**A Defense of the Academy’s Corporatization**

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Criticizing the Corporatization Critique

“We are in the midst of the worst crisis in academic governance in decades,”[[1]](#endnote-1) declared the American Association of University Professors (AAUP) in early 2021. Manifestations of this crisis include the arbitrary dismissal of tenured as well as contingent instructors, the summary cancellation of entire academic programs, the suspension of faculty senates, and much more. To its credit, the AAUP recognizes that COVID-19 has accelerated these transgressions against the principles of “shared governance” but is not their ultimate cause. Rather, the pandemic has “thrown into sharp relief”” certain “preexisting conditions” within higher education “that have been exacerbated during the present crisis,”[[2]](#endnote-2) but will not vanish once the plague has passed.

What are these preexisting conditions? One obvious candidate is the so-called “corporatization” of colleges and universities in the United States: “The goal of corporatization,” wrote the president of the AAUP in 2014, “has been the transformation of what had been a world-class system of public higher education, whose aim was to provide high-quality education with a strong foundation in liberal arts and sciences, into a system more suited to serve corporate interests.”[[3]](#endnote-3) The “corporate interests” to which Rudy Fichtenbaum refers are those of the private for-profit sector; and that is why invocations of “corporatization” are so often accompanied by its conceptual kin: “commercialization” and “commodification.”[[4]](#endnote-4) These epithets designate troubling trends that can be traced to the mid-1970s when, Fichtenbaum argues, neoliberals began to defund “public higher education while supporting the metastatic growth of administrative positions, with the result that tuition and student debt have skyrocketed and higher education is being transformed into a private good.”[[5]](#endnote-5)

This story will not do. Yes, it is true that the pandemic is teaching us much about how power is marshaled, distributed, and exercised within America’s colleges and universities; yes, it is true that the academy’s “corporatization” is eviscerating that education’s constitution as a unique collective good; and, yes, it is true that the last four decades have witnessed a fundamental reformation of U.S. higher education as it has been incorporated within a neoliberal political economy. But to begin the story here is to start far too late, for certain essential roots of the contemporary “crisis” can be traced to higher education’s foundation within colonial America and specifically the academy’s constitution as a legally codified autocracy. To truncate this tale by framing it as one of neoliberal “corporatization” is to obscure the fact that U.S. colleges and universities areand always have been corporations; and, still more problematically, it is to conceal the contests that have erupted episodically throughout American history over what *kind* of corporation the academy should be.

Situating today’s events within this longer history enables me to invite my readers to entertain three propositions that at first blush may appear counter-intuitive if not perverse:

1) Criticisms of the contemporary academy that advance the charge of “corporatization” are in fact quite uncritical, for they indicate our unwitting acceptance of the specifically neoliberal corporation as its only possible form.

2) Once we recall elements of the corporate form that are suppressed by the neoliberal representation, we can then employ the idea of the corporation to challenge the academy’s “corporatization.”

3) Rightly understood, the corporation provides a model for the academy’s reconstitution as a self-governing enterprise, and that reformation is essential if we hope to nurture higher education’s nature as a practice that is distinguishable in kind from what neoliberal “corporatization” would have it become.

When the Corporate Constitution of College Was Up for Grabs

As a rule, we academics know very little about the origins and early history of the colleges and universities that employ us; and we know even less about the protracted conflicts that marked this history. I cannot do justice to that story here. Instead, I will merely say a few words about the corporate constitution of two colonial colleges: Dartmouth and William & Mary.

All of America’s early colleges, including Dartmouth as well as William & Mary, were created by charter, whether granted by the Crown prior to the Revolution of 1776 or by individual state governments after the Revolution; all were created in the legal form of corporations; and, following the British model, all were outfitted with governing boards. The question of who should serve on these boards as well as how expansive their authority should be, however, was very much contested.

In 1769, in the name of King George III, the colonial governor of New Hampshire issued a charter for Dartmouth College. That charter provided for the college to be governed by a board that was constituted as a lay corporation. To this board was granted the usual panoply of “privileges, advantages, liberties, and immunities” that define all corporations. Among others, these included the sole power to “possess and enjoy” various forms of property;” to “nominate and appoint so many tutors and professors to assist the president in the education and government” of students; and, perhaps most important, “to make and establish such ordinances, orders and laws, as may tend to the good and wholesome government of the said college.”[[6]](#endnote-6) In sum, by charter, Dartmouth College was constituted as an autocracy in which all legal powers, including the power to govern as well as to control the college’s assets, were vested in a self-perpetuating unitary board whose members are outsiders in the sense that they were not drawn from those who work for the college. Those who do work for the college, having no claim to govern persons or assets, were thereby constituted as subjects of this governing body.

