

THE UNIVERSITY OF CALGARY

Are Corporations Morally Responsible?

by

Andrée Fortin

A THESIS

SUBMITTED TO THE FACULTY OF GRADUATE STUDIES
IN PARTIAL FULFILLMENT OF THE REQUIREMENTS FOR THE
DEGREE OF MASTERS OF ARTS

DEPARTMENT OF PHILOSOPHY

CALGARY, ALBERTA

MAY, 1992

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THE UNIVERSITY OF CALGARY
FACULTY OF GRADUATE STUDIES

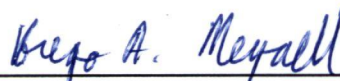
The undersigned certify that they have read, and recommend to the Faculty of Graduate Studies for acceptance, a thesis entitled, "Are Corporations Morally Responsible", submitted by Andree Fortin in partial fulfillment of the requirements for the degree of Master of Arts.



Professor John A. Baker
Department of Philosophy



Professor Robert X. Ware
Department of Philosophy



Professor Hugo A. Meynell
Department of Religious Studies

April 30, 1992

Abstract

When people talk about their chosen corporate ethic, they are always informed by an understanding of the corporation itself. Radical Collectivists (RCs) talk about a corporation as a person, so for them corporations can be morally responsible. Corporations can harm people, destroy the environment and institute unfair business practices for instance. Fictionalists, or what I call Seemingly Real (SR) advocates, also count corporations as moral agents, but not because corporations are blameworthy, praiseworthy or otherwise morally responsible entities. They count corporations as moral agents because it is epistemically useful for them to do so. Saying that corporations are morally responsible allows them to talk intelligibly about specific deeds of designated corporate persons. Finally, the Methodological Individualists (MIMs) maintain that all such talk about corporations is incoherent because corporations are either nothings or reducible to other entities. All talk about corporations is only talk about the interactions of corporate members, and thus, only human beings are moral agents.

In PART I of this thesis, I examined all three views of corporations because I wanted to know what corporate ethic I should choose for myself. I wanted to know what could be the most defensible analytic model that I could have for a corporation. I found that the (RC) position was incorrect because it claimed that corporations had properties like intentions, which I argued, they could not have. I found that the arguments in support of the (SR) position were not sound because they were founded upon a false assumption about the real world. I also rejected the (MIM) position because it ignored the fact that corporations had interesting properties which were not reducible to the properties of interacting corporate members.

The analysis of these three positions had me conclude that there could only be one acceptable ontological model for corporations, a model which claimed corporations as real and distinct entities but entities that could not be moral agents.

I next developed a theory of corporate acts which complemented my views of a corporation. This theory, based on Austin's Speech Act theory, said that corporate acts were real and distinct from individual acts, but that corporate acts emerged out of the acts of individuals. This theory of corporate acts was set up to stress the dynamic and inseparable inter-relationship between a corporation and corporate individuals. Thus, I concluded that if you did happen to blame a corporate individual for some corporate wrongdoing then your blaming that person could only mean that the corporation was implicated in some way.

In PART II, I used my corporate act theory and my conclusion about corporate ethics to refute the corporate ethics advocated by my philosophical adversaries. I argued that a corporate ethic which had us count either a corporation or a corporate person morally responsible for a specific act was a misguided ethic. It was misguided because it led to the wrong moral conclusions. Thus, the (RC) ethic led to the conclusion that deception was permissible because guilty corporate persons were permitted to pass the moral buck on to corporations for their wrongdoings. The (SR) ethic led to the conclusion that one could advocate corporate moral elitism. Finally, the (MIM) ethic led to the conclusion that scapegoating innocent corporate persons for a corporation's wrongdoings was permissible.

My overall conclusion was that corporations could not be counted as moral agents but this conclusion was not to be confused with the (MIM) position because it did not claim that corporations were nothings or reducible. In my concluding chapter, therefore, I introduced a new notion of corporate "empowerment", in which I said that corporations should be set up to provide the necessary pre-conditions for corporate persons to be as moral as they could be. I found this new notion of a corporation to be more acceptable than the older notion of counting a corporation as a moral agent. I argued that the old notion was inappropriate because it advocated moral regression for corporate members, and it also ignored the fundamental importance of ensuring that corporations be structured to allow for the moral progression of its corporate members.

Acknowledgements

I would like to thank the following people:

John Baker for being perplexed where I was always confused and for imposing order on my free-floating philosophical anxieties; Petra vonMorstein for arguing in support of my admission into the department; Charlie Martin for his philosophical inspiration; Maggie Kohl for her encouragement and sympathy.

Karen Elstein for her philosophical insights and being here for my defense; Jonathan, her brother, for his time and research into the Salomon case; Jill Gatfield for her lesbian literature; and Donna Keizer for her tutoring in logic.

Finally, my family for their patience, unquestioning support, pride in my work and accomplishments and money.

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Part 1 - INTRODUCTION

This part of the thesis answers the question: "What is the most defensible analytic model that one can have for a corporation?". An analytic model is a way of viewing a corporation; it consists of an account of a corporation's ontological status and the metaphysics that inform it. A corporation is understood to be a "something" where the "something" will be filled out in the different ontologies presented later. I assess two different analytic models for corporations, the "Methodological Individualist Model" (MIM) and the "Collectivist Model" (CM).

I conclude first that the Methodological Individualist Model (MIM) is not a plausible analytic model. The "bare bones" and "enriched" reductionist versions of MIM are not conceptually rich enough to explain how the hidden aspects of interactive behavior can result in social phenomena. The eliminativist version of MIM declares what we know to be real, unreal, and therefore, it is unsound. I next examine the Collectivist Model (CM) but I do not reject it outright. Instead, I reject one version of it which I call the "Seemingly Real" position: the best argument for this position that I can find is, I argue, not sound.

The last ontological position within CM is the one that I will support and I call it the "Non-Problematic Realist" position. I place a proviso on the acceptance of this position by rejecting what is called "Radical Collectivism". "Radical Collectivism" says that corporations have states like intentions and that these are distinct and separate from the intentions of corporate members. I counter that corporate acts are not just corporate intentional because corporations have states like intentions. Specifically, I will say that if we talk about corporations acting intentionally, then we are talking about something

real and distinct (e.g. a corporate intention). This intention however, can only be brought about by the actions and intentions of corporate members.

My position is based on the fundamental belief that a corporation can empower you to act in a certain way, but a corporation cannot empower you to intend in a certain way. Corporate intentions which are properties of corporate members are not like corporate policies which are properties of a corporation. We say that a corporate policy is distinct from a corporate act; a policy tells us how a class of acts produces certain effects, but a policy is not a part of this class of acts. Corporate intentions, on the other hand, just "are" the intentions of the members of a group of persons aiming for a particular effect which is the outcome of a negotiated implementation plan. We cannot drive a wedge between the intentions of corporate members and corporate acts because the acts "emerge" from the intentions. I will say that corporate acts "emerge out" of the intentions of corporate members and the intentions of corporate members are embedded in a corporate culture. This connection between individual or group intentions and corporate acts is, therefore, a real and dynamic interaction between people and corporations. I will claim later that this dynamic interaction is instrumental in explaining what can be meant by corporate moral agency, but now I turn to a more comprehensive look at the (MIM) position. This will be followed by an analysis of the (CM) position and conclude with what I believe to be the most defensible analytic model that one can have for a corporation.

CHAPTER 1 - TWO REDUCTIONIST VERSIONS OF (MIM)

Recognizable versions of the Methodological Individualist Model (MIM) fall into two categories: the reductionist and the eliminativist versions. The reductionist version says that social entities* (e.g. corporations) are analyzable away without remainder into the actions of participating individuals. Basically, this means that it is worth talking of corporations and their acts, but we need to realize that when we are talking this way, we are really only talking about individuals and their acts. The reductionist version has two sub-categories. I refer to the first as the "bare bones" version and the second as the "enriched" version. The central claim of the "bare bones" version is that talk of social facts, (e.g. social states, events, processes and/or rules) are to be analyzed in terms of: a) talk of types of behavior of participating individuals, b) details of their particular behavior, and c) descriptions of their given situations. Thus, discussions of corporations and their acts reduces to discussions of corporate members and their acts. Correspondingly, if there are policies, regulations and rules that govern corporate behavior, then these too are reducible without remainder into the actions of participating members. For example, discussions of voting procedures ** in a given boardroom reduces to discussions about the actions argued by Paul Ziff in "Semantic Analysis". (1960, 39-75) The "enriched" version supports the "bare bones" version, but it, unlike the "bare bones"

* Social entities such as corporations can play a role in "Social Facts". "Social Facts" is a term which can have different connotations. For my purpose it is meant to stand for facts about institutions and roles and facts about people's actions where those actions have a social significance (eg. voting).

** Voting is a "social fact" as defined above. We have a social concept of voting when we believe it to be, a posteriori, following the conventional rules in a boardroom.

version, allows for talk of collective action even though it says that there are no interesting properties of social entities and social actions that cannot be reduced without remainder into the properties of the individuals that compose them. Finally, by way of contrast, the eliminativist version says that when we talk about corporations, we are just mistaken ontologically because there are no such things as corporations. Thus, the eliminativist says that useful talk of corporations is in the replacement language of individuals and their acts.

With these definitions in place, my present goal will be to discuss and analyze the "bare bones" claim first. The "bare bones" claim is challenged by way of presenting a counterexample. The counterexample shows that in a given social situation what can be construed as being a social fact can also be construed as not being a social fact. I will conclude that the behavior of participating individuals in a given situation does not necessarily constitute a social fact and the argument in support of the "bare bones" version of MIM is, therefore, unreliable.

My counterexample has us consider voting procedures in a given corporate boardroom. In this setting, a particular boardmember (M) raises her arm (r) to ask a question just as all members are asked to vote (v) on a motion. The question that we want to have answered is whether or not M's (r) is a (v). Can one deduce, based on M's behavior alone, that M voted? Let boardmember M take the position that she did not vote. She will want to say that it looks as if her action was a (v), but it was not a (v) because she did not, at that time, intend for it to be a (v). The (MIM) advocate and boardmember B will claim that M's intention was irrelevant because the (r) is a (v). The (r) behavior met the conventional rules for (v) where the conventional rules for (v) are analyzable a la Ziff (i.e. into mere regularities). Furthermore, people in

boardrooms count the (r) as being a (v), they expect others to count it as such, and this mutual expectation is a part of doing (r) as a (v) as opposed to doing something else. If they ceased to view (r) as a (v), then they would lose their reason for taking part in the activity of voting in such a context.

From M's perspective, B's claim is impossible to accept. She wants to say to B that the remark "M was voting" is true because she knows what B is saying is true. Her action did conform to the conventional rule for (v). However, she also wants to say that the same remark is false because she knows that she was not intending to vote and that her action cannot be construed as being a (v). B should be also experiencing some cognitive dissonance. Now that he knows that M's intention was not to vote but to ask a question, he must acknowledge her seemingly rational and goal oriented behavior as meaningful, relevant and possibly not a (v).

Boardmember B, therefore, tries another tactic by challenging M's responsibility. If M was not voting, then she was being irresponsible (i.e. not paying enough attention to the proceedings). In so doing, others can only judge her action as being irresponsible. Of course, M would argue that this line of argument will not hold because her action was rationally thought out, goal oriented and meaningful, not irresponsible. She is being accused of not having paid enough attention, when this was not the case. She raised her arm at the "wrong" time and it is only because of her "mistake" that her (r) is being viewed as a (v).

Clearly, this bantering between M and B means that the "bare bones" (MIM) analytic model is not conceptually rich enough to make the distinctions that we need here. It will be recalled that B's claim was that M was voting and M's claim was that she was not voting. We are now asked to ignore these claims in favor of judging M's action and expressing our views

concerning the appropriateness of her behavior. Boardmember B cannot score any points here for there can be no true or false conclusions to that line of inquiry. There might be a "right" or a "wrong" conclusion, but this is not what is needed to substantiate B's claim. To say that M is "right", leaves open the possibility that she is "wrong", and the same can be said of B. Thus, B must contend with the possibility that in this situation M acted responsibly; her action was oriented to asking a question and this action was not a voting action.

One of the reasons why the "bare bones" version of MIM cannot work is explained by Blackburn when he says:

Attributing a false content to a remark and rejecting it in the same way is impossible to rely upon. (1984, 148)

Using Blackburn's comment, this applies to the counterexample as follows: Boardmember B is saying that M could only be responsible if she was voting. Thus, when B says "M was responsible", he is also implying "only if she was voting". All other interpretations of her (r) action would have to construe her as being necessarily irresponsible. In so doing, B's attribution of responsibility to M's (r) action is attributing a false content to it; namely, the voting content. As it turns out the responsible component of M's action is hidden, not displayed in her behavior. B could not know M's intention by observing her behavior, which accounts for his attributing a false content to the statement "M was responsible".

The "bare bones" version of (MIM) affirms that properties such as intentionality are not relevant to making claims about social facts. As our counterexample shows this is not the case. Although M's intention not to vote was not decisive, it was relevant to knowing whether her action

constituted a social fact. The "mistake" that B makes in accusing M of not being responsible, is that B assumes that her intention was a part of her (r) action and her voting behavior. He assumed that M could only be responsible if she voted. This was a "mistake" because it was an incorrect assumption. Oddly enough, my position here is supported by B.F. Skinner, despite the fact that he is a reconstituted behaviorist. He says the following:

purpose (e.g. intention) is not a property of the behavior itself; it is a way of referring to controlling variables. (1980, 45)

When B sees M at the very moment that she raises her arm, he attributes purpose to the (r) event. He does this by first seeing the (r) itself, then the event come to an end, followed by a (v) taking place. Consequently, B's observations give him a certain understanding concerning M's overall performance, not by amplifying a description of her behavior, but by indicating an independent variable of which it may have been a function. The sequence of events (r) (-r) and (v) has B indicate M's intention to vote, even though this was not M's intention. M's intention was to ask a question.

By now it is obvious that the "bare bones" version of (MIM) will need some revisions as it ignores the hidden aspects of interactive behavior in given situations. People's intentions, desires, needs etc. are essential factors which must be considered to determine what does or does not result in a social fact. The "enriched" reductionist version of (MIM) attempts to resolve this problem by accepting that all interesting properties of aggregate collectivities of people are reducible without remainder into the properties, including the actions and intentions, of individuals who compose them. Against this "enriched" claim, I am going to defend the idea that groups, including aggregates, do have interesting properties that cannot be reduced

without remainder. In that regard, the aggregate that I choose to examine is a mob. I will want to know what specific property a mob has that makes it a particular aggregate in a class of aggregates and not reducible without remainder into the properties of the individuals who compose it.

In scanning the literature on collectivities one finds different opinions concerning the interesting properties that mobs do have. For instance, Joel Feinberg talks about the "solidarity" of the mob and how this particular property of the mob is unique to it and not attributable to any particular member within it. (1970, 222-251). Others, such as Richard deGeorge, want to show how aggregates of all kinds, including mobs, are different from other collectivities. He says that what distinguishes an aggregate from other collectivities are the relations, either internal or external, that make up the aggregate and that relate the individuals to the aggregate. He also says that there are different kinds of aggregates. (1983, 3-20) A mob, one might say, can be a randomly organized group of people in which no interaction among or between the members is required. Other aggregates are more "structured" and can be marked off from a mob. A queue of people waiting to buy a ticket at the box office is not a mob. This is because the people in the queue are all waiting at the box office for the same general purpose, even though no verbal interaction between or among them is required. Both Feinberg's and deGeorge's opinions have one aim in common. They both want to show that actions are predicable of an aggregate, even though the aggregate does not exist independently of the persons who are members of it (e.g. Feinberg) and cannot be viewed separately from other kinds of aggregates (e.g. deGeorge). They are saying that predicates which are true of aggregates are true of those aggregates even if the aggregates do not exist independently.

In that regard, my mob example will be considered to ascertain whether it warrants the predication of actions to it and not to the individuals within it. I begin by fixing a definition of a mob because some philosophers mistakenly assume that mobs are aggregates which can be marked off from random crowds. The Webster New Collegiate Dictionary however, defines a mob as "a large or disorderly crowd". In fact, a "crowd" is used as a synonym for a "large and disorderly mob". With this in mind, a mob will be understood as a large and disorderly crowd and vice versa, where either term will refer to the same aggregate.

I am talking about a mob as a kind of aggregate and marking it as one of the most "unstructured" aggregates in the class of aggregates. Other more "structured" aggregates might be better organized or show signs of an elementary structure. We might say along these lines that a mob has one unique property as its most salient feature and that property is "randomness" or "disorderliness". The items in this mob are the people who are randomly organized and have no commonality of purpose.

