# Company Rule: How Corporate Ideology Shapes Private Governance

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*Abstract:* Corporations today serve as political authorities. They provide public services, maintain public order, and exercise control over the lives of employees and residents in the areas where they operate. Contemporary social science often treats this governance role as a product of globalization and deterritorialization, and as evidence of state weakness or retreat. This paper argues that that these frames arise from a state-centric conception of political authority which conceptualizes corporations as devoid of ideology. Drawing on historical and contemporary cases from colonial trading companies to contemporary company towns, this paper argues that when corporations govern, they make ideological choices: what subjects to teach in company schools, what diseases to treat in company hospitals and what family structures to permit in company housing. These choices are moral judgments about how people should behave and how society should be organized, a corporate ideology. This paper argues that such ideology is central to both how companies govern and how that governance is legitimated. When put into practice, corporate ideology shapes not only the economic relations between the company and its stakeholders, but social and political relations throughout the community. To analyze this ideology, and how it shapes the nature of Company Rule, I advance an alternative, pluralistic and relational, conception of political authority, derived from Nicholas Onuf's theory of rule, and outline how it can be applied as a framework to sharpen our understanding of corporate power.

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In recent decades, scholars have focused attention on occasions when non-state actors like corporations take on the work of "governance," engaging in activities that are typically theorized as central to what sovereign states (uniquely) do. They provide public services, maintain public order, and exercise control over the lives of employees and residents in the areas where they operate. Corporations secure property and access to labor for their business (Avant 2005; Naseemullah 2016). Through "corporate social responsibility" programs they manage infrastructure and social services (Dashwood 2012; Welker 2014). Transnational corporations establish "self-regulation" schemes that govern the international flow of goods and services, and the environmental or social impact of business actions (Locke 2013; Ruggie 2013; Wilks 2013).

These governance roles have been the subject of much scholarship across the social sciences, where they are variously referred to as private authority, private governance, private order, and corporate social responsibility (Hall and Biersteker 2002; Büthe 2010; Anderson 2017; Bartley 2018; Börzel and Deitelhoff 2018). This literature covers a wide range of corporate behavior, including direct provision of governance goods and services to individuals and communities, private provision of governance goods to public sector actors, and corporate roles in the creation and enforcement of rules and standards. This paper focuses on the former, cases in which corporations are directly and locally governing the lives of communities and individuals. However, because scholarship on this direct behavior considers it variously as corporate social responsibility, private order, and private governance, terms also used for more indirect governance, conceptually this paper engages with this broader literature.

While this body of scholarship is diverse, these accounts share two key framing devices: First, they frame governing corporations as substituting for the state, which is either too weak or unwilling to exercise its power to regulate and provide services. In doing so, they posit that corporations do this for pragmatic reasons, to ensure the security and basic public goods that they need for their business. Second, they frame this phenomenon as a product of contemporary globalization and its deterritorializing effects. In doing so, they conceive of corporate power as lacking in territoriality, and corporations as lacking in political ideology.

This paper argues that these frames, and as a result, our understanding of corporate power, are flawed. I argue that private governance is an ideological, rather than an instrumental, project, both on the part of the corporations who undertake it, and on the part of the people they govern. Company actors have an ideology, a vision of how society should be structured, that is communicated in the way they choose to govern. Individuals and communities living in corporate-controlled territory recognize, and respond to, that ideology in determining whether to treat corporate governing authorities as legitimate. Therefore, I argue, ideology is crucial to understanding both *why* specific companies go about governing in specific ways in specific places, and *how* these companies' governance in legitimated on the ground.

This relationship of ideology, communication and legitimation is obscured by the framing devices in the current literature. Scholars of private governance too often rely on a state-centric conception of political order in which corporate governing actors are exceptions, filling a "governance gap" left behind by the state. While scholars such as Cutler (2001) and Lake (2010) have long noted the conceptual weakness of this approach, the alternatives adopted by more critical scholars have tended to focus instead on governance as a bundle of practices, irrespective of the actors governing, in ways that also preclude engagement with the distinct ideologies of specific governing actors. Instead, this paper advances an alternative, pluralistic, understanding of political order, drawing on Nicholas Onuf's constructivist theory of rule, in which the corporation and the state are among many actors who might become legitimate political rulers in a given community, and in which the normative content of each actor's approach to rule is central to its legitimacy. This approach, the paper argues, can allow us to see more clearly the nature of corporate governing behavior.

The paper proceeds as follows: The first two sections outline the dominant frames in the current literature on private governance, and establish where the argument in this paper departs from them. The third section outlines an alternative conceptual approach, drawing on Nicholas Onuf's theories of rule, for engaging with the practices, ideologies and legitimation processes of specific company rulers. The fourth and fifth sections draw on a broad range of historical and contemporary examples of company rulers, from colonial trading corporations to contemporary special economic zones, to demonstrate that private governance can be more ideological, more territorial and more longstanding than our existing framings assume, and that the relationships between company rulers and states are more pluralistic than existing scholarship suggests. The sixth section introduces a typology, derived from Onuf, which can be make sense of the behavior of these governing corporations, and in particular of its ideological dimensions. The seventh section concludes.

**I – Substituting for the State?**

The broad literature on private governance draws on two, interrelated framing devices in its conceptualization of corporations as governing actors. The first frame is that state weakness, fragmentation or retreat create space for corporations to engage in governance that is driven by instrumentalist, market considerations. Social scientists have frequently argued that non-state actors, including corporations, engage in state-like behavior as a pragmatic reaction to limited state capacity (Clunan and Trinkunas 2010; Kostovicova and Bojicic-Dzelilovic 2013; Esguerra, Helmerich, and Risse 2017; Draude, Börzel, and Risse 2018). This account draws heavily on new institutionalism, in suggesting that corporations engage in governance to procure critical institutions needed for their businesses when states are unable or unwilling to do so (Ellickson 1994; Rodrik 2008; Dhalla and van Duren 2012). The impression is that these organizations are substituting for the state, creating a "functional equivalent" to the governance the state provides (Börzel and Risse 2010). Others suggest that corporations also govern to promote their own market interests by cultivating goodwill or undermining support for stricter regulation (Lipson 1985; Vogel 2006). Overall, these accounts suggest, corporations who govern are securing enabling environments for their own investment.

