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Disabling Corporate Sovereignty in a Transnational Lawsuit

This article examines the opening proceedings of a lawsuit against ChevronTexaco filed on behalf of 30,000 Ecuadorians for industrial contamination in the country's Amazonian region. It asks what are the legal and ethical regimes at play in defining (and denying) corporate sovereignty and impunity, corporate entanglements and accountabilities. Sawyer argues that while the notion of the corporation as a sovereign embodied entity ("natural person") serves ChevronTexaco management and legal counsel in sidestepping culpability for environmental degradation in Ecuador, the same notion of embodied corporate sovereignty—situated in another discursive imaginary—serves as foundational to the plaintiffs and their demands for exacting accountability. [sovereignty; corporation; environment]

In October 2003, I sat in a muggy courtroom in Lago Agrio, a ramshackle frontier town in the northern Ecuadorian Amazon. The small courtroom was crammed with nearly 100 people: peasant and indigenous plaintiffs, their Ecuadorian and U.S. lawyers, the Superior Court judge, human rights and environmental activists, national and international reporters, and a handful of policemen. We all listened as a lawyer representing the ChevronTexaco Corporation responded to a lawsuit filed against the company on behalf of 30,000 Amazonian residents for environmental and health damages.

Flanked by two bodyguards, the lawyer read from an eighty-page document:

> Plaintiffs have instituted the present action against CHEVRONTEXACO CORPORATION based on the erroneous premise that the defendant is the successor of TEXACO INC., that this company has lost its legal personhood, and that TEXACO PETROLEUM COMPANY (TEXPET) was merely "a subsidiary of TEXACO INC., subject economically, technically and administratively to the policies and directives of its parent," all of which is neither true nor in accordance with the law (4). . . . The corporation I represent, CHEVRONTEXACO CORPORATION, is not the successor of TEXACO INC., and it has never acted in the Republic of Ecuador. . . . As a result, I state that you, Mr. President of the Superior Court of Justice of Lago Agrio,

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> lack jurisdiction and competency over CHEVRONTEXACO CORPORATION (2). . . . I deny that CHEVRONTEXACO CORPORATION is the successor of TEXACO INC., or that it has acquired any right or obligation whatsoever of TEXACO INC . . . . Plaintiffs lack the right to institute the present action, inasmuch as they lack all connection to CHEVRONTEXACO CORPORATION (48).[1]

According to the corporate lawyer, the plaintiffs were in error; they had sued the wrong entity. Texaco Inc., or better, TexPet—its fourth-tier subsidiary—was the actionable party.

Over the past decade, I have followed this lawsuit by Ecuadorian peasants and Indians against Texaco Inc., and now ChevronTexaco. And, along with observing plaintiffs, their longtime advocates, and lawyers, I was surprised by the corporation's argument. What concerns me here is not so much whether or not these assertions stand in court but rather what they and their various counterarguments tell us about forms of sovereignty under transforming transnational regimes of accumulation. In thinking about sovereignty, I am concerned with "entification"—the ways in which legal and ethical regimes bring entities into being and establish their worth by endowing them with specific rights and obligations.

In particular, I am concerned with the concept of limited liability, and specifically the legal philosophy that bolstered it and allowed for the emergence of the modern corporation we know today. The emergence of the concept of limited liability in contemporary U.S. corporate law coincided with broader efforts to define the corporation as a "natural" person endowed with particular constitutional rights. "Natural entity theory," as it was called, formed the juridical and philosophical basis for the present corporate form—that is, its structure, protections, and rights—and its impressive expansion at the turn of the twentieth century. While the natural entity theory is currently not a heatedly debated topic among legal scholars, its legacy lives on in corporate and popular imaginaries. As the lawsuit against ChevronTexaco illustrates, the vision of the corporation as a natural person or entity that once legitimized the fabulous explosion of capitalist activity resonates strongly with both the company's arguments for plausible deniability and the plaintiffs' arguments for calling transnational corporate activity into question. That is, the same tendency to personify and reify the corporation underlies and structures both ChevronTexaco's argument (pulling as it does from canonical understandings of the corporate form) *and* much of the outrage, resentment, and recognition of victimization voiced by the plaintiffs.[2] By deploying this imagery and infusing it with questions of morality, the plaintiffs have weakened ChevronTexaco's position and strengthened their own.

What are the processes that constitute, govern, and condemn the boundaries of corporate privileges, duties, and obligations under our present order? I suggest that the creation of the corporate body has served to enable and condone—as well as be the basis from which to challenge—particular practices in Third World

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places. As with humans, the production of corporate bodies has been part and parcel of the modern project to invest power with life—that individuating and normalizing project that Foucault called the will "to make live and let die" (1990). This lawsuit by marginalized Ecuadorian subaltern-subjects against what is today the second-largest oil company in the United States offers a heuristic for examining regimes of power embroiled in a struggle to define the shape and content of corporate sovereignty and embeddedness, impunity and accountability.

Historical Frame

The opening court hearings I attended in Ecuador during October 2003 were the outcome of ten years of legal jousting in the U.S. over jurisdiction in a lawsuit against Texaco Inc. The case's trajectory is fascinating and some historical background is in order.

It all began in November 1993 when a Philadelphia law firm filed a class action lawsuit against Texaco Inc. in the New York federal court. The firm filed the suit on behalf of 30,000 poor Ecuadorians—some of whom were indigenous and most of whom were nonindigenous Spanish-speaking peasants. The lawsuit claimed that over twenty-five years of Texaco's petroleum activity in the Ecuadorian Amazon caused severe environmental and health damages in the area. It alleged (as it still does today) that Texaco made strategic decisions in its New York headquarters to maximize its corporate profits by using substandard technology in its Ecuadorian oil operations. Negligent industrial practices, the lawyers for the plaintiffs claim, in turn strewed toxic wastes into water and soil systems throughout the region, severely contaminating the environment and endangered local people.

The lawsuit contended that industrial negligence began in 1964 when Texaco—through its subsidiary Texaco Petroleum Company (TexPet)—first gained rights to explore for and exploit petroleum in a 400,000-hectare oil concession in the Ecuadorian Amazon. In 1967, the company discovered oil. As Ecuador's first major commercial petroleum reserve, the discovery launched the nation into the industrial world. By 1972, Texaco built the trans-Andean pipeline, connecting Amazonian oil fields with a Pacific port. Over the following twenty-eight years, Texaco produced billions of barrels of crude. In 1992, Texaco's rights to use the concession ended, the company pulled out of Ecuador, and its operations reverted to the state petroleum company.

