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Abstract

Over ten years ago, the Canadian documentary film *The Corporation* (2004), written by University of British Columbia Professor of Law Joel Bakan, significantly challenged the way we think about the modern corporation by unravelling its legal status as a person pathologically committed to the pursuit of power and profit. The film won 26 international awards and Bakan's book (2004) also became a widely-translated bestseller. In this interview and Q&A session, Bakan talks about his motivations in making the movie and writing the book, the response they generated, and the changing nature of the modern corporation. His commentary provides insight into the relationship between documentary film making and scholarship and enables understanding of the use of film as a resource with the potential to generate social change by bringing insights from research to a wider audience. The interview also explores connections between scholars of law and management in critically analysing corporations.

Introduction

Joel Bakan is best known to management scholars as the author of the documentary feature film *The Corporation* (2004). The film and the popular book of the same name (Bakan, 2004) significantly challenged the way we think about the modern corporation by unravelling its legal status and arguing that it is equivalent to a psychopath, a singularly self-interested legally constituted 'person' pathologically committed to the pursuit of power and profit. Through his radical yet rational critique (Haynes, 2007), Bakan, together with filmmakers Mark Achbar and Jennifer Abbott, contributed towards establishing documentary film as a means of exposing unethical organizational practices and highlighting the failure of corporations to exercise social responsibility. This paved the way for films such as *Supersize Me* (2004), *McLibel* (2005), *Fast Food Nation* (2006), *Sicko* (2007), *Inside Job* (2010) and *Fed Up* (2014), which addressed a range of issues relating to business ethics from environmental pollution and corporate control of the press to cultures of greed in the banking industry and the impact of global food brands on human health. In some cases, the pressure these filmmakers put on corporations led to changes in practice[i]. In this interview, Bakan provides a commentary on the ongoing role of documentary film in public debate about the role of business in society.

In addition to his success as a filmmaker, Bakan writes and researches in the areas of Constitutional Law, socio-legal studies, legal theory and economic law at the University of British Columbia. In spanning the diverse contexts of documentary filmmaking and academic scholarship, in this interview he comments on the differences and similarities among them. Documentary film is characterised by realism, presenting what is claimed to be factual information, recording events as they occur, using visual aids such as maps and artworks and staging events that are recorded by the camera, such as an interview with an expert or witness (Bell, 2008). This exposes a similarity between documentary film and scholarly writing; both are concerned with investigating the reality of a phenomenon. A key difference, however, concerns the way the story is told. As Bakan's interview highlights, film is characterised by emotional engagement with the audience based on an interpersonal connection with characters in the narrative. A further difference between documentary film and academic research is that the latter has the potential to reach much larger audiences. Film is also multimodal (visual and auditory as well as linguistic), whereas scholarship relies primarily on language. Yet management researchers are increasingly turning to the visual as

a methodological and conceptual resource in the study of organization (Bell & Davison, 2013). Bakan's interview demonstrates the potential of documentary film as a medium for multimedia storytelling that goes beyond a text based view of the world.

This interview also explores the changing relationship between documentary filmmaking and activism. In the past decade, online and offline identities have become increasingly interchangeable and distinctions between the 'real' and the 'virtual' world more blurred. It can therefore be hard to discern where discursive and symbolic practices end and material practices begin. Social media sites such as YouTube, Facebook and Twitter, are cited as evidence of a 'participatory culture' (Jenkins, 2008), where social actors actively create and circulate digital content, and modify existing content put out by other participants. Bakan's interview provides an opportunity to explore the changing relationship between film and activism in the Web 2.0 era and to consider possibilities for generating organisational change through film.

Speaking at the 2015 Annual Meeting on the Academy of Management in Vancouver, Canada to members of the Critical Management Studies Division[ii] at Vancouver's Vancity Theatre[iii], Bakan introduced a screening of a new cut of the film as part of a campaign to make the movie freely available for school and community use[iv]. This was followed by a detailed Q&A session with the audience. Prior to this, Bakan agreed to be interviewed by me. In the interview I sought to understand how, as a critical scholar, Bakan understands the relationship between his academic and popular work, including documentary filmmaking. I also invited him to reflect on the impact of the film and on how the corporation has changed since the film was made. The interview and Q&A recordings were transcribed verbatim and dialogues from both form the basis of the edited account that follows.

THE INTERVIEW

Emma: It's interesting to me that *The Corporation* was written by a law professor, rather than a business school scholar. Do you have any observations on the role of business schools in engaging in debates about the nature of the corporation?

