

Corporate Governmentality: A Foucauldian Interpretation of the Corporation in the 21st century

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Chapter 1: Introduction

The conception of this project began in 2015/16. Having joined a market research firm in London in 2013 and having worked there for the more than three years it was apparent that the volume of information that the corporate sector had on individuals was enormous. The techniques and methodologies used by companies to modify consumer, and potential consumer, buying habits were advanced. They utilised demographic data; historic shopping patterns; aggregated data from loyalty programs, data brokers, social media platforms; psychological profiles and personas; and, created proprietary models for modifying the public's and individual's behaviours either to encourage consumer spending, enhance supply chain economics, or influence shopper behaviours. During a lecture in one of my master's modules in 2015/16 (taught by my now supervisor) I brought my experience into a discussion surrounding the changing conception of human nature from that of the homo economicus model of human behaviour to that of a two-system thinking system¹. I was keen to compare the capabilities of the private sector in contrast to the public sector in behavioural management and to explore the vast gap between academic and corporate research into behaviour management (with corporate research outstripping academia because of a such a difference in resources, and volume and scale of experimentation between the two).

It took two further years for the idea of this project to be mobilised to a point of seeking to understand it in greater detail in the form of a PhD research project. It just so happened that the same lecturer, and now supervisor, had just written a book on Neuroliberalism², and more specifically a chapter on The Neuroliberal Corporation where some of the primary data collected came from some of the sister companies to the one I worked for during my market research days. The chapter on The Neoliberal Corporation was

¹ The model proposed by Daniel Kahneman (Kahneman, 2017) that views the human consciousness as a dual system of thought processes. System 1 being the unconscious, emotional, automatic thought processes, and System 2 the logical, analytical, calculative processes.

“not framed through an overt theoretical lens but through an empirical focus on neoliberal commercial activities; the commercial activities that Whitehead et al (2017) defines as, “*the use of behavioural, psychological, and neurological insights to deliberately shape and govern human conduct within free societies*” (emphasis in original; p. 6). This is in part because there remained important groundwork to be done in setting out the “novel intersections between neoliberalism and the corporate world” (Whitehead et. al p.250). The authors were, however, interested in explore the “the ways in which corporations are themselves creatively engaging with neoliberal insights in order to forge novel governmental relations between themselves and their clients” (ibid p. 252). While linked to the concept of neoliberalism (see Chapter 4), this project’s focus is to contribute to this emerging field of study by articulating a theoretical ‘groundwork’ for interpreting the novel interactions of the corporate world in the assemblage of governmental actors. This project also seeks to empirically evaluate a range of the ‘novel governmental relations’ which corporations now appear to be developing.

Historically, the private sector played a key role alongside the state in the assemblage of governmental actors (Schrauwers, 2021; Schrauwers, 2011). The mercantilist age and the trading companies that were associated with it (East India, Dutch, etc.) were imbued with the powers of the state. They had the ability and sanctioned responsibility of governance of territories and populations as an extension of the state. However, the discourse on the topic centred around the role of the corporation in a different political economy than the one that has existed since the late 19th century through to the present day. Certain scholars who have examined the role of corporations as governmental actors utilised a Foucauldian approach for the analysis by viewing the corporation through the lens of governmentality (Schrauwers, 2021; Schrauwers, 2011; Whitehead, et al., 2017). The analysis that was conducted examined corporate actors that were “brought into existence at the behest of the sovereign and to serve the ends of government” (Barkan, 2013, p. 52) and developed in the context of Foucault’s exploration into governmentalities of the state. While corporations in the current era are (and have been) viewed as part of the matrix of state power, the separation of the corporation from the state in the late 19th century conceptually separated them as an object of analysis from the governmentality approach (Collier & Whitehead, Unpublished). With the novel governmental roles that corporations are taking on, this research aims to evaluate the utility of using governmentality as an appropriate method for interpreting the corporation in light

of their governmental activities. Further, after extending and testing the utility of applying the concept of governmentality to analyse the modern corporation, the objective of this research is to identify the characteristics of corporate governmentality. At present, related developments are being understood through the established analytical frameworks of corporate purpose, corporate social responsibility (CSR), corporate citizenship, standard operating procedures, or more critically as surveillance capitalism (Matten & Crane, 2005; Kotler & Lee, 2005; Zuboff, 2019; Whitehead, 2019; Kantar, 2020). This thesis considers the limits of such perspectives and what is to be gained and lost by interpreting emerging corporate practices through the lens of governmentality. Finally, this project seeks to contextualise the implications of corporations acting in a governmental role within society. This chapter will introduce the project in greater detail by providing a background for the research; the research problem, aims, and objectives; and the significance and limitations of the research.

Background and context

Positioning the corporation within the context of the 21st century

The current discourses on government, the state, and the corporation are intimately intertwined with the historical development of the capitalism and liberalism. Conceptually there is a mischaracterisation of the nature of politics and the political order of society within this context. The idea, and the concept of the corporation, emerged at the intersection of the capitalist system of economic organisation for society and the rise of liberal systems of political rationality and legal frameworks. This dualistic understanding of the economy and politics necessitates a conception of the corporation that while, “politically constituted and with political effects, corporations are considered separate from the fundamental structures of political order” (Barkan, 2013, p. 3). This perspective is a central theme throughout this research project and is important to the overall aims of the research. Challenging the dualistic separation of corporations from the acts of governing, this thesis seeks to position the corporation within the assemblage of actors responsible for governmental action and to include them as a fundamental structure of political order in the current (and future) era.

The corporation has traditionally been viewed as a means, or a technique of government. One that is used by the state or the sovereign for governing the objects of government. It was not considered a fundamental structure of the political order but as a means of governing by the

state (Barkan, 2013). It is only since the late 19th century, with the disassociation of the company from the state via open incorporation laws, that it may be able to be considered a fundamental actor of the political order. However, to date it has not been described in this manner in the discourse. While this process was underway from the 1790's with various laws that allowed for general incorporation of certain classes of corporations, the key development in corporate law that ended the incorporation by charter occurred in 1889 with New Jersey passing the Corporation Act. The liberalisation of corporate law effectively ended the 'close' relationship between the state and the corporation; removed the corporation as a direct technique of governing designed specifically to benefit the state; put it outside of the state and its historic role as a police function for the ends of government; and allowed it to step away from its mandate to directly reinforce public welfare (Barkan, 2013).

The 18th century marked a liberalisation of politics and the introduction of a 'new art of government'. Prior to this in the 16th and 17th century Foucault (Foucault, 2004) describes the governmental rationality defined by a *raison d'État* "whose principle and domain of application is the state' (p. 5) and a governing rationality that "defined the state and separated it out as both a specific and an autonomous, or relatively autonomous, reality" (p.4). The mid-eighteenth marked a change in the art of governing to that of one centred around the concept of political economy. The market, while separated from politics was considered as a filter and a means for determining which governmental practices are good and which are erroneous (p. 32). This new art of governing also roughly corresponds to the time when the Crown removed itself from "the direct management of much of daily life" (Barkan, 2013, p. 29) and instead instituted an aspect of the developing 'police science' using corporations as a technique for decentralising and liberalising the mode of government employed.

The stepping back of the state from governing specific objects (food, highways, commerce, churches, etc.) for the end of the optimal disposition of things and the utilisation of the corporation as a technique for governing these objects via a charter for incorporation placed the corporation firmly under the umbra of state control. It was never a fundamental structure of political order in the same way the bureaucratic state institutions were. Some of the powers of the sovereign and the state were devolved to the corporate form. The specific language of the charters granted reflect this. Corporations were granted certain rights as tools

for the state including the right to perpetual succession, a common seal, dealing with lands, grants of monopoly, making laws (Barkan, 2013, p. 31) ordering the rule of government and the power to declare peace and war with foreign nations (Barkan, 2013, p. 35). Companies were extensions of the state and operated for the benefit of the sovereign. They were not independent structures of political order in the same way that we are seeing them acting today.

The separation of the corporation from the state with laws allowing for the general incorporation of the corporation in the late 1800's untethered the corporation from a mandate of public welfare. The 20th century discourses of the corporation reflect this change in the nature of the corporation. The dominant narrative of laissez faire capitalism centred around the concept that pursuit of individual self-interest would end up being good for the public welfare. It was claimed that limited government intervention in the market would lead to an efficient, undistorted economy and that a functioning free market economy would result in everyone's best interest (Smith, 2010). This narrative of self-interest serving as a means for securing public welfare provided the foundation for the corporate narrative of the 20th century. The generalisation of a free market economy of corporate actors from Smith's theory that revolved around *individual* self-interest was the foundation for shareholder economics and flourished.

Corporate actors being untethered from the state and the associated provision of public welfare and stripped of some of its former rights to political action such as the creation of laws and rights to declare war and peace led most corporations to adopt the shareholder model as their corporate rationality. While not explicit in law that the companies are obligated to maximise profits for their shareholders, there developed in the first half of the 20th century a narrative that corporate purpose was the maximisation of share-holder value. This was supported by case law in rulings in favour of shareholders over other business stakeholders. Most notable and relatively early in the century being the ruling in favour of the Dodge Brothers, against Ford Motor Company, who sued to be paid the dividends they were owed instead of reinvesting the profits into the Ford Company workforce and raising wages for workers (DODGE et al. v. FORD MOTOR CO. et al. No. 47. Supreme Court of Michigan. Feb. 7, 1919). While there are instances since the late 19th century of companies engaged in enlightened capitalism and "sought to address social problems primarily through their

business practices... not [as] add-ons, afterthoughts, or atonement for bad behaviour, but integral to the way they did business” (O'Toole, 2019, p. xii). However, the majority of businesses adopted a rationality of maximisation of profits, or shareholder value, which became central to the discourse from the 1950's onwards and the proverbial economic gospel in the 1980's and into the mid-90's (Kilroy & Schneider, 2017).

The shareholder value rationality for corporations while dominant was not ubiquitous. The counter discourse also emerged at a similar time as the narrative of shareholder value being the sole purpose of corporate actors. Howard Bowen's (2013) publication of the *Social Responsibilities of the Businessman* in 1953 emphasised that corporations had a responsibility towards their stakeholders not just shareholders. This initiated a debate around the notion of Corporate Social Responsibility which became particularly pronounced at the height of the debate between Friedman and Freeman's positions on corporate purpose in the 1980's. Milton Friedman, prominent scholar in the Chicago School of Economics asserted the only purpose of the corporation and its only social responsibility is, “to use its resources and engage in activities designed to increase its profits so long as it stays in the rules of the game, which is to say, engages in open and free competition, without deception or fraud” (Friedman, 1970, p. 6). Freeman on the other hand took a stakeholder approach where shareholder economics was not interpreted as the primary responsibility of a corporation, instead stakeholders (employees, consumers, the community, etc.) needed to be considered and as equally valued as the shareholder. Freeman's perspective drew attention to a wider scope of business responsibility beyond that of purely increasing profits (Freeman, 2010).

Related discussions once again came to the fore in public consciousness in the wake of the 2008-2010 financial crisis. However, while the discussion has come back into the public consciousness and debate in the 21st century, it has done so in novel circumstances. The changing of the landscape of politics, economics, and society in a digital, globalised world demonstrates a marked change from the last resurgence of the debate surrounding corporate social responsibility.

Corporate Social Responsibility

The evolution of the corporation in legal terms and its connection to the state highlights the shift in the role of the corporation that has taken place since the 19th century and the changes that have allowed it to occupy a position within the assemblage of governmental actors. There is an additional discourse that relates the corporation to responsibilities, interaction and relationship with society. It centres around the discourse and literature on corporate responsibility and ethics. The present discourse falls under the general heading of corporate social responsibility. While the academic discourse surrounding CSR is generally agreed to have originated in the 1950's with Howard Bowen's (2013) publication of the *Social Responsibilities of the Businessman* the story of corporations being involved in social welfare has a longer history. The longer history is associated with what O'Tool (2019) describes as Enlightened Capitalists.

Several examples are widely known in relation to concepts of company towns and corporations delivering welfare programs, securities and protections to their employees and communities. The most familiar activities in this regard relate to the activities of Quakers. The most well-known of these being the likes of Robert Owen's New Lanark Mills, George Cadbury's Bournbrook model town (often referred to as Bournville), and John Whitehead's tenure at Goldman Sachs (before going public in 1999). Other enlightened capitalists, such as Milton Hearshey and James Penny, were also influenced by Christian values. And there was also William Lever who was influenced by the poor working conditions they observed and had a desire to improve (O'Toole, 2019). While the enlightened capitalists may have included some ethical behaviours and business practices towards their employees, customers, and local communities the characteristics and features of these individuals and organisations operated under the similar mandates for public welfare as did corporations prior to the shift from incorporation by grant to general incorporation. The companies and leaders chose to interpret the mandate for public welfare through a specific ethical frame of reference that influenced their business operations. They were the original pioneers who linked job satisfaction and employee and community wellbeing with improved commercial productivity. The actions and practices of the corporations had governmental features but did not embody what this project considers an adoption of a govern-mentality. The nearest historical antecedent to the conclusions of the research within this project are most closely mirrored in the likes of the mercantilist era's trading companies.

The literature surrounding the role of corporations in the governing of public welfare during the mercantilist age demonstrate more coherent governing practices. They were mandated by their respective state sponsors to manage the people and territories within their control. The distinct differences between the features of this governmentality and the corporate governmentality under explored within this project is considered in greater detail in Chapter 4 (Collier & Whitehead, Unpublished). The key takeaway relates to the interrelationship of the corporation with the state prior to the change in incorporation procedures in the 19th century. Prior to this the corporate actors were extensions of the state and given political mandate to act in a governmental role. As part of the responsibility of the trading companies was the management of individuals behaviour within society. As part of the mandate the Dutch Trading Company, *Nederlandsche Handel-Maatschappij*, were tasked with managing the behaviours of the ‘paupers’ and were tasked with the “discipline of a recalcitrant and rebellious population to become productive citizen-workers who possessed ‘such a desirous and willing co-operation to insure their own welfare and subsistence’” (Schrauwers, 2011, p. 97). The East India Company Charter of 1683 included provision that the company,

‘[...] shall and may have the ordering rule and government of all such forts factories and plantations as now are or shall be at any time hereafter settled by or under the said Company... full power to make and declare peace and war with any of the heathen nations that are or shall be natives of any countries within the said territories...also to appoint governors there with powers of raising troops and executing martial law... And for the more effectual encouragement of merchants that shall trade to those parts. We have thought fit to erect and establish, and We do by these presents erect constitute and establish, a Court of Judicature. (Carr, 1913, p. 191)

Demonstrating their clear mandate to governing with similar powers as the state. And the clearest articulation of behavioural management mandate comes from the Eastland India? Company with regards to employees, ‘Bretheren’ or any the Kings subjects that,

misbehave themselves or use whore houses, keep dishoneste and unlawful
Company ro Ryotinge or wastfully mispedinge his or their Masters or friends goods

or is sissinge out of his hoasts hous all nighte... or use Cards dyce and any other unlawfull games or gameinge for money hee or they soe offending shalbe punished at the discrecon of the deputie. (Sellers, 1906, p. 27) as quoted in (Barkan, 2013)

However, the literature on the governmental role of the trading companies highlights themes and characteristics of corporate governmental actions and practices that were used in conjunction with the features and characteristics identified in the CSR literature to build a framework that was used to distinguish corporate practices that exceed the reach or scope of CSR and involve governmental characteristics. The themes and characteristics of CSR were extrapolated from the literature since the publication of the Social Responsibilities of the Businessman and the discourse that arose in the latter half of the 20th century.

The purpose of reviewing the practices of CSR is not to provide a comprehensive chronology of its developments (for a full systematic review of the CSR literature see (Agudelo, et al., 2019), but to identify the key themes and characteristics of CSR in order to position them against the resulting corporate process and outcomes that result from the adoption of CSR within the modern corporation. The epistemology of CSR, the foundational concept of the purpose and responsibilities that corporations have towards society, are markedly different from some of the practices that resulted from the notion that corporations have a responsibility towards society. As can be seen by Figure 1 which outlines the key developments of the academic literature on CSR, the focus of the CSR literature between the 1950's and 1990's focused on the motivation for socially responsible practice (Davies, 1960; Mcguire, 1963; Carroll, 1979) and in the acted as 1980's as a counter discourse to the neoliberal ideologies surrounding the corporation's role in society.

Whilst the dominant discourse surrounding the responsibility of the corporation towards society was swinging towards the embodiment of Freidman's neoliberal perspective in the 1980's, the political discourse surrounding the corporation's responsibility to society was tending towards the pre-general incorporation laws perspective. The Committee for Economic Development (ECD) stated that, "business functions by public consent, and its basic purpose is to serve constructively the needs of society – to the satisfaction of society" (Committee for Economic Development, 1971). The statement made by the ECD reflects a similar intent to the intention of the state or the sovereign in granting a charter and

mandating corporate attention to public welfare. However, without the link to the State corporations had pre-19th century, they needed to be framed in a different manner. Initially this framing took the form as a form of social contract (Lantos, 2001) with society. This then over the course of the 1990's shifted the narrative to connect CSR to financial performance. The political discourse surrounding CSR is particularly focused on the reconciliation of profits and CSR. There is a distinct claim that CSR is a business opportunity and enhances the competitive advantage of both business and the economy. This perspective emphasises CSR as a lever for economic growth (Vallentin & Murillo, 2011) and competitive advantage (Porter & Kramer, 2006) in the popular discourse. From 1993 the EU initiated the promotion of CSR, and political organisations from state to supra-national organisations have embedded this view into the discourse of CSR to the point that now it is as entrenched as many national and supra-national agendas (see (Vallentin & Murillo, 2011; Habisch, Jonker, & Schmidpeter, 2005). This follows the similar trajectory of academic CSR literature from the 1990's onward, linking CSR to corporate strategy (Burke & Logsdon, 1996; Lantos, 2001; Werther & Chandler, 2005) and an attempt to link CSR to a measurable revenue target. The key development in the academic discourse is the 21st century developments to the concept of CSR. The theme in the 21st century being that of using the ideas from the 1990's related to business performance to then emphasise the use of CSR in creating value (Porter & Kramer, 2006; Porter & Kramer, 2011). The space within the literature that corporate governmentality sits connects it to the directly to this aspects of the CSR discourse. It is this value creation through strategic CSR (SCSR) that create new areas of opportunity (Husted & Allen, 2007) coupled with Trap's (2012) work that enables corporations to act and intervene in social issues that are not related to their core business. The reason for this is that when corporations start acting under the umbrella of CSR both within and outside their core areas of business in a manner that revolves around value creation their actions can include practices and programs that venture in the realm of government.

If we go back to Kotler and Lee's (Kotler & Lee, 2005) six categories of CSR, cause promotion, cause-related marketing, corporate social marketing, community volunteering, corporate philanthropy and socially responsible business practices it is possible to see how the actions related to these avenues of CSR can cross the line into governmental action. Cause promotion and cause related marketing when combined with community volunteering (for

instance) that is used to construct a stakeholder's physical environments (or social, digital, economic environments) when that cause promotion is focused on changing a particular behaviour related to a specific cause it crosses over to become more than solely CSR, the program becomes governmental. This is explored in greater depth throughout this project using case studies from Coca-Cola, Uber, Facebook, and Kitex among a range of examples uncovered during the course of this project. There is a gap in the literature which this project addresses by focusing on the outcomes of CSR that move beyond the concept of CSR and into the realm of governing. It is in this space that this project explores the corporate process that are defined within this project as corporate governmentality. Therefore, we need, also, to situate this project within the governmentality literature.

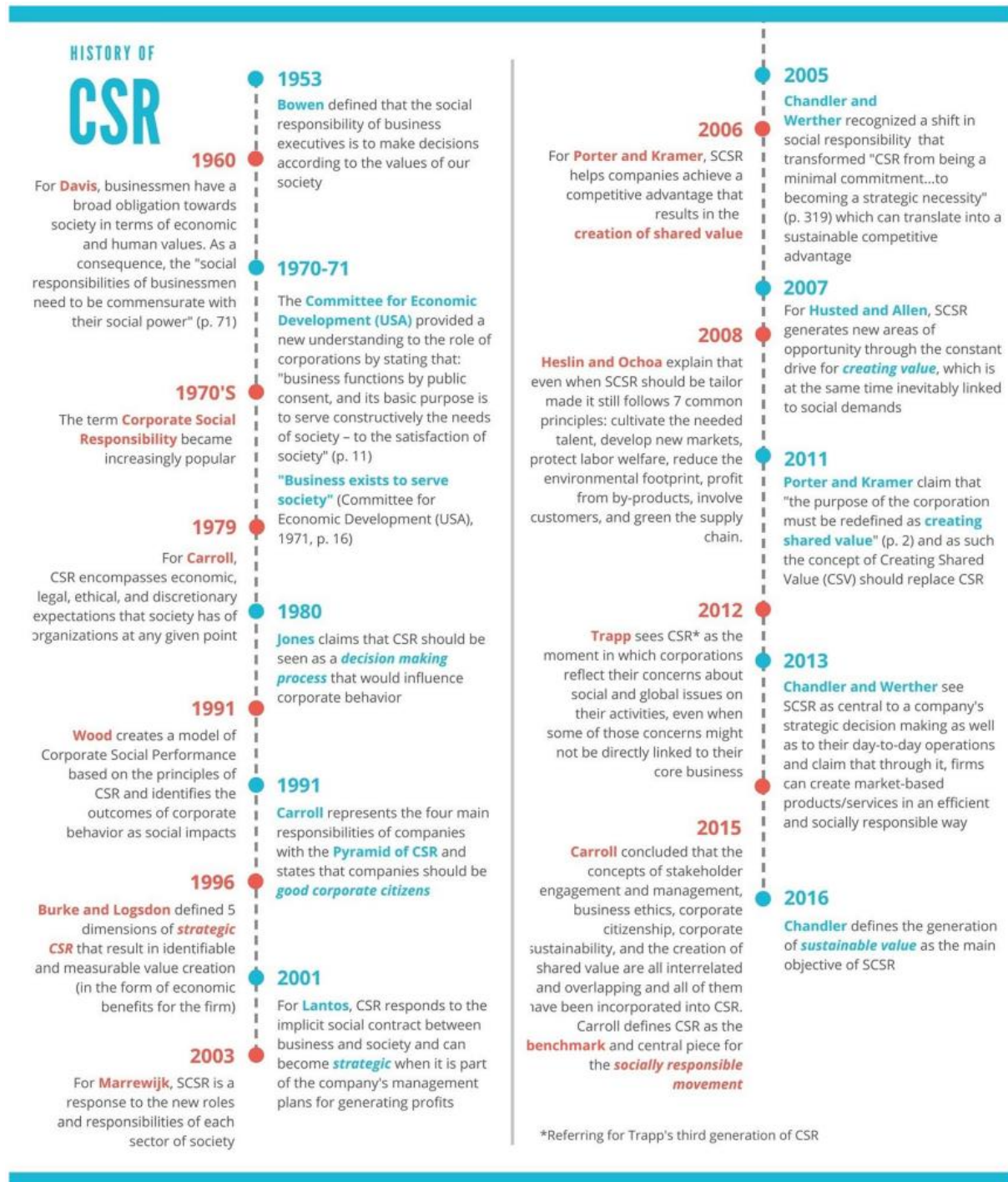


Figure 1: Evolution of the academic understanding of CSR (Agudelo, et al., 2019)

Governmentality

Lemke's (2011) suggests that governmentality is best conceived of as a two-part neologism: combining "govern" "mentality". To put things another way it reflects the connection between political rationality (mentality), and state centred activities (acts of

governing). In *Security, Territory, Population Foucault* (Foucault, 2007) describes government as, “an activity that undertakes to conduct individuals throughout their lives by placing them under the authority of a guide responsible for what they do and what happens to them” (p. 363). The application of governmentality to the development of state mentalities from the pre-modern state through to 20th century neoliberalism was the focus of Foucault’s work. There were several features of his concept of governmentality that are pertinent to this specific research project. The pastoral ethos of care stemming from the state, the *saviors*, the knowledge-power of government, and the techniques and epistemologies that link to the knowledge power-dynamic such as the development of analytical techniques that shaped the object of focus for government action.

Foucault focuses his analytical approach towards governmentality in the 18th century state regimes and the development of these regimes through to European neoliberalism. The application of governmentality as an analytical technique is used extensively for understanding the transformation of the state, government, and people at scale (Allen, 2004; Legg, 2005; Elden, 2007; Huxley, 2008; Jessop, 2010; Elden & Crampton, 2016). The inclusion of the corporation as an entity in the governmentality literature whether included as a technique or as a delineated separate actor as an object of analysis is not difficult to find within this body of work. As introduced in the context surrounding the interrelationship of the state and the corporation before the 19th century, the delineation between the state and the corporation as separate structures to be analysed as the corporation was a key dimension of state government (Barkan, 2013; Schrauwers, 2021; Stern, 2011). Furthermore, Foucauldian approaches are used in the evaluation of modern corporations but are framed from a lens of ‘corporate-state complex’ that reinforce the state centric view of the governmentality literature (Andreucci & Kallis, 2017; Brock & Dunlap, 2018).

The use of governmentality as a methodological approach towards the analysis of governing actors lent itself well to this research project. Like the need to provide the context for this project in terms of its position within the literature on CSR, it becomes less important to delve into the minutia of the development of Foucauldian scholarship and governmentality but rather to identify the themes and characteristics of the governmentality literature and how this project addresses a significant gap within the discourse. Foucault’s description of governmentality as a “methodological experiment” that allows a researcher to explore the

evolution of governmental practice, rationalities and justifications makes it an analytical technique appropriate for the analysis of the corporation once the loosened so was to allow for the inclusion of the corporation as a governmental actor (Whitehead & Collier, Unpublished). This is supported obliquely by the work of Rose et. al. (Rose, et al., 2006) who describes governmentality in terms of “styles of thought, their conditions of formation, the principles and knowledges that they borrow from and generate, the practices that they consist of, how they are carried out, their contestations and alliances with other arts of governing” (p. 84) and as political rationalisation that are “are constantly undergoing modification in the face of some newly identified problem or solution, while retaining certain styles of thought and technological preferences” (p. 98). Rose’s perspective maintains a focus on evaluating the structures that have been associated with neoliberalism and, in particular, on state governmentalities. However, outside of the context of state governmentalities the logic of his words can still be applied to a corporate governmentality framework. It is here that there is a gap in the literature which this project seeks to address: the extraction of the characteristics evident within the governmentality analysis applied to what we will argue is an actor that is outside of the state but now holds a position within the assemblage of governmental actors.

In a similar manner as the discourse on CSR was interrogated for key themes and characteristics, once governmentality presented itself as an appropriate theoretical lens through which to view the corporation and specifically their practices that overstepped what could reasonably considered CSR, it was necessary to identify those characteristics. While there were several accounts, descriptions and analyses using governmentality there are few scholars who systematically sought to detail the features of governmentality. The scholar who made a systematic evaluation of governmentalities characteristics was Mitchell Dean (2010). He identified the characteristics as having an object of inquiry focused on *populations*, in terms of the relationship to forms of power associated with *sovereignty* and *discipline*, through the practices of institutions that constitute an *apparatus of security*, and the administration of regulation that can be considered the process of *governmentalisation*. These become subdivided into features of these characteristics that can be looked for in the micropolitical practices of government to tease out the governmentality of institutional practices. This project used this framework for identifying a “govern” “mentality” as a basis

for constructing a framework through which corporate governmentality could be viewed and where the theoretical lines of continuity between state governmentalities were maintained and where they diverged (Collier & Whitehead, Unpublished).

This initial delineation of the similarities and differences of this project's theorised characteristics then allowed for deeper analysis to be conducted from various perspectives within Foucauldian governmentality traditions. It allowed the research to explore Uber's social initiatives in terms of the state as an effect (Foucault, 2004) that allowed the inclusion of corporate actors as a feature of the state effect. The state, not specifically state institutions, emerges as a fulcrum that unites a number of governmental practices that orientate around the security and regulation of population's (Collier, et al., Unpublished). In subsequent analysis of corporate practice, the project sought to analyse the techniques, technologies, and epistemological development of corporate governmentality through an exploration of Facebook's content moderation practices in the space of speech practice (Collier & Whitehead, 2022). And by evaluating the governmentality "after neoliberalism" with the emergences of potentially new statecraft technology that are represented by the new rationalities of government that are embodied by algorithms that when wielded by corporate actors rather than state institutions have distinctly different rationalities, and are in fact are potentially govern-mentalities without a rational (Whitehead & Collier, Unpublished). The latter two lines of inquiry branch into a distinct set of discourses around algorithmic governmentality that while still constitute a set of literatures within the field of governmentality, deserve to be brought to the fore in order to provide appropriate context for a significant proportion of the research within this project.

The concept of corporate governmentality that is presented in this project is defined as the adoption of a corporate "govern" "mentality" that can be analysed in Foucauldian tradition by using and extending the discourse of governmentality. The adoption of a role as a governing institution for the population is what marks certain corporate practices as acting within a framework of corporate governmentality. The theoretical framework will be explained in greater detail throughout the project. Furthermore, while conducting the research into corporate governmentality three distinct sub-divisions of the concept emerged and an exploration of each make up the core chapters within the thesis. I will briefly introduce these three modalities of corporate governmentality. They revolve around three manner in

which corporations operate in a governmentality register. The most prevalent instances of practices that can be characterised by corporate governmentality are instances where corporate actors voluntarily take responsibility for public welfare and govern various aspects of life (or action spaces). The second instance is where corporations are forced by external influences to adopt a governmental practice and responsibility for an action space(s). And finally one where governmental programs are created without the intention of being governmental, they are governmental incidentally. This project will explore these three modalities that all operate within the general theory of corporate governmentality, them being forced, voluntary and incidental.

Algorithmic governance

This project's research into forced governmentality (a modality of corporate governmentality that requires a corporation to act in a governmental manner usually as a result of the creation of a governmental space as a result of innovation or technological advancement) explored the emergence of technologies that became techniques of government and the epistemological shift that occurred in the digital age to include the technological development of the algorithm which was adopted as a technique of governmental control similar to that of other technologies of statecraft described in the governmentality literature (e.g. cartography, population level statistics, epidemiology, etc.). The course that the research took led to the discourse algorithmic governance rather late in the projects timeline. Upon discovery it was imperative to situate the research within this discourse.

The primary example of an epistemological shift and technological development was the general statistics as applied to populations that allowed the object of government to shift from the individual's welfare to the aggregated welfare of a territory's population (Kalpagam, 2014; Hacking, 2006; Daston, 2007). This allowed the development of a govern-mentality that sought to place the state in the position of being responsible for the pastoral care of both the individual and the population. The secularisation of political rationality and modern modalities of power are rooted in the Christian tradition of the pastorate (Cooper, 2020). The

pastoral rationality of the state is concerned with and exercising power on the totality of individuals while simultaneously ensuring the wellbeing of, “each and every one of them” (Foucault, 1979). The developments in liberal governmentality historically have had a limiting factor on the ability of governmental actors to embody this individualistic and totalitarian preservation of wellbeing. The limits relate to the incomplete or lack of sufficient information on each and every individual to govern in a truly pastoral manner.

The focus of liberal governmentalities over the past few centuries, because of the lack of complete or sufficient information, led to the focus being on the population level and biopolitics. Biopolitics being the “administrative imperative to optimise the health and welfare of populations” (Collier & Whitehead, Unpublished). Biopolitical governmentality being the mentality of the state that, “seeks to enhance the productivity and controllability of the population through improving their overall wellbeing” (Andreucci & Kallis, 2017, p. 97). The digital age has led to a change in the volume of knowledge and information on each and all. Zuboff’s (2019) introduction of surveillance capitalism and the change in capitalist market orientation towards the collection and analysis of data along with the basis of the governance within an instrumentarian mentality that seeks, “the ubiquitous connected material architecture of sensate computation that render, interprets and actuates human experience” (p. 352). The ubiquity of smart technology and data acquisition that is becoming everyday more prevalent is enabling governments to have the ability that was the original purpose of pastoral care: the care of each and all by having a complete view of reality. As Pentland states, “In just a few short years we are likely to have incredibly rich data available about the behaviour of virtually all of humanity – on a continuous basis. The data mostly already exists” (Pentland, 2011, p. 8). It is in the context of these developments that the analyses of algorithmic governmentality has emerged. Indeed, in Cooper’s interpretation of the genealogy of governmentality, the algorithm and volume of data has allowed for the governmental rationality to come full circle and enable a “full expression of the rationalities and practices of governmentality” (Whitehead & Collier, 2022).

The implications of the development of the algorithm and its use in government and as a technique of governmentality along with the epistemological shift has been discussed in various ways. Amore and Piotukh (2015) sought to identify the implications associated within governing life through algorithmic governance as it represents an epistemological sift in

population analytics as the evolution of the algorithm has made it an instrument of perception that have, “transformed the nature of analysis and knowledge, and thus, the nature of governing economic, social and political life” (p. 341). The emergence of patterns and in the sea of big data actually determine the focus of government and those actions that are of interest or particular concern are the creations of *analytic engines*. Furthermore, the ethics of algorithms in use for decision making, governing and behaviour modification is potentially the most discussed aspect of the discourse on algorithmic governmentality.

The ethical concerns surrounding algorithms is addressed in just about all the discussions surrounding their use in management and governmental decisions. The ethics debates are usually centred around a selection of issues that emerge in the design, data-gathering and ultimate use. It is the outcomes and the use of algorithmically generated conclusions as truth that much of the debate is centred around (Mittelstadt, et al., 2016). Mittelstadt et al. identify the ethical concerns of algorithms stemming from inconclusive, inscrutable, misguided evidence; unfair outcomes; transformative effects (the way algorithms “affect how we conceptualise the world and modify its social and political organisation” (p.5)); and traceability (or lack thereof). Work has also been started on how algorithms can be held to (ethical) account when algorithms are used in transforming the politics of contemporary society (Amoore, 2020). As part of the implications of this project these ethical considerations may need to be expanded due to contributions to the discourse this project makes.

The first aspect that this project addresses is the relative imbalance of power in the ability of public sector compared to the private sector to deploy algorithmic power. While theoretically there is potentially enough data to attempt to exercise power and governmental action at both the individual and population levels the data is not all held by public, state institutions. The underlying current structure of the digital revolution sees private companies in control of (arguably) greater sources of data on individuals and societies than do state institutions. While there is a push for greater data sharing initiatives between state and private actors’ privacy concerns and mistrust in the application of power that may ensue from private companies like Facebook sharing their data with state institutions has limited the data available to the state (The Behavioural Insights Team, 2019). Coming back to Pentland’s (2011) assertion that the data already mostly exists. The data is (mostly) already in existence but the centralisation of the data by a single actor state or otherwise does not. However,

there are those actors who are much further along in the collection and analysis of the data than others. The majority of the major players in the data analytics fields are still situated in the private sector. As Whitehead & Collier discuss in Chapter 7 the expansion of the data available to private actors potentially put them in a position to govern algorithmically in a greater capacity than the state. This project seeks to contribute to related literature by looking at the rationalities behind actors other than the state adopting an algorithmic governmentality and enacting analytic governmental practices outside the rationality of government (in the Foucauldian sense as opposed to the state conception).

The two major contributions to the discourse surrounding algorithmic governmentality that this project makes concern the expanded spaces that are governed by algorithms as a result of the development of new technologies; and the use of algorithms in governance when there is a (potential) lack of governmental rationality in the use of algorithms that become part of the governance of society. The development of the concepts of *forced* and *incidental governmentality* addresses these issues, respectively. Forced governmentality addresses the development of technologies that force the actors responsible for their creation to adopt a governmentality towards the action space that their technology impacts (Collier & Whitehead, 2022); while incidental governmentality seeks to understand the use of algorithms that govern various aspects of life when the “governmental impact is of marginal concern compared to the commercial value that can be derived from measuring the impacts of the experimental interventions it instigates” (Whitehead & Collier, 2022).

*

As this research attempts to fill gaps situated at the intersection of multiple analytical perspectives it was necessary to adopt a research design that was flexible enough to conduct exploratory research but be empirically grounded. The resulting choice was to adopt a case research design in order to address the research problem, aims, and objectives. The choice enabled this research to adopt an analytical language to describe and develop a theoretical perspective on the emergence of the corporation into the assemblage of governmental actors in the 21st century and to empirically test the utility of the theoretical lens through empirical

case research to validate the projects foray into positivist theory building in the emerging discourse of Corporate Governmentality.

Research Design

The practices that corporations have started engaging in in the 21st century are the central object of inquiry for this research project. The observance of novel corporate practices and corporate behaviour underpin this project's design and its research problem, aims, and objectives.

The research design for this project was informed by the specific type of research being conducted. The research was not a purely deductive or inductive endeavour. It involved several factors in order to meet the research aims and objectives. The primary aims of the research were two-fold:

- Develop a theoretical approach for understanding novel corporate practice in relation to the assemblage of governmental actors in the 21st century
- Test the utility of the theoretical approach using a case study research methodology

The research questions that I was seeking to answer to were

1. What is the array of business practices associated with CSR that do not belong under the umbra of CSR or which were identified as having a specific governmental aspect?
2. How has the nature of corporate action changed in the present century in comparison to historical actions?
3. What specific social interventions are corporations engaging in presently?
4. Has there been a shift in the epistemology of corporate actors and the purpose of the corporation in society?
 - a. Does this epistemological sift support or refute the utility of corporate governmentality as a framework for understanding the changing nature of the corporation?

The specific objectives of the research were determined by the research design. The research questions present a direction for the collection of research conducted within the project and

span individual chapters. Prior to a discussion of the individual objectives associated with this research it is first necessary to detail the research design used to conduct the research.

The first important aspect of the research design for this research was the decision to conduct this project as a PhD by Alternative Format. Submission by 'Alternative Format allows a doctoral student to submit material that is in a format suitable for publication in a peer reviewed journal rather than a traditional thesis' (Aberystwyth University, n.d.). The motivation and justification for conducting this research in this manner was the exploratory nature of the first aim of the research. The results of which then informed the exploration into the second aim of testing the utility of the theoretical approach to understanding present corporate activities.

This project employs a case study approach to developing and analysing the emerging and evolving practices of corporate governmentality. Case study research allows for a diverse range of approaches to take towards phenomenological study. The pluralistic nature of case research allows for researchers to adopt positivist or an interpretive stance, can be carried out deductively or inductively, can be applied to a single case or multiple cases, or anywhere in between and in any combination of these positions; and can lead to a variety of research outputs (Cavaye, 1996). The individual chapters of this thesis are made up of papers prepared for (submitted or accepted) for publication in peer reviewed journals or as contributions to a co-authored book. Each of the first four chapters take a slightly different approach within the matrix of case research to meet the individual objectives of the respective papers' research.

While there is no specific definition for case study research its characteristics have been demarcated by the following aspects:

- does not explicitly control or manipulate variables;
- studies a phenomenon in its natural context;
- studies the phenomenon at one of a few sites;
- makes use of qualitative tools and techniques for data collection and analysis (Cavaye, 1996, p. 229)

The strengths of this type of research, in my estimation, outweighs the weaknesses. The main strength of case research is that it enables the researcher to capture the 'reality' of a phenomenon in its 'natural context' and allows for the researcher to explore a wide section

of variables and aspects. However, its primary weakness is that it is not possible to generalise the results to a population, but it can make visible the relationships between variables (Cavaye, 1996, p. 229). As a means of mitigating the weaknesses of the case method as a method of research this project was designed so as to conduct multiple case studies to address the limitation of generalisability. The project made use of case research in the first instance for 'developing and refining concepts that were then studied in greater detail'. Furthermore, as this project represents a series of case studies it also enabled the project to evaluate 'differences in context to constants in process and outcome' (Cavaye, 1996, p. 229).

This evaluation of 'constants in process and outcome' is emblematic of the three chapters (2,3, 4) that test the utility of the theoretical development that follows Chapter 1. The final core chapter then addresses some of the implications surrounding the concept of the smart corporation which is developed through concepts addressed more heavily in Chapters 4 & 5. The chapters are organised in the following manner.

2. Corporate Governmentality: Building an Empirical and Theoretical Case
3. Voluntary Governmentality – what the corporatisation of government can tell us about the state in the 21st century
4. Forced governmentality: From technology to techne
5. Incidental Governmentality: Rethinking Neoliberal Government in an Age of Digital Technology.
6. The Smart Corporation

The organisation of the chapters generally follows the chronological order of the research conducted during the project. This is due to the nature of the research design and methodology used to conduct this project. The previous section has outlined the overall research design for the project. The next section will address the overall methodological approach taken in conducting the project.

Chapter 2: Methodology

The overall methodological approach for this project was based on qualitative research methods. Due to the nature of the PhD being submitted by alternate format meant that there were was not just one approach for conducting research each of the individual chapters included a primary qualitative method that was supported by other primary and secondary research that was conducted for the other papers within the project. The initial approach when the research began was to conduct ethnographic research. The rise of the Covid-19 a year into my PhD and the resulting lockdowns, distancing measures, etc. meant that I was unable to conduct a ethnographic project in a management consulting firm dealing with corporate purpose and CSR. It was necessary to amend this approach. As a result and

after reflection of the strengths and weaknesses of various other qualitative methods I decided that my overall primary qualitative method for the project should be interviews. With the nature of the project being associated evaluating the rise and place of the corporation within the assemblage of governmental actors globally it was imperative to find research participants who involved were able to credibly discuss the topic and who were experienced practitioners and stakeholders within their fields.

The recruitment of research participants then focused on identifying senior individuals within the business community. My background in market research and a number of years of experience in business and being responsible for customer engagement across Europe, Africa and the Middle East along with having some responsibility for global clients for one of the largest market research organisations globally provided me unique access to individuals within the global consulting, retail and fast moving consumer goods (FMCG) community. My sampling method was initially reaching out to former colleagues and contacts from my time within the industry to source interview participants. This moved then to snowballing and having them leverage their network of contacts to identify the correct individuals to engage with. Finally I also use LinkedIn to expand the selection outside the industries that I was familiar with. This led to a total of 12 interview participants (for a full breakdown of individuals area of expertise see Table 1).

While the interview data made up the core of my research data this project also utilised the primary data sources associated with the theoretical methodological approach taken: case study research. While most social science disciplines are familiar with case study, or case research, as it is ubiquitous in qualitative social science academic publishing it underwent appropriation by other disciplines and was theoretically formalised. This theoretical formalisation of utilising case study research provided the opportunity within this project to conduct multiple discrete research outputs while maintaining a single overarching research goal. What follows is an overview of this methodological stance.

The methodology for conducting this research project was conducted in two phases and relate to the two research aim for the overall project. The methodological approach for the first research aim: to develop a theoretical approach for understanding novel corporate practice in relation to the assemblage of governmental actors in the 21st century. In order to accomplish this the first stage of the research project utilised an interpretive case research

approach to develop an initial theoretical framework to interpret the novel corporate practices in the 21st century. The initial stage of theory development in interpretive case research can be positioned in three ways, “as an initial guide to design and data collection; as part of an iterative process of data collection and analysis; and as a final product of the research” (Walsham, 1995, p. 76). The initial stage of this project, of using an adapted Foucauldian approach to the exploratory nature of the initial paper as guide to design future research and for the method of data collection. It also informed the iterative design of conducting multiple case studies to address the noted weaknesses of case research; specifically the generalisability of the conclusions. Finally, it also embodied the final position as an output of the research. *Corporate Governmentality: Building the empirical and theoretical case* (Collier & Whitehead, 2022) has as part of the research output a codified theoretical framework for interpreting corporate action as part of the assemblage of governmental actors in the 21st century, and also parallels the Foucauldian approach to analysing state structures and institutions.

The early stage of interpretive case study research is to create an “initial theoretical framework which takes account of previous knowledge, and which creates a sensible theoretical basis to inform the topics and approach of the early empirical work” (Walsham, 1995, p. 76). The development of the theoretical framework is generated through the collection of field data generated from several sources. Six sources of data used in case research identified by Yin (2009)³ the project utilised all six from its conception through to its conclusion in some capacity. The primary source of data it is argued should derive from interview data (Walsham, 1995). The emphasis on interview data for case research is to provide the researcher a better opportunity to step back and examine the interpretations of a phenomenon. As such this project relied heavily on primary interview data within the epistemic community of professionals within the realm of business practices this research sought to examine.

³ documents, archival records, interviews, direct observation, participant observation, and physical artifacts

Documents, archival records, direct observation, participant observation, and physical artifacts

As Yin (Yin, 2009) indicated there are six primary sources of data that is used in case research: interviews, documents, archival records, direct observation, participant observation, and physical artifacts. While case research should derive from interview data multiple data sources were utilised in this research project to achieve both aims of the research. The most heavily utilised data sources in addition to interviews were documents in the public record, physical artifacts produced by corporate actors themselves, and legal archival records. Direct and participant observation was the least used source for data within this project however the conception of the project started during my tenure at a market research company and informed the direction of the project, methodology and research design.

The projects research started with documents as the first source of primary data. To identify the practices that corporations were engaging in that go beyond the obviously commercial intention (selling products, store openings, etc.) I conducted searches of news articles using googles news search functions. The search terms included corporate social responsibility; corporate citizenship; corporate sustainability; environmental, social and governance; social governance; corporate social programs; and corporate governance reports. In conjunction with this document collection a discourse analysis and literature review on corporate social responsibility was being conducted. The literatures on corporate social responsibility identified categories of corporate practice that fell under the heading of CSR. Using Kolter and Lee's (2005) six categories of corporate social responsibility (cause promotion, cause-related marketing, corporate social marketing, community volunteering, corporate philanthropy, and socially responsible business practices) the news articles were evaluated against these categories. In addition to the individual news articles sourced using google search there emerged several repositories of CSR reporting organisations and newsletters including CSRwire, 3BL Media (the parent company for CSRwire), and SmartBrief. These repositories were further searched and I subscribed to their newsletters that compile news within the field of CSR, social business, and sustainability. On an ongoing bases the news documents were evaluated against Kolter and Lee's categories of CSR. The descriptions the corporate practices that did not neatly fit into these specific categories were used to compile

a set of practices that formed the basis of the practices that would inform the development of the concept of what became corporate governmentality. They were evaluated for their various features, motivations, and outcomes. This led to further investigation using physical artifacts from the companies engaging in practices that were not specifically CSR or those CSR practices that were creeping in scope outside of the bounds of CSR but which still had a potentially CSR component.

The physical artefacts produced by corporate actors made up one category of physical artifacts. These included, sustainability reports, press releases on corporate practices, information on CSR activity (from corporate webpages, corporate CSR associated websites, CSR reports, news, social media posts, etc.). These were analysed for common features and for aspects that fall outside the realm of CSR specifically. Based on these reports additional searches were conducted of news referring to these specific activities to get a more detailed and rounded understanding of the practices and programs practices. The second category of physical artifacts were sourced from other corporate actors acting in an indirect manner such as consulting with the companies engaged in CSR practices; and, other organisations, such as the OECD, European Union, or United Nations, producing material associated with CSR, sustainability, socially orientated business practices. As these artifacts were collected this initiated investigation into one category of archival records, the historic reports produced by these two classes of organisations. The archival records were used to put together a historical and the development of the narrative and discourses surrounding CSR from both a public and private sector perspective.