This way of defining a mob spells out immediately one important property that a mob has that no other crowd has, but it also tells us that it is a property that cannot be attributed to the people who compose it. For instance, we say that a mob is randomly organized but we do not say that person P in the mob is randomly organized. We might say P is not connected in any meaningful way to any other person in the mob, but this says nothing about P in and of herself. To be a bit frivolous, if P were randomly organized then she would be particularly lucky to possess a body which in any way resembled the human body. Similarly, we might say that a mob is randomly organized, whereas other kinds of aggregates are not so organized. Other aggregates

might have ordinal rankings for instance, in which person P is before person B and after person S in order of height.

So now I have made a case to show that mobs do have at least one identifiable property which is not attributable to other aggregates or persons in the mob. However, is this identifiable property called random organization interesting? In order to answer this question I must next establish that we can predicate an action to a randomly organized aggregate (ROA), establish that this action is independent from the actions of its members, and thus it is, indeed, very interesting. In effect, I will be showing that the belief that the aggregate is randomly organized plays a causal role because people who believe that the aggregate is so organized, respond to that fact in certain ways.

Persons in any aggregate always experience, at some level, the fact that they are in the aggregate. It is important to my argument that this holds for mobs as well as other more "structured" collectivities. Minimally then, one can say that in a densely populated mob, a person P is restricted * in her bodily movements because of the proximity of her body to other people surrounding her in the mob. It is also plausible that P would not even be aware of this restriction placed upon her by others in the mob. This is comparatively different from other restrictions in more "structured" collectivities where people may or may not know what restrictions are making them behave in certain ways. Hume's famous rowing story is a good example of this. His idea

* This notion of a restriction is to be contrasted with Shwayder's "restricting rules", rules which are in force in any given society. (1965, 263) In these cases, Shwayder is referring to people in structured collectivities who know what they should or should not do because of the restricting rules that are in force in that collectivity. In a corporation for instance, a person P would know that she could not make a certain decision because corporate policy would dictate otherwise.

is that certain features of individual behaviors in aggregates like mobs and row boats emerge over time; features such as mutual knowledge and unconscious coordinated action. For instance, we find ourselves doing and thinking things which we are sometimes barely aware of (i.e. we coordinate or sychronize our rowing action in line with the person next to us in the rowboat or we sway in unison on a crowded subway as the car turns now to the left and then to the right). These restrictions which mobs and other less structured aggregates place upon us are everywhere. Obviously, there are any number of kinds of restrictions, but the details of these cannot be left to conjecture here. I refer to these restrictions as a mere capacity for conformative behavior underlain by social contexts which are sufficient for us as agents to be capable of self-consciousness.

How then can we make sense of the distinction between rules in force that are known and restrictions that are not known? Well, on the one hand, we might say that in the corporate situation P knows what she can or cannot do because she knows what the corporate policy says. However, we can also say that a person P in a mob was "swept away" along with her fellow members without realizing it at the time. What makes P and others feel this way is not a function of P's or the other persons' psychological states, including intentions and mutual knowledge. Rather, it is the unintended randomized pressure and force of the mob which swept them away. The mob's particular action called "the swept away action" is different from the intended action of P and other persons in the mob because the "swept away action" would not have occurred if it was an intended action of P and others in the mob. If "the swept away action" was the intended action of P and others in the mob, then one would certainly not call it "swept away", but perhaps something else such as a "purposeful action" or a "goal-oriented action".

What then is a "swept away action" and what marks it off from the individual actions of the group of persons in the mob? There are two factors which contribute to the unique mob action which I have named "swept away". The first is that the action is not individually or even group motivated. No one person or group of persons in the mob intended for it to happen. The second is that the action itself emerged from the bodily movements of a group of persons in the mob, but the action itself was not an integral part of any person(s) in the mob.

Before turning to the eliminativist version of (MIM), I conclude this examination of the "enriched" version of (MIM) by making the following summary remarks about it. Even the most unorganized aggregates have interesting properties that mark them off from other aggregates in a class of aggregates. Mobs are examples of these types of aggregates and I call them randomly organized aggregates (ROAs). I can locate a certain property, called randomness, in a (ROA) that is not predicable of persons in the (ROA) or predicable of other aggregates in a class of aggregates. The property called randomness is interesting on two counts. First, it refers only to the aggregate, and as such, it allows the aggregate to perform actions (i.e. actions which are not attributable to persons in the aggregate). Secondly, the aggregate's actions can, in reality, force the people within the aggregate to do things that they could not otherwise have done. I conclude therefore, that it would be a mistake to suggest that some "unstructured" collectivities have no interesting properties that cannot be reducible without remainder into the properties of the individuals who compose them.

CHAPTER 2 - THE ELIMINATIVIST VERSION OF (MIM)

The reductionist version of MIM presents problems which the eliminativist version attempts to resolve. The eliminativist version of (MIM) attempts to resolve these problems by saying that social facts are unreal. This would mean in the case of my counterexample to the "enriched" version of (MIM), that aggregates like mobs and corporations are simply unreal fictions. In the case of my counterexample to the "bare bones" version of (MIM), this would mean that the act of voting had no practical use because it was unreal. The only facts needed to explain what really occurred in that boardroom were M's and other boardmember's (r) actions. In what follows, I will use the "bare bones" counterexample to argue against the eliminativist account.

The eliminativist position is a particularly powerful position because in the "bare bones" counterexample it says that: 1) we no longer have to worry about whether M's (r) was or was not a (v) and 2) we no longer have to worry about intentions, desires and other mental objects functioning to produce a social fact such as a (v). Thus, the altered (MIM) claim says that a vote cannot be understood as a social fact but rather as a fiction or a mythological way of expressing what did take place. What really took place is that each member of the board raised his/her arm, following the convention for voting procedures, and that is all that took place. Of course, the talk of conventions itself is to be analyzed without remainder into the actions of agents and the notion of following must also be treated behavioristically. The focus is on the actions of each individual member, "participating in" and "following" a standard, conventional rule for voting, where again the talk of rules and conventions being followed is analyzable away without remainder. To fix this idea, what is being rejected here is not only talk of conventions and rules or talk of intentions and desires but also "collective action" of groups.

"Collective action" is to be understood as, not the individual actions of the members of the group, but actions of the collective. This is an important distinction as expressed by May in the following statement:

Methodological Individualists deny that anything meaningful is expressed by the term "collective action". (1987, 31)

This eliminativist version of (MIM) provides us with a different challenge. We will want to know whether it is a defensible way of explaining social facts. There are two specific questions which we will want answered: 1) Are social facts distinct - something more than the actions of participating individuals in a group setting? 2) If they are distinct, are social facts unreal? My counterclaim will be that social facts are distinct from the actions of participating individuals in a group setting and they are not unreal.

In order to amplify this second version of (MIM), let us look at a distinction that French makes between aggregate collectivities and conglomerate collectivities. Aggregates, he says, are reducible without remainder into the actions of aggregate members, whereas conglomerate collectivities cannot be reducible without remainder to the actions of participating individuals in group settings. He says the following:

I shall call a group an 'aggregate collectivity' if it is merely a collection of people. A change in an aggregate's membership will always entail a change in the identity of the collection. In brief, a group or aggregate's existence as that particular aggregate is not compatible with a varying or frequently changing membership.
(1984, 5)

French defines a conglomerate differently. He says the following:

A conglomerate collectivity is an organization of individuals such that its identity is not exhausted by the conjunction of the identities of the persons in the organization. The existence of a conglomerate is compatible with a varying membership. (1984, 19)

It is worth noticing that French's definitions suggest that he is using as his test in separating aggregates from conglomerates, a "membership" criterion rather than a "predicate" criterion. My purpose here is not to question this approach. My purpose is to steal his terminology so that I can now say that the eliminativist (MIM) advocate would claim that all collectivities, including conglomerates, are aggregates. In other words, all actions of all collectivities can best be understood as analyzable without remainder into the actions of participating members. Conglomerates are unreal fictions and are not necessary in explaining actions of individuals that take place in group settings. This is markedly different from French who believes that conglomerates are real and distinct. They are not reducible, he says, without remainder into the actions of participating members and, as a result, they do pose a threat to the eliminativist (MIM) account. I will work with French's hypothesis concerning conglomerates for now. However, later I will examine and reject it.

For now, what I want to show is that aggregates, as well as conglomerates, pose a threat to the eliminativist (MIM) account. I will begin once again by borrowing an example from French. The mob, he says, is an aggregate. Mobs, he says, are just collections of people. The people in the collective do not have a commonality of purpose as do people in conglomerates.

Notice that, with these definitions of both collectivities, French only uses a "membership" criterion to distinguish one from the other, so that

mobs are "mere collections of people" and conglomerates are people with a "commonality of purpose". Notice also that the above definition of a mob, as an example of an aggregate, does not locate any predicates for individuals in the mob. On the other hand, the definition of a conglomerate does locate predicates of individuals, namely, "purpose" or "intent".

One cannot suppose that what French means is that we cannot make predications of the persons in mobs. Of course, we can and do make such predications, but what they are is not a part of French's definition. His definition of an aggregate is asking us to count a person (P) only as P exists alongside a mere collection of others in the aggregate. If P exists alongside the collection of others, and these others are taken all together as the whole of reality, then of course P exists as a part of something else (i.e. not entirely in and of herself. If, unlike French, we consider P independently, we can now ask a question which might have otherwise gone unnoticed. To begin with, in an aggregate the predicates applicable to P in the aggregate are typically not true of the aggregate itself, viewed as something over and above P. The mere collection does not realize properties such as intentionality because we are denying the meaningfulness of collective action in this area. However, now that we are viewing persons as independent from the aggregate we can pose the following question: Can we attribute any actions, predicates, intentions etc. to mere collections, that are independent from the actions, predicates, intentions etc. of individuals who compose them? My aim is to show that we can and that mere collectivities are distinct entities.

The argument in support of this claim begins by referring to Boyd's principle of "plasticity" (1980, 87). Boyd defines "plasticity" of type states, events or processes as follows:

their capacity to be realized in more than one way (e.g. the plasticity of a type of event, state or process is indicated by a degree of variability in the particular (token) event, state or process that could realize it). (1980, 87)

He goes on to say that there are two dimensions to "plasticity"; one is "compositional" and the other is "configurational". "Compositional plasticity" is displayed by a type state, event or process to the extent that there are possible realizations of that state, event or process that differ in the sorts of substance or causal factors that constitute them. "Configurational plasticity" is displayed by a type state, event or process to the extent that its possible token realizations differ in the structural configurations or arrangements of the constituent parts. (1980, 88)

French's argument says that mobs, unlike human subjects, cannot realize "compositional plasticity". A human being can realize compositional plasticity because a change to his/her body does not entail a change in his/her identity. We have the same identities at ages five and ages seventy-five, despite the fact that we no longer have the same bodies at ages seventy-five that we had at ages five. Human beings can also realize "configurational plasticity". Some persons are smarter, taller, more powerful than others for instance.

Mobs are different from human beings, according to French. He wants mobs to be capable of realizing only "configurational plasticity". Indeed, this is what French means when he says "any change in the membership constitutes a change in the identity of the mob". Thus, French might allow us to say that some mobs are bigger than others or this mob was louder than the other. However, he would not allow us to say this mob became smaller. Instead, we would have to say the mob that existed at one time was larger than the mob

that existed at another time. The mob in the first instance is not the same mob as the one in the second instance because mobs do not realize "compositional plasticity".

Against French, I want to suggest that when we talk about mobs, we talk about them in ways that make it clear that they do have "compositional properties". When one person leaves a mob for instance, we do not say that the mob is gone. The mob is still there where it used to be, albeit in a slightly altered form. Similarly, even though an audience is not a mob, no one says that there is a new audience after two people leave before the end of a performance. The same audience is still there. What we are saying about mobs and audiences contradicts French's view of "mobs" as "aggregates". We are saying that mobs do realize "compositional plasticity" and that they cannot be reducible without remainder into the actions of participating individuals. Mobs shrink and grow in size and have changing memberships, while still remaining intact and identifiable. Now, either our way of talking about mobs tells us that they are not aggregates, in which case French's premise is false, or they, in realizing "compositional plasticity", are as distinct as any conglomerate or other more sophisticated kind of social entity.

It will be recalled that the eliminativist version of (MIM) says that all collectivities are aggregates. However, if mobs are aggregates as French contends, then the eliminativist version of (MIM) cannot deal with them because they are not reducible without remainder into the actions of those individuals that comprise them. The (MIM) advocate is therefore forced to say that mobs are not aggregates. They are unreal and we can simply ignore them in explaining what is actually occurring in them. In that regard, I now insist on showing that mobs are real, not unreal.

I will argue that the eliminativist (MIM) account cannot respond to my previous argument by allowing that mobs be a counterexample to their account but one which is not of a worrying kind because mobs are unreal. I will argue that to count mobs as unreal contradicts our experience of things. The conflict is a conflict of the one and the many. The mob of our experience, the reality of which a philosophy based on common sense defends, is not only a solid object but even more fundamentally it is a single entity. The (MIM) account says that this single object of our experience does not exist, but that the collection of people does exist. The mob qua mob is a fiction, but the mob qua a mere collection of people is real.

Our common sense notion of a mob can be explained without recourse to common sense experience. The fictitious notion that the eliminativist (MIM) account has us consider is a notion which one might say has the collection of people occupying the same space as the mob and insofar as two different entities cannot occupy the same space, one is "unreal". What we will want to know, in greater detail, is what can be meant by the word "unreal" in this context.

We recognize in experience different kinds of reality and we say that some things are more real than others. We say that the objects of our experience are actually real; they are existent. When we refer to these objects, we say that they are "the way things really are". On the other hand, we say that objects that we do not experience directly are seemingly real. When we say that these objects are real we are only inferring their existence from the past and present experiences we do have. We say that these things are "the way things seem to be".

Let us illustrate these comments from a new viewpoint in which mobs are considered to be real. The (MIM) advocate B is watching the mob from a

great distance. What B perceives first is a large non-descript, moving mass and this is what B calls "the way things seem to be". It is the mob. Next, she sees a counter-movement in the mob. The counter-movement is real because B experiences it in contrast to the whole mob and perhaps because of what she knows about mobs from past experience. She decides to investigate the counter-movement by looking at it through binoculars and what she perceives is, in reality, a collection of people. She concludes that the collection of people is "the way things really are". She now knows that there is an actual and real collection of people which is different from a seemingly real mob.

Recasting the (MIM) account from a realist perspective allows us to now claim that the real components of any composite whole become fully actual only when that composite decomposes or breaks up into its constituent parts. The critical point is that the mode of existence in which persons in the mob are discrete units and have actual multiplicity cannot be the same as the mode of existence that they have when they are material constituents of the mob. In the former case, they are "the way things really are", and in the latter case they are "the way things seem to be".

The same can be said about the mob however. The mode of existence in which the mob is a discrete unit and has an actual life cannot be the same as the mode of existence it has when it is a receptacle for a specific and discrete collection of people. In the former case, it is "the way things really are" and in the latter case, it is "the way things seem to be". Returning to our mob story, we can now explain what an actually real mob is by having B begin by perceiving two square feet of space through binoculars. What B perceives first is the non-descript movement of objects surrounding this two square feet of space and this is what B calls "the way things seem to be". It is a collection of

people. She adjusts the lense of the binoculars to refocus on a larger circumference in that general area and she calls this "the way things really are". It is the mob. The mob is real because B perceives it in contrast to the two square feet of space and the non-descript movement of objects within that space. She decides to investigate this mob with greater care by removing the binoculars from her eyes and what B perceives, in reality, is an actual mob. She concludes that the mob is "the way things really are", which is different from the movement of a collection of people in the mob.

This point about mobs being real is particularly important because it is sometimes conflated with other cases in which the entities in question are not real. We might want to say of these other entities that they are always seemingly real, but never actually real. Let us consider one of these other entities to strengthen our point concerning the reality of mobs. In this new example, we are asked to imagine an electrical control room. Our candidate B is now perceiving this control room from a great distance and what she perceives is alot of activity which looks like it is organized and controlled. The apparent organization and control of these activities is what B calls the "virtual controller"*. Next, B sees a counter-movement in the "virtual controller". From what B knows about this whole system and other systems she has experienced in the past, she knows that the "virtual controller" is really nothing. There are only batteries and wires. In order to confirm her view about this power grid, B moves closer and then right up to the control room. There she perceives, in reality, batteries and wires and she calls this "the way things really are".

* The term " virtual controller" is borrowed from Andy Clark in his exposition of virtual machines in " Microcognition", pp 131-136, 174-175.

The difference between this example and the mob case is that here B does not experience the "virtual controller" as actually real. She only experiences the seemingly organized and controlled activity of the control room as if it were actually real, but it really is nothing. The reason why B refers to the "virtual controller" as if it were real is because she cannot tell a complete story about the control room solely based on the properties of the individual components which comprise the control room. Saying that the control room is organized for instance, says something more than what can be said about it by referring to batteries and wires. The "virtual controller" is a fiction and using this fiction metaphorically helps B express something that she could not have expressed otherwise.