As the only corporation producing oil in Ecuador, the lawsuit claims, Texaco set the protocol for industrial operations. With the influx of new petro-dollars and aspirations to develop, the Ecuadorian state imposed few restraints on Texaco, and the corporation imposed few on itself. Consequently, twenty-eight years of Texaco's operations indelibly transformed the northern rain forest, scoring it with thousands of miles of seismic grids, over 300 oil wells, more than 600 open waste pits, numerous processing facilities and pumping stations, an oil refinery, and the bare-bones infrastructure essential for petroleum operations. A network of roads

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and pipelines linked oil wells and facilitated the homesteading of the region by over 200,000 poor Spanish-speaking farmers or *colonos* (colonists).[3] As their lands dwindled, many Amazonian Indians increasingly joined the economic ranks of nonindigenous, semi-urbanized, and rural peasants; many others died.

Although a number of Texaco's production practices are questionable, the one of greatest concern was (and still is) the effect of large, often soccer-field-size, earth-pits. Texaco dug at least two of these pits alongside each exploratory well and then dumped the sludge, formation waters, and unusable heavy crude that surface during the drilling process—along with the chemical muds and industrial solvents essential for drilling—untreated into these craters.[4] When an oil well was proven to be productive, additional pits were dug at processing facilities where crude is separated out from the waters, sands, and gases also released from the earth. Researchers estimate that Texaco's operations poured up to 4.3 million gallons of toxic formation waters into these pits each day over a period of twenty years.[5] Unlined and open, these excavated craters served as holding receptacles for eventual toxic seepage and overflow.

Even during the early years of Texaco's operations, it was standard industrial practice in the U.S. (and indeed Texas law since 1919) to reinject highly toxic formation waters and subterranean sands at least one mile below the surface of the earth and to process chemical solvents until they were environmentally safe. According to the plaintiffs' lawyers, Texaco Inc. chose not to implement this technology in order to cut costs. They argue that the decision not to reinject toxic formation waters back into the subterranean strata from which they emerged reduced the per-barrel production costs by approximately $3 and saved the parent corporation roughly $5 billion over the course of its operations in Ecuador.

Although Texaco's practices were sufficiently effective to get and keep oil flowing, according to the plaintiffs' lawyers, they were (and continue to be) harmful to the environment, to wildlife, and most importantly, to human beings. Thousands of *colonos* (colonists) and *indígenas* (Indians) in Ecuador bathe, wash clothes, fish, and clean food in Amazonian rivers whose waters and sediments reek of crude toxins.[6] Wastes from oil operations contain known carcinogens that bio-accumulate. Crude oil's most toxic components (polycyclic aromatic hydrocarbons [PAHs] and volatile organic compounds [VOCs]) have been shown to negatively affect the reproductive and cellular development of all life-forms and to lead to skin disease, reproductive abnormalities, nerve damage, and various forms of cancer among humans.[7] Beyond the hazardous elements found in crude, drilling and production processes likewise generate toxic pollutants containing carcinogenic heavy metals, strong acids, and concentrated salts. Such pollutants are largely found in formation waters, drilling muds (used to lubricate, cool, and control pressure during perforation), and industrial solvents.

A growing number of studies document the detrimental and deadly effects of oil contamination on Amazonian populations. Some report an increased incidence of

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skin and intestinal disease and tumors, headaches, fevers, and miscarriages; others report unusually high incidences of cancer in the region (stomach, larynx, liver, cervical, and lymphoma).[8] A more comprehensive epidemiological study by the Department of Tropical Medicine at the University of London reported that in some contaminated communities the rate of cancer exceeded the norm by up to 30 times.[9] A recent article in an epidemiological journal reported high rates of leukemia among children living near oil operations.[10] Physical disorders, the plaintiffs argue, are a direct result of environmental contamination. They contend that Texaco executives in New York are ultimately accountable for decisions that condemned many Amazonian residents to living in toxic dumps.

At the time of the initial filing of the lawsuit in 1993, Texaco Inc. summarily denied all charges, claiming complete exoneration and motioning (on multiple occasions) that the case be dismissed from U.S. courts. The multinational corporation contended that a subsidiary-of-a-subsidiary-of-a-subsidiary-of-a-subsidiary was liable for operations in Ecuador and not the so-called parent company. This Texaco subsidiary four-times-removed was legally based in Ecuador's capital, Quito, and it was there, the multinational maintained, that Ecuadorian citizens would have to prove wrongdoing and seek restitution.

Three years after its original filing, the case was dismissed from the district court in November 1996. Two years later, in October 1998, the Second Circuit Court of Appeals reversed the lower court's decision and reinstated the case. Two years after that, in June 2000, the district court dismissed the case once more on the grounds of *forum non conveniens*—that is, that the U.S. is an inconvenient forum to hear the case.[11] In August 2002, the Second Circuit Court of Appeals once more heard the case but this time upheld the lower court's decision under three conditions: (1) that Texaco Inc. submit to Ecuadorian law, (2) that documents obtained during the "discovery" period, which up to then were confidential, could be used in an Ecuadorian trial, and (3) that the decision of the Ecuadorian court could be enforceable in the United States.

The case presented in Ecuador in 2003—though filed under different laws and a radically different legal system—is virtually the same as that first presented in the U.S. ten years earlier. Similarly, the principal corporate argument presented in the Lago Agrio Superior Court in October 2003 is (surprisingly to many) virtually an extension of that made in the U.S. over the past ten years.

The Corporate Form

In front of rapid-clicking lens shutters and running video cameras, the chief lawyer for ChevronTexaco continued during the initial hearings in Lago Agrio:

> On October 9, 2001, pursuant of terms agreed in a document called "Merger Agreement and Plan," the meetings of shareholders of CHEVRON CORPORATION and TEXACO INC. approved a merger or union of companies, which actually occurred on that date

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> between TEXACO INC. and the company called KEEPER INC. . . . a wholly owned subsidiary of CHEVRON CORPORATION. The result of that legal transaction was that TEXACO INC. survived the merger, inasmuch as it fully absorbed KEEPER INC. without, therefore, losing its legal personhood and its capacity to acquire rights and contract obligations.
>
> On that same day, CHEVRON CORPORATION, which was and continues to be a completely different company from TEXACO INC., amended its corporation bylaws according to which it changed its name to "CHEVRONTEXACO CORPORATION." Therefore, the truth is that TEXACO INC. is a completely independent company from CHEVRONTEXACO CORPORATION, that it continues to exist at present and it is a company that operates according to the laws of the State of Delaware, United States of America, with full legal and economic capacity to acquire rights and to contract obligations (2).

