)*

# Results of French's View

- *Moral outrage can only be directed to a fictional being*
- *If biological members are punished for corporate crimes, then they are “scapegoats” and “sacrificial lambs”*
- *Cannot hold biological people accountable for what they did not do.*
- *Crimes without criminals becomes a possibility.*

# Alternative Model: The Machine Model

- *“The corporation is more like a machine than an organism. Like machines they are human inventions, designed by humans, modified by humans, operated by humans. Like many machines they are controlled by the few for the benefit of the few”*(274)
- *Our concern should be directed toward the operators and designers of the machine.*