 The constitution of Dartmouth is indicative of the governance form that comes to prevail at most U.S. colleges, but it’s not the only model to emerge out of the colonies. For a rather different form, consider William & Mary. Its charter, granted in 1693, authorized the colonial assembly of Virginia to elect trustees who in turn were authorized to found the new college. These trustees, however, were not legally constituted as a corporation. Instead, and this is what renders William and Mary unique among colonial colleges, the powers granted by the 1693 charter were to be exercised by its trustees only until the college was “actually erected, founded and established.”[[7]](#endnote-7) Once that was accomplished, the charter required the trustees to transfer the college’s assets as well as most of its governance responsibilities to a “body politic and incorporate” that was “named the President and masters, or professors of the college of William and Mary.” In short, at William & Mary, the powers that were allocated exclusively to Dartmouth’s autocratic governing board are ceded to its faculty and president in their capacity as members of this new corporation. Among others, these powers included the power to manage the college’s properties, donations, and revenues as well as to act as a self-governing entity authorized to make and enforce rules for its own internal governance.

Corporate types

Although his concern is not early American colleges and universities, David Ciepley has provided a typology that is helpful in making sense of the difference between Dartmouth, on the one hand, and William & Mary, on the other.[[8]](#endnote-8) The basic distinction he draws is between what he calls “property” and “member” corporations. The antecedents of both may be traced to ancient Roman law, but tracing that history with the care it deserves is beyond the scope of this paper.

Suffice it to say that property corporations are rooted in the category of *jus rerum*, whichdenoted laws regulating the rights and powers of persons over things. In time, this category was incorporated within medieval canon law as a solution to a problem encountered by the Catholic Church as it sought to safeguard the estates of monasteries, abbeys, and bishoprics from lay rulers. By affording legal recognition for this property in corporate form, the Church transferred ownership from individual vicars, parsons, and bishops to a legal entity that could and would outlive these all too mortal beings. On this model, in accordance with the Catholic Church’s embrace of hierarchical relations of authority, ultimate authority to rule over this corporatized property as well as any personnel hired to manage it was located in a single office. Because occupants of these offices were considered temporal agents of God, and because they held office for life (barring removal by their superiors), they remained formally accountable to the purposes that defined any corporation they governed but unaccountable to those subjects over whom they ruled.

The second type of corporation discussed by Ciepley, the “member” corporation, can be traced to invention of the legal category of “*municipia.*” This category furnished a way to assimilate communities into the emerging Roman empire by means of charters that defined their residents as “citizens” who retained certain powers of collective self-governance, including the key right to vote for political officials. Unlike property corporations designed to ensure the intergenerational continuity of property (“*universitatis rerum”*), member corporations were constituted as “*universitates personarum*.” According to Justinian’s Digest, composed of persons in their legally constituted capacity as members, these corporations are built “on the model of the state” (*ad exemplum rei publicae*)[[9]](#endnote-9) and, according to William Blackstone’s Commentaries, in the specific form of “little republics.”[[10]](#endnote-10)

Rule within these mini-republics, Ciepley explains, assumes this character: 1) Members jointly determine the admission of new members (as well as their expulsion should the need arise); 2) In accordance with the Roman legal maxim “*quod omnes tangit ab omnibus approbetur* (“what touches all is to be approved by all”), members establish rules for themselves by means of debate followed by voting; and 3) Rule is exercised either immediately by members or by elected officers chosen by majority rule based in the principle of one-member one-vote (as opposed to the one-share one-vote rule that prevails within neoliberal corporations).

The principal duty of these officers is to manage the everyday affairs of a corporation by enforcing what Blackstone called “the municipal laws of this little republic,”[[11]](#endnote-11) serving as a court for adjudicating internal disputes, and administering the assets owned by a juridical person, the corporation, that cannot be equated with any or all of them. Because members never relinquish their power of original jurisdiction, officers are never appointed in perpetuity and so can always be recalled or removed.[[12]](#endnote-12) Hence, and altogether at odds with the pejorative sense intended by contemporary academics, on this model, “corporatization” does not signify a violation of the principle of self-governance, but instead a form of rule that exemplifies it.