Joel: Just as in law schools it's very hard to generalise. Most people in law schools don't do the kind of work I do. There is a small group of people who do critical work from social

justice and leftist perspectives and then there is a larger group that does more mainstream work. And then there's a group, growing in size, which is progressive and interdisciplinary but not deeply critical. This latter group may promote human rights and environmental issues but the analytical frameworks they use do not really challenge mainstream notions of what law is and how it should be studied and analysed. From my limited experience with business schools, I would say there are similar groups.

But going back to your question – why would *The Corporation* come from someone in a law school rather than a business school, what we're trained to understand as lawyers and legal scholars is how law constitutes so much of what we take for granted in social, political, and economic worlds. The corporation is one of those legally constituted things. When you're outside of law and you look at the corporation you see it as an institution, but you may not see it, in the way a lawyer does, as an institution created by law, by the State; as an institution that is a *product* of state regulation, not just a subject of regulation. That's where training as a lawyer, and the perspective it brings, can be very helpful. It can enable you to see how institutions, like corporations or property or contract are purely human artefacts, created by us, through our governments and through various legislative and government agencies. There's nothing natural about them. They are products of politics. So it's difficult as a lawyer, if you have your eyes open, to reify the economy. You see the economy as basically a product of law which means it's a product of government, which means it could be different, it could be anything politics is capable of creating. As a lawyer it's really easy to see that because when you look at the corporation you're looking at a legal institution. I don't know if it's as easy from other disciplines to see things in that way, whether from economic or business school perspectives or whatever. As a lawyer, for me, the corporation exists because of law, because of governments, because of the state.

Emma: What got you interested in making a film about the corporation?

Joel: Well I am an academic primarily and I'd been thinking about writing a book on these issues. I'd recently published a book on constitutional law (Bakan, 1997) and one of the conclusions I reached was that the real issues around power in society were moving from public to private domains, and so, I thought, if I'm interested in investigating power, I have to move to questions about how power is legally constituted in the private domain. So the

corporation became an obvious interest for me in that context, as did the laws of contract and property and other areas of commercial law.

My work has always had an activist, social justice orientation. My aim is to improve the world through doing that work. But what I realised around the time I was formulating *The Corporation* project is there was this major disjuncture between my work as a scholar and my ambition to try to change the world. I would write an article or a book, publish it with an academic press or an academic journal, and it would be read by maybe a hundred people, maybe 1,000. It might be assigned in courses, but, in the end, it would only be read by those who were part of, or orbiting around, the academic world. And I thought if I want to make an impact on the world I have to speak directly to people, not necessarily in ways mediated by the peculiar, broadly inaccessible, and often elitist filters of standard academic discourse.

So I began thinking about how to write a book about the corporation that might appeal to a mass audience, and around that time (and this just shows how serendipity can be such an important part of life), I met Mark Achbar. We were both pallbearers at a funeral of a mutual friend. We hadn't known each other, but as Mark began to tell me about his work, I realised that this was the guy that made the film about Noam Chomsky, *Manufacturing Consent* (1992), which was one of my favourite documentaries. Mark asked me about my work, and I told him about the book on corporations I was thinking of writing. He said, 'why don't we make a film of that book?' And I said, 'well it's probably going to take three or four years to write it', and he said, 'let's just start now. We can make the film while you're writing the book, do the two together'. And I thought, 'that's an interesting idea'. I've never been shy to jump into projects that I know nothing about, like making a film. And I thought, 'okay, this sounds like fun'. We started to talk about things and seven years later the book and film came out.

It took a long time to figure out how to construct a film that was about an abstraction. Normally documentary films are about a person or an organisation or an event, but here we were talking about an institution, an abstraction created by law with various characteristics. How do you make a film about that? How do you write an interesting and readable book about that? How do you tell emotionally engaging stories while maintaining focus on the overarching analysis? These are fascinating, creative challenges and I really enjoyed working on them. But most importantly, I thought it really important that the ideas would be

disseminated in forms, the film and popular non-fiction book, likely to be accessed by large numbers of people. We had no idea the project would get out to the very large numbers of people it did.

Emma: Has anyone accused you of oversimplifying the issues in order to reach a broader audience?

