Love Your Corporation

Henry S. Turner

Most academics you and I know are deeply suspicious about corporations and so-called corporate culture, above all when it intrudes on the university and academic life. And for good reason: we can all identify changes in procedures, in employment practices, in values, in the very language and tone that speaks from the core of our own universities that reflect the influence of for-profit management practices and its "philosophy." The labor practices of the modern university and its attitude toward intellectual property are especially pernicious, since they undermine faculty autonomy and authority over policies pertaining to teaching, to research, and to the evaluation of these activities—they undermine the very notion of expertise and trained, creative, free judgment, precisely the faculties that the university claims to cultivate in its students and one of its primary reasons for being. And yet we may also, at times, find ourselves admitting that not all of the changes we see around us are bad ones; individually considered, they are in fact often undertaken with the explicit and sincere aim of preserving the university as a distinctive kind of institution, one that is held together by ideas and values that are antithetical to much of what we associate with "corporate" life, at least in its for-profit, commercial form.

These contradictions, if I can use a somewhat grandiose term with a long history, are especially in evidence at my own university, where faculty and graduate students are represented by an active and vigilant Union and where higher level administrators (not to mention the Board of Governors) rarely have a background in the Humanities; indeed, their careers have often unfolded in professional schools rather than in the division of Arts and Sciences, the traditional core of university instruction and research (not to mention admission and tuition). Nevertheless, on the occasions when I attend organized protests by my Union (for which I am deeply appreciative), I sometimes find myself caught up short by a chant that one hears across campuses in the United States today, a version of which is phrased as "we believe in education, we are not a corporation." In response to which I experience the flicker of an ironic, mildly peevish feeling, motivated by a distinctively pre-modern insight. For it happens that the primary word for corporation in ancient, medieval, and Renaissance law was not *corpus,* or *corporatus* or *corporatio*, as we might expect: it was *universitas*. Far from contrasting with the corporation, the university is one of the *original* corporations; the modern law of corporate persons can be traced directly back to the formation of the University of Paris at the beginning of the thirteenth century; indeed the modern concept of legal "personhood" was, in some accounts, invented by medieval lawyers to speak not of individuals before the law but rather of collective groups. This sense of the *universitas* as "corporation" has a quite different set of meanings than the ones we invoke today at our rallies and in other statements of protest or conscience.

In a recent book, I explored the premise of this idea: that the *universitas* might serve as the basis for a re-translation and re-valuation of the corporate concept that might establish the ground, both discursive and practical, for a reassessment of the "political" as a process of imaginative transformation, of deliberation about purposes and about competing systems of value, and as the performance of common, collective action. Situating these problems historically, as I set out to do, revealed that there have always been many *types* of corporation: put simply, the corporation was any enduring group formed for the pursuit of activities that were best pursued, or which could *only* be pursued, in a collective fashion—one sees immediately how the very essence of "political" community implies a corporate idea, and vice versa.

In light of this definition, we may see that for-profit, commercial corporations are simply the latest species of a genus that has existed for some fifteen centuries and that has included (and still includes) churches, kingdoms, towns and cities, representative political bodies (Parliament was understood to be a corporation in the sixteenth and seventeenth centuries), guilds, and, today, unions and many other types of groups. Indeed, for-profit, commercial corporations have *crowded out* the range of purposes and values that once motivated corporate groups in our political imagination, including groups organized for purposes we would recognize as public rather than private. In the process, they have distorted and narrowed our understanding of what corporations have been and of what they could be—they have circumscribed the imaginative and political possibilities of a corporate idea. We suffer, in short, from a *corporate monoculture*; the for-profit company has occupied the definition of the corporation, as it were, which must now be *re-occupied* and *re-personated*. In order to do so, we need a clearer grasp of what a corporation really is and how it works—we need, as Aristotle declares in a remarkable moment of the *Politics*, a set of *hypotheses* for imagining a possible political form.

The question is one of recognition: do you participate with knowledge of your participation, or not?

First Hypothesis: A corporation is uncanny, for it is a *group person*.

The corporation's peculiar nature derives from the combination of several characteristics, for if a corporation is a collective entity organized for the pursuit of an activity that can *only* be pursued collectively, it is also true that *as* a collective entity, the corporation has an identity that is distinct from that of its members—to adapt a popular mathematical phrase, the corporation has an n+1 structure. In brief, the corporation is a plurality taking a singular form. But from what does this peculiar identity of the corporation as a group person derive? What sustains it?

Second Hypothesis: The problem of corporate "personhood" and corporate "speech" can never be understood exclusively in terms of their legal definition or measured by legal precedent: they must be understood as problems of *formal representation* and of *mediation*.

