

PSYCHOLOGISTS FOR SOCIAL RESPONSIBILITY

Psychologists for Social Responsibility Stands Against Harmful Legal Definitions of Corporate Personhood

In recent years, a groundswell of movement in diverse areas¹⁻⁹ has brought critical attention to the notion of *corporate personhood*, which bestows upon for-profit corporations the same protections afforded to real people. Psychologists for Social Responsibility (PsySR)¹⁰ believes that corporations deserve legal protections, but only as *artificial entities*—the original designation for corporations, prior to being deemed “persons” by the nation’s courts⁸. PsySR therefore stands alongside the growing number of voices calling for broader action against *corporate personhood*.

Psychological expertise recognizes diverse perspectives on the meaning of *human being* and of *human life*. Each approach affirms special and unique qualities attributed to human beings, qualities that make humans worthy of all the legal protections found in the Constitution and the Bill of Rights. The human being is a complex organism with capacities for joy and pain, reflection, and the compassionate appreciation of others. Mature persons are expected to display reasoned judgment, and are personally responsible for their own actions. Human beings live, breathe, think, experience emotions, and internalize values such as empathy and caring for others. Like all sentient beings, they suffer, and die.

Corporations, in contrast, are structural entities created by laws rather than by natural, biological processes. Corporations are vehicles, designed to achieve specific ends, typically those of growth, profitability and longevity beyond the span of human life. Corporations are amoral. They have no capacity for guilt, shame, pride, or penance. They possess no motivations, beliefs, or emotions, and they cannot make decisions nor take action—not, at least, outside of the human beings who run them.

Corporations are not people. From a psychological perspective, *corporate personhood* is a misleading and highly dangerous legal fiction. It provides protection to corporate leaders for activities in which they would otherwise bear personal, lawful responsibility. This legal validation of corporate personhood therefore shields select, powerful corporate officials from the law and liability, encouraging recklessness in the form of unethical, dangerous and, in some instances, illegal behaviors. Operating within these overly expansive legal shields, the prioritization of maximizing profit over human welfare has contributed to a sense of widespread discontent directed toward corporations and the law, and equally toward our government, which is perceived to fall short of a democracy that is “of, by, and for the people.”

Tragically, corporate personhood is used to protect powerful human agents through application of the 14th amendment, originally intended to protect former slaves from some of our history’s worst instances of discrimination.¹¹ The human beings who manage corporations are *not* the disenfranchised—some are among the most dominant actors on the world stage. Of the top 100 economies of the world, the majority are corporations.¹²

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Corporate personhood has in this, and many other instances, become a historical reversal of the Constitution and of our nation's original principles.

From this psychological perspective, PsySR joins the diverse voices calling for change. Corporations have long received sufficient and appropriate legal protections through their status as "artificial entities." We therefore strongly encourage U.S. lawmakers, from Federal to local levels, to redress the growing damage caused by the destructive fiction of corporate personhood. Together we can work to advance both equality and economic rights, and to better fulfill our democracy's promise of life, liberty and the pursuit of happiness, for actual human beings.

References

¹Bakan, J. (2004) *The Corporation: The Pathological Pursuit of Profit and Power*. Simon & Schuster, New York. *The Corporation About the Film*. <http://www.thecorporation.com/>

²Hartmann, T. (2010). *Unequal Protection*. Berrett-Koehler Publishers, San Francisco.

³Move to Amend: <http://movetoamend.org/>

⁴Program on Corporations, Law, and Democracy (POCLAD): <http://www.poclad.org/>

⁵Liberty Tree: http://www.libertytreefdr.org/focus/corporations_and_democracy

⁶Public Citizen: <http://www.citizen.org/Page.aspx?pid=183>

⁷Reclaim Democracy. <http://reclaimdemocracy.org/personhood/> A variety of other national efforts are listed on this site.

⁸Meyers, William. *The Santa Clara Blues: Corporate Personhood versus Democracy*. <http://www.iiipublishing.com/afd/santaclara.html>

⁹The Network of Spiritual Progressives. ESRA: Environmental and Social Responsibility Amendment to the US Constitution: <http://www.spiritualprogressives.org/article.php/20100427162647109>

¹⁰Psychologists for Social Responsibility (PsySR): www.psysr.org

¹¹Legal Information Institute. 14th Amendment . Cornell University Law School: <http://topics.law.cornell.edu/constitution/amendmentxiv>

¹²Institute for Policy Studies: <http://www.ips-dc.org/>

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