Additional, archival research was done in legal and news archives for case law to inform the understanding and narrative of the corporation from the 1700's. This was sought to be able to provide a longer-term historical context for the relationship between the public and private sectors. It also provided insight into the narratives surrounding the responsibility of corporations to society and the state.

This research was done to build up as complete a picture not just of present day corporate activities but to identify if their interaction with the public and society was meaningfully different than it was in various historical context and ages. The research uncovered several interesting themes that were used to build the theoretical framework of corporate governmentality. These themes included the concept that while some of the

practices that corporations were engaging in were not necessarily new but in the present era do constitute a novel interaction due to the political economic reality of the present day compared to the historic examples. That the present socially responsible corporate practice have some shared features that include a component focused on behavioural management or control. The other feature of the practices is the spaces that they act to intervene in. These included health and welfare of corporate stakeholders (in the majority of instances consumers) or were reactions to perceived negative press surrounding a practice that the corporation had engaged in the past. What was particularly interesting in the latter of aspect, those practices that were reactions to negative press that could potentially damage a brand/companies reputation were those corporate practices and programs that went beyond addressing the specific issue but either constituted broader corporate practice reform or those that evolved into a broader scope of corporate reform. Those cases where the actions of corporations were short lived or could be considered greenwashing were discarded from further investigation as they did not meaningfully contribute to the trend being explored within the research.

Themes of aggregated research outputs

The full scope of aggregated data was used to build the theoretical framework that became a primary output of the first aim of the project. It was then used in an iterative process to inform and test the utility of the framework against the observed and documented business practices from the amalgamated data of the project. This method for the developing theoretical framework was identified in the case research literature and stems from the work of Glaser and Strauss (1967) on grounded theory. As part of the method for conducting grounded theory the researcher collects data and develops ideas, concepts and theories that emerge from that data. The preliminary search and analysis of the data described above were thematically then organised and coded to reveal specific features of the practice's corporations were engaging in. Preliminary coding of the themes uncovered 44 broad themes. These themes were also themes identified in the interview transcripts as the process of research of the documents, physical artifacts, and archival sources was an ongoing process that overlapped with the interviews conducted. The interview data was collected and analysed using Nvivo12. The coding process of all the sources identified 44 primary themes. The most notable and prevalent these identified revolved around the following areas:

- The relationship between Civil Society and the Corporation
- The relationship between the state and the corporation
- Employees
- Profit
- Purpose
- Social intervention examples
- Inflection points for change
- Legislation
- Company/Leadership legacy
- Ethics
- Scalability
- Trust
- Wellness
- Behaviour change
- Data Power
- Corporate Legitimacy
- Data availability / ownership
- Relationship between the State and Civil Society
- Corporate self-care

This process led to the development of corporate governmentality as a framework for evaluating modern corporate practice and informed the theory testing for the remainder of the project.

Interview participants, recruitment and rationale

An epistemic community, as theorised by Haas (1992), constitutes : “a network of professionals with recognized expertise and competence in a particular domain and an authoritative claim to policy-relevant knowledge within that domain or issue-area.” In order for it to be considered an epistemic community Haas indicates that they must have:

- (1) a shared set of normative and principled beliefs, which provide a value-based rationale for the social action of community members;

- (2) shared causal beliefs, which are derived from their analysis of practices leading or contributing to a central set of problems in their domain and which then serve as the basis for elucidating the multiple linkages between possible actions and desired outcomes;
- (3) shared notions of validity that is, intersubjective, internally defined criteria for weighing and validating knowledge in the domain of their expertise; and
- (4) a common policy enterprise that is, a set of common practices associated with a set of problems to which their professional competence is directed (p. 3)

The research participants in this study are members of an epistemic community. They were all professionals within the business community with recognised expertise in the domain of business practice. Twelve semi-structured interviews within the epistemic community were conducted to fulfil several objectives:

5. To understand the array of business practices that fall on the spectrum of the framework, which I have developed conceptually as corporate governmentality,
6. To understand the changing nature of corporate action over the 20th and 21st century,
7. Explore specific social interventions by corporations and,
8. To understand the possibility of an epistemological shift in corporate intention that would support or refute the utility of corporate governmentality as a framework for understanding the changing nature of the corporation.

Table 1 provides a detailed breakdown of the individual participants that includes a summary of their domains of expertise.

	Domains of Expertise
Dominic Collier	<ul style="list-style-type: none"> • Investment Banking • Private Equity • Management Consulting • Energy Brokerage
Robert Jan d'Hond	<ul style="list-style-type: none"> • Brand Marketing • Market Research and Consulting • FMCG / Retail

Interviewee G*	<ul style="list-style-type: none"> • Personal Mobility • Transportation
Harry Campbell	<ul style="list-style-type: none"> • Urban Mobility • Rideshare • Transportation
Walker Smith	<ul style="list-style-type: none"> • Consumer Research • Business Consulting • Brand Marketing
Interviewee J*	<ul style="list-style-type: none"> • Corporate Social Responsibility • Sustainability • FMCG / Retail
John Drummond	<ul style="list-style-type: none"> • Behaviour Change Programmes • Communications • Public Affairs
Kunul	<ul style="list-style-type: none"> • Digital Marketing
Michael Barbara	<ul style="list-style-type: none"> • Behavioural Economics • Consumer Psychology • Behaviour Change
Richard Brophy	<ul style="list-style-type: none"> • Corporate (Social) Responsibility • Sustainability • Law
Tom Roach	<ul style="list-style-type: none"> • Brand Planning & Strategy • Communications
Ray Gaul	<ul style="list-style-type: none"> • Retail Business Intelligence • FMCG/Retail Market Research • Management and Brand Consulting

The recruitment method used for finding participants for the interviews was a mixed approach. Initially I reached out to former colleagues with known expertise in management consulting and market research. This led to three interview participants occupying the role of

head or leader of the practice area be that insights or corporate purpose. Two of the three were still occupying their respective position or had moved to a higher level or responsibility within the organisation. One had subsequently left and set up their own consulting business within a similar field. I also reached out to former colleagues, and current colleagues within Aberystwyth University who had similar areas of research interest and sought recommendations of appropriate possible candidates to be interviewed for the project. This led to recruitment of one additional individual. I also organised a search using LinkedIn for identifying individuals who has significant expertise in a range of sectors and experience in corporate management, corporate social responsibility, or planning and strategy, this led to the identification of five additional participants. Finally, as one of the later areas of research was specifically focused on the mobility sector and Uber was the focus of one of the case studies included in the research, I looked for individuals who were familiar with the personal mobility industry and a representative of Uber. These two interviews were secured to provide a narrower perspective on the themes of the research specifically within the field to inform one particular case. The final participant was an individual who I was personally acquainted with.

The technique used for the recruitment may have introduced a level of bias, reaching out to personal connections and former colleagues. However, this was minimised by including individuals with whom I had no personal connection. Additionally, balance was sought among the interview participants in terms of their area of expertise and industry area, those involved with or former employees of corporations engaged in socially responsible practice, consulting partners to corporate actors involved in social interventions, and former colleagues who's companies were not engaged in practices to provide counter perspective to those that were or advocating for CSR.

The interviews were conducted over a two-year period from June 2019 – Feb 2021. The schedule of interviews was designed to be conducted following a significant amount of data collection from documents and physical artifacts. The themes presented within the initial data collection phase informed the topics discussed with the interview participants. The interviews were a middle ground between unstructured and semi-structured. An initial introduction to the research was given to participants and 2-3 pre-prepared thematic questions were prepared in advance of the interviews based on the participants specific area

of expertise, role, and industry. Following the initial question(s), the interviews were allowed to follow the natural flow of conversation and topics and where they overlapped in the identified themes additional questions were asked to elicit additional detail surrounding the themes and clarification questions were asked to ensure correct understanding of the answers. The interview length was variable depending on the time availability of the interviewee and the coverage of the material. The interviews tended to last approximately an hour there was slight variation as the shortest was 45 mins and the longest 1.5 hours. All the interviews were recorded and transcribed. Each of the interviews were then coded for the initial themes and additional themes that emerged thorough the interview. As the process of data collection of interview data and from other sources overlapped and were an on going iterative process as per the research design. The initial interviews compared with the latter interviews were conducted with different levels of detail on themes as part of the research design that was intended as an interactive process for 'developing and refining concepts that were then studied in greater detail' (Cavaye, 1996, p. 229).

Ethical Consideration

A letter explaining the purpose, approach, and dissemination strategy (including plans to share data) of the research, and an accompanying consent form (including to share data) was prepared. A clear verbal explanation was provided to each interviewee. Informed consent was gained from all participants. Additional consent was gained from participants who were willing to be personally identifiable. Due to the nature of the research the participants were provided the options to:

- Be quoted directly
- Be quoted directly if my name is not published and a made-up name (pseudonym) is used
- That the researchers may publish documents that contain quotations by me

One of the participants in the research included a condition that they would be quoted directly by name in any publication as a condition of agreeing to be interviewed. Participants were provided the option to review the notes, transcripts, or other data collected during the research pertaining to participation and upon review were provided the option to expunged text from shared transcripts. This was particularly important for specific participants to ensure

that proprietary information was not disclosed into the public space. Additionally, all publication submissions because of the data collection process were provided to participants to ensure they were comfortable with now the interview data was utilised in any publication or public forum.

Limitations of Research

There are always limitations with any research design. The key is minimising the limitations while maximising the validity of the study. With case research design the primary limitation is the lack of generalisability of the research. Additionally, the case research approach cannot offer exact replication of findings, or control or manipulate variables that associated with study. Case research allows the researcher to observe the 'reality' by studying a phenomenon in its natural context and in detail (Cavaye, 1996). However, while research findings cannot be replicated exactly the it is possible to design a study that offers replication of the logic and theoretical application to similar settings or to different settings to understand different outcomes. As generalisability was a key limitation the project sought to address the issue by conducting multiple case studies in order to improve the validity of the suppositions and conclusions included within each of the chapters/papers. The first paper sought to conduct case research in an inductive manner rooted in grounded theory for theoretical development. While not a true multiple case research design, as the general consensus for the number of cases to be evaluated needs to extend to at least four while no more than ten (Eisenhardt, 1989). The first paper represented the initial exploration to develop the initial theoretical framework for the remainder of the project and sought to evaluate two cases that of Facebooks' Voter Megaphone project and Coca-Colas' watershed management initiatives in India. The latter three studies represent individual case study designs nested in a broader multiple case research design for the project. Each of the three single case papers of the project were designed to refine concepts (Pettigrew, 1985) and used to test the theoretical developments' (Markus, 1989) application to other contexts and in evaluating a range of corporate practices. The corporate practices and contexts which were evaluated using the single case research design and used to evaluate the typologies of Corporate Governmentality found in the initial exploratory research.

The limitations of qualitative data collection have several specific sources. Interviews as a method of data collection has inherent in it several sources of error. This research used

unstructured and semi-structured interviews to collect data. The length of the interviews were all approximately an hour long. The recordings were then transcribed either myself or by Alphabet Transcription Specialists. The transcriptions were loaded into Nvivo and coded for themes. Digitally recording of the interviews and transcription minimised the recording errors of handwriting notes. The main source of error both in the interview analysis and content analysis of the documents, physical artifacts, and archival records was that of interpretation error in how the data was coded. As a way to minimize this error in coding the coding of the interviews and other primary data sources were discussed with co-authors on the individual papers to improve the validity of the analysis and conclusions within each paper by ensuring disputed codes were evaluated and consensus reached.

Finally, both participant and research bias were taken into account and all efforts were employed to reduce their impacts. From a participant bias perspective acquiescence bias (agreeing with the researcher) was the biggest challenge to overcome. To address the potential for acquiescence bias the interviews were structured to as open ended questions and to ask questions surrounding various themes in multiple ways in order to verify the responses. From the researcher side, two potential sources of biases were leading questions and confirmation bias. In order to minimize potential leading questions during interviews clarifying follow up questions were asked to thematically orientated questions to ensure that responses were provided in greater detail to highlight any inconsistency among responses that could have been the result of unconscious leading questions. Secondly, as the purpose of the research was exploratory and to tests the utility of theory development confirmation bias was minimised by the research design through the replication of logic methodology in research design. The exploration of the phenomenon was conducted in multiple contexts and repeatedly throughout the project and conducted in a collaborative manner with other researchers to minimises any confirmation bias inherent in research process.

Chapter 3: Summary of contained works

The following section will provide a summary of each publication submitted, an outline of their interrelationships, and demonstrate their synthesis as a complete coherent study. Each of the summaries will include the connection between the paper and specific

research aims and/or objectives, details of their specific methodological approach to case study research, and the results and conclusions covered by the work.

Chapter 4: Corporate Governmentality: Building an Empirical and Theoretical Case

Research aims and objectives

The first objective of this project was to develop a theoretical approach for understanding novel corporate practices in relation to the assemblage of governmental actors in the 21st century. The specific objectives of this paper were to:

- develop a theoretical framework for interpreting novel (if not unprecedented) corporate involvement in the spaces of health, welfare, and prosperity from an adapted Foucauldian perspective
- to test the utility of this concept empirically by exploring case studies from Coca-Cola and Facebook, who we argue, display a corporate governmentality in their specific social intervention programs

By tracing how corporations' social interventions have moved beyond Corporate Social Responsibility, we build a theoretical case for interpreting emerging social interventions as exercises in governmentality, or more specifically, corporate governmentality. Ultimately, we claim that reading these activities through the lens of governmentality enables us to interpret corporation ambitions as rationalities of the governmental as well as the commercial. We further claim that in identifying the practices of governmentality that exist outside of the genealogies of that state we can discern novel trends in emerging patterns of 21st century governmentality.

Methodology

Within the context of the overall research design for the project this specific paper takes an interpretive stance on the specific case study research. There is a lack of foundational material on the topic of Corporate Governmentality, no codified framework from which to work from, and no literature on the application of the concept to the modern corporation. Therefore, to lay the groundwork for the concept it was first necessary to engage in inductive exploratory research, or what Matten & Crane (2005) would describe as an exercise in positive theory building. The purpose of which is to 'offer either a better fit with empirical evidence or a better explanation of reality? Or both' (p. 682). It was not purely inductive in the sense

that the preliminary work by Whitehead et. Al. (2017) and Schrauwers (2011) both worked in the Foucauldian tradition. Considering this, the first stage of the research, engaged in theory-building as characterised by an 'extended theoretical conceptualisation' (Matten & Crane, 2005) of corporate governmentality into a codified framework from which to work from for the remainder of this project.

The use of theory in interpretive case research can be positioned in three ways, "as an initial guide to design and data collection; as part of an iterative process of data collection and analysis; and as a final product of the research" (Walsham, 1995, p. 76). The early stage of interpretive case study research is to create an "initial theoretical framework which takes account of previous knowledge, and which creates a sensible theoretical basis to inform the topics and approach of the early empirical work" (Walsham, 1995, p. 76). The development of the theoretical framework is generated through the collection of field data generated from several sources. Inspired by grounded theory (Glaser & Strauss, 1967) the methodological approach for this particular paper was to collect data and inductively develop an initial theoretical framework that could then be tested in a range of additional case research.

This research holds a position in the middle ground of the continuum between theory-building and theory-testing. This position is what Perry and Cavaye (2001 as quoted in (Aliyu, et al., 2015)) describe as "theory confirming/disconfirming" and does not exclude the combined use of inductive and deductive approaches in the same case study (Cavaye, 1996).

Positioning research within the discourse and review of previous literature

Foucault's work spanned a variety of topics and concepts from governmentality, biopolitics, to genealogy. His work focused predominantly on analytics and discourses associated with the state and practices of government. He explored the genealogies of the modern state and identified the formalised systems of pastoral care as the central purpose of the secular state. He explores the concept of governmentality that can be thought of in multiple ways. As a neologism that connects government and the rationalities or mentality of the institutional state activity (Lemke, 2011). It is viewed and described by Foucault as the 'conduct of conduct' or the 'art of government' and focuses on the rationalities (the episteme), "the reasoned way of governing best, and that the same time, reflection on the best possible way of governing" (Foucault, 2004). The use of the concept of governmentality is used across the academic disciplines whose focus is the state. Miller, Rose (2008; 2006), Gordon (1991), Legg (2005),

Baker, Bridge (2008), Lemke (2011), Oksala (2013), Andreucci and Kallis (2017) to name a few utilise governmentality as an methodological approach for understanding governing institutions; but, as Lemke describes Foucault's methodology of governmentality as a "guideline" for analysis (Lemke, 2011, p. 50). This allows for broad interpretation of objects that governmentality can be applied to and the type of analysis that can be conducted. However, with the broad interpretation establishing consensus on specific characteristics of governmentality is challenging.

Similarly, the work on Corporate Governmentality began by Schrauwers is equally open-ended. While it provided a unique and intriguing analysis of the Netherlands Trading Company (*Nederlandsche Handel-Maatschappij*, NMH; and by extension the other dominant trading companies) in the mercantilist era the explicit characteristics are of what is considered under the umbra of Corporate Governmentality were not clearly defined in their analysis. It was therefore the first task of this project to conceptualise and extend the theoretical conceptualisation of corporate governmentality and enumerate its specific characteristics that could be tested against empirical evidence and work towards confirming or disconfirming the utility of the theoretical perspective. Chapter 4, *Corporate Governmentality: Building the Empirical and Theoretical Case* (Collier & Whitehead, Unpublished), is the result of this conceptualisation. The aforementioned Foucauldian scholars enumerated some of the characteristics of governmentality, but their research lacked a coherent explicit framework for understanding governmentality. Mitchell Dean (2010) is the exception. His work on governmentality enumerated specific aspects of governmentality as a method of analysis. Therefore, in this tradition the project sought to provide a specific set of characteristics that corporate practices could be measured against to differentiate practices associated with corporate governmentality from those that are discussed in the discourses surrounding corporate purpose, CSR, corporate citizenship, sustainability, philanthropy, or standard operating procedure.

Results and conclusions

The development of the general framework and theory for corporate practices that this project argues embodies corporate governmentality led to the development of sub typologies of the concept. It became evident that there were a variety of manifestations of corporate governmentality that were revealed following primary data collection from elite

stakeholder interviews that make up an epistemic community of “professionals with recognised expertise and competence” in the domains corporate practice explored withing the project and who have “an authoritative claim” to knowledge within the issue areas (Haas, 1992, p. 3). These manifestations of corporate governmentality revealed in the data we termed *incidental*, *voluntary* and *forced* governmentality. The project makes no claims that these are exhaustive typologies of corporate governmentality, however, these manifestations were clearly identifiable based on the framework of characteristics articulated in the first paper on corporate governmentality (Collier & Whitehead, Unpublished). These typologies and the articles exploring them broadly fall further in to the deductive theory-testing end of the continuum but still remains in the realm theory confirming/disconfirming. The reason for this is that it becomes a process of testing the utility of the theory in the application of various corporate practices or actors. The results of which demonstrated that there is a measure of overlap between the topologies and when looking at a specific corporate actors’ practices there may be multiple manifestations of corporate governmentality taking place. It led to a further exploration in the directionality and linking of certain practices that fall into one area and as a result necessitate adoption of further practices that may fall more into another of the typologies.

The three topologies of corporate governmentality were described in project as

1. *incidental corporate governmentality* where companies are stimulating socially-oriented actions in order to generate new data streams;
2. *voluntary corporate governmentality* where companies are actively seeking responsibility for social interventions targeting public health and welfare (see O’Toole, 2019); and
- 3) *forced corporate governmentality* where commercial entities are thrust into a governmental role due to poor regulation in particular spaces. (Collier & Whitehead, Unpublished)

Chapters 4–8 explore these specific typologies. Chapter 5 seeks to explore the voluntary typology of corporate governmentality.

Chapter 5: Voluntary Corporate Governmentality: What the stratification of Uber tells us about increasing role of the private sector as governmental actor 21st century.

Research aims and objectives

One of the central arguments of “Corporate Governmentality: Building the Empirical and Theoretical Case” was that corporate governmentality is distinct from CSR even though it can involve CSR-like practices demonstrated by the enhanced involvement of corporate actors in what Foucault would describe as biopolitics: the administration and management of communities and populations that relate to aspects of health welfare and prosperity. In Collier, Welsh & Whitehead (2021), “Voluntary Corporate Governmentality: What the stratification of Uber tells us about the increasing role of the private sector as a governmental actor”, we analyse corporate practices that can be viewed as the voluntary adoption of social welfare spaces through a Foucauldian perspective that takes the state as a “regime of multiple governmentalities” (Foucault, 2004, p. 77). The aim of this research was to position the rise of corporate actors in the assemblage of government by utilising Foucault’s approach of viewing the *state effect*. The objective of this study was to:

- explore how different practices are brought under and in turn constitute state control through the process of stratification by viewing corporate governmentality as a component of the regime of multiple governmentalities that constitute the state effect
- and examine the implications for how a ‘future state’ might operate in a more overtly corporate register. What about voluntary governmentality?

In order to demonstrate the process of ‘stratification’ (how different practices are brought under) and constitute state control, we use the case study of Uber to highlight voluntary adoption of responsibility for social welfare that are outside the territorial domain of the state but that can be considered a part of the government of populations that constitute the state as an effect.

This process of stratification and an exploration of practices that are brought under state control, with the “state” viewed as an effect (not as the typical caricature of the lay perspective of government institutions), is analysed and tested through an investigation into

the mobility corporation Uber. Uber has defined their corporate purpose, their mission to, “ignite opportunity by setting the world in motion” (Uber, 2021). This mission appears to allow them to not only enter a variety of spaces that are (or were) territories of the state, but also take on responsibility for the mobility space. The analysis of their adoption of responsibility for the mobility space and the practices that we argue represent a governmentality that does not conflict with the state but instead brings them into (or in some cases and territories supplants) the assemblage of the state institutions as a public service in the mobility space and makes some of Uber’s practices part of the state (as an effect).

Methodology

While using case research to test theory deductively is a non-traditional route to validating existing theory it does not make is less appropriate than other deductive theory testing methodologies (Cavaye, 1996). It additionally does not rule out an interpretive methodological approach. As this study looked to use the theoretical framework developed in Chapter 4 to test the validity of using the analytical language of Corporate Governmentality in exploring an identified typology, it constitutes a dual approach. First to test the utility of the analytical and theoretical stance developed in “Corporate Governmentality: Building an Empirical and Theoretical Case” but also by describing the phenomenon of voluntary governmentality it represents a deductive interpretive design methodology. This was done through analysis of primary data collected within the epistemic community of business professionals who are leaders in their fields and on the forefront of corporate consulting surrounding corporate purpose.

In this paper, particular attention is given to the discourse of corporate purpose. This is a discourse, which emerged out of the empirical interviews that were conducted for this study. While corporate purpose is not a perfect representation of our conception of corporate governmentality, the construction of a corporate purpose narrative allows for the adoption of practices that, by viewing the state as an effect, can be considered governmental management practices that contribute directly to social welfare; yet which do not contradict the profit maximisation motif of a neoliberal political economy. Through the empirical analysis of Uber’s policy and actions surrounding the territorialisation of the mobility space we are able to highlight its possible implication in the future arrangements in the assemblage of governmental actors.

Positioning research within the discourse and review of previous literature

The positioning of this study is located at the intersection of the academic literature on governmentality and corporate governmentality, and the business discourse surrounding corporate purpose that has developed in recent years. The concept of governmentality as conceptualised by Foucault was developed and associated with the apparatuses of the state as ‘the principal agent capable of “government”’ (Collier, et al., Unpublished). But due to its ‘porous’ nature the literatures on governmentality have extended to in the extension of the discourse also been used to evaluate the corporation as separate from the state (Stern, 2011; Schrauwers, 2011; Schrauwers, 2021). However as indicated in the context section of this introduction it was indicated that while there was a demarcation between these two apparatuses the distinction is rendered incongruous. The granting of royal charter to corporations explored in the context of the governmentality literature failed to recognise the legal context of the corporation in the political economy of the era when these corporations were in operation. The corporation at the point in which they existed were operating from the umbra of the state as a technique of government for the control of people, resources and territory at a distance and therefore extensions of the state. In the modern context, post the general incorporation laws in the late 19th century seeking to evaluate the corporation in a similar analytical context addresses similar outcomes and practices but from a perspective of the corporation and the state as separate actors with different rationalities rather than the extension of a single actor (the state) and rationality through which its power was wielded through a facet of its apparatus (the chartered corporation).

The concept of corporate governmentality introduced by Schrauwers (2011; 2021) in an analysis of the Netherlands Trading Company (NHM) compared to the conception articulated in this paper denotes a key distinction that is not present in the literature. That in the present century corporations are taking responsibility for public welfare, not as a condition of their charter, but via market mechanisms that operate in the territories of state spaces and mark a novel expression of corporate practices that position them as a distinct actor in the assemblage of state institutions (Collier, et al., Unpublished). The corporations taking on responsibility for public welfare is informed by two other discourses but from slightly different perspectives: the CSR literature from the academic discourse and the CSR and corporate purpose discourse from the grey literatures and a business perspective.

The major themes of CSR were described in the context section. The position of this research within that discourse is extended to see the connections that exist between the development of the CSR literature with regards to the inclusion of CSR into corporate strategy and the operation and practices of CSR existing (potentially) outside their core business practice areas. The introduction of grey literature, corporately produced strategic reports, marketing strategies, and purpose focused models of business operation provided a view of CSR that exceeds its initially conceptualised bounds and can thus practices associated with CSR and corporate purpose can be viewed instead as facets of corporate governmentality in certain circumstances. Corporate purpose is becoming ubiquitous in the grey literature of corporations. This is similar to ubiquity of a CSR agenda within large and small corporations globally.

Corporations and corporate consulting corporations are both pushing a corporate purpose agenda with varying degrees of success and adoption. Kantar Consulting, a global corporate consulting arm of the world's largest advertising corporations, has its own corporate purpose division. It helps companies along the journey towards articulating and implementing corporate purpose within organisations. This corporate purpose is in response to a growing call by consumers, potential consumer, and employees for brands to adopt a socially focused approach to their business practices. This call for corporations to have a social component to their business practice has links to the growing CSR agenda since the 1950's. However, while also representing an extension of the conceptualisation of CSR that is not reflected in the modern CSR discourse it also represents a departure for while the concept of corporate purpose can include corporately socially responsible practices it also represents an additional range of practices that have a commercial rationality that goes beyond profit making. This can be articulated in a variety of terms from Environmental, Social, Governance (ESG) calculations to employee satisfaction calculations leading to longer term growth and lower expenditure to sustainability agendas that suggest a commercial rationality for a socially orientated practice. This commercial rationality combined with a corporate purpose that goes beyond the bounds of CSR that is voluntarily taken up by a corporate actor we argue represents an adoption of a corporate governmentality situated in a gap that is not addressed in the academic CSR or grey corporate purpose discourse.

Results and conclusions

While corporate actors are not currently seen in the same register as the state, corporate activities are entering into the spaces that the state has been responsible for. The entrance of these activities is not just a neoliberal privatisation of state functions but are themselves undergoing governmentalisation. By exploring the concept of corporate purpose within Uber and due to its involvement in the mobility sector that extends into public mobility that it has, or is undergoing a type of stratification. Through analysis of its influence in transnational norms setting, and through its adoption of techne of government that are similar to that of the techne of calculative statecraft (such as cartography, statistics, etc.), and its resulting adoption of consumer and public safety that it is acting in a similar role as the Foucauldian notion of the police state.

The implications of the entrance of corporations in the assemblage of governmental actors and the view that non-state institutional actors can be seen as the state, in effect, provides a useful means of investigating other private sector actors that are voluntarily adopting a corporate governmentality for particular action spaces. The results also indicate, by identifying the characteristics of voluntary corporate governmentality in other corporate actors that it is likely that corporate governmentalities will be increasingly dominant in the governmentalities of the state.

Chapter 6: Forced governmentality: from technology to techne of government

Research aims and objectives

Chapter 6, Forced governmentality: from technology to techne of government (Collier & Whitehead, 2022), explores the concept of forced corporate governmentality.

In the present era (particularly in technology and novel industry sectors) corporations are expanding their reach “without having to gain legal authority or personal consent” (Whitehead, 2019) into spaces created as a result of technological development. The case explored in the paper revolves around the creation of social media platforms and the government of speech practice as an action-space. This was achieved through a critical reading of Mark Zuckerberg’s *Blueprint for Content Governance and Enforcement*. It demonstrates a theme within corporate practice of a situation where technological

development is creating a space that needs governing by utilising the technology that created the governmental need. The responsibility for governing these novel spaces falls to corporate actors as they are (at present) the only actor that are capable of governing the space. A key difference between the typology of voluntary vs. forced is that corporations are being compelled to take responsibility for action spaces as a result of their products, industry areas, or questionable historic practices. Corporate actors are being pressed to take responsibility for certain administration of rights that are not currently being administered for by the territorial state institutions. The case study used in Collier and Whitehead explores rights within speech practice, but this analysis could be extended to include, for instance, labour rights in supply chains in retail industry as areas for further research where the application of a forced corporate governmentality could be an effective lens for viewing corporate practice. The reluctant adoption of responsibility was being driven not from the legislature but both internally from the employees of the corporate actor and externally from its (existing and potential) customer base. It was evident in the discourse on corporate purpose, and from multiple research participants, that there has been a change in the corporate narrative in recent years. The external pressure, that of customer consideration, corporate actors are under is more evident than internal pressures. As Walker Smith, the Chief Knowledge office of Kanter Consulting (Kantar Consulting being a sub division of the largest advertising agencies in the world) explains,

People not only want a great product, not only want something that makes them a better person but something that also contributes to a better society and/or better public. That is changing what it is that brands have to do in order to find themselves in the consumers considerations. (Smith, interview)

The 'era of the public' parallels the conception of corporate governmentality. The change in the assemblage in governmental actors for the administration of rights that comes from changing customer expectations has the potential for significant change over the 21st century.

Methodology

Methodologically the investigation into forced governmentality was at the same time easier and more difficult to implement. Forced governmentality presented itself in a previous inquiry into voluntary governmentality as a result of voluntarily taking responsibility for a

particular action space. In the exploration of Uber voluntarily taking responsibility for the mobility space on of the aspects that they were also forced to take responsibility for was the security of the populations that they serve. This included the creation of a private security apparatus. There were however circumstances that have forced certain companies to take responsibility as a result, not of them adopting a particular corporate purpose for an action space, but as a result of an innovative advancement or technological development. The most salient (and that which is the focus of the this investigation) is the creation of social media platforms. The development of social media platforms provided a global public forum for individuals to exercise their right to free speech. However this also led to the creation of a space that could be abused to the detriment of a global society as a whole. The proliferation of fake news, misleading content, intentional trolling, and hate speech (to name a few) created a space in need of governing. The platform speech space however is beyond the reach of territorial states to control in a meaningful way. This meant that the corporations that created this technology were (or are) being compelled from a variety of actors to govern the space. It is this that is the focus of the investigation into forced governmentality.

Facebook (now part of Meta) as the leading social media platform globally provided the optimal place to investigate the concept of forced governmentality. In order to investigate this phenomena we employed an analysis of a physical corporate artifact: Mark Zuckerberg's *Blueprint for Content Governance and Enforcement*. This document, arguably, is the most influential document on governance of the action space surrounding speech practice. By extrapolating the direction of content moderation and the technologies employed in management of this space it was possible to analyse a novel aspect of corporate governmentality. That of a forced governmentality that results from the development of new technologies. While this is not unprecedented as technological development has historically lead to the creation of new spaces in need of governance it is unique as it presents a case where the governing actor is also the creator of the technology itself and employs the same technology used to create the space to govern it.

Positioning research within the discourse and review of previous literature

The concept of forced governmentality in the context within which this exploration of Facebook is positioned is entwined in multiple discourses. The situation of this study is apparent within the discourse of governmentality as the is the previous two papers. This

particular study is situated within the governmentality literature as a systematic study addressing the aspects of governmentality as described by Dean (2010). Dean constructed a framework for evaluating governmentalities by defining a series of characteristics that were indicative of the adoption of a governmentality. These characteristics included the techniques and mechanisms, the *technes*; the adoption of specific sets of knowledges and adoption of a particular epistemic outlook, or *episteme*; the analysis of regimes of practice; and, the definition of a field of visibility. This study systematically evaluates the practices of Facebook's moderation practices within the context of this framework of analysis and demonstrates the utility of adopting an analysis of a private sector actor through the methodological lens of a governmentality framework.

It further addresses the discourses of algorithmic governmentality and however in a departure from the traditional state focused rationalities for algorithmic governance, this study evaluates corporate rationalities through an algorithmic governance lens and focuses on empirical evidence from Facebook as an real-life example of algorithmic governmentality in practice.

Results and conclusions

The concept of forced governmentality reveals a variety of considerations that need further exploration. The idea that companies are being called, forced to take responsibility for particular actions spaces as a result of their products, services or technology on its face seems relatively uncomplicated. The assertion that, "you bear a responsibility to help address the world you helped to create" (Browne & Smith, 2019) is more complicated than it seems. The example of Facebook's speech moderation practices highlights this. Governmental responsibility and commercial rationalities are often in conflict with one another. The commercial gain associated with increased engagement with abusive or borderline abusive content of social media platforms need to be balanced with the reduction in quality of the experience the presence of such content creates. This creates an optimisation problem for corporations between balancing governmental responsibility for populations welfare and health with a financial motivation that may be contra-indicated by the management of negative practices.

This is complicated by the limitations associated with a fixed geography of states, as corporations and services extend beyond national containers. The ability of state regulation

and preservation of individual and population level welfare is being eroded by the limitations that territorial limitations inherent in the current global governance structure. Corporations are able to transcend the national territorial boundaries and in growing numbers are the only actors that are capable of welfare management on a supranational scale.

In novel and technological industries this is further complicated by the obscurity of the underlying technology that enables the provision of services by corporations such as Facebook. The creation of private technologies are counted as proprietary intellectual property and obscured from scrutiny this creates a problem of accountability that needs to be further explored. The lack of accountability with regards to the government of actions spaces is itself a duality. The example of Facebook provides visibility into this duality. Facebook provides some checks and balances to authoritarian states or negative state sponsored actions, they engage in practices that protect individuals from their own governments. This is balanced by the obscurity of the means of managing and governing behaviour through the use of proprietary algorithms, that due to the obscurity are not subject to the kind of checks and balances they provide for state actions.

This paper begins to uncover the implications of technological development that creates spaces in need of government and the use of the same technology to govern these spaces. By exploring Facebooks content management practices through the lens of forced corporate governmentality is brings to the surface a range implication and further areas of research that will have to be addressed in the coming years.

Chapter 7: Incidental Governmentality: Rethinking Neoliberal Government in an Age of Digital Technology.

Research aims and objectives

Unlike voluntary and forced governmentality the final typology of incidental governmentality relies on the development of digital technology. It differs in context from other typologies as it critically explores the changing rationalities of government in the age of the algorithm. The objective of this research was:

- to examine evolution of governmental practices, justification and rationalities by corporate actors

- to analyse corporate practices that can be considered governmental but where governmental rationalities are secondary to commercial rationalities, where the governmental activity becomes incidental to other rationalities
- and to explore the implications of emerging forms of incidental governmentality are: does it matter if the function of the governmental act is separate from underlying biocorporate rationality?

Algorithmic governmentality centres around long established governmentalities of the state, whereas incidental governmentality is governance that is secondary to corporate rationalities. The rationality of governing is superseded by the collection of data or production of knowledge with humans as the object that is achieved by adopting a governmental role as a feature of the process of furtherance of knowledge. The governmental aspect becomes incidental to the economic value of enhanced knowledge production. This can be seen in projects such as the Facebook VoterMegaphone project that sought to increase voter turnout by utilising behavioural and psychological sciences in neoliberal fashion. Facebook created and ran an experiment where its governmental ambition was secondary to the commercial benefits and commercial rationalities associated with understanding the impact of a biocorporate activity on voter behaviour. A biocorporate rationality being corporate entities involves enhancing productivity and controllability of the population through improving their overall wellbeing. The apparent governmental purpose of this initiative was central to the justification of an ultimately biocorporate initiative.

This centres around the biocorporate rationality surrounding the private sectors involvement in the response to Covid-19 and seeks to explore the theme of incidental governmentality in the context of contact tracing.

Methodology

This paper empirically evaluates the emergence of three cases where corporate rationalities assume primacy while conducting governmental programs. These include Alphabet Google's Sidewalks Lab's road traffic management partnerships with local governments; Facebook's support for voting in elections through its Voter-Megaphone initiative; and the role of various Big Tech Companies in guiding responses to the Covid-19 Pandemic. Analysis was conducted on source material that was publicly available including

news reports, physical artifacts and documents created by the government, NHS, Facebook and Google. Methodologically the analysis was conducted in the style of documentary analysis that was framed through the discourses of algorithmic governmentality, surveillance capitalism and CSR.

Positioning research within the discourse and review of previous literature

The use of algorithmic governance in the literature has been explored by various scholars including Cooper (2020) and Amoore (2017). The difference is that these explorations into algorithmic governance seek to evaluate algorithmic governance and the links to that and the pastoral care of liberal governmentalities through the lens of existing governmentalities of the state. Algorithmic governmentality is described in Foucauldian terms as having the possibility to achieve governmentality of the state to provide for 'each and all' both on the level of the individual and on the level of populations; it is arguably the most complete expression and rationalities and practices of governmentality in history to date. Algorithmic governmentality is positioned in this way due to the immense amount of data that make it possible to reveal population level trends and mitigate behaviour through practices that have a positive aggregate effect on the biopolitics of society, while also specifically manage individual behaviours through programmes designed to specifically target individuals at risk of sub-optimal behaviours. It casts algorithmic methodologies as a means of predicting future events and risks and mitigating them in a similar manner as sheperdic state governmentalities of states historically. Algorithms are positioned as a means of governance that has the ability to control social relations in the interest of collective wellbeing. Incidental governmentality exhibits similar aspects of pastoral care associated with biopolitics. However, the distinction between an incidental governmentality approach compared with an algorithmic governmentality approached centres around the reasons for governmental action and the provision of enhanced wellbeing for corporate subjects stemming from a biocorporate rationality rather than from a Judeo-Christian tradition of pastoral care for its flock of citizens. The literatures on algorithmic governmentalities focus specifically, and overly rely on the rationalities of the state.

Results and conclusions

The results of this investigation demonstrated three particularly pertinent conclusions. First that corporate actors, specifically technology based platform or digital

technology companies are particularly adept at practicing incidental governmentality. These companies (such as Google, Meta/Facebook, etc) perpetually track and learn from behavioural patterns that emerge in the data they collect and this makes it particularly easy for them to enact governmental practices while maintaining a disinterest in the means that it is achieved. Secondly, there are a diverse set of practices that can be considered from an incidental governmentality perspective and while it is most obviously evident in Big Tech it is not limited to digital technology corporations (although these are the focus of this particular paper). And finally that there are glaring ethical questions that arise surrounding the legitimacy of corporate actors engaging in incidental governmentality. Incidental governmentality is inherently a deceptive practice and whilst Foucault highlights efficacy as a potential substitute for legitimacy it is necessary to ask questions that such initiatives have for governmental legitimacy and the potential rise of “an unaccountable bio-corporitization of politics and life” (Whitehead & Collier, Unpublished).

Chapter 8: The Smart Corporation

The final body chapter of the thesis focuses on the concept of the smart corporation. This work was written as part of a co-authored book entitled *Smart-Tech Society: Convenience, Control and Resistance*. The focus of the book was a distinct and separate project from the thesis. Its overall aim was to “explore specific interactions of the human-smart technology interface.” (Whitehead & Collier, 2022 In Press) It was a project that sought to better understand the “ongoing and unfinished socio-technological negotiations associated with the smart-tech society.” (ibid) That included what the interface can reveal about the human condition and the implication for its impact on our collective future. The book was focused on the experiential aspects of smart-technology, and as a part of this the a necessary avenue of exploration was into the nature of the corporations that produce smart-technology and the uses it is put to. This is intimately intertwined with some of the aspects of the research included within this thesis as much of a corporation’s ability to govern society is intimately intertwined with the products and technologies that enable them to operate on this register.

The chapter that is included in this project is an exploration of Smart Working and the Corporation, that explores the implications of smart technology for corporations, their

employees, and its relationship with wider society. The availability and utility of smart technology means that corporations now have greater capacity and potential to take a more active, governmental role in social life. The activities of these companies acting in a governmental capacity not only (in some cases) support existing governmental activities but also are becoming governmental entities in their own right.

As this chapter does not represent an inclusive research project as the previously described chapters are organising this summary of the chapter with sub-sections of research aims, methodology, positioning within the discourse and results, this final summary will provide an overview of what is contained and how it relates to the overall project.

The chapter is organised into three sections that explore (1) the embedded smart technologies in various aspects of working life, (2) the quantification of the workplace and the augmentation of the labour process, and (3) how corporations are being drawn into the a governmental role within society. These topics are explored through case studies and examples from looking at Amazon fulfilment centres and the use of smart technology, robots, and algorithms to enhance productivity of the work process; to Facebook's creation of social media platforms that result in a need for governance of speech practice through hybridised content moderation systems. Furthermore, it explores a range of examples that exemplify the behavioural governance and hyper personalisation that was not possible before the advent of smart technology. It concludes with looking at the broader implications of smart technology in the hands of corporations and potential tensions between that arise between the enhancement of individuals lives' and the current state-centric regulatory frameworks that are in place. It highlights potential future directions of corporate-societal interaction and potential the potential positioning of the corporation within the nexus of the society-state-corporate triad that is foundational to everyday life.

Synthesis

These five works constitute a single novel exploration into the evolving relationship of the corporation with society and the state in the 21st century. By viewing the state through the analytical lens of Foucauldian governmentality it becomes apparent that the role of the corporation and state in governmental activities and responsibilities is evolving. Foucault's conception of the state and its analysis is fluid. His inquiry into governmentality was used to outline and analyse emerging practices and rationalities associated to the state. The state is

everchanging and a construction that operates at a multitude of scales and relates to the practices and mentality that orientate practices around security and population regulation. The corporation as an entity can be evaluated in similar terms.

The corporation in the 20th century entered a new position within the nexus of society-state-corporation. It was unlinked from the state via the general incorporation legislation in the late 19th century and underwent a series of evolutions in its purpose and position within the nexus. The present iteration sees it redefining itself and reverting back to a pre-general incorporation form where it has a certain responsibility of individuals and society that was present in previous iterations but where it was a technique, a means of governmental control beholden to the state. The change in its status as a result of its disassociation from the state though places it firmly in a novel situation where the motivation for governmental practice is separate from the rationalities of state governmental rationalities. Through the project this novel governmental rationality and the associated practices are explored and situated within the theoretical framework dubbed corporate governmentality.

The project set out to codify the concept of corporate governmentality within the current discourses that describe corporate action. The first of the papers distinguishes corporate governmentality from other perspectives that describe governmental corporate action and practices. It contributes to the discourse by proposing an alternate theoretical perspective for corporate practices that were placed under the designation of CSR. With the creation of a theoretical framework to distinguish practices that were consistent with those described as CSR from those that had a distinctly different character and which are now visible as practices associated with corporate governmentality.

Evaluation of the range of practices that were analysed through a corporate governmentality perspective highlighted the vast range of practices that corporations are engaged in which have a governmental character. Through the analysis there emerged a variety of typologies of corporate governmentality. While not exhaustive by any means, three modes of corporate governmentality emerged that warranted further exploration. These three modalities of corporate governmentality were those where corporations were actively seeking to take responsibility for a particular action space as in the case of Uber adopting responsibility for the mobility space or Coca-cola taking responsibility for watershed management in India. These examples represent a modality of corporate governmentality that can be broadly

thought of in terms of the voluntary nature of the adoption: a voluntary corporate governmentality. Another emergent form of corporate governmentality was an iteration where called to take responsibility for a particular space whether by state actors, their consumers, or society as a whole. This obligatory responsibility by virtue of the spaces in which the corporations operate constitute an enforcement of responsibility: a forced corporate governmentality. This is explored through an examination of Facebook and the creation of a social media platform that forced Facebook to become responsible for speech practices as a result of the creation of a speech platform. The final modality of corporate governmentality explored within the project are those corporate practices that have governmental aspects yet which are motivated by rationalities outside of traditionally governmental rationalities. In essence corporate practices that are not intended to be governmental, they are intended to enhance corporate interests but as a by-product of this intention are governmental in nature. To explore this modality this project looked at the cases of Facebook's voter megaphone project that has a governmental character but governance for the benefit of the population is not its primary concern. Instead the rationality behind enacting this governmental practice was the generation of behavioural data that furthered the commercial ambition of the corporation that implemented it. This is further explored in looking at the private sectors involvement in contact tracing in the wake of Covid-19. This form of corporate governmentality is explored in the context of if these practices, that are governmental in nature, but stem from a non-governmental rationality and whether the rational for the practice is integral in the result of the action. This type of corporate governmentality is categorised as incidental governmentality.

It emerged that while these specific types of corporate governmentality arose from the exploration that they are not mutually exclusive to one another necessarily, nor are they exhaustive of the practices that corporations engage in that could be analysed and explored using the theoretical perspective of corporate governmentality. The penultimate chapter exemplifies this and seeks to contextualise the exploration of corporate governmentality within current society and the ever growing presence of technology within individuals everyday lives. It seeks to place the previous theoretically orientated chapters in relief to an exposition that highlights the increasing role of technology in everyday life and the implications for how this when viewed through a lens of corporate governmentality provides

a context for exploring the increasingly governmental role of the corporation within the society and the state.

Chapter 4: Corporate Governmentality: Building the Empirical and Theoretical Case

This paper has been accepted to *Territory, Politics and Governance* and is undergoing third revision.

Contribution details

Research design

Contributing Author	Contribution Percentage	Signature	Date
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Contributing Author	Contribution Percentage	Signature	Date
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Corporate Governmentality: Building the Empirical and Theoretical Case

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Corporate Governmentality: Building the Empirical and Theoretical Case

Abstract

This paper seeks to develop a theoretical framework for interpreting novel (if not unprecedented) corporate involvement in the spaces of health, welfare, and prosperity from an adapted Foucauldian perspective. By tracing how corporations' social interventions have moved beyond Corporate Social Responsibility, we build a theoretical case for interpreting emerging social interventions as exercises in governmentality, or more specifically, corporate governmentality. We seek to test the utility of this concept empirically by exploring case studies from Coca-Cola and Facebook,

who, through different means and modalities, we argue, display a corporate governmentality in specific social intervention programs. Ultimately, we claim that reading these activities through the lens of governmentality enables us to interpret corporate ambitions as rationalities of the governmental as well as the commercial. Analysis further claims that in identifying the practices of governmentality that exist outside of the genealogies of that state we can discern novel trends in emerging patterns of 21st century governmentality including their territorial form.