Joel: Not really, at least not to my face, though it's a concern I always struggle with. In writing for a popular audience you simply don't have the luxury (and I consider it a luxury because I find it a lot easier writing scholarship than writing for a popular audience), to focus purely on analysis and data. You actually have to make your work readable and watchable, and that means you need to tell stories. This is what my editor on *The Corporation*, Fred Hill, first told me. In writing a popular non-fiction book, he said, the story has to come first with the analysis flowing organically from it. You have to pull the reader in with the story, which the analysis then contextualizes and explains the broader significance of. That's what we try to do in both *The Corporation* book and the film. Readers and viewers get an analysis, but before they get it they are engaged, drawn in, by really interesting characters, and really interesting stories.

So what I write for popular audiences are essentially works in translation. I start, because I'm trained as a scholar, with a scholarly analysis. I translate it into something a popular audience will enjoy; something alive with stories and characters that a person can enjoy reading on the beach or on a bus. But the scholarly analysis remains immanent in the text. So the word 'oversimplification' I reject because the ultimate product that you see, the film or the book, is actually embedded in scholarly analysis. In the two books I've written for popular audiences, *The Corporation* (Bakan, 2004) and *Childhood under Siege* (Bakan, 2011), there are reams and reams of quite detailed endnotes that refer readers to scholarly literatures. I wanted academics, policy makers and the like to be able to feel confident in the books' analytical rigour. But I didn't want to detract from the flow and rhythm of the prose. It drove my editors crazy on both books because in popular books they're not used to such detailed endnotes, but that was my bottom line.

Now in terms of people criticising me about this, I think the works have both held up to the criticisms that have been launched at them. The film and the books have been lauded as

highly watchable and readable in the popular press and they've been well reviewed and seriously engaged in scholarly literatures. They are well-represented in university and business school curricula and, on the basis of those works, I'm regularly asked to speak to groups of scholars, policy-makers and business people. And you as a scholar are talking to me about these works, and you're screening this film at a scholarly conference, suggests I've managed to maintain scholarly credibility with these works while still making them readable and watchable. I think most people understand what it means these days to assume the role of a public intellectual, somebody who's trying to reach beyond the ivory tower.

Emma: Why do you think the film was so successful?

Joel: It articulated concerns that people had at the time. The film was made at the beginning of the anti-globalisation movement, when globalisation, deregulation and privatisation were starting to really become apparent in people's lives. Governments seemed to be losing the power to regulate companies. Companies were becoming larger, capital more concentrated. Corporate power was at the front of peoples' minds. The film and book provided not just a survey of the problems that were out there, but an analytical framework and entertaining presentation. To diagnose this institution as an irresponsible psychopath, uncaring, dangerous, and harmful – this made lots of sense to people at the time.

Audience Q&A comment: I disagree with your analysis in the film because you're blaming the psychopath for being a psychopath, the poor guy. I mean I blame his doctor, his parents, the systems around him, so what about blaming legislators, politicians, us? Why give the guy a hard time? He's only out there to do his best. He should be controlled better, isn't that where the problem lies?

Joel: Yes, I totally agree with you, but not with your interpretation of the film as stating otherwise. We're not blaming the psychopath for being psychopathic. What we try to reveal in the film and in the book is that corporations are the products of our governments and our governments are, in theory, the products of us. The problems with governments that enable them and that pressure them, in effect, and compel them to serve primarily corporate interests are, again, in a way, our problem as citizens that were allowing them to do this. So, in traditional psychoanalytic theory, I would say we should probably blame the parents. I mean the parents always get blamed in psychoanalytical theory, for everything. I think here the

parents are, as you point out, the legislative branches of government, the executive branches of government, the judicial branches of government, without which corporations wouldn't exist, wouldn't be enabled. We can go further than that and say that markets in general couldn't exist without the creation and enforcement of property rights, of contract rights, the entering of free-trade agreements to globalize capitalism – all of that is done by governments, by the parents of the corporation. So you're absolutely right that that's where the problem lies. I'm concerned a little bit, perhaps, that you didn't get that from the film, because the purpose wasn't to say, 'it's the fault of corporations that they are the way they are'. The purpose was to say, 'this is the consequence of corporations, being the way they are, and what we need to do is to change the way we as citizens, and the governments that represent us, regulate corporations, create corporations, and constitute corporations. This is ultimately a problem for all of us'.

