

GESM120: Are Corporations People?

Spring 2018

Class Location: VKC254

Class Time: 3:30-4:50pm Monday/Wednesday

Instructor: Dr. Kenneth Silver

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Office: Mudd Hall of Philosophy, room B5C

Office hours: Thursdays, 11am-1pm, or by appointment

Course Description

We often hear the slogan in the news and on placards, “Corporations are not people!” Corporations don’t breathe or bleed, so, in one sense this sounds obvious. But then, what’s all of the fuss about? The question is: Just what is it to be a person? And what does it take to merit the rights and privileges to which people are entitled? In this class, we will explore the foundation of our rights as people, as citizens, and as humans. This will help us to get a better grip on who we are and why we take ourselves to be morally significant. Ultimately, thinking deeply about what makes us persons will help us arrive at a more informed opinion concerning whether or not there is a relevant sense in which corporations *are* people as well.

Course objectives

- 1) Come to a deeper understanding of what makes something a person, and apply this understanding to critical questions in politics, economics, and the law.
- 2) Develop analytical skills through critical reading and clear writing.
- 3) Cultivate speaking and listening skills through in-class discussion.

Prerequisites

There are no prerequisites for this course.

Books needed for the course

None. We will primarily be reading articles that can be obtained from the university’s online catalogue.

Paper and Exam Dates

Short Argument Paper opportunities Saturdays at 5pm after every week except Week 15

Long Paper Assignment due Saturday, April 28th by 5pm

Exam on Friday, May 4th from 2-4pm

Schedule of readings and lectures

Make sure to do all of the readings listed for a day before that class.

Week 1

Mon. Jan. 8th

Reading: No reading.

Lecture: Introduction to the topic and philosophical methodology

Wed. Jan. 10th

Reading: *Citizens United v. Federal Election Comm'n*, 558 U.S. No.08-205 (2010) (Stevens, J.).

Read: Introduction, 28-41, 75-83.

Lecture: A closer look at the opinions in *Citizens United*

Week 2

Mon. Jan. 15th

MLK DAY – NO CLASS

Wed. Jan. 17th

Reading: *Citizens United v. Federal Election Comm'n*, 558 U.S. No.08-205 (2010) (Scalia, J.).

Lecture: Continued discussion of the reasoning in *Citizens United*

Week 3

Mon. Jan. 22nd

Reading: Jensen, M. & Meckling, W. (1976) "Theory of the Firm: Managerial Behavior, Agency Costs and Ownership Structure," *Journal of Financial Economics*, 3: 305-360. **Read pp. 305-313.**

Lecture: A theory of the firm and agency costs

Wed. Jan. 24th

Reading: Phillips, M. (1992) "Corporate Moral Personhood and Three Conceptions of the Corporation," *Business Ethics Quarterly*, 2(4): 435-459.

Lecture: More views of the corporation

You must have completed one of your Short Argument Papers by this Saturday.

Week 4

Mon. Jan. 29th

Reading: No reading.

Lecture: Continued discussion of Phillips.

Wed. Jan 31st

Reading: Frankfurt, H. (1971) "Free Will and the Concept of a Person," *The Journal of Philosophy*, 68(1): 5-20.

Lecture: Persons, desires, and freedom

Week 5

Mon. Feb. 5th

Reading: Watson, G. (1975) "Free Agency," *Journal of Philosophy*, 72: 205-220.

Lecture: More on freedom

Wed. Feb. 7th

Reading: Dennett, D. (1976) "Conditions of Personhood" in *The Identities of Persons*, ed. Rorty, R. Berkeley: University of California Press. pg. 175-196. **Read 175-185, bottom of 191-194.**

Lecture: Persons, consciousness, and self-consciousness

Week 6

Mon. Feb. 12th

Reading: French, P. (1979) "The Corporation as a Moral Person," *American Philosophical Quarterly*, 16: 207-15.

Lecture: Are corporations people? A direct discussion

Wed. Feb. 14th

Reading: Velasquez, M. (1983) "Why Corporations Are Not Morally Responsible for Anything They Do," *Business & Professional Ethics Journal*, 2: 1-18.

Lecture: Against corporate responsibility

You must have completed the second of your Short Argument Papers by this Saturday.

Week 7

Mon. Feb. 19th

PRESIDENT'S DAY – NO CLASS

Wed. Feb. 21st

Reading: Keeley, M. (1981) "Organizations as Non-Persons," *The Journal of Value Inquiry*, 15(2): 149-155.

Lecture: Is it squad goals, or goals for squads?

Week 8

Mon. Feb. 26th

Reading: Manning, R. (1984) "Corporate Responsibility and Corporate Personhood," *Journal of Business Ethics*, 3(1):77-84.