This institutionalist account has long been challenged by scholars who adopt a more constructivist perspective (Haufler 1999; Leander 2005; Fuchs 2007; Dashwood 2012; Cutler 2020). Rather than arguing that corporations substitute for a fragile state, these scholars argue that corporations are sharing the power of the state in systems of hybrid governance (Meagher 2012), or as part of a "new constitutionalism" in which private and public authority are combined (Cutler 2020). Some scholars in this tradition, avoiding the institutionalist tendency to characterize power-sharing as prima facie evidence of state weakness, focus on characterizing the relationship of hybridity or delegation between the state and non-state governing actors (Eberlein et al. 2014; Abbott et al. 2015). Others argue that rather than focusing on governing actors, scholars should focus on governance as a bundle of practices, and on its functional content. In this view, the state can itself be analytically disaggregated, such that "statehood does not have to reside with state actors" (Börzel, Risse, and Draude 2018, 13), and the overarching "governmentality" of the combined practices of state and non-state actors can be analyzed as a whole (Sending and Neumann 2006).

As part of the constructivist tradition, which emphasizes the role of ideas in international affairs (Basu 2019), this account holds that where the state is in "retreat," this is itself the product of an ideological choice to privatize or delegate state functions (Strange 1996; Knudsen and Moon 2017; Sending and Neumann 2006; Cooley and Spruyt 2009). Crucially, however, this is portrayed as an ideological choice on the part of state actors, rather than on the part of corporations themselves. Where scholars in this tradition consider the ideological role of corporations, their focus is on the structural power of capital in the aggregate (Fuchs 2007; Gill and Cutler 2014), including the discursive capacity to shape state preferences towards privatization or other policies that enhance corporate power (Leander 2005; Avant 2005). The ideology that corporations advance in the promotion and execution of their governing roles, then, is the general ideology of the market, or neoliberalism.

While building upon the constructivist tradition's critique of state-centric institutionalism, its attention to varied relationships between governing actors, and its focus on governing practices, I argue that its structural account of corporate ideology remains insufficient. In its interest in corporations as agents of capital, it does not allow for the diversity of ideologies that individual corporations bring to their governance roles. While rightly identifying corporate power as normative, it assumes that individual corporations, following the normative agenda of neoliberalism, seek only to further their market interests, an instrumental pursuit. In this way, both the institutionalist and constructivist accounts of private governance treat individual firms as instrumentally driven, even as the constructivist account engages more deeply with the normative significance of corporate power at the aggregate level.

Yet when companies govern, they make far richer and more idiosyncratic ideological choices than mere profit-seeking would dictate: what subjects to teach in company schools, what diseases to cover on company health care programs, what family structures to permit in company housing complexes. We regularly understand such choices as ideological when states and their citizens debate the structure of welfare programs, which can be organized in ways that political science characterizes as liberal or conservative or social democratic, for example. Yet neither the institutionalist account nor the constructivist account of private governance ask whether individual corporations, when they govern, can be liberal or conservative or social democratic too. I argue that the empirical reality of private governance suggests that they can be, and that the overarching character of private governance regimes is shaped by these firm-specific ideologies.

We therefore require a framework that can engage with *both* the identities of individual governing actors (rather than merely with the functional output of governance), *and* with the ideological content of specific governing practices (rather than merely the structural ideology of capital). While scholars such as Sending and Neumann (2006) and Avant (2005) have bemoaned false choices in the literature between consideration of actors, ideologies and practices, an integrated framework that bridges them is still lacking. This paper sets out that framework.

**II – Territorializing the Corporation**

The second framing device in scholarship on private governance is a tendency to situate the rise of corporations as governing actors in the context of globalization. For some, as outlined above, globalization leads corporations to do business outside their home state in institutionally "weaker" countries, where they take on governing roles to create an enabling environment for their investment. For others, globalization leads corporations to operate in a transnational realm outside the reach of state regulation, and therefore assume the burden of securing their own legitimacy through their governance work, a phenomenon sometimes called "political CSR" (Scherer and Palazzo 2011; Whelan 2012).

Both accounts, in emphasizing globalization, draw on globalization theory's concept of "deterritorialization" (Appadurai 1990), which is increasingly used as a buzzword for globalization itself. Susan Strange argues that "territory is no longer the main basis for wealth-creation" in an economy of global markets (Strange 1995, 56). Jan Aart Scholte argues that contemporary globalization is defined by the spread of "supraterritorial" relations, [which] are social connections that substantially transcend territorial geography. They are relatively delinked from territory" (Scholte 2005, 61). Adriana Cavarero is more direct: "Globalization is one of the names given to the current crisis of politics. One should instead call it deterritorialization" (Cavarero 2002, 522). This understanding of globalization has shaped scholarship on corporations: in a foundational contribution to the field of political CSR, for example, Dirk Matten and Andrew Crane cite Scholte to argue that "the central characteristic of globalization, however, is the progressive deterritorialization of social, political and economic interaction" (Matten and Crane 2005, 171). Glen Whelan has similarly argued that "de-territorialized phenomena are important for understanding Political CSR more generally" (Whelan 2012, 715).

The implications of this argument for analysis of the corporation are two-fold. First, it implies that insofar as multinational corporations operate in a transnational realm, states—whose authority is territorially bounded—are powerless to regulate them. John Ruggie has argued that the twenty-first century heralds the "unbundling of territoriality" (Ruggie 1993, 171). Some scholars argue that "deterritorialization" threatens the foundations of state sovereignty itself. The state, these scholars argue, has been "disaggregated" by private governance (Avant, Finnemore, and Sell 2010, 12), and corporations now "threaten the integrity of the nation-state and detract from its sovereignty" (Wilks 2013, 52), bending it towards the interests of transnational capital (Cutler 2020). Anne Clunan and Harold Trinkunas have argued that we live in an era of "softened sovereignty" in which territorial states are subordinated to non-territorial actors, like corporations (Clunan and Trinkunas 2010). Adriana Cavarero argues: "The power that is in play in globalization no longer rests in sovereignty or in any other feature inscribed in territory" (Cavarero 2002, 523). Susan Strange has gone furthest, arguing that "some authority formerly exercised by states is not really being exercised by any political authority" (Strange 1995, 67).