The distinction between actual and seemingly real objects warrants considerably more detailed discussion and this will follow in my analysis of the Collectivist Model. For now I want to make a few concluding comments concerning (MIM). Firstly, (MIM) is not a defensible analytic model for any and all social entities, whether they be informal groups like mobs or large sophisticated formal institutions like corporations. For one, (MIM) in its reductionist version asks us to turn social facts into individual ones. This is possible but the argument in support of such a possibility is unreliable. Secondly, (MIM's) central claim specifically ignores the fact that important individual properties, such as human intentions, are necessary in producing social facts. Finally, the eliminativist account is equally intractable because it asks us to declare what we know to be real, unreal. This contradicts our experience of mobs and other collectivities and our understanding of what we know to be actually real.

CHAPTER 3 - TWO VERSIONS OF (CM)

The collectivist model says that at least some social entities are discrete and real. There are social entities and they are not reducible without remainder into the constituent parts of those who compose them. There are two possible positions which a (CM) advocate might take concerning the ontological status of social entities and these are outlined below. In each case, the collectivist will say that some collectivities are real, but have different views about what "real" comes to.

1- The "Seemingly Real" position says that collectivities have interesting properties about which we cannot tell a complete story in terms solely of the properties of the individuals who compose them, but this failure is solely a consequence of a failure of our cognitive capacities, not a consequence of the separate reality of collectivities.

2- The "Non-Problematic Realist" position says that collectivities have real properties that we cannot explain in terms of the properties of the individuals that compose them, and this impossibility is not a consequence of our cognitive failure; it is a consequence of the real, irreducible existence of collectivities.

The "Seemingly Real" position says that social entities or collectives are both distinct (i.e. not reducible) and real. They are real in much the same way as the "virtual controller" is real. They are useful and even essential fictions that help us to tell complete stories about them, stories which could not be told by only talking about the properties of the individuals who compose them. The "Seemingly Real" position is a "middle position" with regard to the ontological status of social entities. It gives both a qualified "no" and a qualified "yes" to the question "Do social entities exist?". The qualification placed on the "no" is that social entities are not actually real and

the qualification placed on the "yes" is that they are real but only seemingly so. The underlying assumption is that social entities do have a reality, but this reality is not independent from the individuals who compose them. So that without people, social entities composed of only human beings for instance, would not exist. Several philosophers take this position. Their different viewpoints will be analyzed and discussed later in order to show that this version of (CM) is not defensible.

The second position called the "Non-Problematic Realist" position says that collectivities are distinct and real, they have unique properties and these properties cannot be explained in terms of the properties of individuals who compose them. This position is sometimes referred to as "Radical Collectivism". Radical collectivists argue that individualism is wrong because it says that we cannot make sense of such things as human cultures. Such things as human cultures, the (CM) advocate says, can be made sense of, and furthermore, they are not the result of the activity of any given individual or even a group of individuals and not reducible to them. The best known modern advocate of this radical position is Peter French. French says that a certain collectivity, the corporation, has a "will" or that it manifests "intentions", which are not the "will" or the "intentions" of the persons within it and not reducible to them. In other words, the corporation has a distinct personality of its own, which is not the result of the sum of personalities of the people within it. We will provide a counterargument to this particular "Non-Problematic Realist" view about corporations later, which will show that his version of the "Non-Problematic Realist" position is equally indefensible.

Another version of the "Non-Problematic Realist" position will be presented later, but one which is different from French's views. It is a model

which I will want to consider as the most defensible model that one can have for a collectivity. It basically says that the intentions of collectivities are distinct and real but they emerge from the intentions of individuals, given the existence of certain rules and conventions. This position is not the same as the "Seemingly Real" position because it says that collectivities are actually real, not just seemingly real. It also is not the same as French's radical position because it says that corporate intentions are distinct but not separate from individual intentions. In fact, I say that corporate intentions exist as they "emerge" from the intentions and actions of the individuals that compose them. I also say that, even if corporate intentions do emerge as such, this does not take away from the fact that collectives like corporations are both distinct and real entities.

Now that I have introduced the subject of this chapter, I turn to an analysis of the "Seemingly Real" position. The "Seemingly Real" position is persuasive because it is a thesis which has a popular following in many different areas of philosophy and cognitive psychology. It is a position, although by no means the only position, which is paralleled in Ryle's concept of a "category mistake". Stated succinctly, we simply are making a "category mistake" if we claim that anything like beliefs, desires, intentions etc. are properties of the human mind and we think that human minds are things that are different from human bodies and inhabit human bodies. According to Ryle, human minds are just "ghosts in the machine" and the picture of mental life as activities of this ghost (e.g. beliefs and intentions) is just a category mistake. The noun phrase "human mind" is not an entity denoting term but something to be otherwise analyzable without remainder. (Ryle, 1963, 17).

Ryle also uses his notion of a "category mistake" in discussing other entities, those entities which are not, strictly speaking, human minds. Social entities such as universities, he says, are often mistakenly understood to be the same kinds of things as physical objects such as buildings, places and people. We categorize buildings, places and people as physical things but a university is not a member of that class, he contends. Universities are not actually real. When we talk about a certain campus and see the buildings, people, and places, we think about them in certain ways and we then say that these organized things are the university. The university just is *all-of-these-things organized-in-this-way*. *

A university is a complex entity whose existence is not analyzable without remainder into buildings, people and places. Rather, it is *all-of-these-things-as-thought-of-in-a-certain-way*. The term "university" is a term which we use to succinctly explain and describe certain things belonging to a certain category. To say I saw, visited or experienced the university is only to say I saw, visited or experienced the buildings, places and people. The term "university" is also a term which says something more than just what objects make up the university. To talk about a university is to talk about a complex of objects but also a complex object.

Ryle does not say that a university is not real however. He does not use the vocabulary of what is or is not real. One can however, deduce from what he does say that he would support the following notion: Universities are real but they are not actually real in the same way that physical objects are actually real; they are more complex than that. Against my previous mob

* This is an intelligible interpretation of Ryle's thesis but not necessarily the only interpretation.

example, it would not be implausible for Ryle to say that universities and other social entities like mobs cannot be observed through binoculars because the objects we focus on would not be the university itself. If we observe a university from a great distance through binoculars and call that object a university, one might say that we are making a mistake and the mistake parallels the mistake made by someone committing a "category mistake". One way of explaining the point that I am ascribing to Ryle, is to suggest the following: When physically you climb up Nose Hill and look down on the university, what you are looking at is the campus. You might say the campus is the university but this would be a mistake. The campus is where the university is but the university is much more than the campus.

Ryle's thesis uses a particularly hard line approach to what can be meant by "actually real". Whatever is not physical is not actually real or not a property of things which are physical. So that talk of human bodies and human actions is not to be confused with talk about persons and desires; talk about persons and desires is talk about bodies behaving in certain ways and/or talk of bodies disposed to behave in certain ways.

We now turn to the question of "why do we use replacement terms when we only want to refer to the actually real things themselves?". Why is our vocabulary of "universities" and "minds" so intractably noun-like? I will be explaining Dworkin's views regarding this question later but for now I make a distinction between two possible ways of understanding the question. The first way assumes that it is convenient to talk in terms of collectivities, given our cognitive capabilities, but not essential. This is, in effect, what is accepted by the "enriched" (MIM) advocate. It will be recalled that the "enriched" (MIM) advocate said that collectivities were just useful fictions. In what will be presented now however, I will be referring to another way of

understanding the question which assumes that collectivities are not just useful fictions, but real entities which are reducible to whatever predicates or properties one might give to individuals within them. Thus, this interpretation says that it is essential to talk in terms of collectivities, given our human cognitive capacities, but it is a useful falsehood. Dworkin takes this position and I now turn to his story.

According to Dworkin, our vocabulary of "universities" and "minds" is intractably noun-like because it is the only way that we can reason about things in the actually real world. (1986, 169) In his talk of communities for instance, he says that we personify communities because these personifications are very real ways of talking about and reacting to communities. There are lots of things we can think about communities, some of which will be missed if we work with only reductive vocabularies. We might say that a community is progressive, meaning only to summarize in a convenient way the progressiveness we ascribe to each one of the members who live in the community. Dworkin says that this personification of a community may be necessary epistemologically but ontologically it is an idle personification; ontologically it plays no role other than to decorate our conclusions about people's actions (1986, 171). Using Ryle's terminology, the personification is the way in which we organize the progressive actions of designated persons in the community.

Not only does the "Seemingly Real" advocate claim that the use of such terms as "universities" and "communities" are the only ways in which we can reason about things in the actually real world, they also claim that these ways of reasoning are themselves useful. For instance, we can make predictions with a high level of accuracy by referring to the entities and using these terms. If we personify a community by saying that the community is

progressive, then this personification furnishes a necessary step on the way to making judgments about the particular progressive people in the community. It provides us with, as Dworkin suggests, a "plateau" which we occupy to consider judgments about how and why actually real people acted in certain ways. (1986, 170) We can also do things that we can call causing objects like communities to behave in certain ways. We can conclude while we are on the "plateau" considering actually real human action in the community, that the community must pay the price for a specific wrongful act. We reason that insofar as members of the community are entitled to share in the benefits of living in the community, they must also share in the responsibilities. We are thus justified in paying compensation from the community chest to the victims of a particular wrongful act, rather than having each citizen pay the price. Finally and most importantly, the talk at this level is informed by and structured by our talk of entities at this level. In other words, the talk of people being blamed etc. is informed and structured by our talk about the entities at this level that we postulate. When we say that a community is responsible for something, we proceed as if the responsibility that we attribute to the community is really possessed by the community, when we know that this is not the case. The reason why we can proceed in this way is that it makes tractable the actually real case. Critically, the actually real case cannot be deciphered because it is too complicated in its actually real state for simple mortals like us to understand. Mortals cannot understand what can count as social responsibility because actually real social responsibility is to be analyzed into an inaccessibly complex structure of individual responsibilities.

Although my examples so far have only talked about such collectivities as universities and communities, it is important to understand that Ryle's

and Dworkin's theses cannot avoid talking of corporations in the same way. They will be entities which are not actually real but only seemingly real. We just need to postulate them if we are to function at all in our talk of business matters in particular. Therefore, it is to be understood that when I argue against Ryle's and Dworkin's theses, my talk of universities and communities extends itself to talk of corporations as well.

This completes my presentation of the "Seemingly Real" position. Now I want to assess it. My counterarguments will aim to show that universities, communities, corporations etc. are not just seemingly real; they have to be treated as actually real. In order to establish this, I begin by examining why the "Seemingly Real" advocate makes the claim that these collectivities are not actually real. My reply will be that the seemingly real line of argumentation in support of the "Seemingly Real" position is not sound. This position is informed by the ontological claim that all actually real things are physical things; an assumption that I will reject. In fact, it will turn out once that assumption is rejected that the argument for the "Seemingly Real" position is really an argument for the "Actually Real" position.

To begin I ask "what is the ontological status of social entities?". Quinton claims, when he says that social entities are just too dispersed or just not the right kinds of things to be observed (1976, 27), that non-physical objects like universities, communities and corporations are non-physical just because they are not observable. Surely this kind of claim can be challenged. For instance, Ware certainly sees things differently. He says that when Quinton makes this claim all he is defending is a notion that says, "one sometimes cannot see the forest for the trees". (1984, 60) In our case, when we are saying that a university is a non-physical object all we are saying is that we cannot see the buildings, people or places that compose it. We are not saying

that a university is not actually real. Comments such as Ware's are supported in what follows, but another less indirect approach is needed to refute Quinton's claim concerning social entities. Quinton's claim that only what is observable can be actually real, I will maintain, is not supported by our experience.

Abstract entities like universities can be actually real because we experience abstract entities directly. We experience an abstract entity like a university directly when we find ourselves in different places on the university campus. The interior of the buildings and the exterior layouts are weighted with abstract meaning because these physical things affect the ways in which we behave in our interactions with others. We restrict our talk to talk about philosophy in a philosophy classroom, but we do not restrict ourselves from talking only about philosophy in a graduate student association meeting. What we are sensing in these cases is an abstract entity which we sometimes call "a ritual". A ritual is a body of expressed beliefs, values, practices and other artifacts which define for us who we are at that time and how we do things in specific situations. Rituals are a part of actually real things like self-consciousness and human actions. They cannot be denied or relegated to a world of quasi-real things because we sense them directly in us.

This notion of experiencing abstract entities directly is supported by deGeorge when he says "what gives a university a reality is the way in which the people in the university are related to each other and the way they are related to other social institutions". It is not the social relationships that are the university however, but the fact that social interrelationships manifest "a reality of a universal" when they are embodied in various traditions and customs. (1983, 3)

If universities and other social entities can be said to be real in whatever sense of real we want to accept, then why can we not simply go all the way and declare them actually real? Why do we need to manufacture this world of seemingly real objects? Is it the case that we can only reason about the actually real physical world by manufacturing this world to represent it? Leaving aside some of the more radical arguments and worries that philosophers have concerning reality, I claim that it is not necessary to reason about actually real physical things in this way because the actually real physical world is accessible to us. It is the accessibility of the actually real physical world which allows us to conclude that we can only be inconsistent in our reasoning if we claim the existence of seemingly real things. In other words, if the thesis is that it is impossible to talk about the world, except by reference to objects like universities, why say that these objects are only seemingly real when the world for us contains them?

Let us consider an actually real physical world such as a university campus. We will want to know how the abstract entity, a university, is connected to this physical entity, a campus, and how both entities can be understood to be one and the same object, for surely any acceptable position must allow that they are connected in some way. My claim will be that they can, not only be connected, but that they can be the same object.

In order to make this claim, my new counterexample to the "Seemingly Real" position, has us now consider a person S who is looking at a particular campus through binoculars so that the whole campus is being perceived by S directly. The object of S's apprehension is a perceptual object and it is an actually real physical object, a campus. S is now talking to another person H on the telephone about what she is perceiving. H knows that S is talking about a campus which S is perceiving and H also knows where that

perceptual object is located. Let us say that H knows that the object is located on University Drive in the north west part of Calgary, Alberta. What H is remembering is a specific university, the university of Calgary. H is remembering his whole past experience of the university, his experience of the people, places, buildings and how these were organized in a specific and unique way. The object of H's apprehension is not a perceptual object called a campus but a remembered object called a university.

What is important to note in this counterexample, is that even if both S and H are operating with ideas that are not only numerically distinct but also distinct in character, the two ideas can present the same object to both S's and H's minds. If it is one and the same object that both S and H are apprehending, though by different modes of apprehension, then it must also follow that the object being remembered by H must be an entity that really exists, since that same object is an object being perceived by S. If that object were not an entity which also really existed, then S could not be perceiving it. So far then, we are able to say that the one object has two modes of existence; it actually exists both as something perceived, (e.g. a campus) and it actually exists as something remembered (e.g. a university).

What separates a remembered object such as a university in our case from an imagined object? Can it not be the case that the remembered object is just a figment of H's imagination? The answer to this question is "no". To substantiate this answer my counterexample is extended to include another person D. A little later in the day, S telephones D to ask for some advice about designing a new building as part of the university campus. D says that she has never seen the university campus in question and therefore cannot comment on the design of a new building for it. S then says to D that the pattern of the campus is exactly identical to that of Mount Royal College, situated in the

south west end of Calgary. At this point, D says that she can imagine the campus in question, based on her knowing Mount Royal College's campus in particular, and D then recommends a design for the new building to S.

For D, the campus in question is not a perceived nor a remembered object. It is an imagined object, based on a memory of Mount Royal College in particular. Though an imagined object is different from a percept and a memory, it can nevertheless present the same object to the mind of D that is present to S's mind through perception and to H's mind through memory. It is the same object of discourse for all three people. In addition, because it is an object of perception for one of them, that which is a common object for all three of them, though differently apprehended, must be an entity which also has physical existence in the north west part of Calgary, Alberta. This is tantamount to saying that it is quite possible not only to remember but also to imagine an object that is actually real.

This is the "Seemingly Real" position stated in a slightly different way: One way of understanding the "Seemingly Real" position is to say that social entities such as universities may be construed as, what I will call, dispositional objects. An object is a dispositional object if its nature has to be explicated by means of "if/then" statements, the two clauses of which make no reference to the dispositional object itself. So that, for instance, a mind and a social entity are dispositional objects.

