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Unequal Protection: the rise of corporate dominance and the theft of human rights

By John N. Cooper

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How is it that corporations have come to exert so much power and influence over our everyday lives, to have rights and privileges unavailable to individuals, to take so much from, and return so little to, the general wealth both of this country and the rest of the world? In his 2002 book, "Unequal Protection: the rise of corporate dominance and the theft of human rights" [Rodale, [www.rodalestore.com](http://www.rodalestore.com), distributed by St. Martin's Press, ISBN 1-57954-727-7, US\$28.95], Thom Hartmann does much to answer these questions. The answers stem both from the principal historical purpose of corporations - to aggregate and collect wealth from the many, the general public, for the benefit of the few, the stockholders and management of the company - and from their secondary purpose, to limit liability of the few in the case of failure of the enterprise.

Hartmann traces the history of corporations from their Elizabethian inception in the East India Company to the present; he describes in some detail the changes in the relationship among corporations, their governmental patrons and their societal prey. Historically corporations were granted charters by governments subject to their being monitored, controlled and mandated to provide for the general good in exchange for specific commissions and concessions. In America's early history, this principle was understood and effectively implemented to control the excesses of corporate behavior. Then in 1886, the US Supreme Court ruled on arguments in the case of Santa Clara County[CA] v Southern Pacific Railway. A clerical misstatement in the court reporter's notes, separate and distinct from the formal decision, led to the interpretation that the Bill of Rights was intended to apply to corporations, not just individual human beings. Although Jefferson had cautioned specifically against the power of corporations unrestrained, thenceforth their lawyers have succeeded in prizing successively greater concessions from and precedences over the rights of individuals.

Acceptance of corporations as 'persons', entitled to the same rights and restrictions as human beings, has come to be capriciously applied. Corporations buy, sell, trade, dismember, even kill other corporations - the corporate equivalent of slavery - without being held accountable as they would if corporations were human beings. There are other glaring inconsistencies in the logic of corporate 'personhood' but our law is governed more by precedent, than by logic, or common sense. Once entrenched and established, no matter how egregiously erroneous, the tradition of corporate personhood would take an act of Congress, or an amendment to the Constitution, to rectify the mistake.

There are a number of fallacies in the assignment of 'person' status to fictitious, fictional entities such as corporations. A principal function of good government is to level the playing field between the weak and powerful, to protect the weak from the predatory ravages of the strong. Although all 'men' are presumed equal, in rights if not in innate abilities, corporations are clearly, intrinsically, manifestly vastly more powerful than any one man or small group of men. As Hartmann shows, this difference in power is important yet our present governance fails utterly to protect the populace from the ravages of corporate rapacity and indifference to the plights of its victims.

Although the purpose of government is to provide for the general good, while minimizing harm to the weak and minority interests, the purpose of corporations is to accumulate wealth for its management and stockholders without regard to the source of that wealth. The wealth of a few individuals is not coincident with the general good. Nor are the managers and stockholders of a concern, a tiny subset of the general populace, coincident with the general population. Thus the purposes of good government in general do not coincide, indeed are often at odds, with the purposes of any given corporation.

Further, the activities of corporations in the aggregate - concentrating and focussing wealth for their individual stockholders by taking it from the general population - does not result in general good for the population. The myth that entities acting in unrestrained pursuit of their self-interests somehow produce the greater general good is amply disproven by the history of the American experiment. Rather the general wealth and good is redistributed, concentrated and focused to the benefit of the most powerful and the detriment of the least. Left to themselves, corporations parasitize the general population, suck the wealth out of it for corporate gain while often degrading the environment and denuding the resources employed to accumulate that gain. Corporatism results not in shared wellbeing for the general population but concentrated and focussed wellbeing for a few in a sea of general deprivation.

In other chapters, Hartmann describes the effect of Free Trade and the supranational World Trade Organization: to ravage national economies for the benefit of Corporations, to degrade the wellbeing of the middle class and workers in developed countries, only minimally to improve that of those in developing countries, while enriching the beneficiaries of corporations. Wealth and wellbeing are transferred from those who need it, to those who have it already.

Mussolini defined fascism as the merger of state and corporate power. It appears that America, indeed the entire planet, is well on its way to becoming a fascist state. Ruled by corporations, our 'elected' leaders and representatives are beholden and accountable principally to the interests of their various corporate contributors, only secondarily to the public. It is perhaps ironic that Hartmann, a self-confessed 'founder and former CEO of seven corporations that have generated over a quarter billion dollars in revenue', concludes this fascinating book with proposed grass-roots initiatives to unravel the tangled skein of corporate dominance. He offers no alternatives to the corporate model for the management of production and the distribution of wealth and wellbeing.

Rather he advocates the return of effective control and regulation of corporations to the people, making them less the victims of corporations and more their overseers and regulators; and he and offers model actions to be pursued at the local level. But the present processes of government from legislatures to the courts are seemingly similarly enthralled to business interests intent on maximizing profit, not the general welfare. Whether or to what extent anything can be done to reverse this state of affairs is unclear. Readers will be provoked to wonder whether there are other means of advancing the general good and wellbeing than increasing the disparity in both for the general populations. Rather than a definitive solution to the problem of corporatism, this book provides a clear, readable and provocative depiction of the extent of that overwhelming problem.

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