Introduction

In 2012 the local panchayat (local government area) in Kizhakkambalam, India refused to renew a working licence for Kitex Garments for alleged contamination of ground water sources by their dying and bleaching units (Philip, 2015). In May 2013, the Anna-Kitex Group, registered Twenty20 under the Charitable Societies Act as the corporate social responsibility (CSR) arm of the company. Twenty20 was created to, “transform Kizhakkambalam into India’s first model village [...] into the smartest and the best governed village by the year 2020” (Twenty 20, 2018). Twenty20 commenced several initiatives related to food and nutrition security, education, housing and sanitation, healthcare, mother and childcare, roads and infrastructure, drinking water, farming and ground water conservation. Twenty20 used an ostensible CSR programme to construct and manage territory in Kizhakkambalam by assuming responsibility for the administration and government of the panchayat. The management team, board of directors and employees claimed that they would: “build a society that works for everyone” (Kitex Garments Limited, n.d.) In 2015 Twenty20 won 17 out of the 19 seats (against the Indian National Congress (INC)) in the Kizhakkambalam village panchayat of Ernakula. We claim that although this initiative was formally codified as a CSR programme, that it actually exceeds the explanatory power of the corporate social responsibility literature. In this context we claim that Twenty20 went beyond taking responsibility “for the impacts of its decisions and activities on society and the environment” (International Organization for Standardization, 2010) and “[...] engaging in public deliberations, collective decisions, and the provision of public goods or the restriction of public bads in cases where public authorities are unable or unwilling to fulfil this role,” (ibid). Instead we argue Twenty20 became the legitimate governmental and administrative actor for a specific territory where public authorities were able and willing to fulfil their role.

Corporations have historically supported the processes of government central to the production and maintenance of social stability. Our contention is that the blurring of the lines between government and corporate activities is increasingly common in political life (Scherer, et al., 2016) and is exceeding even notions such as extended corporate citizenship (Matten & Crane, 2005). We argue that novel corporate governmental activities tend to elude the explanatory categories that are available to interpret them. We further claim that related programmes embody more than the moral and philanthropic aims of CSR (Lepoutre, et al., 2007; Carroll, 1991; Carroll, 1979). We assert that these activities are not just another expression of the advanced privatization of public services that have become common place under neoliberalism; and which are contradictory to how the corporation is conceived since the introduction of general incorporation laws since 1896.

This paper seeks to move beyond the explanatory logics of established CSR discourses (which emphasise business ethics and reputational management), our analysis built on the insights of existing critical interpretations of CSR (Hanlon and Fleming, 2009). We thus argue that many forms of corporate engagement in public life represent more than just smoke screens or gimmicks designed to cover up corporate malpractices (ibid). In this context, Hanlon and Fleming argue that advanced practices of CSR reflect a significant extension of commercial power within social and political life. We argue, however, that related interventions embody more than the extended reach of capitalism into everyday— they reflect an emerging governmental logic within corporations. To critically interpret the emerging roles of the private sector within the administration of public life, we introduce the concept of corporate governmentality. We are seeing signs that corporate governmentality is becoming manifest in multiple ways: 1. Big-Tech companies are stimulating socially-oriented actions in order to generate new data streams (what we term *incidental corporate governmentality*); 2. Companies are actively seeking responsibility for social interventions targeting public health and welfare (see O'Toole, 2019) (*voluntary corporate governmentality*); and 3) commercial entities are thrust into a governmental role due to poor regulation in particular spaces (*forced corporate governmentality*)⁴. This paper outlines a general theory of corporate governmentality reflecting

⁴ These categorisations of corporate governmentality were developed following the completion of a three year Economic and Social Research Foundation project exploring the emerging governmental role of corporations in social and political life. This project involved conducting a 12 interviews with corporate informants and the documentary analysis of a wide range of corporate CSR strategies from around the world. The categories described here best reflect the different forms and motivations which appeared to characterise the forms of corporate governmentality we were able to identify.

on examples of *incidental* and *voluntary* corporate actions (see Author ref, for discussion of *forced corporate governmentality*).

We are not the first authors to utilise the idea of corporate governmentality (see Schrauwers 2011; and Vicencio, 2014). We are however the first to apply it to the manifestations of government outlined above. Our analysis pertains to practices associated with the administration, governance and management of life by corporations (Foucault, 1998, p. 138). We begin by considering the limitations that exist when equating certain contemporary corporate interventions in the administration of public life with CSR. The following section outlines the key features of a theory of corporate governmentality, and how our utilisation of the term differs from its previous iterations. The final two sections apply the notion of corporate governmentality to two case studies: 1) a voluntary governmentality towards watershed management programmes in India which was developed by Coca-Cola; 2) the emergence of corporate governmentality in the digital world through the example of Facebook's Voter Megaphone initiative. Each case study reveals different aspects of the territorial flexibility that is characteristic of corporate governmentality.

Moving Beyond Corporate Social Responsibility

Simply, CSR can be understood as 'the responsibility of enterprises for their impact on society'' (European Commission, 2019). Perhaps the most comprehensive definition is provided by the International Organization for Standardization, who describe CSR as the:

'Responsibility of an organization for the impacts of its decisions and activities on society and the environment, through transparent and ethical behavior that contributes to sustainable development, including health and the welfare of society' (International Organization for Standardization, 2010).

CSR connects to a broader, ongoing debate regarding a corporation's purpose and responsibility within society. According to Friedman, 'there is one and only one social responsibility of business to use its resources and engage in activities designed to increase its profits.. [while it] engages in open and free competition, without deception or fraud' (Friedman, 1970, p. 6). Freeman's Stakeholder theory, contrastingly, delineates the groups apart from the stockholders, who have an interest in the success of a corporation including: employees, customers, suppliers, financiers, communities, governmental bodies, political groups, trade associations, and trade unions. Freeman asserts that corporations who take a stakeholder

approach are more profitable in the long term and enhance their *legitimacy to operate*. Despite uncertainties about its commercial benefits, CSR now receives widespread political support and is endorsed by most major national and international governmental bodies (see (Vallentin & Murillo, 2011; Habisch, et al., 2005).

The activities of the corporate sector with regards to CSR are best thought of as a continuum of behaviours. Kolter and Lee (2005) categorise the practices of CSR into six primary types ranging from cause promotion to socially responsible business practices. Carroll suggests CSR ‘outlines the newly emerging and still amorphous responsibilities that business should assume to become more broadly involved in actively improving the social environment’ (Carroll, 2008, p. 29). We recognise that aspects of the activities which we describe in this paper overlap with the different aspects of CSR outlined by Kolter and Lee. But, critically, we claim that when looked at in terms of their broader aims and practices they exceed categorisation as CSR. Crucially, we argue that while the processes we outline may involve *taking responsibility* for the impacts of corporate activities on public life, they surpass this remit. Consequently, while the interventions we explore may be partially motivated by the compensatory logics of CSR, they are also animated by broader governmental rationalities. These governmental rationalities not only involve corporations attempting to socially and ethically offset their socio-environmental impacts through various interventions, but to more actively shape and control the social worlds in which they operate. If CSR involves corporations taking responsibility for the social consequences of their actions, corporate governmentality involves them adopting responsibility for the actions of others. Although the motivations for corporate governmentality may derive, originally, from the same compensatory logics as CSR, its logics and goals are inadequately described within the existing nomenclature of the CSR literature. The closest equivalent to corporate governmentality in analyses of CSR is the notion of political CSR (see Maier, 2021). Political CSR involves greater public oversight of the governance of corporations and corporations plugging the governing gaps left by states (ibid). Although the practices of corporate governmentality do make questions of corporate political accountability more important than ever, the focus of political CSR is too narrow to account for the processes we present here.

The distinctions between CSR and corporate governmentality can be discerned in a series of ways. While both CSR and corporate governmentality remain oriented towards the profit motivations of corporations they do so in different ways. CSR generally seeks to either socially compensate for the externalities generated by profit making or directly enhance profit

making by generating positive corporate consumer relations. In both instances, CSR is oriented towards managing the financial needs and social relations of a corporation within its particular area of responsibility (so a water company's CSR would generally address its impacts on hydrological issues; while those of McDonald's might address the impacts of cattle ranching on ecological decline). Corporate governmentality on the other tends is more holistic in form, addressing issues and relations that extend well beyond the direct responsibilities of a corporation for people and the environment (as we have seen with Facebook supporting public responses to the Covid-19 pandemic and Google intervening in urban public transport). In this context, while corporate governmentality still supports corporate image and profit making it tends to do so in a much more temporally and spatially obscure ways.

When understood on these terms, it is clear that the practices of corporate governmentality have been outlined in existing work on social welfare and model communities (Matten & Crane, 2005; O'Toole, 2019). According to Matten and Crane (2005), companies taking responsibility for societal welfare of various kinds frequently also take on the administration of citizen rights including the right to education, healthcare, and welfare. Matten and Crane (2005) argue, corporations' administration of social rights can be observed where governments stop being the exclusive administrators of citizens' rights, or where the administration of rights is beyond the capabilities of the state (due to political, geographical and/or financial limitations). Corporate administration of rights can range from supply chain management in the apparel sector (by Levi Strauss; see Matten & Crane, 2005; O'Toole, 2019) to holistic biopolitical administration and responsibility in the form of model communities (such as New Lanark, Port Sunlight and Bourneville) (ibid). However, these initiatives were often motivated by the moral visions of company owners, and were not part of a more generalised shift in corporate activity. They could be interpreted as forms of proto-corporate governmentality, focused on employees, and not broader sets of stakeholders, thus distinct from the practices considered in this paper.

Historically, prior to general incorporation laws in 1896, companies that became administrators of various aspects of public life were often state owned (Henry, et al., 2016), or incorporated by charters that explicitly made them a means or technique of governing by the state (see (Barkan, 2013)) (such as *Vereenigde Nederlandsche Oost Indische Compagnie* or the East India Company). The charter under which companies were incorporated prior to 1896 held an explicit public welfare mandate and had strong institutional links with state objectives (Schrauwens, 2011). In the post-general incorporation laws era corporations are unconnected

institutional actors operating without a public welfare mandate: they are adopting a responsibility for some degree of public welfare remit. The governmental programs change how the corporation can be understood as the rationality for engagement with public welfare as it doesn't conform to the Friedman/Freeman debate on corporate rationalities or a CSR behaviours.

A further distinction between corporate governmentality and CSR is their respective scopes of action. CSR operations have been involved in the production of new public territories (through corporate sponsored sanitation and drainage schemes, and public parks and green spaces); the promotion of social behaviour change (towards pro-social and pro-environmental goals); and the delivery of improved health and welfare (through, for example, vaccination programmes). It is unusual to find CSR programmes integrating elements of each of these forms of intervention. Where they do they reflect something that is strictly speaking beyond the scope of CSR the combined emphasis on each of these targets (environmental context, human behaviour, welfare) reflects a focus on the conditions of life that are more typical of the field of action associated with governmentality (see Figure 1 Below). We are particularly interested in corporate practices that operate at the intersection of these areas of governmental action. In this context, corporate governmentality is marked by both an uncoupling of corporate action from areas of direct responsibility (as with offsetting a harm or compensating directly for damage), and an heightened scope of intervention across various aspects of social life. On these terms, corporate governmentality exhibits a distinctly anticipatory approach to intervention, as related practices seek to actively shape the public sphere in ways that generate longer-term corporate advantage.



Figure 1. Corporate governmentality and holistic corporate intervention in the conditions of life.

Our account of corporate governmentality does overlap with more critical interpretations of CSR. According to Hanlon and Fleming (2009), in the post-Enron, post-credit crunch world of CSR there has been a significant shift in the nature and intent of corporate interventions in public life. Hanlon and Fleming claim that CSR no longer simply distracts and obscures the pernicious impacts of corporations of collective life. Hanlon and Fleming claim that many forms of CSR reflect a significant shift in the nature of capitalism, which pursues the *predatory capture* of social life for commercialisation (2009). We support Hanlon and Fleming's claims that there is more going on in contemporary CSR than reputational management, but we argue that what is happening exceeds the narrow commercial logic of, and indeed the very term, CSR. To understand corporate interventions in contemporary public life requires an appreciation of not just commercial but also governmental rationalities.

Corporate Governmentality

Precursory theoretical developments of corporate governmentality

Several scholars have already utilised the term corporate governmentality. Relevant to this paper are Schrauwers (2011) and Vicencio (2014). Schrauwers concentrates his analysis on the advent of the Netherlands Trading Company (*Nederlandsche Handel-Maatschappij*, NMH) in the nineteenth century and the 'delegation of royal sovereignty to a new form of social organization, the corporation, in order to administer economic processes at home and

abroad' (p. 77).. Schrauwens describes how the "merchant-king", Willem I, devolved political sovereignty to a chartered company, and tasked it with the economic objective of competing in the international cotton trade, and the dual purpose of policing and managing the behaviours of "paupers" through the corporate administration of the socio-economic environment. Schrauwens observed that this new corporate entity sought to manage the "population to become productive citizen-workers" (Schrauwens, 2011, p. 97).

Corporate administration of the economic conditions of paupers enabled Willem I to enact unpopular policies without the need for legislative review: the budgets and administration of corporations, like the Benevolent Society and the NHM, were outside the legislative processes of the Dutch state (Schrauwens, 2011). Whilst there are similarities between the conceptualisation of corporate governmentality developed by Schrauwens and our conceptualisation, there are also key differences. Prime among these differences is that this paper's mobilization of corporate governmentality is focused solely on the private firm that is bound only by general incorporation law instead of corporate charter and is thus disconnected from the state.

Corporative governmentality is developed in the work of Vicencio (2014). He asserts that the consolidation of power, and the appropriation of wealth, by private sector firms following the neoliberal privatisation process enacted in the 1980's stripped the wealth of the state and minimised their capacities for intervention, potentially resulting in private multinationals becoming more powerful than states themselves (Peck, 2011; Davies, 2014). Vicencio states that under neoliberalism the private sector escaped the regulatory net of the state, and 'sought to seize the systems of health, pensions, and education at all levels, etc.' (p. 290); Vicencio's argument that the privatisation of public services is corporative governmentality is different from our conception of corporate governmentality. The privatisation of public services is not sufficient to qualify as a form of corporate governmentality. Private firms delivering public services does not, necessarily, mean engagement in a rationality of government. There is a critical leap and distinction outlined in our conceptualisation of corporate governmentality that is related not just to the accumulation of wealth or privatization of public services, but to the practices of the government of individuals by corporations.

Relations with Foucauldian governmentality

Foucault's work did not focus on the broader political-economic role of the corporation within the systems of government. Foucault instead focused on the study of the connections between governmental power and political economic systems. Foucault's lectures at the College de France in 1978 & 1979 explored the genealogies of the modern state. Within these genealogies Foucault identified the practices of government (best thought of in historical contexts as formalised systems of pastoralism, or care for all) as being central to the purposes of the secular state (Foucault, 1978; 1979). To Lemke (2010), governmentality is best thought of as a compound neologism, which connects the acts of governing with the political rationalities (mentalities) that inform state activity (50). While corporations are acknowledged as key players within the governmental matrices of the state, corporate activities are generally seen to operate within the umbra of security and territorial frameworks associated with the state. Within neoliberal forms of governmentality, the state takes a less significant role within the achievement of the goals of good government, as greater responsibility for social order is placed in the hands of the market and responsabilised individuals (Trnka & Trundle, 2014). It has been claimed that long-established forms of CSR support neoliberal systems of governmentality, as they encourage individualised forms of action on socio-environmental problems as opposed to more collective approaches (see Halon and Fleming, 2009). However, even in a neoliberal context, the state continues to carry the greatest burden of responsibility for risk abatement and maintains its position as the ultimate arbiter of government within its own territory. The notion of corporate governmentality is potentially significant to theories of (state) governmentality not because it suggests that there has been a move away from the governmental ethos of care (for all) identified by Foucault, but because it indicates that the practices and rationalities associated with government are not only a product of the genealogy of the state alone. We assert that corporate governmentality is emerging as part of nascent form of post-neoliberal governmentality, within which markets and responsabilised individuals are no longer seen as reliable guarantors of good governance, and more behaviourally interventionist systems of governmentality, instigated by the state and corporations, are becoming more common (see Rose, 2017; Whitehead et al 2017).

Governmentality's characteristic forms and dimensions have been interrupted in multiple ways (Miller & Rose, 2008; Gordon, 1991; Rose, et al., 2006; Legg, 2005) as a move from an authoritarian direct rule to a "more diffuse form of power" used to "manage its

population and resources by employing a new set of *saviors* or rationalities (such as statistics) which enabled an unprecedented degree of control and surveillance over individual lives.” (Bakker & Bridge, 2008, p. 225). With populations being understood as a biological unit (Lemke, 2011) that has been referred to by others as “biopolitical governmentality” (Oksala, 2013); “seeks to enhance the productivity and controllability of the population through *improving* its overall wellbeing” (Andreucci & Kallis, 2017, p. 97). Within the work of Foucault governmentality denotes both a micro-political analysis of emerging governmental forms, and a more specific description of modern statehood.

We start our analysis from Foucault’s definition of government as, “an activity that undertakes to conduct individuals throughout their lives by placing them under the authority of a guide responsible for what they do and what happens to them” (Foucault, 2007, p. 363)⁵. To understand the nature of corporate governmentality, and what it might mean for theories of governmentality more generally, it is helpful to consider specific features of a governmentalized state. The work of Dean (2010) provides one, among several, codifications of governmentality. While by no means exhaustive, we find Dean’s framework a helpful context to articulate (in comparative terms) the nature of corporate governmentality (see Table 1).

Key Similarities and Differences between Governmentality and Corporate Governmentality		
	Governmentality	Corporate Governmentality
Population	<i>Population(s)</i> as the object	<i>Stakeholders</i> as the object, and experimental targeting of population segments.
	Health, welfare, prosperity, and happiness of the <i>population</i> .	Health, welfare, prosperity, and happiness of a <i>target population</i> for the benefit of <i>stakeholders</i> .
	Economic government; and economically fiscal use of power.	Must itself be economically and fiscally efficient.

⁵ It is important to note that, according to Foucault, the governmentalization of the state emerged out of a crisis of the pre-modern state that was triggered by the scientific revolution and the Enlightenment of the 18th Century. Shorn of their claims to divine power, monarchical state systems required a new *raison d’être*, which would focus on the care of the population. In this context, of course, national territory and territoriality are important aspects in defining the extent of control and governance of populations. In this context, territory acts to both define the limits of governmental responsibility (the spatial border), and the scope of governmental care (with each within a territory expecting to receive equal degrees of care).

Relationship to forms of power – sovereignty and discipline	Mechanisms – constitutions, laws and parliaments.	Mechanisms – infrastructure provision and management projects, company policy, digital surveillance, behavioural initiatives, and platforms.
	Sovereign power exercised through juridical and executive arms of the state.	Power exercised through ability to shape freedom; manage the choices available; intervene and change of everyday behaviours
	Authority over subjects of the state within a definite territory	Power to influence stakeholders characterised by a distinctively flexible form of territorial power – in relation to both the jurisdictional territories it operates within, the selective localization of territorial power and the arbitrary determination of what the corporation is responsible for within its territory
	Discipline as exercise of power	Non-regulatory forms of interventions (incentives, nudges, persuasion, choice architectures)
	Subjects' capacities to be fostered, to be used and to be optimised	Stakeholders' capacities as resources to be managed, fostered, to be used and to be optimised.
Apparatuses of security	Practices and institutions ensure optimal and proper functioning of the economic, vital and social processes – incl. health, welfare and education systems.	Practices and institutions ensure optimal and proper functioning of the economic, vital and social processes for corporations via their stakeholders – incl. health,

		welfare and education systems.
	Apparatuses of security: standing armies, police forces, diplomatic corps, intelligence services, etc.	Apparatuses of security: corporate intelligence services, counter terrorist teams, regulation of political expression and hate.
Governmentalisation	Administrative state based on regulation and disciplines are <i>gradually</i> governmentalized.	Administrative practices of the corporation and disciplines are <i>rapidly</i> governmentalized.
	The rationality of government not only to sovereignty but also the administrative imperative to optimise health welfare and life of populations: biopolitics.	The economic rationality of profit is conjoined with a governmental concern with the biopolitical basis for fiscal wellbeing.

Table 1. A comparison of (state-based) governmentality with corporate governmentality using Dean's (2010) framework.

Table 1 demonstrates key forms of continuity between state-oriented and corporate governmentalities. It also reveals prominent lines of divergence. Significant among these is the shift from the population focus of governmentality to the more specific concern with Freeman's conception of stakeholders; and commercially relevant operational territories that are characteristic of corporate governmentality. There will always be a disparity of care in state systems of governmentality between different demographic groups. Within corporate governmentality, however, there is a more deliberate narrowing of governmental care towards key stakeholders and, in particular, customers and clients (both actual and potential). The more deliberate focus on segments of the population (to the benefit of share and stakeholders), and territorial areas, as opposed to populations defined by a state's territoriality, raises ethical questions concerning the nature of public responsibility that is manifest in programmes of corporate governmentality. Are the forms of governmental care associated with corporate

governmentality focused mainly on where economic utility is found, or is it a more arbitrary outcome of who chooses (or is likely to choose) to be a customer? A further line of divergence relates to the move away from juridical processes and associated systems of legitimacy. Corporations have no formal, legal method for the exercise of discipline over the population segments they concern themselves biopolitically with. While corporate governmentality inevitably continues to operate within the shadow of juridical power, the mechanisms of democratic accountability associated with its manifestations are less clear than they are in state-based governmentality. As we discuss later, this vacuum of accountability has significance in relation to the forms of continuous trials and experiments that are common within digital forms of corporate governmentality. Corporate governmentality initiatives thus often seek to secure public legitimacy by recourse to the free choices that are offered to the subjects of interventions. Addressing issues of legitimacy could see a fusion between corporate governmentality and practices of political CSR emerge.

In terms of the apparatuses of security, corporate governmentality still relies on the established apparatuses of government associated with the police and military. On the other hand, and particularly in relation to the operation of digital forms of corporate governmentality (see below), companies now have capacities for intelligence gathering, policing, censure, and the regulation of public expression that were traditionally the realm of the state (Facebook, for example, has its own counter terrorist unit employing 350 people). Finally, corporate governmentality embodies similar processes of governmentalisation as would be expected within the state, as corporate bureaucracy adapts and inevitably expands to meet new governmental responsibilities. The governmentalization of the state is, however, related to a rationality of government within which care for a population is aligned with the broader fiscal needs of a defined political territory. In relation to corporate governmentality, the rationality of governmentalization involves the alignment of the care for clients and stakeholders alongside the narrower fiscal needs of the corporation (Collier & Whitehead, 2022). This results in a concept of territorial control that, if fit for purpose, can manifest in similarly aligned national territories as those associated with states, but can also create sub-national spaces that are out of sync or in conflict with national spaces. The more flexible territorialities associated with corporate governmentality can present larger challenges that impact the topologies of territory where there is governing across national territories

Governmentality is as much a method of analysing the emerging nature of a governmental system as a form that governmental power takes. It is important to think about

corporate governmentality as an emerging system of power, which itself needs to be analysed. To these ends, we seek to identify the characteristics of corporate power that may align with governmentality, but also to allow these systems of power to challenge how we might conceive of governmentality itself. This process is particularly evident in the second case study of corporate governmentality, Facebook's Voter Megaphone, which we discuss below; this initiative is part of the novel commercial strategies known as surveillance capitalism. The notion of Surveillance capitalism was developed by Shoshana Zuboff, who described it as, '[a] new economic order that claims human experience as free raw material for hidden commercial practices of extraction, prediction, and sales' (Zuboff, 2019: vii). Through its acquisition of human experience surveillance capitalism has strong practical connections to the practices of biopolitics. Its underlying economic logic, however, generates a distinctive form of governmentality, which are not, entirely, anticipated within existing theories of the biopolitical (see also here Deleuze, 1990). The governmentalization of the state, which started in 18th Century, was a response to the crisis of the *raison d'être* of the state. Nevertheless, the governmentalisation of the state still involved an interplay between the notion of care and existing statal features such as territory, population, and political security. In thinking about the governmentalization of the corporation, we should thus be open to understanding how emerging systems of corporate care arise in the context of the institutional forms and commercial logics of corporations (global, stakeholder-focused, platform economies etc.).

Corporate Governmentality Coca-Cola style: Watershed Management in India

Features of corporate governmentality are evident in Coca-Cola's CSR arm's, (the Anandana Foundation) watershed management programme in India. This watershed management programme provides a specific example of *voluntary corporate governmentality* and the governmentalisation of a corporate actor. The watershed management programme involved construction and management initiatives alongside behaviour change programmes aimed at addressing the health, welfare and prosperity of targeted populations in specific sub-national territories. These initiatives focused on water provision in farming communities surrounding Coca-Cola's bottling plants.

The characteristics of corporate governmentality shown in the case study of Coca-cola include stakeholders as the object of intervention; health welfare and prosperity as the target intervention; power exercised through the ability to manage choices and intervene in everyday

behaviours; influence undefined by a socio-political territory; optimisation of capacities and resources; practices that ensure the proper functioning of corporations via their stakeholders; and administrative practices that are rapidly governmentalised.

The governmentalisation of Coca-Cola's activities in India had three stages:

1. identification of a need for governmental responsibility;
2. internal response; and
3. 3. the creation of a stakeholder management programme targeted at the local farming community.

In 2002-03 Coca-Cola was faced with multiple campaigns against them and their bottling operations in India. ActionAid and CorpWatch took up residents' campaigns and detailed the allegations against both Coca-Cola and Pepsi in the Kerala area (NUS Services Limited, 2004). The campaigns focused on accusations of abstracting water at unsustainable levels, decreasing ground water aquifer levels, and the contamination of local surface water sources (caused by heavy metals from the effluent and toxic biosolid waste produced in the area) (NUS Services Limited, 2004). Additionally, in 2003 The Centre for Science and Environment (CSE) released a report which established that levels of pesticides in consumer beverages in Europe were well below the levels of pesticides originating from Coca-Cola and PepsiCo's operations in India (Vedwan, 2007).

The campaigns brought critical scrutiny to the broader environmental impacts of Coca-Cola. While Coca-Cola was not directly responsible for pesticide pollution, the CSE used the company's brand image, and status as a multi-national corporation, to consolidate its support. The negative brand image created a problem for the contracts that Coca-Cola had with major outlets for their products in the US, Canada, and the UK. New York University (NYU) banned Coca-Cola products from their campuses, which led to over 30 additional institutions across North America suspending their contracts with Coca-Cola (Szeto, 2007; Massey, 2007) and reviews of contracts with the National Students Union (NUS) in the UK (NUS Services Limited, 2004). To re-establish trust Coca-Cola decided it needed to review its own practices among a range of stakeholders.

The effect of the protests hit Coca-Cola on multiple levels and in different stakeholder populations. First, they affected Coca-Cola's internal management and administrative practices, both at the Coca-Cola system level and its bottling operations. Second, the protests impacted on the company's local community stakeholders in the areas surrounding bottling

plants. Third, they affected the international market activities of Coca-Cola. The production of socio-environmental harm in this way offers a prototypical context within which we might expect the deployment of CSR strategies designed to ethically compensate for corporate negative externalities. However, Coca-Cola's response was not just about 'doing good' for the social-environment—it involved orchestrated activities of government focused on securing the conditions for the reproduction of socio-ecological life.

Coca-Cola's response regarding its operations in India included reacting to middle-class outcry, local stakeholder's concerns, and ultimately involved rethinking its own operations in India and globally. The responses included legal action taken to explore the Indian government's decisions regarding Coca-Cola's licence to operate in certain regions of India; choice of how to, and who should, conduct evaluations of the situation; management of brand reputation globally; and its initiation of sustainability reporting (begun in 2002, Karnani, 2014). While Coca-Cola's actions sought to change the way the company presented itself to the public and stakeholders (a classic trait of CSR), its response went further than just changing brand identity. Coca-Cola conducted programmatic changes in its own internal operations through the creation of BIG (Bottling Investment Group) and the Anandana Foundation. We claim these internal initiatives embodied core characteristics of Corporate Governmentality related to the administrative practices associated with governmentalization of corporate activities (a key feature of CG). As with the governmentalisation of the state in the 18th century, the governmentalisation of the corporation involves the formation of bureaucratic structures which better facilitate a sensitivity to biopolitical needs and an enhanced ability to deliver governmental interventions.

Coca-Cola's corporate structure is different from many traditional companies. The Coca-Cola system has a hierarchical structure for its business (see Figure 2). At the highest tier is The Coca-Cola Company (TCCC): the global corporate office. From there similar national or regional corporate offices manage their own regional practices. There are also the bottling operations in different countries, as Coca-Cola is not the producer of most of its branded beverages. The franchisee bottlers, known as the concentrate businesses, sell concentrates to authorised bottling operations that combine the concentrate with sweeteners, water, or syrups to produce the finished products.

The other side of the organization is their finished products operations that are 'Company-owned or controlled bottling, sales, and distribution operations' (Coca-Cola

Company, 2018). Since 2006 this part of the company falls under the Bottling Investments Group management (Coca-Cola Company, 2018). In India this branch of the Coca-Cola Business is known as Hindustan Coca-Cola Beverage Private Limited. Finally, in India Coca-Cola also operate a “CSR” arm of the company, the Anandana Foundation, which was created in 2008. Coca-Cola’s corporate structure is unique. Rather than an exclusively centrally controlled manufacturing process (e.g. PepsiCo), its operations are decentralised and local and regional managers are mandated to make decisions on the behalf of headquarters (Borgatti & Foster, 2013) while TCCC headquarters focus on longer term strategic planning.



Figure 2. Coca-Cola corporate structure, India. (Coca-Cola India, n.d.)

Following the campaign against Coca-Cola the company questioned its operating model and mechanisms relating to infrastructure provision, management, company policy, and surveillance. The company had to address and reconceptualise its own brand identity and its operations. TCCC’s response to how to conduct their own company’s conduct, was to create BIG,

‘BIG was created to ensure those bottling operations receive the appropriate investments and expertise to ensure their long-term success. By strategically investing in select bottling operations, temporarily taking them under Coca-Cola ownership, and utilizing the leadership and resources of The Coca-Cola Company, BIG can drive long-term growth in critical markets and address major structural or investment challenges’ (The Coca-Cola Company, n.d.)

The creation of BIG provided the opportunity to adopt a govern-mentality in a programmatic manner. Internationally and institutionally the creation of BIG provided a process for addressing the challenges within the bottler operations that had previously been outside of the control of the Coca-Cola System, such as effluent disposal and pesticide levels in the production processes. Some of these problems were inevitably beyond corporate control (i.e. pesticide levels from agriculture), and others (effluent disposal) had been deliberately externalised as part of the formation of an economically optimal corporate structure, mirroring a state-orientated mentality towards fiscally economic use of power.

The creation of BIG provides a relationship to the forms of power it wields through a change in its management and internal infrastructure that allowed the corporation to address the concerns of the local community stakeholders (a specific targeted population for the benefit of their wider stakeholder groups) surrounding water abstraction, to intervene and exercise their power to change related behaviours, and implement practices to ensure optimal and proper functioning of the economic, vital and social processes for corporations. We assert that the restructuring of Coca-Cola's international corporate culture goes beyond the remit of established forms of CSR, but does however mirror the features of governmentality outlined in Table 1. By reasserting control and liability for its international operations in India, Coca-Cola essentially reversed the economic logic that undergirds multi-national corporation under neoliberalism. What it lost though in terms of Byzantine's structures of organised irresponsibility and limited liability, it gained in relation to an ability to govern its activities and their bio-ecological impacts.

In 2008 Coca-Cola India Limited created Anandana, its CSR arm, to complement its broader institutional restructuring that provided them a additional mechanism, through an infrastructural provision to manage legitimate intervention programs in line with company policy. Anandana was 'committed to sustainable development and inclusive growth by focusing on issues relating to water, the environment, healthy living and social advance so that it can contribute to a strong and resolute India enabling the common man (sic) to better his or her life' (Anandana, n.d.). The local interventions of the Anandana Foundation focused specifically on the issues of water management, addressing the original concerns of the local population over water abstraction. The Anandana Foundation stated their core purpose areas are Water Sustainability, Climate Control/Environment, Healthy Living, and Inclusive Social Development. These purposes are achieved through their projects around India in the form of watershed development projects, the construction of check dams, water recharge efforts,

watershed management, potable water efforts, and economic development. If the creation of BIG facilitated greater control of its own corporate system for Coca-Cola (a reinternalization of franchised activity), then the Anandana Foundation was key to enabling Coca-Cola to exert influence on specific sub-national spaces, community practices and social systems outside of the corporation.

The water management programs included eleven water related interventions across Bundelkhand, Banswara, Gujarat, Chaksu, and Rajasthan that focused on watershed management, water sustainability, potable water provision and watershed replenishment projects (Anandana, n.d.). These interventions amounted to the construction and/or renovation of over 39 check or earthen dams; renovation or digging of 46 farm ponds; instillation of reverse osmosis machines to serve 5 villages; the construction of 61 water conservation structures; field bunding and field contours across more than 8 locations (covering more than 625 hectares of land), and recharging more than 120 wells. Through its watershed management and focus on water sustainability Anandana was able to manage the physical territory surrounding Coca-Cola's bottling plants. Its actions through the Anandana Foundation impacted on the local communities' social, cultural, economic, and geographic territories. The management of local community and farming environments also include strategies to change local resident's conduct via non-regulatory intervention.

Irrigation is the number one use for water in India. The watershed management programmes led by the Anandana Foundation used behavioural insights to attempt to change the hydrological behaviour of farmers. The watershed management projects employ multiple behaviour change methods to reduce the farmers' own water abstraction from the surface level aquifers, and therefore reduce the problem of Coca-Cola's water abstraction. The programme thus seeks to reduce the "friction costs" associated with developing and using alternate water sources by working with the local communities on the construction of new sources. By working with the communities and providing them with a sense of ownership over the watershed adjustment, the programme generated an "endowment effect" that helped to support the ongoing use of the new water management facilities. Furthermore, watershed management provided a substitute for the well-water abstraction via rainwater harvesting rather than attempting to stop the excessive water abstraction resulting from advances in water pumps. Related initiatives also instilled a sense of reciprocity between Coca-Cola and the local community that could be used to mitigate future negative campaigning by tapping into a sense of obligation from the local stakeholders towards Coca-Cola.

The Anandana Foundation's watershed management initiatives integrate Coca-Cola's interventions into the eco-regional fabrics of everyday rural life. The interventions include social and cultural change in the way that the communities view water management; economic transformation in the availability of water for the primary economic activity of farming; and geographic change in the movement of the labour market (in some cases reversing the trend of urbanisation with more availability of work in the farming sector).

These interventions are emblematic of a programme of corporate governmentality that is beyond the remit of CSR (traditional or political). The programmatic nature takes it out of the currently established remit of CSR of solely taking responsibility for its operating practice or engaging in the collective decision-making characteristic of (political) CSR. It is our contention that in its attempt to control the physical, social, and behavioural operating spaces of corporate activity (in this instance a watershed and not just a company town or model village reminiscent of the enlightened capitalists), and the actions of different branches of the corporate systems (as expressed in the BIG programme), Coca-Cola has been engaging in a form of governmentality that is beyond the genealogies of the state and more than merely CSR. It is a rationality of government intervention that facilitates ostensible social and ecological care, but which ultimately creates an extended space of socio-environmental influence for the corporation.

While such interventions appear to bring benefits to corporate, social and governmental organizations in the short-term, in shifting the fulcrum of governmental action from the state and towards the corporation they carry with them significant jurisdiction and democratic implications. It is also clear that while the governmental practices associated with Coca-Cola's may be similar to those enacted by a state government, the mentalities and rationality are different. Echoing the sentiments of Hanlon and Fleming (2009), it thus clear that the actions of Coca-Cola in Indian seek to control aspects of the non-corporate lifeworld to serve corporate needs. While this rationality may be the heart of all CSR initiatives, we assert that the nature and extent of the social, behavioural and environmental interventions evident in Coca-Cola's actions are more closely aligned with territorial government than the more narrowly defined reputational management activities associated with CSR. These activities embody a pre-emptive shaping of the operational territory of the corporation, not merely managing the consequences deriving from corporate activities.

Digital Corporate Governmentality: Facebook's Voter Megaphone Programme.

In 2012 the journal *Nature* published an attention arresting Research Letter (Bond et al 2012). The Letter was entitled 'A 61-million-person experiment in social influence and political mobilisation' and reported on a randomised control trial (RCT) conducted during the 2010 US congressional elections. The Letter, and the RCT, were the product of a collaboration between academics at the University of California and *Facebook Data Science*. The trial sought to establish the power of social influence in political territories, with a particular focus on political self-expression and voting behaviour. The trial focused on US users of Facebook on the 2nd November 2010 (ibid: 295). These users were randomly assigned to three groups. The first 'social message group' (n > 60 million) were shown a post encouraging them to vote, information on local polling places, and a clickable "I Voted Button" (ibid). In addition, this group could also see a counter of Facebook users who had recorded voting and a series of profile pictures of the user's Facebook friends who had pressed the "I Voted Button" (ibid: 295). The second 'information group (n > 600,000) were shown the message encouraging them to vote, the vote counter, but no faces of friends who had voted (ibid: 295). The third, control, group received no message or indication of which friends had used the "I Voted" button. The RCT revealed that real world voting patterns between the information and control groups were the same, but that the turnout among the social message group was significantly higher (ibid: 296). The study ultimately concluded that the Facebook initiative increased voter turnout by approximately 340,000 people (ibid: 296).

The research reported in the journal *Nature* was part of a broader Facebook initiative called Voter Megaphone. Voter Megaphone utilised the tools of social influence described above in a series of territories including India, Brazil, Indonesia and the UK to ostensibly promote voter turnout.. We claim that Voter Megaphone embodies an important digital manifestation of corporate governmentality.. We claim Voter Megaphone can be considered an act of corporate governmentality to the extent that it seeks to promote a social good among users (in this context expressed in the form of enhanced civic engagement and voter turnout), through acts of non-coercive behavioural modification, which are not (directly) connected to commercial gain (interestingly in relation to commercial gain, reports suggest that Facebook has actually scaled back its Voter Megaphone experiments due to the bad publicity it has generated, although there were reports that it has been used again in Taiwan (Bolluyt 2014). A Facebook spokesperson asserted the political and commercial neutrality of the initiative when they stated:

"Our effort is neutral [...] while we encourage any and all candidates, groups, and voters to use our platform to engage in the elections, we as a company have not used our products in a way that attempts to influence how people vote." (Facebook Spokesperson, quoted in Brandom, 2014)

There are several significant aspects of the Facebook Voter Megaphone project which have import for how we might think of corporate governmentality in the digital realm. The first is the scale of corporate governmentality it facilitates. As with other social media platforms, smart-tech devices, and search engines, Facebook has the capacity to shape and govern behaviour at previously unimagined scales (Guszcza 2015, Risdon 2017) Around the time of the first Voter Megaphone trial Facebook had approximately 150 million users in the US (Bolluyt, 2014). In the first quarter of 2019 Facebook had approximately 2.38 billion users worldwide (Statista, 2019). Despite the scale of the Voter Megaphone project, it is important to note that in relation to governmental population, its experimental form involves the deliberate targeting of some portions of the population and not others. This is typical of the experimental logics of Big Tech and makes it distinct from the more inclusive population targets identified by Dean in established systems of governmentality. The second key aspect is that Voter Megaphone operates in the form of a platform. The platformed nature of Facebook is based upon a business model whereby a non-human intermediary seeks to utilise network effects to co-produce political and economic value amongst its users (Barns, 2019; Langley 2017). As with other multi-sided platform networks, Facebook is functionally reliant on a high degree of editorial separation from the interactions that emerge in its operating space. The limited curation of its content is what generates the forms of participatory energies and creativities that are associated with the success of this economic model (ibid). The economic model of the platform may function efficiently in relation to market exchange, but it does create problems when those exchanges are more political in nature. If Facebook exhibits features of platform-based governmentality, it lacks the forms of jurisdictional accountability and responsibility that are associated with analogue government systems (Barlett, 2018). In this context it is important to speculate about the territorial form of platformed-based systems of governmentality. As a minimum, platform-governmentality appears to exhibit a distinctively flexible territorial form. This flexibility in part relates to the ability of platforms to operate within multiple territorial jurisdictions and to be able to withdraw (or threaten to withdraw) service provision in those territories at short notice (as evidenced by the threats made by Facebook in relation to its service provision in Australia). The territorial flexibility of platforms also pertains to their ability to decide what they choose to be responsible for (in relation to content) within different

territorial jurisdictions. What is able to pass over the territorial threshold of a platform can thus easily vary between the different jurisdictional territories the platform operates within. The flexibility of Facebook's territorial power is, however, expressed most clearly in the way in which it is able to construct virtual territorial systems of power. In the context of the Voter Megaphone these virtual territorialities exist in the dividing lines between the RCT's different groups. The Voter Megaphone depended upon the construction of territorial partitions between its users so that its efficacy could be assessed. It appears that the experimental logics of surveillance capitalism rely on the ability to generate an almost infinite and ever-changing set of experimental territories and allied populations. The fact that a stakeholder can exist in multiple digital territories at the same time, and that their territorial position can constantly change, is suggestive of an almost quantum form of territorial power (see Deleuze, 1990).

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Having established the peculiarities of platform-based corporate government, it is important to consider the motivations that informed the Voter Megaphone project and the extent to which these may cause us to rethink these actions in relation to corporate governmentality. Our contention is that the key to interpreting digital forms of corporate governmentality is the aforementioned concept of surveillance capitalism (Zuboff 2015, Zuboff 2019). According to Zuboff, surveillance capitalism emerged out of the economic logics that Google developed in the early 2000s. Google noticed that every search it facilitated produced "collateral data" (including search terms, spelling, dwell time, click through patterns etc.) (ibid: 67). The commercial value of this data lay in the fact that it provided a "broad sensor of human behaviour" (Ibid: 68), whose predictive power could be used to sell goods more effectively (Dijck 2014). Critically, Zuboff (2019) recognised that as the predictive power of data science fused with the insights of the behavioural sciences, surveillance capitalism has been able to move from prediction to behavioural *actuation* (the deliberate shaping of behaviour, as demonstrated in the case of Voter Megaphone) (Zuboff, 2019. See also Guszczka 2015; Yeung 2016; Risdon 2017). Although Zuboff's analysis is Marxist in its orientation, it has clear parallels with Foucauldian notions of governmentality⁶. Surveillance capitalism focuses on the commercial potential of the entirety of human experience and the digital monitoring of human nature is clearly biopolitical in its orientation. Although Zuboff's theory

⁶ In many ways these connections were foreshadowed in Deleuze's 1990s account of the emergence of a Society of Control: a society where 'free floating forms' of digital power replace the disciplinary powers of territorial enclosure (Deleuze, 1990).

of surveillance capitalism does not consider governmental issues directly, it nevertheless provides critical insight into the forms of corporate rationality that inform Big Tech's motivations when it moves into the governmental sphere. In terms of the practices of governmentalization outlined in Table 1, surveillance capitalism involves a peculiarly direct correlation between the gathering of biopolitical data and the stimulation of biopolitical activities that are closely aligned to a rationality of corporate profit making.

Thinking about emerging forms of digital corporate governmentality through the lens of surveillance capitalism reveals important perspectives on this governmental project. First, it suggests that, at least in the digital realm, forms of corporate governmentality are never divorced entirely from profit making. Consequently, whether promoting participation in elections, saving for pensions, or improving public health the everyday actions that are captured by surveillance capitalism's platforms can be converted directly into upstream financial gain. Here the biopolitical is always already bioeconomic. In the context of the Voter Megaphone project then, while it may not have been used to manipulate the way in which people voted, by merely pressing the I Voted button Facebook users were providing valuable behavioural data that, when combined with other data streams, could have value to political clients in future elections (as it most likely did in the 2012, 2016, 2020 Presidential elections in the US). This is an example of *incidental corporate governmentality* to the extent that the governmental goal (promoting voter turnout) is incidental to the data that is generated by the act of digitally promoting voter action.

But none of this means that digital corporate governmentality is merely capitalism by another means. If, as we have argued, governmentality refers to a governmental logic in and through which certain forms of socio-economic order are pursued in a more-than-profit making context, it is clear surveillance capitalism has governmental dimensions. It is also apparent that these governmental features are novel. Drawing on Alex Pentland's behaviouralist infused notion of social physics, Zuboff identified the emergence of a novel *instrumentarian* logic of government at the heart of surveillance capitalism. While Foucauldian notions of governmentality suggest the search for order within uncertain systems—a quest that under neoliberal forms of governmentality would default to a reliance on self-governance—instrumentarian systems are based upon a much more complete knowledge of socio-economic systems facilitated by the extended monitoring capacities of surveillance capitalism. Within such systems, governmentality need not be based upon the management of uncertainty and systems of enhanced personal responsibility—it can be grounded instead on increasing levels

of certainty about what is going on and what is likely to happen. Within this view of reality, governmental theories/rationalities of how the world works can be replaced by increasingly sophisticated insights in to the social physics of reality (Anderson 2008). Beyond the profit motivation then, it appears that the desire to create a more efficient and effective social realm animates the emerging forms of corporate governmentality that are associated with surveillance capitalism: it is a form of civilizational level change that technologists are keen to be associated with. Of course, to maximise effectiveness, digital corporate governmentality requires the maximal spread of smart technologies and platforms into everyday life, so that algorithmic government can be refined and enhanced by infinite loops of machine learning.

Interestingly, Zuboff (after Pentland) discerns a shift within what we term digital corporate governmentality away from individual behaviour change and towards the use of networks of connections between people in order to generate social pressure for change at scale (2019: 436). Within this behaviourist inspired model, freedom is increasingly seen as an illusion, and the neoliberal recourse to govern through freedom is inevitably diminished (Rose 2017). Zuboff cautions that the certainties of instrumentarian rationalities of government could also drive the emergence of more coercive styles of governance, as your smart fridge denies you access to it once you have reached your daily calorie intake, or your smart car switches off due to the occurrence of too many traffic violations (ibid). It is in this context that digital forms of corporate governmentality may not only challenge the logics of neoliberal governmentality, but the liberal limitations placed on governmental power itself (see Amoore, 2020; Whitehead et al 2017).

It is perhaps in the digital realm that we can most clearly see the distinction between neoliberal governmentality, CSR, and corporate governmentality. According to Hanlon and Fleming (2009), many CSR initiatives support neoliberal systems of government by promoting ethically oriented self-responsibility. In this context, providing ethical choices to consumers pre-empts the need for more structural and regulatory forms of intervention. In contradistinction to neoliberalism and CSR, emerging forms of corporate governmentality, in the analogue and virtual worlds, appear to be characterised by much more overt attempt to actively shape environments and behaviours.