Now that I have introduced this vocabulary of dispositional objects, I would like to suggest that what I have shown with my previous counterexample is that imagined and remembered objects such as universities can be actually real. I next want to claim that reasoning in the way Dworkin suggests is simply reasoning about these actually real objects in an inconsistent manner. Where does the inconsistency appear in Dworkin's

thesis? People who believe that social entities such as universities are "dispositional objects" used to replace the actually real things themselves, commit themselves to saying that an object of the mind can only be the immediate objects of which each person is conscious. We can only infer, from this internal experience we have of our own ideas, the existence of all the other bodies that, as a matter of common sense, we suppose to be constituents of the physical world. We suppose that an imagined campus and a remembered university are actually real because they seem to be real as representations of the actually real campus itself, the campus that S perceives.

The inconsistency in the above outlook of the world is that this type of reasoning is not consistent with our experience. When ideas are treated as the only objects with which we have direct acquaintance by our immediate awareness of them, we are compelled to live in two worlds without any bridge between them. There is the actually real world of campuses, buildings and people, objects that are not directly accessible to us, and the representational world of seemingly real or dispositional objects with which we can be directly acquainted. We are then condemned to accept the notion that the actually real world is inaccessible because we must filter through all of this impenetrable representational data to get there.

This notion of the world is simply inconsistent with our experience. Our experience tells us that it is the other way around. It is the actually real world that we have come to know and depend upon not the world of imaginations and other mental artifacts. The fact that we know that S, H and D are all talking about the same object of experience is the fact that S is actually perceiving the campus in question. What gives H's and D's ideas any reality at all is the physical campus, the campus that S is perceiving, that same object which H is remembering and D is imagining.

In my previous counterexample, it would be better therefore to say that imagined and remembered objects are not just dispositional objects but that they are also actually real objects. Then we can say that the objects of the mind, objects such as remembered universities, are those actually real objects by which we come to know and understand our past experience of the actually real particular campus with all of its organized particulars. This is the kind of reasoning which is not inconsistent with our experience. It is a coherent view of consciousness and its objects that involves no inexplicable beliefs about the actually real world and that accords with what we experience.

Before ending this analysis of the "Seemingly Real" position, I would like to turn next to the underlying assumption made by the "Seemingly Real" advocate. In what has been discussed so far, it now must surely be clear that the assumption underlying the "Seemingly Real" thesis is that only physical things are actually real things (R). I will call this proposition (R) and make the claim that (R) is a false assumption. I begin by asking, "what makes (R) true?". Of course, what makes (R) true is any fact about the world. In our case, the "Seemingly Real" advocate says that we cannot focus on a university through binoculars because there is no object for us to focus on. A university is not manifest in a physical way but, I maintain, it does not follow from this that the truth of (R) is that a university is not actually real. In reality, negative facts and facts about non-physical things in the world are also true about the world*. The fact that a university is not a campus is true about the world just as true as the fact that a university is non-physical. The existence of all kinds of objects can be said to be true about the world. Some of these are abstract objects like communities, universities, corporations, numbers, love,

* Negative facts are discussed by J.J.C. Smart & Russell in the early 1950s.

thoughts, emergence, justice, and others are physical objects like buildings, places and people.

From the ontological perspective then this defeats the monist claim that only physical objects are real because we claim that some objects are not real. In challenging the ontological claim that (R), I now imagine that we do allow that we do talk about things like love, numbers and thoughts as actually real. The problem is that things like these are not always real in way they seem to be, nor is the way we talk always the way things are.

I will conclude this analysis of the "Seemingly Real" position by making the claim that not only do Ryle's and Dworkin's arguments not support their conclusions about the world, they can be construed as doing a good job of supporting the claim that collectivities are actually real. My point is that what Ryle and Dworkin have given me can be construed as a Kantian transcendental argument for the existence of certain phenomena such as macroscopic objects.

It will be recalled that Kant's transcendental argument (1984,1-70) supports the claim that macroscopic objects such as space and time can be construed as real. For Kant the phenomenally real world is a world that contains all that we can know. This world contains all kinds of things which are not observable, things such as causation, numbers, and other kinds of macroscopic objects. Kant's transcendental argument supports the claim that only if we allow the phenomenally real existence of these things, can we allow knowledge of anything at all. As such, it is only if we allow that space be really euclidean, that we can allow that the angles of a triangle add up to 180 degrees. Similarly, it is only if we allow that time be subject to the real laws of arithmetic, that we can allow that last year came before this one. In sum, we

need to posit such macroscopic objects as arithmetical and geometric objects to allow for our experience of space and time.

Of course, Kant's transcendental argument applies to universities as well because universities are phenomenally real objects. On this Kantian approach, it is only if we allow the real existence of a university, that we can allow for our experience of the campus, the students, or other physical objects. In this case, we would say that our postulating the real existence of the university has informed our experience. Later, when we remember that past experience, we reason that what we have experienced was the real university. Similarly, when we imagine what the campus would look like with a new building, we allow that this new state of affairs be informed by our knowing the real existence of the university in its original form. This position it will be noted, is congruent with experience and antithetical to the "Seemingly Real" account. It is a position which I endorse and one which will motivate my next discussion of the "Non-Problematic Realist" position.

The "Non-Problematic Realist" position, it will be recalled, says that collectivities have real properties that we cannot explain in terms of the properties of the members who compose them. In what follows, I will support this claim, but before I do I would like to consider one version of it, and that is French's radical collectivist view of corporations. He supports the metaphysical personhood of corporations and his argument in support of this claim begins by differentiating between what I have previously called the "Seemingly Real" position and the "Non-Problematic Realist" position. He refers to the former as the "Fiction Theory" and the latter as the "Reality Theory". He says the following:

The Fiction Theory maintains that the personality of a corporate body is a pure

fiction and owes its existence to a creation of the state.(1984, 35) The Reality Theory recognizes corporations to be prelegal, existing sociological persons. (1984,37)

What French is saying is that the fiction theorist denies "de facto" personhood, whereas the reality theorist acknowledges "de facto" personhood for corporations. What both theorists include in their definitions of "de facto" personhood is the view of a corporation as a sociological person (e.g. a subject of a legal or a moral right). Both the fiction and the reality theorist do not define a corporation as a metaphysical person however. The fiction theorist says that such metaphysical properties as intentionality and rationality are not real properties of corporations. If we attribute intentions to corporations, then all that we are doing is attributing intentions to corporate persons. The reality theorist says something very similar, she says that corporations do have properties such as intentionality and rationality but these are just the totality of intentions and rational decisions of corporate members. If one refers back to the "enriched" (MIM) account, then one will notice that it essentially supports the reality theorist position here. In sum, neither the fiction nor the reality theorist believes in the real existence of metaphysical properties for corporations. French wants to break away from both of these points of view to establish the metaphysical personhood of corporations. We need, corporations to be metaphysical persons, he says, because we want to establish corporations as morally responsible agents.

French's metaphysical personhood theory as it applies to corporations is based on the fundamental belief that one can describe and license the predication of corporate intentions, intentions which are distinct from the intentions of corporate members. His redescription device, in which he attempts to accomplish this end, will be the subject of my concern only as it

applies to French's notion of "intentionality". French's notion of "intentionality" says that attributions of intentionality with regard to any event are referentially opaque. This means that an event described in one way can be intentional, but another true description of the same event can make it non-intentional. (1984,39) French argues that it is this referential opacity of attributions of intentionality to events that makes it possible for us to differentiate corporate intentions from non-corporate ones. All that we have to do is redescribe the event which was brought about by an agent's intentions in such a way that it becomes non-intentional.

To fix this idea of referential opacity, I submit the following case: You are an empowered agent of a multinational corporation. Presently, you are on a pleasure trip and not working. You are not operating in a corporate capacity. You visit a high tech corporation while you are on this holiday and you, in a non-corporate capacity, intend to put in a bid for it. Later, when you are back at work and after considerable research and deliberation you intend to buy the high tech corporation, on behalf of the multinational corporation. Your intention is now acted upon and you do buy the high tech corporation. This has the legal effect of the multinational corporation's owning the high tech corporation.

French's notion of referential opacity says that we are justified in saying that your intention to put in a bid, when you were operating in a non-corporate capacity, caused the purchase of the high tech corporation. The later intention to buy the high tech corporation however, when you were operating in a corporate capacity, was not your intention per se, but the corporation's intention. This is because, according to French, we are saying that the high tech corporation was bought for multinational corporate "reasons", which are just substitutes for multinational corporate

"intentions". Thus, French concludes that we are justified in saying that you intended to put in a bid, but because the purchase of the high tech corporation resulted from a corporate intentional act, we are not justified in saying that you intended to buy the high tech corporation.

In essence, my counterclaim to French is a version of the reality theory, albeit not one which resembles or comes close to the "enriched" (MIM) account. My claim is that corporate intentions are built out of the intentions of individuals. Another way of putting this is to say that corporate intentions emerge out of personal intentions and thus are inseparable in this sense. In that regard, my conclusion is that without French's distinction between non-corporate and corporate intentionality, the metaphysical personhood of corporations cannot be established and thus, corporations cannot be moral persons in the way that French wants them to be.

Chapter 4 - CONCLUDING REMARKS

Before outlining my counterargument in favor of a less radical collectivism, I make an important distinction between the radical collectivist position and my own. I am claiming that corporate acts "emerge" from the intentions and actions of people but that corporate acts are still distinct from the intentions and actions of people. They are just not distinct from people in the way that French wants them to be.

Having said that, I want to now present my position by turning to the idea of intentionality. My depiction of intentionality is based upon J. L. Austin's "How to do Things with Words" as developed by P. F. Strawson. Strawson's concept of intentionality comes from Austin's notion of speech acts. According to Austin, we do things with words. This means that in the field of speech acts there are basically acts of two kinds. The first are locutionary acts, acts of saying something in the full normal sense.

When you say, in a non-corporate capacity, "I intend to put in a bid for the high tech corporation"; this is a locutionary act. It is an utterance which describes the content of your non-corporate intention. Similarly, when you say, in a corporate capacity, "I intend to buy the high tech corporation", this describes the content of your later corporate intention. These utterances, according to Austin, cannot be done without doing illocutionary acts.

An illocutionary act is an act that you do in saying something. So that when you say in a non-corporate capacity, "I intend to put in a bid for the high tech corporation", you are also doing something else. You are, in effect, putting in a bid. Later, when you say in a corporate capacity, "I intend to buy the high tech corporation", you are also doing something else. You are, in effect, buying the high tech corporation. These illocutionary acts are possible by virtue of the "illocutionary forces" of your utterances. Both utterances and

their illocutionary forces are characteristically similar in this case, although they are uttered at different times and in different contexts *.

It is crucially important however to understand what Austin and Strawson would have to say in this case, how they would make the connection between your locutionary and illocutionary acts as they unfold over time. In what follows, I outline one very plausible scenario. You know that the illocutionary act of bidding when you first say, "I intend to put in a bid for the high tech corporation", cannot be enacted because you are not working in a corporate capacity. Thus, at that particular time, you are likely just telling yourself to delay acting upon your intention until later. Strawson calls this the "character of a comment on an utterance". (1969,391) What Strawson is really saying, albeit implicitly, is that your intention to delay your intending to buy later is subjoined to the intention to put in a bid. Stated in a slightly different way, Strawson is saying that your later intention to buy, when you are working in a corporate capacity, is subjoined to your now, non-corporate intention to put in a bid. In short, non-corporate and corporate intentions are subjoined and cannot be separated.

French might counter that the inseparability of non-corporate and corporate intentions is not very troubling to his view of things. He would say that your intentions when operating in a corporate capacity could still be construed as distinct from your intentions when you were operating in a non-corporate capacity. In a private capacity you, as a private person, would not be enabled to act upon your intention. At some later time, when you put

* A standard way of introducing an illocutionary act is to say that it is a thing that you do in saying something. There are problems with this as Austin points out, but I will not be getting into these problems here. I am simply using Austin's definition to make my point concerning corporate intentions.

on your corporate hat however, you bought the high tech corporation. When you did that act of buying, you were enabled by corporate intentions as opposed to your own personal intentions. Corporate intentions and actions, on his reading, just are your intentions as an enabled representative of the multinational corporation and your subsequent actions when acting in a corporate capacity.

My counterclaim is that French really does need to worry about the inseparability of your non-corporate and corporate intentions, if he wants to establish the metaphysical personhood of corporations. This is because at the ontological level an intention cannot be both yours (i.e. a human entity's) and the corporation's (i.e. a non-human entity's) at the same time. Either corporate intentions are yours or they are not yours and if they are not yours, then they are properties of some other entity. In that regard, French needs to say that your non-corporate and corporate intentions are distinct and separate because corporations cannot be said to have intentions if those same intentions are yours. It is thus, only the separability of your non-corporate and corporate intentions that can establish for French the metaphysical personhood of a corporation.

Unfortunately, the only way that French could separate out your non-corporate from your corporate intentions would be to suggest two equally impossible alternatives. He could say that your second corporate intention to buy was made by a different person than the person who had the initial non-corporate intention to bid. In other words, he could say that you somehow underwent a personal metamorphosis when you put on your corporate hat, having the effect of making you forget what the content of your intention was when you were on a holiday. We all know this to be impossible because human beings have compositional plasticity. After all, we do not instantiate

different persons with each and every intentional situation. The other impossible alternative for French would be to suggest that corporations can enable you to act as well as enable you to intend. So that in our case, when you put on your corporate hat, the corporation would have to take over your non-corporate intention, impose upon it something new that is not yours, and this new thing would have to be called a corporate intention. This is not possible, unless we want to accept the idea that corporate individuals can have no personal autonomy or freedom to intend what they want to intend.

French's metaphysical personhood theory is thus unworkable and it is for this reason that I now insist on showing how non-corporate and corporate intentions are necessarily inseparable but distinct (e.g. not reducible). The inseparability and distinctness of your intentions is basically stated as follows: you can intend to do something in a corporate capacity, something which you might not want to intend in a non-corporate capacity. In a non-corporate capacity, you might know that you could not perform the intended act because you would not be enabled in that way. Given that you would know that, you would also know that your intention in a non-corporate capacity could not function as an independent variable to produce the buying behavior. Thus, you would simply say to yourself, "I cannot act on my intention now, but later when I can act in a corporate capacity, I will confirm my intention now by intending then to buy the high tech corporation". This would be your intention, however, not that of some other metaphysical corporate person.

This inseparable and yet distinct nature of your non-corporate and corporate intentions will now be examined in greater detail. I begin this examination by looking more closely at the nature of corporate acts. I begin by asking what is happening when we talk of corporations doing what are called

illocutionary acts? How are illocutionary acts possible for corporations, if corporations do not have properties such as intentions? My counterclaim to French is that illocutionary acts are possible for corporations because they emerge out of the acts of corporate individuals. I support this claim by explaining what happened when you bought the high tech corporation. For the buying to take place, you had to make some utterance: you had to do the locutionary act of uttering the sentence "I intend to buy the high tech corporation". By virtue of certain conventions, that locutionary act counts as the illocutionary act of expressing the intention to buy the high tech corporation. Now, this illocutionary act by virtue of the existence of certain further conventions counts as an illocutionary act of the corporation. Of course, for these conventions to produce this conventional effect, certain conditions must be satisfied. For instance, the utterance would have to be said in front of the Board of Directors of both the multinational and high tech corporations, a lawyer would have to be present to ensure the legality of proceedings, certain financial considerations would have to support the utterance etc.. It is only when these conditions were met that your illocutionary act to buy counted as a corporate illocutionary act. Another way of stating this claim is to say that in corporations, the acts of individuals count as acts of the corporation if there exists certain conventions *.

* The term "convention" here means certain traditional business practices, formal laws, and traditional but non-business conventions such as culture, rituals, symbols etc. According to Shwayder, conventions bring about typical conventional behavior. The interesting fact about the most typical examples of conventional behavior is that the conventions might have been different even though the conventional behavior stays the same. The crucial thing about the conventions are, that in Shwayder's terminology, they function as "enabling rules".

If we examine the corporate purchasing act sequentially then, at least three conditions are necessary for it to be called a corporate act. The first condition is the doing of the illocutionary act of expressing an intention to buy the high tech corporation. The second condition is that there must be conventions in place which make it the case that under certain conditions (C), if the illocutionary act is done, then by virtue of these conventions, this counts as the corporate illocutionary act. And the third condition is that the conditions (C) must be satisfied (e.g. the bidding must take place). All three conditions are necessary for it to be the case that this act was a corporate act. It is important to note, however, that the corporate act in this case was not corporate intentional in the way that French claims because it was your intention and not the corporation's intention to buy.

What can be meant then by the claim that corporate acts are corporate intentional? My claim is that a corporate act can be said to be corporate intentional only if that act is an act which emerged from the aggregate sum of intentions of interacting corporate members, all intending in a corporate capacity (CA). My (CA) claim, it will be noticed, is not a bi-conditional. Unlike Tuomela, I do not maintain that a corporate act can be said to be corporate intentional if and only if that act is an act which emerges from the aggregate sum of intentions of interacting members. (1989, 478-9) My counterclaim to Tuomela is that a bi-conditional does not hold because it is not necessarily the case that "bona fide" corporate intentional acts are always enacted. In fact, occasionally something else (e.g. something corporate) creeps into the process of enactment to render undesirable or unintended results. This will be discussed later but for now I want to turn to the question of whether we can say that corporate intentions are distinct from individual intentions?