Second, globalization scholars have argued that corporations grow more powerful in this "deterritorialized" world specifically *because* the political authority corporations exercise is distinguished from the authority of states by its lack of territorial referent. Janice Thomson argued that the "transition away from sovereignty" would depend on "the deterritorialization of legitimate violence," or the exercise of "coercive authority" by an actor whose power was not dependent on territorial control (Thomson 1995, 230). Corporate power, argues Tim Bartley, "is a de-territorialized form of authority, whose backers hope it can transcend the limits of territorial nation states" (Bartley 2018, 4). Abdul Rahman Embong contends that multinational corporations today are powerful because they "see themselves as separate non-national entities," whose emergence "has unleashed the processes of deterritorialization" (Embong 2000, 991). Nathan Lillie states that corporations gain power by "exploiting non-territorial definitions of sovereignty" (Lillie 2010, 683). Bruce Kapferer finds that "the imperialism of the corporate state respects no boundaries, is trans-territorial and denies sovereignty of any territorial kind" (Kapferer 2005, 291). Margolies et al. (2019) have similarly characterized the governing authority of private non-state actors as "extraterritorial."

Not only, this account holds, does contemporary governance by corporations reflect the fragility of states; it also suggests fragility in the norm of territorial control on which state-centric understandings of political authority traditionally depend (Benhabib 2001; Held and McGrew 2002). For some scholars, this implies that corporations cannot be rulers: Kapferer argues that corporations can only exert "a logic of control (of the market) rather than a logic of rule (of power over persons and populations)," because the latter is territorially dependent (Kapferer 2005, 291). Deborah Avant argues that the apparent lack of territoriality is what distinguishes contemporary governing corporations from early modern ruling corporations, who made and defended claims of territorial sovereignty (Avant 2005, 30). For others, the "deterritorialized" power of corporations ushers in new forms of rule where territory simply does not matter: "The polis…is not physically situated in a territory," (Cavarero 2002, 525), and citizenship is no longer "a territorialized bundle of protected entitlements," (Ong 2005, 697), but instead is administered by "supranational or deterritorialized entities" (Matten and Crane 2005, 173).

The view that corporate power is "deterritorialized," when combined with the centrality of territory to theories of state sovereignty, leads scholars to focus our analysis of contemporary private governance, paradoxically, on the state. This framing invites debates about whether and why the state has fragmented, or weakened, or retreated to open up the governance gap that private actors occupy. This is true of both institutionalist scholars who see private actors filling a functional gap, and of constructivist scholars who see private actors reshaping the state's normative agenda towards hybridization with the private sector. As Claire Cutler has argued, the result of these debates is that "the corporation is under-theorized, while the state is over-theorized" (Cutler 2001, 149), with the corporation considered either as an "object" of law (Cutler 2001, 127) or of external societal norms (Dashwood 2012, 1–2), but not as the originator of its own political and social orders, beyond the order of the market.

This paper argues that we can more directly engage with the corporation as a governing actor by dispensing with the underlying framing: that contemporary private governance is a "deterritorialized" phenomenon, and that contemporary governing corporations do not make territorial claims. I argue instead, that corporations today, when they engage in direct governance, do make claims of territorial authority, and that these claims are intimately bound up with the normative content of company governance, which is in turn central to how corporate governing actors gain legitimacy.

**III – The rules of Rule**

Our current approaches to private governance struggle to account for the diversity of power-sharing relationships between state and non-state rulers, or to sufficiently engage with the normative dimensions of how companies govern. This calls for a more nuanced, pluralistic account of political authority, which allows for multiple actors, including states and corporations, but also NGOs, churches and other bodies, to serve as governing authorities. This account should neither presume the relationship between them in any particular case, nor bracket out the normative vision expressed in each actor's governance. To that end, I argue that we can consider these corporate governing activities collectively as 'rule.'

This conception of rule comes chiefly from the work of international relations theorist Nicholas Onuf. In <u>World of Our Making</u> (1989), Onuf sought to dismantle existing theories of international relations that assumed—in the absence of world government—a default state of anarchy in world politics. Focusing on the notion of "political society" as extending far beyond states and inter-state bodies, Onuf argued that the politics of the international order could be understood through the paradigm of rule. Rule, or political order, in Onuf's reading, is built on a series of rules: speech acts that, through their reception, construct the norms of daily conduct.

Speech act theorists divide speech-acts into three categories: assertive (statements like "I hereby declare"), directive ("I hereby order") and commissive ("I hereby promise"). Onuf argues that these can be converted into three categories of social rules: instruction rules, or non-binding principles; directive rules, or binding laws; and commitment rules, or rights and duties. While Onuf's definition of rules is derived from speech-act theory, he extends the definition to include both spoken rules—discourse—and acted rules—practice (Onuf 1989, 86–88). All rules, in this formulation, serve both a regulative and a constitutive function: they exist to bring about their own acceptance, and thereby constitute the social environment within which they function. The process of making rules legitimate, then, is part of the practice of rule-making itself (Onuf 1989, 74). Because of this, Onuf claims, "authors and histories" of particular rules need not be known in order for them to function as rules (Onuf 1989, 80).

For Onuf, the defining feature of political society is not anarchy, but asymmetry: "wherever rules have the effect of distributing advantages unequally," he argues, there will be a political order, or rule, and the particular character of rules on which a social order is built determine the type of rule (Onuf 1989, 21–22). The three types of social rules give rise, when they are dominant in a society, to three types of rule. Instruction rules enact hegemony, where asymmetries of power are maintained by the dissemination of principles. Directive rules enact hierarchy, where asymmetries of power are maintained by force or the threat of force.  Commitment rules beget heteronomy, where asymmetries of power are concealed by the appearance of equal choice for the super- and subordinated populations.