Conclusion

Corporate governmentality embodies those activities conducted by commercial entities which simultaneously involve territorial modification (whether it be in physical or virtual contexts), aspects of behavioural modification, and a concern for the enhancement of human welfare (broadly defined). While not all manifestations of corporate governmentality necessarily address each of these spheres of activity with equal emphasis, it is the holistic nature of related interventions in to social and environmental systems that tends to distinguish them from more narrowly defined forms of CSR. The holistic nature of corporate governmentality is a distinguishing feature primarily because it indicates a desire to effect more systemic forms of change in the operating spaces of the corporation than those associated with CSR.

This paper has put forward arguments surrounding a critical advancement on the existing literature surrounding corporate governmentality by codifying the aspects where it overlaps with and departs from the existing theories of governmentality and SCSR. The implications of corporate governmentality are potentially far reaching, incorporating debates about the nature of public policy, ethical debates surrounding CSR, and concerns over how the corporate sector is intervening in issues that are beyond the established boundaries of commercial activity. There are several areas of future research that need to be conducted to establish the validity of the notion of corporate governmentality as a framework to interpret the novel connections between corporate and governmental interventions. A particularly significant line of future inquiry, in this context of this journal at least, are the connections between corporate governmentality and territoriality. Although corporate governmentality appears to loosen the connections between government and territoriality, at least in relation to national territories, in many ways it is associated with a multiplication and intensification of territorial practices. These practices can be discerned in the corporate-sponsored reforging of neglected local territories by the Anandana Foundation in India. They can also be seen in the malleable digital acts of enclosure generated by Big Tech. We have attempted in this paper to provide a theory of, and an initial empirical exploration into, the characteristics of corporate governmentality, and the implications that this has for questions of territory, politics and governance that are central concerns of this journal.

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Chapter 5: Voluntary Corporate Governmentality: What the statification of Uber tells us about increasing role of the private sector as governmental actor 21st century

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Voluntary Corporate Governmentality: What the statification of Uber tells us about increasing role of the private sector as governmental actor 21st century.

Abstract

from the premise that the state is an 'effect' (Mitchell, 1991), rather than an entity that exists in its own terms, opens-up a set of questions about contemporary reconfigurations of power relations and government in an era of Big Tech, Big Data and transnational capital. We outline some parameters of corporate governmentality whereby private corporations adopt what might be characterised as government-like practices and functions to police and govern simultaneously the individual and the population (Welsh, 2021). Here digital platforms and algorithmic governance are identified as central mediating technologies of 'corporate governmentality'; conduits through which control over territory and objects in space (including people) is coordinated, asserted, and maintained. The central argument of the paper is that considering corporate governmentality as a component of the regime of multiple governmentalities that constitute the state effect offers important new directions for understanding the *processes of statification* – how different practices are brought under and in turn constitute state control.

Introduction

“The State is not a universal; the State is not in itself an autonomous source of power. *The State is nothing else but the effect*, the profile, the mobile shape of a perpetual statification [étatisation] or statifications, in the sense of incessant transactions which modify, or move, or drastically change, or insidiously shift sources of finance, modes of investment, decision-making centres, forms and types of control, relationships between local powers, the central authority, and so on ... The state is nothing else but the mobile effect of a *regime of multiple governmentalities*” (Foucault, 2008: 77 – emphasis added)

Starting from the premise that the state is an 'effect' (Mitchell, 1991), rather than an entity that exists in its own terms, opens-up a set of questions about contemporary reconfigurations of power relations and government in an era of Big Tech, Big Data and transnational capital. This perspective on the state derives from a post-structuralist form of

analysis, which acknowledges the social reality of state institutions, politics, territoriality and complex apparatus and ideologies of legitimation, but privileges a focus on the mechanisms or processes through which such a reality is constructed, maintained and transformed. In this framing 'the state', and associated governmentalities that give it effect, are always in construction, always in tension, always operating at multiple scales, always plural, always changing. Here 'the state' emerges as a fulcrum that unites a number of governmental practices that orientate around the security and regulation of population/s. Such an amorphous, porous, and plural form makes examining 'the state' as a conceptual object challenging (e.g. see Abrams, 1988; Mitchell, 1991; Mitchell, 2006).

In the current era the state appears as more prevalent and intertwined in the day-to-day government of populations and *simultaneously* more diffuse through the capillaries of contemporary power that operate upon the individual body. Such power relations can be productive as well as coercive – producing subjects, societies and systems of government. This productive power is exercised in the biopolitical register, in areas of individual lives that, “exert a positive influence on life, that endeavours to administer, optimize, and multiply it, subjecting it to precise controls” (Foucault, 1978: 137)

Jessen and Eggers argue (2020) a Foucauldian approach to the state offers a 'practico-reflexive prism'⁷ attentive to the ongoing making of the state through governmental practices and technologies that derive legitimacy from and constitute the state as the central (legitimate) reference point of government. We take this further and argue in the next section that the historical role of private corporations in the development of state-like practices and institutional apparatus directs analysis to the role of corporate actors in contemporary iterations of the state effect. The central argument is that considering 'corporate governmentality' (outlined below) as a component of the regime of multiple governmentalities that constitute the state effect offers important new directions for understanding the *processes of statification* – how different practices are brought under and in turn constitute state control.

⁷ “something which brings a multiplicity of governmental practices into existence, and through which these practices are understood and appear as a unity or as emanating from a central place” (Jessen & Eggers 2020, p. 54)

The lens of corporate governmentality illuminates and directs our attention towards the imbrication of private capital and private corporation practices with apparatus centred on the security of the population. Private corporations adopting what might be characterised as government-like practices and functions to police and govern simultaneously the individual and the population (Welsh, 2021). Here digital platforms and algorithmic governance are identified as central mediating technologies of corporate governmentality; conduits through which control over territory and objects in space (including people) is coordinated, asserted, and maintained.

In this paper we examine the productive power of this corporate governmentality through a focus on the transnational corporation of “Uber”. We consider the ways a technology and mobility giant is reluctantly (forced to) or assertively (voluntarily)⁸ shaping the ‘right disposition of things’ (Li, 2007, paraphrasing Foucault) in multiple state jurisdictions. The practices of Uber provide a means of examining an additional layer of governing by a corporate actor that acts to reinforce certain components of state institutional governance, to challenge others and to produce new ones. Examination of such relations and processes might allow us to speculate on the ‘future state’, with the potential for delineation between corporate practice and state institutions bleeding into one another to a point that corporate practices are seen as, and meaningfully become a state effect.

We begin by reviewing existing literature on corporate governmentality, seeking to characterise its contemporary contours. We then focus on ‘voluntary corporate governmentality’ (one of the typologies of corporate governmentality set out by Collier & Whitehead (2022a)) where corporate entities act, and claim legitimate capacity to act in the interests of population security. We draw upon research interviews and correlate practices

⁸ Collier and Whitehead (2022a; 2022b) established a typology of observable corporate governmentalities:

1. incidental governmentality - adopts a governmental approach related to ancillary data collection with relatively little investment in the governmental forms that the corporate action take: [e.g. Facebook/Google].
2. voluntary governmentality – corporations actively adopt responsibility for the health and welfare of the population [e.g. Uber/Unilever]
3. forced governmentality - corporate space is thrust into a governmental role due to the lack of state regulation but calls for governance [e.g. Facebook]

associated with the concept of 'corporate purpose' to identify practices of corporate governmentality. The effect of digital platform technologies and algorithmic governances upon the conduct of both individuals and populations simultaneously is then examined. This is empirically explored through a number of cases of Uber; exploring their voluntary adoption of responsibility for the mobility space; through transnational transference of norms, the territorialisation of mobility, and techniques employed to govern space. Finally, we consider situations in which corporations are forced to assume responsibility for their populations in relation to issues of safety. We conclude by addressing the implications of the stigmatisation of private sector actors and reconfiguration of sites as legitimate spaces for governmental action by corporate sector actors.

Corporate governmentality

Whitehead et al. (2018) claim we are, "witnessing novel forms of corporate involvement in spheres of government that have conventionally been the preserve of public sector institutions" (p. 138). It is in this context that corporate governmentality provides a useful analytic framing for examining the transformation of the state. For Michel Foucault 'governmentality' reflects a new mode of power characteristic of eighteenth-century state regimes, one that concerns itself with the administration of life, with securing the health, productivity and well-being of the population to sustain the power of the state. While Foucault primarily applies his analysis to a European form of neoliberal governmentality, his analytic approach and conceptual tools are used extensively as a means for gaining a purchase on contemporary transformations of the government of space, place, and people at a transnational scale (Allen, 2004, Elden, 2007; Elden & Crampton, 2016; Huxley, 2008; Jessop, 2010; Legg, 2005; Törnberg & Uitermark, 2020).

This notion of governmentality is associated with, but not limited to, the apparatus of the state as the principle strategic agent capable of 'government'. Here the borders of what constitutes 'the state' are porous and relational – a constellation of actors and institutions and forms of analysis seeking to secure and improve the population. In the 18th and 19th centuries, for example, a clear demarcation between 'the state' and 'the corporation'⁹ was somewhat moot, tied up as it was with imperial practices of the control of

⁹ the 'chartered' British East India Company (see Stern, 2011; 2017), the Dutch East India Company and its successor the Netherlands Trading Society (Shrauwers, 2021; Phillips & Sharman, 2020)

people, resources and territory at a distance. The calculative technologies of statecraft (cartography, agronomy, epidemiology, census, taxation (Crampton, 2010; Kalpagam, 2014)) and accompanying technologies of subjectivation (how human beings are made into subjects - police, law, culture, institutions, education (Legg, 2007; Rose & Valverde, 1998)) were refined in this era in the service of the efficient economic administration of territories. These territories were in turn enrolled in relations of production dominated by monopoly corporations (Schrauwens, 2011; Elden, 2010). In this respect the construction of the state as a centre of authority and power is an outcome of an array of institutions operating in space, operationalising technologies and tactics in different spheres to secure and maintain control over territory that, in some recursive loop, is conceived in turn as territory in relation to that same central authority.

The concept of corporate governmentality was introduced into the literature by Schrauwens (2011; 2020) in his analysis of the 19th century Netherlands Trading Company (Nederlandsche Handel-Maatschappij (NHM)). Here 'the corporation' becomes one of a number of social technologies for implementing governmental programs of improvement (Schrauwens, 2011: 2). The corporation is a legal form of institution characterised by the use of 'chartering', justified on the grounds of the benefits it brings to the public (nation). Such charters were granted by the sovereign power (Crown/government), delegating authority to the corporation to act in furtherance of its chartered purpose, including for trade, exploration, and the administration of colonisation practices. The NHM is constructed as a "delegation of royal sovereignty to a new form of social organization, the corporation, in order to administer economic processes at home and abroad" (Schrauwens, 2011: 77).

Schrauwens (2021) outlines a number of shifts in the relations between corporations and the institutional structures of the state, but his central insight is to focus on the role of corporations in the 17th to 19th century in the governmentalisation of society. In focusing on the NHM, the imposition of the exploitative "Cultivation System" in Java and the associated commodity chains and corporate strategies directed at engaging domestic and colonial elites in a state-building project, he shifts understanding of the corporation as simple market participants to governmental actors that displace market transactions with more efficient hierarchical systems of administration (ibid, p. 5). This included their role in circulating knowledges, practices and calculative technologies that make the population

their object of action and the 'right disposition of things' (within the governmental rationality of the corporation) the goal of government (Li, 2007).

His description of corporate governmentality is specifically focused on 18th and 19th century iterations of corporate action. His analysis focuses on a corporate form that was 'chartered' by the existing assemblage of Dutch state institutions as a means for enacting political directives and administration through the circumvention of the domestic legislative process and had built into the charter for incorporation the edict to provide for public welfare as a condition of the charter. The use of a charter as a tool of regulation ended in the 1890's, ending the "close relation between the state and the corporation" and to a shift in implicit organisation of society where individuals were seen to "better organise the productive relations of society" (Barkan, 2013: 56-57).

This reflected a shift in state-corporate relations in the late 19th century as chartered companies were displaced by the adoption of 'general incorporation', which no longer obligated the corporation to act on behalf of the public interest.

Voluntary Corporate Governmentality and Corporate Purpose

This historical analysis of corporate governmentality parallels our contemporary argument that private sector corporations are situated within the network of institutions that comprise the state effect. The recent work by Collier and Whitehead (2022a, 2022b) develop the concept of corporate governmentality in relation to the activities of 20th and 21st century corporations. They draw attention to the novel ways in which corporations now engage in governmental practices – notably in taking responsibility for societal welfare (in areas such as health, environment, mobility, and civic engagement). They claim that these activities reflect novel but not new inclusions of the corporation within the assemblage of state institutions.

Collier & Whitehead sought to advance a theoretical perspective of corporate governmentality in an era where corporate actors became unbound from the state and social purpose (through open incorporation laws) influenced and enabled by the rapid advancement of technology in the late 20th and 21st century. They identify three broad tropes of contemporary corporate governmentality: the voluntary, forced and incidental, of

which voluntary governmentality¹⁰ has the more resonance with this paper. To extend this emerging discourse we explore the practical delivery and the normative implications of voluntary forms of corporate governmentality.

The justification of corporately governmental practices are first identified in the associated insider discourses of 'corporate purpose' as a means of intervening outside or not directly linked to their core business (Trapp, 2012).

Collier and Whitehead (2022a) argue corporate governmentality is more than merely Corporate Social Responsibility (CSR) - where corporations take responsibility for a *more-than-profit* motivation. In this framing CSR became a way for re-legitimising corporate concern for the welfare of their populations/markets, to act beyond the profit motive but still in the interests of the corporation. Here, we argue CSR may be superseded in terms of scope and rationale of intervention in public life through the adoption of the concept of *corporate purpose*.

The most recent iterations of CSR have seen the scope of corporate practices extend beyond corporations' core business, industry or service (Trapp, 2012) and for CSR to strategically create value for businesses (Husted & Allen, 2007). While CSR relates to a corporation's *social* responsibility the concept of corporate purpose encompasses more than just the social. The Chief Knowledge Officer of one of the top five Market Research corporations globally, noted in our interview with them that corporations and brands are being called to contribute, "to a better Society and or better public and that is changing what it is that brands have to do in order to find themselves in the consumers considerations" (Walker, 2019).

He went on to describe this contemporary call for corporations to contribute to society as the "era of the Public", connects this call to the idea of corporate purpose.

"There are a lot of examples of companies that have adopted a 'purpose mentality' in order to centre their business around some way in which they are mission orientated"
-Chief Knowledge Officer (Walker, 2019).

¹⁰ corporations actively adopt responsibility for the health and welfare of the population

The response to this call, and the practices that are engaged in it, are from their perspective addressing consumers' (and potential consumers') desire to see corporations act for the benefit of society – 21st legitimation for corporate interventions derived from the consumer rather than state charter. This can include practices that in novel ways extend beyond the bounds of what has normally been considered CSR. Corporate purpose becomes one of the ways that corporate insiders rationalise and articulate actions that (may) reach into the governmental space as forms of productive power for the benefit of the public.

This notion of 'corporate purpose' as a novel rationale for corporate activity is observed in discourse analysis of corporate artefacts and secondary sources (i.e. trade publications) that describe practices associated with CSR. Elite stakeholder interviews with heads of practice, CEO's of corporate consulting firms (former bankers, CSR leads for multinational businesses, marketers, and industry experts) examined in greater depth how corporations construct and frame their own narratives for action. This enabled us to consider the extent to which the processes we describe as corporate governmentality were recognised by practitioners as being distinctive from existing CSR activities. Here, corporate purpose reflected a form of insider discourse that mirrored what we term corporate governmentality.

The existing narratives around the responsibilities of corporations revolve around the Friedman's and Freeman's perspectives of corporate responsibility. Friedman asserts that, 'there is one and only one social responsibility of business to use its resources and engage in activities designed to increase its profits so long as it stays in the rules of the game, which is to say, engages in open and free competition, without deception or fraud' (Friedman, 1970: 6). Freeman, on the other hand, sees corporate responsibility towards not only the shareholder, but the diverse set of stakeholders that are impacted by a corporation and its activities. These stakeholders include employees, communities, consumers, financiers, debtors and creditors, state institutions, etc., those who have a 'stake' in the corporations' activities or existence (Freeman, 1984).

The debate boils down to a stake vs shareholder perspective. Irrespective of the financial value of CSR it has become a seeming imperative for companies to have a CSR agenda. Corporate purpose seems to have bridged the divide between the share vs stakeholder debate as the adoption of a corporate purpose or 'mission orientation' centres

around the supposition that it will improve corporate value while also enabling a corporate actor to address public welfare within the context of corporate success (Kantar, 2020; Unilever, 2021; Sonsev, 2019; Kenny, 2014). Our interviews with leading practitioners of corporate purpose indicate that there is advancement of both share and stakeholder interests but that the focus of corporate purpose tends towards territorialisation of specific thematic spaces. These specific thematic spaces, such as ‘mobility’ with Uber, or ‘information’ with Google, demarcate a terrain in which corporations can act or become responsible for, while extending beyond any specific product or service offered by the corporation. Following Collier & Whitehead (2022b) these thematic spaces are described for the duration of this paper as ‘action spaces’.

The territorialisation of action spaces through company purpose has multiple benefits; from providing employees and the organisation “something to believe in and something that they can feel is beyond just accomplishing day-to-day commercial tasks” (Walker, 2019), to unlocking new opportunities for creativity and product innovation, and making a company more attractive to potential employees. The adoption of a “purpose mentality” is adopted to “centre” their business in such a way as to be mission orientated.

Examples of a mission orientation could be a computer manufacturer taking a purpose related to ‘productivity’ by making the very best computer which could unlock new opportunities for people to be creative and fulfilled (Walker, 2019). The Mexican water brand Bonafont’s purpose includes gender equality and Wavin (a plastics company) produces pipes for sanitation through adopting a corporate purpose in the hygiene action space (D’hond, 2019). Individually these examples can be viewed as driving commercial productivity or as CSR, but when looking collectively at the adoption of company purpose through a governmentality lens it becomes apparent that they share characteristics that demonstrate, ‘novel forms of corporate involvement in spheres of government’ (Whitehead et al, 2018, p. 138).

The adoption of a purpose mentality demonstrates aspects of this corporate governmentality, defining a field of visibility through the articulation of a purpose. As noted, the adoption of a responsibility or a mission orientated corporate purpose allows for a corporate actor to themselves define the field of visibility. Google, for instance, has a purpose, “to organize the world's information and make it universally accessible and useful”

(Google Inc, n.d.). This pronouncement provides them the opportunity to act in digital, physical and socio-economic spaces for the furtherment of their mission and is oriented towards a benefit to the public. It also provides a legitimacy framing that enables them to institute practices with a governmental quality to them for the furtherance of this purpose. This is more than CSR to the extent that related actions are not an additional community activity. Corporate purpose involves the identification of public value goals that are intrinsic to the core business of a corporation

Furthermore, the *process* of adoption demonstrates an epistemological shift in motivations of companies (from profits to a corporate purpose) and the adoption of an *episteme/savior* (the knowledge of a way of understanding their particular space) of governing that space through adopting a mission orientation in a particular action space. Corporations adopting a purpose mentality infers taking responsibility for an action space that enables it to governmentalize it—that is to operate as a legitimate referent authority in this action space.

The case study that follows, of Uber taking on a corporate purpose associated with mobility, allows for an exploration of a specific case that we argue is undergoing statification, its practices of control possessing features with the potential of becoming state-like by effect. By highlighting the characteristics of its adopted mode of governmentality in the mobility space we demonstrate the utility of viewing novel forms of corporate action through a governmentality lens.

Digital platforms, algorithmic governance and complex control societies

Corporations operate increasingly in well established 'state spaces' (e.g. health service provision) and new (digital but also spatial) territories. In doing so they fill in governance regimes that regulate the conduct of the population and individuals simultaneously. This section draws conceptual and empirical attention to the transformation of private corporate activity that may become statified – i.e. a corporate governmentality – to set the terms for the subsequent section's focus on the transnational corporation - Uber.

Mega-corporations like Facebook, Google, Microsoft, Uber and Amazon, ecommerce providers like BigCommerce and Etsy and numerous backroom corporates provide a digital infrastructure or spaces for interaction between service providers, customers, advertisers,

producers, suppliers and material objects. As Srnicek (2017) outlines, data is the basic resource extracted, refined and used from such platforms. Digital platforms provide the mechanism for extraction and use of that data. The providers of such digital platforms are therefore placed in the middle of and mediate these interactions between different groups, and it is this *location* that provides the basis for their economic and political power (ibid).

Those, like Uber and Airbnb, that emphasise the sharing economy, effectively outsource risk and costs to supplier and customer. They are predicated (in adopting the progressive values of anti-establishment counterculture) on the promise of new forms of empowerment, without centralised leadership/government, with emergent properties of autonomous 'self-organisation'. This, as Uitermark (2015) outlines, has itself become paradigmatic as a political ideal and naturalised vision of a society of consumers responsible for themselves and their communities, one ideally absent the restrictions of 'the state'. Here digital platforms offer the promise of "replacing the top-down control of the state and institutions, with the harmonious, spontaneous, and non-political self-organisation of individuals" (Törnberg & Uitermark 2020: 1). Facilitating this 'self-organisation' are algorithmic forms of governance that sort and mediate relations between people, institutions and the material world. Algorithmic governmentality is articulated as a mode of governmentality that utilises 'big data' and machine learning to govern contingencies, uncertain human actions and behaviours – what Louise Amoore refers to as governing possible futures (Amoore, 2017: 3). The operations of Uber we explore below clearly reflect aspects of what is now referred to as algorithmic governmentality. Interestingly, big tech platform-based algorithmic power generates problems that require governing and technological means through which they can be governed.

Digital platforms, like Uber, are synonymous with newly emerging fields of socio-economic power. As such they promote certain forms of subjectivities – some explicitly oriented around the purpose of the corporation that constructs it, some that reflect the milieu in which the platform has been constructed (see Welsh 2020). Törnberg & Uitermark (2020), building on the work of Deleuze 1992, suggest that the emergence of digital platforms reflect one aspect of transition from "disciplinary societies" (where power is realised through restriction, discipline and enclosure) to "control societies" (which are associated with more fluid expression of power in motion). Törnberg & Uitermark argue

that platforms are facilitating a distinct “departure from previous forms of governmentality” (2020, p. 7), one dimension of which, we argue, is captured by the notion of corporate governmentality.

On corporate platforms complex control is not expressed through top-down command or coordination (which is normatively positioned as limiting and thus suspect) “but through invisible nudging and shaping of local behaviour: it is embedded in the very rules of interaction” (ibid, p. 8). Platforms are generally depicted as the outcome of individual decisions cascading through networks of interacting players, and as emergent properties of a self-organising system, rather than dictated by the controlling and limiting authority of hierarchical structures. Of course, the central contention of Törnberg & Uitermark is that these narratives themselves serve to naturalise and *hide* the forms of control that underlie the platforms themselves providing the illusion of self-organising systems of governance. Far from actually being self-organising, digital platforms are themselves bundles of rules that function to direct interaction to become organised (ibid: 9). So platforms deploy mechanisms of soft power, or digital nudges, to organise interactions and user behaviours. Digital nudging is based on the use of softly paternal forms of behavioural influence including; peer pressure, the resetting of default options, and choice editing (Yeung, 2016).

In similar vein urban geographers have argued the intensification of monitoring, data collection, processing and its utilisation via algorithmic forms of governance shifts governmental logic from “surveillance and discipline to capture and control” (Kitchin et al, 2017: 3). Individuals are subject to “constant modulation through software mediated systems, such as a transport network controlled by an intelligent transport system [...] modulating affects, desires and opinions, and inducing action within prescribed compartments” (ibid). In other words, current or potential behaviour is captured in aggregate (population level) *and* individual data sets via distributed and interlinked networks of data collection devices (i.e. digital platforms and ever-present technologies), with individuals subject to pervasive directions, nudges, and forms of control. As Yeung (2016) alerts us to, the capacity to network data sets across digital platforms provides an unparalleled mechanism for real world, real time, and dynamically responsive intervention in individual choice environments.

The remainder of this paper considers the coming together of the novel systems digital power and corporate governmentality through the case of Uber.

UBER – setting the world in motion

“We are a tech company that connects the physical and digital worlds to help make movement happen at the tap of a button” (Uber Mission Statement, 2022)

“Whenever you need to go somewhere or whenever you need food delivered or whenever you need some sort of logistics help, something going from A to B , Uber wants you to open their app” (Campbell, 2020).

Uber’s corporate purpose is “igniting opportunity by setting the world in motion”. As part of this mission the corporation seeks to promote the concept of ‘mobility as a service’ (MaaS). To achieve this purpose they have initiated a variety of programs that, we contend, place them in an assemblage of governmental actors. The mode of governmentality they adopt is often in tension with government of states where they operate. As we explore below Uber, through corporate purpose, have voluntarily adopted responsibility for elements of the mobility space. For example, Uber seeks to integrate themselves into the public transportation space. The ultimate goal of rideshare platforms is to get people out of cars, “they want you not driving your own cars, they want you going to the Uber app” (Campbell, 2020).

Contrary to public perception and some media reporting (that Uber is in competition with public transit (McFarland, 2019; The Economist, 2018; Wilding, 2018)) they appear to operate at different price points and for different trip missions (Campbell, 2020), but both with a similar goal of reducing private car ownership. It therefore makes corporate sense for Uber to work towards integration with public transit in a variety of ways. These include licencing their service as a software business (SaaS) to public transit operators (Hawkins, 2021), to integrate public transport into their own app (Conger, 2019), or the complete replacement of public transit in favour of Uber (Cecco, 2019).

Pilot programs in Innisfil, Ontario, “handed responsibility for public transit to the ridesharing app Uber” (Cecco, 2019), in Miami-Dade, Florida saw the replacement of county

night busses in favour of subsidised ride-hale trips (Reuters, 2020), and the Uber Boat service trialled on the River Thames in August 2021 (Horn, 2021) are just three examples of partnerships with over 30 public transit agencies (Reuters, 2020) that Uber is involved with. This integration with public transit agencies, along with voluntarily taking responsibility for the mobility action space and the security of their stakeholders (see below) then entwines them with the economic success of public state institutions with whom they are partners. Success extends, elevates and stabilises Uber's and their partner institutions position in the assemblage of actors governing mobility and in doing so generate a state effect.

Framed within a corporate governmentality analysis the integration of private corporations within the governmental assemblage for public transit/mobility has several aspects that need further exploration. It centres attention on the role of private entities within such an assemblage for the welfare of the population (both customers and potential consumers) and the economic functioning of the state. Its integration with the public sector additionally could put it in a position of becoming too-big-to-fail, or better stated too-integrated-to-fail; and by becoming integrated with public sector institutions related to public mobility it achieves increased legitimacy as a governmental actor in the mobility action space, but lacking the checks and balances ingrained into public institutions.

This integration of Uber with public service, has some interesting spill-over state effects, explored below within specific nation-state territories. Here we analyse the 'community standards' Uber has adopted as a way of exploring the tension of conflicting norms and values between supranational actors operating within the specific state spaces where Uber operates and how this directs and shapes government. This leads to an analysis of the territorialisation of mobility space as corporate praxis and control of this space through the adoption of data control as a *techne* of government. The penultimate section explores the peripheral adoption of an action space forced upon Uber as a result of voluntary adoption of responsibility for the mobility space necessitating the adoption of a security apparatus to ensure the safety of the business stakeholders.

Transnational Norm Transference Through Community Standards

As of 2019 Uber operated across 69 (and growing) markets and in over 10,000 cities globally (Uber, 2019). It is a difficult proposition for a multi-national platform like Uber to ensure its compliance and operating standards, applied across the variety of cultures and

legal systems of these markets, are in line with their brand ideology and maintenance of their brand reputation. For this to happen it is incumbent upon them to develop minimum standards acceptable and applicable across the full complement of the markets in which they operate. They comply with at the very least the minimum legal requirements of the jurisdictions that they operate in whilst acknowledging that “we (Uber) are subject to differing, and sometimes conflicting, laws and regulations in the various jurisdictions in which we provide our offerings... [and] We are actively challenging some of these laws and regulations and are lobbying other jurisdictions to oppose similar restrictions on our business” (Uber, 2019: 37-38). Indeed the normative element of the corporation’s Mission Statement includes a commitment regardless of “gender, race, religion, abilities or sexual orientation, [to] champion your right to move and earn freely and without fear”. In some territories this poses an inherent challenge to the legal and cultural status quo.

Their “Uber Community Guidelines” outline the conditions of use of the Uber digital platform for each territory they operate in. These are published (Uber d, n.d.) and provide a physical artifact through which to explore the precise control and comprehensive regulation of behaviours of both riders and drivers in different spaces. The Community Guidelines emphasise the production of positive behaviours, interactions, and deportment of Uber service providers. Failure to comply can result in loss of access. There is a standardisation of the guidelines across markets that include treating everyone with respect, keeping each other safe, and following the law (Uber, 2021a).

Whilst they contain many common elements they also point to territorially specific forms of emphasis, erasure and politics. The Guidelines cover an array of expectations and instruction (e.g. on age verification, seat belts, food hygiene) but here we focus upon the application of its ‘non-discrimination policy’ across these markets. The policy has a set of minimum standards that are applicable across the totality of markets which in certain territories go over and above the minimum standards of those territories. It includes the following broad areas: “race, religion, national origin, disability, sexual orientation, sex, marital status, gender identity, age or any other characteristic protected under applicable law.” (Uber, 2021a). However analysis of the Community Guidelines identifies discrepancies and reframing between territories on areas such as civil partnership status, pregnancy and maternity, appearance, political views, caste and sex. In other words the normative

framework of the corporation is not blanket but nuanced to reflect local or regional politics and cultural norms, or sometimes to challenge them.

Table 1 defines the market structure for Uber and what countries are grouped into regions and those that operate with standalone guidelines. Table 2 identifies characteristics organised by thematic code that are included or excluded in the different jurisdictions Uber operates in. With this we are able to then identify how these thematically organised categories influence the construction and reproduction of ideals that create and influence the markets and socio-cultural norms of the society where Uber operates.

In some cases the Community Guidelines include protected characteristics that are not recognised as such within those jurisdictions. Whilst some characteristics such as age, disability and race are common to all Uber jurisdictions, others include socio-cultural characteristics relevant in a limited number of territories. India, Sri Lanka and Bangladesh for example include 'caste' as a characteristic that cannot be discriminated against by Uber service providers, whereas the 'Europe and sub-saharan Africa' region specifically rule out discrimination based on 'political views'. While the Latin America and the Caribbean region (except Brazil) include sexual orientation but not civil partnership status. However, thematically there is consistency in their underlying meanings; for instance, non-discrimination against sexual orientation and civil partnership status both imply a non-discrimination against the LGBTQ community.

Australia and New Zealand	Colombia and Honduras	EUROPE AND SUB-SAHARAN AFRICA	Hong Kong, Japan, Korea, Taiwan	Latin America and the Caribbean	MIDDLE EAST AND NORTHERN AFRICA	United States and Canada	Non-Regionalised Markets
Australia New Zealand	Colombia Honduras	Austria; Belarus; Belgium; Croatia; Czech Republic; Cote d'Ivoire; Estonia; Finland; France; Germany; Ghana; Greece; Ireland; Israel; Italy; Kenya; Lithuania; Netherlands; Nigeria; Norway; Poland; Portugal; Romania; Slovakia; South Africa; Spain; Sweden; Switzerland; Tanzania; Turkey; Uganda; Ukraine; United Kingdom	Hong Kong Japan South Korea Taiwan	Argentina Bolivia Chili Dominican Republic Ecuador El Salvador Guatemala Mexico Panama Paraguay Peru Uruguay	Bahrain Egypt Jordan Lebanon Morocco Pakistan Qatar Saudi Arabia United Arab Emirates	Canada United States	Bangladesh Brazil Costa Rica India Jamaica Sri Lanka

Table 1: Uber Market Regions

	Cultural							Religious and Political		Sex and Gender Related Characteristics				
	Age	Disability	National Origin	Race	Colour	Appearance	Caste	Political Views	Religion	Sex	Gender Identity	Marital Status	Sexual Orientation	Pregnancy
Australia and New Zealand	x	x	x	x					x	x	x	x	x	
Bangladesh	x	x	x	x			x		x	x	x	x	x	
Brazil	x	x	x	x	x				x	x	x	x	x	x
Colombia and Honduras	x	x	x	x	x				x		x	x	x	
Costa Rica	x	x	x	x	x				x		x	x	x	
EUROPE AND SUB-SAHARAN AFRICA	x	x	x	x	x	x		x	religion or belief	x	x	marital or civil partnership status	x	pregnancy or maternity
Hong Kong, Japan, Korea, Taiwan	x	x	x	x	x				x	x	x	x	x	x
India	x	x	x	x			x		x	x	x	x	x	
Jamaica	x	x	x	x	x				x		x	x	x	
Latin America and the Caribbean	x	x	x	x	x				x		x	x	x	
Middle East and Northern Africa	x	x	x	x	x	x		x	religion or belief		x	marital or civil partnership status		pregnancy or maternity
Sri Lanka	x	x	x	x			x		x	x	x	x	x	
United States and Canada	x	x	x	x	x				x	x	x	x	x	

Table 2: Thematically similar characteristics

In essence the adoption of a unified 'ideology', or corporate purpose, to ensure the protection of certain rights of protection of individual characteristics then has an impact on the behaviour and socio-cultural norms where Uber's non-discrimination policy applies. Where everyday transgressions or discriminations might not be subject to legal due process (cultural norms, complexity or costs of legal representation etc.) the digital platform (user feedback, monitoring regimes - see "Security Apparatus" section below) and capacity for the corporation to enforce (through sanction) the application of their policy extends the reach of the corporation to govern behaviour and shift social norms within these disparate territories. This is additionally pertinent in markets where they are gaining market share and primacy in the mobility space as the market leading mobility operator.

In some territories the guidelines are in direct opposition to legislated practices highlighting the conflict between state and corporation as governmental actors. Uber's non-discrimination policy is influenced heavily by western progressive ideals. For example Community Guidelines related to sexual orientation are codified in the regional markets of 'Europe and Sub-Saharan Africa'. Yet countries covered by these guidelines, such as Ghana, Nigeria, Tanzania and Uganda, legally discriminate on the grounds of sexual orientation (homosexuality is illegal - (Human Dignity Trust, n.d.)). This policy challenges some cultural norms and legal codes that operate in a selection of these markets, but inconsistently. By contrast the Community Guidelines in the 'Middle East and Northern Africa' region (see Table 1), the majority of which criminalise homosexuality, do not include sexual orientation as a characteristic protected from discrimination. They do protect gender identity however.

Within these two regions the following countries criminalise the LGBT community:

Middle East and Northern Africa

- Egypt
- Lebanon
- Morocco
- Pakistan
- Qatar
- Saudi Arabia
- United Arab Emirates

Europe and Sub-Saharan Africa

- Ghana
- Nigeria
- Tanzania
- Uganda

Using the market of Saudi Arabia as an example, it is apparent that there is a distinct tension between the state and Uber as Saudi Arabia criminalises non-heteronormative orientations, yet Uber's Non-Discrimination Policy in Saudi Arabia includes sexual orientation as a protected characteristic as detailed in Figure 1.

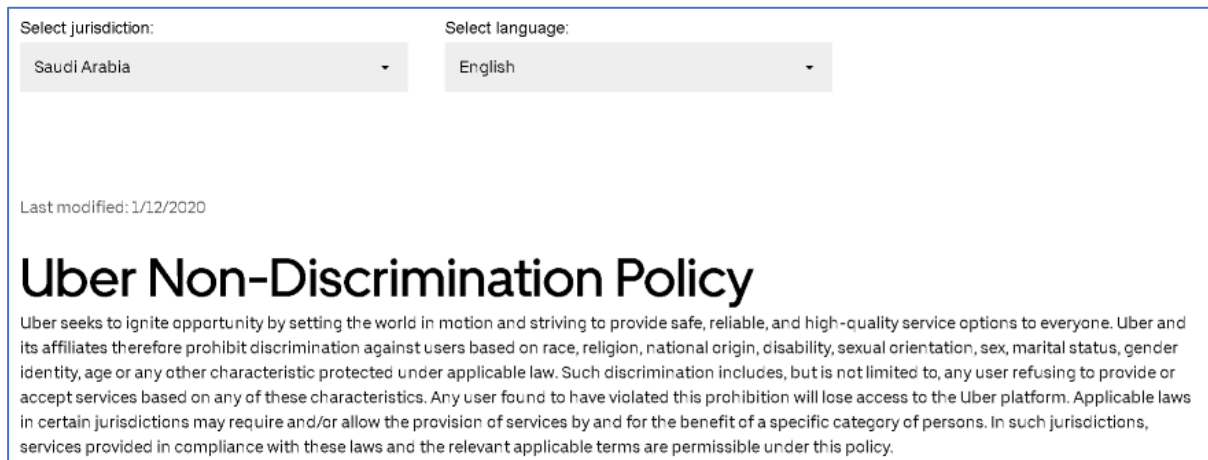


Figure 2: Uber Non-Discrimination Policy (Uber, 2021b)

The Community Guidelines for Middle East and North Africa cover an array of characteristics, including age, disability, gender identity, appearance, race, religion or belief (Uber, 2021a). In contrast to many jurisdictions it excludes gender/sex. Yet Uber however have a commitment to women's empowerment across the business and the Uber community. Their "Women at Uber" page describes both the internal advancement of women, "We promote the advancement of women at Uber through our network, access to leadership, professional development, and peer mentoring" (Uber, n.d.c) and extend this to the community outside of the business, "We believe in lifting as we climb—and this means not only inside of Uber, but also within the communities that we serve" (ibid).

This is particularly evident in their "Women Preferred View" program launched in Saudi Arabia in 2019. Under their Masaruky (Uber, n.d.a) initiative Uber adopted an corporate objective of increasing women's participating in the Saudi workforce through access to affordable transportation and income streams, provided at profit via Uber.

"We want to enable Saudi women to achieve their economic ambitions and goals - in the same way that we have done around the world. We want to drive change that is positive, meaningful and economically empowering." (Uber, n.d.b).

Restrictions of female autonomy are well documented in Saudi Arabia, and continue, albeit with some evidence of limited loosening since the mid-2010s. One example was the decision to grant women the legal permission to drive in 2018. Another has been a marked increase in the female workforce, nearly doubling from 2016 to 2020 to make up 33% of the workforce (Alkhowaiter 2021). It is in this context that Uber developed their Women Preferred View for Saudi Arabia in 2019. This allows women drivers and riders a feature within the digital platform to select a preference for women riders.

The Women Preferred View is an extension of the platform that specifically targets a particular population internally within Uber, but also within the wider territory, increasing the number of women drivers and women customers of the service. As more women drivers use the platform and use the Women Preferred Feature, women riders are increasingly protected and empowered by reducing the number of women riders who may be subjected to unwanted attention by male drivers and/or passengers. By 2020 Uber reported a 50% increase in the number of female drivers from the previous year, the majority of whom only wanted to carry women riders. Significantly for a company that profits from mobility and use of the digital platform 2020 also saw a 79% increase in average trips taken by women in the Kingdom (Arab News, 2021). In 2021 Uber rolled out the Women Preferred View feature to South Africa, again placing emphasis on empowering women to increase their economic opportunities and improving safety and security for passengers and drivers (Cape(town)etc. 2021).

As more women use the service, as independently mobile women are visible on the roads as passengers or behind the wheel, Uber policy seeks to shape male behaviour towards women (and others) through their Community Guidelines and potential sanctions. Retaining customers entails more scrupulously following the Guidelines when the option to opt out of male drivers entirely exists. By co-opting the state apparatus and seeking to create an economic space for women in Saudi society Uber overtly “want to drive change” in that society. The result should be an underpinning of shifting societal gender norms and potential cultural behaviour change in male-female interactions within Saudi Arabia.

This initiative when analysed through the vocabulary of corporate governmentality demonstrates an intervention that is at the intersection of management and administration of territory (in this case the mobility space within the physical territory of Saudi Arabia) by

challenging the cultural norms and values of the Saudi state and those of the corporation Uber. We have established the way Uber's non-discrimination policy and their purpose of women's empowerment demonstrates the characteristics of the general theory of corporate governmentality established by Collier & Whitehead (Collier & Whitehead, 2020a) and generates new articulations of government (of mobility) in attempting to reconcile conflicting welfare aims of a state and a corporate governmental actor. The next section will seek to identify some of the techniques of governing the mobility space using techniques that parallel the calculative technologies of statecraft that influence actor's governmentality.

Territorialisation of Mobility Space as a Techne of Government

In this section we examine some of the recursive techniques and mechanisms that have led to and allow Uber to operate as a governmental actor within national and urban space. Understanding the techniques employed by Uber to govern its operations sheds light on the knowledge (*savoir*) of government that underpin their operations – in other words how use of data to know the nature of its operations opens spaces for voluntary action to govern individual behaviours of users of the platform.

The rise of the digital age shifted some foundational ideas regarding data. Not only do platforms such as Uber have access to vast amounts of data, this access to data led to a change in how individuals and stakeholders are viewed. The ability to acquire and analyse data allowed for private companies to use data as a tool for the advancement of their business agenda. The analysis of data provided companies the means and mechanisms for implementing 'hard' and 'soft' behaviour governance processes.

Access to data has facilitated the emergence of analytical tools for private corporations to establish, "practical equivalencies among subjects, objects and event" (Curtis, 2002: 508) and makes it possible to, "discover 'things which hold together,' and such things may be both analytical tools and objects of intervention" (ibid: 509). It is this that use of the data obtained not just through the Uber platform, but through the creation of an insights function that allowed Uber to 'discover' the population as an object of intervention. It is then able to use the platform, procedures and techniques as a form of control over their stakeholders, consumers and employees.

Uber in the recent past has looked to discover those ‘things which hold together’ they built, as part of their internal management through the development of a customer insights function within Uber, a senior staff member for Uber’s European markets describes this as,

what we are calling now, the customer insights function within community operations. ... all the touch points that we have with our customers based on bad experiences they may have had... we have these touchpoints with our customers day in day out but we were never able to translate this into proper action or into product changes, into new features coming into the app or into policies improvement...

(Interviewee X, 2019)

The approach to stakeholder contact was reactive dealing with individual support cases as they appeared and responding reactively to these occurrences. However, with the development of a consumer insights function within the business they are not only able to react, they are also able to proactively utilise the recording of every stakeholder interaction to identify objects of intervention and govern these objects proactively by marrying the platform generated data with support interaction data. This makes the analytics not just a means of identifying the equivalencies among subjects (stakeholders) but to make the problems and events associated with the subjects objects of intervention. Internal management of this data allowed Uber to translate it into ‘proper action,’ ‘product changes,’ and ‘policy improvement’. Once the objects of intervention were identified aggregate data was able to be collected on current and potential behaviours and Uber was able to, “create a set of methodologies... that would enable Uber to understand why customers are reaching out to support, what kind of pain points they are going through and how we can then translate this interaction through product or operations” (Interviewee X, 2019) in order to ‘govern’ behaviour that would enhance the welfare (health or prosperity) of their stakeholder population.

Emblematic of this reflexive mode of government relates to soft governance to change behaviour relating to ‘gaming’ the digital platform, by trying to circumvent penalties associated with not accepting specific trips; a ‘hacky’ way circumvent the potential penalty of accrued rejection of trip requests by drivers (Interviewee X, 2019). Rather than rejecting

the trip if they did not want to take it they would pretend to take the trip and then cancel. This 'accept and cancel' would not then count towards their daily cancellation allowance. The creation of the insights team enabled the team to investigate by looking into specific interactions suspected of this activity. The team created hypotheses as to why this specific behaviour happens, make it an object of intervention and create interventions to address the problem (pre-emptive educational pieces to product adaptation). the behaviour itself could be considered fraudulent behaviour by drivers, so implementing a soft behaviour mechanism to address the issue was desirable, nudging drivers and riders to commit to and undertake more journeys. The outcome was the implementation in late 2019 of a "digital handshake, which means that the driver can only start the trip on their app if they get a pin that the rider will have on their app. So basically you exchange pins to ensure that both parties are there, then the driver can start the trip" (Interviewee X, 2019).

The mechanisms of government used by Uber include both 'soft' and also 'hard' mechanisms that make up their disciplinary (or security) practices. Soft mechanisms include non-binding rules or initiatives (such as pre-emptive educational messaging) or incentives and forms of gamification (badges, goal setting prompts) to keep riders and drivers using the platform. These are expected to produce effects in practice while hard mechanisms are binding rules, directives, or policies that are enforced through their security apparatus (see next section).

A further example of a soft mechanism related to rider and driver safety emerged in response to health concerns regarding Covid-19. The rise of Covid-19 led Uber to go beyond the legal requirements in certain markets. In several markets where there was not a legal requirement to wear masks (at the time of implementation of this program) Uber added a feature that allowed drivers to flag riders who refused to wear masks, potentially compromising drivers safety. If a rider was flagged as not wearing a mask the app would then require the rider to take a selfie of themselves to identify whether or not they are wearing a mask prior to making a future trip (Interviewee X, 2019). Similarly in many jurisdictions and across a number of Uber platforms (Rideshare, Eats, Delivery) rolled out an app update early in the pandemic that introduced driver infection controls, including a requirement to take a selfie of them wearing a mask to be able to start working, and working with public health authorities to manage/suspend riders or drivers confirmed to

have contracted Covid-19. There are evident data management and human rights dimensions to these sorts of interventions, beyond the scope of this paper to explore here.

The primary objective was practical, to keep Uber users safe and the economy moving. Soft mechanisms such as these orientated at health protection via a behaviour change saw Uber adopting a governmental role in managing the mobility space. This is particularly interesting in markets where it goes beyond a legal requirement to wear masks.

These techniques and interventions, to manage potentially fraudulent behaviour and to provide for the protection of customers, employees and community health more generally can be seen as enhancing corporate functioning, and worker protection and public responsibility, where the technological platform and corporate purpose combine to provide tools to legitimise action in public mobility spaces. These are examples of Uber integrating itself in public mobility spaces to govern 'public' behaviour. There is an element of long-term calculation and self-interest in its strategies, as well civic responsibility. Moreover the techniques and procedures adopted for managing the public mobility action space parallel the adoption of calculative technologies of statecraft and procedures by states, indicative of a corporate governmentality.

As shown, Uber employs specific soft mechanisms for governing the mobility space. In addition to this there was also development of hard mechanisms for governance. One of the aspects of states is the enforcement and policing through regulations that can be considered a private security apparatus. While the next section diverts from the concept of voluntary governmentality to that of forced governmentality by exploring the creation of a private security apparatus, the responsibility is forced upon them as a result of the voluntary adoption of a governmentality within the broader mobility space.