Audience Q&A comment: Just a few points. One is the issue of power. I've watched your movie, which is a powerful one, but then I remembered a thesis proposed by Moisés Naím about the whole issue of power. Do they really have the power that you portend or describe in the movie? Power is moving away today from anybody that we think has power, whether be it corporations or states. Second point, what about backlash? Getting so hard and harsh on big companies, a lot of bad can come out of it. I come from a US state where coalmines have been closed because of regulation. You hit them so hard and look what happens, complete communities are out of jobs. A third point is, and I've come from business into academia, so my perspective is a little bit different, your message can be more influential and more convincing if it was balanced, because companies still do a lot of good. You convince the people that follow you, but if I'm sitting on the fence I'm not sure I'll be convinced if you show the corporation in so dark a manner.

Joel: Okay, the second question was about supposed overregulation. The third question was about balance, and the first question was about power. Let me answer the first question first. When you say power is moving from here to there, you suggest it's moving away from government and it's moving away from corporations. In that statement there's a certain reification of the idea of power. I don't think power is a thing. Power is about social relationships and there's no question that those social relationships of power are shifting. I'm not sure where you're imagining they're shifting to. It wasn't clear from your question where you think power is going. It was clear in your question where it's going from, but what I

would suggest is that at this moment there is still an awful lot of power in the social relationships, enforced by law, that constitute companies and especially large multinational companies.

My sense, as a critic and a scholar, has always been that you don't have to criticise everything in order to validly criticise something. You choose various places in a social order where an intervention is needed and useful. So I'm not in any way suggesting that power, as you describe it, isn't fluid, isn't always in movement, isn't always constituted in and through fluid and changing social relations. But what I am suggesting is that there's a utility in looking at the power currently wielded by companies, the influence that they have over their workers, over the communities that they're in, over the governments that create them, over the environment that they operate in. So I am willing to go with that fairly modest justification for choosing to look at corporations, even if you want to say that they're not as powerful as they once were (which I don't necessarily agree with). They are still very powerful.

The second issue, about overregulation, this is a really complex issue and I thank you for raising it and I don't have a solution to it. In this province, for example, we're a resource-based economy, and we have to deal with issues of forestry, of mineral extraction in the context of environmental issues. We have to try to balance those issues. It's particularly difficult within this province, and I just use this as a concrete example, for progressive parties, because progressive parties typically bridge labour and environmental issues, and when workers are involved in resource extraction and the industries that employee them are heavily regulated they may lose their jobs, as you suggest happens in your state. This is not unique to this province, or to your state, or anywhere else. We're always trying to find a balance. The answer to this dilemma implied by the film and book, is that the balance we strike – in terms of costs, in terms of benefits, in terms of which communities are harmed, in terms of what social, environmental goods are advanced, who pays the cost, who gets the benefits – the question of what that balance should be has to made by governments, accountable to their citizens, with serving the broader public interest their primary goal, and without the undue influence of self-interested companies. If we hand over that balancing process to companies, and my concern is that that's what is happening, or if corporations are unduly influential over governments, also a current concern, then that will distort the

democratic accountability that goes into creating those balances and undermine government's mission of promoting public interests.

The third point you made was about balance as well, though of a different sort. You were talking about balance in this film, suggesting that it's not balanced, and that it should be. There are different ways to look at balance, whether in filmmaking, print, or scholarship for that matter. There's a journalistic conception of balance that says, if you show one side of an issue, you have to show the other side of the issue, and then you let the viewer decide. Another notion of balance suggests that it's valid to have a point of view and to argue that point of view, much like a lawyer prosecutes one side of a case. Here, as long as you're being truthful, as long as your research is good and your arguments plausible and persuasive, you have fulfilled your duty. It's up to the other side to make its case.

In our society, the case in favour of corporations is constantly and forcefully made. We're bombarded with it all the time and everywhere – marketing, advertising, corporate-sponsored think tanks and scholarship, media perspectives, movies, TV shows, web-content; we are surrounded by a constant chorus of glorification for corporations, showing they are great, socially responsible, and that they're doing wonders for our world. So what I think we saw in making the film and writing the book, is that there was a need for the other side to be presented – the critique of corporations and their power; that's what balance demanded. In a world heavily skewed towards corporate perspectives, our intervention could provide at least some sort of balance.

Emma: Why do you think documentary film has become such a popular medium to critique management and organizations?

Joel: We made *The Corporation* just at the moment when social commentary documentary film seemed to be bubbling up. Michael Moore had done *Roger & Me* (1989) and *Fahrenheit 9/11* (2004), and was popularizing the notion that documentary film could reach mass audiences with social commentary. The difference between our approach in *The Corporation* and his is that he makes himself a central character in his films. He's a very compelling character, funny, charismatic, he's all of that. *The Corporation*, though innovative in style and approach, is a more traditional documentary, yet it still had a lot of success. I think that's

where the trailblazing was, in that we showed that you can actually create a huge audience with a fairly traditional documentary.

