



Corporate Personhood: A Posthuman Notion?

If corporations are persons, can they go to hell? This is simply a blunt way to ask about the moral and social responsibility of corporations. Do they have any?

Clearly, many corporate leaders will recognize that they do, but that premise was seriously called into question by Nobel Prize-winning economist Milton Friedman when he claimed, “There is one and only one social responsibility of business—to use its resources and engage in activities designed to increase its profits so long as it stays within the rules of the game, which is to say, engages in open and free competition without deception or fraud.”¹ Increased profits as a sole social responsibility? Can anything be more “posthuman”—or alas, more human, in the aftermath of Gen 3? Of course, corporations can claim to have no responsibility to love or serve the neighbor, but can they then claim identity as “persons”?

Economist James Montier has recently called Friedman’s profits-only notion “the dumbest idea ever,” and readers might want to turn there for more on this discussion, since I—clearly not an economist—have no doubt already said more than I know about such matters.²

Corporations are not inherently evil. They are essential now to our economy. They provide jobs, make products, and keep the “business of business” running. We frequent them daily, and many of us or our friends and relatives work for them. Almost all of us probably own shares in one corporation or another. But, again, what of their social responsibility? Mega-corporations wield mega-power. What about mega-responsibility? John Budd of the Carlson School of Management at the University of Minnesota points out, “Companies have been given free-speech protection, but not their workers,” and he argues, “This needs to change.”³ Budd is responding in part to the Supreme Court’s *Citizens United* ruling (2010), which expanded the legal “personhood” of corporations (something that

¹Milton Friedman, “The Social Responsibility of Business Is to Increase Its Profits,” *New York Times Magazine*, September 13, 1970; online at <http://www.colorado.edu/studentgroups/libertarians/issues/friedman-soc-resp-business.html> (accessed February 16, 2014).

²James Montier, “The World’s Dumbest Idea,” *GMO White Paper*, December 2014; online at <http://www.valuewalk.com/2014/12/james-montier-worlds-dumbest-idea-new-white-paper/> (accessed February 16, 2014). For another perspective on all of this, see Gary Moore, “Charity in Truth,” at http://www.financialseminary.org/articles/charity_in_truth (accessed February 16, 2014).

³In Jon Tevlin, “The steep cost of free speech: a job gone in 30 seconds,” *Star Tribune*, December 10, 2014, B1–B2.

has existed in some form since the early days of the Republic) to include, under the doctrine of free speech, the right to try to buy elections at will (a right shared equally, to be sure, by the indigent, but, generous as it is, the widow's mite won't buy you a campaign commercial).

So, what's wrong with *Citizens United*? In his dissent in that case, Justice John Paul Stevens included this "prophetic" observation: "A democracy cannot function effectively when its constituent members believe laws are being bought and sold."⁴ And they are, by both the right and the left—as anyone watching television during the recent political campaigns can attest.

We need more such legal and civic "prophets," just as we need the biblical ones. What does it mean to be a "person"? According to biblical theology, persons exist to help one another, to love God and to serve the neighbor. Do we want to exclude such a definition altogether from the corporate or political realm? Is that required by our desirable separation of church and state? Do we want to live in that kind of posthuman world?

True, neither Jesus nor the prophets knew anything of representative democratic government, to say nothing of our all-pervasive culture of consumer capitalism. And we must be honest here, since, if the Bible's prohibition of interest still pertained, neither I nor most of the rest of us would own a house or have retirement plans. We can't directly translate biblical "principles" into the modern world, but neither can we simply "outgrow" them if we want to remain humans in the image of God.

Those who invoke the prophets are sometimes ridiculed for their "naïveté" and criticized for not having immediately at hand a solution to our complex social, political, and economic problems, but neither did the prophets of old. That was not their vocation. As prophets, their task was to call people back to their roots and to raise the alarm—to say "The house is on fire!" even before they had mapped out a foolproof escape route. Others are called to plan escape routes, social programs, and economic structures to ensure that the world is safe not only for the rich but also for the widows and the orphans. Such is their (and our) civic and religious responsibility. But somebody has to point out, as Justice Stevens did, that the house is on fire and to warn that acts have consequences, including the equal opportunity, real or metaphorical, of sitting at the wrong side of Jesus at the Last Judgment. Might corporate "persons" find themselves there, too?

F.J.G.

⁴Stevens's dissenting opinion is available at <http://www.law.cornell.edu/supct/html/08-205.ZX.html> (accessed February 16, 2014).