Onuf's use of "rule," rather than "authority" or "domination" or "order" is important: it reflects his reliance on German social thought, from Hegel through Marx and Engels to Weber, where the terms "*Herrschaft*" and "*herrschen*" ("rule" and "to rule" respectively) are used to refer to all forms of political order. While the Weberian instances of these terms are often translated into English as variations on "domination," the Marxian usages—most notably in The German Ideology, but also in the Eighteenth Brumaire—are often translated with references to the "ruling class" and "ruling ideas." Onuf, by returning to the German terms, suggests that these are in fact the same thing; all relations of power have both material and ideological underpinnings, and are both imposed from above and negotiated from below, insofar as they are underpinned by rules

(Onuf 1989, 201–2). The rule paradigm is thus deeply concerned with the question of legitimacy, and how all social orders—not just hegemony—require the super-ordinate class to constitute social reality through rules whose underlying logic (assertive, directive, or commissive) enacts the ruler's ideology.

Following Onuf, I define politics as the social relations that give rise to and maintain asymmetries of power. Rule, then, is the ability, through the authoring and enforcing of rules, to create and maintain asymmetries of power. In this way, my definition of authority is related to the Weberian concept of domination: the probability that a specific set of rules will be obeyed by a given group of people. Corporate political authority resides in the sovereignty that companies have over the daily routine (rules) of life in corporate-controlled territory, and in the ability of the firm to exert its control over space and people, and to have that control recognized as legitimate. My understanding of what constitutes control is similar to the description given by Mark Duffield of the control exercised by non-governmental organizations. In Development, Security and Unending War, Duffield describes "a banal sovereignty that is enacted in the daily routine of relief and development programmes," a political authority that comes from the power to choose who benefits from development and what path development should take (Duffield 2007, 52). Cutting through the bureaucratic language of NGO neutrality, Duffield traces the ideological assumptions implicit in the process of choosing what types of suffering are worthy of alleviation.

Similarly, if our goal is to determine the particular form of rules and rule that emerge when companies govern, we can identify choices that companies have made about how to manage space and people, excavate the ideological and strategic concerns that motivate them, and analyze the power relations that result from them. This involves distinguishing the impact company choices have on social relations in a community from the impacts of the choices and practices of the state and other actors who exercise authority. The key strength of this approach is that it emphasizes what Onuf calls the "co-constitution of micro- and macro-level phenomena" (Onuf 1989, 29), and places considerable agency for the construction of social rules at the micro-level in the hands of particular governing actors—including corporations and the people who run them—and the actions they take. While thus focusing on practices, or rules at the micro-level, Onuf draws direct links between these practices and macro-political orders like hegemony and hierarchy. This allows scholars to classify the overall type of political order, or regime, of any governing relationship by observing its social rules. This linking of everyday practices and regime types enables us to move beyond the "bundle of practices" in the governance literature, to assign regime types to particular company rulers, and to engage with and describe the overarching normative character of their rule. In this, Onuf's typology has similarities to both the "everyday" approaches in international political economy, which emphasize the role of practices in constructing power and authority (McNamara 2015; Hobson and Seabrooke 2007), and constructivist scholarship on private order and private governance, which emphasizes the role of ideas and ideology at a structural level. By allowing us to tease out the normative ideology of particular corporate governing actors as reflected in their practices, and to consider the role of that ideology in the implementation and legitimation of private governance, Onuf's approach brings these two literatures together.

Company Rule is both the political order that arises when companies exercise political authority and the process by which that authority is created and maintained. This broad definition of political authority allows for the possibility that multiple actors may play the role of ruler in different political societies, that political societies exist at multiple levels from local to international, and indeed that rulers may co-exist within a given political society. Moreover, because rule by force (directive or hierarchical rule) is merely one of Onuf's types, the Weberian conceit of a monopoly on the legitimate use of force is not a requirement of political authority in Onuf's sense of the word. The modern bureaucratic state, in this formulation, is not necessarily the only form, nor the normal form, nor the most legitimate form of political authority, but merely one potential form of political authority among many. The corporation, this paper argues, is another.

This pluralistic account of political society, while drawn from Onuf, echoes earlier work on pluralism in international relations (Bull 2002), as well as more recent scholarship calling for a "relational" approach to governance research focusing on the creation and legitimation of "rules" (Lake 2010), and the emphasis on relational and constitutive power in scholarship on the governance of global value chains (Dallas, Ponte, and Sturgeon 2019). Indeed, as David Lake has argued, a focus on rules as the basis for relational authority allows for a wide variety of ruling actors in any given political community, and for varied relationships of competition, collaboration and coexistence between them (Lake 2010, 599). Moreover, a focus on rules, defined broadly, allows for the enforcement of relational authority through mechanisms of both consent and coercion (Lake 2010, 592). Moreover, this approach allows for engagement with both the normative and functional content of the rules advanced by any given governing actor, and with the normative character of the overarching political regime, or rule, that they build towards (Lake 2010, 589).

While pluralism, relational authority and rules have a long basis in international relations theory, they have not been applied systematically to the study of corporations as direct governing authorities, ruling over communities and individuals at a local level. Other scholars have called for a framework drawn from these broad theories that is capable of assessing the relations between governing actors in a given territory or issue field, the practices of each actor, and their normative values (Lake 2010, 609; Sending and Neumann 2006, 652; Rosenau 2000, 188), yet Onuf's typology of rule has not previously featured in these calls. This paper argues that with its clear categorization of different ruling logics, and its flexible approach to how rulers and logics of rule can combine in the same community, Onuf's typology allows us to apply the insights of pluralism and relationality to corporate governing behavior.

