

The modern age and corporate responsibility

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Living Dangerously

Corporate responsibility in the present age rarely presents itself among myriad accounts of contrasting corporate liability evasion which too often occur. Michelle Murphy, author of *Sick Building Syndrome and the Problem of Uncertainty*, summarizes this ongoing loophole in the judicial liability of corporations through underscoring the ability of corporations to escape from consequences as they produce various environmentally damaging negative externalities. This form of free evasion granted to corporations, Murphy argues, defines our age as being one of a “chemical regime of living” which allows corporations with detectable and measurable negative externalities emitting from their activities to nevertheless get away with them, unscathed by judicial consequence (Murphy 2008, p. 697). The environmental impacts of this disorganized and unreliable system disproportionately affect communities of marginalized and ignored status. This fact is important to consider alongside the notion of interconnectivity within the regime itself, that each effect of the chemical regime which defines our age is just as intrinsic to the continuation of the cycle as any other.

Three major effects of this regime characterize the atmosphere of community regarding its impacts on a globalized world. The first effect is that of disproportionately racialized and gendered consequences of environments polluted with ties to corporate negligence. The second is the inability to cultivate social action to demand for change in the areas most vulnerable to and affected by corporate irresponsibility. Third is the status of current legislation, vulnerable to corporate manipulation, on these

economically disadvantaged and marginalized communities, whether they be office complexes, neighborhoods, or entire nations themselves. The power of corporations to liberally affect the environment, and the lack thereof by these communities to contest and hold accountable those delivered effects, are critical effects of the cycle of vulnerability which present themselves through the chemical regime of living.

Murphy highlights the subtle undertow of the patriarchy on women workers of the feminist movement of the 1970s as they were vouching and fighting for safe office environments. Through this consciousness raising, as Murphy states, women began to realize the conditions of their work environments were potentially making them ill, and moreover, that they lacked the gendered legitimacy to easily conduct change. Disease linked to environmental toxins was difficult to prove in terms of causality, but furthermore, women faced steep obstacles in their abilities to be heard on health issues. “ In other words, like the patriarchy, toxicity was in the details,” Murphy states (Murphy 2008, p. 69). Because symptoms related to disease caused by office building materials were difficult for doctors to compile, though detectable, symptoms reported by women suffering from the adverse effects of environmental chemical toxins were often attributed to other causes, specifically causes attributed to the apparent emotional instability and common hysteria of women, “ then treated with tranquilizing pharmaceuticals” to dilute their apparent and illegitimate fears (Murphy 2008, p. 70).

Theresa A. Satterfield discusses the impacts of the Alouette Chemical Works plant in her article Risk, Remediation and the Stigma of a Technological Accident in an African-American Community on the community of Marshall, Georgia, a racially black community located close to where the plant was located. Untreated waste emanating from the plant, constructed in the 1910s, was not regulated until the 1970s, leaving a wide window for unrestrained pollution and environmental damage. Additionally, notification of residents regarding cleanup projects of the site and of detected toxins were only released from the Environmental Protection Agency to the residents of Marshall on delayed notice. The effects of corporate irresponsibility, over decades of abuse on the community of Marshall, Georgia manifest themselves through Satterfield's research and interviews with the residents of Marshall.

Satterfield advocates for the knowledge of an "important association between the stigmatizing of a technology or place by external society and the adverse effects on the people most immediately impacted," most notably "in light of recent speculation about the disproportionate presence of technological hazards in socially stigmatized, especially minority communities" (Satterfield 2000, p. 2). This philosophy on stigmatized place directly relates to a chemical regime of living which enables corporate pollution of place to continue without consequence to it but with major consequence to residents and people of the community without political power or access to authority which deems their claims as legitimate grievances. In both the studies conducted by Murphy and Satterfield, this reliance of affected communities on authority positioned to legitimize

claims to toxic effect mark the first hurdle to enacting change over the affected environments of marginalized groups. Furthermore, the perceived inability of communities to be empowered in realizing their own potentials to enact grassroots change serves to continue the negative psychological consequences of corporate unaccountability.

