The Corporation in American History

**Course Syllabus**

*Course Description:*

Corporations (legal entities created by the state and granted important characteristics such as legal personhood, limited liability, and immortality) thoroughly dominate the public sphere in modern America. The odds are that a corporation created almost every manufactured thing around you as you read this syllabus. It is quite probable many of you will work for a corporation or some similar entity at some point during your post-university career. Moreover, many of the most basic aspects of modern living (*viz:* rapid transportation and mass communication) are nearly inconceivable without the operation of large corporate entities. Yet corporations were once comparatively limited in scope, size, and purpose. Indeed, by some estimates, there were only a few hundred business corporations in the nation at the time of the American Revolution.

This course employs the tools of legal, political, economic, and social history to examine how corporations have evolved from comparatively rare and limited legal fictions to some of the most ubiquitous and important actors in public life. In doing so, it scrutinizes the complex and dynamic place of corporations in American history, tracking the course of public attitudes towards and intellectual and political theories regarding this vital unit of business and cooperative enterprise.

*Learning Goals:*

This course uses the complex historical interactions of government and business power, social and political change, and legal theory to examine some of the most important institutions in American history. Through a series of papers and class discussions, this course will also enhance core skills in scholarly research, critical thinking, oral communication, and written expression.

Just as importantly, you should gain the perspective afforded by studying events, ideas, and actions in historical context and sequence. Many of the issues covered in this class continue to resonate in contemporary social and political debate. By the end of the course, my aim is that you will be equipped to deal with these debates in a more nuanced, sophisticated manner with the benefit of a deep understanding of the historical currents underlying these ongoing questions.


**Required Readings:**

Most of the readings in this class are copied primary and secondary sources available through the course LATTE page. In addition to those readings, there are two required texts:


These books are on reserve at the library and are widely available for purchase. Readings from these books are referred to hereinafter by the author’s last name. Please note that the Beatty book is a compendium of primary and secondary writings and that some of the readings from that book encompass multiple documents.

1. **Informed Participation:** 25%.
   With relatively few exceptions, class sessions will focus on discussions of the reading assigned for each meeting. If you do not attend this class prepared to contribute to these discussions, your grade will suffer (along with the class).

2. **Short Papers:** 25% total.
   You will write two short (four-to-five-page) papers on assigned topics that call on you to argue an historical position based on your interpretation of the class readings. Your best grade will account for 15% of your grade; your worst grade will count for 10%.

3. **Research Paper:** 25%.
   You will write one (1) long (approximately twelve-page) research paper on any major issue related to this course (I will provide you with a list of potential topics, but you may research any other topic I approve). This paper must draw on at least five approved primary sources we have not read in class. It must also incorporate insights from at least two secondary sources we have read during the semester and two we have not discussed. You will be required to submit a brief summary of your topic and a proposed list of sources on or before the date listed below for my approval.

4. **Final Exam:** 25%.
   The in-class final exam will feature a combination of short answer and essay questions.

**Other Policies:**

1. **Academic Honesty:**
   You are expected to be familiar with, and to follow, the University’s policies on academic integrity. Please consult Brandeis University’s *Rights and Responsibilities* handbook for all policies and procedures. All policies related to academic integrity apply to in-class and take home projects, assignments, exams, and quizzes. Students may only collaborate on assignments with permission from the instructor. Allegations of alleged academic
dishonesty will be forwarded to the Director of Academic Integrity. Sanctions for academic dishonesty can include failing grades and/or suspension from the university.

2. **Accommodations:**
   If you have a documented learning disorder or other disability that may require special accommodations, please see me as soon as practicable to make appropriate arrangements.

3. **Laptops:**
   You may use laptops in this class to take notes or call up LATTE documents or other class materials. In the interests of avoiding needless distractions, please refrain from using laptops for any other purpose.

4. **Phones:**
   Endeavor to turn your mobile phones and pagers off before class. Text messaging during class is very rude. Please do not do it.