I have previously shown how in one way they are not distinct (see page 44), but now I will show how they are. The distinction is not between one entity's intentions (e.g. a corporation's) and another entity's intentions (e.g. a person's), nor is the distinction between one person's intention and many persons' intentions. The distinction that I make is between one type of intention and another, both types sometimes being had by only one person. In particular, it is the distinction between an intention that an ordinary, non-corporate person has and the intention a corporate person has. The former counts as the latter, given certain conventions, but it is not the latter.

The distinction between your personal and corporate intentions is, once again, illustrated in my example. In your non-corporate life your intention to put in a bid was distinct from your later intention to buy the high tech corporation. It will be recalled that your initial intention could not be acted upon because the relevant conditions were not available for that to occur. You were having this personal intention while you were on a holiday. The illocutionary act while you were on holiday was unique; you were mentally putting in a bid and delaying your intention to buy until later. Your second intention, however, characteristically similar to the first, did have the relevant conditions for you to be able to act upon it. You were having that corporate intention while you were at work. The illocutionary act here is different from the other; it is your communicating your intention to buy in the appropriate corporate context. In support of this story, I say that your first intention was not a corporate intention but your second was because it was timely. The distinction is that corporations (e.g. traditional business practices and other corporate conventions) make it possible for you to act upon your intention and to do something that, in different circumstances, you could not do alone.

The distinction that I make between an individual's non-corporate and corporate intentions can also be made between two sets of intentions. I am referring to the set of collective personal intentions of a group of persons operating in a non-corporate capacity and the set of collective corporate intentions of a group of persons operating in a corporate capacity. The collective intentions of the members of the multinational corporation's Board of Directors, operating in a non-corporate capacity, can result in the enactment of unique acts such as the levitation of exceptionally heavy objects (e.g. objects that cannot be lifted by one person) or the sound of a chorus (e.g. a sound made by more than one person). But unless the members are operating in a corporate capacity, they cannot enact a corporate act. For corporate acts to be enacted the following would have to hold: The corporate act would have to be enacted by the Board of Directors as in (CA) above. In sum, corporate acts can only be enacted by the collective corporate intentions of corporate members and these intentions are distinct from the collective intentions of corporate members operating in a non-corporate capacity.

Before summarizing my account of what I do think is the most defensible analytic model that one can have for a corporation, I want to stress that corporate acts and corporate intentions are partially corporate properties, not only properties of corporate agents. One way of highlighting this distinction between corporate acts and intentions is to discuss a well known case in business called the "tragedy of the commons". The "tragedy of the commons" is a story that says there are situations in which all corporate members are intending to produce a certain state of affairs. They all intend to act in certain ways, according to a negotiated implementation plan, to produce the desired corporate act. The tragedy is that all of these collective corporate intentions and acts of corporate individuals operating within a corporate

environment do not produce the desired corporate act. In other words, each person in the corporation makes well-motivated, clearly defensible judgments based on reasonable guesses about what might happen, but a tragedy exists anyway because the problem is built into the "systemic structure" * of the corporation.

The tragedy of the commons is well known to those who live and work in corporations. It has been outlined here to show that a corporate act is not only a part of the collective corporate intentions of corporate members. In fact, the act stands out as distinct from the intentions of corporate members. In some way, the corporation has added something extra to the process of bringing the act about, something other than the collective corporate intentions of members. This extra something has resulted in an undesired outcome (i.e. a corporate act which was not the sum of the intentions of participating corporate members).

Now that I have made all of my counterclaims to French's " Radical Collectivism " and outlined my position in the process, I briefly explain my "Non-Problematic Realist" position. The most defensible analytic model that one can have for a corporation must be understood as this: a corporation is a real and distinct entity, distinct from corporate individuals. It has real and distinct properties, such as policies, structures, rituals, etc. which cannot be explained away into the properties of corporate individuals. To suggest that corporations have no real or have only reducible properties is to commit

* The "systemic structure" is a term borrowed from Peter Senge in his book "The Fifth Dimension". It refers to the key interrelationships that influence behavior over time. According to Senge, different people in the same "systemic structure" tend to resolve problems in the same way, producing a type of corporate thinking.

oneself, I believe, to unsound argumentation. It is, in fact, a corporation's unique properties which allow us to say that corporate individuals are enabled to act in certain ways. The enablement comes from the real and distinct corporation.

This interaction between the corporation and its members is interesting in another way however. It seems that individuals within a corporation also, in some measure, bring about corporate acts. So that, just as corporate persons require corporations to act in certain ways, corporations require corporate individuals to act. This dynamic interaction is essentially the foundation upon which we need to examine what can be meant by corporate moral agency. In that regard, the next part of the thesis examines how corporations should be structured so as to ensure that corporate individuals are as moral as they can be. My basic claim will be that the only way that corporations can be structured is to count them as non-moral entities. Before, I make this claim however, I explore various alternative approaches to the subject, specifically those advocated by various (MIM) and (CM) advocates, and I reject their moral positions because the moral positions are founded upon questionable ontological theories.

Part 2 - INTRODUCTION

What I have proposed as the most defensible analytic model that one can have for a corporation was not a speech act theory of corporations, but a theory of corporate acts which parallels Austin's speech act theory. This point is particularly important because a speech act theory of corporations tells us that in doing a locutionary act by virtue of certain conventions an individual's locutionary acts count as illocutionary acts. A speech act theory tells us something about speech acts that occur within certain contexts and following certain conventions. It cannot, however, tell us a story about corporate acts more generally (e.g. acts which are not necessarily speech acts).

My theory about corporate acts says that corporate acts are distinct (i.e. not reducible) and real, but also that the corporate acts emerge out of the acts of individuals. My suggestion is that the acts of individuals out of which corporate acts emerge may be, in some cases, linguistic acts but, in other cases, they may be non-linguistic acts. In both cases, however, the acts of the individual, linguistic or non-linguistic, counts as the act of the corporation by virtue of certain conventions. Let me give an example of a non-linguistic act. Imagine an on-site inspector who fails to examine a vital valve. His failure counts as an act of corporate negligence by virtue of the existence of certain conventions. This theory of corporate acts focuses not only on the corporate acts but on individual acts as they relate to corporate acts and vice versa. It is a theory which emphasizes the dynamic interaction between two entities of different kinds, and thus it permits me to pose a simple ontological relationship theory. This is a theory which says the following: For a corporation (C) to do an act x , it is necessary that there be a set of conventions (e.g. business practices, formal laws, cultures etc.) such that if an individual

person (P) does an act y, then the doing of y counts as the doing of x, if certain conditions are satisfied (e.g. the conditions specified in the conventions).

There are two questions that one can pose regarding this ontological relationship theory, one of which will not be of concern in what follows but is worth mentioning so that it can inform the second appropriate question. The first question asks under what conditions can we praise, blame and/or hold responsible individuals whose acts count as the acts of the corporation. The answer to this question, it will be recalled (see p.46), is the claim (CA) that a corporate act can be said to be corporate intentional (i.e. not individually motivated) only if that act emerged out of the corporate intentions of corporate interacting members. The claim (CA) does not say, however, whether or not an individual can be praised, blamed or otherwise held responsible for her act, if that act is corporate intentional. She could have chosen to do or to avoid doing the corporate act for instance, in which case her doing or avoiding the act would be her responsibility. In sum, my ontological relationship theory does not force a moral position with regard to corporate or individual responsibility.

Of course, the theory could have been structured differently, structured in such a way so as to force the adoption of a moral position. In that regard, the second question has to do with whether we can have a situation in which responsibility * can be assigned without qualification to either the corporation or the individual (i.e. an either/or situation). The aim of this part of the thesis is to prove that we cannot and consequently that we should not make

* The term "responsible" has yet to be defined and this definition will follow in my arguments against certain moral positions. However, for now the term will refer to responsibility in all of its senses (e.g. causal, moral, legal etc.)

such assignments. With this aim in mind, I now state the second question, the question which will be the focal point of this chapter. The question is an ethical one and it has two parts to it. It first asks the following: Where a corporation (C) does an act x , x being done because certain conventions make it the case that an individual (I) doing y counts as x , ought the corporation be counted responsible for that act x ? If the answer to this first part of the question is "yes", the second part asks whether (I) who brought that act x about by doing the act y be absolved of all responsibility for doing y which counts as doing x ?

The fact that the question is framed in two parts is important since other ontological relationship theories do force the adoption of a moral position. The first such theory is the Radical Collectivist (RC) theory which adopts the moral position answering "yes" to both parts of my question. I call this the yes/yes moral position. The second is the Seemingly Real (SR) theory which adopts the moral position answering "yes" to the first part but "no" to the second part of my question. I call this the yes/no moral position. Finally, there is the Methodological Individualist (MIM) theory which adopts the moral position answering "no" to both parts of the question. I call this the no/no moral position. These three different moral positions can be summarized as follows: The yes/yes moral position is advocated by (RC) theorists such as French who says that the corporation is morally responsible if the act in question is corporate intentional and individuals ought not therefore to be held responsible for it. The "yes/no" moral position of the (SR) advocate says that we can only reason by judging corporations to be morally responsible agents, and that this reasoning ought to tell us that any individual who does acts counting as corporate acts cannot, by that fact alone, escape being responsible for that act. Finally, the no/no moral position taken

by the (MIM) theorist says that corporations are not responsible agents; corporate acts are reducible to individual acts and individuals cannot be absolved of any corporate responsibilities.

In what follows, I will argue that all three moral positions taken in response to the above ethical question are incorrect because they have misconstrued the meaning of corporate moral responsibility. In order to achieve this end, I will first say that my ontological relationship theory is structured so as to conflict with and thus disallow the above responses. I will claim that this conflict points to the possibility of the three moral positions, which are informed by the three above mentioned ontological relationship theories, being unsound and questionable from a moral point of view. As with most principled arguments, all three arguments which I will present will be found wanting, for to say that some moral position is unsound just because it does not follow from one's own ontological relationship theory is only to beg the question. On that account, I will say that my conclusions are incomplete. I complete the arguments then by turning to a type of ideal rule consequentialist reasoning in which I will claim that the effects of these three moral positions can be construed as being immoral. They can be so construed because they do not necessarily produce the greatest possible good and even where some good can be effected, the means used to achieve these good effects are questionable from a moral point of view. In a concluding chapter, I will summarize my own moral point of view for corporate and corporate member responsibility and I will say that this point of view cannot answer the above ethical question by giving absolute "yes" and "no" responses to both parts of the question. Instead, it is a point of view with no definite response, albeit one which serves as a guide for answering the question.

CHAPTER 1 - THREE EITHER/OR SITUATIONS

There are three moral positions which I will examine and reject in this chapter and these are the yes/yes, the yes/no and the no/no moral positions. I begin by noting that these are three moral positions which are not informed by my ontological relationship theory; they are moral positions which are informed by the (RC), the (SR) and the MIM ontological relationship theories respectively. In that regard, one would say that the yes/yes moral position is informed by an (RC) theory which says that acts are acts and that some acts (e.g. individual acts) are individually motivated, while others, (e.g. corporate acts) are motivated by the corporation. What differentiates one act from another is the intending agent; different intending agents cause the instantiation of different acts. Individual acts do not cause corporate acts and corporate acts are not brought about by individual intentions or acts. In sum, the theory which informs the yes/yes moral position says that there is no relation between individual and corporate acts, other than a relation which says that there are different acts which are constitutive of acts in general. The yes/no moral position is informed by a different ontological relationship theory, the (SR) theory, which says that the world of corporate acts is inaccessible. We can only posit seemingly real corporate acts in order to inform ourselves about actually real individual acts in particular. The relation between corporate and individual acts is an epistemic relation in which our macroscopic reasoning about corporate acts causes our microscopic reasoning about individual acts. One type of reasoning causes another type of reasoning. Of course, ontologically there can only be individual acts because for the (SR) theorist only physical things are real and corporate acts can only be manifested in the physical acts of real human persons. Finally, the no/no moral position is informed by yet another ontological relationship theory, the

(MIM) theory, which says that everything corporate, including corporate acts, are either nothing or reducible. Corporate acts just are individual acts and once again there is no relation required between the two acts other than to say that all social acts can be reductively identified with individual behaviors or dispositions to behave in certain ways.

In what follows, I will claim that theories which purport to talk about there being no relation between corporate and individual acts or theories which make epistemic causal claims saying that one must posit and reason about one act in a certain way in order to reason about the other, are based on two false views. The first view is the view of the (RC) theorist who says that all acts must be brought about by the rational mental processes of a fully informed and rational agent. Human persons and corporations are talked about only as rational agents, not as "socialized" agents or "socialized"* agencies. In other words, it is a view which says that the socialization of people and the socialized aspects of collectivities can be ignored in judging whether one act is an individual act and another a corporate act.

The second view is the view of the two other ontological relationship theorists, (SR) and (MIM), and it is a view which says that corporations are just mereological sums of individuals (e.g. the (MIM) theory) or that corporations can only be understood as the mereological sums of individuals (e.g. the (SR) theory). For the (SR) theorist, corporate entities are things which are more than the mereological sums of individuals but we cannot understand them as such. The theory says that if we want to understanding

* The term "socialized" is not to be confused with the notion of a convention. A convention is invoked by an individual agent so that the individual act can be counted as another act. She may also however, be "socialized" so as to put in a bid with a certain flourish or a twist of phrase. These mannerisms are manifestation of her "socialized" self.

corporations, we can only want the impossible because corporations are impossibly complex. What we must do instead, mostly because we have no choice in the matter, is to understand corporations as being epistemic constructions that we make out of individuals. This view, although not identical to the (MIM) view, is characteristically similar. The (MIM) theorist simply reduces everything to its component parts, and thus, it is a position that says all corporations are just mereological sums of individuals.

These views are all incorrect and I begin by stating the reason for the first one being incorrect. Human persons are not only rational, they are also socialized. When one thinks about a person one cannot separate out that person from the social context in which that person exists. Furthermore, what one can construe as being a rational act in one context can later be construed as being an irrational act in another context. In my earlier counterexample to the (RC) account for instance, I could say that intending to put in a bid for the high tech corporation while on a holiday was not a rational act of thinking. I could say that this thinking was irrational because you could not act upon your intention then so why did you bother to think in that irrational way? Succinctly put, this irrational thinking is simply thinking in the wrong place and at the wrong time. Later, however, the intention could be acted upon, and thus, I could say that your thinking then was rational because it was not only timely but contextual.

What I am saying is that a socialized, rational member of a corporation is not only a part of that corporation but has internalized aspects of the corporation as well. S(he) is internally related to the corporation and is partially constituted by it. It is this important fact, not only the fact that (s)he is a metaphysical person, which allows me to say that (s)he acted rationally or

irrationally in a corporate way or that (s)he acted rationally or irrationally in a non-corporate way. As deGeorge says:

The individuals incorporate the structures into their lives in such a way that the structures in turn structure, change, and constitute in large part what the individuals are. (1983, 7)

deGeorge is saying, and I concur with his view, is that we cannot say that already socialized individuals cause their existing socialized states to exist in themselves. They may adapt or even choose certain social norms and practices for themselves over others but they do not cause them to occur. Social states are not objects that exist because of an operative cause but rather just are states in us as we actively participate over time in a social group.

What I have been saying concerning the socialization of persons can also be said about the socialized aspects of social institutions. My claim is that it is incomplete to say that a corporation ought to be responsible for its acts just because it is a metaphysical person. It is incomplete because the metaphysical personhood of a corporation is not the only necessary condition for it to be the case that an act be a corporate act. The other necessary condition is that the corporation be internally constituted in such a way that the act be instantiated as intended. It is very possible, and even highly probable, that a corporate act could be said to be done for corporate reasons and yet not be a corporate act. This was the case in our earlier example called the tragedy of the commons where, it will be recalled, I said that something corporate could have crept into the process to produce unintended results. What I was saying in a different way was that corporations are internally constituted so as to render seemingly rational acts irrational and/or so constituted so as to make it the case that I could be just making a mistake, thinking that an individual act is only a corporate one.

The problem with French's reasoning about corporate acts is further compounded by the fact that the socialized aspects of a corporation are not necessarily formalized in corporate policies or reflected in corporate structures. Where corporate policies and structures are not formalized, they cannot tell us unequivocally whether one act is an individual act and another a corporate act. French's claim that "if individuals in the corporation function as members carrying out their roles according to established procedures and corporate policy, then their acts are corporate acts" (1984, 42) is not very helpful in these cases. The reason why it is not helpful in these cases is because there is an insufficient amount of information to establish that it would be proper for us and that, therefore, we ought to describe that act as having been done for corporate reasons.