As did the corporation's argument in front of the U.S. federal court, ChevronTexaco's argument in Lago Agrio, Ecuador, rested on the immunities that accompany the corporate structure. Throughout the ten years that the case was debated in the U.S. court system, the primary corporate argument against the lawsuit revolved around the claim that a parent company is not responsible for the actions of its subsidiaries. Consequently, Texaco Inc. maintained that if plaintiffs wished to sue, they needed to sue the Ecuadorian subsidiary (TexPet) in Ecuador, not Texaco Inc. in New York. During the opening court proceedings in October 2003, the ChevronTexaco lawyer extended this reasoning. Only this time, the separation between a parent and a subsidiary further encompassed the capacity of a corporation to disavow the responsibilities and liabilities that might accompany a corporate merger. In the 2001 merger between Texaco Inc. and the Chevron Corporation, a subsidiary company named Texaco Inc. retained its integrity, despite the fact that Chevron changed its name to the ChevronTexaco Corporation. These legal arguments referencing the parent–subsidiary relationship (whether resulting from a merger or not) rest on a core concept in corporate law: "limited liability."

Intriguingly, the concept of limited liability—and the product it enabled, the modern corporation—has a relatively recent existence. It was not until the end of the nineteenth century that the concept took hold in Europe and the United States. However, in order for the notion of limited liability to be institutionalized as a key fixture in delineating corporate structure and corporate law, the legal philosophy that defined what sort of entity a corporation was had to shift. This shift in legal reasoning entailed viewing corporations as "natural"—rather than "fictive" or "artificial"—persons. Defining corporations as natural persons allowed U.S. legal theorists and philosophers to argue that corporations be granted certain constitutional rights and that their activities not be regulated.

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The late nineteenth century was not the first time that the notion of limited liability emerged within the corporate form. Indeed, a version of it existed among many of the first entities recognized as corporations during the European Middle Ages: towns, universities, and—perhaps most powerfully—ecclesiastic orders (Davis 1905; Michlethwait and Wooldridge 2003). Taking shape with the growth and codification of civil and canon law, these systematized, nominally not-for-profit, hierarchical entities organized and employed large numbers of people in complex endeavors through time. For the Church, in particular, incorporation meant that the substantial wealth amassed with the consolidation of papal powers and Catholic doctrine belonged to the religious order and not any unique individual within it. Similarly, incorporation set limits on the extent to which the member of a corporate entity—be it the Church, municipality, or guild—would be financially responsible were that entity to fall into debt (Davis 1905). These were the first glimpses of the concept of limited liability.

As the corporate form extended to business enterprise in the late 1500s and early 1600s—perhaps the most notorious ones emerging from Elizabethan England—the notion of limited liability had all but disappeared (Davis 1905; Maitland 2003; Nace 2003). These corporations were extensions of the empire. Financed through the Crown and private funds, they were created in the interest of national and individual prosperity. Over the subsequent centuries, European exploration and trade across the seas presented vast investment opportunities. And up through the 1800s, the Crown established all corporations (be they commercial or humanitarian) through a royal charter.

As such, the legal rationale underwriting the "corporation" defined it as a "fictional person" whose existence depended on the command of the state. Companies like the East India Company, the Royal African Company, and the Hudson's Bay Company were semipublic enterprises acting both as arms of the state and as vehicles for private profit. The Crown granted these early commercial corporations trading monopolies over specific territories and the authority to make and enforce laws in them. In fact, one could say that the early settlement of North America was largely underwritten as a business venture. Importantly, the law declared them to be "artificial" and "intangible" entities upon whom it was impossible to attribute moral responsibility.

In the aftermath of the U.S. War of Independence, state intervention in corporate affairs intensified. As a number of scholars suggest, the Revolutionary War was not only a movement against British crown rule, but perhaps more so a movement against what were seen as increasingly repressive and monopolistic charter companies (Bakan 2004; Hartmann 2002; Nace 2003). Consequently, the state legislatures in the newly independent United States tightly regulated corporate activity in an attempt to curtail the possibility of coercive monopolies and business–government collusion. U.S. states granted corporate charters (i.e., a specific public mission in exchange for the formal right to exist) by and large only to

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public-service companies largely seen at the time as agents of the government contracted to build bridges, canals, waterworks, and turnpikes.

Consequently, up through the mid-1800s, the corporate form in the U.S. was clearly understood both legally and popularly as an artificial or fictive entity that acquired its reason for being from the state. As outlined in its charter, a corporation only existed for a specified time period, could engage only in activities necessary to fulfill its chartered purpose, and could be dissolved if a corporation exceeded its authority or caused public harm. That is, in exchange for meeting certain public needs, the state granted the corporation special privileges and immunities for its existence. Significantly, U.S. corporations of the time could not own stock in other corporations and their directors and stockholders were responsible for debt accrued and any harm committed by the company (Grossman and Adams 1993). The notion of limited liability did not exist.

The idea that a corporation was a person—and a fictive person at that—became firmly established in U.S. law with the much-cited U.S. Supreme Court case of 1819, *Dartmouth College v. Woodward*. Although this case concerned a university, the ruling equally applied to business corporations. In the *Dartmouth College* case, Chief Justice John Marshall defined the corporation as "an artificial being, invisible, intangible, and existing only in contemplation of law." Marshall continued, "Among the most important [of its qualities] are immortality, and if the expression be allowed, individuality; properties by which a perpetual succession of many persons may be considered the same, and may act as a single individual." What defined a corporation was the charter that created it, giving it certain human and nonhuman properties like "individuality" and "immortality," along with others essential for fulfilling its chartered mission.

