CORPORATION as VILLAIN and VICTIM:
Reflections on Privilege, Complicity, Awareness, and Accountability

Environmental Crime and Its Victims
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Presented by Dr. Mary Clifford
St. Cloud State University
St. Cloud, MN USA

Anyone know what this is?
...and who these people are?

The roots of the U.S. Criminal Justice system precede
- independence as a nation,
- the abolition of slavery,
- a woman's right to vote,
- the varied industrial revolutions,
- the rise of the modern corporate structure,
- the social revolutions of the 1960s,
- advancements in the electronic, computer, and technological age.

E. DURKHEIM (1895) DESCRIBED SOCIOLOGY AS

...the “SCIENCE OF SOCIAL INSTITUTIONS, THEIR GENESIS, AND THEIR FUNCTIONING.”

TRADITIONAL WAYS OF ADDRESSING OR REDRESSING SOCIAL HARM

ENVIRONMENTAL HARMs
POLICIES, REGULATIONS, LAWS, VIOLATIONS, ENFORCEMENT PRACTICES, INVESTIGATIONS, PROSECUTIONS and PUNISHMENTS

...DO NOT FIT NEATLY INTO THE EXISTING SYSTEM.
SPECIALIZED U.S. STATE COURTS INCLUDE:

- Family courts
- Environmental courts
- Probate courts
- Tax courts
- Water courts
- Land courts
- Administrative courts
- Small claims courts
- Juvenile courts
- Drug courts
- Business/commercial courts
- Indian/Native American courts

NOTE: MN right now experimenting with Domestic Violence courts

What has been discovered about environmental harm?

- Many people will knowingly purchase products harmful to the environment...
- Many people will knowingly use technologies which are controversial or potentially hazardous...
- Many people will knowingly eat foods that are genetically modified despite not fully understanding the consequences...
- Many people will knowingly use drugs processed, marketed, and recommended by medical professionals with little understanding of the short or long-term consequences...

What can be said about the interactions between people and institutions?
Both groups become the focal point for collective action while the categories “victim” and “offender” are also useful for creating sides and drawing battle lines.

OUTRAGE often breaks down into two camps:
1. victim harm, and
2. offender action
THE CRIMINAL JUSTICE SYSTEM IN THE UNITED STATES OPERATES FROM WITHIN A COLLECTION OF SOCIAL INSTITUTIONS WHICH IDENTIFY AND LEGALLY DEFINE THE CORPORATE STRUCTURE, AS A “PERSON.”

The legacy of forced labor and genocide in the U.S. is too easily overlooked or forgotten as a foundation of our social institutions and social systems.

CONVERSATIONS INTENDED TO ADDRESS ENVIRONMENTAL HARMs MUST INCLUDE DISCUSSIONS ABOUT THE WAYS PEOPLE WITH PRIVILEGE REMAIN COMPLICIT IN TACIT OR EXPLICIT SUPPORT OF UNEQUAL POWER DISTRIBUTIONS BUILT INTO AND MAINTAINED BY CONTEMPORARY SOCIAL SYSTEMS AND INSTITUTIONS and yet the POWER STRUCTURE which maintains these benefits remains “HIDDEN” BY… TO… and FROM THE SAME PEOPLE WHO BENEFIT FROM THESE EXCLUSIVE PRIVILEGES.

THE CORPORATION (2003) BY MARK ACHBAR, JENNIFER ABBOTT, AND JOEL BAKAN

- Corporations emerged in the late 1800s as a legal ‘person’
- Corporations have demonstrated harm to workers, human health, animals and the biosphere
- The state has used police to protect and defend corporate rights over citizen’s rights
- The laws are increasingly criticized for the creation of intentional bias in favor of the corporate structure and those who benefit
- Penalties and fines and sentences imposed do not impact corporate offenders proportionally to other crimes

The Corporation (2003) by Mark Achbar, Jennifer Abbott, and Joel Bakan

Noam Chomsky is an Emeritus Professor at Massachusetts Institute of Technology (MIT American linguist, philosopher, cognitive scientist, logician, historical, political critic and activist)。”

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Using criteria from the WHO and the DSM-IV, The Corporation uses this model and offers a corporation-as-personality assessment.