Forced Responsibility in a Peripheral Action Space: Creation of a Security Apparatus

The apparatuses of security that states utilise include institutions like "standing armies, police, diplomatic corps, intelligence services, etc." (Collier & Whitehead, 2022a). The purpose of security apparatus is to "ensure optimal and proper functions of the economic processes including health welfare and educational systems" (ibid). While the actions of corporate governmentality focus on these same goals to ensure optimal and proper functioning of vital economic and social processes that relate to the corporation and are enacted through their stakeholders. The development of private security apparatuses,

although not as obvious as those state institutional forms are nonetheless manifestations of the creation of corporate private security apparatuses in the stratification process. In relation to the mechanisms used to ensure safety there is a dual approach of soft and hard governmental mechanisms at play in order to achieve the safety of their stakeholders.

In the wake of various incidents such as the murder of Samantha Josephson, Uber instituted a soft mechanism, “now with every single ride of Uber they send a reminder notification to the passenger right before you get into the car. Make sure you verify the licence plate of the driver so you make sure you are getting into the right car” (Campbell, 2020). In addition to this they have also instituted a hard mechanism. Uber and Lyft have partnered with security companies who act as police during trips. Riders are now able to, “talk, or live chat with a security expert if you’re having issues while on a trip” (ibid).

The extent to which the companies go to ensure the narrative of safety includes the development of partnerships with companies like ADP, a security company that respond to critical safety concerns and allow you to speak directly to a critical security expert in the app. These can take immediate action on behalf of either the rider or the driver. “Uber and Lyft have critical safety response lines and all of these options. It is still the default if you are in immediate or life threatening situations to call 911 but they have a number of intermediary steps in between. If you have a small issue with your ride you can send them an email through the app but if it’s something more serious they have a 24/7 security team that will go and investigate any situation or deactivate a driver” (Campbell, 2019).

This process and immediate enforcement of not just (territorial state) laws, but also Uber community policies, demonstrate a hard governance technique. It demonstrates an evolution of corporate practices. However, it also raises ethical considerations. While public sector policing is subject to certain checks and balances, they are legitimised because the state authorises it. This includes being beholden to elected public sector representatives. The private sector on the other hand has an interest in corporate self-care that protect its interests from liability, “investigators are there first to protect Uber; and then next to protect the customer.” (Bensinger, 2019). This concern has been elevated as a result of various investigations into the rates of reporting of criminal activity through Uber to state authorities. There are reports from a variety of sources including, investigative journalists’ research and interviews from former Uber investigators in America (Bensinger, 2019) and

the Head of the London Metropolitan Police's taxi and private hire unit (Billany, 2017) over concerns regarding the referral of crimes reported directly to Uber that are not escalated and reported to the relevant police jurisdictions.

Discussion: Future Arrangements in the Assemblage of Power

Whilst Uber may not be seen as a state actor currently, we have demonstrated that through its own sense of purpose of 'setting the world in motion' it is voluntarily adopting responsibility for public welfare through mobility and by adopting mechanisms similar to calculative technologies that characterised a voluntary form of corporate governmentality. The implications of this development has been a continual blurring of the lines between the institutions of what are considered the state and the private sector. The way in which Uber operates and the way in which it conceives of itself in providing mobility, its own sense of purpose feeds into ongoing processes of statification.

Through this case study we have articulated some of the aspects of this statification in mobility. Uber has through its setting of transnational community standards been organising social norms in what it considers the 'right disposition of things'. Though the adoption of a corporate purpose around mobility as a service, it has also demonstrated an epistemological shift towards a governmentality of this action space and adopted techniques of government equivalent and in a similar manner of the state calculative technologies of statecraft and the resultant governing methods. The combination of these characteristics is assertively adopting a responsibility for mobility and potentially reluctantly because of this voluntary action then also (possibly) reluctantly responsible for the security of their employees, customers, and potential customers (the wider population) needing to act in a police-like manner.

The processes of this statification of the corporation through the examination of Uber is just one example of the adoption of corporate governmentality and whilst it is unclear as to the final outcome of the adoption by the private sector of corporate governmentalities is clear that there is cause for further inquiry and exploration of other initiatives and private actors operating in a similar manner as the boundaries between private and public institutions blur. With the increasing involvement of corporate actors in the assemblage of power it is likely that corporate governmentality will increasingly become dominant and visible in the governmentalities of the state.

One of the implications surrounding the position of private corporations in the assemblage of power and the extension of the concept of the state to include private actors such as Uber also brings to the fore the question of legitimacy. What actors are able to govern legitimately? The public sector and the state have checks and balances and a social contract that entitles them to be governmental actors. The inclusion of corporate actors within the assemblage of governmental actors may be indicating a shift in the future arrangements of governmental legitimacy. While corporations do not have explicit legitimacy like the state there is an argument that Foucault puts forth regarding success as a replacement for the concept of legitimacy (Foucault, 2004). If the future arrangements of governmental actors include corporate actors, and through the use of emerging technologies they are better able to govern than existing state actors, then there is potential for them to claim legitimacy as they are the only actors who can successfully govern these spaces. As we have taken a position that the state is an effect it could be argued that this demonstrates support for Foucault's replacement of success for legitimacy and may indicate a broader shift in political landscape. The potential implications for the increasing role of the private sector as governmental actor responsible for the traditional aspects of health, welfare, and prosperity of populations within their socio-politically defined physical territory are far reaching. While there are directional indications of some of the potential implications surrounding legitimacy regarding private sector actors operating in traditionally public sector action spaces, this is an area for further research that needs to be investigated in order to understand the full ramifications from a corporate governance, legislative, and ethical perspective to be able to fully understand the implications. The future direction of the state from our investigation has a distinct possibility of seeing private sector actors being considered as part of the state effect. That they themselves become indistinguishable in a governmental role however with a distinctly different organisation and motivation than the institutional state. That through the adoption of a corporate governmentality and the resultant statification they their actions and programs and practices become in effect equivalent to an institutional state's control over select populations.

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Chapter 6: Forced Governmentality: Technologies to *Technes*

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Forced governmentality: From technology to techne

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Abstract

‘Success replaces legitimacy’ (Foucault, 2004, p. 16). This assertion serves as the premise for this paper, exploring corporations that accept responsibility—or are being forced to take responsibility—for certain public issues because they are successful and, therefore, are seen as legitimate actors in the defence of individual rights in the digital age. Specifically, this paper extends the theoretical utility of applying a Foucauldian perspective of governmentality to the corporation, as set out in Collier and Whitehead’s (2021) *Corporate Governmentality: Building the Empirical and Theoretical Case*. In particular we seek to extend one of the Collier and Whitehead’s proposed typologies: forced governmentality. Using the Foucauldian analytical language of governmentality, it is possible to illuminate aspects of corporate governmental ambition that were previously unavailable through the current discourses. The crux of the issue consists of modern technologies that create governmental problems but are governed by the companies that created them. Consequently, the private sector actors that contribute to the creation technological problems are being forced to manage related action spaces. Using Facebook as a case study, this paper identifies the characteristics of forced governmentality through a critical reading of Mark Zuckerberg’s *Blueprint for Content Governance and Enforcement*.

Introduction: Social media corporations and governmental responsibility

Donald Trump joined Twitter in 2009, using the platform throughout his 2016 campaign for president and his subsequent presidency until he was banned towards the end of his term in office. From the creation of his Twitter account until his suspension, he posted 57,000 tweets (Madhani & Colvin, 2021). Moreover, he used his social media accounts, both Facebook and Twitter, as political tools. Trump’s social media accounts on Facebook and Twitter were suspended on January 6, 2021, following rioting and violence at the Capitol building while the U.S. Congress met to certify the election results confirming Joe Biden as president. The official statement from Twitter stated, ‘we have permanently suspended the account due to the risk of further incidents of violence’ (Twitter, 2021). Similarly, Facebook declared that ‘our decision to suspend then-President Trump’s access was taken in extraordinary circumstances: a US president actively fomenting a violent insurrection designed to thwart the peaceful transition of power; five people killed; legislators fleeing the seat of democracy’ (Clegg, 2021). In the same statement, Facebook highlighted the growing concerns for multi-national corporations. Referring specifically to the tech industry, the

company noted a growing 'delicate balance private companies are being asked to strike' (Clegg, 2021) in relation to their interaction with state structures and actors and their role in the governance of civil society. This sentiment can also be applied to a broader set of corporations in the current era.

The Donald Trump example prompts several questions regarding the role of the corporation in modern societies. What responsibility do corporations have to the world that is being shaped by the development of products they create? When are they obligated to step in to secure the welfare of society if their products are threatening it? Do they have the legitimacy to act on behalf of society? Can their intervention be seen as governmental? Where do companies fit into the assemblage of governmental structures? How is technology transformed into the *technologies* of government? More broadly, have companies adopted a new epistemological view of their role in society, and, if so, will or could it disrupt the current roles of the private and public sectors?

Text from an exposition by the former chief security officer (CSO) of Facebook, Alex Stamos (Berkeley School of Information, 2019), highlights these challenges and a relatively under-researched area that is essential to explore:

The major tech companies are all acting in a quasi-governmental manner. When I was a CSO of Facebook I had an intelligence team. I had a team of people whose entire job was to track the actions of state governments and their activities online and then to intercede to protect the citizens of other governments. That is a unique time that a private company has had that responsibility, that is pretty unique.

Stamos is not alone in his assertion of corporate responsibility. Brad Smith, president and chief legal officer at Microsoft, stated that 'the time has come to recognise a basic but vital tenet [for the change the tech sector]: When your technology changes the world, you bear a responsibility to help address the world that you helped to create' (Browne & Smith, 2019). While Stamos specifically spoke about tracking the activities of state governments to protect the citizens of other governments, the recent events surrounding Donald Trump also highlight that corporations have a responsibility to protect individuals from their own governments. As a result of the private sector intervention in the political speech of the U.S. president, David

Kaye, the former United Nations monitor for freedom of expression, posed the following query:

The question going forward is whether this is a new kind of standard they [Facebook and other social media companies] intend to apply for leaders worldwide, and do they have the resources to do it? ... There is going to be a real increase in demand to do this elsewhere in the world (Satariano, 2021).

Notably, Facebook has already interceded in other countries, taking down private and state media accounts in Uganda and Iran (Satariano, 2021). Accordingly, the scope of responsibilities tech companies have are far-reaching. According to Stamos:

[Facebook] had a child safety team. I had a counterterrorism team. These are governmental responsibilities that have been taken by the companies by the fact that they own the platform, they own where the data is, and they have access to data and resources that the public sector does not. The companies all have people who decide what is acceptable political speech, people that decide what is acceptable advertising standards for people to run ads and democratic elections. These are government decisions that, generally, are being made privately, they have, effectively *speech police* [emphasis added].

The responsibility that these companies have accepted or been forced to take on because of their products have a dualistic quality. First, control over the information provided to the public at large is a technology of government that is well established in authoritarian regimes. The evidence for this has been outlined in the literature surrounding propaganda and information dominance (Kamalipour & Snow, 2004).

Corporations taking responsibility for the welfare citizens from governments and their ability to counter the negative aspects of information dominance by governments has the potential to provide a check and balance against authoritarian ambitions. States have an innate desire to maintain their power, and for the continuation of the government, they have 'to arrange things so that the state becomes sturdy and permanent, so that it becomes wealthy, so that it becomes strong in the face of everything that may destroy it' (Foucault, 2004, p. 4). The

state's desire to project strength in the face of everything that may destroy it can potentially lead it towards repressive action against anything considered a threat to its continuation. The private sector intervention in government action that has the potential for repression, violence, or misinformation can provide a check on this type of action. However, there is a question of legitimacy. Do private sector institutions have the legitimacy to take responsibility for society, to decide what is acceptable speech? Returning to the reflections of Stamos.

Companies are acting like governments, but they don't have the legitimacy of governments. They don't have the transparency, they've never been elected. People choose to use their products, but they can become so powerful that they are acting at the same level as a government from a power perspective, where people can't really choose to be free of the indirect impacts of that platform; and that causes a lot of problems, and then, a related issue is while they are acting as their own governments. They are also responsive to the legal requirements of dozens and dozens of countries. (Berkeley School of Information, 2019)

In *The Birth of Biopolitics*, Foucault suggested that governmental practice may not need to be legitimate, noting that 'there will either be success or failure; success or failure, rather than legitimacy or illegitimacy', which 'now become the criteria for governmental action. So, success replaces legitimacy' (Foucault, 2004, p. 16). This assertion establishes the premise for this paper, exploring corporations that accept responsibility—or are being forced to take responsibility—because they are successful and, therefore, the potentially legitimate actors to defend individual rights in the digital age.

The context of this paper will focus specifically on the theme of speech practice and the rights surrounding freedom of speech. The paper is organised into the following sections. The first will look at the adoption of technologies as *technes* of government in the Foucauldian tradition utilising Dean's (2010) elements of governmentality. What follows will be a contextualisation of applying the concept of governmentality to corporate actors, building on the work of Collier and Whitehead (2021). This section focuses on the characteristics of one of the three topologies of corporate governmentality, forced governmentality, and identifies and evaluates its specific characteristics. In order to identify these characteristics, the penultimate section empirically evaluates the case of Facebook, which was forced to adopt

corporate governmentality within the action space of speech practice. The paper concludes with a discussion of additional areas of study in light of a governmentality view of the corporation, particularly in algorithmic governance.

Governmentality in the 21st century: From technologies to *technes*

‘The literature on governmentality asks: by what means, mechanisms, procedures, instruments, tactics, techniques, technologies and vocabularies is authority constituted and rule accomplished?’ (Mitchell, 2010, p. 42). Similarly, Dean (2010) has categorised four elements that allow for the analysis of what Deleuze would consider regimes of practice, including an examination of the field of visibility of government, the technical aspects of government (*techne*), the rationality of government (*episteme*) and the formation of identities. An exploration of all of these aspects of the practices of forced governmentality is beyond the scope of this particular inquiry. However, identifying the characteristics of forced governmentality through Dean’s (2010) lens provides a valuable tool for illuminating the corporate practices captured by this particular form of corporate governmentality. This section will examine how corporations have been forced to take responsibility for the action space surrounding speech practice, demonstrating how technology has become a *techne* exercised by the corporate sector. Further, this transition develops into the ‘thought, knowledge, expertise, strategies, means of calculation, or rationality that are employed in the practices of governing’ (Dean, 2010): the *episteme* of governmental practice.

A multitude of investigations by ‘political and social historians ... chart the insatiable appetite of modern states for statistics about every aspect of citizens’ lives and deaths’ (Daston, 2007). For example, Ian Hacking’s (2006) account of the emergence of the mathematical technology of statistics and probability in the mid-1600s—and the resultant adoption of the statistical average as a *techne* and *episteme* of government in the 18th and 19th centuries—provided a clear articulation of the phenomena of technology becoming a *techne* and the subsequent adoption of the *techne* into the *episteme* of governmental practice. In the Foucauldian style, Hacking’s (Hacking, 2006) genealogy of this emergence starts with the philosophical problem of the objective and epistemic probabilities that overlay Dean’s (2010) *technes* and *epistemes* of government.

Inherent in Dean’s (2010) evaluation of governmentality, there is a dialectic relating to *technes* and *epistemes* of government. The tension derives from the direction of flow from

the adoption of *technes* due to the adoption of a particular *episteme*, which has shifted to the adoption of a particular *episteme* as a result of the *technes* of government. The developments of probability and the adoption of the concept of the statistical average and Gaussian distribution in the 17th and 18th century as a *techne* of government (Amoore, 2017) was predated by an epistemological change in the mentality of government that, according to Foucault, began in the 16th century (Foucault, 2007). As explored in the conclusion of this paper, this shift may actually have begun in the 15th century with the invention of the printing press. Moreover, it is possible that adopting the governmental object of the population as an epistemological change may have driven the acceptance of a statistical government as a *techne*. Privately developed digital technology, including social media platforms, have undergone (or are undergoing) a similar transition from technology to *techne*, mirroring the technological and governmental revolution that preceded the development of probability and statistics. However, its directional flow is much more clearly defined in the case of social media, shifting from *technes* to *epistemes*. This evolution can be seen in the timeline of social media adoption, technological developments, and the growing use of such technologies by governmental actors (both public and private).

Social media gained mass adoption around 2006. While Myspace was then the most prominent social network, it quickly lost out once Facebook changed its policy of only allowing university students to sign up for a Facebook page to permitting everyone with a valid email address above the age of 13 to create one (on September 26, 2006). Twitter also launched its service earlier that year, on March 21. When these services opened to the general public they pioneered a new technology that quickly gained traction.

Knowledge and use of users' personal data for customisable advertising were quickly developed by Facebook, beginning with a programme called Beacon in 2007, which allowed for the injection of advertisements into the News Feed without user consent. Subsequently, they launched Custom Audiences in 2012, allowing advertisers to link their databases with that of Facebook to further target advertisements to users, and in 2013 the advertising capabilities were further enhanced with Partner Categories. 2014 had several key moments, including the publication of a study surrounding emotional contagion and the development of *thisisyourdigitallife* by Aleksandr Kogan, which led to the harvesting of individuals' data and the development of psychological profiles related to U.S. voters (these insights would

ultimately be exploited by Cambridge Analytica). Cambridge Analytica was employed to use “psychographic” analysis of voters to try and win them over with narrowly targeted micro-messages’ (Vogel & Parti, 2015) by Ted Cruz in advance of the 2016 elections. Throughout 2017, Facebook released information surrounding Russian entities’ disinformation campaigns that purchased ads ‘to interfere in U.S. politics and the 2016 presidential election’ (Constine, 2017) and in 2018, the company announced that it shut down a number of troll farm accounts originating in Russia.

The timeline of some of the challenges Facebook has gone through with the use of data has one common thread: behavioural and digital territory management. What moved this technology to a *techne* of government was the way it was used. Cambridge Analytica may seem benign, developing psychographic profiles of voters, but as Christopher Wylie, the former Cambridge Analytica employee explained,

Cambridge Analytica could ... craft adverts no one else could: a neurotic, extroverted and agreeable Democrat could be targeted with a radically different message than an emotionally stable, introverted, intellectual one, each designed to suppress their voting intention—even if the same messages, swapped around, would have the opposite effect. (Hern, 2018)

The outcome of suppressing voter intention demonstrates the adoption of data analytics and predictive models for governmental aims. This practice falls into the category of adopting the result of *technes* becoming part of the *episteme* of government. The focus of this inquiry is the transformation of technologies to *technes*. In this case, the adoption of *technes* is the adoption of algorithmic forms of governance (Amoore, 2017; Cooper, 2020). The key is the concept that, in essence, the development of algorithms to shape social media sites created a problem that needed to be governed and managed. However, the private sector is being called to take responsibility for the problems that have been created. Interestingly, by taking responsibility, social media companies are also using algorithmic methods to solve the created problems.

The management of speech practice by the private sector provides an interesting insight into its adoption of algorithms as a *techne* of their governmental practice. The Trump

example provides a clear picture of the intervention of social media companies into speech practice, but it also represents a special case. The management of Donald Trump’s speech was moderated by humans, individuals within the respective companies of Facebook and Twitter. However, this approach is not general practice for the wider scale of content and speech moderation.

The recent European Parliament report (2020) on algorithms for online filtering and moderation provides a concise model for the socio-technical moderation system generally used by platform companies. The major platforms use a hybrid model for content moderation. However, as indicated below in Figure 1, uploaded content initially goes through automated filtering that is performed by algorithmic tools; only those deemed uncertain are then passed to a human for assessment, and the feedback loop, once a decision is made, is passed into the training data for the algorithm for future filtering of similar content. Thus, algorithms—not people—categorise the majority of content either as harmful, removing it, or not harmful, making it visible to users.

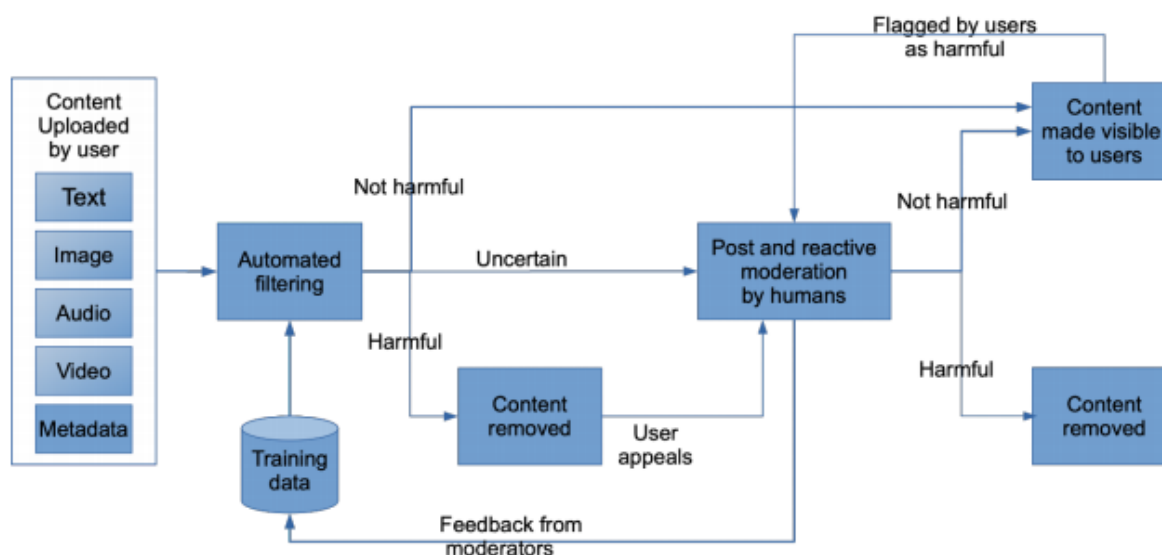


Figure 3: The integration of automated filtering and human moderation (European Parliament, 2020)

Before discussing the marriage between algorithms as a *techne* of government and speech practice, the next section will explore platform companies’ intervention in speech practice as a form of corporate governmentality.

The historical evolution of governmentality: From states to corporations

In 2020 Collier and Whitehead (2021) outlined a general theory of corporate governmentality that was 'concerned with the ways in which corporate governmentality challenges established notions of governmentality and how a Foucauldian perspective can itself contribute to the study of the governmentalisation of the corporation and the corporatization of government'. The general theory provided analytical language for understanding the intervention within society through behaviour management for the welfare of populations of individuals. The authors identified three typologies of corporate governmentality: 1) *deliberate corporate governmentality*, where companies are actively seeking responsibility for social interventions (Collier, Welsh, & Whitehead, 2021); 2) *incidental corporate governmentality*, where companies take actions within the sphere of governmentality for the production of data, but without interest in societal change (Whitehead & Collier, 2021); and 3) *forced corporate governmentality*, where corporations are being thrust into a governmental role as a result of their technology becoming a *techne* of government or having to engage in government actions due to a lack of regulation in their industrial space. This paper seeks to develop the concept of forced corporate governmentality.

The first two manifestations of corporate governmentality (deliberate and incidental) primarily concern themselves with an ethos of care for a narrow set of stakeholders, predominantly current and potential customers, rather than the population at large. In the case of forced governmentality, there is a trend towards the broader notion of populations and an ethos of care for the totality of potential stakeholders and customers (i.e. the global population). Furthermore, while Stamos highlighted that corporations are acting governmentally but are 'responsive' to the legal requirements only in the territories in which they operate, due to the technology development becoming *technes* of government(al) institutions, they have developed a potential security apparatus unlike that of the state.

The state uses its security apparatuses (e.g. police, military) to ensure the optimal functioning of vital economic and social processes. In contrast, the private sector provides security through technology, including the removal of tools and utilities necessary for states to govern and, more generally, for modern life, thus embodying the concept of Foucauldian governmentality. Put simply, a select number of private-sector corporations control users'

conduct. Twitter and Facebook, quite literally, in their banning Donald Trump from their services (and their interventions in Iran and Uganda), were able to establish this. They arbitrated the conduct acceptable by political actors, and more incredibly, the then head of state. Indeed, they were called upon to not only set a precedent and policy for such conduct but also had the ability to enforce it.

While the topic of political conduct is a fascinating manifestation of how corporate governmentality can apply to a particular situation, similar to the initial work on corporate governmentality by Collier and Whitehead (2021), this paper sets out a more general theory of forced governmentality. It provides an avenue for further study and an analytical tool that can be used to evaluate specific instances of corporate governmentality related to political speech intervention. As such, this paper will look to establish some characteristics of forced corporate governmentality to provide scope for further research into the inquires of the source of private-sector responsibility, potential industries and sectors where forced governmentality may emerge, and some of the implications of corporations being thrust into a governmental role.

The exploration into this aspect of corporate governmentality presented methodological problems for a full enquiry into the concept. Unlike voluntary governmentality, which originates in the genealogy of the state and the corporation, the discourse surrounding corporate social responsibility or incidental governmentality is more akin to conducting randomised control trials and behavioural experimentation for analytics development or profit generation. Due to the scale and nature of the intervention of multinational corporations, it has governmental characteristics. Forced governmentality appears to tend toward newer industries and spaces without established government legislation and intervention. While there are multiple sources for the lack of an origin point for forced governmentality, Zuboff (2019) has described modern technical corporate actors in terms of trespass in her work on surveillance capitalism, stating that 'trespass is important to data rendition because it enabled surveillance capitalists to expand their data reach rapidly without having to gain legal authority or personal consent' (Whitehead, 2019, p. 8). Unlike bricks and mortar businesses and traditional industries where planning or general permissions must be granted prior to development, the tech industry stems from the 'Californian ideology'. It attempts to 'push beyond the limitations of both the technologies

and their own creativity' (Barbrook, 1996, p. 18), which 'combines the free-wheeling spirit of the hippies and the entrepreneurial zeal of the yuppies' (p. 1). The resultant developments chart unknown territories where responsibility is accepted in an *ex post facto* manner. Consequently, private sector actors are called to accept governmental responsibilities, leading to increased tension between the public and private sectors.

Action space

Each of the observed typologies of corporate governmentality has distinct characteristics. The primary difference between them is the action space (the area where actors take action) of their governmental interventions. First, voluntary governmentality allows corporations to choose the action space for their responsibility. As they are voluntarily taking responsibility for aspects of societal welfare, they can choose a single space or multiple action spaces from a range of options that match their brand or corporate ambitions (Smith, 2019). One example is the Mexican corporation Bonafont, part of Danone, which has become a champion of women's rights and gender equality and has voluntarily chosen their action space for a specified population: women. It may seem counter-intuitive for a company in the water distribution industry to take on something unrelated to their brand (D'hond, 2020). However, they have built a reputation on a particular action space that they specifically chose.

Second, incidental governmentality allows for governmental interaction in a fluid action space that depends on the experimental focus of the behaviour change trials a specific actor is running. In contrast, forced governmentality takes the choice out of the hands of the actor who implements it. A range of examples demonstrates the forms of incidental governmentality, including the Facebook VoterMegaphone Project (Collier & Whitehead, 2021) and social media companies' experimental emotional contagion research, which specifies the action space of mental health. The intervention and governance of that particular action space relate specifically to the research conducted at the time and shift from one action space to another.

Finally, within forced responsibility, the action space is chosen by external actors (e.g. stakeholders, civil society or the public sector). In the case study of social media platforms, the enforced action space for corporations relates to speech rights and practices. An additional example of a potential action space where corporations may be forced to accept a governmental role is space equity and the information rights of the global population,

specifically in relation to project Athena by Facebook and SpaceX by Tesla founder Elon Musk (Matsakis, 2018; Barbara, 2020). While information rights might not be as established as freedom of speech, there is increasingly more discussion of the right to access information, which may become an inalienable right similar to that of private property or speech. For example, legislation such as the Freedom of Information Act in the UK and the Right to be Forgotten in Europe tend towards this view of information rights. If challenged by private sector intervention from the likes of SpaceX or Athena, this right to information could provide a forced action space of responsibility like the advent of social media and the resultant calls for private interventions into the action space of speech practice.

However, forced governmentality also has a dualistic character. There is a difference between legislative intervention, where the private sector is compelled to act and accept a governmental role, and forced governmentality, which relates to a non-state compulsion to act as the government. To clarify, the drive to adopt governmentality is either based upon the internal acceptance of responsibility for the world companies have contributed to creating, or it derives from the calls from civil society to force private companies to act, threatening to reject their service or product if the company refuses to accept responsibility. Further, it is not the appearance of governing, akin to companies taking on environmental policies that have not been inculcated into their organisational culture, amounting to surface-level changes or the appearance of change like greenwashing. Instead, forced governmentality is characterised by the meaningful adoption of responsibility that has been forced upon companies due to internal or external pressure unrelated to a legislative body. While there is no direct internal or external pressure related to a legislative body that does not exclude the in-direct influences resulting from the relationships of corporations to governments, nor is it outside the broader political-economy discourse of the interactions between corporations and government, government and civil society and civil society and the corporation. However, the focus of this inquiry is directed at an analysis of the lack of a first order involvement of the legislative body on the adoption of responsibility by corporations. This forced adoption of responsibility and this application of governmentality analysis with broader political-economy discourses or theoretical perspectives (e.g. Marxist, surveillance capitalist see Zuboff) is out of scope for this inquiry it provides an interesting avenue for further research.

There is an additional consideration that needs to be taken into account regarding the spectrum of governmentality that corporations can adopt. As noted above, companies may voluntarily take responsibility for a specific action space, such as Uber accepting responsibility and adopting governmentality towards mobility 'rights', which led to forced responsibility relating to the welfare of their riders and drivers. As this choice may lead to their inclusion in public sector mobility services through their platform, there may also be an expansion of their responsibility towards the safety of individuals and populations that utilise public mobility services (Collier, et al., Unpublished). This practice leads to a lack of mutual exclusivity between the three typologies of corporate governmentality developed by Collier and Whitehead (2021). Further to this point, once technologies are adopted as *technes* of government—either by private or public sector actors—there is a component of incidental governmentality, as demonstrated in the case study put forth surrounding the track and trace application in the exploration of incidental governmentality by Whitehead and Collier (2021).

Speech practice: Control and curation of knowledge

The precedent for speech practice as an object of governmentality is not a novel occurrence or a technological development changing the global power-knowledge relationship of governing actors on a global scale. Centuries ago, the invention of the printing press challenged the governmental power of the Catholic Church and made possible liberalisation, capitalism, and democracy (McLuhan, 1962). Prior to the invention of the printing press, the Church was able to operate as the singular curator of religious views, managing the dissemination of knowledge and the interpretation of scripture. However, with the technological development of the printing press, 'many citizens no longer needed to rely on religious authorities for knowledge, interpretation, and analysis of religious literature' (McDanie, 2015, p. 30). The Church's control over language, specifically scholarly Latin, enabled tight control over religious knowledge. The combination of the technological development of the printing press and the translation (the removal of sole control by the Catholic Church over religious knowledge) of the Bible into German, the language of the common people, by Martin Luther precipitated a global shift in power relations that supplanted the Catholic Church with the secular state.

Interestingly, the Catholic transition to Protestantism parallels the underlying debate surrounding social media and speech as an object of governmentality. To use terminology

from the modern debate, the Catholic Church operated as publishers while the Lutherans (via the printing press) operated as distributors or platforms. Underlying the following discussion on speech practice, there is an ongoing debate that frames the idea of the management of speech practice by private sector actors. It asks whether social media companies are a platform (distributor) or publisher (for a full discussion on the nature and nuance surrounding Section 230 – the section of the U.S. legal code relating to platforms responsibility for 3rd party content - and its implications for the legal rights and differences between platforms and publishers, see Kosseff, 2019). In general, publishers can be held liable for the content they produce, whereas platforms—under Section 230—are not liable for third-party content. Social Media HQ provides practical examples in plain language that highlight the difference:

The easiest way to think about this dichotomy is by thinking about newspaper companies.... These companies make editorial decisions about what news to publish.... If they publish a slanderous or defamatory article about a high-profile individual, they can expect to be sued in court.... Now, think about companies like Verizon, AT&T or Comcast. These are platforms, in that they primarily serve to facilitate communication and distribute information. They can't 'ban' you from using their services, even if you are trafficking in all kinds of conspiracy theories. If you want to talk about 'false flag' conspiracy events with your crazy uncle on the phone, nobody is going to block or throttle that conversation. You won't get a letter from AT&T saying that you are no longer a customer. (Zilles, 2020)

However, this distinction does not mean that all content is created equal on platforms. For example, James Grimmelmann (2015) has detailed content on social media platforms that falls into two categories 'information goods' and 'information bads'. Of the information bads, he further categorises them into four areas: congestion, cacophony, abuse, and manipulation. Forced governmentality in speech practice management relates to the latter two categories of abuse, where 'the community generates negative-value content—information 'bads'; and manipulation, 'in which ideologically motivated participants try and skew the information available through the community' (p. 13). It is important to 'note that abusive content is not limited to what is prohibited by law: the concept of "information bads" needs to be contextualised to the participants in an online community, to their interests and expectations'

(European Parliament, 2020). This characterisation demonstrates the aforementioned space and characteristics of enforced governmentality that falls outside of the legislative sphere.

Like speech practice, moderation is not a new concept. Content moderation can be applied for the benefit of the complete set of users, the platform community, or smaller sets of communities that are able to set stricter or looser moderation standards. Highlighting this feature, the streaming service Twitch has two sets of standards: general platform standards and a set of standards that are unique to each channel creator. The channel creator can then appoint voluntary channel moderators that moderate the chat and content on the channel in line with the individual community's guidelines. In small scale communities, the content review process is reactive and reviewed by human moderators, who may take down reported content.

However, as communities expand, the review process changes to 'proactively enforce policies' (Zuckerberg, n.d.). It is this 'proactive' platform-wide moderation that is of concern in the concept of corporate governmentality. Another primary aspect of using the language of forced corporate governmentality relates to the scale of the platform. While size and scale (as we will see) are important, the reach of a company and its broader engagement with a population is critical. Companies must also adopt certain governmental practices such as behaviour change (as we will see in the section on natural engagement patterns) and the management of territory (in the context of this paper, the management of digital territory) (Collier & Whitehead, 2021).

There are specific characteristics that organisations must possess to be classified as corporations that can be considered to have accepted governmentality. The limitations relate to the minimum size and reach of corporations that can 'meaningfully engage' with enough individuals within a population. As noted above, smaller communities that engage with fewer users are typically not large enough or fiscally secure enough to meaningfully engage in governmentality, forced or otherwise. Companies also need to be fiscally able to undergo governmentalisation. Novel industry sectors such as technology and platform-based corporations are more likely to be engaged in governmentality to a greater extent.

Facebook, Twitter, Uber, Lyft are examples of companies that meet the reach, size, and fiscal minimums. Furthermore, due to their reach and size, they are able to influence the

socio-cultural environment through their minimum standards that go beyond legislated compunction (Collier, et al., Unpublished) (Grimmelmann, 2015). This feature is particularly pertinent as the data shows that there were approximately:

4.33 billion social media users around the world at the start of 2021, equating to more than 55 percent of the total global population.... Facebook remains the world's most widely used social media platform, but there are now six social media platforms that claim more than one billion monthly active users each ... [and] at least 17 social media platforms have 300 million or more monthly active users. (Datareportal, n.d.)

While there is a potential for large-scale platforms, tech, and novel industry companies to become governmentalised, the process is not inevitable. In order to explore the phenomenon of forced governmentality, this paper will explore how social media platforms such as Facebook and Twitter have been governmentalised within the action space of speech practice and contrast this with similar social media platforms that operate in a differing political-cultural landscape and which have not undergone governmentalisation: for example Weibo and QZone.

The choice of these particular case studies was based on their popularity, size, and reach, inspired by the work of map designer Martin Vargic (Ang, 2021) and Halcyon Maps following a yearlong project to provide a concise, 'but still comprehensively visualize the current state of the World Wide Web, and document the largest and most popular websites over the period of 2020–2021' (Halcyon Maps, n.d.). As shown in Figure 2, the dominant social media platform is Facebook, while in China and Russia, there are alternatives. As part of the analysis of Facebook's corporate governmentality, we will contrast this with an inquiry into Chinese social media platforms and indicate how—as opposed to the Facebook case study—social media platforms in China failed to be governmentalised due to its distinct socio-political landscape.

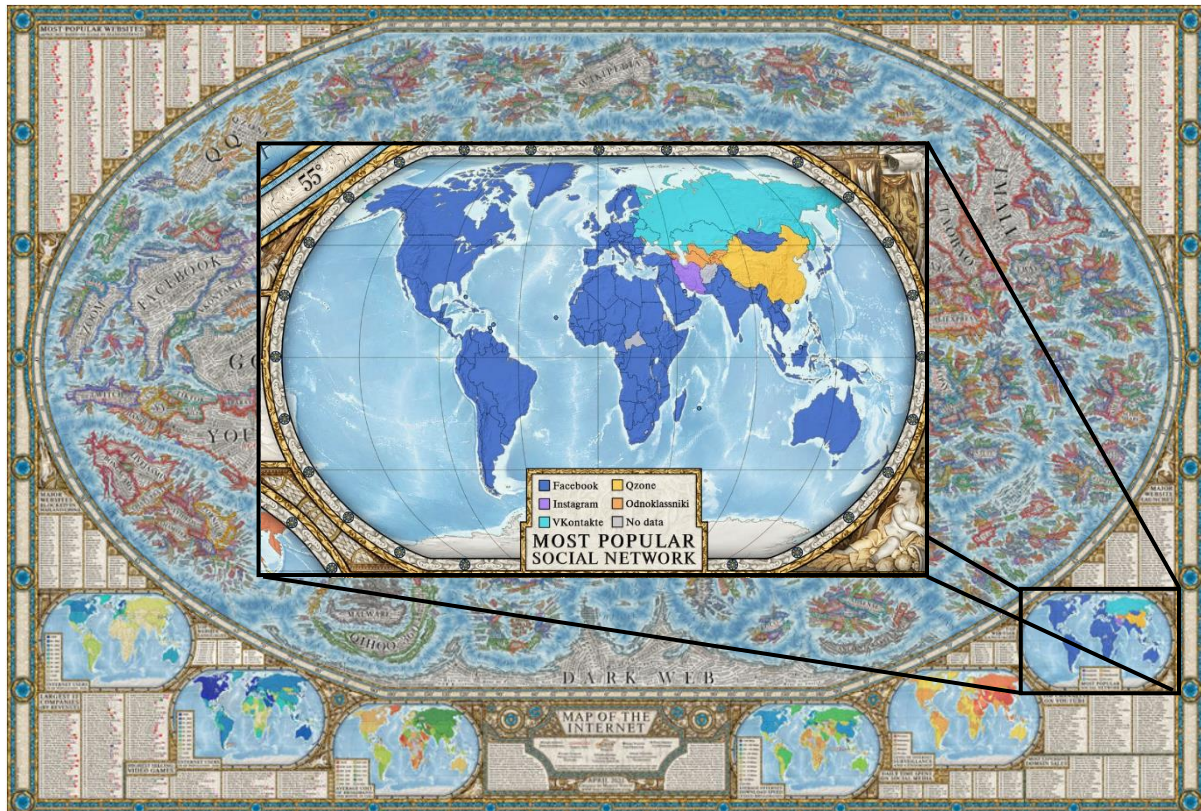


Figure 4: Map of the Internet 2021 (Halycon Maps, n.d.)

While the conclusions of this paper do not specifically focus on a specific social media site (e.g. Facebook, Twitter, Shina Weibo, QZone), this examination highlights the characteristics of social media sites that have become, within our definition, governmentalised or that have adopted corporate governmentality. To paraphrase Brun's (2018) articulation of the interrelationship between Facebook and Twitter:

these platforms do not exist in isolation from each other; that they share users to a considerable extent; that through automated as well as manual means, information flows between them at considerable volume; and that they both exist as part of a broader, thoroughly interconnected social media network means that—with the necessary adjustments—many of the actions we find on Twitter also translate to Facebook, and vice versa. (p. 9)

There are slight differences among social media platforms in their orientation and use. Facebook orientates itself more towards a private network experience in contrast to Twitter, where most user accounts are public and thus oriented towards a microblogging network. As

noted by Larrson and Christensen (2016, as quoted in Bruns, 2018, p. 13), ‘we can perhaps consider Facebook as the news “showroom”—used mostly for broadcasting messages— whilst Twitter is the news “chat room”—used more for interaction’. This difference is mirrored in the Chinese equivalents QZone and Sina Weibo.

While these slight differences may contribute to ‘important distinctions’ being missed when discussing them under the heading of a general social media platform, for the purposes of this paper (as we are seeking to establish similar characteristics and provide a comparison for macro-level phenomena), the differences do not disrupt the general purpose of this inquiry. As such, if there are specific instances when their differences impact more general conclusions, this will be noted, but we will explore them in general and specific terms that relate to the similar characteristics that apply within the action space, here defined as speech practice.

The backbone of the case study will focus on Facebook, analysing Mark Zuckerberg’s (n.d.) open letter, ‘A Blueprint for Content Governance and Enforcement’. Due to the global popularity of Facebook and its nearly 3 billion users, this document on content governance could arguably be seen as one of the most important and far-reaching documents in history because there has not been a governmental or corporate entity with as much responsibility for this number of individuals in human history. The content of Zuckerberg’s letter will be supplemented with secondary data sources that address specific themes that may not be included within it. The letter is laid out into the following sections:

- Community Standards
- Proactively Identifying Harmful Content
- Discouraging Borderline Content
- Giving People Control and Allowing More Content
- Addressing Algorithmic Bias
- Building an Appeals Process
- Independent Governance and Oversight
- Creating Transparency and Enabling Research
- Working Together on Regulation

Broadly these topics can be separated theoretically using three of Dean's (2010) four elements of governmentality: field of visibility, technical aspects (*techne*), rationality (*episteme*), and the final element, the formation of identities—indicating a broader shift in the view of the world adopted by the governmentalisation process. This final aspect will be addressed in the discussion on the datafication of society, presenting a new view of the world and examining the possible implications of social media governmentality. It will also note the parallels between contemporary changes in the governance of society and the technological advancement embodied by the printing press.

Characteristics of forced governmentality

The overarching purpose of this paper is to explore the characteristics of forced governmentality. To do this, it will analyse the process of governmentalisation that Facebook went through regarding the governance of speech practice through algorithmic content moderation. As noted above, some characteristics of forced governmentality can potentially apply to technology and novel industries. However, it is not a deterministic process, and there are platforms and technology companies like Facebook that have not undergone governmentalisation and operate in different socio-cultural environments. To explore the adoption of governmentality, we will address organisations that provide a similar platform but have not undergone governmentalisation, adding a comparative perspective.

In 2009, China blocked Western social media platforms from open access to its citizens. As in other countries around the world, there are legislated limitations on the content that can be distributed on the internet. However, in China, the limitations imposed are articulated in Article 5 of the Computer Information Network and Internet Security, Protection and Management Regulations – 1997 (Ministry of Public Security, 1997). These restrictions include:

- (3) Inciting division of the country, harming national unification
- (5) Making falsehoods or distorting the truth, spreading rumours, destroying the order of society
- (6) Promoting feudal superstitions, sexually suggestive material, gambling, violence, murder
- (8) Injuring the reputation of state organs

The restrictions in China and the overall control of the internet within their physical territory is typically called the Great Firewall, 'a joint effort between government monitors and the technology and telecommunications companies *compelled* [emphasis added] to enforce the state's rules' (Bloomberg News, 2018). The level of control exercised by the centralised Chinese state prevented social media platforms from assuming the role of independent governmental actors and therefore adopting their own governmentality. Instead, the platforms became part of the *techne* of government for the state apparatus.

Unlike some Western countries, the Chinese state uses platforms as an extension of its security apparatus. It has become a tool for policing 'to punish users who post sensitive content to induce self-censorship and to avoid content being posted' (Qin, Stromberg, & We, 207, p. 121). This monitoring is carried out across all levels of government by information officers and internet monitors (*ibid*). It also is a tool of control over its citizens, highlighting how China deals with contested virtual and physical space and its relationship to the people who engage in it (King, Pan, & Roberts, 2017). The tools of control include censorship and propaganda. Not only can the government limit access to information, but it can also 'affect debates and sentiment on social media by actively posting their own content' (Qin, Stromberg, & We, 207, p. 122).

In contrast to the way it is used as a *techne* for state actors in other countries (e.g. Trump using Twitter for political speech or Cambridge Analytica being hired by political actors to influence U.S. voters), the Chinese government (similar to Russian state-sponsored troll farms for the dissemination of information) utilises what is known as the 50c party to strategically draw attention away from controversial topics. This approach is known as "'astroturfing" or what might be called *reverse censorship* [emphasis in original]' (King, Pan, & Roberts, 2017, p. 484). If the Chinese government used this activity on platforms such as Facebook, it would contravene their Community Standards relating to Integrity and Authenticity and would be blocked, which would be an unacceptable compromise for a platform operating within an authoritarian regime's territory.

The power of non-authoritarian controlled platforms also contrasts with those that operate in China. The recent Facebook publisher controversy with the Australian government demonstrates a critical difference in the ability of these private actors to contest and exert control over the conduct of states within. The Australian government attempted to impose

controls on Facebook, claiming they were a publisher and therefore required to pay news agencies for curating their content as part of new legislation called News Media and Digital Platforms Mandator Bargaining Code (Morrison, 2021). Facebook's response was to ban all news (including news links) for Australian users, forcing the Australian government back to the table, and the government subsequently amended the legislation for Facebook, 'that will allow us to support the publishers we choose to' (Brown, 2021). Thus, while Facebook will 'invest' in journalism they will, 'retain the ability to decide if news appears on Facebook so we won't automatically be subject to a forced negotiation' (Brown, 2021).

This event is not only a demonstration of the contestation of power dynamics between the public and private sector but additionally clarifies how they monitor conduct, designating such private companies as the actors responsible for governing content distribution (and therefore, according to a Foucauldian perspective, legitimate actors who govern the digital conveyance of information via speech). However, it is inconceivable for platforms within China's jurisdictional territory to contest a legal mandate issued by the state. Moreover, it is implausible that they would be able to contradict the Chinese government similarly to how Facebook moved against the Australian state.

Case study: Facebook as a governmental actor in the speech practice sphere

Note: Any direct quotes in this section that are not directly attributed to an alternate source are taken from Zuckerberg's 'Blueprint for Content Governance and Enforcement' (Zuckerberg, n.d.)

Mark Zuckerberg begins his 'Blueprint for Content Governance and Enforcement' letter with two seemingly contradictory ideas. First, he states that he 'believe(s) that the world is a better place to share their experiences, and when traditional gatekeepers like governments and media companies don't control what ideas can be expressed'. The implication of this statement is layered with additional depth into the view of government and media concerning the right to speech practice and information freedom. Moreover, it implies that governments and media organisations cannot be trusted as 'gatekeepers' of speech practice. In the following sentence, he expresses the need for some governance of the space, expressing that:

at the same time, we have a responsibility [emphasis added] to keep people safe on our services—whether from terrorism, bullying or other threats. We have a broader social responsibility to bring people closer together—against polarization and extremism. The past two years [2016–2018] have shown that without sufficient safeguards, people will misuse these tools to interfere in elections, spread misinformation and incite violence.