Toward the second half of the nineteenth century, however, the philosophical rationale for and legal decisions pertaining to the corporation shifted in the United States and Europe. As reflected in the legal literature of the time, theorists engaged in extensive debates on the nature of corporate personality, capacity, and form (Horwitz 1992). Between the late 1800s and early 1900s, legal scholars "attempted to find a vocabulary that would enable them to describe the corporation as a real or natural entity whose existence is prior to, and separate from, the state" (Horwitz 1992:101). The "natural entity theory," as it was called, maintained that the corporation was not a fiction or artificial creature of the state, subject to government-imposed limitations and restrictions. Rather it was real—the natural and inevitable effect of market forces—with a separate existence and independent rights. In arguing such, the natural entity theory served as the legal ground for reasoning that the corporation had natural rights (Hovenkamp 1988, 1991; Mayer 1990). This was taken up by the Supreme Court in its nineteenth-century opinions whereby it invoked the "natural entity" theory to accord corporations constitutional guarantees and invoked the "artificial entity" theory to deny them constitutional protections (Mayer 1990).

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Beginning in the late 1800s, the U.S. Supreme Court conferred constitutional protections upon corporations in what are still heatedly debated and controversial rulings (Mark 1991; Horwitz 1992; Hovenkamp 1991; Mayer 1990; Nace 2003).[12] The most widely cited of these rulings is *Santa Clara County v. Southern Pacific Railroad* (1886) whereby, it is largely understood, the Court found that a private corporation was a natural person under the U.S. Constitution.[13] Chief Justice Waite stated: "The court does not wish to hear argument on the question whether the provision in the fourteenth amendment to the Constitution, which forbids a State to deny to any person within its jurisdiction the equal protection of the laws, applies to these corporations. We are all of the opinion that it does."[14] The Court ruled that as a natural person, a corporation was entitled to the rights and guarantees outlined in the Fourteenth Amendment such as "due process of law" and "equal protection of the laws"—rights originally amended to the Constitution to protect freed slaves.[15]

Changes in the theory of corporate personality from artificial to natural emerged dialectically with a number of other legislative changes. Indeed, its development was complex and nonlinear: with naturalistic thinking discouraging state regulation and the loosening of restrictions encouraging tendencies to see the corporation as natural.

As noted earlier, up until the mid- to late 1800s, a state legislature needed to grant a special charter in order for a corporation to come into existence (Horwitz 1992; Hunt 1936). But with the enactment of general incorporation laws, the government increasingly became less significant in establishing corporate entities. By 1875, virtually any male in the United States could incorporate merely by filing the appropriate forms and paying a fee. A similar process took hold in England as freedom of incorporation became publicly available (Hunt 1936). Although the state retained some regulatory functions (especially in the early years), with general incorporation statutes, its role in forming a corporation appeared secondary to so-called entrepreneurial and market forces (Millon 1990).

Furthermore, toward the 1890s a number of states began to jettison various restrictions codified in their corporate laws. State legislatures repealed restrictions on the purpose, duration, and locale set forth in corporate charters, restrictions on the amount of capital that could be invested in a corporation, and—most importantly—laws prohibiting corporations from owning stock in, merging with, and acquiring other corporations. By the turn of the twentieth century, U.S. corporations had the right to sue and be sued, to hold and relinquish property, to engage in legal contracts, to claim certain constitutional protections, and for legal purposes to be defined as citizens (Hovenkamp 1988). Importantly for my purposes, together these changes in corporate law set the stage for large holding companies to emerge.

Certain safeguards needed to be in place for the promised growth and productivity of a large holding company to be realized. In conjunction with the other legal changes, the principle of limited liability resurfaced as the safeguard, and states

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on both sides of the Atlantic passed laws to protect shareholders and directors.[16] Limited liability laws—together with laws that abolished prior restrictions on capitalization and acquisition—allowed shareholders (be they an individual or a group) to safely invest their capital in corporate entities. Limited liability laws shielded shareholders from personal accountability for a corporation's debts or other liabilities incurred through its activities. Shareholders could only be liable for the amount of their original investment should the corporate entity encounter financial difficulties. Similarly, directors or owners of a corporation could not be held responsible for a company's illegal activity, unless proven to be "directing minds" (Bakan 2004; Michlethwait and Wooldridge 2003). And shareholders were prohibited by law from meddling in a corporation's day-to-day affairs or challenging the board of directors' business decisions, except in cases involving willful misconduct (Hovenkamp 1988). Limited liability had the effect of further separating owners (shareholders) from control (directors and officers), making clear that a corporation was neither the product of the state (artificial entity theory) nor the product of its owners' will (aggregate theory), but rather a natural entity—the inevitable outcome of economic phenomenon (natural entity theory).

These late-nineteenth-century legal changes and decisions strengthened the corporation as a legal person under the law and diminished the role of the state in establishing and regulating corporate activity. Both advocates and critics of growing corporate expansion insisted that the corporation was a "natural" or "real" entity, signaling how in the changing social reality corporations were becoming staggeringly powerful and influential (Horwitz 1992; Mayer 1990; Millon 1990). Advocates of corporate growth saw the natural entity theory as a way to legitimize corporations as having expanded legal rights and enhance the authority of corporate directors vis-à-vis that of shareholders. Critics of corporate growth believed that the natural entity theory underscored their concerns of ever-increasing concentrations of capital and the repercussions it might have on social well-being.

Without doubt, the natural entity theory legitimatized large-scale enterprise in the eyes of the law (Horwitz 1992:100–105) and allowed for an impressive increase in the capital invested in corporations and for the corporate form to dominate. Together the principles of natural entity theory, incorporation laws, embedded ownership, and limited liability allowed for the emergence and proliferation of a corporate subsidiary structure shielded through the protection of what is called the "corporate veil." Although (as I discuss later) legal doctrine sets forth principles for mitigating abuse, in its purest form, a parent company is not liable for the actions of a subsidiary company, even when the parent is the controlling shareholder or owns the subsidiary 100 percent. It is precisely these changes that allowed the modern corporate form to dominate industrial production and be seen as natural and inevitable by the turn of the twentieth century.[17] And it is precisely the entity brought forth as a result of these legal changes—the natural entity theory, limited liability, and corporate branching and merging—that the ChevronTexaco lawyer invoked during the opening day of the trial in Lago Agrio.

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Corporeal Sensibilities

Two weeks into the Lago Agrio court proceedings in October 2003, a press conference took place in Quito, Ecuador's capital, between a ChevronTexaco corporate representative and national and international reporters.