## IV – Making Room for Ideology

The empirical reality of corporations as political authorities does not easily fit the framing devices that define the dominant literature. First, in contrast to the instrumental account above, this paper argues that governance by corporations is an ideological project, both on the part of the corporations who undertake it, and on the part of the people who live under what I will call, emphasizing its historical antecedents, and drawing on Onuf's typology, "Company Rule." When companies choose what form of rule to provide, they make moral judgments about how people should behave and how society should be organized. I argue that these judgments constitute a corporate ideology, which shapes not only the economic relations between the company and its stakeholders, but social and political relations throughout the community. Moreover, people subject to Company Rule respond to these corporate ideologies—not just the technical or material quality of corporate-provided services—when determining whether to treat Company Rule as politically legitimate.

Consider, for example, the case of the Reliance Greens township, a residential complex for employees and dependents of the Reliance Industries Limited (RIL) oil refinery in western Gujarat, India. An 800-acre site comprising housing, health care, education and recreational services for nearly 15,000 people, the township is clean, green and resembles a pristine American suburb, with residents regularly acknowledging the services are a material improvement over what they could afford in the nearest city (an hour from the refinery) on their wages. But security is tightly controlled by a staff of retired military personnel who enforce curfews and lifestyle rules like a ban on alcohol and cigarettes and gender segregated recreation. Additionally, the Ambani family who own RIL require residents to comply with their own devout Hinduism, from regular company-wide worship sessions to the enforcement of a vegetarian diet. Managers describe this model as piloting a better way of organizing society to the rest of India, depicted as dirty, chaotic and dangerously "mixed" in ethnic, religious and gender terms. Rather than provoking resistance from employees and residents, however, this Hindu nationalist utopia has become hegemonically self-sustaining: older residents, who were persuaded of the model's benefits and have stayed to raise families, defend the authoritarian enforcement of company values as being "for our benefit" and only opposed by "someone who doesn't belong," while younger employees – especially single men – who bristle at the impingement on their autonomy leave within the first two years of employment to seek work elsewhere. The site has one of the highest attrition rates in India's oil and gas sector. One young employee set to leave work described it as "a golden cage."[1]

Or take the case of the Del Monte (DMKL) pineapple plantation, canning factory and surrounding residential estate in central Kenya. This 14,300 hectares operation houses approximately 10,000 people, and contains schools, clinics and recreational facilities as well as residences for workers and their families, and sits on land whose tenure has been hotly contested between the state, companies and local communities for the better part of a century. The

[1] Field interviews and observations, June-July 2015.

plantation itself is shaped as a large trapezoid, with the cannery compound on one edge. The compound is surrounded by a brick wall and in some places, by barbed wire fencing. The residential villages, containing the schools and clinics, surround the plantation on its remaining three sides, and each village is itself surrounded by fencing with security posts at the village gates, as well as at the gate of the cannery compound. Contestation over the company's land is central to DMKL's explanation of its securitized approach the governance and services in and around its facilities. This includes both claims that service provision can appease government officials and secure renewals of its land lease, and claims that service provision assuages anger towards DMKL among local residents. In this account, the services provided in the villages on the plantation's perimeter, and the people who use them, form a kind of garrison for DMKL's business operations and its territorial control. Employees and residents similar echoed the securitized framing of the company's governance, referring to the layout of the villages as similar to a military camp. They used words like "confined," "enclosed" and "constrained" to describe their experience of the company's governance, and linked this physical and symbolic confinement to a lack of political freedom.[2]

Or consider still the Lonmin platinum mines and surrounding communities in North West Province, South Africa, now infamous as the site of the Marikana massacre where state police called in by the company killed 40 workers during a wildcat strike in 2012. That strike, and subsequent labor resistance in 2014 and 2015, focused not only on workers' demands for higher wages, but equally on complaints about the company's approach to the provision of services, especially employee and dependent housing, and the lack of improvements to mineworker housing since the apartheid era. At the same time, non-working local residents from communities indigenous to northwest South Africa engaged in their own protest of the company over an ongoing land restitution dispute, over the dominance of migrant workers from the Eastern Cape in the company workforce, and over demands that the company invest more in social development in the informal settlements surrounding the mines. Moreover, the company regularly leveraged its governance against these forms of resistance, including suspending HIV treatment in community clinics during a strike in 2014 as a means of bringing employees back to work. The company also played different forms of resistance off one another, choosing to invest

[2] Field interviews and observations, August 2014 and November-December 2015.

in schools in those local communities understood to be sympathetic to the company as a local development actor and hostile to striking staff, with managers themselves divided about which factions to side with. Indeed, these forms of protest over company "governance" often came into conflict with one another, with workers and other local residents explicitly framing their protest in terms of how a company "should" govern and how their preferred model of corporate governance would contribute to South African democracy itself (Atal 2017).[3]

Such cases are not new. Consider Robert Owen's 19th century cotton mill and residential community at New Lanark, Scotland. In New Lanark workers and their families lived together, with housing and education provided, and both adults and children underwent regular moral instruction at the company school, the Institute for the Formation of Character. Wages were paid not in cash but in tokens that could be used only within the company store. In New View of Society (1813), Owen argued that his township would serve as a model polity where the revolutionary upheaval then sweeping Western Europe could be transcended by morally remolding the working class. New Lanark pioneered new forms of discipline for its worker-residents. In the mill, each worker's place was marked by a 'silent monitor,' a wooden block with different colored sides, each color representing a different assessment of performance from black for 'bad' to white for 'excellent'. At the end of each day, workers' scores were combined with notes of their personal conduct outside the mill and recorded in a permanent register called the "Book of Character," which was consulted as the basis for appointments to superintendent positions in the factory or in village governance (McKinlay 2006, 92–93). Individuals displaying "bad" character—for example drinking, untidiness, petty crime or extramarital sex—were fined, and the fines were put towards the "fund of the community" (Owen 1970, 49). This fund, to which all workers were also required to contribute a portion of their wages, was used to administer some of the town's services, and made workers aware of who had violated the rules, a further disciplinary effect. While these rules tightened managerial control over workers, they also formed part of Owen's vision for transcending class conflict. These commercial and political imperatives came into conflict with one another: Owen's investors frequently complained that his utopian projects were costing the company more than they delivered in increased efficiency.