The implication of this second statement is, in itself, significant in several ways, adding additional importance to the previous statement. The first provides initial support for the argument surrounding the use of speech and content, noting that it can be abused and manipulated. By extension, it recognises that political actors and governments have adopted the technology of a social media platform as a *techne* of government. He then states that there must be ‘safeguards’, speech management in place to curb the ills resulting from the failure to govern such spaces.

Secondly, private actors have a ‘responsibility’ to address the problems that arise from their technologies, implying that they have not voluntarily chosen to take responsibility for a specific action space but are forced to take responsibility for areas their technology transforms. There are subsequent responsibilities that arise due to this forced responsibility for a specific action space—in this case, welfare and security, resulting from companies’ responsibility for speech practice.

Finally, when combined with the previous sentiment surrounding governments’ inability, ulterior motives, or lack of legitimacy to manage this action space, Zuckerberg argues that, as Foucault indicated, these actors can successfully manage this space. Thus, they should be the ones to govern it. As a result of their successful ability to govern the space, they are the legitimate actors to govern. The management of speech practice and content on the platform is what he has ‘focused more on...over the past couple of years’, which indicates that in the prior ‘couple of years’, Facebook has undergone a process of what we would describe as governmentalisation or, alternately, the process of adopting governmentality.

Field of visibility: Aspects of speech practice included for moderation

What kind of light illuminates and defines certain objects and with what shadows and darkness obscures and hides others. (Dean, 2010, p. 41)

Within the context of speech practice, Facebook claims that the governance practices that relate to speech are illuminated by the Community Standards. To paraphrase Dean (2010), the Community Standards make it possible to 'picture' who and what is to be governed. The 'who' is codified in the Additional Information section and is described in terms of 'stakeholders':

By 'stakeholders' we mean all organizations and individuals who are impacted by, and therefore have a stake in, Facebook's Community Standards. Because the Community Standards apply to every post, photo, and video shared on Facebook, this means that our more than 2.7 billion users are, in a broad sense, stakeholders. (Facebook, n.d.)

While the term stakeholders here relates to "just" 2.7 billion users, this is an understatement because it only includes users, whereas stakeholders would actually also include those organisations and individuals who are 'impacted' by Facebook. As noted earlier, the minimum standards impact the socio-cultural norms of the territories where they operate (Collier, et al., Unpublished). Moreover, the assemblage of social media networks and other platforms do not exist in isolation from one another (Bruns, 2018). Furthermore, the reach of stakeholders necessarily includes the public sector actors who utilise the network as a *techné* of government, therefore extending the set of stakeholders to the entire assemblage of actors involved in the governance of individuals and populations.

Regarding what is included in the field of visibility within Facebook's Community Standards on speech practice, it includes the following enumerated sections of the Community Standards related to speech moderation: legislated, unlegislated, and those that straddle to a greater or lesser degree both codes. An example of this is the Community Standard related to Bullying and Harassment: there is no legal definition for bullying unless it crosses the boundary into harassment, which is unlawful discrimination of a protected characteristic under the law. Similarly, the majority of the section on Integrity and Authenticity fall firmly in the unlegislated category. There is no legal compunction, for instance, to regulate false news, manipulated media, or misrepresenting oneself online.

The items that were in doubt or straddled the legislated and unlegislated categories were discussed between the paper's authors and were included or excluded through a consensus determination. Those aspects that we concluded went beyond legislated compunction and had a discretionary level of governance by Facebook are detailed in Table 1. The importance of categorising the standards this way is to reveal the contested space we noted in the section on action space. Specifically, it is vital to separate the instances when corporations are compelled to act due to regulations already in place, allowing them to choose to independently govern an action space, versus being forced to do so.

Legislated Standards	Partially Legislated Standards	Unlegislated Standards
Section 1: Violence and criminal behaviour		
1	Violence and incitement	
2	Dangerous individuals and organisations	
3		Coordinating harm and publicising crime
4	Regulated goods	
5	Fraud and deception	
Section 2: Safety		
6		Suicide and self-injury
7	Child sexual exploitation, abuse and nudity	
8	Sexual exploitation of adults	
9	Bullying and harassment	
10	Human exploitation	
11	Privacy violations and image privacy rights	
Section 3: Objectionable content		
12	Hate speech	
13	Violent and graphic content	
14		Adult nudity and sexual activity
15	Sexual solicitation	
16		Cruel and insensitive
Section 4: Integrity and authenticity		

17		Account integrity and authentic identity
18		Spam
19	Cybersecurity	
20		Inauthentic behaviour
21		False news
22		Manipulated media
23		Memorialisation
Section 5: Respecting intellectual property		
24	Intellectual property	

Table 1: Difference between issues that force companies to act based upon legislative intervention versus forced governmentality

Within the topic of speech practice, the next section will explore the mechanisms, techniques, and technologies used to govern, specifically the algorithmic governance of speech practice on platforms.¹¹

Techne: The technologies of and mechanisms of government

Through what means, mechanisms, procedures, instruments, tactics, techniques, technologies and vocabularies is authority constituted and rule accomplished? (Dean, 2010, p. 42)

The technological development that led to the creation of social media and other digital platforms created a problem that required governance. There are two specific levels of this necessity of governance generated by the development of social media. The first is a local-level problem that impacts the platform level, managing content that contradicts its self-interest—be that ‘value’, reputation, or revenue. We introduce this topic here and explore it in the next section on the natural engagement pattern of user engagement as content approaches policy. The second is a larger strategic level—specifically, allowing and not managing borderline content that tends towards polarising political views will have a spill-over effect into the broader society, as demonstrated in the introduction with the Trump example. The ability to access polarising content can become a strategic-level problem that

¹¹ There are additional potential methods of analysis that could be pursued regarding the formation of the field of visibility, including using Foucault’s archaeology of knowledge to evaluate the development of speech practice and the possible thresholds (positivity, epistemologisation, scientificity, or formalisation) that the discursive practices surrounding speech practice by social media companies have crossed. However, such an analysis is outside of the scope of this investigation but provides a potential for further research. The focus of this exploration is the adoption of technology as a *techne* of governmentality.

undermines popular values or presents problems related to weakening the authority and the stability that states and societies are trying to achieve. As states (in most cases) cannot manage these strategic-level problems, it is left to or forced upon the platforms themselves to govern this action space.

At Facebook, content moderation was a process that was initially adopted to manage and enforce Community Standards and the local platform level:

For most of our history, the content review process has been very reactive and manual— with people reporting content they have found problematic, and then our team reviewing that content. This approach has enabled us to remove a lot of harmful content, but it has major limits in that we can't remove harmful content before people see it, or that people do not report.

In smaller communities, the manual approach can be effective. However, as a community grows beyond a certain threshold to that of a comprehensive network, manual moderation fails to keep up with its size and scale. The Facebook network is at such a scale that the media uploads to the platform are enormous. There are over 300 million photos uploaded per day, 500,000 comments, and nearly 300,000 status updates per minute on Facebook (Marr, 2020). The sheer number of content moderators needed to review this volume of content is unthinkable and not scalable.

Consequently, the need for a solution that acts as quickly as possible to determine what content to include and exclude as quickly as possible was predicated on technological innovation, 'moving from reactive to proactive handling of content at scale has only started to become possible recently because of advances in artificial intelligence'. The technology is still not sufficiently developed to manage the totality of decisions, and therefore, there is a hybrid operating model as detailed in Figure 1.

Zuckerberg's letter identified three distinct areas that relate specifically to the *techne* that Facebook adopted in its move towards governmentality: Proactively Identifying Harmful Content, Discouraging Borderline Content, and Giving People Control and Allowing More Content. The development of increasingly sophisticated algorithms and artificial intelligence (AI) that would allow for the totality of decisions and eliminate the human aspect is implied

in several sections of the letter: ‘This work will require further advances in technology’, and Facebook is making, ‘multi-billion dollar annual investments we can now fund’ in pursuit of this goal. Handing complete control over the governance of content moderation to AI would be a giant leap forward in algorithmic governance, able to govern at a macro-population-level scale. The future of technology and the ambition of algorithmic governance goes beyond the scope of macro-level governance. Zuckerberg’s section on Giving People Control and Allowing More Content provides insight into the ambition of the platform in governance:

For those who want to make these decisions [regarding what content is visible] themselves, we believe they should have that choice since this content doesn’t violate our standards.

Over time, these controls may also enable us to have more flexible standards in categories like nudity, where cultural norms are very different around the world and personal preferences vary. Of course, we’re not going to offer controls to allow any content that could cause real world harm. And we won’t be able to consider allowing more content until our artificial intelligence is accurate enough to remove it for everyone [emphasis added] else who doesn’t want to see it.

This emphasis on individual controls that will govern not only at the macro- but also at the individual or micro-level has implications for the customised governance of both populations and individuals. There is a distinct link between pastoral care and algorithmic governance. The idea that there could be governmentality that caters to both a population *and* to an individual’s needs is something that governmentality is only able to aspire to theoretically. With the investment in AI and algorithmic governance, there is the potential that, suddenly, actors will be able to look at the whole and the parts of governmentality to which they previously have only been able to aspire. It is not just a possibility but is being actively sought through AI and algorithmic governance.

The natural engagement pattern

As part of Facebook’s governance strategy, in addition to content moderation, they are also developing and employing additional governance algorithms. The section on Discouraging Borderline Content declares that one of the ‘biggest’ issues they (and all social

networks) face is 'borderline' content that 'when left unchecked, people will engage disproportionately with more sensationalist and provocative content'. There are two important points regarding borderline content. The first is related to addressing it at the level of the 'incentive' via algorithmic governance. Secondly, it is possible to 'simply move the line defining what is acceptable' rather than 'reducing distribution'.

The borderline content issue raises two critical concerns. First, the company has a conflicting business incentive to encourage content that increases engagement on the platform, borderline or otherwise, because of the financial component. Generating engagement can be directly correlated to attracting advertising spending on the platform. Therefore, from a purely monetary perspective, limiting content that drives engagement is counterproductive to the stated desire of Zuckerberg to address the problem despite his stated concern that 'it can undermine the quality of public discourse and lead to polarization. In our case, it can also degrade the quality of our services'. This issue then becomes an optimisation problem. If the impact of declining quality in services, public discourse, and polarization can be quantified, it can then be mathematically balanced against the financial incentive for non-intervention in the spreading of borderline content. The balance falls in line with the Examination, Maintenance, Inspection and Testing (EMIT) optimisation model.

Figure 3 models the optimisation problem of the declining quality of content, which is classified as preventative maintenance, against the financial cost of non-intervention, pictured as the cost of corrective maintenance. The implication is that if Facebook manages the behaviour of its users relating to borderline content, then there will be a quantifiable impact. Thus, a business decision must be made regarding whether to address the 'incentive' problem surrounding this type of content. Further discussion of this will be addressed in the *episteme* section as the 'means of calculation, or rationality that are employed in the practices of governing' (Dean, 2010, p. 42) falls into the *episteme* of governmentality rather than the *techne* of it.

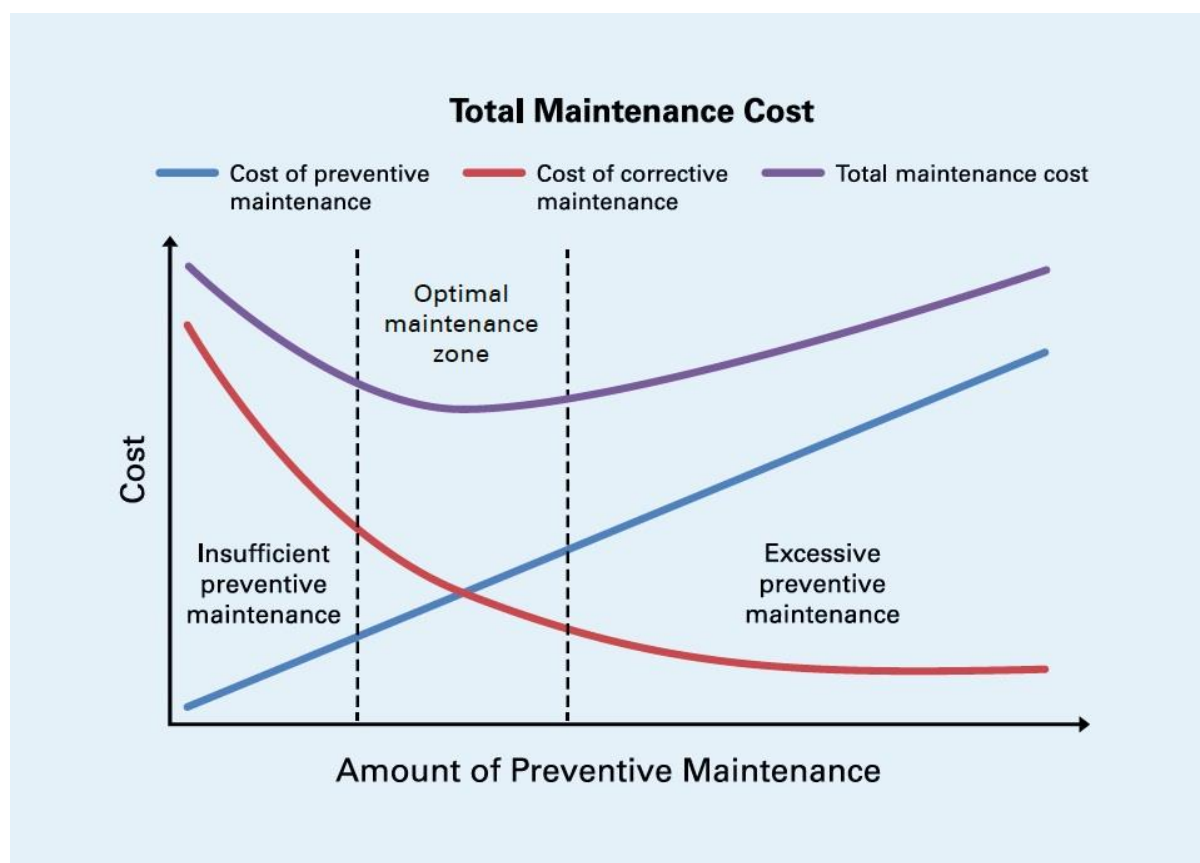


Figure 5: Emit Optimisation (Risktec, n.d.)

The second aspect of managing borderline content fits firmly within the framework of corporate governmentality. It addresses the digital ‘territory’, via behavioural management, in addressing the welfare of its stakeholders (Collier & Whitehead, 2021). Figure 3 highlights the natural engagement pattern for borderline content, and Figure 4 shows the desired engagement pattern for borderline content through behavioural management achieved through algorithmic governance to address its user ‘incentive’ problem. Consequently, Facebook ‘can address [the incentive problem] by penalising borderline content so it gets less distribution and engagement’. By making the distribution curve look like the graph below, where distribution declines as content gets more sensational, people are disincentivized from creating provocative content that is as close to the line as possible. Further, this is achieved by ‘train[ing] AI systems to detect borderline content so we can distribute that content less’.

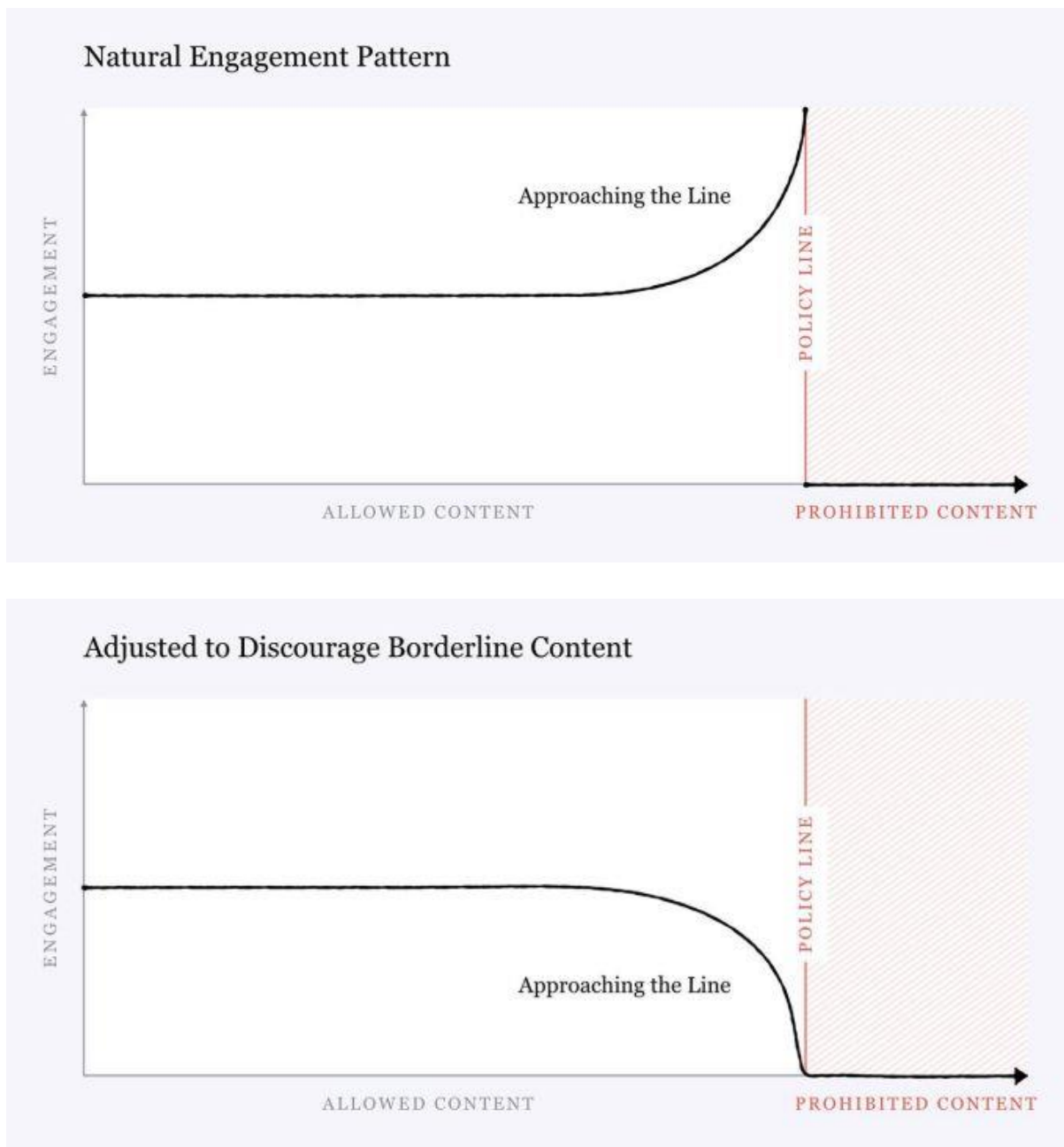


Figure 6: Natural engagement pattern and adjusted pattern to discourage borderline content (Zuckerberg, n.d.)

Control over speech: The 'goods' and 'bads'

The second important aspect of Zuckerberg's letter relates to a single line that speaks volumes about Facebook's ability to define its field of visibility regarding speech practice and what is and is not acceptable for the community. Facebook could 'simply move the line defining what is acceptable. In some cases, this is worth considering, but it's important to remember that won't address the underlying incentive problem, which is often the bigger

issue'. This single line demonstrates the ability of Facebook to define the field of visibility for governmentality not just by 'illuminating' the objects that are governed but also clarifies what remains in the 'shadows and darkness' outside the field of visibility.

While there is general information on the disincentivisation of borderline content, the specifics of exactly how the algorithm detects this type of content and the details surrounding how and what is included within the suppression algorithm to reduce engagement is shrouded by proprietary intellectual property. The negative space held by proprietary information in addition to addressing speech practice as the object of governmentality also presents itself as a *techné* of government. This reality has implications for accountability and legitimacy that fall outside the scope of this paper but deserve additional inquiry in future research.

While technology companies like Facebook are presently the only actors that can successfully and dynamically govern the action space of speech practice on platforms—and for Foucault, this would present itself as then taking precedent over the legitimacy issue—it presents some interesting challenges that need to be addressed surrounding accountability. The development of the governmental assemblage has built within it checks and balances for accountability that are inherent in the democratic process. When the field of visibility is set by a governing actor such as a private platform, shrouded from view due to the claim of proprietary intellectual property, companies do not experience the same level of accountability and legitimacy as state governmental actors, particularly when they cannot be open and transparent and choose not to engage in debate and negotiation.

This obfuscation of the actual technological instruments used in identifying borderline content is further obscured by Zuckerberg's commitment to creating transparency 'into how our systems are performing so academics, journalists and other experts can review our progress and help us improve'. This statement is a way to define what is illuminated: the progress of the resultant 'performance' of the algorithm but not the technology itself.

As indicated in the introductory sections of this paper regarding the movement from technology to *techné*, the case study and Zuckerberg's letter provide strong evidence for the direction of travel of governmentality in the case of platforms regarding speech practice. Specifically, with platforms, technological development created a moment where there is a

need for governmentality of speech practice that then necessitated the adoption of a *techne* for governing. The adoption of AI and algorithms then required an *episteme* for the governance of the *techne*. The flow of Zuckerberg's letter highlights this process. In short, the evolution of technology drove the adoption of a governing mentality. The following section will address challenges and changes to the *episteme* adopted by Facebook due to the *technes* of governance: AI and algorithms.

Episteme

The thought, knowledge, expertise, strategies, means of calculation, or rationality that are employed in the practices of governing. (Dean, 2010, p. 42)

One of the assertions made earlier in this paper was the direction of transference with platform technology: from technology to *techne* to *episteme*. While there are no specific dates in Zuckerberg's letter to form an exact chronological timeline, statements suggest that this is the case with Facebook. The development of the AI and algorithms to govern content moderation covered in the sections on Community Standards and Proactively Identifying Harmful Content describes the adoption of technology in terms of the 'past few years' and a 'three year roadmap through the end of 2019'. The advancement to address the 'incentive' problem of borderline content and the sections on Addressing Algorithmic Bias, Building an Appeals Process all indicate a more recent and near-future timeline, 'in this last year', 'this year', 'by the end of this year', and 'in the next year'; and regarding issues relating to Independent Governance and Oversight, Creating Transparency and Enabling Research and Working Together on Regulation and even further future timeline, 'late next year' and 'in the next couple of years'.

This timeline overview implies that the *episteme* and *techne* are not yet completely aligned and that the *techne* of algorithmic governmentality predates the construction of strategies, means of calculation, and rationality in the practices of governing (see Whitehead and Collier for a discussion on governing practices without a specific governmentality).

The section on Addressing Algorithmic Bias also engages in ethical considerations, but a discussion on the philosophy of fairness falls outside the scope of this inquiry. The more pertinent feature is that the adoption of AI and algorithms necessitated the rationalisation of the implementation and use of algorithms as a *techne* to govern speech practice. Creating an

appeals process and an independent oversight board and implementing regulation all share common features within the discussion of forced governmentality, particularly the implied desire for Facebook to abdicate the responsibility for decision making surrounding speech practice while still being able to govern it.

Facebook indicated in the letter that they began the process that led to the creation of the Oversight Board (Oversight Board, n.d.) to act as an independent body to review its governance and moderation policy. This statement is slightly contradictory: 'Facebook will fund the trust and will appoint independent trustees' (Oversight Board, n.d.). Further, concerning Facebook regulation, it asserts the *techne* of algorithmic governance for speech practice, where an 'ideal long term regulatory framework would focus on managing the prevalence of harmful content through proactive enforcement'. Moreover, while they are 'working with several governments to establish these regulations', Zuckerberg only describes the direction they did not want the regulations to go:

It would be a bad outcome if the regulations end up focusing on metrics other than prevalence that do not help to reduce harmful experiences, or if the regulations end up being overly prescriptive about how we must technically execute our content enforcement in a way that prevents us from doing our most effective work. It is also important that the regulations aren't so difficult to comply with that only incumbents are able to do so.

Under these auspices for the future development of oversight and regulation for the practices of governmentality that Facebook is already employing, the evidence points to the suggestion that the company is looking for a dynamic that legitimises their approach and practices while at the same time limiting their liability as the actor that governs the digital speech practice territory. Consequently, the company can continue the practice of governing speech and have those decisions reviewed by an 'independent' body. Further, they are gifted with a degree of sovereignty similar to that of the nation-state because they are exempt from specific legal regulations or, as Giorgio Agamben would say, they are gifted the ban or the exemption from legal rules (Barkan, 2013).

The example of Facebook in the field of speech practice governance demonstrates that it can circumvent the content laws of both 'local' (national) government and supra-national governmental structures (European Commission). Evidence suggests that this is already underway. The regulation embodied by the German Network Enforcement Act (NetzDG) that was enacted in October 2017 that obligated social media platforms to remove 'obviously illegal' content within 24 hours (Google, n.d.) as a means to address hate speech only compelled sites to provide a user feedback mechanism and provide reporting on removed content. Notably, 'the law did not specify how social media platforms needed to implement the complaint tools, and how granular their transparency reports should be regarding the removal reason' (Heldt, 2020). Thus, the impact of the regulation was relatively minor while providing Facebook legitimacy for the means with which it identifies and removes illegal content. Due to the loose interpretation of the German Criminal Code in relation to *Volksverhetzung* (incitement of hatred), the regulation also provides Facebook with the ability to determine what constitutes illegal speech and govern the content with the legitimacy of acting in accordance with the law. However, Facebook is afforded the exemption of liability by the flexibility within the legislation that lines up with regulation that avoids Zuckerberg's 'bad' regulation and is not 'overly prescriptive about how we must technically execute our content enforcement'.

The final aspect of governmentality identified by Dean (2010) is the concept of identity formation, which is situated within a broader discourse on the datafication of society. The datafication of society has changed the whole perspective of how society is viewed. It is based upon access to surplus data on individuals and advancements in the ability to change individual and larger sets of population behaviour through the scale of randomised control trials and the ability to quantify the resultant change through access to data enabled by platform technology.

The comparison between Chinese platforms and Facebook demonstrates that while technology or novel industry corporations can undergo the governmentalisation process, it is not predetermined. Additional factors play into the process, such as the current governmental actors within a particular territory, the degree of control they have, and the power they can exert over other actors operating within their territory. The analysis supports the application of the notion of corporate governmentality as an analytical language and

method for analysing certain practices in the private arena that is not sufficiently described in alternate discourses for corporate practice.

By tracing Facebook's approach to governance surrounding content moderation and curation, making speech practice an object of governmentality and adopting a governmentalised process as articulated by defining the field of visibility, has led to the adoption of various technologies as a *techne* of governmental practice and the acceptance of an epistemic rationale as a result of the adoption of a specific *techne* of governmental practice. The integration of action spaces is not chosen voluntarily by individual corporations. However, they are expected to and—at times—forced to take responsibility for a particular action space, as opposed to other typologies of corporate governmentality that are chosen for a range of reasons, including brand reputation advancement, specific causes aligned with a corporate purpose or chosen because of a desire to investigate the impacts of company experiments.

Discussion: Echoes of Church control in companies' management of proprietary algorithms

This paper explored how the creation of a particular technology becomes governmentalised in order to constitute a part of a regime of practice that can be analysed through the lens of corporate governmentality. The action space examined here centred on speech practice. Using the Foucauldian analytical language of governmentality, it is possible to illuminate aspects of corporate governmental ambition that were previously unavailable through the current discourses on the didactic power-knowledge relations between the private and public sectors. This analysis distinguishes itself from e.g. Bartlett's (2018) work surrounding the impact of technology on the democratic process. In contrast, Bartlett explores how Big Tech firms are supporting technologies technology that are destabilising the established democratic process. However, we do not claim that the current system has been eroded. Instead, we view the rise of corporate and private sector actors within the assemblage of governance as colonising the governmental process. We compare this process to the effect of the printing press on an assemblage of actors in the 16th–18th centuries.

To clarify, Chapter 9 in Foucault's influential *Security, Territory, Population* is dedicated to the transformation of political ideology, 'from the pastoral of souls to the political government of men' (Foucault, 2007, p. 227). He traced the 'break up' of the Empire

and Church 'complexes', indicating this as one of the factors that led to the transformation into the governmentality of people and the formation of 'this thing that would be the state' (p. 248). Foucault asked, 'What if the state were nothing more than a way of governing?'—an entity that was fit for purpose at the time. Subsequently, he claimed that 'the state is only an episode in government, and it is not government that is an instrument of the state' (p. 248). In the *Birth of Biopolitics*, he traced the rise of neoliberalism in the wake of World War II and was meaningfully able to engage in the discourse surrounding a revolution that became the dominant regime of practice from the late 20th century to today. The exploration into corporate governmentality follows the shifting regime of practice in governmentality for the 21st century, but there are more significant implications for a broader shift in the assemblages of governmental power.

The current discourses on algorithmic governmentality can be classed as a 'counter-conduct' to the implementation of state governmentality. Several authors have explored the concept of algorithmic governmentality and the change in the 'modes of power' (Bucher, 2012), noting the displacement of human decision making by machines and exploring how algorithmic governmentality may bridge the individualistic pastoral mentality of the sovereign to the *raison d'état* of population governmentality (Cooper, 2020). Foucault identified five pastoral counter-conducts that led to 'the crisis of the pastorate': asceticism, communities, mysticism, scripture, and eschatological belief (Foucault, 2007, pp. 191-216). As this inquiry has focused on the theme of speech practice, we will discuss the implications of the counter-conduct centred on a similar theme.

While Foucault acknowledged the impact of the speech practice of priests relegating the scripture to 'the background of the essential presence, teaching, intervention and speech of the pastor himself' (Foucault, 2007, p. 213), he failed to explicitly link this relegation of control over speech practice to the contingent technological advancement of the printing press that made the counter-conduct possible. The ecclesiastical authority of the Church that predicated the authority of the sovereign through the interpretation of the divine right of kings was eroded by the development of the printing press. Consequently, while the 'pastor can still comment on scripture, he can explain what is obscure and point out what is important', the printing press technology allowed the reader to interpret scripture as well (Foucault, 2007, p. 213). The technological advancements associated with the digital age and

the speech platforms of social media have the potential to be as critical to the future developments of governmentality as the printing press was to the adoption of a liberal model of governance and *raison d'état* of the 17th and 18th centuries.

As we speculate on the future implications of the development of technologies into the regimes of the practice of government, it is necessary to highlight one additional correlation to the ecclesiastical power of the Church in the context of technology companies' reliance on algorithmic governance. It is particularly crucial to reemphasise the shroud of proprietary intellectual property that obscures the mechanism but not the outcome of this form of algorithmic governance. Similarly, the Catholic Church managed to control the field of visibility of scripture, which it held through its *episteme* of government and control over the dissemination of scripture through their representatives. The tradition of holding mass in scholarly Latin and controlling the interpretation of the text to the masses mirrors the private sector's control over the mechanisms of algorithmic governance.

It may be that only a technological digital revolution will lead to a change in the governmentality of the actors when the veil is lifted to reveal the code, and individuals will then be able to self-direct governance through the structures in place when the veil is lifted. At this point, the rise of the thing we call private governmental actors (and the state) is only the next episode of government in the limited field of visibility, and alternate unconceptualized structures and actors may come to the fore in the assemblage of governmental actors. For instance, the governmental techniques and *episteme* developed by private sector technology and novel industry actors may be better suited—due to their increasing reliance on soft governmental behavioural modification approaches—to supranational actors such as the European Parliament. Alternately, it is possible that algorithmic governance will govern individuals and populations, leading hard-governing actor networks such as states to become obsolete. However, there would need to be some accompanying advancements in algorithmic literacy when the veil is lifted, similar to how the increasing literacy accompanying the printing press was a necessary development that made the scripture available to the masses.

The limiting of the field of visibility brings us back to the questions surrounding legitimacy, accountability, and success. As we noted earlier, the globalised world has led to an expansion of digital territory that crosses the physically controlled territories of

governments and nation-states. Unless the current state structures are, as in the case of China, in control of the digital space within their physical territory and able to dictate the conduct of private actors, new actors may adopt governmentality over particular action spaces such as social media platforms and speech practice. At present, these social media actors are the only ones who can manage this action space across multiple territories. In the Foucauldian view, this situation would imply they are then the legitimate actors to govern the space. As noted above, this is similar to the Catholic Church's ability to govern the pastoral care of the individual.

However, like the decline of the Catholic Church in relation to the state, this shift was predicated on the obscurity of their foundational structures. The lack of accountability allowed them to control the space until there was a technological revolution that lifted the veil of invisibility. This decline led to the rise of accountability (through transparency) of the thing we call the state. The state was equally as successful in managing populations but with the addition of accountability for its actions through the formation of democratic transparency.

Today, the crux of the issue is that with the technological development taking place, these technologies are creating governmental problems that are governed by the technologies that created them. This complication, coupled with the lack of territorial alignment on how to govern the spaces created by technological advancements, means that there is a place for alternate actors to enter. The actors that create this technology are being forced to manage the action space and are trying to (in some instances) put into place or use existing liability-limiting structures to address their lack of accountability while reinforcing their legitimacy without having to abdicate their ability to govern the space. This contradiction was explored in the example of Facebook's creation of an 'independent' oversight board coupled with their ability to influence state regulations due to the power they wield. It also parallels the dynamic of the Church and the Empire. The Church was able to convey legitimacy to the sovereign who derived their power through the Church control through the concept of divine rule. As the Church was legitimated and protected by the sovereign, the sovereign was bestowed legitimacy through the divine right of kings but was accountable in a way that the Church was not. The Church and social media platforms hold similar positions in this comparison, as do the sovereign and the Facebook Oversight Board.

However, there is an additional aspect to consider—the forced aspect that may negate, or diminish, the need for accountability. There is an unequal power dynamic between an actor being called to take responsibility for governing and a lack of alternate options for governing actors. If they are being forced to govern the space, and if no other actors can successfully govern, companies can determine the conditions of that governance. This situation brings to mind the old adage, ‘you can tell me what to do or how to do it but not both’—meaning that sacrificing some accountability to achieve successful implementation may be an appropriate trade-off (or, in the current context, the only option). However it must be noted that the state actors imposition of regulation would to some degree have an effect down stream on the end users. This is evident in the current defacto internet regulation of third party content in section 230c of the US penal code. The regulatory framework may be imposing its own cultural and societal values in other territories as a result of regulation; and further or additional regulatory impositions (such as the German NetzDG law) may have an impact if platforms as they need to comply with an ever growing nationally determined set of regulatory impositions.

The final aspect that needs to be considered is the changes created by algorithmic governance and the actors creating the conditions for this governance technique, which are further changing the way the individual and populations are viewed. As Amoore (2017) noted in reference to algorithms and their impact on the identity of the individual, this process is shifting the binary view of action and governance. Amoore (2017) discussed the work of Agrawal, noting that algorithms, as “‘thresholds of support and confidence” ... actually present the world in a novel way of deciding what matters, which associations can be acted upon, which item sets should be pruned out’ (p. 1). This discussion leads to a whole host of additional questions and discourses that we will not be able to cover, even in brief, here but that represent and will continue to be an area for further study. The critical aspect to note in this work is that the advancements in technology and the continued datafication of society necessarily involve a new way of looking at the world, society, and the individual. Thus, they will continue to impact the formation of identities.

Conclusion

Through an evaluation and critical reading of Mark Zuckerberg’s *Blueprint for Content Governance and Enforcement* this paper applied the theoretical utility of Collier and

Whitehead's (2021) theory of Corporate Governmentality, specifically on of the topology of forced governmentality. We conclude that Facebook has undergone governmentalisation through the evolution of its technology inherent in social media platforms and content moderation becoming a *techne*, a mechanism and instrument for governmental control over the action space of speech practice. The implications of this research allow avenues for further research into the aspects of corporate governmental ambition and established the characteristics of forced corporate governmentality to for future researched to use in inquires surrounding questions of private sector actors responsibilities towards civil society. It also highlights potential industries and sectors where forced governmentality may emerge, and some of the implications of corporations being thrust into a governmental role.

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Chapter 7: Incidental Governmentality: Rethinking Neoliberal Government in an Age of Digital Technology

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Incidental Governmentality

Rethinking Neoliberal Government in an Age of Digital Technology

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'At no other time in history have private corporations of unprecedented wealth and power enjoyed the free exercise of economies of action supported by a pervasive global architecture of ubiquitous computational knowledge and control constructed and maintained by all the advanced scientific know-how that money can buy' (Zuboff, 2019: 309).

Introduction

2008 will forever, at least in certain Western nations, be associated with financial crisis and the ensuing Great Recession. But the epochal significance of 2008 may actually relate to two separate, but ultimately related, developments. Estimates suggest that at some point between the beginning of 2008 and the end of 2009 the number of devices connected to the internet overtook the number of people on the planet (Evans, 2011). While this technological hinge of history may itself be significant, it is the rate of change of connected devices that is most arresting. In 2003 there were approximately 500 million internet connected devices; by 2022 there may be as many as 29 billion (Evans, 2011, recent data shows this is figure may be a significant underestimate). The second development in 2008 was MIT Technological Review naming Alex Pentland's 'reality mining' one of the "10 Breakthrough Technologies" of the year (Zuboff, 2019: 421). Reality mining involves the use of digital devices, such as mobile phones, digital home assistants, and wearable technology to gather information about people's location, their preferences, decisions, transport routes, who they are interacting with, and even voice tone and cadence. According to Pentland, reality mining is useful because when combined with algorithmic machine learning it can provide people with personally relevant information that can enable them to optimise their decision-making (ibid). The rise in the number of connected devices combined with the emergence of reality mining embodies a moment in time when there is an observable shift from people searching the internet, to the internet (of things) searching us.

Significant recent attention has been given to the political and economic impacts of the digital processes that were set in motion following 2008. Zuboff (2019) has, for example, argued that these developments have ushered in a new era of *surveillance capitalism*,

wherein human nature itself has become the raw material for a new round of capitalist exploitation. The European Council has described these events as a form of *technological convergence* (involving big data, robotics and AI), which is generating ethical problems that elude existing regulatory frameworks (European Council, 2017). Others have considered how these processes are undermining the political constitutions of liberal democracies through the nefarious operations of companies such as Cambridge Analytica and Palantir. This paper takes as its starting point the assertion that the events of 2008 mark the beginning of a potentially significant shift in the nature of government in liberal (and more authoritarian) societies. While linked to the economics of surveillance capitalism, and the political turmoil of post-liberal politics (Rose, 2017), it is argued that these governmental developments represent a distinct set of processes, which warrant a novel analytical language. This paper utilises Foucauldian-inspired theories of governmentality to analyse these emerging practices of government, but argues that they embody something that is distinct from the most recent, neoliberal, manifestations of governmentality. This endeavour inevitably builds on the emerging field of algorithmic governmentality (Cooper, 2017). It is, however, argued that related work in this field focuses too keenly on the ways in which algorithmic techniques support long-established governmentality rationalities. The analysis presented here suggests important points of discontinuity between the algorithmic and established governmental rationalities, which require renewed analytical scrutiny.

In specific terms we propose the idea of *incidental governmentality* as a context for critically scrutinising the changing rationalities of government in the algorithmic age. Incidental governmentality exhibits the same pastoral character as biopolitics: as governmental power is realised through the provision of life affirming public goods and services (see Cooper 2017). However, incidental governmentality is *incidental* to the extent that its governmental reasons are secondary to that of its corporation rationalities. Incidental governmentality can be perceived in a series of contemporary action spaces. These include Alphabet Google's Sidewalks Lab's road traffic management partnerships with local governments; Facebook's support for voting in elections through its Voter-Megaphone initiative; and the role of various Big Tech Companies in guiding responses to the Covid-19 Pandemic. These initiatives, and many more like them, are incidentally governmental because while they support the conventional goals of liberal government, they appear to ultimately

be motivated by underlying corporate rationalities. Significantly, these rationalities appear to be at work (albeit to slightly different ends) whether big tech companies are assuming the responsibilities of government themselves (as they increasingly are) or working in partnership with state institutions. We will unpack the nature these corporate rationalities, and their algorithmic logics, later in this paper and suggest that they reflect a corporate mobilization of biopower—not so much *biopolitical* as *biocorporate*. We are primarily interested, however in what, if any, the implications of emerging forms of incidental governmentality *are*. In other words, does it matter, if the function of the governmental act is separate from underlying biocorporate rationality.

While this paper considers empirical iterations of incidental governmentality (specifically Big Tech’s attempts to contribute to the governance of COVID-19), this paper is primarily interested in what such developments can tell us about the emerging nature of government in the digital age. Analysis begins by considering in greater depth the historical origins of incidental forms governmentality and the value of this theoretical perspective on emerging governmental forms. The second section outlines the nature and critical implications of incidental forms of governmentality. In this section particular attention is given to the relations and distinctions between incidental governmentality, corporate governmentality, corporate social responsibility, and algorithmic governmentality. The final section explores the governmental responses of Big-Tech companies such as Facebook and Google to COVID-19. This section explores the processes that enabled the rapid mobilisation of digital technologies and what they can tell us about the political and geographical implications incidental governmentality.

Incidental governmentality in theoretical context

The problems of neoliberal governmentality

The notion of incidental governmentality we outline in this paper cannot be understood without an appreciation of its better known liberal and neoliberal equivalents. Foucault developed the notion of governmentality to outline an emerging set of practices and rationalities associated with the modern state (Foucault, 2008; Cooper, 2020; Dean, 2010).

Central to these practices and rationalities was the new-found purpose that the state found following the upheavals of scientific revolution and enlightenment. Unable to rely on the unquestioned power and influence of the intertwined forces of religion and sovereigns, states were gradually recast as agents of government (Foucault, 2008). This governmental ethos of the state (or governmentality) resulted in a realignment between state practices and rationality. This involved a shift from (if not abandonment of) the disciplinary tactics associated with the supreme power of sovereigns to governmental practices of social care that were conducive for capitalist economic development. Foucault's notion of governmentality thus draws attention to the emergence of new form of (bio)power which is not realised in the exercise of force over others' lives, but in offering support for those lives to biological flourish (ibid). Governmentality is thus synonymous with a system of power that is productive rather than repressive. Evolving forms of liberal governmentality and biopolitics were, of course, advantageous to the needs of early industrial capitalism (as the state took on the responsibility for developing and maintaining the social and physical conditions that were needed for economic expansion). But the practices of governmentality also facilitated popular legitimacy to state institutions: by offering collective care, governments were able to consolidate a liberal consent to be governed.

Foucault's theory of governmentality has become associated with a checklist of governmentality practices, including a focus on populations, statistical knowledge, and institutional apparatuses (Dean 2010). Yet as a genealogical exploration of the history of the state, Foucault's notion of governmentality was never meant to provide a definitive account of the modern state. Indeed Foucault describes his uncovering of governmentality as a 'methodological experiment' to explore the evolving practices of the state through its micropolitical expression. As an experiment in method then, Foucault's account of the history of governmentality is an invitation to explore the continuing evolution of governmental practices and their associated justification and rationalities. It is in this context that Foucault himself identified the emergence of a nascent regime of neoliberal government in the late 1970s (Foucault 2010). In many ways liberal systems of government reflect a kind of dialectic interplay between a desire for personal freedom and the establishment of security and social stability. Under post-war Keynesian regimes of welfarism in north America and Europe, governments adopted an extended role of care for their populations through the provision of

collective services (including health care, education, and various welfare benefits, and the expansion of public utilities). This a compromise wherein certain libertarian forms of freedom were exchanged for collective welfare and enhanced social capacities. In the wake of stagflation and the collapse of the Keynesian economic compromise, neoliberalism envisaged a different relationship between freedom and security. In the context of the inability of the state to effectively manage the complex multiplicity of signals associated with the markets, it was argued that it was only through market-oriented systems of government that both freedom and social stability could be reliably achieved. This economic rationality envisaged a diminished role for the state in the management of the social economy. Unlike 18th and nineteenth century liberalism, neoliberal governmentality emphasised the important role of the state in securing the social conditions necessary for a market-oriented society (Peck, 2010). Neoliberal governmentality was thus predicted on the state having a role in certain aspects of macro-economic policy (particularly in terms of monetarism and staving off inflation), and in supporting the development of neoliberal market actors. According to Binkley,

‘[...] the task [of neoliberal governmentality] was to devise a state capable of creating, through its own programs and initiatives, the voluntaristic, entrepreneurial and self-responsible dispositions, upon which market forms depend. Neither the market nor the competitive dispositions upon which market rationality draws, were considered *sui generis* features of social life’ (2009: 68).

The idea of self-governing subject was pursued in states such as UK through three interconnecting strategies: 1. the undermining of various collective action institutions (such as Unions), which support what Binkley described as ‘anti-competitive habits; 2. producing the impetus for greater self-reliance through the removal of welfare state safety nets; and 3. by giving people a vested interest in the market economy (through the establishment of property-owning democracy). It is perhaps ironic that a neoliberal rationality of government is characterised by trying to remove certain aspects of the government from people’s lives so as to inculcate more entrepreneurial subjects. But, and this is crucial, it is a rationality that recognises people are not naturally market-oriented. The rationality of neoliberal governmentality is thus marked by a contradictory logic of state withdrawal to allow market

governance to operate, and state actions to enable those market forces to operate. The rationality of neoliberal governmentality thus suggests that the best way to support human flourishing (including freedom and prosperity) is to enable individuals to creatively fend for themselves.

The macro and micro-economic failings of neoliberalism are too numerous to outline here. But there are three limitations of neoliberal governmentality, which are pertinent to the discussion of algorithmic and ultimately incidental governmentality we outline in this paper. A self-imposed limitations of neoliberal governmentality derives from a rationality that a state cannot enough to be able to govern a complex market systems effectively. A second self-imposed limitations of neoliberalism governmentality is a belief that governmental intervention in social life will inevitably have an adverse effect on human freedom. The third limitation of neoliberalism is the emerging realization of it associated failures. These failures can be seen in enduring socio-economic inequalities and the inter-connecting crises of personal debt, public health, the Great Recession and climate change. Together these crises have been interpreted as failings in the governmental ability to convert citizens into effective market actors. (Thaler and Sunstein, 2009). This if the motivational rationality of neoliberal governmentality is to create the conditions within which citizens could be effect and free market actors, the practices that have been used in the pursuit of this goal have ultimately proved ineffective.