It would be better to say, therefore, that corporate structures and policies do not perform what Ware calls "miracles" (1987,118) by transforming individual intentions, and thus, individual acts into corporate intentions and acts. This transformation may take place, but it would be impossible to locate. The reason why it would be impossible to locate is that the boundaries surrounding the "socialized" person and the boundaries surrounding the "social" institution are not rigid but diffuse. I submit two examples of what I am claiming. The first is a self-directed work team. In a self-directed work team (i.e. a team in which there is no leaders, no structures and no policies), it can still be said that individuals operating in those teams are performing corporate acts. These corporate acts are simply not formalized because they are internally constituted in such a way so as to not be made explicit by the corporation. The socialized aspects of the corporation, one might say, are totally internalized in the individuals in the corporation and only manifested in the emergent corporate acts. The same thing can be said about my second

example. The second example is that of a totally automated corporate act. In this case, the corporate act emerges without the explicit aid of individuals, but one might still claim that the act is constituted so as to manifest individual qualities. We speak of the logic of a computer program for instance.

I now summarize my position against the moral claim that we can establish corporations as morally responsible agents by claiming them as metaphysical persons. The theory which informs this claim is not sound because it is based on a false view about the nature of human persons and collectivities. This view is false because it is incomplete, it ignores important factors which also make up what we can construe as being human and corporate acts. The yes/yes moral claim concerning corporate responsibility is thus, at best, questionable and the subsequent moral claim that individuals can be absolved of responsibility for corporate acts is also questionable as it follows from the first claim. If one cannot claim corporations as morally responsible agents, then it follows that one cannot absolve individuals from moral responsibility because there is no one else. Responsibility needs to be located somewhere.

The yes/yes moral position is not only questionable because it derives from an unsound ontological relationship theory. It is a moral position which can be understood by itself as being an immoral position. The reason why it can be understood as such is because the theory which informs it says that acts of a corporate entity are distinct and separate from individual acts and that corporations are structured so that corporate acts are done to achieve independent, pre-determined goals. In effect, this translates into a moral position which says that corporate members can be construed as being only parts of this corporate machinery; parts whose acts count only as a means toward the achievement of corporate ends. If I act as a corporate member in

accordance with established procedures, then I am only an agent who is used by the corporation to assist in acquiring what the corporation wants for itself. Of course, this is a view of people which goes against the Kantian injunction which says that one must consider human beings not only as means towards ends, but as ends in themselves.

The Kantian moral position which is counter to the yes/yes moral position must be accepted as the only right position, for to accept anything other than this position would be tantamount to accepting a de-humanized, and thus, an immoral state of affairs. I will be explaining such a state of affairs in detail later but for now I begin by borrowing a definition for such a state from J. P. Sartre. J. P. Sartre says that a de-humanized state of affairs is a state characterized by what he calls "mauvaise foi" or "bad faith". His existential definition of "bad faith" is stated as follows:

The one who practices bad faith is hiding a displeasing truth or presenting as truth a pleasing untruth. Bad faith then has in appearance the structure of a falsehood. Only what changes everything is the fact that in bad faith it is from myself that I am hiding the truth. (1956, 49)

Bad faith promotes deception in all facets of our lives because it is to oneself that the lie is being directed says Sartre. In what follows, I will show how this deception works in our dealings with corporations (i.e. entities of a different kind) and in our dealings with other people (i.e. entities of the same kind). What I will be saying is that if we are permitted to be deceptive from a yes/yes moral point of view and we accept that point of view, then this may just give us the additional impetus that we require to choose deception in all of our interactions.

To begin with the yes/yes moral position can be said to permit the practice of bad faith in our dealings with corporations because it permits (i.e. it does not disallow) that we choose to hide such displeasing truths, as the fact that immoral corporate acts are really not corporate intentional but individually motivated. It is also a moral position which permits that we choose to present such pleasing untruths as the fact that the corporation is responsible for an immoral act when we know that it is individuals who are responsible. This is the moral factor objection to the yes/yes moral position, but it is a factor which has serious implications. One sin can lead to other sins so to speak.

The moral factor objection has serious implications because it does not place a veto on immoral acts. The psychological effects of living a life in which you are guilty of this moral factor, for instance, is that you will be pre-disposed or otherwise tempted to "pass the moral buck" on to the corporation for some wrongdoing. This is not morally acceptable because no opportunity should exist for you to act immorally in this way. You should not be allowed to "pass the moral buck" on to the corporation, for this only allows the corporation to protect you from moral retribution. If you can use the corporation by saying that it is morally responsible for your immoral deeds, then there is no requirement for you to change your conduct, even if that conduct is morally reprehensible and even if you plan to continue acting in this morally reprehensible way in the future.

The way that this deception manifests itself in our dealings with people is characteristically similar to the deception manifested in our dealings with corporations. This is because the yes/yes moral position once again allows that we consider people only for what they do and not for who they are and it also allows that we accept that other people so consider us. What this means

in practical terms is that in my interactions with a waiter in a restaurant, for instance, I can and maybe I even should consider that waiter as a means towards either my own ends (e.g. catering to my service needs) or as a means in achieving the restaurant's goals for quality service. What it says is that I can and should present a pleasing untruth, the untruth being that the waiter is nothing but a waiter and what I am hiding is the displeasing truth that the waiter is a person and not only a waiter (e.g. an end in himself).

This latter counterexample to the yes/yes moral position is what I believe to be the ultimate de-humanized state of affairs, and I therefore conclude by saying that the yes/yes moral position has a double negative consequence. The first negative consequence is that it permits treating people as second class citizens in corporate life (i.e. as means towards corporate ends), and the second negative consequence is that it permits that we consider people as less than who they really are (i.e. less than ends in themselves). Neither of these consequences are permissible from a moral standpoint.

I have made the claim that the yes/yes moral position which is derived from the (RC) ontological relationship theory can be construed as being immoral. However, what now of the two other ontological relationship theories and their accompanying yes/no and no/no moral positions? As mentioned earlier the other two ontological relationship theories are based on a second false view. This is the view which says that corporations are just mereological sums of individuals or that we can only reason about them as such because we have no other recourse but to think reductionistically. My counterclaim is that the states of corporations are not determined by the behaviors of individuals and are not identical with or constructions out of individuals. Any theory that purports to make a different claim concerning corporate states is not acceptable and therefore must be rejected. In fact, these

types of theories have already been rejected by many philosophers, including Ruben who says the following:

A social entity like France cannot be identical with any particular geographic region, with any set or group of individuals, or with a sum whose parts are individuals. (1985, 9-10)

Ruben's views effectively rule out those theories which inform the yes/no and the no/no moral positions. Individuals, land masses, sets of individuals or boundaries around land masses do not make France exist he says. France would still exist even if all of these component parts were not there. Ruben's argument is strengthened by a counterexample provided by Currie who refutes the claim that social states are just mereological sums of individual states. Currie says that the mereological sum hypothesis is flawed because it disallows us from making true statements about social states, statements which are true not just because of the individual states that compose them. He says one of these true statements is

If the French Revolution had not occurred, French attitudes towards democracy would be very different. (1984, 356)

Currie's statement exemplifies how a statement can be true about a social state (i.e.. a state of democracy), but not true only because of the mereological sum of the attitudes of the French citizens. The French Revolution (e.g. a social fact) also brought about the existing state of democracy and this state would be a different state if the Revolution had not taken place. Thus, the mereological sum hypothesis will not work, for it would say that the French peoples' attitudes caused the democratic state and that social facts did not also bring that state about.

The argument and the counterexamples provided by Ruben and Currie effectively reject the (MIM) ontological relationship theory which say that corporations are just mereological sums of individuals, and I therefore, choose to examine the no/no moral position which is derived from that theory first. The no/no moral position is a moral position which is forced to believe that corporate facts do not bring about certain states of affairs because corporate facts are just an aggregate of human facts and only humans can be responsible. It is a moral position which cannot accept that one can hold corporations responsible* for what they do. One cannot hold corporation's responsible for such things as labour strikes, massive layoffs, downsizings and/or restructurings for example. Only people can be responsible because they are the only operative causes for such things.

This is a highly questionable hypothesis however, for it is just as true to say that such non-human facts as organizational structures are responsible for corporate practices or that competition among corporations is responsible for corporate policies, as it is true to say individual corporate members design corporate structures and compete in the marketplace. These examples tell us that corporations have unique properties, properties which are not properties of individual corporate members, and that these corporate properties may bring about or may be responsible for certain corporate outcomes. So once again, the ontological conclusions reached in Part I about corporations (e.g. that corporations are real and distinct entities) are being confirmed here with the additional claim that corporations are responsible entities.

* The term "responsible" is to be understood here in the very narrow sense of "causal responsibility". Causal responsibility is defined by Ladd as "to be responsible for X means to be the cause of X, and accordingly in order to fix responsibility it is necessary to ascertain the cause of the outcome (generally looking into the past and usually for negative causes)".

The fact that the no/no moral position is forced to ignore corporate responsibility means that it is not only a questionable moral point of view but an unhelpful one as well. It is unhelpful because, in some cases, corporate outcomes are caused by corporate properties (i.e. properties that are unique to the corporation and not reducible). If the corporate outcome is immoral, then we have no other recourse but to blame the corporation for it, if only by pointing to the specific causal factors which contributed to the outcome. The problem with the no/no moral position is that one cannot do this because people must be the only operative causes in all cases. There are no exceptions to this rule. What I am claiming then, is that the basic problem with the no/no moral position is that it allows for moral scapegoating - blaming innocent corporate individuals for immoral corporate acts.

The moral scapegoating problem can best be explained by examining how the no/no moral position forces the advocate of such a position into a moral [tri]lemma. The first horn of this [tri]lemma asks the no/no moral advocate to engage in the first of three immoral practices. In a case similar to that mentioned in the above paragraph, a case where corporate members are not responsible and may not even be aware of the corporate contribution to a certain immoral outcome, the no/no moral advocate may be forced to blame them anyway. Thus, there is at least one way in which it can be said that the no/no moral position is immoral. It is an immoral position because it asks us to consider passing the moral buck on to corporate members. Unlike the yes/yes moral position in which, it will be recalled, the immorality manifested itself in "passing the moral buck on to the corporation", the no/no moral position asks that we do the opposite. Given that it asks us to do this, it places us in the untenable position of having to blame non-culpable corporate members for some particular corporate wrongdoing. We are

blaming innocent people and this is not permissible from a moral point of view.

The second horn of the [tri]lemma is what I refer to as the no-ownership problem. It has to do with being forced to blame no one for incredibly outrageous human and environmental disasters. I explain this as follows: When dealing with complicated organizations, such as large multinational corporations, it is almost always impossible to fix causal responsibility for corporate outcomes on to anything or anyone. In the Bhopal disaster of 1984, for instance, where there was a deadly leak of methyl isocyanate gas in a Union Carbide plant, a complex causal structure was designed in order to ascertain how the accident occurred. The multiplicity and multi-dimensionality of possible causal factors that were outlined led investigators to conclude that no one person or thing could be fixed with the blame for the disaster.

This decision cannot be acceptable from a moral point of view because it is a decision which offends our sense of a need for restitution, particularly in this case where the immoral outcome was so outrageous. The reason, of course, why we demand restitution in such cases is because corporate accidents are not like natural disasters. Corporate accidents point toward human and systemic deficiencies, deficiencies which ought to be corrected to prevent possible future such disasters. This is markedly different from natural disasters, in which facts contributing to the disaster are beyond human control. We, therefore, seek restitution in corporate accidents because it is necessary for survival. To sum up this second horn of the [tri]lemma then, one needs to determine who is to pay for damages in cases like the Bhopal case at least from a legal standpoint, and if one needs to do that, then

responsibility needs to be fixable in the sense that it can be fixed on one party rather than another.

This leads to the third horn of the [tri]lemma in which the no/no moral advocate might find herself. I refer to this problem as the dissipated responsibility problem. I argue once again by borrowing from the Bhopal case. In the Bhopal case, the no/no moral advocate is forced legally to hold only corporate members responsible. Once again, holding corporate members responsible amounts to possibly engaging in an immoral practice, for it can amount to what Ladd calls a morally vicious paradox:

If responsibility is a function of what we may call "causal input", then as the number and processes involved in the production of an outcome are increased, the relative contribution of each is decreased and the corresponding responsibility of each is diminished, so that responsibility for the outcome progressively diffuses. Eventually, if the numbers are large enough, all individual responsibility for the outcome is lost. (1982, 62)

Ladd's morally vicious paradox provides us with a third way in which it can be said that the no/no moral position is immoral. It is an immoral position because even when it claims to be able to promote legal restitution for some wrongdoing, it actually trivializes restitution by making a mockery of justice. It makes a mockery of justice because it obliterates the blame to such an extent that the processes of legal recompense or retribution in such cases are rendered otiose.

This brings me to the conclusion of my analysis of the no/no moral position. I conclude that there are three ways in which it can be said that the position is immoral. First it permits the no/no moral advocate to scapegoat innocent people for some corporate wrongdoing. Second, it permits other advocates to ignore the importance of moral restitution by letting everyone

get away with not paying for some wrongdoing that someone has committed. This is the no-ownership problem. And third, the most damaging way, is that it permits yet others to make a mockery of the legal system, and thus, a mockery of justice. This is the dissipated responsibility problem.

Now that I have analyzed and refuted the yes/yes and the no/no moral positions, I finish by analyzing the yes/no moral position. I have delayed my analysis of the yes/no moral position until now because it is a position which avoids being trapped by the major pitfalls of the other moral positions. It permits neither that we "pass the moral buck" on to the corporate entity to protect the corporate individual nor that we scapegoat innocent corporate members. The reason for this is twofold. First, it is a moral position which does not claim corporations as moral persons and so it does not allow that we foist moral blame or praise on to other moral entities of a different kind. Secondly, it is a moral position which accepts that corporations are more than just mereological sums of individuals and that, in fact, we can reason as if corporations were morally responsible. So for the yes/no moral advocate, corporate individuals do not necessarily have to be blamed or praised for something that they did not do.

My critique of the yes/no moral position will show however, that despite the avoidance of these two moral pitfalls, the position can still be construed as being immoral because it is informed by the Seemingly Real (SR) theory which has incorporated within itself elements of both the (RC) and the (MIM) theories, theories which inform the other two moral positions. What I am saying is that the yes/no moral position is immorally contaminated by its adherence to elements of the (RC) and (MIM) theories. It will be recalled that the yes/yes moral position is informed by an ontological relationship theory that says corporations are full-fledged moral persons. To be sure, the yes/no

moral advocate does not say this but she is forced to say something very similar because the (SR) theory which guides her moral views has incorporated elements of the (RC) theory. What the yes/no moral advocate does say then is the following: that moral concepts apply to corporations as if they were moral persons. Corporations are moral persons by analogy.

Thus, it might be said that the yes/no moral position is a position that wants to have its moral cake and eat it too. It is a position that says that the only correct way to reason is to reason as if corporations were moral persons even if they are not moral persons. My counterclaim is that this can amount to committing a category mistake, and thus it can contradict one of the principles of the (SR) theory, the theory which directly informs the yes/no moral position. How then, can the yes/no moral position contradict the theory which informs it?

The yes/no moral position is, in my view and oddly enough in the view of the (SR) theorist, a confused position because it allows that we conceive of corporations as moral persons and thus as moral actors. This is a false conception of corporations and I begin my counterargument against this conception of corporations by sympathizing with Ladd's moral actor argument (1984, 11-13). The word "actor", according to Ladd, is to be understood differently from the word "agent". An "actor" is capable of performing acts in the full-blown sense of voluntary, intentional and deliberate acts, acts which can only be performed by adult human persons. An "actor" is the only entity that can be morally responsible because of an "actor's" inherent rational properties (e.g. intentions, deliberations and the ability to make choices). An "agent", on the other hand, is understood as being a causal or legal entity, an entity which cannot deliberate, intend or volunteer in the same way as "actors" can. "Agents" like corporations can

only be responsible by representing "actors", in the sense in which the corporation was represented in the manager's signature on that contract, or "agents" can cause actors to act in certain ways: for example, the corporation's policies caused the manager to act in a paternalistic manner. Corporations can only be agents and not actors because they cannot intend or otherwise think as do human beings. It is because corporations lack these inherent abilities that they cannot be said to be morally responsible entities.

The yes/no moral position wants it to be the case that we can reason about corporations as if they had what Ladd calls actor-like attributes. It is perfectly reasonable to think that corporations can do mental things like make decisions, deliberate about past experiences and choose from a series of possible actions because corporations are mere constructions out of intending, deliberating and thinking persons. But this, I maintain, is an inappropriate way of thinking about corporations because it is a type of thinking which amounts to making a category mistake. The mistake, in a very general sense, is in ascribing moral attributes to corporations just because they are constructions out of individuals.

