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21st Century Pharaoh

'The Corporation' and 'Thirst' look hard at the abuses of corporate power.

George Robinson - Special To The Jewish Week

As late as October 1941, when the Final Solution had already been planned and put in motion at the Wannsee Conference, IBM was leasing and maintaining punch-card systems to the Nazis, who were using them to track the disposition of prisoners — mostly Jews — on their way to Auschwitz and the other eastern camps. Once there, the Jewish prisoners usually received what the punch cards designated as “Code 6 — Special Treatment.”



Thomas Watson, the founder and head of IBM, was not an anti-Semite. How could this have happened?

The answer, according to a new book and film, both titled, “The Corporation,” is inherent in the nature of the dominant institution of our time, the for-profit corporation. The film opened this week in New York.

“I’ve always thought the corporation was a strange institution, very much the product of legislation and judicial decisions,” said Joel Bakan by phone from British Columbia. Bakan, a professor of law at the University of British Columbia, is the author of the book and the screenplay.

“It intrigued me that the public didn’t know about that, that public perceptions were quite different from the reality,” he explained. Recalling the first wave of “socially responsible” corporations in the mid-1980s and the renewal of that theme in the last several years, he said, “Here’s this image of the corporation as concerned about public interest, but by law it has a responsibility only to its shareholders and to the bottom line.”

There’s the rub. By its very definition in Anglo-American law, the corporation’s only responsibility is to create profits, and later developments in case law gave it a unique set of powers to do just that. A series of 19th-century U.S. Supreme Court decisions utilized the 14th Amendment to define the corporation as a “person,” with the same rights as the freed slaves that amendment was supposed to protect. Needless to say, the 14th Amendment was a better shield for corporate interests than for freedmen and women.

But this elaborately absurd piece of legal fiction is the hub from which Bakan and directors Mark Achbar and Jennifer Abbott constructed their film. If we accept the idea of the corporation as a person, what kind of a person is it?

Bakan, Achbar and Abbott build a brilliantly argued and elegantly

constructed case around the idea that the corporation's personality is that of a psychopath. Using the defining characteristics of this diagnosis as found in the standard psychological manual, the DSM-IV, with the help of a clinical specialist in criminal pathology, the filmmakers offer a formidable case history of corporate criminality and abuse of power ranging from IBM's aforementioned business dealings with the Nazis to the creation of prison-like sweatshops in the developing world, from a list of 42 violations of the law between 1990 and 2001 by General Electric to marketing schemes that are based — literally — on encouraging children to nag their parents more effectively, and make a startling and frequently hilarious case for an essential psychopathy at the heart of this profit-driven institution.

Like a psychopath, the corporation is oblivious to the needs of others, feels no guilt or remorse, is driven entirely by self-interest, making it amoral, callous and deceitful. But it can mimic such basic human feelings as empathy and altruism, even if it is incapable of feeling them. And like a psychopath, the corporation leaves disaster in its wake in the form of exploited workers, a poisoned environment and rampant criminal activities.

Intriguingly, Bakan says that his Jewish upbringing is an integral part of what led him into a career as a legal big-game hunter stalking the corporate predator.

"My Jewish background was crucial to this kind of work and to the intellectual work I do," he said. "My grandparents worked in the garment industry in Manhattan and were very involved in the International Ladies Garment Workers Union, and very concerned about issues of exploitation. They were also very religious, very observant, and they were schooled in the Jewish tradition that emphasizes the good that you are supposed to do here on earth, in your own lifetime. They were very concerned about deeds now, not in the afterlife and very concerned with trying to ensure that there is a connection between law and justice. I think all of that percolates in my mind and soul and causes me to have a skeptical view of power."

He also asserts that the sequences of "The Corporation" that retell the story of IBM's relationship with the Nazis are "treated very passionately" for that reason.

Alan Snitow and Deborah Kaufman say the same thing about their own work as documentary filmmakers. Snitow and Kaufman, whose previous films include "Blacks and Jews" and "Secrets of Silicon Valley," have a new hour-long documentary, "Thirst," premiering on PBS soon that overlaps the concerns of "The Corporation" significantly.

"Thirst" is a methodical and highly thoughtful examination of the next frontier in privatization, corporate control of our drinking water. Like its longer theatrical counterpart, the telefilm has several sequences detailing the extraordinary victory won by working-class and poor people in Cochabamba, Bolivia, when they resisted a World Bank-imposed privatization of their water (including the water in their own wells and even rainwater) by the Bechtel Corporation.

"My Jewish background informs everything I do," Kaufman said in a phone conversation from Boston, where she and Snitow were attending a premiere of the film. She was the founder of the San Francisco Jewish Film Festival and its director for 13 years, so that statement comes as no surprise.

She continued, "I have a very strong secular Jewish identity, I was given values by my family and my community that have to do with social justice. And they also instilled within me the importance of storytelling, focusing on characters, conflict and a moral."

Snitow, too, pointed to the importance of storytelling in Jewish tradition.

"In each of the films we are retelling stories that people think they know," he said. "What we have to do is refashion the story to shake them up enough that they feel they are not sure if they know what they 'know.' I think of it as the retelling of the Passover story. When you go into [a bookstore] before Passover there are a hundred haggadot. Some of don't even mention God, some of them even omit Moses. I've found that they all keep Pharaoh in the story, though."

In a sense, both "The Corporation" and "Thirst" are arguments that in the modern world of globalization, the Internet and pervasive branding, logos and merchandising, Pharaoh is the 21st-century corporation. For me, the most Jewish thing about both these films and Bakan's book may well be their concern with corporate attempts to control human access to water resources, to make a profit off the most vital substance known to humanity.

After all, the single act that distinguished Yitzchak as his father's son and true heir to the Covenant with God was that he re-opened the wells that the Philistines had covered over.

Anyone who views these excellent films and reads Professor Bakan's book will feel a desperate need to dig a few wells of their own. n

"The Corporation" is playing at Film Forum, 209 W. Houston St. For information, call (212) 727-8110 or go to www.filmforum.com. Joel Bakan's book, "The Corporation," is published by The Free Press. For further information, go to www.thecorporation.com. "Thirst" will be shown locally on "P.O.V." on Channel 13 on Tuesday, July 13.