Of course, such a reading of the crisis of neoliberalism suggests that contemporary socio-economic problems are a failure of market actors, and not the operation of the market system itself. But explore this tension is beyond the scope of this paper. What we are primarily interested in are the emerging governmental responses to these crises, or what Rose (2017) terms a governmentality 'after neoliberalism'. It is important to ask, as Rose does, whether there have been a discernible shift in governmental rationality and practices. Rose argues that emerging after neoliberal governmentality is less by governing through freedom (as with neoliberalism), and more as 'governing liberty' (2017: 305). The rise of populism, the election of Trump and Brexit have become synonymous forms of market protectionism, enhanced territorial security form external threat and, in some instance, the re-emergence of rationalities of government have their roots in the 16th and 17th centuries. We claim, however, that in addition to what are best described as pre-liberal governmentalities of the past, there

has also been experimental engagements with more novel, technologically-infused systems of governmentality. As we will see, these novel systems of governmentality offer solutions to both the knowledge limitations of government, and promise the preservation of freedom even within system of more intimate forms of governmental intervention into everyday. We also claim that such governmental trajectories raise significant constitutional and ethical questions with regard to the rationalities and legitimacy of governmentality.

From neoliberalism to algorithmic governmentality

It has been argued that one of set of responses to the crises of neoliberal governmentality is captured through the notion of neoliberalism (see Whitehead et al 2017). Neoliberalism denotes the use of psychological power to govern conduct in free societies (Whitehead et al. 2017). Intellectually inspired by the insights of the behavioural and psychological sciences, neoliberalism recognises the inability of people to act as the market actors desired by neoliberalism. Through the systematic study of behavioural biases and shortcomings, the sciences associated with neoliberalism suggest that there is predictability in the human inability to consistently act in market compliant ways (Thaler and Sunstein, 2009). While neoliberal governmentality sought the create macro-economic incentives to form entrepreneurial subjects, neoliberalism focused on the micro-economics of human psychology. In order to be able to legitimately wield psychological power in free societies, neoliberalism has also been influenced by the design sciences (and in particular user-centred and cognitive design) (see Jones et al 2013). These design sciences demonstrated strategies that could be used to structure choice environments and architectures in ways that encouraged beneficial conduct without being coercive. The neoliberal techniques of government are often referred to as nudges, psychological prompts to appropriate behaviour which are relatively easy to resist.

While neoliberalism is a response to the governmental crises of neoliberalism, it its ultimately a rationality that seeks to do nothing substantially new. While neoliberal governmentality seeks to generate functional market subjects, neoliberalism recognises that such a project is futile, and instead seeks to plug the psychological gaps in the human operating systems so as to enable the market economy to function more effectively. As a project of government, neoliberalism has also encountered clear practical limitations (see Whitehead et al. 2017). Although nudges have proved effective at addressed relatively simple,

short-term behavioural problems, they have been far less effective at addressing the more complicated governmental problems associated with neoliberalism. It is in this context that the emergence of hyper-nudging has become an interesting neoliberal development (Yeung, 2016). Utilising the ubiquitous array of internet connected devices (including mobile phones and smart fridges, TVs, cars and watches inter alia), hyper-nudges involved attempts at behavioural manipulation at large population scales. Zuboff describes hyper-nudging as the process of behavioural actuation that is the output of the complex system of surveillance capitalism (2019). From the perspective of neoliberal, such systems of behavioural government offer low-cost ways of activating psychological forms of power that can be almost effortlessly repeated within the automated systems of our smart-tech world.

If hyper-nudges are one of the outputs of integrated smart-tech systems, they are a practical manifestation of Pentland's aforementioned life-mining system of digital, everyday monitoring. As more and more digital data is extracted and accumulated about our everyday lives and habits, it becomes possible to design governmental nudges that are tailored to our particular psychological proclivities. But, in order to understand the processes that enable life mining to inform hyper-nudges we must take account of the role of algorithms in government (references here). According to Roberts (2019), algorithms have enabled an "epistemic break" in the system of governing. This epistemic break is based on an ability to make sense of much more extensive data sets about reality. This more comprehensive data regime is, of course, based upon the *data deluge* that is associated with the proliferation of various aspects of ubiquitous computing and digital monitoring technology. Algorithms are important in the digital age because they enable the avalanche of available data to be rendered intelligible. In this context, when combined with data mining, algorithms challenge the assumption of neoliberal government that states cannot possibly know enough to govern effectively. Zuboff (2019) has suggested that such a situation has generated a form of *instrumentarian* logic within society wherein actions are not taken on the basis of theory, ideologies or hunches, but on a more complete knowledge of reality (see also Anderson 2000).

Amoore argues that algorithmic systems of government are not simply about the marshalling of total knowledge, but rather novel mathematical ways of sensing patterns in the world. For Amoore, algorithms have facilitated an interesting hinge in the history of government, when data shifts from being a problem of government, to a solution to the

historical problematic of governmentality. For Amoore then governing through algorithms reflects:

‘[...] how volumes of relatively unstructured transactional data [are] transformed from a governmental problem of what could not be grasped and known into a means of precisely governing the unknown and uncertain’ (2017: 2).

Algorithms are not, however, about the ability to wield total knowledge. They are a response to the historically novel governmental state of having too much data. Reflecting on the insights offered by computer scientist Rakesh Agrawal, Amoore’s draws attention to the perceptive of logics of algorithms as fields of vision (2017). Amoore notes how algorithms reflect a shift in the in practices of data analysis from a deductive logic, which is based upon the practices of hypothesis formation and testing through data gathering, to an inductive logic, which discerns patterns and meaning within the stream of already amassed digital data. For Amoore then, algorithmic governing involves the ‘[...] the generative or open-ended induction of knowledge from a data-stream’ (2017: 2). While the machine learning potential of algorithms means that they have something of an interpretative life of their own, Amoore and Piotukh (2015) emphasised that there will inevitably be a coded logic to any algorithm. This means that as a strategic ‘instruments of perception’, algorithms will inductively discern things that are of particular concern or interest for governments (Amoore and Piotukh, 2015). The strategic inductive logics of algorithms means that as tools of government they are not as far removed from the simplifying and strategic logics of the early modern state as we might want to believe (see Scott, 1999; see also Amoore, 2017).

There has been debate over the implications of algorithmic practices for how we think about contemporary governmentality. These debates centre on the extent to which algorithms make a distinct break in the history of governmentality, or a technological continuation of the core logics of extant regimes of governmentality. In their analysis of the historical continuities and discontinuities associated with algorithmic governmentality, Cooper (2020) highlights important aspects of continuity between emerging system of digital governance and the ancient origins of governmentality. Foucault argues that the rationality and practices associated within governmentality find it origins in the pastoral care of society associated with Judaeo-Christian traditions (Foucault, 2008). For Foucault the pastorate is

defined by a distinctly shepherdic rationality within government – the pursuit of care for one and all within the expanded flock of a national population. According to Cooper, there are key *signatural* affinities between pastoralism and algorithmic governmentality. Through its ability to anticipate and predict future events and risks, Cooper suggests that algorithmic governmentality is being afforded a kind of shepherdic right to intervene and control social relations in the interest of our collective wellbeing (2020: 38-40). Cooper also outlines the dehumanising aspects of both the pastoral regime and algorithmic governmentality. Within the pastorate there is a ‘foreclosure upon human volition’, which is produced as a consequence of an omnipotent god/shepherd (ibid: 39). Under algorithmic regimes of governmentality there is a similar dehumanising tendency, which is evident both from the perspective of the governed and the governing. Cooper thus argues that algorithmic governmentality ‘bears a shepherdic signature insofar as it disregards and impedes the faculties of our species – free will, liberty and autonomy’ (39-40). In this context, the algorithmic directs the actions of both the governing and governed: as it automatically delineates the optimal courses of action for collective government and individual human behaviour. The nature of algorithmic prediction and its behavioural reach mean, however, that its ability to impeded and control human capacities is far more significant than anything previously seen with the history of governmentality (ibid: 42). It also means that it is responsible for the undermining the more humanistic tendencies of later regimes of liberal governmentality (ibid: 42). Ultimately, Cooper’s analysis is of significance because it not only traces the connections between the algorithmic and pastoral rationalities of government, but because it suggests that it in its ability to govern each and all that algorithmic government arguably reflects the most complete expression of the rationalities and practices of governmentality. In other words, it reflects a kind of completion of the circle of the genealogy of government which Foucault commenced.

When combined with the psychological insights of neoliberalism and the tools of hypernudging, emerging systems of algorithmic governmentality reflect a distinctive break from from neoliberal regimes of government. This particular nexus of governmental practices (neoliberalism + hypernudging + algorithms) has been described as a form of *influence government* (ref here). In this UK, for example, there is evidence that algorithms are now being used to target hyper-nudges (often expressed in the form of marketing messaging) at

key groups. Related programmes have been able to profile 'at risk teens' whose online behaviour suggest that they may be prone to committing cybercrime, and to send them advertorial through gaming which seek to moderate their behaviour (Hern, 2021). Although the practices of influence government raise a series of ethical questions, they are not the primary focus of analysis in this paper. We claim that while still a relatively marginal feature of the confluence of psychological and algorithmic power that incidental governmentality has the potential to be a dominant regimes of governing after neoliberalism.

Incidental governmentality – the duplicitous shepherd.

Incidental governmentality is one set of practices which are emerging from the intersection of the crisis of neoliberal governmentality and the confluence of algorithmic power and neoliberalism. For us, incidental governmentality is best thought of a conundrum that many of us have probably encountered. The conundrum is encountered when we hear of things like Google's Sidewalks Lab is converting 10,000 of New York City's disused phone booths into free highspeed Wi-Fi hubs. And we find ourselves asking the question, isn't the provision of free urban infrastructure like this normally the remit of city councils and urban government (Berg 2015). It is evident when we hear of the use of Amazon Ring technology being used to facilitate new neighbourhood watch systems, which have historically been the domain of partnerships between law enforcement agencies and community volunteers. It is also experienced when on election day we notice the Facebook, through the power of social influence, is trying to promote voter turnout. And we ask, isn't the wellbeing of democracy meant to be being promoted by non-partisan electoral commissions? We may also identify this conundrum when we find out that Fitbit is working is involved in population-level public health initiative in Singapore, and we ponder whether public health is the responsibility of health authorities. So first and foremost, incidental governmentality tends to be associated with the involvement of big tech companies in the realms of government. Incidental governmentality is thus distinct from influence government because it does not have to emanate from government, or even necessarily involve a government partner.

The question then becomes one of why consider these corporate actions to be acts of government at all. In answer to this we argue that all of these initiatives have a scale of

operation (whole city/national population) and pastoral target (care of peoples' wellbeing and capacities), which is typical of distinctly governmental mentality. The next question then becomes why designated these act as incidental forms of governmentality. We argue that they are incidental because the governmental practices they are associated with (promoting public health, boosting voter turnout, facilitating enhance systems of public communication) are functional separate from a mentality of government. To put things more another way, Facebook's vote promotion initiatives' successes is not necessarily linked to improved voter turnout. There governmental impact is of marginal concern compared to the commercial value that can be derived from measuring the impacts of the experimental interventions it instigates. We thus see incidental governmentality occurring with the governmental consequence of the action is a marginal accompaniment to the main purpose of the action. In the age of big tech, neoliberalism and algorithms, the main purpose of corporate inspired public interventions is often to accumulate commercially values digital insights into human nature and behaviour, and how it can be manipulated for political, economic and cultural gain (Zuboff, 2019).

It is, of course, possible to imagine incidental governmentality being instigated outside of commercial digital actions. There are numerous instances when local and national states have used the auspices of governmental care as the basis for achieving ulterior political and economic goals. We argue, however, that in the age of big tech and surveillance capitalism, that incidental governmentality has become a more general feature of life, which raises important questions with regard to both government and the role of corporations in our lives.

The underlying operative principles of incidental of incidental governmentality are expressed with Zuboff's theory of surveillance capitalism (2019). But Zuboff analysis remain conspicuously silent on the Foucauldian and governmental dimensions of the new regimes of digital capitalism she outlines (see Whitehead, 2019). The notion of incidental governmentality thus offers an analytical context, within which to explore the intersections between systems of surveillance capitalism and the practices of governing. We claim that interpreting such intersections through the lens of incidental governmentality is important for two main reasons: 1) because it sensitises us to the novel (if not historically unprecedented) role of corporations in the practices of government; and 2) because it exposed the separation of governmental practices from governmental rationality.

As a composite neologism, governmentality has provided a terminology which serves to naturally remind us of the connections between the practices of government and the underlying rationalities (or mentalities) that undergird those practices). The connection between governmental practice and reason, and the open enunciation of reasons have been central to the maintenance of the political legitimacy which liberal political systems. Our questions then becomes: what happens when a governmental practice becomes functionally separate from the underlying rationality, and does it matter. At this point it is important to assert that we do not equate incidental governmentality necessarily with the loss of rationality. It is, perhaps, best conceived of as a shift from rationalities of biopower to corporate-power. We do recognise, however, that that highly experimental nature certain form of incidental governmentality, and the forms of applied utopianism they often embody (see Zuboff, 2019), means that no reasons can sometimes be given for related actions.

So, we understand incidental governmentality as governmental practices which are not strictly speaking informed by governmental reasons. This is not to say that such action are not justified and accepted because of their appearance as governmental. Indeed, some the power of incidental forms of government in part appears to reside in the in the fact that it is able to draw upon the popular legitimacy that governmental often have. But to the extent that incidental governmentality exhibits a pastoral ethos, it is, perhaps, best characterised as a duplicitous shepherd. As a form of duplicitous shepherd, the practices of incidental governmentality gain the trust of a flock on the basis of their apparent concern for their welfare, only to discover that this welfare is means to other ends. Some may claim that the practices we identify as incidental governmentality are merely new expression of Corporate Social Responsibility (CSR). After all, CSR has routinely been critiques for its apparent superficiality and duplicity as it wins the trust of people in order to compensate for or mask corporate maleficence. We argue, however, that the scale (population level and beyond) focus (on core aspects of governmental biopolitics) and long-term continuity of incidental governmentality mark it as being distinct from more narrowly focused aspects of CSR. We do acknowledge that Incidental governmentality is a species of what could be termed *corporate governmentality* (Schrauwers, 2011; Collier and Whitehead 2022a; 2022b). But we argue that

it is a distinctive form of corporate governmentality, which requires careful scrutiny in its own right.

Before moving on to consider explore the notion of incidental governmentality in practice, it is important to consider the specific implications for this form of governmentality for related forms of governmental rationality. In his analysis of advanced liberalism, Rose outlines three key characteristics of governmental political rationalities (2017: 311). First is *moral form*, which is [...] underpinned by a belief in the proper ends of the government of conduct – freedom, justice, equality, mutual responsibility, citizenship, common sense, economic efficiency, prosperity, growth, fairness’ (ibid: 311). While operating in the umbra of these justificatory values of government, incidental governmentality does not concern itself explicitly with questions of freedom, justice and equity. While corporate reputation means that these values cannot be totally ignored, within incidental governmentality the needs of the corporation and shareholders are prioritised, which can often lead to a loss of freedom and greater inequality in the civil society groups it operates. Incidental governmentality is thus justified on the basis of serving moral means, even if the ultimate end may be deemed immoral. The second aspect of governmental rationalities identified by rose is their *epistemological character*, ‘[...] based on a particular conception of the domain to be governed – society, the nation, the population, the economy – and of the persons over whom government is to be exercised’ (311). In the digital real at least Incidental governmentality is characterised by an epistemological character, which prioritizes global population which should be as large as possible; and instrumentalist knowledge regime which aims for near total understanding; and a distinctly behaviouralist perspective on those who are to be governed and how best to govern them. The third aspect of governmental rationalities is their *intellectual technology* ‘[...] an apparatus for rendering reality thinkable in such a way that it is amenable to political deliberations’ (ibid: 311). The intellectual technologies of incidental governmentality are the public idioms which are used to explain and justify corporate interventions in the governmental spheres. As we will see, the explanatory languages associated with incidental governmental, often go unspoken, but draw on well-established CSR discourses, which emphasise service, capacity and competence.

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Having established what context for and operation logics of incidental governmentality, the remainder of this paper explores the. its practical manifestations. In what follows we thus explore incidental governmentality through the example of certain aspects of big tech's responses to the Covid-19 pandemic in the UK. This case study provides a framework within which the actions of incidental governmentality can be more precisely delineated and their consequences more clearly explained.

Incidental governmentality in practice – Governing COVID-19 in the UK

It has been recognised for some time that digital technology and algorithms provide new opportunities for governmental interventions in disease prevention and control (see Roberts, 2019). Particular attention has been given to the anticipatory rationalities which digital surveillance can offer health authorities. As early as 2009, Google was able to utilise influenza related search terms to anticipate the emerging pattern of the winter flu cycle (in advance of the Centres for Disease Control and Prevention) (Roberts, 2019: 99). Many have also reflected how the Covid-19 Pandemic has reshaped the application of governmental forms of power. Hannah and Hutta (2020) have explored how Foucauldian theories of power and government can help to understanding the uneven and changing geographies of state power in response to the pandemic. Isin and Ruppert (2020) argue that the pandemic has actually hastened the arrival of new forms of *sensory power*, which have been developing since at least the 1980s. Isin and Ruppert use the term sensory power to denote the collection of digital devices, apps, platforms, algorithms which enable the real-time monitoring of behavioural trends (2020). The notion of sensory power draws attention to the emergence of more dynamic systems of biometric government, which have been able to reveal emerging clusters, bubbles, and hotspots of Covid-19 and close the gap between governmental recognition and behavioural response (ibid). While connecting public health government to questions of algorithmic power and forms of anticipatory governmentality, none of these perspectives has draw specific attention to the forms of incidental governmentality we are concerned within in this paper.

Digital Dunkirk in Brexit Land

It was in the early stages of the pandemic in the UK that the Johnson Administration signalled its desire to partner with Big Tech firms in the response to the novel Corona Virus. On the 11th March 2020 a digital summit was convened at Downing Street and attendees

included representative from Google's DeepMind (artificial intelligence) research unit, Microsoft, Apple, Amazon, Uber and Deliveroo among many others (Waterson, 2020). Dubbed a kind of *digital Dunkirk*, the summit was addressed by both the UK Prime Minister Boris Johnson and the UK's Chief Scientific Advisor, Sir Patrick Vallance (ibid). During this meeting Big Tech representatives were reportedly asked to volunteer their services to support the governmental response to Covid-19 (ibid). The immediate response focused on support for front line health care, with Uber offering free taxi services for health workers, Deliveroo pledging to provide meals to medical staff, and Amazon offering up a series of its services to the National Health service for free. It was also reported that the shadowy data analytics firm Palantir volunteered its services in support of the UK government.¹²

There are various ways of interpreting the UK government's digital Dunkirk moment. It could reflect a pragmatic response to an emerging crisis: we don't quite know what we may need yet, but best to have all hands on deck just in case. It could also have been a response to the government's recognition that it did not have the technological capacity to monitor, interpret and respond to the complex epidemiological and social dynamics of a modern pandemic. It was also, perhaps, an opportunity to circumvent established, state bureaucratic systems for responding to crises and develop new data intensive epistemologies of government. In this context, it has been widely reported that in the wake of Brexit, the Johnson Administration was keen to establish new ways of working in the British civil services and engage more widely with data analytics and AI. For the controversial Downing Street Chief of Staff at the time Dominic Cummings, the technological transformation of the civil service was to be seen as part of the wider political revolution being purported ushered in by Brexit. What is clear, is that in the wake of this meeting, and the onset of the Covid-19 pandemic, is that big tech firms came to be seen less as targets of state regulation and more as partners. Particular emphasis in this context has been placed on developing connections between big tech firms and NHSx: the National Health Services (England) and the Department of Health and Social Care digitisation service. It is also evident that big tech companies have sought to engage in aspects of pandemic government outside of direct partnership with the UK government.

¹² It was also reported that the cofounder of Google's DeepMind Artificial Intelligence Division, Demis Hassabis, participated in the UK Government's Scientific Advisory Group for Emergencies in the early weeks of the Covid-19 Pandemic (see Lewis and Pegg, 2020).

In the UK, and in many other countries, we have seen big tech companies support digital contact tracing initiatives; Social Media companies such as Twitter support clear and accurate public communication about the pandemic; Google have been supporting the development of new epidemiological models to map the spread of the disease, and rolling-out a new Distance Learning Fund as part of their \$100 million response to the pandemic. One of the most extensive responses to Covid-19 has been Facebook's *Data for Good* initiative (see below for more on this programme).

It is important to emphasize that not all of these initiatives reflect incidental governmentality. Some may be pure CSR – and be designed to promote a good public image of the corporations involved. Other may embody genuine expressions of social care and attempts to step in to support governmental agendas where existing government capacity is absent. But, as we demonstrate in the following section, some of these activities reflect attempts to develop distinctive systems of corporate governmentality where there is an evident disjuncture between the act of governing and rationality of doing so.

The operative forms of incidental governmentality

One of the earliest and certainly most prominent Big Tech involvement the UK government's response to Covid-19 was in the development of a track and trace. In the early months of the pandemic, it was argued that a digital track and trace system could offer an effective way of monitoring and controlling the spread of the virus and allow with the easing of government restriction on social activities. Smart phones had already been used in "humanitarian" crisis in situations in order to try and prevent the spread of infectious diseases such as Ebola and cholera (Storeng and Puyvallée, 2021). According to Storeng and Puyvallée (2021) a *state of exception* emerging in countries like the UK during the Covid-19 pandemic, which enables to spread of automated digital contract tracing. Interestingly the UK government sought to develop its own, state-based digital contract tracing app (Whitehead, 2020). This was controversially based upon the gathering and storing of digital contact tracing information, pertaining to who was coming into contact with who on a central government server. However, following technical problems with the UK government's app, the government elected to use Application Programming Interfaces (APIs) developed by Apple and Google. These APIs were based on a decentralised system of proximity monitoring, whereby

smart phones would be able to locally record the other phones they had come into close contact with (for relatively prolonged periods of time) and notify those contact should in the event of positive test for Covid-19. Although the UK's digital, automatic contact tracing systems was to use Google and Apple APIs, the app was codeveloped and branded as an NHS initiative.

In addition to support public health responses to disease transmission, digital contact tracing has great commercial value within surveillance capitalist (Whitehead, 2020). Surveillance capitalism has predominantly been built on the basis of monitoring user online behaviour and extract commercial insights and value. According to Zuboff, however, the ultimate goal of surveillance capitalism is to be able to move from online to real world monitoring of human behaviours (Zuboff, 2019). In this context, being able to learn about social interaction patterns at national and international scales embodies an important development step in the learning capacities of Big Tech. It is important to state, the Apple and Google contact tracing APIs do not enable centralised forms of digital surveillance of individual people. Rather than offer more general forms of deep learning about the nature of social interaction, clustering and related human behaviours. This reflects an important step towards what Pentland has described as an epistemological regimes which embodies a form of social physics: namely an attempt to try and map about the laws that govern social life, in the same way that we have uncovered the laws that govern the physical universe (Pentland, 2014).

Digital contact tracing in the UK can be thought as a form of incidental government two main ways. First, Google's (but probably not Apple's) involvement in the scheme clearly reflects an attempt to utilise the trusted governmental brand of the National Health Service in order to extract commercially valuable surveillance capitalist revenues. These revenues are tied to the insights into social life that contact tracing can provide big tech firms with. This is not the same as the reported profiteering that has been associated with the sale of personal information gathered at specific locations (usually through the scanning of QR codes) to support contact tracing activities (see Das and Mararike, 2020). Rather, these revenues can be derived from broader forms of social learning (understanding how and when people meet, congregate and how this affects their behaviours and purchases), or through the more specific

targeting of people based on the analytical cross-referencing of contact information with other personal data held on a mobile phone. As tech governance specialist Ganandhoran observes,

“Decentralization does not exclude analysis and targeting of the basis thereof. That type of targeting may benefit Apple and Google rather than public health professionals that really benefit from granular types of data” (Ganandhoran, 2020).

To put things another way, while public health officials task requires specific information about social contacts, big tech can benefit from contact tracing because of the meta-data patterns it can help reveal.

Digital contact tracing in the UK can be thought of as incidental governmentality in other ways too. In addition to surveillance capitalist revues, there are potentially more strategic, if unspecified, benefits to Google and Apple in sharing their API with NHSx, and other public health authorities around the world. It has been suggested that Big Tech are utilising the Covid-19 crisis as a context to partner with public health authorities, because it offers then an opportunity to embed their software systems and code into the digital systems of the state. This is less about short-term profit making, and more about a long-term desire to control health care system (*The Guardian*, 2020). Attempts to create digital monopolies is, of course, a defining characteristic of the Big Five’s modus operandi (Galloway, 2017; 2020).

However, Carly Kind of the Ade Lovelace Institute, offers another perspective on the incidental nature of governmentality associated with digital contact:

“To build on what has just been said about being beholden to these companies, I mean the answer may not even be a commercial reason, the answer may just be because they can and that is still a pretty worrying answer” (Kind, 2020).

The notion that not even big tech companies can give a reason for their involvement in digital contract tracing is instructive. It is instructive, because it suggests not only a masking bio-corporate rationality within expression of incidental governmentality, but also the notion that not even corporation could be certain about their rationalities for action. This not only suggests a disjuncture between the governmental and corporate rationalities, but the

absence of any precise rationality for action. This still does not mean that there is no reason for action, but that that reason cannot be fully articulated. Zuboff (2019), suggest that we think about the axiomatic expansion of big tech into new areas of life as a form of applied utopianism. Conventional forms of utopianism suggest a destination point (however unrealistic) that can be perceived and judged. Applied utopianism on the other hand involves implies the promise of a better world, whose outline can only emerge in the process of its construction. This does, of course raise significant questions about the ability of people to question and contest that collective futures that are being built for them. Many forms of incidental governmentality make contestation difficult because bio-corporate rationalities are buried within biopolitical justification. But when no clear biocorporate rationality can be given for the partnerships between big tech and the state, contestation can only operate at the most generic of anti-corporate levels.

Perhaps the most controversial connections between big tech and the UK response to Covid-19 was *Data Store* initiative. The NHS Covid-19 Data Store was instigated in March 2020 by NHS England in order to provide insights into the spread of the virus and the how best to plan and resource governmental responses (NHS England, 2020). The primary goal of the Covid-19 Data Store was to provide a single point of truth concerning the pandemic, which then inform optimal forms of response. The digital data collected under this scheme comes from a series of streams, including lab tests, hospitalisation records, social care data, intensive and emergency care admissions, ambulance service records, telephony data, procurement information, workforce records, and supply chain accounts *inter alia* (NHS England, 2020). In order to make sense of these complex data streams NHS England sought to form partnership with big tech firms and data analytics companies. The principles behind Data Store was that while UK state had a monopoly on the digital data needed to effectively respond to the pandemic, it did not have the necessary technical capacity to make sense of the data.

The Data Store has proved to be controversial because it has resulted in surveillance capitalist firms (including Amazon, Google and Microsoft) being granted access to patient level data held by the NHS England (FitzGerald and Crider, 2020). As Lovell observed,

‘The [Data Store] contracts show that the companies involved, including Faculty and Palantir, were originally granted intellectual property rights (including the creation of

databases), and were allowed to train their models and profit off their unprecedented access to NHS data (2020)

This flow of data from the UK state to the servers and algorithms of big tech firms was facilitated by the Secretary of State for Health and Social care serving a notice under Control of Patient Information (COPI) Regulations 2015 for the release of confidential patient data into order to support the response to Covid-19 crisis (NHS England, 2020). Mechanisms were put in place to try to ensure that confidential data about individual patients were not released. These measures included the use of anonymisation and commitments to ensure that after the passing of the crisis patient data would be destroyed or returned (Lovell, 2020).

While it is not unusual in state of exception, like the Covid-19, crisis that existing regulations pertaining to privacy data protection, are compromised, the Data Store initiative raises long-term concerns, which are not addressed by the contractual commitments to protect individual patient confidentiality. While personal data may indeed be returned or destroyed by big tech companies following the pandemic, the insights and commercial advantages it will present these companies with cannot be unlearned. If, as Zuboff (2019) suggests that the surveillance capitalist model of accumulation is predicted on understanding human nature and related social system, the Data Store project will have undoubtedly provide a rich sources of insight, which will offer commercial advantages for years to come. It is significant in this context, that while the Data Store initiative sought to protect patient data, it granted the intellectual property rights to the big tech companies and not the UK state (Lovell, 2020).

The example of Data Store reflects an expression of incidental governmentality which has connections, but also key points of distinction with the previous discussed systems of digital track and trace. As with digital track and trace, the Data Store initiative appears to support the biopolitical goals of pandemic response, but this rationality of action appears to be secondary to the commercial value of gaining access to data on the operation of the public health system in England. In some respects (particularly in relation to the involvement of corporations such as Palantir) the Data Store initiative could be thought of simply as the purchasing of corporate services to support state activity. But the publicly available contracts

reveals that Google offered their services to the Data Store programme for free. It is thus more likely that corporate involvement in the initiative reflects a desire to refine corporate algorithms for commercial optimization, and as with the trace and track programme gain strategic influence and control within the England's Public Health digital systems.

It could be argued that such actions are by no means novel, and merely reflect ongoing attempts of corporations to gain commercial advantages through favourable state partnerships. However, we argue that interpreting the Data Store programme as a form of incidental governmentality has certain analytical benefits. Incidental governmentality focuses analytical attention on the action space wherein governmental actions become separated from, if not entirely divorced, from governmental rationality. In the context of NHS Data Store, this programme was witness to the separation of the governmental action in gathering of patient data (which was undoubtedly made possible because of the long history of trust which people had developed in the rationality of the state's care for the health of the population), from the corporate intent to exploit that data for analytical gain. Unlike the case of trace and track—where the government helped to legitimate the corporate monitoring of social contacts with the active consent of those who downloaded the app—the Data Store initiative enabled companies to exploit health data (to support pandemic response), which was gathered initially for entirely different reasons. In this instance, incidental governmentality draws attention to the temporal separation between governmental practice and a very different corporate rationality which is able to benefit from that practice much later on. Here the incidental nature of governmentality is perhaps more a reflection of the separation of how public health data is used from the original governmental reason it was gathered, than a corporate disinterest in the governmental impact of its actions.

The final iteration of incidental governmentality we consider in this section is aforementioned Facebook Data for Good Covid-19 initiative. The Data for Good initiative is a broad ranging programme which seeks to use the real time data produced by Facebook's three billion regular users to respond to crises and humanitarian challenges of various kinds (Facebook, 2021a). Although the Data for Good programme provides an interesting example of various iterations of incidental governmentality in its own right, we focus here specifically on its *Covid-19 Response* programme (Facebook 2021b). The *Data for Good Covid-19*

Response programme draws on data from users around the world. The data gathered as part of Facebook's Covid-19 Response programme takes two main forms. First, is the day-to-day which uses share with the platform (including information on location and movement). This data has been used to monitor compliance with lockdown measures, assess population density rates, and predict the spread of Covid-19. While Facebook make portions of their Covid-19 data publicly available, they general work with universities, government department and international organizations (such as the World Health Organization) to assess and share findings. Interesting, in one study of the social mobility of Facebook users in Australia it was found that the regular patterns of daily movement provided a reliable strong indicator of virus spread and the an effective way of assessing whether government lockdowns were imposed quickly enough to be effective (Taylor, 2021). Second, Facebook has developed bespoke surveys about Covid-19 that it encourages participants to complete. These surveys cover a range of topics pertaining to vaccine uptake, symptoms, and preventive behaviours, and impacts of the pandemic on business. These surveys are generally delivered in partnership within universities and health authorities with whom Facebook the aggregate data results. One such survey led a team of academics from the Massachusetts Institute of Technology and Shanghai University identify that people who live in nations with stronger collectivist cultures were more like to comply with mask-wearing mandates (Lu et al 2021).¹³

The operation of The *Data for Good Covid-19 Response* programme in countries like the UK offers perhaps the clearest example of incidental governmentality of the examples that we have discussed. While not involving formal partnerships with governmental organization (as was the case with trace and track and the Data Store programme), in the operationalising *The Data for Good* initiative in response to Covid-19, Facebook clearly started to occupy a governmental position. Assuming this bio-corporate position of care for user communities, Facebook has clearly been able to promote use of it platform and related surveys in the service of a greater good. While it is unclear whether The *Data for Good Covid-19 Response* programme has led to increased user participation of the online platform, it is reasonable to assume that Facebook role of governmental like actor would result in user sharing more of their personal data in the service of collective good. Although we do not

¹³ This study was, in part, based upon responses from 277,219 Facebook users in 67 countries.

intend to suggest that Facebook does not wish that its various data for good initiatives to succeed in tackling the pandemic. We do, however, claim, that as a surveillance capitalist actor, this governmental purpose is likely incidental to the fact that covid-related user engagement on the platform will enhance Facebook's ability to better capture and commercialise human experience (Zuboff, 2019). This disconnect between governmental action and corporate rationality is expressed clear when the Facebook's Data for Good work is contrasted with its inability, or unwillingness, to effectively tackle Covid-19 misinformation on the platform (Jackson and Wall, 2021). In this context it is clear that as a surveillance capitalist company the reason why people may engage with the platform (to support governmental responses to the pandemic, or to read antivax material), is secondary to the value that can be extracted from this engagement.

Conclusions: Reflections on incidental governmentality

The examples of incidental governmentality discussed above demonstrate two things. First, that the operational forms and underlying commercial models of data analytics companies and surveillance capitalists, mean that they are particularly adept at practices incidental governmentality. The fact that such companies seek to perpetually monitor and learn from human behaviour, in its varied forms, means that it is always relatively easy to promote a governmental goal and yet to be disinterested in the extent to which it is achieved. Observing the impacts of a behavioural prompt to action and training algorithms to learn from public data sets is the commercial bottom line of such companies, the contributions of these actions to the public good will always be a secondary consideration. While there are few corporate forms which facilitate the practices of incidental quite like big tech, it is clear that incidental governmentality can be part of non-digital corporate governmentality, and indeed be practiced by the state for political gain.

Second, the examples we have explored demonstrate just how diverse the incidents of incidental governmentality can be. In the case of the UK digital trace and track system we see incidental governmentality emerging out of a partnership between public health authorities and big tech. In this context, the short-term governmental goal of suppressing virus transmission appears to mask the longer-term corporate goal of controlling the state's digital infrastructure. In the case of the Data Store programme, we find the delivery contracted services by corporations to the UK state obscuring the access which surveillance capitalist can

get to protected governmental data on the health of the population. Finally, the Data for Good initiative reveals a corporation seeking to act as a governmental actor in own right, while using position to increase user engagement with a digital platform and increase surveillance capitalist revenues.

While taking different form each of these modalities of incidental governmentality has one thing a common: they utilise the governmental actions as means of achieving legitimacy for expansion of commercial activity more complete into the realms of the biopolitical. Of course, just because a governmental goal may be incidental to a bio-corporate rationality, does not mean that incidental forms of governmentality will not be successful in addressing the pastoral goals of good government. Indeed, as Foucault recognised, it may be the efficacy of incidental governmentality which ultimately determines its legitimacy (Foucault, 2010). In drawing attention to emerging forms of incidental governmentality, it is necessary to ask what implications such processes may have for governmental accountability. In some ways, incidental governmentality can be thought of as an alternative form of the privatisation of government. But, at present at least, it appears to be a form of privatisation of public life that is not overtly regulated by state authorities or constrained by market forces. As with the applied utopianism of surveillance capitalism, it is a project that neither asks for or expects consent, but rather innocuously proceeds to insights into and power over human experience. At the very least we should scrutinise emerging forms of incidental governmentality because they are inherently deceptive. At the very most, we may need to recognise it as the rise of an unaccountable bio-corporatization of politics and life.

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Chapter 8: The Smart Corporation

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Chapter 6

Smart Working and the Corporation

We want to begin this chapter by reflecting on an extended quote. This is Alex Stamos, Former Chief Security Officer at Facebook, speaking in 2019:

“The major tech companies are all acting in a quasi-governmental manner. When I was a CSO of Facebook I had an intelligence team. I had a team of people whose entire job was to track the actions of state governments and their activities online and then to intercede to protect the citizens of other governments [...] I had a child safety team. I had a counterterrorism team. These are governmental responsibilities that have been taken by the companies by the fact that they own the platform, they own where the data is, and they have access to data and resources that the public sector does not. The companies all have people who decide what is acceptable political speech, the people that decide what is acceptable advertising standards for people to run ads and democratic elections. These are government decisions that, generally, are being made privately, they have effectively speech police [...] So the companies are acting like governments but they don't have the legitimacy of governments. They don't have the transparency, they've never been elected people choose to use their products, but they can become so powerful that they are acting at the same level as a government from a power perspective, where people can't really choose to be free of the indirect impacts of that platform; and, that causes a lot of problems [...] (Alex Stamos, 2019).

We start with this quote because it offers an arresting segue into the emerging implications of smart technology for corporations, their employees, and their relations with wider society. Stamos's statement reveals the impacts that smart technology is having on the corporate form of Big-Tech companies themselves. It appears that the nature of companies directly involved with smart technology means that they now have the capacity and (at least assumed) responsibility to take a more active, governmental, role in social life.

In this chapter we explore the relationship between smart technology and corporations in two main ways. Firstly, we consider how smart technology is used by corporations (within and beyond the Big-Tech sphere) to augment working life. Smart technology is now embedded within various aspects of working life. Smart technology is used by corporations to recruit talent. Related technology is also facilitating the production of quantified workplaces, wherein more and more of our working lives becomes transparent and comparable. The Bank of America has, for example, recently deployed smart badge technology to monitor the movements of employees (Ollila, 2018). It is claimed by industry insiders that such smart-badge technologies (which can incorporate Bluetooth proximity measures, microphones and accelerometers) are like 'FitBits for your career' (Heath, 2016).

The move towards the quantified workplace has, of course, been greatly accelerated by the Covid-19 Pandemic: as more and more of our working interactions occur in digital and, therefore, monitorable form. The ability of smart technology to learn more about how we work, and to augment the labour process, raises issues beyond those previously discussed in relation to the domestic use of smart technology. Unlike in the domestic sphere, the emergence of smart workplaces often sees people having far less choice about the nature of their engagement with smart technology. This raises important ethical issues. The presence of smart technology in the workplace also seems to be transforming key aspects of the labour process. It appears that smart technology is challenging many of the informal practices and tacit assumptions that have historically characterised the workplace and notions of expertise (Pasquale, 2022). At the same time, it seems that rather than making working life easier for humans, working alongside smart tech means that people are increasingly expected to keep-up with smart tech in the workplace.

Our second line inquiry in this chapter builds more directly on the reflections of Alex Stamos. In recent years it has become apparent that Big-Tech companies have been drawn into the realms of government. The governmental role of smart-tech companies is evident in the acts of Twitter determining who has the right to public speech and who should be deplatformed. It can also be discerned within Facebook's attempts to promote voter turnout in elections. It has also been evident in Big Tech's involvement in the governance of the Covid-19 pandemic. Many of these governmental duties are taken on willingly by Big Tech, as they support and enhance their commercial goals. Others are more emergent qualities of the power, responsibilities, and social

problems associated with the apparatus of the smart-tech society. It is important to note that we see these activities as being related, but ultimately distinct, from Big Tech's involvement in the construction of smart states (see Chapter 7 this volume). These are activities that are not undertaken only to support the actions of government but involve smart-tech companies becoming governmental in their own right. In this chapter we consider what the implications of Big Tech being drawn into governmental activities are (see here Bartlett, 2018). Reflecting on case studies of the smart workplace in action and drawing on interviews with corporate insiders, this chapter considers the ways in which smart tech is transforming working life and changing the relationships between corporations and the public.

6.2. Working in the smart corporation

In this section we explore some of the implications of smart technology's deployment in the workplace. Our focus here is on the particular interactions between smart-tech and human labour, broadly defined. Considering the human-smart tech interface in this context is significant because it draws attention to the role of labour within human life (our work is obviously central to our sense of purpose, identity, wellbeing, and often dissatisfaction). Our analysis in this section also raises questions concerning which aspects of economic activity are likely to remain human-oriented, which can be replaced by smart-technology, and which are likely to see a combination of people and smart tech.

A new division of labour: The uneven impacts of smart technology on workplaces.

The impacts of smart technology on working life are likely to be broad and varied. What is becoming increasingly clear is that there are few aspects of our relationship with the organizations we work in that are likely to remain untouched by smart tech. From AI systems analysing our CVs and application letters, to wearable smart tech monitoring our workplace performance and deciding that we may be surplus to requirement, smart tech will shape our working lives and opportunities in myriad ways. However, while smart technology is likely to impact all workplaces to some extent, it is already clear that it will have a highly uneven influence on different sectors of the economy.

The possible impacts of smart technology on workplaces can be broadly placed in to three categories. At the most troubling end of the spectrum is the use of smart technology as a *knowledge extraction and labour substitution tool*. In this context, smart technology can learn from the operations of existing experts and professionals in order to optimise performance, before eventually replacing the humans who it has learned from. Perhaps a more common impact is likely to be what could be termed *smart-tech augmentation*. Augmentation involves the establishment of working partnerships between humans and smart technology. This may involve a reduction in the number of people needed in the workplace, but not the total replacement of human labour by smart machines or AI. The final potential impact relates to more general form of smart-tech monitoring and feedback in working environments. Such smart-workplace initiatives can inform knowledge extraction and substitution systems as well as augmentation programmes.

However we characterise the impacts of smart technology on our working lives, its influence appears to be accelerating. The World Economic Forum suggest that working practices are currently subject to a *double disruption* involving the combined impacts of smart technology development and deployment, and the Covid-19 pandemic (2020) (see also Wallace-Stephen and Morgante, 2020). In the context of this double disruption, the World Economic Forum has conducted research with business leaders from around the world and developed estimates of the likely impacts of smart tech on different economic activities. Related research indicates that 45% of businesses are planning to reduce the size of their workforce due to so-called ‘technological integration’¹⁴ (World Economic Forum, 2020: 5). But this threat of replacement is complicated by the fact that 35% of employers expect to expand their workforce due to technological change. The World Economic Forums also estimate that by 2025 although technological change may have resulted in the “displacement” of 85 million jobs, ‘97million new roles “may” emerge that are more adapted to the new division of labour between humans, machines and algorithms’ (emphasis added *ibid*: 5). Although the slightly menacing reference here to more *adapted roles*, may give us pause for thought as to what the smart-tech workplace may look like, business leaders are clearly not planning for a post-work world just yet. According to the Bank of England (2021), the jobs that are most likely to see a direct transfer of labour from humans to technology are in the fields of telemarketing, inspectors, electronic equipment assemblage and drivers. But it is unlikely that dentists, air traffic controllers and mental health

¹⁴ We note that ‘technological integration’ does not just mean the use of smart technology. It may also relate to the use robotics and automated systems that do not have smart capabilities.

professionals are going to be replaced by smart technology any time soon (Bank of England, 2011). It is, clear that many lower skilled jobs are at greater risk of replacement than professional careers, but this relationship is a complex one. The work of atmospheric and space scientists and accountants are more likely to be replaced by smart tech than event planners, for example (ibid).

What we can discern from the estimates of the World Economic Forum and the Bank of England is that the smart workplace will not simply be a place with fewer people in it. So-called *dark* factories, with no workers, may thus become more common in the future, but they are likely to remain the exception and not the rule. In certain sectors there will be less need for human labour, but in others the need for existing human expertise will endure. Reflecting on Tesla's failed attempts to fully automate its manufacturing process, Darling conveys one of the reasons that human labour will continue to hold value in the smart-tech workplace,

'[...] the robots, while able to work consistently and precisely, weren't able to recognise the litany of minor defects that can happen during the manufacturing process—slightly crooked parts, for example—leading to problems down the line. Human workers have the flexibility needed to recognize and correct unexpected errors in the assembly process, which is particularly crucial during the final assembly of a car' (Darling, 2021: 13).

While smart technology may be able to offer consistency and precision, it appears that it is, as yet, unable to replicate human's ability to flexibly adapt to the unexpected outcomes of complex processes.

In other smart-tech workplace contexts it is claimed that we should expect the emergence of new areas of human expertise and the creation of novel jobs opportunities. Business leaders anticipate that approximately 50% of their current workforce will require reskilling (World Economic Forum, 2020: 6). This mass reskilling will, in part, be a response, to the internal redeployment of workers into new roles, but will also involve those retaining their current roles adapting to technological augmentation in the workplace. The Bank of England suggest that the smart-tech world will be characterised by a shifting emphasis on the skills workers will be expected to hold. Technological skills will be required to work within the increasingly digital spaces of the future. As previously mentioned, higher thinking and reasoning skills will also be valued in order to be able to problem solve in increasingly complex and multi-dimensional work

contexts. The Bank of England also suggest that using social and emotional skills will be an increasingly valued part of human labour. It is of course, precisely these social and emotional skills that smart-technology finds hardest to replicate (Pasquale, 2020: 33-59)

The loss of a job, or reskilling within a career, will clearly be a significant part of the human experience in the smart-tech society. We do not wish to downplay the significance of the human experiences associated with the labour market displacements that smart technology will be likely to cause, nor their uneven impacts of already disadvantaged groups. But, in this chapter we are going to focus on the implications of smart tech for those who will remain in the workplaces of the future. Initially we will reflect on insights into what it is like to work in an existing smart workplace. We will then consider some more normative issues concerning how best to construct the workplace of the future to serve human needs.

Technological fulfilment: Working in the ultimate smart tech firm.

Amazon is an obvious, but also problematic choice for a smart-tech workplace case study. Let's deal with the obvious first. From its fulfilment centre warehouses, to its webservices, and stores, Amazon is the living embodiment of the smart-tech firm. It has used smart tech to optimise all aspects of its economic processes. Its economic rationale is, perhaps, best summarised as an attempt to use smart technology to make commercial purchases as frictionless as possible (Galloway, 2017: 23). From algorithms anticipating what consumers need, to the use smart warehouses and logistics systems, Amazon's success can be directly connected to its unerring ability to digitally learn about the consumers and workers it engages with. A sense of the level of success Amazon has had in its use of smart-tech methods is perhaps captured best by the fact that Amazon (founded in 1994) had achieved \$120 billion in revenue by 2016 (Galloway, 2017: 17). In other words, Amazon's revenues in the first 22 years of its life, vastly outstripped the total income of Walmart (not exactly an unsuccessful company), which recorded revenues of \$122 billion in the first 35 years of its existence (ibid: 17).

The problematic aspect of considering Amazon is that its business model and the way it treats certain groups of its employees have proven to be controversial (see TUC, 2020). The controversial dimensions of Amazon's smart-business model means that analysing it with anything

but predetermined assumptions is very difficult. The arguments surrounding Amazon's operations have also resulted in the company becoming defensive about its working practices and taking punitive action against whistle-blowers. Thus, finding out what working for Amazon is actually like can be challenging and tends to be divided between anodyne corporate messaging and the more dramatic accounts of whistle-blowers (Bray 2021).