Perez, the corporate representative, noted: "This issue is complicated. Our basic point is that this suit is mispronounced. The suit is against ChevronTexaco. But this company never operated in Ecuador. . . . ChevronTexaco is a large 'holding'—to use the American word—company. But the companies that form the group maintain their existence, both juridical and economic. Texaco Inc. and TexacoPetroleum have operations in many parts of the world, and not as ChevronTexaco, but as Texaco."

A national reporter: "But according to U.S. laws, doesn't the parent company retain obligations?"

Perez: "No, not necessarily. It depends on contracts. In this case, separate companies maintain their financial and juridical independence. Now, it's a group, they formed a group. I'm not saying that there aren't relations. Of course, there are connections [*relaciones*]."

A national reporter: "So for the sake of comparison, could we say that Chevron is the right arm and Texaco is the left arm?"

Perez: "No, I would say that ChevronTexaco is the entire body, but that it has a left hand and right hand, a left leg and a right leg. These are companies that are working in different places. Each one has its own administration and own financial independence, but in the end they all report to the parent of the group."

A reporter for the *Wall Street Journal* asked: "Are you certain that they are independent? Today they reported the earnings of ChevronTexaco, and no corporate report mentioned the earnings of Texaco. It's one sole company, isn't it?"

Perez answered: "Yes, the earnings, the reported earnings are consolidated. All companies, any large American company—be it Boeing, American Airlines, McDonald's—all have many parts, but they present consolidated balance sheets."

The *Wall Street Journal* reporter again: "But with ExxonMobil, no one speaks of Exxon and then Mobil; it's ExxonMobil. With ConocoPhillips, no one speaks of Conoco and then Phillips; it's ConocoPhillips."

Perez: "Naturally, and the same with ChevronTexaco. I'm not denying this; it's a huge new company that was formed. What I'm saying is that the companies that came together to form the group maintained their financial independence. . . . In this case, a company still exists that is called Texaco and it operates around the world. . . . Naturally, the assets and losses of this company in the end reach the *gran matriz* . . . and are incorporated in consolidated earnings."

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A national reporter: “In other words, they socialize earnings and particularize responsibility.”

Perez: “Hmm, I’m not sure what . . . I’m . . . Could you please explain? I’m not sure what you mean.”

The national reporter again: “What you are saying is that the earnings are consolidated. But then, the environmental responsibility, what of that, for instance?”

Perez: “Look, sir, here the plaintiffs sued ChevronTexaco, not Texaco. They should have sued Texaco . . . . Why didn’t they sue Texaco Inc.? . . . The company that the [New York] court ordered, or petitioned, to submit to Ecuadorian laws and Ecuadorian jurisdiction was Texaco Inc., not ChevronTexaco. And this court ruling occurred one year after the merger.”

Clearly, both the ChevronTexaco representative and national and international reporters envisioned the corporation not only through the corporeal form but also as embodying humanoid processes and functions. As I walked out of the press conference, a reporter friend said, “So if there is a right arm and left arm, I guess the question is: who is the brain?” “No,” another reporter interjected. “I think the question is who is the *matriz* (the womb).” Although *matriz* is the word used in Ecuador to name the parent company, it literally means the “womb”—the *matriz*, the organ that gives birth and aborts, generates and terminates life with impunity. Together, legal and popular imaginings of the corporate form coalesced around an image of the corporation as embodying a larger-than-life being composed of many human qualities, and then some.

The coincidence of legal rhetoric and social imaginaries that characterize corporations as larger-than-life, embodied natural entities has not only enabled the staggering success of capitalism in the West (Horwitz 1992) but also, I suggest, provided the grist for impressive popular opposition. This was evidenced by the crowd outside the Lago Agrio courtroom in October 2003 while the ChevronTexaco lawyer read the corporation’s response. In the street in front of Superior Court, 500 *campesinos* (peasants) and *indígenas* (Indians) carrying protest placards rallied in a rain-drenched demonstration. On a flatbed truck, Pablo, one of the leaders of the local organization that represents the plaintiffs, chanted rallying cries: “Las pruebas te dimos, con eso te jodimos. Texaco no puedes, con nosotros nunca juegues” [We’ve given you the proof, and with that we’ve screwed you. Texaco don’t ever try to play with us]. Behind him large banners reading “*Justicia*” (Justice) and “*Nunca Mas; Fuera* Texaco” (Never again; Texaco get out) draped the building across the way. The largest banner read “*Amazonía Libre de ChevronTóxico*”; the Texaco-Star logo sat lodged in the first “o” of “*Tóxico*” (Toxic). To the plaintiffs it was clear. No one was confused or uncertain about which entity they felt was responsible for the contamination that haunted their daily lives. Texaco? ChevronTexaco? It was all the same person: one to be addressed through the informal pronoun of the second person singular—“*tu*.”

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Over lunch a few days later, Mariana described it this way: "Texaco was always how the company identified itself. If he had another name, he should have said so." Mariana was a community leader in her mid-fifties who had homesteaded a farm a few kilometers to the north of Lago Agrio in 1971. "Those who worked for him," she continued, "wore caps, shirts, you know, those overalls, with 'Texaco' printed on them. Now, we are intelligent and rational people, and we're not going to make false claims and sue someone who doesn't have anything to do with us. Look, Chevron isn't the one who contaminated here, but he bought the problem; they merged"—what in Spanish is called a "*fusión*" (fusion). "It's like in one of those horror movies, when two monsters join and create one."

Although plaintiffs had a clear sense of the coherency of the entity responsible for their suffering, this was not the experience of their own bodily integrity. Milena (a Bulgarian filmmaker) and I had to catch ourselves when Mercedes hesitantly unbuttoned her blouse. Large rivulets of scar tissues poured from her upper chest, as if thick crude flowing from a crater. Smaller rivulets scarred her right arm and back. After the fifth day of court hearings, Mercedes approached me outside the courthouse. Hers was the most extreme case among various women who came to the trial to expose their disease and bodily pain. Women often approach us because I was a known entity, having spent time in the area before, and Milena had a film camera. In the privacy of our hotel room, Mercedes continued, "It's from contaminated water, that's what the doctor says. It's as if something is growing inside me. They started small, ten years ago, and then merge together to form these large scars. And they keep growing. It doesn't feel like my body." After buttoning her shirt, she added, "It's as if there were an emptiness decaying and eating me from within."