Lecture: The difference between a person and an agent

Wed. Feb. 28th

Reading: Pettit, P. (2001) "Deliberative Democracy and the Discursive Dilemma," *Noûs*, 35(1): 268-99.

Lecture: The discursive dilemma and corporate decisions

Week 9

Mon. March 5th

Reading: Pettit, P. (2017) "The Conversable, Responsible Agent" in Orts & Smith (Eds.), *The Moral Responsibility of Firms* (pp.15-33).

Lecture: Conversable agents

Wed. March 7th

Reading: Copp, D. (2006) "On the Agency of Certain Collective Entities: An Argument from 'Normative Autonomy,'" *Midwest Studies of Philosophy*, 30: 194-221. **Read pp.194-200, 206-207, 211-220.**

Lecture: Arguments for and against corporate agency

SPRING BREAK!

Week 10

Mon. March 19th

Reading: Rönnegard, D. (2013) "How Autonomy Alone Debunks Corporate Moral Agency," *Business & Professional Ethics Journal*, 32(1-2): 77-106. **Read 81-97.**

Lecture: Corporate freedom: Against

Wed. March 21st

Reading: Hess, K. (2014) “The Free Will of Corporations (and Other Collectives),” *Philosophical Studies*, 168(1): 241-260.

Lecture: Corporate freedom: For

Week 11

Mon. March 26th

Reading: Jaworska, A. & Tannenbaum, J. (2013) “The Grounds of Moral Status,” *The Stanford Encyclopedia of Philosophy*, Edward N. Zalta (ed.), URL = <<https://plato.stanford.edu/archives/sum2013/entries/grounds-moral-status/>>.

Lecture: When is something worthy of moral consideration?

Wed. March 28th

Reading: No reading.

Lecture: Continued discussion of the SEP article

Week 12

Mon. April 2nd

Reading: Kittay, E. (2005) “At the Margins of Moral Personhood,” *Ethics*, 116(1): 100-131. **Read 100-101, 109-131.**

Lecture: Factors beyond mental capacities necessary for personhood

Wed. April 4th

Reading: Jaworska, A. (2007) “Caring and Full Moral Standing,” *Ethics*, 117: 460–497. **Read pp. 460-464, 476-494.**

Lecture: The importance of caring and emotions

Week 13

Mon. April 9th

Reading: Tollefsen, D. (2008) “Affectivity, Moral Agency, and Corporate-Human Relations,” *APA Newsletter on Philosophy and Law*, 7(2):9-13. And French’s response to Tollefsen. **Read pp.9-13, 16-18.**

Lecture: Corporate emotions

Wed. April 11th

Reading: Hess, K. & Björnsson, G. (2016) “Corporate Crocodile Tears? On the Reactive Attitudes of Corporate Agents,” *Philosophy and Phenomenological Research*, DOI: 10.1111/phpr.12260.

Lecture: Do corporations have reactive attitudes?

Week 14

Mon. April 16th

Reading: Hess, K. (2013) “If You Tickle Us...? : How Corporations Can Be Moral Agents Without Being Persons,” *Journal of Value Inquiry*, 47, pg. 319-335.

Lecture: Are corporations vulnerable enough to matter?

Wed. April 18th

Reading: No reading.

Lecture: Let’s take stock.

Week 15

Mon. April 23rd

Reading: Hasnas, J. (forthcoming) “Should Corporations Have the Right to Vote? A Paradox in the Theory of Corporate Moral Agency,” *Journal of Business Ethics*, DOI: 10.1007/s10551-016-3172-0.

Lecture: Corporate rights run amuck?

Wed. April 25th

Reading: Silver, K. (forthcoming?) “Can a Corporation Be Worthy of Moral Consideration?” *Journal of Business Ethics*.

Lecture: Are corporations moral patients?

LONG PAPER ASSIGNMENT DUE: Saturday, April 28th by 5pm

Final Exam: Friday, May 4th 2-4pm

Course requirements

1. Regular attendance and participation at lectures. This counts for 10% of the course grade.
2. Unannounced in-class 10 minute quizzes on the reading assigned for that class session. This counts for 15% of the course grade.
3. Four Short Argument Papers. If you do a fifth paper, then I will only grade your best four. This counts for 30% of the course grade. These are graded out of 20 points.
4. One Long Paper Assignment. This counts for 20% of the course grade.
5. An essay final examination. This counts for 25% of the course grade.

Grading Scale

Course final grades will be determined using the following scale

A	93-100
A-	90-92
B+	87-89
B	83-86
B-	80-82
C+	77-79
C	73-76
C-	70-72
D+	67-69
D	63-66
D-	60-62
F	59 and below

Course policies

Paper submission, deadlines and format

Please submit your papers through Blackboard. Please format your papers as follows: 12-point font, double-spaced, at least one inch margins all around, your name on the top right-hand corner of the first page. Do not include your student ID number or any other possibly sensitive identifying information on your papers or any other correspondence with instructors.