In sum, what distinguishes these two corporate forms is not the way each organizes the ownership of property, for both vest their assets within corporations that are legally distinguishable from natural persons, but their organization of the power to rule. Unlike the republican member corporation, the constitution of the property corporation is essentially rather than incidentally “authoritarian.”[[13]](#endnote-13) Because the capacity to govern is not shared, following Aristotle, there are no citizens, for this term names those who rule and are ruled in turn. But nor are there any members; and that is so because authority is wielded not with colleagues but over subjects and, as such, cannot be an exercise in democratic self-governance.

If William & Mary provides us an example of a member corporation, Dartmouth exemplifies a property corporation; and it is the latter that eventually comes to prevail within U.S. colleges and universities. Dartmouth plays a key role in establishing that primacy via the 1819 U.S. Supreme Court case *Trustees of Dartmouth College v. Woodward*.[[14]](#endnote-14) For present purposes, suffice it to say that this case addressed the question of whether the New Hampshire legislature had the authority to modify Dartmouth’s 1693 charter. In his opinion for the Court, John Marshall denies that the assembly possesses that authority. To justify that conclusion, Marshall (mistakenly) represents Dartmouth’s founding charter as a contract between the college and New Hampshire. That enables him to argue that the state legislature violated the terms of its contract with the college when it modified the charter, and, equally if not more important, that this violation took the form of a wrongful seizure of the college’s private property.

The effect of *Dartmouth* is to give a capitalist twist to the autocratic constitution of the colonial college. On this account, the trustees are the sole “legal owners” of Dartmouth’s “corporate property.”[[15]](#endnote-15) By construing the college on the model of private property and by representing Dartmouth’s trustees as sole proprietor, this construction effectively precludes anyone else from affirming title to participate in that property’s disposition. When *Dartmouth* denies to all others any ownership stake in the college, it effectively positions the trustees as employers in the common law sense of the term. That is, they are construed as those who have the right to “direct and control” employees who perform a designated set of tasks in return for compensation and who can be hired or fired at will by the board or the board’s chief executive officer: The net effect of *Dartmouth*, then, is to reject the member corporation envisioned by William & Mary’s charter and put in its place a property corporation ruled by autocrats in the guise of capitalists. This representation, in turn, provides the germ of the corporatization critique that is all the rage among faculty today.

The neoliberal academy

 Today, when the all-purpose epithet “corporatization” is hurled, rarely if ever do we ask whether the sort of corporation we presuppose is perhaps a historically contingent and hence contestable mutation of the corporate form first invented in Rome; but that is exactly what it is. On the neoliberal (mis)construction, a corporation is an offshoot of private actors engaged in the pursuit of self-interested gain within a free market economy predicated on private property and voluntary exchanges that take the form of contracts. This pursuit will generate the most goods for the largest number when the logic of the market is permitted to reconstruct as many spheres of collective action as possible; this is what the neoliberal calls “privatization.” The success of this reconstruction requires that, wherever possible, any constraints that retard extension of the market’s logic be minimized if not eliminated altogether; this is what the neoliberal calls “deregulation.” Above all others, the fetters to be countermanded are those imposed by state actors who, too often, enact policies based on values other than those dictated by the market (e.g., the principle of popular sovereignty and hence laws designed to subordinate the market to democratic control); this is what the neoliberal calls “starving the beast” or, when crossing national borders, “free trade.” In short, if the corporate incarnation of the pursuit of private gain is to realize its promise of abundance, the for-profit firm must be released from all forms of accountability other than those inherent within the operation of a competitive capitalist market.

Construed as something akin to a private property owner writ large, the corporation is figured as an entity that is legally possessed by its investors who, as such, hold legal title to its assets as well as any profit productive deployment those assets may generate. On one variation of this conception, the corporation is understood as what the law calls a “natural” person and hence as a being to whom legal personhood can be ascribed. On another variation, the corporation is regarded as a voluntary association of natural persons who aggregate their assets and so comprise a gussied up partnership or, alternatively, as a “nexus of contracts” among those who supply inputs to the process of production. Either will do if, in cahoots with John Marshall, the aim is to ascribe to corporations the rights of persons as these are enumerated within the U.S. Constitution and, as creatures of state governments, extended to them via the 14th Amendment.