This hollowness that rippled into layers of deformed flesh captured a sentiment I had heard many *campesinos* express in my visits to the area over the past ten years. People talked about how their bodies, their animals, and the earth were being sucked dry. Benito, for whom nine of his ten horses had died over the past six years, put it this way: "When we cut them open to look inside they had dried up." Pushed further he explained, "The inner organs, you know, the stomach and intestines and liver had been eaten away and sucked hollow." Dissected farm animals were one among other visible signs that people's lives were collapsing from the inside and distorted through pain to the point where it seemed at times that their lives weren't quite theirs. The metaphor extended easily to the larger landscape of despair. *La compañía* (the company), people would say, has sucked the riches right out of the earth and left only miseries and contamination. People felt their lives were being made unworthy, void, and invisible in the very site that provided the Ecuadorian nation its wealth. Accompanying senses of marginalization was a distinct absence of experiencing a coherent body, sovereignty, and the capacity to exercise rights.

Yet that coherence, sovereignty, and capacity to exercise power was precisely what local people saw in the corporation. During our lunchtime conversation,

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Mariana related a story. “A few years back,” she said, “my neighbor’s daughter was diagnosed with cancer. It was leukemia. She was nine years old. I remember how we would scoop aside the film of oil on the local stream to wash clothes while the children played in the water a short distance away. As the daughter got weaker and weaker, my neighbor took her child to doctor after doctor to no avail. She even took her to the hotel where [the] Texaco [men] stayed. But it was as if her words, and those of others, simply drifted in the wind. The company repeated that petroleum wasn’t harmful. Well, we know it is. There are places where a lot of people have cancer. And it’s not right. It’s unjust. And what ChevronTexaco now claims in court is *injusticia*. Human life is the most important thing. And we are human beings just like the company, and petroleum affects all of us profoundly just the same. We are no more disposable. And we demand that ChevronTexaco, that he be morally responsible, like any *patron* (boss, master) would be over the actions of his workers.”

Corporate Sovereignty

Whether ChevronTexaco’s arguments will hold in court is far from certain. Within U.S. law, three doctrines mitigate against corporate dissimulation or fraud: the doctrine of successor liability, the doctrine of agency by estoppel, and the doctrine of corporate veil piercing or alter ego theory.[18]

By the evening of the trial’s opening day, the lawyers for the plaintiffs had reaffirmed the successor liability condition. Following the law of Delaware—the state in which both Texaco Inc. and the Chevron Corporation were incorporated—the new corporate entity formed in a merger is the actionable party in any lawsuit pending against one of the premerger companies.[19] The law, then, recognizes and gives doctrinal expression to Mariana’s commonsense understanding that “Chevron isn’t the one who contaminated here, but he bought the problem; they merged.” As the successor company, ChevronTexaco inherits any legal action previously filed against Texaco.

The doctrine of agency by estoppel (or ostensible agency) refers to when party A informs party B (either through actions or words) that party C is acting as party A’s agent.[20] The concept corresponds with Mariana’s commonsense observation that local inhabitants understood oil workers to be agents of Texaco; “Texaco was always how the company identified itself. If he had another name, he should have said so.” But agency by estoppel is not a basis for holding ChevronTexaco liable. The Republic of Ecuador had signed an agreement with the company’s subsidiary, the Texaco Petroleum Company, to explore for and exploit petroleum in a 400,000-hectare concession. Despite the fact that workers wore caps and overalls with the Texaco logo on them, TexPet (not Texaco Inc.) was the entity contracted to work in Ecuador. At the official level, there was no deception and agency by estoppel does not hold.

A third doctrine—corporate veil piercing—calls a parent company to account for the actions of its subsidiary, the “veil” being the shield of limited liability that

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separates a corporation (the subsidiary) from its owners (the parent). The corporate veil can be pierced either as a result of direct fraud or when the customary separations between a parent and its subsidiary are ignored. Veil piercing is rare, however, and notoriously difficult to prove in tort cases, especially transnational ones. In 1998, the Supreme Court underscored this fact with respect to cases involving environmental contamination in the U.S.

Resolving years of contradictory decisions by lower courts on whether parent companies were liable for Superfund cleanups (Comprehensive Environmental Response, Compensation, and Liability Act of 1980 [CERCLA], 94 Stat. 2767), the Court ruled that a parent corporation is not responsible for its subsidiary having caused pollution or mishandled hazardous waste unless the parent company directly operated the facility in question.[21] The Court's ruling rests on a long-understood precept of corporate law—indeed "bedrock principle"—"deeply 'ingrained in our economic and legal systems' that a parent corporation (so-called because of control through ownership of another corporation's stock) is not liable for the acts of its subsidiaries."[22] The Court also recognized that "the corporate veil may be pierced and the shareholder held liable for the corporation's conduct when, *inter alia*, the corporate form would otherwise be misused to accomplish certain wrongful purposes, most notably fraud, on the shareholder's behalf."[23] But, as the Court noted, limited liability is "the rule, not the exception."[24] That a parent company owns 100 percent of a subsidiary's stock, shares officers and board members with the subsidiary, monitors the subsidiary's performance, supervises the subsidiary's budgetary decisions, and writes its general policies and procedures does not constitute a misuse of the corporate form; nor does it mean that the parent company is operating its subsidiary's facilities. Rather, these actions are accepted norms of parental oversight.

Consequently, although decision making within a corporation often occurs within a vertically integrated line of command, that same degree of interconnections is not readily available for those who seek accountability. Following the principles of limited liability and the legal reasoning of natural entity theory established in the late 1800s, a parent company being an independent person with independent rights and protections is not liable for the activities of its subsidiaries, except in cases of explicit fraud. And a claim against a subsidiary will (most likely) not touch the *matriz*. In practice, the law pays scant regard to the economic reality that every holding company has control over its subsidiaries; appointing directors, monitoring performance, supervising financial expenditures, and setting general policies are all norms legally consistent with the parent's standing as investor. To further complicate matters, because a multinational corporation operates in a variety of jurisdictions and is subject to different legal regimes, no single court exercises jurisdiction over all its components. Yet many corporations operate with a coherence of intent that resembles a single entity—an entity that is monitored neither by international law nor by the legal norms of any particular state.