Robert Hare, consultant to the FBI and developer of the "Psychopath Checklist."

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ANTI-RACISM WORK: Systemic Power and Race
SYSTEMIC POWER IS THE LEGITIMATE/LEGAL ABILITY TO ACCESS AND/OR CONTROL THOSE INSTITUTIONS SANCTIONED BY THE STATE.

In relation to race, SYSTEMIC POWER functions as though it were cubed:

\[ P^3 = \text{POWER} \times \text{POWER} \times \text{POWER} \]

\[ P^1 = \text{POWER OVER PEOPLE OF COLOR} \]

\[ P^2 = \text{POWER WHICH GIVES PRIVILEGE AND ADVANTAGE TO WHITE PEOPLE} \]

\[ P^3 = \text{POWER WHICH SOCIALIZES ALL OF US INTO RACIAL RULES} \]

The cubing effect of Systemic Power and Race is referred to as

“...racism’s power to destroy us all.”

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Oscar Olivera, active in resisting the privatization of water rights in Bolivia, describes how the government used law enforcement to defend the corporation.

Click here

ANNE BRADEN

In a sense, the battle is and always has been a battle for the hearts and mind of white people [in the United States].

The fight against racism is not something we’ve called on to help people of color with. We need to become involved as if our lives depended on it because, in truth, they do.”

http://comm.louisville.edu/abi/
The victim and the villain interact in intimate dynamic where sometimes even lethal harm goes unnoticed.

HOW IS THIS POSSIBLE? WHAT DOES THE PROCESS OF OVERLOOKING THIS KIND OF HARM DO TO THE PERPETRATOR OF THAT HARM?

...slavery, corporate harm, sex trafficking, offer examples of how to look at the role of the PERPETRATOR as a creator of the system.

...ON ONE HAND

TO ENHANCE THEIR ECONOMIC POSITIONS SOME PEOPLE WILL KNOWINGLY AND WILLINGLY PLACE THEMSELVES IN DANGEROUS JOBS OR USE EXPLOITIVE TECHNOLOGIES THAT MIGHT POISON OR KILL THEM WITH THE HOPES OF SECURING BASIC NEEDS OR A BETTER LIFE FOR THEIR FAMILIES...

THE DESIRE TO ENHANCE THE LIVES OF OUR CHILDREN IS GREAT... ...AND YET
LIKE THE LEGACY OF SLAVERY, AND THE CORPORATION, FAMILIES IN THE U.S. ARE AN INSTITUTION LINKED TO OTHER INSTITUTIONS AND FOCUSED IN THEIR TRADITIONAL FORM AS A WAY TO INFLUENCE AND/OR REGULATE, EXERT POWER OVER OTHERS.

The Modern Family...
- notorious for perpetrating violence and harm
- Gangs...
- a reconstitution of 'family'
- Organized Crime...
- a social construction of mythical family loyalty
- LGBT...
- legally unrecognizable as a 'family'

The Family Structure...
- Provide basic needs
- Supporting each other...especially children
- Educating each other...especially young people

Family Violence...
- Intimate Partner Violence
- Child Physical and Sexual Abuse

DEDICATED COURT: DOMESTIC VIOLENCE

ADVANTAGES
- Judicial expertise
- Consistency across cases
- More sensitive and responsive to victims
- More connected to community resources
- Process cases more quickly
- Reduce victim intimidation
- Easily see and identify repeat offenders
- Increased offender penalty and accountability

DISADVANTAGES
- Concern about expertise affecting judicial impartiality, particularly with repeat offenders
- Consistency could be seen as a disadvantage
- Increased security may be necessary because of the volatility of domestic violence cases
- Because of exclusively difficult case content, burnout rates may be higher

THE CORPORATION AND THE FAMILY...