I think now we're in almost a post-film stage. Everything's being broken down into micro-narratives rather than large meta-narratives, quick and punchy little pieces on this or that issue but without large overarching frameworks. I think we're moving to a fractured media landscape where it's hard to hold people's full attention for two and a half hours, or even two and a half minutes. We're currently working on a sequel to *The Corporation* and the landscape has really changed in terms of what funders are willing to fund. The whole idea of people sitting down in a theatre or in front of their television set for two and a half hours to watch one piece seems almost dated in a world of YouTube and Instagram and Snapchat are the ways people engage with media - especially young people. So it's a question of finding a multi-media path, where a film or TV program is linked to other newer media forms, and especially social media; where there's possibility to engage audiences before, during, and after the film or program has been screened. It's a challenge.

Emma: How has the nature of the corporation changed since you made the film?

Joel: When we made *The Corporation* you had the big companies, Shell and BP and others, purporting to be socially responsible, but it was really more of a PR, marketing thing than a genuine commitment. We successfully revealed CSR as such in *The Corporation*. The first fundamental shift since we made the film is that companies have effectively said 'okay, you were right, mea culpa, we've been acting psychopathically. Our commitments to CSR, as you revealed them in the film, they're thin. So now we're going to take CSR seriously, embed it at the core of our business plans.' This really began in earnest in 2006, when General Electric came up with its Eco Imagination Plan and all the big companies followed, embracing CSR in seemingly deeper and more serious ways than they had in the past. 'We're moving CSR', they said, 'to the core of our operations; it's going to constitute our business plans'. That's where we're at today. Corporations are essentially saying, 'we may have been psychopaths before. But now we're cured'.

A second noteworthy shift since we made the film is that, as a society, we seem to be accepting the notion that the corporation is a governing institution. It's no longer just an institution *to be* governed. It's an institution that *is* governing, or is governing in partnership

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with government. That idea was still controversial at the time we made *The Corporation*. Now it seems broadly accepted that corporations should be looked to as equipped to legitimately govern society, on social and environmental issues; that they should be trusted not only to self-regulate – by voluntarily containing the harms they might cause to – but also to provide solutions and leadership on issues like climate change, world hunger, water issues, public health, and so on. This is how companies are positioning themselves today.

And these two shifts are connected – you can't have the second unless you've accepted the first; that companies are genuinely and largely socially responsible, that they are committed to sustainability. If you accept that, then it becomes possible to see companies as perhaps the main leaders, rather than governments, or at least the main partners of governments in addressing world problems. That's where we are today. We weren't there in the late '90s when we set out to make *The Corporation*. In *The Corporation* we gestured to this possibility. We talked about corporations as dominant institutions but basically our thesis was, 'we need to regain control' before they take control. Now, it seems they've taken control.

From that perspective, the film was a massive failure and the book too, because the power of corporations has only increased since *The Corporation* hit theatres and book stands. Their governing role in society has only increased – and so it's time for us to get back to work, to make a sequel.

Emma: What has been the reaction from business organizations to the film?

Joel: They invite me to speak all the time so I'm assuming that they respect it. This is where it's both problematic and also gratifying. I've been invited to speak to groups of CEOs, to conferences of public relations professionals, accountants, managers, and so on. I've been invited to all kinds of business and CSR events and the response is usually something like, 'Yes, that was the 1990s and early 2000s, but we we're different now, better now. We understand what you said, that's why we invited you, you were right and we want to be like Ray Anderson now, we want to be like the carpet guy in *The Corporation*. That's our aspiration, thank you for making the film and waking us up and encouraging us to be the best that we can be'.

Emma: What do you say then?

Joel: I say actually it's really not that different now. Michael Porter's notion of 'shared value', which very much informs the new ideas about CSR, still requires companies *share* value with social and environmental interests, not that they sacrifice it to those interests. Which means, in turn, that despite all the shiny new ideas around CSR companies are still limited to doing only as much good as will help them do well. So ultimately we're back to the same place with the new CSR, albeit a more sophisticated and arguably more thoughtful and deeper and broader version. But we are not going to save the word through shared value because the things that companies can do for social and environmental concerns still must be things that are profitable, a profound limitation. I make these arguments in detail in a recently published piece (Bakan, 2015).