Although the decade of legal jousting over the Texaco/ChevronTexaco lawsuit in the federal and appellate courts delayed justice in the U.S., it might ironically

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facilitate the legal process elsewhere. As lawyers for the plaintiffs note, Ecuador is not the United States, and cases like the lawsuit against ChevronTexaco are helping to define tort law in Third World places. Two phenomena are worth noting. First, the criteria for piercing the corporate veil in Ecuador are arguably less rigorous than they are in the U.S., potentially allowing the plaintiffs' lawyers expanded opportunity to establish liability. Second, as I detail elsewhere (Sawyer in press), Ecuador's social, political, and juridical conditions are more sympathetic toward the plaintiffs in 2003 (when the trial began in Lago Agrio) than they were in 1993 (when the case was first filed in New York). Most importantly, a law enacted in 1999 called *Ley de Gestión Ambiental* (Law of Environment Management) allows for the Ecuadorian equivalent of a class-action lawsuit—*acción popular*—for alleged environmental contamination. The outcome of the trial is indeed uncertain, and any sense of sovereignty is contingent.

In this article, I have tried to outline the processes that constitute, govern, and condemn the boundaries of corporate privilege, duties, and obligations in our present transnational order. The ChevronTexaco lawsuit provides a heuristic for analyzing the legal and ethical regimes at play in defining (and denying) corporate sovereignty and embeddedness, impunity and accountability. Contemporary arguments defending corporate sovereignty and impunity lean on relatively recent, historically specific, legal and philosophical doctrines. Natural entity theory—the vision of the corporation as the inevitable natural consequence of economic forces—in particular gave rise to granting the corporate form unprecedented freedoms and limited liabilities. In an array of decisions, the court viewed the corporation as a person and treated it as a citizen. By the turn of the twentieth century, both legal and social imaginaries conceived of the corporation as embodied and humanoid—a larger-than-life natural entity.

As a number of scholars argue (Horwitz 1992; Mayer 1990; Millon 1990), the coincidence of metaphoric reasoning among judicial philosophers and the larger society enabled the staggering success of capitalism in the West. Yet visions of embodiment have also provided the grist for impressive popular opposition to transnational corporate activity. In the ChevronTexaco lawsuit, the bodily imagery and personification that the company and its representatives project resonates closely with the bodily imagery and personification of the corporation that the plaintiffs voice. That is, while embodiment is an idiom through which ChevronTexaco asserts its inculpability and corporate privilege, it also forms an idiom through which many of the plaintiffs condemn the corporation for what they see as unethical and immoral practices. This dual deployment of bodily imagery functions paradoxically to strengthen the plaintiffs' predicament and undermine ChevronTexaco's claims to impunity. Similarly, it harkens back to prior moments at the turn of the twentieth century when opponents of corporate power invoked natural entity theory to demand the questioning of a corporation's moral standing and social responsibility (Mayer 1990; Millon 1990; Nace 2003; Sharpe Paine 2002).

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I have suggested here that the vision of the corporation proposed by natural entity theory—and that formed the legal justification for granting corporations expanded rights—resonates closely with the image of the corporation held both by representatives of ChevronTexaco and by those suing it. Metaphors of embodiment offer the plaintiffs the life-connecting logic from which to challenge conventional assumptions about the sovereignty of corporate capital in Third World places. It is this embodied quality of the corporation that encourages the plaintiffs to understand *la compañía* as always already suspended in social entanglements and to insist that the codes of decency obligated it—like any *patron*—to assume its moral responsibilities.

Notes

I would like to thank two anonymous reviewers for PoLAR whose incisive readings greatly strengthened this piece. The bones of this article were first presented at a session ("Environment/Globalization/Sovereignty") organized by Kate Sullivan for the American Anthropological Association 2003 annual meetings.

1. The text is ChevronTexaco's English translation of their legal response. The pagination is that of my single-spaced printout.
2. I thank an anonymous reviewer for encouraging me to underscore this point; the wording is largely his/hers.
3. CESR 1994; Trujillo 1987; Uquillas 1993.
4. Rosania 1994 personal communication, 1996, 1993, 1991; multiple legal and taped testimonies June 2000, July 2003.
5. CESR 1994; Kimerling 1993.
6. Garzón 1995; Kimerling 1993.
7. Eckardt 1983; Green and Trett 1989.
8. AE 1993; Harvard Study [factsheet].
9. San Sebastián and Córdoba 1999.
10. Hurtig and San Sebastián 2004.
11. For a more detailed analysis of the legal proceedings during the 1990s, see Sawyer 2001.
12. As Justice Brennan noted, "by 1871, it was well understood that corporations should be treated as natural persons for virtually all purposes of constitutional and statutory analysis" (*Monell v. Department of Social Services of the City of New York*, 436 U.S. 658, 687 [1978]).
13. *Santa Clara* 118 U.S. 394, 396 (1886).

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14. *Santa Clara* 118 U.S. 394, 396 (1886). Although Chief Justice Waite's announcement was not part of the written opinion in *Santa Clara*, courts have repeatedly upheld the proposition that corporations are "persons" for purposes of Fourteenth Amendment protections. The U.S. Supreme Court has reiterated and reinforced the *Santa Clara* holding in at least twenty-two different cases. *See, e.g., Minneapolis & St. Louis Railroad Company v. Beckwith*, 129 U.S. 26, 28 (1889) (declaring that "we admit the soundness" of the position of *Santa Clara*); *Covington & L. Turnpike Road Co. v. Sanford*, 164 U.S. 578 (1896) (declaring that "it is now settled that corporations are persons, within the meaning of the constitutional provisions forbidding the deprivation of property without due process of law, as well as a denial of the equal protection of the laws"); *Smyth v. Ames*, 169 U.S. 466 (1898) (declaring "that corporations are persons within the meaning of this amendment is now settled"); *Hale v. Henkel*, 201 U.S. 43 (1906) (declaring that the principle that "corporations are, in law, for civil purposes, deemed persons, is unquestionable"); *Kentucky Finance Corporation v. Paramount Auto Exchange Corporation*, 262 U.S. 544, 550 (1923) (declaring that "a state has no more power to deny to corporations the equal protection of the law than it has to individual citizens"); *Power Mfg. Co. v. Saunders*, 274 U.S. 490 (1927) (stating that Equal Protection guarantees "extend to corporate, as well as natural persons").

15. *Santa Clara County v. Southern Pacific Railroad Company*, 118 U.S. 398 (1886).