The specific category mistake that the yes/no moral position advocate is making can best be explicated by presenting an example of the thinking process in which she is engaged. In effect, what she is doing is beginning by claiming that when a corporate act is being made by a manager for corporate reasons, the act-description of that corporate act implies that there are two different act-descriptions. One act-description describes the act as a corporate act, while the other act-description describes that same act as the manager's. The manager's signing of a contract for instance, is an act which is the manager's (e.g. she has moved the pen across the piece of paper) but that same act is transferable to the corporation because the corporation is

represented in that signature. Thus, the second act-description can make it the case that one reasons about that act as being the corporation's. We can say for example, the contract had the corporation's signature on it.

Herein lies the category mistake that the yes/no moral advocate makes however. When it is said that a corporation is represented in a particular signature, what is being said is that the corporation is an "agent" not an "actor". The corporation has either caused the manager to sign the contract (e.g. the corporation has established conventions to make it the case that the manager's signature is a corporate signature) or the corporation is a representative (e.g. the corporation is represented in the manager's signature). The mistake that the yes/no moral advocate makes, even just at the last minute of her deliberations, is in claiming that the corporation's signature in this case is an actor's signature and that this "actor" is the corporation not the manager. It is a mistake in which she has conflated the two notions of "actor" and "agent" and then wrongly ascribed the notion of "actor" to the corporation. She has perhaps wrongly ascribed the notion of "actor" to the corporation, not because she is being deliberately deceptive (e.g. not in bad faith) but because she accepts the view that she can think about corporations as if they were moral persons. In other words, her mistake about the corporation's being an "actor" is derived from her moral point of view. This can be restated by simply concluding that the moral position which is derived from the (SR) theory can be used to contradict the theory upon which it is founded. The yes/no moral position is therefore incoherent and highly questionable from a conceptual point of view.

The yes/no moral position is not only incoherent in the sense that it contradicts the (SR) theory which informs it, it is also an immoral position. Unlike the yes/yes moral position which permits deception, the yes/no moral

position is itself deceptive. In what follows, I explain what can be meant by claiming that a moral position is deceptive. I do this by referring to an interesting analogy between corporations and Greek gods. The analogy is provided by Ladd (1984, 14). Ladd identifies the reasoning about corporations as if they were moral persons with the reasoning about Apollo as if he were a real person. In the Greek city-state, Apollo, a Greek god, spoke to priestesses who were his intermediaries and through their powers as representatives of the god, the priestesses were able to manipulate people for political ends. The yes/no moral position of course, would have us reason about the modern corporation in exactly the same way as the Greeks reasoned about Apollo. The corporation becomes the mystery entity which can only be understood by its representatives, the managers, who serve as intermediaries with special powers, powers which they use to manipulate people so that they (i.e. managers) can meet their own ends.

Mythologies, both ancient and modern, says Ladd can be benign, so we should not dismiss them simply because they are literally false. Their falsity may not be as relevant to ethics as their use and their social consequences. (1984, 14). The lesson that Ladd wants to impart is a lesson that says that we should be wary of the myth, such as the one that the yes/no moral position would have us adopt, not only because it is false but also because it is mischievous (i.e. it does more evil than it does good).

What does it mean in practical terms to say that the yes/no moral position is mischievous? My claim is that the myth that we must reason about corporations as if they were moral persons can be used, and often is used, to manipulate the public and to advance the interests of a particular class (e.g. the executive corporate class or the stockholder class). The yes/no moral position is, therefore, a deceptive position not because it allows us to

project moral responsibility on to corporations and not because it allows us to abdicate from our moral responsibilities. These, it will be recalled, are the shortcomings of the yes/yes moral position. The yes/no moral position is deceptive because it is elitist. It gives managers powers which no person should have because these powers are manipulative, they promote a non-egalitarian often paternalistic and unjust corporate society. For those of us, therefore, who believe that no adult person should be controlled by others because freedom is a hallmark of a democratic society, the yes/no moral position cannot be acceptable from a moral point of view.

This last analysis of the yes/no moral position ends the analytic portion of this chapter and now I would like to make some concluding remarks about all three moral positions. I do this by finally answering the question which I posed earlier in this chapter. That question asked whether it was possible to have an either/or situation, a situation in which there could be absolute and unequivocal responses to the two parts of my ethical question. Of course, the answer to this question is definitely "no". The reason, which I hope by now has become quite apparent, is that any absolute response to the question would have to be informed by the wrong kind of moral thinking.

What is the wrong kind of moral thinking? There are two different ways in which one can claim a certain kind of moral thinking as the wrong kind. The first is to say that the wrong kind of moral thinking is the kind of thinking which has a naive view of moral responsibility. The naive view of moral responsibility is the view that it is the same kind of responsibility as legal responsibility or even causal responsibility. I have maintained throughout my analyses that this cannot be the case. Moral responsibility requires human actors and not merely non-human or human agents. If non-

human or human agents are said to be morally responsible this is simply making a category mistake, attributing a moral property to an inherently non-moral entity.

The second way that one can claim a certain kind of moral thinking as the wrong kind of thinking is to say that it does not resolve moral problems. Not one of the three moral positions which I presented could successfully resolve the moral problems and dilemmas facing corporations today. The reason, I believe, is because they are positions which make us focus on such moral issues as fault and moral deficiency, issues which one can reason about moralistically and even resolve from a moral standpoint when the facts are simple (e.g. uni-directional and uni-dimensional). However, when the facts are complex and it is impossible to judge whether these complex facts are contributing or how they are contributing to certain outcomes, one might contend that the focus is futile, if not inappropriate.

In the final analysis, I contend, that if one is to understand moral responsibility, then one must accept that moral responsibility always boils down to relationships. It boils down to relationships between or among ourselves and entities of different kinds or relationships between or among ourselves as people. We should never provide excuses for ourselves so that we can be relieved from our moral responsibilities towards others and the societies in which we live. There are many different acts that corporate members of Union Carbide ought to have done for instance, and these oughts will always remain even if no one in that company was specifically to blame for the disaster or in any way morally deficient. I, therefore, choose to explore the possibility of breaking the connection between moral responsibility and moral blameworthiness in the upcoming chapter. I believe, as does Ladd, that

this is the only way that one can save the concept of moral responsibility as it applies to the corporate world.

Chapter 2- Corporate Moral Agency

In this last chapter, I will be testing the hypothesis that it is a moral, and not an ontological question as to which entities should be praised, blamed or otherwise held responsible for some corporate act.

In order to make clear what I will argue, I want to introduce a new concept - the concept of "empowerment". (Hoagland, "Lesbian Ethics", 1989) I want to countenance the possibility that corporations, or perhaps their structures, can "empower" or "impair" people as moral agents. In other words, certain structures of corporations may make it logically or psychologically impossible for people to act as moral agents and other structures may make it possible to so act.

Obviously, there are questions about this notion of "empowerment" for it may not be the same notion as Shwayder's notion of "enablement" which I referred to earlier. It may be that there are two ways in which a corporate structure might "empower" people as moral agents. The first way "empowers" them in Shwayder's sense of "enablement" which says that corporate structures consist of conventions constituting "the act" "empowered". The second way "empowers" people as moral agents in a psycho-social causal manner - providing a setting which produces psychological changes in people within that setting by changing or stimulating their affective and conative capacities. In what follows, I will be referring to the second way in which we can interpret the notion of "empowerment".

I will argue that we should be worried about what the corporation is doing, not because the corporation is a moral agent, but because the corporation can "empower" us to be moral agents. If a corporation "empowers" the doing of the good and the avoidance of the bad for instance,

then one can truly say that the corporation is a morally "empowering" entity. It is morally "empowering" because it permits us to be as moral as we can be.

Let me amplify what I am saying and what I am not saying at this point. Given that corporations can be said to be "empowering" in this way, the moral question that one should pose is not a question which asks whether corporations can be praised or blamed for what they do. Only human actors can be blamed or praised because only human actors can do moral acts. Instead, one should be posing a question which asks whether corporations should be structured so as to "empower" us as moral actors. In that regard, I will be exploring the possibility of, on the basis of a moral answer, whether corporations should be structured so as to "empower" people who interact with or who act on behalf of the corporation.

Of course, the goal of the chapter is to show that corporations should be so structured. I achieve this goal by dividing up my arguments into two segments. The first set of arguments will support the claim that peoples' moral rights, values and duties can only be respected if we do not make it the case that it is the corporation that is counted as morally responsible. This will be followed by a second set of arguments supporting the claim that the society in which corporations are not counted as moral agents, is the society in which there is less dis-utility. I sum up my arguments by suggesting that, given a choice between living in two different societies, one in which corporations are counted as moral agents and one in which they are not, rational and fully-informed people would choose the latter society. I conclude by supporting the claim that "empowering" corporations are corporations that best fit the conventions and traditions of the present day business community.

I begin my first set of arguments by assuming that freedom is a democratic human right. Within this democratic society, let us consider the

right to be a "free" moral actor because I want to make the claim that one can only be a "free" moral actor if the corporation is not counted as a moral agent. My specific claim is that the "pre-conditions" for human beings being moral actors can only be respected if people are the only moral actors in a corporate world. We cannot be "free" moral actors if there exists other moral entities of a different kind.

I will focus on only three "pre-conditions" for being a moral actor and I borrow these pre-conditions from J. Baker's class notes. (1989, Ch.7) These include (1) the need to be motivated to do the right thing, (2) the need to know what the right thing is, and (3) the need to have the courage or the conviction to do it. These three "pre-conditions" for being a moral actor are not sufficient for us being "free" moral actors however. In order for us to be "free" moral actors we must also be able to freely choose the acts in question for our own moral reasons. Nothing, of course, is freely chosen as such. There are always societal constraints and pressures which impact upon our decision-making capacities. The idea behind "freedom" as it is used here then is very specific and well defined by Hoagland. She says the following:

The idea is that "freedom" is not a name of a quality which we, or our actions, or our ideas, possess. It is not the name of a dimension in which, actions are assessed. To say some act was freely chosen is to exclude certain specific ways in which it might not have been freely chosen. (1989, 202)

According to Hoagland, a "free" moral agent is an agent who acts for her own moral reasons and her moral reasons can in no way be compromised by another moral entity's moral reasons (e.g. a corporation's reasons) In that regard, I argue that we would not be "free" (i.e. in the Hoagland sense of free) to choose what is moral for ourselves as corporate moral actors, if

corporations were counted as moral agents. I will maintain that if corporations are the moral agents, then for some reason they fill the moral space. My argument is not that acts of the corporation, acts which are not necessarily attributable to specific corporate individuals, could take away the human right to liberty. Instead, I am arguing that if the corporation has the ontological status of being not only distinct and real, but morally responsible, then this has the net effect of usurping our basic liberties. Our liberties would be usurped not by what the corporation did but by what the corporation was. In other words, we would be living in a corporate world where we could not be moral in the way that we chose or moral in the way in which we wanted to be.

In order to clarify this claim, I begin by focussing on the first "pre-condition" for us being morally responsible actors, the "pre-condition" being that one needs to be motivated to do the right thing. I ask this interesting question: Would it be possible for me to freely choose to do the right thing for my own moral reasons, if I had to make that choice in a world where the corporation was also allowed to make that choice? I ask that one consider the following case in which such a choice is being made by a moral actor in this unusual corporate set up. Before I do however, I explain what can be meant by a corporation choosing to do the right thing for its own moral reasons.

Let us consider how this is possible by synthesizing Donaldson's views about corporations. Donaldson (1984, 137-142) says that corporations which choose to do the right thing, do so because it makes good economic sense. The idea is that these corporations choose to do the right thing by adopting moral goals in the pursuit of economic ends. They choose to do the right thing because it is believed that it is the only way to survive in a highly competitive corporate economy. In short, it makes good economic sense for corporations

to do the right thing. It makes good economic sense for instance, for the Johnson & Johnson Company to choose, from a moral point of view, spending millions of dollars withdrawing and repackaging Tylenol tablets following a cyanide poisoning incident. It makes good economic sense because a short term financial loss is better than a long-term loss due to a drop in public confidence for Johnson & Johnson products. To say that it pays corporations to be morally responsible sums up Donaldson's ideas about corporations very nicely.

If we examine this situation more closely however, we find that what makes good economic sense does not necessarily make good moral sense. It does not make good moral sense to allow corporations to do the right thing because to do so means also allowing that corporations choose to do the right thing for their own, self-interested reasons. As Smith and Carroll put it, "a corporation can only be morally responsible in its own way and for its own reasons" (1984, 96).

My claim is that this allowance that we are making for corporations leads to negative consequences for corporate members and other key stakeholders. The first negative consequence has to do with compromising the first two pre-conditions for being a "free" moral actor. The first pre-condition is being compromised because if corporations are morally responsible then this can only mean that corporate members must be made to want what the corporation wants for itself and for its own corporate reasons. Corporate members must be motivated in exactly the same way as the corporation is motivated. The evidence that I will cite in support of this claim points to the difficulties whistleblowers would face in functioning as whistleblowers in corporations which counted as moral agents.

Whistleblowers who would work for corporations that counted as moral agents, would feel as if they must adopt the corporate moral philosophy because the type of corporations that they would be working for could not tolerate them as "free" moral actors. The whistleblower would reason that to be a "free" moral actor within these types of corporations could only be dangerous for the corporations, dangerous because corporate members, such as themselves, could be motivated to do what they considered to be the right thing and this right thing could conflict with what the corporations wanted. In other words, the whistleblower reasons that if these corporations allowed them to be "free" moral actors, then they could only be "stupid" corporations. They would be "stupid" corporations because they would be structured so as to permit possible harm to themselves. Of course, this is the harm which would result out of a possible public announcement by whistleblowers of a corporate wrongdoing. Thus, whistleblowers would be forced from a rational point of view, to accept the idea that they must take on the corporate moral philosophy, if only because they would know that they were supposed to be helpful to the corporation, not dangerous. More will be said about the perils facing whistleblowers in this kind of a corporate arrangement, but before I explain what these perils can be, I need to show how whistleblowers also face a second problem. They must also accept having the second "pre-condition" for their being "free" moral actors compromised.

Not only are whistleblowers not allowed to choose to do the right thing for their own moral reasons in this kind of a corporate arrangement, they must also accept being incapacitated from choosing what is morally right for themselves. Why must they accept this? I begin answering the question by outlining Michalos's Loyal Agent's Argument. Michalos (1991, 237) says that the Loyal Agent's Argument is self-defeating. The Loyal Agent's Argument is

an argument which talks to the relationship between "free" moral corporate actors, like whistleblowers in our case, and corporations which are counted as moral agents. It talks to the relationship from a corporation's perspective. From that perspective, the argument is stated as follows: The first premiss says that, as a loyal corporate member and possible whistleblower, you ought to serve the corporation as it would serve itself if it had your expertise. The second premiss says that the corporation would serve its own interests in a thoroughly self-serving way. The conclusion says then, that you ought, as a loyal corporate member and a possible whistleblower, to operate in a thoroughly self-serving way in the corporation's behalf.

Why is the argument self-defeating? It is self-defeating because its second premiss is self-defeating. If a corporation wants corporate members to act in a self-serving way in its behalf, it is literally asking that corporate members simultaneously act in both an altruistic and a self-serving manner. They must act altruistically by caring enough about the corporation to give up their own self-interests and they must also act in a self-serving way if they want to act in the corporation's behalf.

This self-defeating premiss translates itself into a paradoxical message to you as a possible whistleblower. The message that you are receiving from the corporation is that you are not to do what you are being asked to do. You are not to do the altruistic thing (e.g. possibly harming the corporation by whistleblowing) even if you must do the whistleblowing to do the self-serving thing in the corporation's behalf (e.g. protecting the corporation from possible public retaliation for some wrong-doing). In short, the corporation is placing you in a double bind and this may have the effect of incapacitating you. You would be incapacitated because you would not know what the right thing is. You would not know whether the right thing consisted in

whistleblowing or not whistleblowing. Of course, this uncertainty which is a consequence of your working for a corporation which is counted as a moral agent, compromises the second pre-condition for you being a "free" moral actor. The second pre-condition, it will be recalled, is that you cannot be uncertain, you must know what the right thing is.

The world in which corporations are counted as moral agents is a world which also does not allow that whistleblowers do moral deeds, based on their own moral convictions. If they cannot choose to do the right thing for whatever moral reasons they choose and if they are not free to choose what things are right for them, then how can they possibly be convinced of what they are doing from their own moral standpoint? The point is that if the corporation motivates the whistleblower and tells him what is right then he can only do things based on the moral convictions of the corporation. This is the last negative consequence for whistleblowers who must live in a corporate world where corporations are counted as moral agents. It is a negative consequence because it compromises the third and last pre-condition for their being "free" moral actors.