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[3] Field observations and interviews, September 2014 and August-September 2015.

These brief examples show that through corporate governing activities, corporate authority over territory and population is constructed in the minds of affected actors (workers, local government officials, residents dwelling in adjacent communities, trade union activists etc.), and it, in turn, constructs the power relations between them. This is what it means to say that companies are normative political agents: they have a vision of how society should be structured—an ideology—and a conception of how it might be brought about—a governing strategy, and that strategy is recognized and responded to by residents considering whether to accept the company as a governing actor. Their efforts to put their vision into action in the form of governance work, to legitimate it in the eyes of their peers and the wider public, and indeed to explain and justify it to themselves, form a comprehensive political project. That project is Company Rule.

Notably, the visions of society that company actors advance in these cases extend beyond the structural power of capital to encompass particular moral preferences that vary from company to company. The promotion of particular diets, religious beliefs, sexual habits or views about democracy and migration cannot be reduced to the instrumental needs of businesses or their structural position, though these material interests do play a role. While these brief cases cannot be claimed as representative of company rulers across the board, they are illustrative of the role that normative values about the substance of governance—how housing, schools, hospitals or other social systems should be organized—play in how companies rule, both today and historically. Hevina Dashwood (2012) and Jennifer Clapp and Doris Fuchs (2009) have drawn attention to the ability of corporations to promote normative views about governance at a societal level, in their indirect influence on standards, rules, and political discourse. The above cases show that companies also express and promote such normative views in their direct provision of governance itself, and that the normative content of this governance is key to how company rule is legitimated. This is what it means to say that companies have an ideology—a vision of how society should be structured—which is advanced in the governance they provide.

This role for the normative content of governance is sometimes acknowledged in accounts of historical company rulers, from colonial company towns to Henry Ford's Fordlandia and other extractive enclaves in the 20th century (Stern 2011; Klubock 1998; Grandin 2010). It has been either undertheorized, or explicitly bracketed out, however, by the dominant frames in literature on contemporary private governance. The brief cases outlined in this section, however, show that such normative considerations are at play in both how contemporary companies govern and how their governance is legitimated on the ground. We therefore require a framework that makes room for analyzing such ideologies. Moreover, while historical company rulers often left behind diaries, letters and other documents in which their ideological motives are explicitly expressed, such sources for contemporary corporate managers and executives are rare, and their public accounts of their motivations not necessarily reliable. Onuf's typology is powerful as a framework for analyzing Company Rule because it allows us to use observed practices, or rules, in order to identify the normative logic of a given ruling relationship, and thus to characterize the overall system of rule in place, whether in historical or contemporary cases.

**V - The Company Ruler and the State**

In both its historical and contemporary instances, Company Rule runs in parallel to, rather as a substitute for, rule by the state. This is not, as scholars of colonial company rule or critics of the contemporary "retreat" of the state have sometimes held, a matter of states merely delegating or choosing to share their power (Avant 2005, 27). Although colonial corporations received their charters from the state, for example, they regularly exercised political authority of their own, without permission of and at times explicitly counter to the interests of the states that chartered them. As Phillips and Sharman (2015) have argued, indigenous rulers in India and Africa, company rulers and European states during this period regarded the presence of multiple authority structures operating within the same territory, imposing their own, sometimes conflicting, rules over the same populations, as normal. Companies might defer to the local state on some matters, and have authority over local rulers in others (Phillips and Sharman 2015, 15, 150–51). This created political systems in which within a single territory, different systems of rule obtained in different places (Gallagher and Robinson 1953, 6).

Nor did such arrangements end with the rise of the modern state. Consider for example, the British South Africa Company, founded in 1888 and dissolved in 1965. Its royal charter granted it authority to govern parts of central and southern Africa and to engage in mining and agribusiness, requirements reminiscent of the early modern era. Yet the Company was also required to file financial accounts according to modern company law, and to keep these separate from the accounts of its political activities, which were filed with the Colonial Office. The company regularly exploited subtle discrepancies between its commercial and "political" accounts, subject to separate regulatory authorities, to conceal illegal or politically explosive activities.[4] This included planning violent raids on indigenous communities to expand its landholdings, but describing the raids as "flotations of a new company" and settler-soldiers as "partners" to allow correspondence about the raid to be buried in the financial accounts,[5] or successfully arguing that its widespread use of forced labor—illegal in the British Empire by this time—could not be stopped by imperial authorities as labor contracts came solely under the company's "commercial" arm. The Company established its own courts to enforce these contracts, and a parliamentary inquiry judged that these courts did not offer appeal to the British legal system.[6] This was hardly a "deterritorialized" approach to governance, but rather governance as a mechanism to facilitate violent seizure of territory. Corporations, in other words, have their own conception of how territoriality fits into their political rule, and while they may influence state policy and be influenced by it, they can also, as the British South Africa Company did, use governance to act independently of, and sometimes against the state that originally "delegated" their power.

Similarly, in contemporary cases of Company Rule, the state has often played the a significant role through postcolonial development policies that directly elevate corporations as rulers by encouraging or requiring corporate landowners to assume responsibility for governance in the *territory* they control. The Reliance refinery, for example, sits inside a special economic zone, where corporations can hold land free of many tax and regulatory obligations in exchange for taking on comprehensive responsibility for governing their zones. The Del Monte plantation was acquired by Del Monte from an exiting British colonial enterprise at independence, and the Kenyan state has continued to allow the company to benefit from preferential colonial land and tax laws in exchange for commitments from Del Monte to develop housing and social services in the area. Finally, in democratic South Africa, the policy of "transformation" has centered on

[4] House of Commons Debates 06 July 1914 vol 64 cc841-2W
[5] House of Commons Debates 08 May 1896 vol 40 cc889
[6] House of Commons Debates 07 December 1908 vol 198 cc67-8

attempts to require various forms of investment in governance through service and infrastructure provision or "corporate social responsibility" from white-owned mining companies with colonial or apartheid origins as a condition of allowing these businesses to continue operations.