Audience Q&A comment: My point is about the rules of the game that are set through the law. For me the question is how to go about to change these rules. We can change a little bit by teaching managers but we can't change the game by teaching managers, or by legislation in only one country.

Joel: I think you're absolutely right about the rules of the game. The game that I like to use as an analogy – and you're in Canada, so you won't be surprised – is ice hockey. To play the game effectively, you have to be quite violent. The rules permit and encourage that. When I played the game I wasn't a particularly skilled player, so I used to be a fairly dirty player, you know, try to hurt people and do things like that. That was all completely legitimate and it's what you're supposed to do. When I walked off the ice, though, I wouldn't do those things. I would have been put in jail if I had. But, on the ice it's fine. The rules are different.

So if we think about the corporation, it's a fairly violent and hostile set of rules that defines the game. Like in ice hockey, it's about exploiting, doing whatever you can to advance your interests within the law, and even outside the law. If it's cheaper to break the law than to comply with it, break it. If you'll gain more by taking a penalty on the ice, and sitting in the penalty box for two minutes than you will by not taking a penalty, you take the penalty. That's what every coach will tell you. The rules of the corporate game are kind of like those of hockey. They're not like those of cricket. When you're asking managers to be socially

responsible, it's like you're asking them to play cricket on an ice hockey rink. That's not going to work.

As Ray Anderson said, it may be better that managers try to be socially responsible than that they don't. But in the end they will be limited by the rules of the game and for me this is an important insight into understanding the new corporate social responsibility, what Wayne Visser (2010) describes as 'CSR 2.0' and, as I mentioned before, what Michael Porter dubs the 'shared value' approach. The problem with all of this, as I alluded to earlier, is that the rules of the game haven't really changed. The corporation is still legally constituted, exactly, as it always has been.

So Coca-Cola can produce plastic bottles that are made out of plant proteins for their bottled water and they win awards for sustainability. But there's a good argument that producing, distributing, selling bottled water is, in itself, not sustainable. So if Coca-Cola were *really* sustainable, not in a 'shared value' way, but if sustainability was an end rather than a means to helping it making a profit, it would stop making bottled water. Is it going to do that? No. That's not within the rules of the game that Coca Cola, as a legally constituted publicly traded corporation, is playing by. Shared value has those kinds of limits, because the rules of the game haven't changed.

The problem now is that there is a view, among governments and policy makers and citizens, that corporations have become *truly* socially responsible; that they've transcended the kind of self interest we identify in *The Corporation*; that they can now be looked to as legitimately self-regulating and capable of taking leadership roles on global issues like world hunger and climate change and so on. To me, this is probably the most disturbing problem we're currently facing, this sense that we can relax public controls on corporations because they have reached a point where they're able not only to control themselves, but to become leaders on the great global challenges we face today. This is pure fantasy and a real concern.

Audience Q&A question: I really liked many ideas in the film, particularly, how you showed us that the corporation is an artificial person and then asking, 'could that person be a psychopath?' But, then I thought, 'I can think of other artificial persons as well'. Instead of saying 'the corporation', I could say 'the organisation', and then Greenpeace is an artificial person, the university I work for, the Catholic Church. If I think about these other

organisations, I think of stories, like the Catholic Church has engaged in sexual misconduct with boys and UNICEF has embezzled money. So my point is, if I think about those artificial persons I can find examples to show that they are psychopaths and then I can ask, 'are other organisations psychopaths?' So my question is: how far is this a movie just about the corporation, or is it about the organisation, which is an institution in our world? And, are all corporations psychopaths, or are you just pointing to the problem that some of them are psychopaths?

Joel: Right, so, your question is: are all corporations psychopaths and are all organizational psychopaths necessarily corporations? You can go back to the sociologist Max Weber, because he argues that all organisations diffuse responsibility by the very virtue of the fact that they're large organisations. That then leads to the types of things you're talking about, whether it's UNICEF, or the Catholic Church, or the United Nations, or whomever. They're going to get up to irresponsible things because of the inevitable diffusion of responsibility in large organizations. So you might have corporations that have solved this problem, making them non-psychopathic; and you might have non-corporate organizations that have not solved the problem, making them psychopathic. The issue is about the nature of organizations, you would say, not the particular type of organization that the corporation is. And I would have to say you are wrong. What we're trying to do in this film, and, perhaps it's a bit clearer in the book, is to look at how the corporation is legally constituted as an organization in ways that make it different from other organizations; in ways that make it, uniquely, analogous to a psychopath.

