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Bad idea, taken to an extreme

By Jim Taylor

In over 70 years, I don't ever remember seeing a corporation in church. And I doubt if corporations show up at synagogues either. Or mosques. Or Buddhist or Hindu temples.

Yet the U.S. Supreme Court recently ruled that closely held corporations have religious rights. That's a euphemism for religious scruples. Which enables them to avoid providing their female employees with contraception and family planning benefits required by Barack Obama's Affordable Care Act.

Roughly 90% of all companies in the U.S. are "closely held," meaning that at least half the shares must be held by no more than five human beings.

"Closely held" does not equal small. Hobby Lobby, the company that brought the case to the Supreme Court, has 600 stores and 30,000 employees. Mars, the family-owned candy giant, has \$33 billion in annual revenues and 72,000 employees. Cargill Inc. takes in more than \$136 billion in revenue and has about 140,000 employees.

And the biggest family-owned corporation, Walmart, has 11,000 stores in 27 countries, with over two million employees. Its annual revenues surpass all but 25 nations, worldwide.

That's not to suggest that corporations can't have religious convictions. Bruce Brown, author of *The History of the Modern Corporation*, argues that the world's oldest surviving corporation is the Order of St. Benedict, founded 529 A.D. Beyond any question, the Benedictine Order has religious convictions.

But commercial corporations? Get real!

Beyond even science fiction

A modern corporation is a legal fiction. It's a means for a group of owners to limit their liability should things go wrong, an attempt to escape the legal principle that creditors can collect debts from any owner they can drag into court; they don't have to collect from each owner proportionately.

Author Gary Doctorow noted, "While the word corporation doesn't appear in the [U.S.] Constitution, the Supreme Court has now granted corporations ... personhood, due process, protection from double jeopardy and unreasonable search and seizure, and free speech rights. Almost all of these rights originate from a twisting of the 14th Amendment's equal protection clause, which was meant to provide rights for freed slaves."

Incredibly, argues Thom Hartmann in *Unequal Protection: How Corporations Became People*, no U.S. court has ever formally ruled that corporations are persons. The Southern Pacific Railway used 14th Amendment protection as one of six defences against Santa Clara County in California, in 1886. One of the other defences succeeded; the court declined to consider the remaining five.

But a court reporter, J.C. Bancroft Davis, wrote in a headnote – an unofficial introduction to the official verdict – that "corporations are persons within the intent of the clause in section 1 of the Fourteenth Amendment to the Constitution of the United States, which forbids a State to deny to any person within its jurisdiction the equal protection of the laws..."

No corporation ever fell in love

Ever since, it has been taken for granted in more and more countries that a corporation is a “person,” and thereby entitled to all the rights and privileges of a human person. The right to hire and fire, to make a profit or a loss, to own and sell property, to represent its interests in court...

In the U.S., the right to spend unrestricted millions to influence politicians and political parties.

And now the right to hold religious beliefs.

And yet it should be transparently obvious that corporations are not, and never have been, human persons. Corporations don't get haircuts, drive cars, or go to sleep. No corporation ever fell in love or danced the rhumba. No corporation has ever run for political office or gone to jail.

And no corporation has ever come to church. Or fallen to its knees in prayer.

A corporation's owners and executives may have religious convictions. But the corporation itself is designed to be a separate entity.

A legal contradiction

Christopher Ketcham wrote on AlterNet, “This astonishing fictional ‘person’ ... can split off pieces of itself to form new fictional persons, can marry other similar persons in a process called a merger, is immortal, can change its name and identity overnight, and can aggregate gigantic streams of capital with which it somehow has the right to speak.

“Strangely enough, the corporate person... is owned by many other persons called shareholders who buy and sell its parts every day – it is owned, in fact, much the way that a slave is owned.”

Which makes corporations not only a legal fiction but a legal contradiction. Because the 13th Amendment bans the sale or ownership of a person. If a corporation is a person, it cannot be bought or sold. That makes stock exchanges – which buy and sell corporate parts – a criminal enterprise.