These policies all represent attempts by states to bend corporate power to the ends of their postcolonial political projects. By placing foreign investors in spaces of regulatory exemption, or requiring them to perform governance as a condition of land tenure, these policies attempt to tame these politically problematic corporations and harness their resources for economic and social development. While these policies deliberately granted corporations both control over land and responsibility for governance services, state actors did not intend to cede their sovereignty or turn corporate land controllers into rulers. Rather, they created policies that advance their own interests and viewed concessions to corporations as exceptions which serve the state's own long-term interest. This reflects a state-centric and exclusivist understanding of political authority, in which the "sovereign is he who defines the exception," (Schmitt 1985, 5), and non-state actors may acquire political authority only when states cede it. This is the same view that animates the literature on "fragile states," which rightly sees corporate land acquisition as elevating corporations as governing authorities, but wrongly treats this as evidence of state decline. This view is also consistent with that of scholars who see contemporary private order as a product of delegated or hybrid governance. However, as the cases above show, while state actors may imagine they are delegating or sharing power, corporate governing authorities pursue their own governing agendas, sometimes in collaboration, and sometimes in conflict with the very states that may have created space for them to assume control (Leander 2005, 808).

In practice, it is a company's ability to "governmentalize" the land they control through the services and infrastructure they construct that turns the land companies control into political "territory." As the previous section has shown, the way that companies choose to do this depends on their own normative values. The content of Company Rule in each case is shaped by the ideological values of company actors, and their vision of an ideal society, around which rule was structured. These utopian values are frequently combined with a desire to use governance to counter forms of resistance—from labor, the community or even from the regulatory state—to company operations. Finally, in both the historical and contemporary cases, these underlying principles of rule, rather than just the material and technical "quality" of services, form the basis for the political contestation over the legitimacy of company rulers. Corporate territoriality, in other words, is closely linked to corporate ideology. Where scholars have acknowledged this link, however, their accounts characterize the ideology of corporate space as limited to the ideology of the market and the class formations that it necessitates. Richard Sennett has argued that the "depoliticisation" of space reflects corporations' own desire to reduce society to these class formations, and to bracket out other dimensions of politics (Sennett 2005). James Ferguson (2006), in a detailed study of an offshore oil enclave in Angola and the corporate-governed residential enclave that surrounds it, argues that the political order produced by such private enclaves is "socially very thin," and that where oil enclaves elsewhere in Africa show signs of "social thickness," this is a sign of the corporation's failure to achieve "the (from industry's point of view) almost ideal thinness of the Angolan setup" (Ferguson 2006, 202). This paper, by contrast, argues that corporations engaged in governance have an ideology that extends beyond the motive of their own economic survival—a socially thick vision of how society should be structured—whose implementation constitutes Company Rule. This vision both shapes, and is sustained by, corporate use of space.

Each company's rule therefore has its own political geography, which is distinct from that of the state, even as the state may exert its own claims over the same territory and people. This territorial pluralism stands in contrast to the deterritorialized model represented in globalization literature. It suggests that the relationship between corporate governing authorities and sovereign states today is much closer to the non-zero sum sovereignty of the early modern era than scholarship which seeks to treat contemporary private governance as unique acknowledges. The pluralistic tradition in international relations, with its non-zero sum, relational account of political authority, can better account for these relationships.

**VI – Rule over governance**

The brief cases considered in this paper pose problems for the existing literature on private governance. They reveal governance by corporations to be more ideological, more territorial, and more longstanding, than contemporary accounts suggest. Moreover, they show companies governing alongside, in concert with or in tension with the state. Our current approaches to private governance struggle to account for this power-sharing, or to sufficiently engage with the normative dimensions of how companies govern. This calls for a more nuanced, pluralistic account of political authority, which allows for multiple actors, including states and corporations, but also NGOs, churches and other bodies, to serve as governing authorities. This account should neither presume the relationship between them in any particular case, nor bracket out the normative vision expressed in each actor's governance. Nicholas Onuf's conception of political order as rule, built on patterns of social rules, and accommodating multiple intersection and overlapping rulers over the same territory and population, offers such an account.

Onuf's conception of what constitutes political authority can be developed through case analysis into a political typology for Company Rule. In particular, Onuf's argument about the way patterns of rules build up to systems of rule allows for the engagement with the ideological dimension of individual company rulers that, this paper has argued, is missing from current scholarship. It does so by bridging the gap between scholarship on private governance that is focused on bundles of governance practices, which has largely bracketed out the ideological motives of specific governing actors, and scholarship on the structural ideology of capital, which has largely bracketed out the particular ideologies and practices of individual companies. A framework based on Onuf's typology allows us to investigate how individual governance practices reveal ideological preferences, and build towards particular political orders, whose overarching regime type we can then classify.

To do this empirically, I draw on a heterodox strain of management research: strategy-as-practice. Many commentators on business like to imagine that strategy is something top managers at a company think up and then disseminate to staff, who execute it. In practice, this is rarely the case. More frequently, strategy is retrofitted to things we are already doing, a story we tell to make our actions make sense. But strategy-as-practice scholars argue that this is still strategy, because as we begin to detect patterns in our actions, the idea becomes a conscious guide for future behavior (Seidl and Jarzabkowski 2005). When it comes to identifying what motivates a company to govern a certain way, then, we can look for the patterns, the rules, in their behavior as evidence of an emerging motive. These motives concern the moral choices company rulers make about how to govern, and as such they reflect the ruler's ideology, or their vision of how society should be structured.

This framework begins from Nicholas Onuf's understanding that rule is a system for distributing advantages in a given society, and that any given system is built on social rules, of which there are three types. A pattern of each type of social rule corresponds to an emergent motive and builds up, over time, to the corresponding type of political order, or rule. We can use these categories – the social rules, the ideological motives they reveal, and the system of rule they build towards – as a sorting system for the evidence in different company cases. By seeing which combinations of rules dominate in each case, and how successful those rules are in gaining legitimacy, we can characterize the ideological motives and political regime type of each company ruler, much the way we already characterize the ideological values and political regimes of governments and states.