Despite having the status of a legal person—a status that is very long-standing, as the history of the *universitas* shows—the corporation's identity can never be sufficiently explained with reference to its legal status, its legal foundation, or its legal recognition. In principle corporate "speech" may take any form: all mediated expressions, all advertisements, all products and commodities that originate in any given corporate body constitute its speech, both to others and to its own members. This is simply to state in another idiom the familiar idea that the corporation is performative in its ontology. Its speech is not simply its charter, its official public statements, or its internal documents (memos, emails, rules), although these are obviously crucial to the corporation's self-articulation. The corporation speaks in the many signs that it places into public circulation as solicitations for our attention and involvement. The stability of identity—the ontological quotient, if you like, of a corporate group—results from a precise combination of several factors:

1. the number of declarations of group value and group identity that circulate internally and by which members address one another;

2. the number of declarations of group value and group identity that circulate publicly and by which members recognize their membership or are invited to affiliate;

3. the magnitude or intensity of this public declaration: the "mark" or memory it leaves on members or on public consciousness;

4. hence the duration of group identity in time—the longer any entity endures as a *group*, the more corporate it may be said to be.

It would in principle be possible to measure empirically several of these factors, and one may imagine them in different combinations: a group of high public visibility that continually advertises itself; a group of low public visibility that persists through intensive activity and communication among its members; a group of limited duration that makes an extraordinary impact. This last category is perhaps the most interesting, because it is the least familiar; as an illustration we may take the example—controversial no doubt—of Occupy Wall Street, which in my view is a magnificent example of a corporate form, or of how the corporate form might be re-thought and re-enacted (even if this re-description is something many of its members would resist). "Occupy!" is an anti-brand, a cry of anti-corporate corporate speech. And if we have trouble recognizing the corporate nature of Occupy!—if we find the very idea sinister or suspicious—this is only because our understanding of corporations has been so distorted by the for-profit form and by public debates over the legal personhood of corporations, debates that tend to *reduce* corporations to legal creatures and that sap the power of the collective idea in the process.

Whatever its specific content, corporate speech always answers a prior, and implicit, ontological question: *why* and *in what way* does the corporation exist? All corporations exist to answer the need for an articulation; they speak to affirm their identity, and their speech is, at one level, nothing more (and nothing less) than the declaration of their existence. The more complex this declaration becomes, and the more explicit it becomes—which also means the more *public* it becomes, and with it the articulation of its response—so also the more *political* the definition of the corporation becomes, as is happening today. For the "political" always concerns a judgment about existence: who or what can exist, what is the *mode* of this existence, how may this existence be granted or recognized? In the case of Occupy!, the articulation eventually becomes more than a statement of specific demand or a call for specific reform; it becomes a declaration of purpose, which is the sheer fact that an alternative exists and should exist. It is the assertion of a persistence, a corporate ontology born of stubbornness and a refusal to move.

Electronic book review (ebr) itself provides an excellent example of the genesis of an emerging alternative corporate type. First published by the Alt-X digital network launched as a non-profit by Mark Amerika, *ebr* then affiliated with *ABR*, founded by Ron Sukenick, with *ABR* serving as a

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recent publicly available repository of scholarly publications. However, this project, like the Humanities Commons project is only for scholars in the Humanities. While I applaud these initiatives, both of which are "related" to ongoing Scholarly Commons projects at CUNY, where I am affiliated, I continue to believe that all of these initiatives need to be combined with university projects into a consortium model. The centralization of Academia.edu and its ease of use is unparalleled compared to any other scholarly repository that I have accessed. That said, I advise academics who have decided to continue using Academia.edu to post LINKS ONLY to that web site and upload their intellectual property to repositories hosted by unversities.

In her 2015 *Chronicle of Higher Education* article, Ellen Wexler documents some of Price's further thoughts on issues of definition, quoting him as saying "'Monetize' is not a for-profit word."

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kind of print-precusor to *ebr*, in a different media-form. As an institutionalized platform formed with the purpose of publishing the work of writers for other writers, *ABR* was self-consciously designed to counter a commercial publishing culture centered in New York: it was precisely, an anti-corporate corporate form. And at the same time, *ebr* was pursuing projects that had close affinities to another corporate body, Sukenick's Fiction Collective, still flourishing today as Fiction Collective 2.

Hypothesis Three: The corporation is structured as an "open unity" or an open totality: it is the enduring form, both abstract and concrete, of an act of creative *generalization* that has been undertaken collectively.

"Personality," etymologically the condition of wearing a mask, is, as Hobbes argued long ago, a *sign*: the sign of a provisional unity. As anyone who looks in a mirror knows, this unity is characteristic of natural persons as well as of "fictional" or "artificial" persons; it should be understood not as a unity of *completeness* (closed, final, metaphysical) but rather as a unity of *coherence*, a durable arrangement of bodies, substances, ideas, and forms, all placed in differing relations of value to one another. Unlike the unity of completeness, the unity of coherence is a *pragmatic* form that always in principle remains open to new elements. Our accounts of corporate ontology should recall the ancient category of *dispositio*, from the art of rhetoric: the corporation always implies an organization and arrangement, a *process* of giving form to matter and of finding matter for form. The very structure of its unity is "political," in so far as it depends upon a constant, ongoing calibration of the relative values that have caused the corporation to come about and that subsequently emerge from within its structures and in the wake of its activity. For its disposition is always also a *dis*-positioning, a *dis*placement or *re*-arrangement of elements, a perpetual motion-machine in which each value is always measured against all others: the corporation takes shape from this ongoing "dispositional" process.