Although “owned” by its investors, the neoliberal corporation—or, more specifically, any publicly-traded corporation--is governed by a board of directors. That board’s authority to manage corporate assets, including the form of human capital we call “employees,” is said to be delegated to them by the corporation’s shareholders. The principal duty of these directors is captured by the neoliberal doctrine of “shareholder primacy,” which holds that boards must maximize the price of shares and hence their owners’ profit. The neoliberal corporation thereby effectively collapses what is formally a fiduciary relationship between owner and director into a principal-agent relationship in which the latter’s discretion is confined to doing only that which advances the immediate interests of the former. After all, if the corporation is nothing but a combination of its profit-seeking shareholders, it can have no broader interests or long-term purposes that may or should be advanced by its board.

Maximization of short-term gain for the corporation’s “owners” can be secured by various means, each of which is an expression of the logic of neoliberalism. These include distributing the bulk of accumulated revenue in the form of dividends (as opposed, say, to reinvesting it); buying back stock to drive up its price; securing reductions in corporate tax rates; lobbying for right to work laws that decimate unions and so eliminate collective bargaining about wages and benefits; hobbling social welfare programs that draw their funding from tax revenues and so away from corporate profit; outsourcing and offshoring operations to drive down the costs of production; hiring gig workers to avoid contributions to medical insurance premiums and pensions; etc.

The neoliberal corporation is the definitive organizational form of a historically specific form of capitalism. That corporation’s “owners” are rentiers who reap profit from their investments but need not know anything about their often unsavory sources; benefit from that corporation’s consolidated power over markets but bear no liability for any debts it may incur or harms it may inflict; and promote the interests of the tiny minority of shareholders who hold the vast majority of shares, but does next to nothing to advantage those who do not. As such, the neoliberal corporation systematically engenders massive economic inequalities while, at the same time, shielding those inequalities from democratic intervention. To claim that colleges and universities in the United State are now being “corporatized” is, I take it, to state that they are assuming the form of specifically neoliberal corporations while, at the same time, reaping the financial benefits that follow from their nonprofit status.

 Re-envisioning that corporate academy

If, ex nihilo, one were to set about fashioning a structure of rule that is well-suited to safeguard and nurture the collective good that is higher education, would one devise the regime form that has prevailed in the United States for nearly four centuries? If the commodification of education signifies its near extinguishment as a form of practice distinct from those implicated in capital accumulation, how might we begin to extricate it from the logic of neoliberal capitalism? If the commodification of knowledge renders it little if anything other than a capital investment, how might we render collectively-generated knowledge something other than a form of alienable property whose ownership rights are regulated and protected by the state?

To illustrate what a re-envisioned corporate university might look like, I turn to recent (but now delayed due to the pandemic) efforts to found England’s first co-operative university. Here, I will focus on the dimensions of this new formation that most fundamentally challenge the architecture of rule that prevails within American institutions and that are designed to engender spaces where non-commodified forms of education might flourish.[[16]](#endnote-16) The basic principles that inform this endeavor are inherent within the International Co-operative Alliance’s definition of a co-operative as “an autonomous association of person united voluntarily to meet their common economic, social, and cultural needs and aspirations through a jointly-owned and democratically-controlled enterprise.”[[17]](#endnote-17) With apologies to those involved in its creation, in speaking of a college or university that seeks to institutionalize this definition, I will employ the term “academic commonwealth” rather than the “educational co-operative.” I do so to highlight the mutually constitutive intersection of its political as well as economic senses. The academic commonwealth embodies the former insofar as it is a self-governing entity whose constitutional arrangements are designed to promote the general welfare of its members; and it embodies the latter insofar as its property is held in a way that eludes the capitalist construction of private ownership.

 What, then, is the governance structure that articulates incorporated collective power in a way that offers a critique of the academy’s transformation into a handmaiden of capital accumulation and, at the same time, enables a non-commodified understanding of its purpose? A recent provisional draft of the co-operative university’s governance design specifies that students, staff, and faculty are to be entitled to membership status within a multi-stakeholder model that differentiates between several different types of member depending on their long-term stake in the academic commonwealth; that membership control over the university is to be secured by vesting voting rights in all; that the final disposition of financial issues, including formulation of the annual operating budget, is to be subject to collective determination at an annual general meeting; that deliberation about all matters of common concern will be predicated on a commitment to transparency; and, quite unlike the American model, that those who serve on its board of trustees will be elected by members, serve for fixed terms, and be removable by those same members.

Of vital importance, this constitution also guarantees to all members certain rights that are essential to fulfillment of the academy’s mission, including the right to free speech and/or academic freedom. So structured, and contrary to caricatures of incorporated co-operatives as homes of happy harmony, this constitution neither eliminates nor seeks to suppress conflict. It does, however, situate that conflict within a democratic institutional form that distributes power broadly, invites all to engage in its exercise, and encourages broad debate about collective purposes. As such, this form is antithetical to an academic regime in which power is held autocratically, all other claimants to power are effectively reduced to the status of supplicants, and contested questions are too often resolved by the issuance of edicts.