So, if you talk about UNICEF, or the Catholic Church, or governments, which also have legal personhood, to some extent, all of those organisations have mandates that are different than that of the corporation. All of those organizations have mandates that, in one way or another, are aimed at serving some social or public good, however it's defined. When you look at the legal constitution of the corporation – at least, and I'll just put in this caveat, that of the Anglo-American Corporation – when you look at the constitution of the Anglo-American Corporation, what you see is a legal imperative commanding managers and directors to always and only put the interests of the company above all other interests – to promote and prioritize private rather than public interests. That's the basis of our psychopath metaphor. There's no other institution that has that kind of constitution; that is working improperly, illegitimately, and unlawfully when pursuing public interests as ends in themselves. So it's

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not that, 'oh, this corporation is acting in an irresponsible way, so we call it a psychopath.' It's that it *has* to act in an irresponsible way. The law compels it to act in a way that is socially and environmentally irresponsible, because it always has to put its own interests first. That is the basis of the psychopath metaphor. When UNICEF or the Church prioritize private interests, we worry they are acting corruptly, against their institutional mandates; when corporations do the same thing, they are doing exactly what their institutional mandates require.

The other ideas you were talking about kind of follow from this - are all corporations necessarily psychopathic, you ask? So, here, and I don't want to get legally nerdy, but from a legal perspective there are many different kinds of corporations. The City of Vancouver is a corporation. The company that made *The Corporation* is a corporation. There are all kinds of corporations and most of them are constituted in such a way that it is not a legal requirement for the managers and directors of the corporation to serve only its own interests. Vancouver City, its corporate charter says, has to serve the citizens of Vancouver. The company that made *The Corporation* had discretion to take less profit and serve more social and environmental values. So what we're talking about in the film, and what I talk about in the book, is large, publicly traded, corporations, because when you have a publicly traded corporation there is a fiduciary duty on the part of managers and directors to serve the interests of the shareholders that collectively constitute the corporation. It's that legal framework that makes every publicly traded corporation profoundly self-interested and indeed psychopathic; and it's that particular legal framework that makes publicly traded corporations, as organisations, different, fundamentally, from all other types of organisations in having that psychopathic character.

Emma: *The Corporation* used social media to encourage people to engage with the film. One of the critiques made by some scholars is that this can create a false illusion of democratic engagement which becomes a substitute for practical engagement. Do you think watching a film and using social media to engage with it can encourage a kind of passivity?

Joel: It's the $64,000 question. As you said, critical communication scholars are looking at these things and I talk a little bit in my more recent book, *Childhood Under Siege*, about the dangers of social media in terms of disaggregating people and, in effect, demobilising them. You spend an hour on Facebook and stand up at the end of your session and say, 'today I

saved polar bears, I signed a petition against climate change, I supported an anti-sweatshop movement'. All you've done is hit 'like' for each of these, but when you stand up you feel like you've had a good day of activism. So, yes, social media can create an illusion of activism without acting. I think this is part of a much larger problem today of the individuation of politics. There's this sense in which our political actions are, firstly, limited to consumer realms, and secondly, individualistic; that it's really about us as moral beings, and what we do and whether we're good, as individuals, but it's not about coordinating our political efforts in the form of political parties and movements and actually trying to gain the levers of power that's called government. In fact, that's seen as passé and people, especially youth, are not involved in that as much as they used to be. I'm quite conservative in this. I think our best hope is through fairly traditional, large scale, politically motivated action; through hitting the streets, protest, resistance, voting, becoming active in political parties, labour unions and other movements; through the public dimensions of politics that still exist. When we believe that politics is just a matter of an individual lifestyle and an individual choice, politics evaporates; it's no longer politics. It may be about ethics, about morals, about how we live our lives, but it's not about taking collective action to deal with the things that we need to deal with.

So getting back to the question you asked, in effect, 'do I think *The Corporation* is part of that problem?' No, because – and forgive me if I'm defensive here – *The Corporation* gave people knowledge – perspective, analyses, a point of view, stories, information – designed to shatter myths and break through the inevitable sense of paralysing confusion we suffer in a world where our basic human and humanistic instincts are constantly contradicted by the iconography and ideologies of corporate hegemony. You cannot change the world unless you first understand it, and what I think *The Corporation* gave people was an understanding of the world as it is, and a sense of what could be done to make it better.