In *Crude*, the 2009 documentary film directed by Joe Berlinger, American lawyer Steven Donziger and Ecuadorean attorney Pablo Fajardo sue Chevron on behalf of the impoverished Indigenous Amazonian people, affected by the unrestrained toxic waste products of oil drilling along the Amazon river. It is important to note that these people, represented by non-Indigenous attorneys, only one being a native Ecuadorean, fight for justice on a transnational judicial platform removed from their comfort zone, by the language barriers they must surpass and the necessity of their representatives to physically travel from their homes, where their communities suffer drastic health consequences due to oil pollution, to the United States where they must advertise their cause to gain international support and to make appearances and speeches on behalf of their case. These obstacles make it very difficult for the people directly affected to confidently defend their case, in foreign lands, and against foreign people.

The chemical regime of living, as defined by Michelle Murphy, enables for this crooked sense of change by members of marginalized and disproportionately affected communities to continue to exist through the unequal power relations between overtly dominant corporations and disempowered communities. Giovanna Di Chiro's article *Living is for*

Everyone follows the work of environmental and community activist Theresa Leal in revealing the impacts of the United States border war with Mexico and unrestrained toxic dumping of garbage and sewage into the Santa Cruz river on the Ambos Nogales region. Corporate interest finds itself firmly planted on the Mexican side of the border in the city of Nogales, teeming with export processing plants thankful for the “ minimal tax and tariff liabilities and the open-door atmosphere enforced by NAFTA” in creating such an environment for corporate interest and less so for grassroots proposition of change, specifically change related to corporate interest, though small and positive changes have been noticed through the contributions of community organizations dedicated to citizen empowerment and independent solution building (Di Chiro 2004, p. 116).

Corporate strategies to evade responsibility for environmental pollution, though possible to be recognized through grassroots led efforts and sensationalized news coverage on the tragedies of neoliberalism capitalism, remain largely unfettered on a practical scale due to the weak status of transnational legislation regarding corporate interest and the capitalist global market. Legislation in the present chemical regime of living is highly vulnerable and often directly sides with corporate interest over community protection within the context of transnational lawsuits on behalf of the politically and economically poor. This concept fundamentally represents the theme of Crude, as Chevron continues to delay justice by extending the case brought to the courts by the Ecuadorean people through their ability to pay legal fees to fight the case for an indefinite amount of time.

Marginalized communities, specifically economically disenfranchised communities, lack the financial means to provide for class action suits against multibillion dollar corporations, pointing to a major flaw in the legal system of the West, superimposed on the transnational dealings of corporations and headed by members of first world nations in territories of second or third world nations, affecting the people in those areas. In their article *Flammable: Environmental Suffering in an Argentine Shantytown*, researchers Javier Auyero and Débora Alejandra Swistun follow the effects of unrestrained capitalism and a lacking justice system on the citizens of Villa Inflamable, a shantytown which, much like Satterfield's Marshall, Georgia and Crude's Ecuadorean Amazon, became the victim of corporate exploitation over the land. As Auyero and Swistun explain, "the meanings of contamination are the outcome of power relations between residents and outside actors," which, "in turn, shape those very same relationships," contributing to the cycle of corporate abuse without the backing of the threat of judicial consequence upon proof of exploitation (Auyero and Swistun 2009, p. 5).

Unclear outcomes, especially regarding the burden of proof of causality on the victimized, lead to a continuation of the exploitative processes which characterize the chemical regime of living of our time and thus enable corporate interest to continue to produce chemically toxifying substances and to expose entire populations to them at no consequence to the corporations or their practices. "In *Flammable*, this intrinsic uncertainty is amplified by the practical and discursive interventions of compound personnel, doctors, government officials, and lawyers," Auyero and Swistun

state, illuminating the complicated reality of the burden of proof on environmental victims (Auyero and Swistun 2009, p. 12). Within a chemical regime of living, jurisprudence is dedicated as much or more to the provision of justice to corporations as it is to the layman, fundamentally due to economic politicization.

These three effects of the current chemical regime of living hold in common the traits of contributing to the cyclical reality of corporate exploitation, targeting specifically the economically and politically underprivileged, and discouraging the efforts of grassroots-led change positioned toward the aims of deriving consequences for the actions and evasions of corporations that have damaged the livelihoods of disadvantaged communities. They are effects that symbolize the David and Goliath battles which consume marginalized communities on a regular basis, whether they are part of an organized and active process of fighting back against corporate interest, or are simply suffering in silence, struggling just to live alongside the environmental conditions from which they cannot escape. The consequences of a chemical regime of living affect both temporal and spatial dimensions of life for impacted residents, permeating both the corporeal and the psychological domains of those they victimize.