The academic commonwealth can draw no categorical distinction between its political and economic articulations. To draw that distinction is to repeat one of the primary ruses by which liberal political theory immunizes capitalism from foundational political challenges. This, however, does not mean that the academic commonwealth dispenses with capital, if that term refers to its financial assets or the material infrastructure that sustains its work through time and are fixed in the sense that they are not consumed as part of the processes that create them. Indeed, we might regard the academic commonwealth as a form of capital organized in the form of a corporation with the aim of creating knowledge.

The form of ownership that defines this commonwealth, as legally codified in the Industrial Common Ownership Act of 1976,[[18]](#endnote-18) thwarts the private appropriation of collectively generated goods and their transformation into so many manifestations of “academic capitalism” as well as the forms of domination and exploitation these perversions engender. These goods, in other words, are socialized by means of their incorporation in a way that is incompatible with the conception of alienable property that is essential to the modes of accumulation without which capitalism cannot persevere. Accordingly, we should perhaps regard members of the academic commonwealth not as so many individual owners who “share” possession of these collective goods, nor as shareholders in a joint stock company, but, rather, as the corporate custodians of incorporated assets. What is now jealously guarded as so much private property is thus absorbed into collective stewardship of the academy’s common wealth.

To clarify the understanding of ownership that defines the academic commonwealth, it is perhaps helpful to distinguish it from the form assumed by American for-profit as well as nonprofit educational institutions. For-profit providers are owned by their investors who typically raise funds through capital markets; are controlled by shareholder boards whose members are eligible for compensation for their service; and are legally obligated to maximize profit for their investors. By way of contrast, nonprofit educational institutions are not “owned” by a person or persons insofar as “ownership” is vested in a legally chartered corporate entity; are ruled by external lay boards whose members have ultimate legal authority over that corporation; are dependent on donations, and/or state funding, and/or their endowments to cover their operating costs; and are granted tax-exempt status on condition that any revenue they generate be employed to advance the “public” good they serve.

True, the academic commonwealth bears passing resemblance to each of these forms insofar as, like a nonprofit, any surplus revenue must be reinvested in the enterprise or, like a for-profit, will be returned to them as compensation for their contribution to the purpose that defines this corporation. In contrast to both, however, the board that governs the academic commonwealth is neither “external” nor “lay” because the representatives who serve in this capacity are drawn from those who are members of this corporation and, like all others, have an immediate stake in its success. Assuming this form, the academic commonwealth embraces the hybridization of higher education, and hence the evaporation of any categorical distinction between nonprofits and for-profits as well as the public/private binary that is presupposed when we defend education against privatization in the name of a public good. Rather than seeking to recover the integrity of these mutually exclusive oppositions, the academic commonwealth seeks to press their dissolution toward institutional formations that cannot readily be located on the capitalist terrain from which they emanate. Because it is a creation in *potentia*, the academic commonwealth does not require that we seek refuge in an imagined past, but, instead, demands that we exploit the contradictions of the present to fashion forms of educational practice that are unimaginable from a neoliberal perspective.

In the last analysis, the constitutional structure described here is justified not because of its democratic or socialist character per se, but, more fundamentally, because it creates the possibility of and indeed acts as a catalyst for non-commodified forms of education and ways of knowing. Or, flipping this account, rather than thinking of this structure as one that enables non-commodified forms, the academic commonwealth is perhaps better construed as an organizational articulation of knowledge-generating practices that escape the commodity form. Setting aside the Renaissance fantasy of the isolated genius, if learning and knowing are always and necessarily collaborative enterprises, their transformation into privately-owned commodities governed by the rule of free alienability occludes and indeed violates the social nature of their production. When that happens, what should be governed by the values distinctive to the academy are incorporated within the logic of neoliberal capitalism, as knowledge becomes a key factor in production, teacher becomes entrepreneur, and student consumer.

To break that logic requires not just a new institutional formation but a rethinking of academic inquiry itself. The pedagogical theory that informs the academic commonwealth is one that envisions the practice of research as one that is common to student and teacher. But the work in which these scholars are commonly engaged does not take the form of a commodity provided by one and purchased by the other in accordance with the flattened equivalencies mandated by monetary transactions within a market economy. Instead, and because the relationship between teacher and student is afforded its distinctive form by common membership in the academic commonwealth, the practice of research subverts the sharp distinction we now draw between tuition-paying students and wage-earning instructors employed by institutions ruled by employers who pose as the academy’s ministers while enacting the role of so many autocrats.