Concluding Thoughts

This interview reveals Bakan's intentions in making a highly original documentary film that fundamentally changed the way we see the corporation. The success of the film arose from creating an engaging, multimodal narrative that convincingly operationalized Bakan's theory of the modern corporation and provided extensive evidence in support of it. Not all business school scholars were convinced by Bakan's thesis, suggesting that the degree of societal

control advocated by Bakan did not make 'economic sense' (Batts & Madansky, 2008, p. 594). As a critical management studies scholar, this interview enabled me to appreciate the parallels between the applied fields of law and business. In critical management studies, there is 'a deep scepticism concerning the moral defensibility and the social and ecological sustainability of prevailing conceptions and forms of management and organization' (Adler et al., 2007, p. 119). Critical study is contrasted with the mainstream theory in schools focused on preparing students for legal or business practice. This interview highlights the interdisciplinary connections between critical scholars in these fields of study and the potential for them to work collaboratively in ways which transcend disciplinary boundaries to engage in the kind of critical performativity (Spicer et al., 2009) that has potential to radically transform organizational practice.

As the interview highlights, Bakan sees organizational transformation as reliant upon governments and the state, in enacting the type of regulation that is capable of preventing large corporations from violating the public interest. More recent documentary films such as *Inside Job* (2010) illustrate the increasingly interconnected nature of relationships between corporations and the state. *Inside Job* also traces connections between the 2008 financial crisis, the discipline of economics and the business school, showing how senior figures in financial institutions such as the US Federal Reserve moved between these institutions and the business schools of Harvard and Columbia. Bakan's interview draws attention to these new challenges in the changing relationship between corporations and the state and highlights the need to work across disciplinary, geographical and institutional boundaries in countering them.

Bakan's interview also has implications for management scholars in their pedagogical and research practice. *The Corporation* is used as an educational resource in schools and universities, including by management educators where it is used to bring abstract organizational ethical issues to life (Champoux, 1999). The popularity of film in management education arises from its role in communicating complex ideas to students who have grown up in a highly visual culture where *mimesis*, using visual imagery to show the audience the story, is increasingly replacing *diagesis*, using spoken or written language to tell a story (Bell et al., 2013). This interview generates insight into the changes that have taken place in the past decade with respect to Internet based communication in enabling new forms of visual organizational storytelling. It highlights the need for further research to understand

how management students and educators today engage with online film via platforms such as YouTube and the different modes of storytelling and audience reception that Internet communication enables. Bakan's interview also provides opportunity to reflect on the growing interest in the visual in management research in generating new forms of knowledge about management and organizations and enabling the communication of research findings that have immediate, multisensory impact (Meyer et al., 2013). The potential complementarity between documentary film and management scholarship as fields of practice that can inform each other (Goodman, 2004) is increasingly being realised, opening up possibilities for innovative and creative research projects which take the visual seriously and accord it a status equivalent to linguistic meaning.

A final theme raised by Bakan's interview relates to the role of the public intellectual. Bakan is a scholar who sees himself as having responsibilities that go beyond the realm of scientific knowledge production and the education of students. His critical perspective is value-committed and ethically driven in addition to being evidence-based and scientific. He has been willing to engage publically with those he opposes and has reached out to a broad audience through his work. In so doing he seems to be motivated by a notion of the public value of scholarship, characterised by a desire to build more humanitarian futures and increase societal good (Brewer, 2013). This is a model of engaged, critical scholarship from which we, as scholars in the business school, could learn a lot.

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Films

Fahrenheit 9/11 (2004). Dir. Michael Moore.

Fast Food Nation (2006). Dir. Richard Linklater.

Fed Up (2014). Dir. Stephanie Soechtig.

Inside Job (2010). Dir. Charles Ferguson.

Manufacturing Consent: Noam Chomsky and the Media (1992). Dirs. Mark Achbar and Peter Wintonick.

McLibel (2005). Dir. Franny Armstrong and Ken Loach.

Roger & Me (1989). Dir. Michael Moore.

Sicko (2007). Dir. Michael Moore.

Super Size Me (2004). Dir. Morgan Spurlock.

The Corporation (2004). Dirs. Mark Achbar and Jennifer Abbot.

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[i] Such as McDonalds' decision to remove supersize options from its menus following criticism in the films *Supersize Me* (2004) and *Fast Food Nation* (2006).

[ii] http://cms.aom.org/

[iii] We would like to thank Birmingham Business School, UK for their sponsorship of this event.

[iv] See http://www.thecorporation.com/campaign/get-couch