Call for Papers for a Special Issue

Rethinking Corporate Agency in business, politics and philosophy

Special Issue of Journal of Business Ethics

Guest Editors

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Deadlines

• Submission of full papers by 31st January 2017

Topic of the special issue

Should we attribute agency and responsibility exclusively to individuals, or can they also be properties of groups such as corporations and states? If corporate agents exist, do they have the same rights and responsibilities as natural persons? How should responsibility for collective harm be shared? The relevance of such questions is apparent in the difficulty of specifying individual responsibility for systemic problems such as climate change, global poverty, the financial crisis of 2007-08 and the recent sovereign debt crisis. It has proved equally challenging to assign culpability in organisational contexts such as BP’s Deepwater Horizon oil spill in 2010, the Union Carbide gas leak and Herald of Free Enterprise disaster in the 1980s, and the collapse of the investment banks that triggered the financial crisis. In the censure of Amazon, Starbucks, Google and Facebook for irresponsible tax avoidance, corporations apparently are perceived as agents fit to be held responsible. On the other hand, the rights and ‘personhood’ of corporate agents have been widely questioned following the Citizens United v. Federal Election Commission (2010) decision to apply First Amendment rights to corporate speech.

The purpose of this special issue is to bring together new ideas on agency and responsibility from the breadth of disciplines in which such questions are addressed. Arguments from the field of business ethics have typically drawn on the discipline of analytical philosophy to answer whether business corporations are moral agents (e.g. Goodpaster and Matthews, 1982; Werhane, 1985; Pfeiffer, 1990; Phillips, 1992; Moore, 1999; Velasquez, 2003; Arnold, 2006;
Altman, 2007; Ashman and Wistanley, 2007; Dubbink and Smith, 2011; List and Pettit, 2011; Dempsey, 2013; Lampert, 2016). However, continental philosophy has provided resources to question whether such terms as ‘agency’ (Painter-Morland, 2011) and ‘responsibility’ (Dunne, 2008) have stable meanings even before they are attributed to corporate organisations. More recently these concepts have been theorised from numerous novel perspectives outside the field of business ethics, as we outline below.

For example, shareholder primacy and the nexus-of-contracts theory of the firm have been challenged by a stream of recent work in critical legal studies, economics and political science (Ireland, 2003; Gindis, 2009; Robé, 2011, 2012; Deakin, 2012; Stout, 2012; Veldman and Parker, 2012; Ciepley, 2013; Mansell, 2015). These works push towards a revival of the ‘real entity’ and the ‘concession’ theories of the corporation, with important implications for the recent landmark legal rulings in the US. Furthermore, legal scholars have long debated the concept of corporate personality (Freund, 1897; Maitland, 1905; Dewey, 1926; Naffine, 2003; Harris, 2006; Ghadas, 2007; Ripken, 2009; Avi-Yonah, 2011; cf. Collison et al., 2014), particularly in relation to corporate criminal liability (Laufer, 1994; Sullivan, 1996; Khanna, 1996, 1999; Lederman, 2000). However, little of this work has influenced parallel discussions in business ethics.

More recently, political theorists have increasingly engaged with issues of corporate agency and responsibility in the state. For example, recent literature analyses how citizens can be complicit in their state’s wrongdoing and share responsibility for state policies (Ashford, 2006; Beerbohm 2012; Goodin and Lepora 2013; Kutz, 2000). Some of these accounts draw on corporate ethics in suggesting that the status of the state as a corporation is vital in establishing conditions under which citizens can be held responsible for the actions of the governments they have elected (e.g. Parrish, 2009; Stilz, 2011; Pasternak, 2013; Collins, forthcoming). Here the question of whether the government of a state is properly accountable to the legislature, all its citizens, to every person resident in its territory or to a broader set of stakeholders (e.g. the ‘international community’), is analogous to the question confronting business ethicists of whether boards of directors should serve the interests of shareholders, employees, all primary stakeholders, or society at large. And the literature on the criminal liability of business corporations is undoubtedly relevant to a state’s liability to pay reparations to those harmed by actions taken on its behalf, and the question of how those obligations are distributed among its citizenry.

The corporate status of guilds, towns, collegiate churches and the state is now an established area of intellectual history (e.g. Gierke, 1900, 1990; Maitland, 2003; Kantorowicz, 1957; Black, 1988, 2002; Runciman, 1997; Skinner, 2009; Tierney, 2010; Ryan, 2011). Gierke (1900, 1990), for example, famously expounded the medieval conception of the corporation as a group person and its gradual displacement by the idea of the modern state. In this way a genealogy of corporate personhood, were it to be attempted, might unearth fruitful alternatives to our contemporary notions of corporate responsibility.

**Prospective themes of the special issue**
The aim of this issue is to bring together works that traverse disciplinary boundaries and engage with questions of corporate agency and responsibility from a variety of disciplines. We especially welcome papers that reflect on possible connections and interactions between philosophy, business ethics, political theory and critical legal theory around these issues. The questions addressed by contributions to the special issue might include the following (though this list is not exhaustive):

How should we assign responsibility and culpability for collective harm?

How should we understand shared responsibility for climate change, severe poverty, and the exploitation of cheap labour in the developing world?

What obligations are owed by individuals and groups to future generations?

What are the implications of corporate agency for economic theories of the firm?

What are the implications of theories of agency and responsibility for the reform of corporate governance?

What can phenomenological perspectives bring to our understanding of agency and responsibility?

What are the institutional origins of corporate responsibility (or the lack thereof)?

Are corporations subject to principles of justice as part of the Rawlsian ‘basic structure’?

How should we understand the notion of the common good – both in organisations, the state, and in society more broadly?

What would be the consequences for democracy of abolishing corporate personhood?

Should corporations have some of the legal and moral rights of individuals?

What can the history of political thought bring to contemporary theories of corporate moral agency and responsibility?

**Timeline for submissions**

1. Submission of full papers to *Journal of Business Ethics* will open on 1<sup>st</sup> August 2016 and close on 31<sup>st</sup> January 2017.

2. All papers will be subject to peer review. Feedback from review and decisions by 15<sup>th</sup> March 2017.

3. Authors asked to revise their full papers will be invited to attend a workshop to be held during the spring of 2017.

4. Period for revisions of papers accepted subject to revisions: 15<sup>th</sup> March 2017 to 15<sup>th</sup> July 2017.


References


