

CORPORATE PERSONHOOD

Week 2: The Outer and Inner History of the Corporation

Readings: *Ted Nace "How Did Corporations Get So Much Power?"*

The Corporation (Film)

Corporate personhood is an American legal concept that a **corporation**, as a group of people, may be recognized as having some of the same legal rights and responsibilities as an individual.

"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" (Justice Harlan, quoted in Nace, p. 13).

- *Nace: The History of the Modern Corporation as a **Legal Form***
- *Where do corps get their power from? They also get it from their **legal form: corporate personhood***
- *Nace discovers that the status of a corporation as a 'legal person' was rooted not in an actual court decision, but in the preamble to it, in the 1886 case, *Santa Clara County v. Southern Pacific Railroad**
- *How was legal position justified? It wasn't.*

- *3 phases in the development of corporate rights, (Nace, pp. 15-18).*
- ***Phase I (1820-1900): Corporate Quasi-Rights** : Limited Liability, perpetual existence, 'shape-shifting'*
- ***Phase II (1886-1986): Corporate Constitutional Rights** :Equal protection, Commercial Speech, Political Speech*
- ***Phase III (1987-Present): National treatment, compensation for regulatory takings***

The fact that corporations possess these rights leads to perverse consequences, undermines the ability of governments to protect the public interest and 'disables' democracy, according to Nace

APPLY CREATIVE READING: John Steinbeck's *The Grapes of Wrath*

SOCIAL/ DETAIL DIVISION OF LABOUR

Week 3: Production: Work, Alienation and Exploitation

Readings: Harry Braverman, "The Division of Labour"

Elmer Rice "The Adding Machine" Scenes 1 & 2

Social division of labor is the **social** structural foundation of the specialized commodity production divided between industries, firms, and occupations of workers, or the technical **division** of tasks. ie; clothes maker, hunter, gatherer

Detailed division of labor is where the **labor** required for one product is distributed between many people, each producing a part of the final product.

"While the social division of labor subdivides society, the detailed division of labor subdivides humans...when carried out without regard to human capabilities and needs, [it] is a crime against the person and against humanity" (p. 51).

- Braverman: 2 Divisions of Labour
 - Social division (common to many societies)
 - Detail division (manufacturing) **specific to capitalist society**
 - Social Consequences of the detail division of labour
 - Divides the work, divides the worker
 - De-skilling (wage stratification) and increased managerial control
- **There are 2 divisions of labour: within society and within a workshop.**
- A social division of labour— a universal condition of any society— is distinct from the manufacturing (or detail) division of labour that arises under capitalism
- **The capitalist organization of production exhibits a tendency towards 'deskilling labour',** which:
 1. increases the control of the labour process by capitalists;
 2. reduces wages;
 3. limits human development
- **Detail Division of Labour:** *"...we give it a false name. It is not, truly speaking, the labour that is divided; but the men: divided into mere segments of men" (Ruskin, quoted in Braverman, p. 55 note).*

Capitalist gains in 3 ways: 1. Increase in productivity

2. management control

3. decrease in wages through de-skilling

- **"[I]n a society based upon the purchase and sale of labour power, dividing the craft cheapens its individual parts" (pp. 55-56).**

On human development: *The capitalist mode of production systematically destroys all-around skills where they exist, and brings into being skills and occupations that correspond to its needs" (57)*

APPLY CREATIVE READING: Elmer Rice's *The Adding Machine*

- **What does Rice tell us about the impact of work on our social relationships? How does technology affect work in the play?**

This controversial play...

Formal level: Most of the characters are just numbers (Mr and Mrs. Zero, One, Two, Three, etc.)– why do you think the author did this? Why did he give others names? ‘The Boss’, ‘Daisy’? Conversation between Mr. and Mrs. Zero is one-sided– what effect does this have?

Expository Level: Despite his desire to ‘be something’, in the world of modern business he is nothing. What’s good for business (efficiency, profit maximization) destroys Zero– being de-skilled is like sentencing a worker to death

Analytical Level: Rise of Taylorism during the rise of big business in the US in the early 20th C. BUT adding machine replaces both Zero and Miss Devore with ‘a high school girl’ (and her lower wages– deskilling) ... But who does the adding machine belong to? It is ‘means of production’: capitalism is based on the private and exclusionary ownership of property... Faceless department store increases exploitation, but Zero is added to the **reserve army of labour**: unemployed

PROGRESS (Traps)

Week 12 and 1(WT): Real Progress and the Myth of Progress

Readings: Ronald Wright "A Short History of Progress"

Surviving Progress (Film)

Our practical faith in progress has ramified and hardened into an ideology— a secular religion which, like the religions that progress has challenged, is blind to certain flaws in its credentials.

Progress, therefore, has become 'myth' in the anthropological sense" (p. 4).

- Wright asks: Is this experiment of civilization a one big progress trap, the biggest in human history?
- What is progress? We measure it in terms of technological advancement: cars, phones, computers, weapons.
- Gauguin's questions: **Where Do We Come From? What Are We? Where Are We Going?**
- Experiment was already carried out on Rapa Nui (Easter Island) where the people of the time permitted unrestricted population growth, over consumed resources, destroyed the environment, "had confidence religion would take care of the future" resulted in an ecological disaster. —*Easter Island, Earth Island. Archaeologists Paul Bahn and John Flenley.*

Progress is a very powerful, seductive idea: but is it possible to have too much progress? Wright presents a critique of progress, a warning about where our current civilization is taking us.

- **The experiment of human civilization = one big progress trap.**
- **MEASURING PROGRESS:** Wealth? (gdp) NO, because distribution of wealth in our civilization does not equal progress (ie; over \$1 trillion for military, little for schools and hospitals)
- If we are to escape the fate of past civilizations, we must identify the social behaviours that led to their collapse
- ***The Victorian Ideal of Progress (related to modernity)***
- ***Social/moral progress vs. Technological/economic progress***
- ***The problem is our waste! OVERCONSUMPTION + OVERPRODUCTION = what capitalism breathes***

LABOUR POWER

Week 6: Class Society and Capitalism

Readings: Adam Smith “The Wealth of Nations”

Karl Marx “Wage Labour and Capital”

Harry Braverman “Labour and Labour Power”

- Labour: “purposive action, guided by intelligence” (p. 34)
 - The act of appropriating and transforming nature into something that can be used or ‘consumed’
 - The distinctiveness of human labour: we can conceive of the work we are about to do, plan it out in our heads first
 - **Labour Power: “the human capacity to perform work” (p. 35)**
 - Our abstract capacity to perform a variety of tasks turned into a commodity– requires a ‘double dispossession’.
 - The form of labour under capitalist production: “the unity of conception and execution may be dissolved” (p. 35). LP= power to execute
- Recall Marx’s critique of Smith: the pin factory illustration abstracts from ‘class relations of production’, the relation between a capitalist and wage labourer
- Workers sell the commodity they own– labour power– for a wage, in exchange for the use of their labour for a specific period of time
- Capitalists buy labour power but use labour in production
- Within the capitalist mode of production the capitalist i) controls the labour process; and ii) ‘appropriates’ the output (including surplus)