Late papers, if accepted, will have their grade reduced by 1/2 of a grade for each day beyond the due date.

Classroom protocol

During quizzes or examinations: All books, notes, and screened devices (including laptop computers, tablets, smartphones, and smartwatches) must be stowed away. If you do not have the means to stow these materials out of sight (e.g. in a backpack or other bag, or under a sweater, etc.) you may bring them to the front of the classroom and retrieve them at the end of the writing exercise. Additionally,

no earphones may be worn during the period of the writing exercise. Violations of these prohibitions constitute an academic integrity violation.

Communication

I will strive to respond promptly to your e-mail inquiries, comments, etc. Given the volume of e-mail I receive, it will help us if you will begin the subject line of your messages with 'Business Ethics'. Examples: 'Business Ethics request for a meeting' or 'Business Ethics question'.

Students with disabilities

Any student who has registered with the office of Disability Services and Programs (DSP) and who has been certified by DSP as needing specific accommodations will gladly be afforded those accommodations. Please meet with the instructor as early as possible in the semester to discuss the best ways of providing these accommodations. I am very glad to work with you to tailor the course requirements to your specific needs subject to considerations of general fairness for all students in the class.

Academic conduct

Plagiarism – presenting someone else's ideas as your own, either verbatim or recast in your own words – is a serious academic offense with serious consequences. Please familiarize yourself with the discussion of plagiarism in *SCampus* in Part B, Section 11, "Behavior Violating University Standards" <https://policy.usc.edu/student/scampus/part-b>. Other forms of academic dishonesty are equally unacceptable. See additional information in *SCampus* and university policies on scientific misconduct, <http://policy.usc.edu/scientific-misconduct>.

Discrimination, sexual assault, intimate partner violence, stalking, and harassment are prohibited by the university. You are encouraged to report all incidents to the *Office of Equity and Diversity/Title IX Office* <http://equity.usc.edu> and/or to the *Department of Public Safety* <http://dps.usc.edu>. This is important for the health and safety of the whole USC community. Faculty and staff must report any information regarding an incident to the Title IX Coordinator who will provide outreach and information to the affected party. The sexual assault resource center webpage <http://sarc.usc.edu> fully describes reporting options. Relationship and Sexual Violence Services <https://engemannshc.usc.edu/rsvp> provides 24/7 confidential support.

Support systems

Student Counseling Services (SCS) – [\(213\) 740-7711](tel:2137407711) – 24/7 on call

Free and confidential mental health treatment for students, including short-term psychotherapy, group counseling, stress fitness workshops, and crisis intervention. engemannshc.usc.edu/counseling

National Suicide Prevention Lifeline – [1 \(800\) 273-8255](tel:18002738255)

Provides free and confidential emotional support to people in suicidal crisis or emotional distress 24 hours a day, 7 days a week. www.suicidepreventionlifeline.org

Relationship and Sexual Violence Prevention Services (RSVP) – [\(213\) 740-4900](tel:(213)740-4900) – 24/7 on call
Free and confidential therapy services, workshops, and training for situations related to gender-based harm. engemannshc.usc.edu/rsvp

Sexual Assault Resource Center

For more information about how to get help or help a survivor, rights, reporting options, and additional resources, visit the website: sarc.usc.edu

Office of Equity and Diversity (OED)/Title IX Compliance – [\(213\) 740-5086](tel:(213)740-5086)

Works with faculty, staff, visitors, applicants, and students around issues of protected class. equity.usc.edu

Bias Assessment Response and Support

Incidents of bias, hate crimes and microaggressions need to be reported allowing for appropriate investigation and response. studentaffairs.usc.edu/bias-assessment-response-support

The Office of Disability Services and Programs

Provides certification for students with disabilities and helps arrange relevant accommodations. dsp.usc.edu

Student Support and Advocacy – [\(213\) 821-4710](tel:(213)821-4710)

Assists students and families in resolving complex issues adversely affecting their success as a student EX: personal, financial, and academic. studentaffairs.usc.edu/ssa

Diversity at USC

Information on events, programs and training, the Diversity Task Force (including representatives for each school), chronology, participation, and various resources for students. diversity.usc.edu

USC Emergency Information

Provides safety and other updates, including ways in which instruction will be continued if an officially declared emergency makes travel to campus infeasible. emergency.usc.edu

USC Department of Public Safety – UPC: [\(213\) 740-4321](tel:(213)740-4321) – HSC: [\(323\) 442-1000](tel:(323)442-1000) – 24-hour emergency or to report a crime. Provides overall safety to USC community. dps.usc.edu