For example, instruction rules based on non-binding principles, can be seen where companies rely on disseminating propaganda, evoking cultural or religious traditions, or making promises of moral improvement, to enact their rule. These rules suggest corporate actors are motivated by utopianism. Such corporate utopias might include companies driven by the singular social visions of powerful founders, or more collective projects, where managers imagine their "problem-solving skills" as the answer to myriad social problems, and their status as global elites as obliging them to solve them, whether or not they have any particular skills in the design of, say, health or education systems (Duffield 2007). Those corporate founders and management consultants who periodically announce that "there's an app" for ending homelessness or curing disease are engaged in this kind of utopian thinking.When they succeed, utopian rules build towards hegemonic rule, which is legitimated when the community under rule comes to resemble the vision, and when the ruled themselves adopt the rulers' utopian values.

Alternatively, directive rules, or binding regulations backed by force, might be found in cases where companies rely on surveillance, police presence, fines, or physical infrastructure like barbed wire to enforce their rule on a community. This type of hierarchical rule is motivated by the desire to counter resistance to corporate practices from local residents, workers' groups, consumers, activists, or even regulators. The purpose of such rule is not necessarily to secure consent from potential resistors –

though this may sometimes happen – but to coerce the ruled populations into compliance, and it succeeds in achieving legitimacy when such compliance is achieved. Warehouses for Wal-Mart or Amazon where workers wear tracking devices to monitor their every move, must earn the right to basics like bathroom breaks through their performance, and are summarily dismissed if they criticise their employer in a tweet, are practicing this form of rule (Anderson 2017; Guendelsberger 2019). This hierarchical rule has the most obvious territorial footprint, as the layout of buildings and security technology interferes with attempts to thwart company activities.

Finally, commissive rules, or systems of rights and duties, can be found in cases where power struggles inside a company produce competing ideas about how to rule. In these power struggles, managers might signal that they don't approve of bad corporate practices by emphasizing their own role in doing good works or leverage their influence in the ruled communities as proof to the boss of how important they are (Knights and Morgan 1991; Palmer and O'Kane 2007). These conflicts produce contradictory governance practices from different parts of the company, and can both inspire, or contribute to existing political conflicts among the ruled community. But equally, they allow people living in the community to enter the bargaining, playing different factions of the company off one another, or using the company to advance factional goals of their own, entrenching and legitimating such heteronomous rule. As an example, consider the way international oil companies have become embroiled in the Syrian civil war: areas where companies have long provided governance for their own employees are now contested between the government and ISIS. Oil rig employees have loyalties on both sides, and so companies find themselves swinging between alliances with government and rebels as different factions within a company seek to steer it their preferred direction (Solomon and Mhidi 2015).

Of course, we cannot assume that any individual society will be explained fully by one of these types, but treating the categories separately is a practical tool to help us sort through evidence. Onuf provides some insight on what happens when different rule types intersect: he suggests, for example, that when hierarchy and heteronomy combine we get a form of feudalism (Onuf 1989, 217). Using the Company Rule framework, we are able to engage with how the normative stakes of each company's rule are essential to how that rule is enacted, as much as the technical merits of the services the company provides. At the same time, the matrix clearly identifies when there is a close alignment, or a mismatch, between the motives and logics of a company's approach to rule and the type of legitimacy demanded in the community. This allows the framework to engage equally with the technical viability of a particular example of private order, without bracketing out, as much governance literature does, the ideological stakes. By tracking and combining Onuf's three ur-types, the Company Rule framework opens the possibility of discovering many familiar types of political regime – as diverse as those we find among states – among company rulers. This framework permits a deeper engagement with the normative and ideological dimensions of corporate politics that transcends the instrumental accounts in the current literature, and can be applied to both historical and contemporary cases.

*Figure 1: Categorizing Company Rule*

| **Practices (Examples)** | **Ideological Motive** | **Rules** | **Rule** | **Legitimacy** |
|---|---|---|---|---|
| Propaganda<br><br>Religion and tradition<br><br>Promises of moral improvement | Utopia | Instructive | Hegemony | Community comes to resemble utopian vision<br><br>Ruled populations adopt company moral vision |
| Police and military presence<br><br>Fines and penalties<br><br>Security infrastructure<br><br>Surveillance | Counter-resistance | Directive | Hierarchy | Absence of, or decline in, effective resistance to company practices |
| Contradictory/divided governance practices<br><br>Leverage governance role or community status in internal debates | Internal power struggle | Commissive | Heteronomy | Community divides over company services<br><br>Community alliances parallel company factions<br><br>Community factions responded to by company |

## VII - Conclusion

This paper has argued that contemporary scholarship about the role of corporations as governing authorities is hampered by its reliance on two flawed framing devices—an overly instrumental account of corporate motivations, and an overly deterritorialized account of corporate power—which in turn reflect the influence of state-centric theories of political authority. This paper has challenged these frames by showing that corporations have been ruling since the seventeenth century, both competing and collaborating with states, and making claims of territorial authority. In both historical and contemporary cases, this paper has shown, Company Rule is driven as much by normative and ideological motives as by instrumental business needs, and the ideological content of specific companies' approach to rule is central to legitimation.

This paper argues that by drawing on the pluralistic tradition in political thought and international relations theory, and in particular on the work of Nicholas Onuf, as well as the strategy-as-practice framework from management science, we can more accurately analyze these governing corporations, including their normative vision and its role in legitimation, providing a richer understanding of contemporary corporate power. In this, the paper builds on and contributes to both constructivist approaches to private governance and everyday approaches to authority in political economy.

While the paper develops this framework through analysis of a specific type of private governance, where companies are directly ruling over communities and individuals, the framework can equally be applied elsewhere. If corporations are normative political agents, whose approach to governance is shaped by ideological motivations, and whose motivations are recognized and responded by those subject to Company Rule, it stands to reason that these dynamics of ideology, communication and legitimation can be found where companies exercise more indirect forms of rule. The Company Rule framework provides a template for further inquiry into a wider body of both historical and contemporary cases.

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