Before turning to my second set of arguments I conclude here by quoting Michalos who says the following:

if people use this kind of conception for corporations (i.e. corporations as moral agents), then the real reason for human action is fear, and we are thus circulating a distorted view of the corporate world. (1991, 241)

Michalos is saying, and I agree with his assessment, that corporate moral agency can only be perceived as human moral agency. If we accept that corporations are morally responsible in the same way as we are, then we must become slaves to the moral requirements of the corporation. The

consequences are that we can only act morally because of fear and intimidation, not because we want, believe or are convinced that what we are doing is the right thing. Thus, in the interests of a clear conception of human moral agency, declaring corporations as morally responsible agents deserves the kind of treatment it has been given here. The effect of such a treatment is clear, counting corporations as moral agents is not coherent from a moral standpoint.

It seems to me however, that the worrying case is not the case in which corporate employees act in a certain moral way out of a sense of fear, but the case in which employees buy into the corporate moral philosophy so completely that they become corporate moral zombies. A moral zombie is a person who becomes personally incapacitated as "free" moral actor because the three "pre-conditions" for his being moral have all been compromised. To highlight the importance of my claim here, I want to describe in detail how this can be devastating, especially for the corporate whistleblower who works for a corporation that is counted as a moral agent and who is not morally incapacitated in this way.

Whistleblowing, according to Ellison (1982, 167-177), is a process of conveying information about activities producing a net harm to third parties. This harm, of course, must be of the sort that is both unnecessary and unnecessarily done to third parties. If the harm can be avoided for instance, then it should not have occurred at all. Furthermore, whistleblowing involves more than just a warning about potential or real danger, it involves accusing someone or something for that danger. It attempts first, to locate the responsibility (e.g. causal or motivational) for the danger, and second, in some cases where it is warranted, to locate the responsibility for rectifying it.

The interesting facts about whistleblowing as they apply here, are the facts which point to the difficulties which whistleblowers face in functioning as "free" moral actors even in corporations that are not counted as moral agents. The reason for these difficulties stems from the fact that anonymity cannot, in most cases, be justified. As Ellison suggests there are three reasons why anonymity cannot be justified (1982, 173). The first is that it offends our sense of etiquette by justifying that we say nasty things about someone behind their back. The second is that it violates our sense of fairness to have accusations levelled against someone with no opportunity to defend themselves. And the last is that it serves as a barrier to the truth (e.g. removing access to needed information in the investigation of the case), and thus, it is self-defeating. Therefore, society almost always insists that whistleblowing should be done publicly and this position is strongly supported in law.

What the literature says about blowing the whistle publicly, even for those who blow the whistle for good moral reasons, is that they must always pay the price for dissenting. In many cases, they are fired or demoted, transferred to unattractive locations, cast into psychological or professional isolation. They are ostracized by their peers and blacklisted by other employers who will not want to hire them because they "cause trouble" for the corporation. Many such cases are documented and they provide perfectly understandable reasons for potential whistleblowers remaining silent on many, if not most, moral issues.

All of these negative effects apply to whistleblowers who are operating in a corporate world in which corporations are not counted as moral agents. In what follows, I will maintain, not that moral heroism should be mandated, but that in corporations that would be counted as moral agents,

moral heroism should not occur. In short, whistleblowing should not occur because the whistleblower in such a corporate world would have no good reasons for whistleblowing. I will conclude that a society which holds that corporations should count as moral agents is a society which cannot be reformed and may, in most cases, support widespread immoral practices.

Let us imagine now a whistleblowing case in which the morally healthy whistleblower works for a corporation that is counted as a moral agent. In this corporation, other corporate employees are all loyal to the corporation and have in some way bought into the corporate moral philosophy. They are, to a greater or lesser extent, corporate moral zombies. Now this corporation also happens to be rather traditional in its approach to business. It has out-dated policies which still mandate discriminatory practices for instance. The policy says that one should only hire white, anglo-saxon, middle-aged men. There are two good moral reasons for having this recruitment policy. The first is that it increases corporate profits; these men produce more than other people, and the second is that it promote harmony in the community. It provides jobs to those who need them most and those who need them most are those, who supposedly support intact, patriarchal families. The corporate moral code, one might say, is consonant with what the corporation wrongly believes the moral values are in the whole community. The corporation believes this about the community, despite the fact that the community's values diverge somewhat from the values held by the corporation.

The question that I want to ask now is "should a morally healthy person (i.e. the only person who knows that the policy is discriminating) who is contemplating whistleblowing, blow the whistle publicly in this corporation?". My argument will point to an emphatic "no" for an answer. I

begin by synthesizing what Axelrod would have to say about this case. Axelrod in "The Evolution of Cooperation" (1984) would say that what I am asking the reader to do is imagine a whole corporation employing a certain strategy (i.e. a strategy which discriminates) and a certain mutant individual wanting to employ a different strategy (i.e. a non-discriminating strategy). Since the corporation is virtually an entire population of discriminating corporate members, the concept of invasion occurs when this one mutant individual is able to do better than the average of the population.

My point is that a potential whistleblower could not think about invading what he perceives to be a morally corrupt society in this way. That is, he could not think that whistleblowing would have any pay-off at all. There are two reasons why he could not think in this way. The first is that he would know that his relationship with the corporation was not a reciprocal relationship. Reciprocity insists on the fundamental principle of equity and clearly his relationship with the corporation is not an equitable one. He knows that it is not an equitable relationship because evidence points in the opposite direction. His world is a world composed of corporate moral zombies after all. He, therefore, would have no good reason to believe that the corporation would embrace his ideas or react positively to them. In fact, he knows that just the opposite most likely would happen and so he reasons that it would be irrational for him to not cooperate with the discriminating corporation.

The second reason why whistleblowing becomes next to impossible is that the potential whistleblower should not discount the future to an excessive degree if he wants to know whether he should whistleblow now. He needs to know that the outcome of his whistleblowing now will outweigh the outcome of his doing nothing just like the average other members of the

corporation. He cannot possibly know that however. What he does know is just the opposite and that is that the outcome of his whistleblowing now could never outweigh the outcome of his doing nothing. He reasons, that even if over an extended period of time he continued to protest, his protests would fall upon deaf ears so to speak. The only rational thing for him to do then is to not whistleblow and cooperate with his discriminating counterparts and succumb to the dictates of the corporate moral philosophy.

I realize that this case which I have set up is a hypothetical case. It does, however, serve to show that corporations cannot be counted as moral agents if we want to increase our chances at bringing about moral reforms. Reforms demand not only that we be "free" moral actors, but that we live in a society in which "free" moral agency as such is "empowered" not weakened.

Now that the focus is on the society overall, I want to move to my second set of arguments because the next set of arguments support my claims in the first set. The arguments that follow support my previous claims by asking the reader to now consider the whole society in which corporations that count as moral agents reside. It will be recalled that my second set of arguments aim at showing that there is "less dis-utility" in a society where corporations are not counted as moral agents. In that regard, I begin my second set of arguments by explaining what I mean by "less dis-utility".

What I am saying here as opposed to my first set of arguments, is that the consequences of corporate acts can make those acts "better" or "worse" acts. I will not be claiming that corporations which are counted as moral agents can only do "wrong" acts because they cannot tolerate "free" moral agency for human corporate counterparts. I did not make that claim in my first set of arguments and I will not make it here. What I am claiming now is that corporations which are counted as moral agents produce acts whose

consequences are more devastating to the society than those acts produced by corporations who are not counted as moral agents. Stated succinctly, we would all be worse-off if corporations were counted as moral agents. My motive here is different from my first set of arguments. In my first set of arguments I wanted to show what the negative consequences of counting corporations as moral agents were. My motive here is to show that corporations, or at least corporate structures, can impair or "empower" us, not as moral actors, but as moral actors tending to do good acts.

In order to make the claim that I am making now, I ask that we consider two different societies, one in which there are only corporations which are counted as moral agents and another society in which corporations are not so counted. I will refer to the first society as the M-society and the second as the N-society. Furthermore, let us consider that both of these societies consider that my ontological relationship theory is true. This theory was defined earlier (refer to page fifty-two). It will be recalled that my ontological relationship theory is founded upon the belief that corporate acts emerge out of the acts of individuals. Given that the two societies consider this ontological relationship theory to be true, the two societies must then, have policies which reflect how people can act on behalf of the corporations which reside within them. They must, in other words, have policies which state what the conventions are that make it the case that a certain person can be "enabled" (i.e. in Shwayder's sense of "enabled") to act on behalf of the corporation.

Each society is so structured however, that corporations which reside within them have a different ontological status. One has the ontological status of being a moral agent but the other does not. This difference in ontological status for corporations is an important difference because it means

that the policies must be set up differently in either society. In the M-society certain policies would have to be established to support corporations as moral agents. How would these policies differ from the policies in the other society? Werhane hints at an answer to this question (1991, 91). In an M-like society, corporations must be "free" agents if we want them to be moral agents at all she says. Her argument coincides with my earlier claim which was that freedom and moral agency go together. The only difference here however, is that here Werhane is applying the concept to corporations and not people. Thus, the M-society would have to establish policies which would ensure that the "pre-conditions" for corporations being "free" moral agents not be compromised. The policies would have to treat corporations as if they were full-fledged moral persons.

The N-society would be set up in a different way of course. It would be a society in which corporations would not have to be given the same kinds of freedoms because corporations would not be moral agents. Thus, the policies governing corporations would not imply but preclude moral agency. The idea being that the N-society would rule out what could be construed as immoral acts, not because these rules implied that corporations could or could not act morally, but because the rule would guarantee maximum corporate efficiency. Werhane says that in this type of society, the notion of corporate responsibility might be explained in terms of social responsibility but it would be silly to ascribe moral responsibilities to the corporations instead. Moral responsibilities can only be ascribed to human actors she says (1991, 93). In sum, the N-society, unlike the M-society, would be a society in which corporations could be regulated to protect the moral rights of its citizens.

In what follows, I now want to examine and assess the consequences of both views of corporations on the overall society. I want to know whether we would be worse-off overall in the M-society or worse-off overall in the N-society. We are looking for moral reasons to support the claim that we would all be worse-off in the M-society. These moral reasons can only be found if we understand that the only important difference between the two societies is, that in the M-society the moral rights placed by the society on to corporations would allow corporations to suffocate human moral agency. Minimally, the employees of such corporations would be morally suffocated because the "pre-conditions" for their being "free" moral actors would be compromised (see my first set of arguments). This is markedly different from the N-society because in the N-society this second-class moral citizenship could not get established. It could not get established because human beings would be the only moral entities.

The idea behind my claim that the N-society would have less dis-utility than the M-society, is the idea that the M-society could not maximize its expected moral value because human moral actors would get swamped by the morality of corporations. Thus, over time people working for corporations in the M-society would tend to do good or bad acts for unknown reasons or for reasons which they could not call their own. We would have a society in which possibly very few powerful corporations would rule the moral roost as it were and other less powerful moral entities, like people, would be captives to the corporate moral cause. Thus, my first argument is that this cannot maximize total moral value, at least within corporations, for as Harman would say we would have a corporate society in which there would be very little moral expression and very few prescribed courses of action. (1984, 27)

People tending to do moral acts could only do those acts which conformed with acts stipulated in the corporations' moral codes.

What about all of those people who do not work for corporations in the M-society? Would they be better-off, receive goods and services which were greatly enhanced or less dangerous to their psychological and physical well-beings? Would citizens in the M-society be worse-off than citizens in the N-society? My second claim is that the recipients of corporate services or products in the M-society and, in fact, all of that society's citizens, would be alot worse-off than people in the N-society.

My argument in support of this claim is that a society granting "free" moral agency to corporations is a society which is granting that corporations have the upper hand, not only from a moral point of view, but from every point of view. What I mean by this is that a society which allows that corporations undermine the "free" moral agency of its corporate employees, is a society which has created a de-moralized and thus, a de-humanized state of affairs. De-moralizing someone means, according to Hoagland, depriving them of themselves, destroying their morale, throwing them into confusion and corrupting or undermining their own personal moral values. (1989, 215). Hoagland's ideas of de-moralization are very similar to Sartre's ideas of de-humanization (see my arguments in the previous chapter).

A de-moralized or a de-humanized state of affairs means that there could be no personal accountability in an M-society. There could only be a corporation's accountability. Human beings could answer to the public for a corporation's doings but they could not do so from a personal point of view. They could not answer from a personal point of view because they would either not be free to do so or they would not know what the answers to the questions were. The effect on the public receiving services or products from

these corporate individuals is clear. Assuming that the general public is composed of people whose moral capacities have not been compromised in any way, they would not be able to receive needed information from corporate employees to make considered moral judgments on corporate activities. In other words, there could be no social conscience regarding corporate activities in an M-society. The whole society would be involuntarily living in ignorance and confusion, this notwithstanding the fact that corporate products and services would still be required for the sake of human survival.

The impact of corporations counting as moral agents in an M-society on the general public is devastating in another sense. It does not only create unwanted confusion and ignorance, it affects the public's ability to react to what the society is perpetuating in its policies, specifically the policies governing corporate acts. If one does not know what is going on, then how can one be motivated to make things different, even if there is a drastic need for change or a need for societal reforms? Of course, the answer to that question is that one cannot. Thus, once again we are faced here with a society which continues to perpetuate its own immoral acts, but here it is even more devastating because, unlike the previous case where certain circumstances made it difficult for whistleblowers to whistleblow, here the circumstances make it next to impossible for the public to make needed changes to public policies.

It is perhaps redundant to now ask whether, rational and fully-informed individuals occupying various positions in a society would choose to live in the M-society. Nevertheless, in order to round off my previous discussions about such a society, I do make the following summary comments. Rational and fully-informed individuals would never choose to

live in an M-society for two good reasons. The first reason is not a moral reason but a logical one and the second is a moral reason.

The logical reason has to do with not wanting to choose a society in which there could be a corporate master/slave arrangement. Using Hegel's idea (1977, 104-119), this means not wanting to choose a society in which the essential nature of the corporation is to be for itself and the essential nature of people is to exist for the corporation. The reason for not wanting to choose this arrangement is borrowed from Hegel. In essence, the reason is that this type of arrangement cannot be totally successful. It cannot be totally successful because for the corporation to not recognize the independent moral self in the corporate slave, it must also recognize that it must deprive itself of its own moral freedom. How can a corporation be morally free if it must have the proverbial corporate moral zombie hanging from its hypothetical neck so to speak. It cannot be morally free because it cannot free itself from the slaves or moral zombies that it has purposefully created.

So in a sense, choosing an M-society, means choosing a society which is itself not totally successful. Any rational person who would occupy any position in a society would not therefore, from a logical standpoint, choose to live in that society. They would reason logically that corporations would need to be free to operate so as to be socially responsible and responsive and corporate employees would need to be "free" moral actors in order to be able to provide that freedom to the corporations they work for.

The second reason why individuals would not choose to live in an M-society is a moral reason. It is a moral reason which says something of the following: no one can want to live in an M-society because to want to live in such a society means approving of it for oneself. To approve of this society for oneself basically means one would want it for oneself, want to be a moral

zombie or slave, desire to be in a position of moral inferiority, embrace the idea of being controlled by external moral forces. In short, approving of the M-society means approving of the idea that one should want to be morally irresponsible. This kind of a choice however, is a choice which one can only make if one is functioning to protect oneself from possible moral retaliation, the kind of functioning that the M-society endorses and even perpetuates. On the other hand, a "free" moral actor functioning in a healthy moral environment, could only choose the opposite society because to choose otherwise would be to choose to compromise one, two or even three of the pre-conditions for her being who she is and this is a "free" moral actor.

Given these above-mentioned arguments which favor a society in which corporations are not counted as moral agents, I now make some concluding comments concerning how corporations ought to be structured so as to "empower" us as moral actors. My claim is that "empowering" corporations are corporations that best fit the conventions and traditions of the present day business community and these conventions and traditions do not count corporations as moral agents. What I am saying is that I disagree with those philosophers who want these traditions and conventions to change, want to make it the case that society embrace the concept of corporations counting as moral agents.

What I am saying exactly is that one must counterargue those who want corporations to be full-fledged moral persons, for to think about corporations in this way is to argue for the moral regression of human subjects rather than to argue for moral progression. It is to argue, for instance, that human moral agency need not be "free", that we can regress from our current positions of being "free" moral agents to eventually being just moral agents who can and should be controlled by moral entities of a different kind.

What is even more puzzling about this claim about corporations, of course, is that it is a claim which also ignores the fundamental importance of moral progression. It ignores some of the aspects of a care ethic which says, for example, that we must attend to (i.e. care for) each other and attend to our social institutions if we want to increase our moral capacities as human beings. Our capacities for being "free" moral agents must be enhanced for without this kind of continual enhancement, there can be no hope for a better corporate social life.

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