5. **Attendance:**
   As noted above, attendance will count toward your participation grade for this class. Dispensations for excused absences will be made on the basis of a medical condition or family or personal emergency only.

6. **Late Papers:**
   Turn your papers and other assignments in on time. Any late assignments will be graded down one half-grade for each day between the due date and the time you hand in the paper.

7. **Email:**
   I frequently communicate with the class and individual students via email. Students should check their email regularly and respond to any queries promptly.
SCHEDULE

Week 1:

Jan. 13: Course Introduction

Jan. 15: Colonial Charters
Readings: Charter of the Massachusetts Bay Colony (1628/9).
First Charter of Virginia (1606).
Bilder, The Transatlantic Constitution (excerpts).
Beatty, 17-33.

Week 2:

Jan. 20: Early Municipal Corporations
Readings: Hartog, 13-142.

Jan. 22: Religion and Education
Readings: Funk, This Stone which I Erect Shall be a House of God.
Charter of the President and Fellows of Harvard College (1650).

Week 3:

Jan. 27: Revolutionizing the Corporate Form
Readings: Dunlavy, From Citizens to Plutocrats.
Beatty, 45-59.

Jan. 29: Protecting Private Enterprise
Readings: Nedelsky, Private Property and the Limits of American Constitutionalism (excerpts).
Dartmouth College v. Woodward (1819).

Week 4:

Feb. 3: Regulating in the Public Interest
Readings: Beatty, 75-89.

Feb. 5: The Bank Controversy
Readings: McCulloch v. Maryland (1819).
Jackson, Veto Message Regarding the Bank of the United States (1832).
Week 5:

Feb 10: General Incorporation and Jacksonian Democracy

Feb. 12: The Transformation of Corporate Citizenship

Week 6:

Feb. 17: NO CLASS (Midterm Break)
Feb. 19: NO CLASS (Midterm Break)

Week 7:

Feb. 24: The Transformation of Municipal Corporations
Readings: Hartog, 143-264.
DUE: Paper 1.

Feb. 26: War, Reconstruction, and Regulation
Readings: Beatty, 113-140.
*Paul v. Virginia* (1869).
*The Slaughterhouse Cases* (1873).

Week 8:

Mar. 3: Railroads, Courts, and Unions

Mar. 5: Integration in Different Directions
Beatty, 141-158.

Week 9:

Mar. 10: Trusts, Trust Busters, and Monopolies
Readings: Roosevelt, *Controlling the Trusts* (1901).
*Standard Oil Co. v. New Jersey* (1911).
DUE: Research Paper Proposals
Mar. 12: **Liberty, Contract, and Economic Regulation**

**Week 10:**

Mar. 17: **Scientific Management**

Mar. 19: **From Ultra Vires to Business Judgment**

**Week 11:**

Mar. 24: **The Business of Business: Corporate America in the 1920s**
Readings: Beatty, 223-263.

Mar. 26: **The Great Depression, the New Deal, and Corporate Power**
Readings: Beatty, 263-289.
Roosevelt, *First Inaugural Address* (1933).
**DUE:** *Paper 2.*

**Week 12:**

Mar. 31: **The “Benevolent Oligopoly”**

Apr. 2: **Corporate Culture in Post War America**
Readings: Beatty, 319-374.
Davis, *The Corporate Reconstruction of Middle-Class Manhood.*

**Week 13:**

Apr. 7: NO CLASS (Spring Break)

Apr. 9: NO CLASS (Spring Break)

**Week 14:**

Apr. 14: **Booms, Busts, and Scandals**
Apr. 16: **New Models**  
Readings: Friedman, *Business Law in an Age of Change*.  

**Week 15:**

Apr. 21: **Corporate Speech**  
Wilson, *Too Much of Good Thing*.

Apr. 23: **Globalization and the International Conglomerate**  
Readings: None!

**Week 16:**

Apr. 28: NO CLASS (Brandeis Friday)  
DUE: Research Papers to Olin Sang 119 by 5pm.