Deeming a corporation to be a person may have been a useful fiction for some 200 years. But now the chickens have come home to roost. And they're pooping all over the rights of real persons.

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YOUR TURN

Something about the subject of prostitution – the subject of last week's column – inspires people to write long letters!

Judyth Mermelstein liked the analogy of renting a sex partner, instead of owning one: “Isn't the virtue of renting rather than owning the freedom to use something temporarily and let somebody else deal with the costs of ongoing maintenance? With few exceptions, the men who use prostitutes (and ‘use’ is the right word) do so because making sex a matter of commercial transaction means they do not have to care about relating to the woman, let alone gratifying her, and feel no responsibility for her long-term health and safety.

“As for the likelihood that arresting johns will actually reduce demand, well, good luck with that. It's been tried many times in many places without noticeable reduction in the sex trade. It just means that the prostitutes have to work in ill-lit, isolated and unpatrolled places instead of where they have some hope of help if somebody gets nasty.

“More to the point, the men behind the bill have been given all the evidence they need to make a wiser decision but have chosen to ignore it. For one thing, if they or their friends want sex with a disposable woman, they have the means to do so in safety, without fear of arrest, using the higher-priced services of an elite escort service and a discreet hotel. For another, there is no way they actually want to tackle the organized crime bosses who profit from the way things are --i.e., prostitutes and ‘dancers’ helpless and open to exploitation by violent and vicious operations. The ‘tough on crime’ rhetoric somehow doesn’t lead to a single arrest in the well-known organized crime circles that thrive on sex, drugs and political corruption.”

Judyth also concurred with my suggestion that sex was often about power, not love: “One of the first things a conquering army does is demand sex from the women of the defeated. If they can’t obtain it with bribes or intimidation, many of them will resort to coercion and force. It happens in every war and has been happening for millennia. And everyone knows it does, even if it’s only discussed openly about the enemy, not one’s own side.

“Whatever the truth may be, it seems clear enough that protecting sex workers is the last thing on the government’s mind and there’s nothing subconscious about their assumption that women are inferior beings designed to serve men’s interests... Maybe that explains why they are so adamant that 1800 missing, presumed dead Aboriginal women aren’t worth looking into?”

Charles Hill confirmed that much sex is often about power: “I work with rapists. The predominant commonality is a display of male dominance, male power. I have worked in counseling with women who have had regular sex for 30 years with a husband but rarely had orgasms because he was only taking care of his gratification. I have worked with parolees who have taken polygraphs that showed innocence (polygraphs are not admissible in court in the US) that were accused by an angry woman. For both men and women, sex is power in certain situations.

“It’s too bad that the creator God did not use mitosis for human reproduction.”

Steve Roney provided several reasons why prostitution was not a “good thing,” and then reasoned from that, “How is it best discouraged? By making it legal to be a prostitute, but illegal to pay one?

“Now we can make some comparisons: do we find it proper to reduce drug use by making it legal to traffic drugs, but illegal to use them? Legal to sell stolen goods, but illegal to buy them? Legal to sell smuggled cigarettes, but illegal to buy them?

“No, no, and no. We are indeed treating prostitution differently from these other crimes...”

“Why is prostitution different? The answer, it seems to me, is the endemic tendency throughout the justice system to favour women and to avoid prosecuting them. The system will do handstands to avoid blaming a woman for anything. Ergo, if a woman does something the system simply cannot condone, the blame is transferred to the nearest man. ‘Living off the avails’ was the old form of this.”

Laurina Tallman also objected to blaming the males: “The Canadian rape shield law passed in 1983 allows a woman to lay charges against a man without proof of his assault and regardless of her sexual history. In 1991 a Supreme Court judge ruled that the burden of proof placed upon the male is so onerous as to make a defense impractical. At that point, the psychiatric history of the woman was made admissible, to the shrieks of feminists who want advantage, not equality. One of our sons will be released from jail tomorrow for having been caught in the jaws of that legal trap that sends hundreds of such innocent men into a damning social network that will affect their ability to obtain employment, travel, work in ‘sensitive’ jobs such as teaching Sunday School.