This description may be understood both regressively and progressively: it characterizes the corporation as we usually understand it, in the form of the for-profit, commercial institution, which seeks to sustain itself through time in order to capitalize different aspects of the world as efficiently as possible. But it also describes corporate bodies like the Church, or the university (both also of course partly for-profit in their logic), each of which aspires to a different mode of universality; indeed, in both cases this universality is a fundamental premise of the institution.

Hypothesis Four: The universality of the corporation takes the form of a "common" structure, and the largest name for this structure is "pluralism"—but only when pluralism has been re-thought as a structure of the common *beyond* the problem of "difference."

In order to elucidate this idea it will be helpful to ventriloquize a frequent objection, one that proceeds from the commitment to difference as a critical and political principal. No group is open to everyone, says the objection: groups are coherent in their unity only because they exclude. The corporation is no different, and in fact churches prove the point even more clearly than for-profit corporations, which after all *do* aspire to a kind of universality (of address, of consumption, of alienation). All churches have their dogmas, their heresies, and their infidels. Universities are highly skilled in the art of exclusion, subordination, and alienation, as we know.

If from an historical or empirical perspective the truth of this objection seems irrefutable, at the same time it seems equally true to say that when considered empirically and pragmatically the edges of these exclusions are very difficult, and perhaps impossible, to identify. As deconstruction as taught us, one is never *not* in relation to another—some relation always remains. The true problem is thus not one of difference or of exclusion but of *scale and mode of relation*: has one's analysis of the structuration of the corporate body, both intrinsically within itself and extrinsically in relation to other groups, been conducted at a fine enough scale so that these points of relation become explicit? Once these points of relation have been established, categorized, examined, is it not possible for a point of contact or intersection to be redrawn so that it becomes a point around which a new corporate formation begins to take shape, overlapping—rather than opposing—the first? Put more abstractly, when does a part form a new whole? How does the whole that part forms differ from the whole from which the part has been taken?

The problems of scale and modes of relation that constitute corporate groups derive from the essentially *pluralist* ontology of the corporation, which permits the discovery of heretofore unrecognized organizing principles and purposes, and thus also for new affiliations—or, if one prefers, for new disruptions. The disruptive potential of the pluralist analysis of corporations is important to bear in mind, lest it appear (mistakenly) that there may be no opposition among corporate forms, only neighborliness: that antagonism has softened into a nudge, a stickiness or entanglement, at best a handshake or a passing affiliation, at worst, disinterested tolerance or apathy. But of course points of relation can become strongly charged and often become points of conflict; indeed, the coherence and the identity of any corporate group emerges from *the organization of this conflict into a form of coherence* that can endure. A pluralist philosophy of corporations does not require harmony and agreement; indeed, it is equally likely to produce *a more precise account of confrontation*. If the corporate group takes its shape from an ongoing process of translation among competing systems of value, as I believe that it does, then this process is obviously never frictionless. This is true *inside* of corporations as well as between or among them.

Hypothesis Five: The value of the corporate form lies in its capacity to give structure to the invention of ideas that might motivate collective action.

The corporate form offers the resources for new political compositions—for understanding the political as a "compositional" process. At the same time it will be important to recognize corporate forms that *already* exist and that might be re-occupied, re-personated, and re-activated. The university, for instance, must be translated into the *universitas* that it should become—a gesture of possibility or of utopianism that is indispensable to the political imagination, as both Plato and Aristotle recognized. Nor will the composition of the *universitas* ever be only material: it will have an ideational component and will require a "theory." And its compositional process implies both a *more* and a *less*. It will require *more* than spontaneous action, *more* than protest, *more* than networks, which are never durable enough and which must be thickened in many different ways; they require the codification of procedures, the invention of new structures for communication and action, and the formation of archives that may serve as repositories for a collective "memory" of actions and utterances. To re-occupy the corporation, in short, implies an embrace of *institutions*, both in theory and in practice, an implication that is antithetical to some notions of politics. But at the same time these institutionalized forms must be *less* than the large-scale institutional categories that often populate political discourse and political theory. They will be smaller, more subtle, more flexible than "State" or "nation" or "people" or "society." The corporation is the meso-layer of institution situated *between* the one and the many: it is the form of the more-than-one when the more-than-one wears the mask of the person and begins to speak and act for itself.

Some of us are doing this now: you are in fact doing this now, insofar as you participate in groups that may be described according to the definition offered above—and there is no one who does not participate in such groups in some way, including *ebr*. The question is one of recognition: do you participate with knowledge of your participation, or not? Are you participating *deliberately*?

Would you like to do so? www.artsofcorporation.org.

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