16. In Britain, a number of laws culminated in the landmark Joint Stock Companies Act in 1856 and entrenched the concept of limited liability into corporate law. In the United States, states began extending the privilege of limited liability in the 1860s in the aftermath of the wealth accrued during the Civil War. The courts firmly supported limited liability in *Christensen v. Eno*, 106 N.Y. 97, 12 N.E. 648 (1887); *Hospes v. Northwestern Mfg. Co.*, 48 Minn. 174, 50 N.W. 1117 (1892) (Millon 1990).

17. Together these transformations attracted a flood of investment capital in the U.S. and Europe and led to the emergence, dissolution, and reemergence of large conglomerates, first in the railroad industry and soon thereafter in the oil industry.

18. I am indebted to an anonymous reviewer for having pointed this out in her/his detailed and insightful comments.

19. Delaware code states: "§ 261. Effect of merger upon pending actions. Any action or proceeding, whether civil, criminal or administrative, pending by or against any corporation which is a party to a merger or consolidation shall be prosecuted as if such merger or consolidation had not taken place, or the corporation surviving or resulting from such merger or consolidation may be substituted in such action or proceeding. (8 Del. C. 1953, § 261; 56 Del. Laws, c. 50)."

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20. Agency by estoppel is where A makes a representation to a third party, whether by words or conduct, that B is his agent, and subsequently that third party deals with B as A's agent in reliance on such representation. A will not be permitted to deny the existence of the agency if to do so would cause damage (usually financial loss) to that third party.

21. *States v. Bestfoods*, 118 S.Ct. 1876 (1998).

22. *States v. Bestfoods*, 118 S.Ct. 1876, 1886, citing Douglas & Shanks, "Insulation from Liability Through Subsidiary Corporations," 39 Yale L. J. 193 (1929).

23. *States v. Bestfoods*, 118 S.Ct. 1876, 1886.

24. *States v. Bestfoods*, 118 S.Ct. 1876, 1886 (1998), citing *Anderson v. Abbott*, 321 U.S. 349, 362 (1944).

References Cited

AE (Acción Ecológica)
1993 Investigación sobre cuatro studios de caso de poblaciones afectadas por TEXACO. Quito: Acción Ecológica.

Bakan, Joel
2004 The Corporation: The Pathological Pursuit of Profit and Power. New York: Free Press.

CESR (Center for Economic and Social Rights)
1994 Rights Violations in the Ecuadorian Amazon: The Human Consequences of Oil Development. New York: Center for Economic and Social Rights.

Davis, John P.
1971 [1905] Corporations: A Study of the Origin and Development of Great Business Combinations and Their Relationship to the Authority of the State. Vol. 2. New York: Burt Franklin.

Eckardt, R. E.
1983 Petroleum and Petroleum Products. *In* ILO Encyclopedia of Occupational Health and Safety. L. Parmeggiani, ed. Geneva: ILO.

Foucault, Michel
1990 The History of Sexuality: An Introduction. New York: Vintage.

Garzón, Paulina
1995 Impactos socioambientales de la actividad petrolera: Estudio de caso de las comunidades San Carlos y La Primavera. *In* Marea Negra en al Amazonía. Anamaria Veres, ed. Pp. 265–294. Quito: Abya-Yale/ILDIS/IUCN.

anthrosource
www.anthrosource.net

Green, J., and M. W. Trett
1989 The Fate and Effects of Oil in Freshwater. London: Elsevier Applied Science.

Grossman, Richard, and Frank Adams
1993 Taking Care of Business: Citizenship and the Charter of Incorporation. Cambridge: Charter Ink.

Hartmann, Thom
2002 Unequal Protection: The Rise of Corporate Dominance and the Theft of Human Rights. New York: Rodale Books.

Horwitz, Morton J.
1992 The Transformation of American Law 1870–1960: The Crisis of Legal Orthodoxy. Oxford: Oxford University Press.

Hovenkamp, Herbert
1991 Enterprise and American Law, 1836–1937. Cambridge: Harvard University Press.

Hunt, Bishop Carleton
1936 The Development of the Business Corporation in England, 1800–1867. Cambridge: Harvard University Press.

Hurtig, Anna-Karin, and Miguel San Sebastián
2004 Incidence of Leukemia and Oil Exploitation in the Amazon Basin of Ecuador. International Journal Occupational and Environmental Health 10(3):245–250.

Kimerling, Judith
1993 Crudo Amazónico. Quito: Abya Yala.

Maitland, Frederic William
2003 [1850–1906] Maitland: State, Trust and Corporation. David Runciman and Magnus Ryan, eds. Cambridge: Cambridge University Press.

Mark, Gregory
1987 The Personification of the Business Corporation in American Law. University of Chicago Law Review 54(4):1441–1483.

Mayer, Carl J.
1990 Personalizing the Impersonal: Corporations and the Bill of Rights. Hastings Law Journal 41(3):577–667.

Michlethwait, John, and Adrian Wooldridge
2003 The Company: A Short History of a Revolutionary Idea. New York: Modern Library.

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www.anthrosource.net

Nace, Ted
2003 Gangs of America: The Rise of Corporate Power and the Disabling of Democracy. New York: Berrett-Koehler Publishers.

San Sebastián, Miguel, and Juan Antonio Córdoba
1999 "Yana Curi" Report: The Impact of Oil Development on the Health of the People of the Ecuadorian Amazon. Departamento de Pastoral Social del Vicariato de Aguarico and London School of Hygiene and Tropical Medicine. Coca, Ecuador: CICAME.

Sawyer, Suzana
►2001 Fictions of Sovereignty: Prosthetic Petro-Capitalism, Neoliberal States, and Phantom-Like Citizens in Ecuador. Journal of Latin American Anthropology 6(1):156–197.

Sawyer, Suzana
Forthcoming Suing ChevronTexaco. Steve Striffler, ed. Ecuador Reader. Durham: Duke University Press.

Sharp Paine, Lynn
2003 Value Shift: Why Companies Must Merge Social and Financial Imperatives to Achieve Superior Performance. New York: McGraw-Hill Trade.

Trujillo, Jorge
1987 La colonización y el desplazamiento de los grupos indígenas. *In* La Amazonía Presente Y . . . ? Fernando Larrea, ed. Pp. 119–146. Quito: Abya-Yala/ISDIS.

Uquillas, Jorge
1993 La tenencia de la tierra en la Amazonía Ecuatoriana. *In* Retos de la Amazonía. Theodoro Bustamante, ed. Pp. 61–94. Quito: ILDIS/Abya-Yala.

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