“At one time, I applauded the work of feminists to equalize conditions of pay in the workplace. I am disgusted by the legislators and horrified by the consequences under these laws of the extension of female rights and the erosion of male rights into our concepts of democratic equality. No one can win but the lawyers.

“The male cannot get a fair trial in a ‘he said, she said’ situation, because culpability has been assigned a priori to the male. Feminists have won their way right back into the ancient tradition of treating women as the frailer sex!”

There does seem to be something different about reading a column in print, as opposed to reading it on screen. Once again, the only really hostile response I got was from D.M. who read my column in his newspaper. "I read your article with disgust, dismay, disbelief, and anger. It is bordering on misandrist literature, and certainly not the first piece of this nature you have written.

"You state that 'there has never been a law against receiving some benefit for providing sexual services to another person -- whether that benefit comes as cash, a candlelight dinner, or a lifetime commitment to love, honour and cherish'. What an outrageous statement! How can you possibly associate receiving some benefit by providing sexual services to another person, to marriage...."

D.M. then sounded off about the proposed federal legislation: "The current law is based on Scandinavian laws that were conceived by feminists. Do you think for one nanosecond, it wasn't primarily designed to punish men? Scandinavian feminists are known for the hatred of men. How can it be legal to sell something, but not be legal to buy it? Easily, when you want to punish men. It is a totally sexist and discriminatory law."

Isabel Gibson brought in a note of common sense: "I'd say sex is just natural -- that is, neither sacred nor sinful in itself. Anything that sustains and protects people and brings them together could be seen as sacred; anything that hurts, sinful.

"Governments have no business (says me) in promoting what they might see as sacred or in regulating what they might regard as sin; they do have a responsibility to protect, to the extent practicable. Does the new law meet this test? I don't think so. By criminalizing the demand side, it will, I suspect, continue to foster the conditions that increase danger for those who sell sex.

"Is selling sex a good thing for the sellers, the buyers, or the rest of us? I don't think so, but I'm open to fact-based comments. Good or bad, it will continue to be a part of our society for the foreseeable future, just as it has been for the past -- whether for the reason you suggest (male drive to ownership) or others. How we work to minimize it is another conversation."

John Shaffer followed up on the reference to Sarah Palin, in last week's letters: "Yes, you can see Russia from some parts of Alaska. I have personally done so while flying into Gambell, Alaska, on St. Lawrence Island. Confusing to some, as St. Lawrence is a common name in Canada, too.

"I was pastor of the Aywaan Bering Sea Larger Parish that included three Presbyterian Churches and one United Methodist Church. I served the Nome Presbyterian Church and the Community United Methodist Church in Nome and tried to make annual trips to Gambell and Savoonga on St. Lawrence Island, so that people would know of me when they came to the big city of Nome (population 3850).

"Some people treat Sarah Palin as a joke, but it is no joke when people who have her world view are elected to political office."

TECHNICAL STUFF

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I write a second column each Wednesday, called Soft Edges, which deals somewhat more gently with issues of life and faith. To sign up for Soft Edges, write to me directly, at the address above, or send a note to softedges-subscribe@quixotic.ca

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Other sources worth pursuing:

- Ralph Milton's HymnSight webpage, <http://www.hymnsight.ca>, with a vast gallery of photos you can use to enhance the appearance of the visual images you project for liturgical use (prayers, responses, hymn verses, etc.)
- David Keating's "SeemslkeGod" page, www.seemslkegod.org;
- Alan Reynold's weekly musings, punningly titled "Reynolds Rap" -- reynoldsrap@shaw.ca
- Isobel Gibson's thoughtful and well-written blog, www.traditionaliconoclast.com
- Wayne Irwin's "Churchweb Canada," an inexpensive service for any congregation wanting to develop a web presence, with free consultation. <http://www.churchwebcanada.ca>
- Alva Wood's satiric stories about incompetent bureaucrats and prejudiced attitudes in a small town are not particularly religious, but they are fun; write alvawood@gmail.com to get onto her mailing list.