Notwithstanding these challenges, we feel that there are good reasons to focus our analysis on Amazon. First, with a workforce of approximately 850,000 workers Amazon provides an advanced insight into what happens when smart-tech working practices are scaled-up significantly to large populations of workers. Second, as a leader in the field of smart tech working, Amazon offers a glimpse of what the future may look like for many workers. While exploring the broad experiential implications of Amazon's working practices, in this section we focus specifically on Amazon's warehouses and logistics operations, and in particular the operation of Amazon's Fulfilment Centres. It is in such centres that we are beginning to see some of the most advanced applications of smart tech working practices, and it is here that we are, perhaps, most likely to catch a glimpse of the opportunities and problems that such systems are generating.

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The application of smart technology is apparent in all of the key activities associated with the operation of Amazon's numerous Fulfilment Centres. Amazon Fulfilment Centres generally operate around six separate stages¹⁵. First is the receiving of items of supplies. This stage is one which still appears to be highly dependent on humans, as they collect goods from delivery vehicles and scan attached bar codes so that they can become a recognizable part of the smart warehouse. The next stage involves stowing goods in allocated storage spaces. Again, while guided by smart technology, especially in relation to identifying where items should be placed, this is a process which remains heavily dependent on human labour. In certain fulfilment centres robots are now used to move mobile stowing units to human workers (Amazon actually call their

¹⁵ This account of how an Amazon fulfilment centre operates is derived from this short film which Amazon produced to mirror the physical tours it offers around its facilities:

<https://youtu.be/UAKPoAn2cB0>

workers *Associates*). This process appears to reduce the need for certain forms of human labour (namely walking to and from static shelves) but increases the actual amount of stowing that *Associates* can complete. In a study of the application of robotic technology in Amazon fulfilment centre in Germany, it was recognised that related developments could improve safety in the workplace (Fuchs et al., 2021). The use of robot shelf movers does, however, also facilitate something called random stowing, whereby the same objects are not all stored together but in a mobile shelf location that we assume is logistically easiest to reach the human stowers with. This process results in the most popular items being randomly stored throughout the Fulfilment Centre and makes their retrieval more flexible and efficient. The use of robots to move storage units and randomised storage techniques are interesting from a smart-tech perspective, because they reveal how digital technology can optimise a workplace process. But it also has the effect of disconnecting the worker/associate from an understanding of the processes they are involved in. Their skills are primarily reduced to that of a flexible machine, adaptively stowing items. Their cognitive skills to perhaps remember where an item is located or to make suggestions about how to improve workplace systema is thus greatly diminished. How can you possibly be expected to creatively contribute to a workplace whose underlying operational logics you cannot comprehend?

The next stage in the fulfilment process involves the *picking* of ordered products. Pickers are the *Associates* with responsibility for retrieving the items from the smart warehousing system (in the robotic Fulfilment Centres the relevant shelves come to the pickers). Interestingly, pickers are not responsible for collecting all of the items in a single customer order. A single order is thus normally collected by several pickers who are selected on the basis of the optimised alignment of robotic shelves and *Associates*. While logistically optimal, the dissociation of picker from individual customer order separates Amazon *Associations* from specific orders and identifiable people, reducing their role to being a physical conduit between two parts of a smart logistics system.

After *Picking*, orders then proceed to *Pack*, where *Associates* box and tape orders ready for dispatch. Smart technology also infuses the *Pack Area*, where orders automatically get allocated a box size and even the packing tape is automatically cut for size optimisation. By the time a package reaches SLAM (Scan, Label Apply Manifest) the human input into the smart warehouse all but disappears, as conveyor belts and automatic labelling system prepare boxes for dispatch. At the *Shipping* stage humans do re-emerge to load up the lorries that whisk the

deliveries away from the Fulfilment Centre on to the army deliverers who bring packages to our homes.

There is one further group of Amazon Associates who support operations in Fulfilment Centres. These are the associates and engineers who sit in the *Flow Room* and observe the operations of the whole system. The Flow Room is an interesting term, depicting as it does the smooth movement of a logistical process, but also (perhaps accidentally) conjuring up the psychological processes associated with the unthinking execution of complex tasks. Those in the flow room monitor the performance of both the human and mechanical components of the smart warehouse to ensure optimal outputs from this cyborg system.

It is not difficult to depict the *digital Taylorism* of Amazon Fulfilment Centres in dystopian terms (see Fuchs et al 2021). It is important, however, to acknowledge the benefits that are associated with Amazon's smart warehouses. First, it is clear that Amazon is routinely able to deliver goods to customers with unprecedented speed and at relatively low costs. The benefits of this speedy of delivery are, in part, a product of the smart operations of Fulfilment Centres (although perhaps more a result of the hard work of humans). Second, one can only assume that the logistical efficiencies associated with the operations of Fulfilment Centre are likely to reduce the amount of resources that such facilities need and thus decrease the stress placed on the environment. But, and this is a significant but, it is clear that working in Amazon Fulfilment Centres has significant human costs: it is far from fulfilling. In its 2020 report *Challenging Amazon*, Britain's Trades Union Congress (TUC) outline a broad range of problems encountered by Fulfilment Centre workers. According to the TUC, in its drive to put the needs of customers first, Amazon has enacted a series of problematic employment practices (2020: 11). The TUC outline gruelling shifts involving 10-hour days and 55-hour weeks (at peak times); comparatively high rates of workplace accidents; and the mistreatment of pregnant workers (TUC, 2020: 12-13).

A major problem that Amazon associates report relates to expected levels of productivity. The TUC claim that in the UK Amazon Pickers are expected to pick approximately 300 items per hour. Smart monitoring of Picker performance can routinely result in disciplinary action and sackings (TUC, 2020: 12). In this context, it is interesting that when surrounded by smart machines, workers lives are not necessarily made easier. Instead, the increased speed associated with smart logistics and robotics can actually mean that workers are no longer able to set their own pace (O'Connor, 2021). According to O'Connor (2021), the smart workplace is characterised

by a *dehumanization* and *intensification* of work within which 'humans are being crunched into a robot system working at a robot pace'.

Related to the punitive actions taken against unproductive Associates are the broader questions concerning surveillance in the workplace. For some time now, prominent scholars such as Alex Pentland have speculated about and explored the use of digital devices (such as mobile phones and wearable badges) as a way of better understanding complex social systems such as workplaces (see Eagle and Pentland, 2006). According to Pentland, the Bluetooth capabilities of smart devices opens up new epistemological opportunities for studying social proximity in the workplace (see Olgún et al., 2009). By understand who comes into contact with whom in the workplace, Pentland claims it may become possible to determine the forms of routines and relations which foster productivity and those that do not (Pentland, 2014). Ultimately, Pentland argues that the digital monitoring of social life in any organisation could uncover the *social physics* of institutions and the associated laws of successful business operations (ibid). Although the digital monitoring systems and Flow Centres used in by Amazon have enabled the monitoring of associates' performance, not even Amazon has been able to realise the vision of total surveillance and social physics envisaged by Pentland. However, Covid-19 and its associated impacts on Amazon Fulfilment Centres has generated new pressures and opportunities for employee monitoring. In order to try and prevent the spread of the Novel Corona Virus in its Fulfilment Centres Amazon has introduce new smart-tech systems. Amazon has, for example, been using wristband trackers to try and achieve effective social distancing of employers (the wristbands buzz when proximity limits are exceeded) (TUC, 2020). The company has also developed a Distance Assistance technology, which provides employees with a visual representation of their social distance with colleagues and whether their distancing circles are being transgressed. This real time smart tech utilises depth sensors and machine learning to ensure that it can differentiate between people and the background environment. While Amazon's wristbands have not been mandatory for workers, and the Distance Assistant has been designed to guide not strictly control associate interaction (BBC, 2020), it is not difficult to image how such technologies could be used in more punitive ways. Outside of the Covid-19 context they could certainly contribute to Amazon's attempts to further improve the efficiency of its fulfilment centres and put additional corporeal pressures on its workers' activities.

There are different ways in which we could interpret the emerging forms of digital surveillance employed by Amazon. It could reflect the use of smart technology purely as a method of

protecting associates from the spread of Covid-19 (this would, of course, be in Amazon's economic interests as well). It could reflect the use of smart technology as cover for otherwise lacking health and safety measures and effective leave policies within the corporation (see BBC, 2020). Either way, it seems likely that the introduction of such personalized surveillance tech could be more common in the workplace following its initial trialling during the pandemic. As greater personalised surveillance enters the smart workplace, it is important to note Amazon's expansion into the realm of facial recognition technology (TUC, 2020). This could have broader civil rights issues which go well beyond those of workplace productivity. There is an argument that many of the forms of digital monitoring that are being deployed by Amazon resemble the systems of data surveillance we voluntarily submit to within the domestic sphere. But in the domestic sphere there would appear to be much more choice in terms of the surveillance that we are willing to tolerate. It is also clear that in the domestic sphere that dataveillance is not likely to result in the termination of employment.

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The case of Amazon's fulfilment centres does speak to a broader issue concerning the different operational forms of smart tech. As we have previously observed in the domestic sphere, smart tech can learn from users (and broader user populations) to provide optimised, predictive responses for those users. Of course, this kind of learning is always open to commercial exploitation. But the smart systems we see in Amazon's Fulfilment Centres appear to follow a different operational logic. While it may be able to learn from worker input, in the long term it appears to involve the imposition of optimising logics on to workers. This optimising logic is not about making Associates working lives better (or though that could be a consequence). Rather it is about the optimising of cost and time in the service of profit maximisation and customer service. In this context the smart learning evident in Fulfilment Centres is not about machines and algorithms learning about humans so as to make human life more convenient. It is about machines and algorithms learning about the interactions between humans and machines and attempting to optimise the commercial benefits of these interactions.

From dark factories to the optimisation of dignity.

There is an emerging body of work which explores the ethical dimensions of smart-tech workplaces. In the aforementioned *World Economic Forum's Future of Job Report 2020*, it is

claimed that we are currently in a narrow window of time when we have the opportunity to shape smart-tech work in humane directions,

'As the frontier between the work tasks performed by humans and those performed by machines and algorithms shifts, we have a short window of opportunity to ensure that these transformations lead to a new age of good work, good jobs and improved quality of life for all. In the midst of the pandemic recession, this window is closing fast. Businesses, governments and workers must plan to work together to implement a new vision for the global workforce' (World Economic Forum, 2020: 4).

But the question still remains as to what an ethical application of smart technology in the workplace would actually look like.

We can, of course, hope, that where smart technology does displace human labour it can be targeted on those areas of employment that are dull, dangerous, and/or dirty (Darling, 2021). In her discussion of the deployment of robotic technology Darling makes the following observation:

'In most cases, the outcomes are better when robots work with people. In well-defined spaces, like rows of crops, robots are able to take on more of the work. In other areas, like driving a hamburger in San Francisco, they need a ton of human help to deal with the unexpected. Rather than viewing these limitations as a tricky phase on the way to human replacement, we should stop and ask why are we trying to recreate human skills at all? Why are we trying to replicate something we already have?' (Darling, 2021: 15)

As we have argued elsewhere in this volume, the adoption of smart technology does not necessarily have to undermine human autonomy and dignity. When sensibly deployed, smart tech can produce outcomes which are both socially and economically beneficial. As Darling again states,

'The more fruitful path is to explore what else we can come up with. Where robots truly shine isn't in replacing the college student who delivers pizza. They're most powerful when their form and function helps us to do things we can't do very well ourselves, or even at all' (ibid: 15).

If humans are to form workplace partnerships with smart machines and programmes that are socially progressive, as well economically desirable, careful attention must be given to how the smart workplace is constructed. In a survey of UK workers carried out by the TUC, 74% felt that the use of smart tech could enable them to gain greater control over their working lives (perhaps through the saving of time, better understandings of the operation of the workplace, or the ability to focus on more creative and rewarding tasks) (O'Grady, 2021). But in the same survey workers expressed concern over the misapplication of new technology, with only 31% being actively consulted about the introduction of novel technologies in their workplaces (ibid). As is often the case, the dangers of introducing smart technology into workplaces are not necessarily a product of the technology, but the wider social context associated with its introduction. In countries like the UK and US, the introduction of smart tech into workplaces corresponds with a time of weakened workers' rights, pay and conditions and the declining influence of workers' unions (Ibid)¹⁶. It is much more likely in such circumstances that smart technology will become a socially disempowering force in the workplace. A force which further erodes the ability of humans to control key aspects of their working lives. It is particularly troubling that not only is Amazon not consulting associates about the introduction of smart technology, but using smart tech to undermine the impacts of industrial action (Fuchs, 2021). According to Fuch's et al, Amazon is using the algorithmic insights it has gained from cold weather days—when certain Fulfilment Centres may see their productivity drop perhaps due to icy conditions, or workers not being able to get to Fulfilment Centres—in order to anticipate and mitigate against the impacts of striking workers.

A sense broader sense of what is at stake within the transition to the smart-tech workplace is provided in Pasquale's analysis of the relationship between human expertise and AI (Pasquale, 2020). Echoing the work of Darling, Pasquale argues that the preservation of fulfilling vocations is central to human dignity and a related sense of purpose. Focusing specifically on the question of expertise, however, Pasquale lucidly argues that the preservation of professionalism is central to broader forms of human empowerment. For Pasquale, professionalism is not merely about being good at your job, but it is also about being able to meaningfully contribute to discussions concerning how that job is best delivered. For Pasquale then, professionalism is not just a set of technical skills, it represents a form of social empowerment, which enables people to participate

¹⁶ Fuchs et al's (2021) study of Amazon Fulfilment Centre staff in Germany reveals that they were rarely consulted about the application of new technology in the workplace.

in determining the conditions associated with working life (2020: 4). Even if human expertise is economically suboptimal, we may choose to protect it as a route to preserving human empowerment. But there may well be other reasons to protect and enhance human professionalism in a smart-tech age. Workers report that being managed by an algorithm is lonely and pressurised and is likely to thus have economic disadvantages in the long-term (O'Grady et al, 2021). Additionally, Pasquale (2020) reflects on the role played by humans in the creative industries (5). Perhaps, algorithms may ultimately be able to pick the film scripts that are most likely to be commercially successful, but it is less likely that smart tech will be able to select the scripts that are likely to have the greatest cultural value in the long term (ibid: 5).

It seems unlikely that workerless dark factories will be either the most effective way of organising economic activity or delivering broader social needs, in the future (Ball, 2021). But there is much work to be done to ensure that the smart-tech workplaces of the future are actually places that humans want to live out their working lives in.

The governmental ambitions of smart tech.

This chapter has so far focused on the emerging use of smart technology within the internal operations of corporations and the associated implications for human labour and expertise. The second half of this chapter considers the ways in which smart technology is opening up new opportunities for corporations to intervene within the public realm. This section is thus a prelude to the broader discussion of the governmental use of smart technology we develop in the next chapter. Here we shift our focus from a concern with the connections between smart technology and the governance of employees, to consider how smart tech appears to be enabling corporations to assume broader governmental roles within social life. As we will see smart technologies have enabled corporations to generate new opportunities for acts of corporate governance. Specifically, the data gathering capacities of smart-tech companies facilitate ways of seeing the world, which reflect and, in some instances, surpass the oversights associated with nation states (see Scott, 1999). Through the application of digital nudging and psychological influence, smart-tech corporations have also started to rival the monopoly of behavioural control associated with state bureaucracies (see Chapter 4 this volume). In addition to generating new capacities to govern, however, it is also apparent that the social problems created by Big Tech corporations have generating new things that need governing (for example, the moderation of

content on social media platforms). Smart tech corporations are thus simultaneously creating new governmental problems and developing new capacities to govern them. In what follows we consider how these developments inform the broader social and political realignments that are associated with the smart-tech society.

The Novel 20th Century Corporate Narrative

First some context, and a slight digression into early corporate purpose and corporate law. The 20th century norms concerning the role of the corporation within society are something of an historical aberration. In their early history, corporations operated very much in the shadow of the state. It was states, through acts of charter, who gave authority to corporations to govern various spaces of life on the individual and societal level. In this context, corporations were originally formed in order to 'play a fundamental role in providing public goods and exercise powers customarily associated with formal state institutions' (Barkan, 2013: 1). The purpose of the of the corporation has, however, changed significantly over time. The modern iteration of the purpose of the corporation has its origins in U.S. corporate law. This legislation changed the face of the corporation granting and establishing the powers to hold property, limited liability but most importantly the legality of holding companies (which meant that companies could own stock in other companies). This changed the face of the corporation and effectively ended its historical relationship with the state. The revocation of the grants of charter meant companies would no longer be tools of the state that were meant to 'directly reinforce the public welfare' (Barkan, 2013: 57). The dominant narrative of the 20th century thus became that the corporation was to provide for the good of the shareholders of the corporation.

Towards the end of the 20th century a shift began to emerge in the operating logics of many corporations. In an interview we conducted the Chief Knowledge Officer of a leading consultancy firm described this transition in the following way:

“[we are in] a period of time in which people's expectations about brands have shifted again. They shifted once from product to person and they're shifting now from person to public. They're not leaving the product or person behind they are just adding so it's kind of a layering on top [...] but now there's a greater expectation that brands also have to do something for the public. Brands have to deliver something that contributes to social well-being or society at large [...] the underlying equation hasn't changed

we're still trying to do what it is that consumers want, you're still trying to deliver what consumers expect of your brand. You're still trying to meet consumer needs. It's just consumers' had new needs, consumer have new expectations [...] There's a change in in people's perceptions of government as the traditional strongholds of doing something about society" (Chief Knowledge Officer interview, 2020).

The consumer demand for Corporate Social Responsibility outlined here can be seen a form of compensation for the socio-environmental harms created by corporations. In this context, they predate the onset of the smart-tech society. As we will see, however, smart technology has generated new harms which require corporate governance. We also claim that smart technology has enable forms of corporate engagement in governmental affairs, which go far beyond the realms of Corporate Social Responsibility.

The emergence of an expanded government role for corporations in the smart-tech society is in part a product of the neoliberal retrenchment of the state. Returning to our conversation with our industry insider,

"Governments have abandoned a lot of the things that they have done historically [...] people are looking to brands. People not only want a great product, not only want something that makes them a better person but something that also contributes to a better society and/or better public. That is changing what it is that brands have to do in order to find themselves in the consumers considerations" (Chief Knowledge Officer interview, 2020)

The emergence of smart-tech society is thus synonymous with a point in time when the capacity of many western states to govern has been fiscally eroded. It has also corresponded with an emerging desire of corporations in general to engage in public matters. Finally, the smart-tech society is also characterised by time when Big Tech corporations have unprecedented reach and often a monopoly of control over shared digital spaces. It is in these contexts that we find smart-tech firms such as Uber (pubic mobility), Twitter/Facebook (speech and expression), and Amazon (logistics and supply) becoming significant plays not just in commercial but also public life. The smart-tech society is once again redefining the evolving historical relations between the corporation and the state. In the smart-tech world though the corporation is no longer separate from government, or subservient to the state—it is increasingly occupying the role government!

Smart-tech government: between trespass and trust.

The smart-tech corporate occupation of the realms of government can be interpreted in three broad ways. First it can be seen as one of series of smart-tech trespasses. According to Zuboff (2019), the right to trespass is one of the defining characteristics of the Big Tech sector. Zuboff (2019) describes the notion of trespass as enabling surveillance capitalists to expand their data reach rapidly without having to gain legal authority or consent. The idea of the right to trespass and can be applied to surveillance capitalist occupation of governmental arenas. Many Big Tech firms are now assuming governmental roles in the field of public health in response to the Covid-19 pandemic (see, for example Facebook's *The Data for Good Covid-19* programme). These activities are often undertaken without direct governmental oversight or consent by the public who are being subject to corporate forms of government.

But there is more to Big Tech acts of government they mere trespass. While there is clearly public concern surrounding the level of smart tech intervention into individuals daily lives, there is an evident shift in public sentiment globally about the private sector. Edelman, a global communications firm, has been studying trust for the last 20 years in the four major social institutions: government, business, media and NGO's. In 2020 there was a significant change in precedent. Business became the only trusted institution among the four. Corporations were also the only institution seen as both competent *and* ethical. With a decline in trust in government institutions and increasing trust in the private sector, it is possible to argue that there is an implicit legitimacy to the smart-tech corporate occupation of the realms of government. The Edelman report indicates that over 65% of people agree with the following statements: CEO's should step in when government do not fix societal problems; CEOs should take the lead on change rather than waiting for government to impose change on them; and CEOs should hold themselves accountable to the public and not just the board of directors of stockholders. These sentiments seem to reflect an increasing willingness among the population to be governed by corporations. What is clear is smart-tech corporations have the reach and technical capacity to take advantage of these changes in public opinion. It is also apparent that the smart-tech business models will be able to effectively maximise potential gains that will accrue from the assumption of governmental roles.

It is perhaps ironic that a third interpretation of the emerging governmental role of smart-tech corporations, suggests that Big Tech is increasingly being called upon to address public problems of its own creating. The most obvious example of this situation is evident in the case of social media platforms. Over time the growth and network effects of social media platforms such as Twitter and Facebook mean that they are crucial sites for public speech and knowledge sharing. While offering the opportunity for a global reach of individual's speech, such platforms have also generated ample opportunity the abuse of acts of free speech. Grimmelmann (2015) summarises these abuses in four categories,

'[...] congestion, which makes it harder for any information to get through [...] cacophony, which makes it harder for participants to find what they want [...] Both congestion and cacophony are problems of prioritization: bad content crowds out good [...] Next, there is abuse, in which the community generates negative-value content—information “bads” [...] Finally, there is manipulation, in which ideologically motivated participants try to skew the information available through the community (2015: 53-54)

The scale of social media platforms means that effective content moderation by human actors is impossible impossible. To put this in perspective, the volume of just photos uploaded to Facebook on a daily basis is in the region of 350 million photos a day (Smith, 2019). If we take this number and (optimistically) suppose that a moderator would be able to look and decided if a photo is appropriate every second of an eight-hour work day, that would mean that Facebook would need 12,153 moderators to check for abusive or misleading content in just one category of content hosted on the platform. The solution to the problem of content moderation associated with smart tech platforms is thus smart tech. In this case the development of automated filtering to remove content abuses or to send to the limited human moderators if the content is not immediately identifiable as harmful. The regulation of free speech is something that has historically been associated with governmental oversight, legislation and policing. In the smart tech society though smart tech generates a heightened need for governmental forms of regulation of speech acts, but also appears to offer the only viable technique of enacting effective government. Similar situations emerge when rideshare platforms such as Uber simultaneously generate passenger safety problems for taxi users and smart-tech solutions to solve those same problems.

Smart-tech corporate government in action

Having established the historical context and frameworks of explanation for smart-tech corporations acts of government, we now move on to consider more specific practical manifestations of this phenomenon. An interview we conducted with a business leader reveals the nature of what we are exploring:

“Think of the government as old-school London; narrow roads, old sewage systems, which still work. There’s nothing wrong with them, they still work. They’re still functioning. But then you look at the likes of new modern cities the likes of Milton Keynes [...] it’s all built in terms of modern infrastructure, that’s how I see the tech platforms, in terms of an analogy. The efficiencies are huge [...] The thing is, the tech brands have the data, they know how to use that data, to a certain degree. But the scary part is the scale at which they can grow, due to AI and other technology companies what they already do, is the scary part to me. And the fact that governments are not thinking in an agile way [...] Think in terms of government, the new age of businesses working together. So, you look at how brands are becoming less hierarchical and more agile in their approach to business and what they’re trying to be, it’s more about the human, the individual, it’s a lot more nimble, in terms of its approach. (Business Insider Interview, 2020)

This analogy of government institutions and the capacities of corporations in infrastructure terms provides a concise and intuitive explanation of the nature of the developments we are interested in here. The issue that is revealed here is not just the smart-tech corporation’s occupation of the realms of government, but the transformation of how governing is done. In order to develop some analytical perspective on these processes, we now consider some specific examples of smart-tech corporate government in practice.

The first example is one that readers may be familiar with—that of dynamic and personalised pricing. Dynamic pricing refers to variable pricing on services or products that reactively change prices due to a specific set of conditions. An example that many people will have encountered is used by Uber. Prices for Uber change on demand, this is called surge pricing. The higher the demand the higher the cost for hailing an Uber. Price here is algorithmically determined by the requests that are received prices change accordingly. Uber states “because rates are updated based on the demand in real time, surge can change quickly. Surge pricing is also specific to

different areas in a city, so some neighbourhoods may have surge pricing at the same time that other neighbourhoods do not” (Uber, undated). This system is not unique to Uber,; dockless bike sharing companies like Mobike in China use similar smart technologies to provide preferential rates to ensure they manage the supply of bikes across the city. Demand for bikes at different times of day means that bikes need to be redistributed back to places with supply demand and this can be done through preferential pricing for rides to locations of demand. These forms of smart-tech variable pricing have little to do with corporate acts of government. In other contexts, however, its application has taken a more governmental form. Some bike-share companies, for example, have been trialling personalised behavioural pricing models for deterrence of anti-social behaviour. A CEO of a retail market insights firm observed to us how,

“If you left the bike on the side of the road in a bad position or rode it on the sidewalk or in a place where you shouldn’t be riding it or went down the left side of the road when you should have been on the right side of the road or vice-versa, it would detect that you did that. Then the next time you would rent a bike, instead of paying 50 cents per mile you’d pay a dollar per mile” (Retail Market Insights CEO, Interview 2020).

There is a clear economic incentive for bike-share corporations to use smart-pricing to support pro-social cycling behaviour. It is however also clear that such actions reflect novel forms of corporate intervention into the government of user conduct in public space—an action space that has historically been reserved for the state.

In some cases the use of smart tech systems by corporations does not lead them directly into realms of government, but it does blur the boundaries of responsibility between corporations and various branches of the state. A case in point is provided by the fast-food giant McDonald’s. McDonald’s have been trialling the use of a smart-tech facial recognition in its drive throughs, as a way of improving the efficient of food delivery. The CEO of McDonalds in Russia described the innovation in this way,

“We [McDonalds] have facial recognition and we basically use it at the drive-through because the drive-through is our number one product. It’s the number one way that people get a burger or whatever they order, and what we use it for is just to speed up the order process. So, for example, if a car drives up to the McDonald’s and there’s thirty cars in front of it we can identify the licence plate and then the people in the car

to see what are their patterns, and if there's a pattern that says whenever they come here they definitely always order a black coffee or an espresso. We can make sure that the coffee machine is topped up and ready to go. So that there's no delays in fulfilling the orders. It sounds kind of, like very good use of personal data, right?" (Retail Market Insights CEO, Interview 2020).

On the surface this use of smart surveillance may seem helpful and convenient. But this technological process has implications beyond the efficient delivery of fast food,

"The problem is you're violating potentially two different sets of data rules [and potentially rights]. The first, now that you've got their licence plate, the car, you can tell if somebody is a criminal. So, somebody who shouldn't be driving the car is driving the car. You potentially could be flagging that somebody is driving a stolen car which is a criminal offence [...]" (Retail Market Insights CEO, Interview 2020).

What then is the obligation of the retailer who has identified a criminal or criminal behaviour? Should it be reported? Is the restaurant obligated to pass this information on? In this instance it is possible to think of McDonald's drive throughs as becoming branches of the state's law enforcement systems. Of course, such developments reflect a much larger set of connections between Big Tech and state surveillance. But in this instance, through the application of smart tech in the real world, corporations have to capacity, and potential responsibility, to support public policing (whether they want to or not).

Emerging patterns of smart-tech development suggest that the blurring of the boundary between corporations and policing are likely to become ever more blurred in the future. The development of 5G technology will increase data upload and download capabilities 100 times (from 100-300Mbps to 10-30Gbps!) (iSelect, n.d.) There are three main forms of digital data transfer that operate in our everyday lives. Continuous data uploads like those associated with traffic cameras, whereby if you run a red light your data automatically gets transferred and you get a ticket. This continuous data however only makes up approximately 0.3% of data on devices. Second are those data stores that can be set to transfer on a schedule, like backing up your messages to the cloud on a weekly basis. The last category is data that only gets tapped

into when diagnostics are needed, such as your car's onboard computer that measures your tyre pressure or the number of times you turn on your window wipers. This data only gets used for diagnostics when your car breaks down or there is a problem. These last two categories make up the other 99.7% of data stored locally on devices (Retail Market Insights CEO, Interview 2020). With 5G technology there will be a vast rebalancing in the percentages of data that can be cheaply and efficiently accessed in real time.

“If you buy a car five years in the future there's a very good chance that it's going to be communicating continuously with the police because the roads will have smart technology installed on them. The car will have smart technology [...] So you'll have continuous data, real live time. All that [data] both on the local device and on the non-local device, meaning the road itself or the traffic camera itself”. (Retail Market Insights CEO, Interview 2020).

It is highly likely that in the future that your smart car could be sharing diagnostic data with police forces to ensure that your car is safe and roadworthy. In this context, even if car manufactures and their smart-tech systems are not involved directly in governing driver behaviour, they will certainly be part of the network of digital systems that do. This a novel, if not unprecedented, role of corporations, which has implications for how we understand the separation of powers and influence between states, corporations and civil society. In these contexts, it is not just conceivable but likely that the smart corporations will end up becoming a central actor in the provision of health, public order, welfare and prosperity for vast swathes of the population.

Conclusions

In this chapter we have outlined some of the ways in which smart technology impacting upon the operations and roles of corporations. In the first half of the chapter we explored how smart-tech systems are reshaping working life within corporations. The full implications of smart tech for the job market are as yet unclear, with certain sectors likely to need less human input, but other likely to see more. The operation of Amazon's fulfilment centres do, however, reveal that even within one corporation the nature and impacts of the smart-tech human interface will vary greatly accordingly to precisely where you work in a corporation. The example of Amazon also revealed one of the inherent dangers of the smart-tech workplace. Rather than making working

life less dangerous and demanding, and potentially fulfilling, there is a clear risk that the smart-tech workplace could result in the expectation that humans become increasingly machine like in their working practices and lives. It also appears that the presence of smart-technology in the workplace will present a challenge to human expertise and dignity. The use of smart-technology to produce efficiencies in working life is likely to result in a diminished capacity of humans to be able to comprehend the full nature of the working processes they are a part of. This will unquestionably be a threat to human claims to professionalism and expertise. In turn this could result in a less human input into the design and orchestration of workplace systems. This threat, perhaps more so than the loss of work, is arguably the most significant issues associated with the smart-tech workplace. It raises the question of how we can collectively ensure that workplaces are designed to preserve (and hopefully enhance) human respect and fulfilment as well as maintain a profit margins. The socio-technologically window to secure human input into the smart-tech workplace appears to be closing rapidly.

In the second half of this chapter we considered the emerging governmental role of corporations. It appears that the rise of smart tech, and associated form of digital data surveillance, are enabling a blurring of the line between corporations and the actions of states. The governmental activities of corporations appear to be the outcome of both design and chance. With the emergence of historically unprecedented sources of behavioural data and influence, corporations are uniquely placed to be able to guide public behaviour. At one and the same time, the social problems generated by smart-tech necessitate new forms of governance, which often only Big-Tech corporations are able to deliver. Sometimes, however, it appears that the governmental role of smart-tech corporations is the product of unplanned alignments between digital data gathering and the enforcement of the law. In some ways the enhanced involvement of corporations—long castigated for their selfish antisocial gestalt—in public life should be celebrated. But vigilance is surely required here. If corporations start to look and act a lot like governments but have none of the attendant democratic checks and balances on their activities, should this not be a concern? As with the smart-tech workplace, it is thus critical that powerful lines of human input and accountability are hardwired into the digital worlds we are building.

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Chapter 9: Conclusion

This conclusion examines the macro context of the contained works associated with the project of re-interpreting the corporation through a theoretical lens created to explore the state institutions and rationalities. By endeavouring to develop a theoretical approach for understanding novel corporate practice in relation to the assemblage of governmental actors in the 21st century there developed a language that can be used by both the private and public sectors for discussing concepts, developments and the evolution of the role that the corporation plays as a governmental actor: concepts that were formally mutually unintelligible because of the discursive traditions associated with that of the private and public sector discourses. While this work by no means provides a comprehensive discourse it has begun the development of at least translatable terms that can be developed to become a language that bridges conceptual gaps between corporate and academic discourses regarding the role of the corporation with respect to society and state institutions; how corporate rationalities can complement, mirror, or be at odds with the rationalities of the public sector while their practices are similar in execution and outcomes reflect a similar governmental purpose .

This exploratory work positioned itself at the intersection of research on the involvement and responsibilities of corporations within society and the positioning of the corporation with respect to the institutions of the state in the context of societal governance. The two primary discourses of CSR and governmentality are able to describe aspects of corporate involvement with society but fail to bridge the gap in relation certain actions that corporations are engaging in in the 21st century.

The discourse of CSR fails to take into account a variety of practices that involve corporate responsibility for societal governance or include certain practices that don't fit within the established understanding of corporate social responsibility. With the evolution of the corporation its practices have metaphorically changed shape and now are round concepts being fit into square discourses. Similarly, the governmentality discourse has focused on, and made the rationalities of state with regards to governmental practice its sole object of investigation. While the corporation had its place within the concept of governmentality with its inclusion as an object of government (Collier & Whitehead, 2022), with literatures on the

state as an effect (Foucault, 2008: 77), or with more diffuse forms of governmental power being accepted as subjects of study within the discourse, it fails to include additional rationalities that originate outside of state rationalities. The ability of corporate governmentality to theoretically include both non-state rationalities of governance from non-state actors and its ability to better describe a range of practices that are routinely lumped into the CSR discourse is why this project has repeatedly been described as an exercise in positivist theory building. It essentially allows for the notion of governmental purpose to enter accounts of CSR and corporate rationality to enter discussion of governmentality. As Matten and Crane (2005) rightly point out in their response to Oosterhout in their paper on extending the theoretical conception of corporate citizenship the goal of theoretical development is to “offer either a better fit with empirical evidence or a better explanation of reality or both” (p. 682).

This chapter will look to explore some of the implications of the future of the research and alternate approaches for the research. This will begin with understanding where the research began and the development of the CSR discourse that insufficiently provides explanation for corporate governmental action. It then explores the modern context for the company and its epistemological evolution and its relationship with society. From there it will explore the future directions of the discourse and research that could make up the next step in the research journey to reassessing the place of the corporation in the tripartite of the state, corporation and civil society.

CSR discourse development

Business practices that relate to societal intervention and the responsibility that corporations have towards society have evolved from an ethical responsibility led by corporate philanthropists and enlightened capitalists. The early impetus for acting with responsibility towards society was top-down, led by ethically motivated business leaders and often lost its focus on ethical business practices with the departure of the senior leaders that drove these practices forward. In the context of a neoliberal political economy corporate relations with the public realm began changing in the 1990's. There were a few indicators of this shift including the political focus on business ethics and the inclusion of CSR within the political discourse. This was mirrored in consumer expectations of businesses. The idea that businesses had a greater responsibility for society and that within the business is mirrored

the professional management consulting frameworks and the description of the current era of business as the 'era of the public': where consumers (that reflect societal sentiment) expect a greater responsibility from corporations with respect to society.

As many companies, if not all, now have detailed CSR-type agendas it became apparent that while an array of these practices still firmly held to the categories of CSR indicated in the literature, companies included programs and practices that were associated but also embodied a different character that diverged from the intentions, or outcomes of CSR. The claim is not that all the practices of corporations included within the heading of CSR shouldn't be included in the heading or that practices that are governmental in nature can't also be considered within the tenants of CSR. Rather that there is a spectrum of corporate practices that has additional complexity with reference to how they relate to societal intervention. The creation of a theory of corporate governmentality allows societal intervention practices to be viewed from the perspective of their governmental ambition and analyse the practices as such.

Corporate evolution into the 21st century

While the history of the corporation was not the primary focus of this project it was imperative to understand the position of the corporation in the nexus of the state-corporate-society interaction in previous centuries so as to understand where, and how, the corporation is positioned in the 21st century. The corporation previous to the general incorporation laws that were enacted towards the end of 19th century had a different relationship with the state than its modern counterpart. Because of the charters that were associated with their incorporation, early corporations had a responsibility towards society and general welfare mandates. They were a tool of state provision because the state had less direct control over the economy and the delivery of services for society. The change in the relationship with the state as a result of general incorporation disengaged the state and corporation from one another and the mandate for public welfare was no longer obligatory.

The lack of an obligation to social and public welfare manifested itself in more heavily product centric, purely profit driven mentality within corporations. This lasted through the first half of the 20th century. As consumer expectations change the corporate focus also shifted to a focus on the individual and catering to lifestyles. It was at a similar point in this transition that the focus on CSR started developing in the public lexicon and while it was

briefly diminished in the '60s and '70's by the late '80s early 90's it once again re-entered the public radar. This coincided with (or was partly because of) the rise Chicago School and neoliberal economics. The reduction in the state and increasing reliance on the corporation to provide the services that were previously associated with the state reenergised the discourse around the role of the corporation with respect to society. The rise of neoliberalism and the reduction of the scale of state intervention allowed for corporations to gain ground in the relative power balance between them and the state. This manifested itself over the next two decades in a shift in societies' expectations of corporations. The resultant hollowing out of the state also meant that corporations not only had the opportunity but the need for corporations to do more to provide for the reduction in services as a result of privatisation. This created a new dynamic where corporations were 'unleashed' and created social and environmental problems that are now needing to be addressed and with the undermining of the state's capacity to address them the corporation is being called to step in and address (not only the problems they have created) a range of social and environmental solutions that require their intervention within society. While there was pressure put on corporations from a range of stakeholders the primary impetus seems to come from consumers, the corporations bread and butter as it were. As consumers changed their expectations businesses also modified their behaviour to cater to current, potential and future consumers.

The change in corporate behaviour led to the creation of social intervention practices in a range of areas from environmental sustainability, enhanced supply chain accountability, employee welfare, business ethics, etc. These as they evolved developed a governmental character and it is this character that marks the 21st century as being meaningfully different from previous iterations of corporate purpose. There are similarities in the types of programs and practices between the type of governing practices that took place as far back as the mercantilist age however the present days practices are occurring in a time with a different relationship to the state and society. The social intervention is also, and more importantly, taking place with a different set of rationalities than was evident in previous iterations of the corporate form.

In addition to this there have been moments in time that have forever changed the global landscape for political and societal order. These shifts have occurred as a result of technological innovation and invention. The printing press changed the global landscape and

political global order and gave rise to secularism and political revolution; the discovery of electricity, the combustion engine and rail transport began the industrial revolution that changed the global landscape in an equally profound way; and the digital revolution is having a similarly powerful change. The digital revolution still in its relative infancy but its impact on the political economy will be equally as profound. It is with a backdrop of the information age that have led corporations to change their epistemology (the nature of human, and in this context, corporate knowledges) and this is reflected in their interaction and interventions in society.

The volume of information and data that has been generated as a result of the advent of digital technology has facilitated insight into human nature and behaviour to a degree that has never been previously possible. With a large proportion of individuals lives today being linked to digital technologies and the resulting ability to examine and model human behaviour in real-time and across all aspects of life the view and understanding of human interaction and behaviour is evolving. This coupled with the fact that the majority of these technological advancements and the resulting information and data is held by the private sector and corporations changes the relative power dynamics between the state and corporations. While historically political power and governing legitimacy has been supported and gained through the exclusive monopoly over violence this was concurrently supported by a monopoly on information, the coming age is seeing the private sector changing this with the private sector and corporations increasingly having a monopoly over data and information that places it in a position to challenge the established legitimacy on the governance of society. It is for this reason that it important to develop and test new perspectives and theories that relate to the how the corporation is viewed and its place in the assemblage of structures that are responsible for governance.

"Leave us alone... and you may see the future"

The relationship between the private and public sector has evolved as much as the corporation's relationship with society. In modern time the corporation has been viewed by the state as the untamed monster that has threatened the political order. If we look back to the mercantilist age the East India Company (EIC), for instance, while never actually taking control over the British crown there were a few times it was close. The EIC had more guns and armaments than most nation-states and it was this coupled with a bubble busting in the

aftermath of the Battle of Plassey that the crown was able to wrest control back from the EIC and institute changes politically, economically and militarily that put checks and balances against runaway corporate power. A second wave of the rebalancing of power relation between the state and corporation took place in the early 1900's to control the rise of the robber barons of the industrial revolution. This is evident in Franklin D. Roosevelt's message to congress in 1938,

The first truth is that the liberty of a democracy is not safe if the people tolerate the growth of private power to a point where it becomes stronger than their democratic state itself. That, in its essence, is Fascism—ownership of Government by an individual, by a group, or by any other controlling private power.... Among us today a concentration of private power without equal in history is growing. (Roosevelt, 1938)

The fluctuations in power between the state and the corporation are entering another cycle of negotiation. Corporations through their monopoly on information and data are gaining power against the nation-states. As was seen in the recent power contest that manifested itself between the Australian state and Facebook with the battle over their role in the provision of news on the platform. In face of tighter regulations and legal action to pay Australian news outlet for their content, Facebook removed access to news content claiming that Australia misunderstood the nature of the platform and that they were not publishers. The action of Facebook and the subsequent reversal of the ban that resulted from Australia being forced to amend their media bargaining laws demonstrate the immense power of modern corporations in relation to states.

While it is easy to postulate on runaway corporate power it is also naive to think that there will not be a rebalancing of some kind that reign in the increasing power of corporation in the digital age. What this rebalancing will look like it requires further analysis to postulate potential outcomes. The primary difference in the rebalancing of power between the corporation and the state compared to previous times in history this has taken place is the speed of adaptability between corporations and state bureaucracies. The digital revolution has enabled the corporation to adapt and change at a much greater rate and with more complete information than state bureaucracies. State bureaucracies are bound by a set of checks and balances and time for deliberation built into the system. This is a result of historical

precedent and need to prevent individual leaders engaging in abuse of powers and to prevent the rise of authoritarian and/or autocratic regimes but it also places it at a disadvantage in the control over corporate power.

It is also an issue with regards to the relationship between the corporation and the state that there is a fundamental lack of understanding in how technology companies operate within the public sector. The recent congressional inquiry into the Cambridge Analytica data scandal saw the extent to which there is a lack of understanding in the public sector surrounding the operations of platform technology companies. Senator Hatch asked Zuckerberg, "So, how do you sustain a business model in which users don't pay for your service?" (Burch, 2018). This is an obvious example but even at a more nuanced level the fact that data gathering techniques and the algorithms that are associated with technological advancement are proprietary intellectual property. With the digital native generation aging and assuming roles within the public sector this fundamental lack of understanding of digital technology will present less of a problem however it will not be completely resolved as there is a veil of obscurity, not only on due to the a lack of accountability still in place as a result of the current intellectual property regulations; but also in relation to the obscure and hidden motivations of the macro-level rationalities and realities of companies inherent in the emergent surveillance capitalist's ideology.

This veil of obscurity that corporations have put up poses additional questions that need further inquiry and consideration. If regulators are unable to understand and examine the underlying logic and programming of algorithmically based corporate practices how are they meant to create, manage or enforce regulations that would rebalance the power symmetry between the private and public sectors. This becomes an even greater issue when corporate practices such as those examined, tend toward and become governmental in nature. As a major aspect of further inquiry becomes what are the ethical considerations that need to be addressed with regards to societal protection from corporate actors when they are engaging in governmental practices and shielded from the existing checks and balances due to the vail of obscurity afforded to them by proprietary intellectual property. This major question surrounds the legitimacy of governmental action when the only measure of restraint are self-imposed.

Discussions surrounding the independent moderation auditors for Facebook which were created and funded by the very institution who they are meant to be policing demonstrates the kind of challenge that is being, and will continue to be, faced in the coming decades. It also presents a different challenge than other forms of corporate governmentality and while many scholars, politicians and individuals focus on the negative where corporations, “unless checked,... could accumulate the power to create a radically unequal and unfree society” (Maçães, 2021), there is a sense in which in the present age many of the social problems in need of intervention are only achievable (in the current political global structure) by corporate actors.

Many of these social interventions are associated with companies and corporate leaders similar to the enlighten capitalist of old but, now, with the resources and political capital to achieve “projects or missions... connected to the higher aspirations of mankind: space exploration for Musk, space and eternal life for Jeff Bezos, universal democracy for Mark Zuckerberg or Twitter’s Jack Dorsey” (ibid). Their interventions may not be perfectly executed or without issue but does bring to the fore bigger questions, “should a modern society use its powers against those whom we expect to bring about the greatest historical transformations? Should it strive to keep things as they are? Or should it give those people [directing corporations] free rein, with all the dangers that could carry for democratic and social values?” (ibid). While there is a sentiment driven by the Californian Ideology in many of the corporate actors that are demonstrating a corporate governmentality, epitomised by the sentiment, “leave us alone... and you may see the future” (Maçães, 2021). What does that future look like?

A look into the future of the discourse

The revaluation of the purpose of the corporation and its relationship to the state/public sector and civil society presents challenges for the future of the discourse. The tradition of reinterpreting this relationship is not new and is an ongoing project of “analysis of the corporate-society relationship,” needing to reinvent “conceptions of both the corporation and society; and these conceptions must be articulated in comparable, or at least translatable, terms” (Preston, 1975, 446).

The analysis and evaluation of the rise of the corporation as a governmental actor, seen through the lens of Foucauldian inspired discourses represents the initial foray into a

greater reevaluation of the state/corporate/society nexus in translatable terms and a discourse that facilitates discussion between mutually unintelligible disciplines. The future of the research direction may be in conducting similar exercises in broadening the scope of actors and subjects that fall outside the traditional context of their development. Exploring techniques of incorporating or flipping the perspective of reinventing concepts such as political-economy to, perhaps, social-economy-policy utilising similar frameworks of phenomena of growth, distribution, inequality, etc. starting with a social-economy. Alternately, the analysis could be conducted in a (neo-)Marxist tradition in light of the changing distribution of labour, control over the means of production, or the shifting of inequality, power and status and apply them to corporate person(hood)s in relation to state institutionalism.

The future of research in this space may be suited to alternative interpretations of corporate personhood. A direction of future inquiry could be to look at investigating and applying a Marxist tradition in the conceptualisation of the development of corporate personhood, extending that to conceptualise a corporate society and explore the class tensions and inequality delineated by the governmental (corporate) persons engaged in governmental programs embodying the bourgeoisie opposed to a the corporate proletariat who provide their 'labour' by maintaining a corporate personality of the production of material products.

By mixing conceptions, reorganising subjects of study and applying them in differing contexts provide an opportunity for greater intelligibility and insight into the constructed nature and discursive barriers that have been imposed on concepts such as the state, the corporation, or society; and may reveal suitable (or perhaps more interestingly non-suitable) applications of theory to contemporary contexts.

Reinterpreting these discourses may face staunch criticism because of the unorthodox nature of their applications nevertheless they have the opportunity to provide an interdisciplinary view of siloed conceptions. The learning gained from these explorations and future direction of research into the civil society-private-public nexus can only be beneficial to progressing of our understanding in the coming centuries particularly in light of the rapid changes in virtually all inquiry into each of these individual parts, let alone the macro analysis

and theoretical development to understand the interactions between civil society, corporations and the state that have taken place in the last century.

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