AT THEIR BEST:
- A resource for learning and making connections
- An efficient way to organize goals, plan for the future, and learn from the past
- A means for garnering support and collaboration to move beyond individual restrictions or limitations
- A vehicle for learning about self and others

AT THEIR WORST:
- Systems and structures of oppressive power
- Dynamics where money rules all decisions hopes aspirations
- Traditions of exploitation...self over other
- Traditions of expecting exploitation...learning to see yourself as unworthy, undeserving,
- Traditions of seeing yourself as privileged, unaccountable and bigger than anyone else

The many ways socially sanctioned institutionalized harm is present in so many social systems and institutions serves to verify a broader social ideology which reifies the acceptability, maybe even the expectation, of harm as a relational exchange between people in social settings—even within loving, intimate, personal, institutions.
INTERNATIONAL HUMAN TRAFFICKING

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THE VILLAIN
- Slave systems allowed... REQUIRED: slave owners to “see” paid the slave as a human to justify barbaric treatment
- Corporations as people see no harm; corporate officials are taught to see no harm
- Sex offenders often negate the harm they do or experience cognitive distortions which allow them to not “see” what they do as harmful or offending behavior
- Rapists do not “see” what they do as rape
- Batterers do not “see” what they do as battery
- Child abusers are ‘teaching the child’ a lesson

THE VICTIM
- Victims often, at least for a period of time feel and perhaps are “stuck” in the system, hopeless and unable to see another way out
- Victims continue to work within the dysfunctional or exploitive systems
- Victims do not see what they do as co-dependent... relationship
- Victims do not see how they support the abuse/
- Victims do not see how their sadness or suffering matters
- Victims do not see themselves adding value

What is known about interactions between institutions and people?
- Many people will knowingly purchase products harmful to the environment...
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THE VILLAIN AS THE VICTIM?

THE IDEOLOGY REQUIRED TO MAKE CORPORATIONS “PEOPLE” WAS ROOTED IN THE SAME SYSTEM OF EXPLOITATION AND DEHUMANIZATION WHICH INSPIRED SLAVERY...

PRESENTED AS AN INNOVATION TO MAKE LIVES BETTER WITH THE CONSEQUENCE, IF NOT THE CLEAR INTENT, BEING THE ADVANCEMENT OF ANOTHER SYSTEM OF EXPLOITATION OF SOME AND BENEFIT FOR OTHERS.

How much of the ‘corporations-as-psychopath’ mentality is present in the psyche of people who live life and work in systems which remain steeped in this history of exploitation and remain accountable to the larger society while being identified as essential to “the American way of life” and the “emerging global economy” without while, privileged people fully understanding the exploitation, harm, and dehumanization required to sustain this system?

“And suddenly, I looked at the bull. He had this innocence that all animals have in their eyes, and he looked at me with this pleading. It was like a cry for justice, deep down inside of me. I describe it as being like a prayer – because if one confesses, it is hoped, that one is forgiven. I felt like the worst shit on earth.” —Torrelo Alvaro Munera
* How can people with privilege and a sense of entitlement who are taught overt and covert ways to use harm to assert their superiority over others, particularly people of color—and for our purposes here animals, and the environment—as a means for demonstrating their superiority be taught to unlearn the privilege?

*More specifically how can white people who bear the benefit of complicity and carry the afflictions of entitlement assume responsibility for reconnecting to their humanity and become educated on ways to support rather than take over and control the kinds of community building and development of human capital being demonstrated in communities of color around the world?

FROM “THE GREAT TURNING” DAVID KORTEN ON JOANNA MACY
http://www.youtube.com/watch?v=R5gyIY1C67M
THE GOAL IS SUSTAINABLE JUST COMMUNITIES.

ADDITIONAL RESOURCES:

* How can people from privilege taught to assert their superiority over others as a means for seeing themselves as superior, as having value, expect to fully become allies in global social movement to prevent environmental harm when history, past and present, has taught us to use harm to make ourselves visible?

* How can a system of justice built up around laws and enforcement systems designed to benefit specific groups while simultaneously exploiting targeted groups and actively denying the harm or abuse present in that social system be useful as a tool for environmental justice?

A few critical questions:

* How can people from privilege be taught to see the ways they are complicit in maintaining this privilege?

* How much of the corporation-as-psychopath ideals is passed to other institutions and to what degree?