

Student's name

Teacher's name

Course name

Date

MBA 5325

CASE ANALYSIS EXERCISE

- 1. State the moral issue of the case. (There may be more than one; so choose.) You should conceptualize, rather than describe the issue. Analyze the moral dilemma posed, *do not simply repeat the facts of the case*. It is often helpful to frame the issue as a question.**

The primary issue at hand is that of corporate personhood – ever since *Citizens United v. SEC* in 2010, corporate entities are allowed to spend money to exercise their free speech, ostensibly guaranteed to them by the First Amendment of the Bill of Rights. However, the dilemma lies in whether or not corporations are people. Is it fair, right or accurate to allow a corporation (essentially a collection of individuals with a great amount of capital and spending power) the exact same rights as an individual American citizen? Do corporations have the right to act as moral agents, and use their personhood to buy essentially elections for the candidate they feel will benefit them the most?

- 2. Define relevant terms. , e.g., “corporate responsibility”. Provide definitions from the power points, articles cited or from specialized dictionaries, encyclopedias, etc.**

Do not use Webster's, etc.; this sort of dictionary is concerned with usage of words rather than the definitions they acquire in different fields.

Corporate personhood – the concept of a corporation as a discrete entity possesses at least some of the legal rights that physical people have (Lerner 371). Moral agent – A person who is able to act on what they believe is right or wrong.

Corporate responsibility – a corporation's obligation to its stakeholders, employees, and the society in which they live and operate.

3. Create a viable defense for each of *two* opposing positions on the moral issues.

Pro-corporate personhood: Corporations, despite not being people, are still the primary means by which the people who comprise that corporation exert their will. In many ways, companies have a major responsibility to their shareholders to act in their best interests, which also means ensuring their prosperity and improving profits. If that can be accomplished by allotting resources to advocating for candidates that would work for them, so be it. No one is actually forcing citizens to vote for candidates, just strongly advocating for them.

Anti-corporate personhood: Corporations should not be given the same power as individual people, because that power differential is never equal. Individual people will never have the spending and lobbying power as corporations do, which means that those corporations will always have more money and resources to push through legislation and politicians that will favor them. This creates an irresponsible and undemocratic society in which money is too great a motivator for people who are meant to be performing public service.

4. Explain the mid-level principle(s) that you will be taking to resolve the conflict between the two positions you have outlined. You should explain the principle(s),

but also explain its connection to one of the major moral theories, e.g., French's "personality theory" of corporate responsibility is a natural law theory while Ewin's theory of corporations as rational and autonomous is a deontological theory.

Among the mid-level principles I will use to resolve this conflict are natural law/virtue approaches. In order to resolve the conflict at hand, it is necessary to discuss the connections between the Reality Theory (which "recognizes corporations to be pre-legal sociological persons") and the Personality Theory (in which a moral person cannot be "an aggregate collectivity" (May and Hoffman 138).

5. Apply this approach to the case.

When presenting a natural law argument, you should identify the basic human good(s) or practices involved and show how it/they are being protected, increased, or, oppositely how it/they are being harmed. This is a question involving not just goals, but means used to obtain the goals.

The basic human goods at hand when taking a natural law approach to this is the citizens' ability to have an equal voice in a democratic government. Corporate personhood harms this, as Personality Theory states that corporations, being 'eliminatable' by being able to be split into individual people, have a fundamentally unequal voice in the government. If not for *Citizens United*, there would at least be some division between individuals and companies, leaving the power differentials simply between the individual political power and money of those people. Corporate personhood merely combines the power of multiple people and the vast resources that come from aggregate into the will and rights of an individual American. If management is no longer able to use corporate funds as their own personal bank to fund ads for politicians they

personally favor, corporations will be less able to exact whatever powers they have as moral agents.

6. State your position on this case. Show how your position flows from the moral approach you have chosen.

My position on this case is staunchly anti-corporate personhood; I firmly believe that *Citizens United* is one of the most disastrous and un-democratic decisions made by the United States in the last decade. With no caps on corporate donations, billions of dollars can be spent on propping up a candidate that works in the best interests of those corporations, leaving those without that same level of power in the lurch. Corporations having the same freedom of speech that they do effectively mutes their own speech, since corporations and the money they can spend speaks so much louder than a vote from a regular citizen. By applying natural law approaches to this issue, we show that corporations do not have an individual personality and can be divided into its individual components; therefore, they should not have the same rights and privileges a single citizen has.

Works Cited

Larmer, Robert A.H. *Ethics in the Workplace: Selected Readings in Business Ethics*. Wadsworth Thomson Learning, 2001.

May, Larry, and Stacey Hoffman. *Collective Responsibility: Five Decades of Debate in Theoretical and Applied Ethics*. Rowman & Littlefield Publishers, 1992.

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