In reconfiguring conventional representations of the relationship between teacher and student, the academic commonwealth also challenges the pernicious distinction between research and instruction that pervades many well-endowed elite universities but is contested by those liberal arts colleges that celebrate the teacher-scholar. This is but one of several reasons why the pedagogical theory that informs the academic commonwealth is unusually well-suited to cultivate what we in the United States call a “liberal arts education” and, more broadly, the academy as a liberal humanist institution. Too often, as one would anticipate in a neoliberal capitalist regime, their defense is framed in terms of the economic benefits they are said to generate for students (see, for example, the American Association of Colleges and Universities’ Liberal Education and American Promise initiative).[[19]](#endnote-19) But this desperate gamble is ultimately self-defeating. For that bet hopes to salvage the cause of a liberal arts education by representing it as a means whose value is to be measured by return on investment, whether that take shape as the income of employees or the profit margins of corporations bent upon extracting surplus value from them. Doing so, this pact with the devil undermines the forms of education that might engender the critical leverage necessary to contest the economic regime that is now converting the academy into a key instrument of capital accumulation. Framed in these terms, the neoliberal tail cannot help but eat the academic snake it is said to salvage.

In sum, I argue for an academy that, because predicated on the model of a member corporation, is capable of resisting thoroughgoing incorporation within the circuits of accumulation that define a neoliberal political economy. At bottom, this entails abolition of external lay governing boards as well as re-socialization of the assets that are now being stripped from the academic corporation, transformed into so many commodities, and then enlisted in the service of academic capitalism. I do not offer either or both as panaceas for what now ails higher education. Nor do I presuppose any essentialist or ahistorical understanding of education, knowledge, or the academy when I encourage us to imagine the academic commonwealth. Each of these three terms denominates a contested and contestable artifact that might have been and may yet become something other than what they are now. Only because these matters are contingent can we fight over their future, and only because they are vulnerable but also precious are they worth that fight.

1. **A Defense of the Academy’s Corporatization**

. Michael Bérubé and Michael DeCesare, “Governance Investigation Update,” *Academe Blog* (February 18, 2021), <https://academeblog.org/2021/02/19/governance-investigation-update/>, accessed on February 22, 2021. [↑](#endnote-ref-1)
2. . Michael Ferguson, “What the Pandemic Has Revealed, *Academe* 107:1 (Winter 2021), <https://www.aaup.org/article/editor-what-pandemic-has-revealed#.YDaodOhKiUk>, accessed on February 24, 2021. [↑](#endnote-ref-2)
3. . Rudy Fichtenbaum, “Inequality, Corporatization, and the Casualization of Academic Labor,” *Academe* 100:5(September-October 2014), <https://www.aaup.org/article/president-inequality-corporatization-and-casualization-academic-labor#.YDQasuhKiUk>, accessed on February 22, 2021.

 [↑](#endnote-ref-3)
4. . Appeals to this conceptual trio are legion within the recent literature on U.S. higher education. A few examples include Shumar Wesley’s College for Sale: A Critique of the Commodification of Higher Education (New York: Routledge 1997); Jennifer Washburn’s University, Inc.: The Corporate Corruption of American Higher Education (New York: Basic Books, 2006,); Derek Bok’s Universities in the Marketplace: The Commercialization of Higher Education (Princeton, NJ: Princeton University Press, 2003); and Andrew McGettigan, The Great University Gamble: Money, Markets and the Future of Higher Education (London: Pluto Press 2013). [↑](#endnote-ref-4)
5. . Fichtenbaum, “Inequality, Corporatization, and the Casualization of Academic Labor” (2014). [↑](#endnote-ref-5)
6. . “Dartmouth College Charter,” accessed on May 21, 2020, <http://www.dartmouth.edu/trustees/docs/charter-2010.pdf>. [↑](#endnote-ref-6)
7. . “The charter, The transfer. Acts, 1888 [and]1906,” *Bulletin of the College of William and Mary* (Williamsburg, VA: College of William and Mary, 1913), 3, 6, 7, <https://babel.hathitrust.org/cgi/pt?id=hvd.hn51dp&view=1up&seq=1>, accessed on March 31, 2020. [↑](#endnote-ref-7)
8. . David Ciepley, “Member Corporations, Property Corporations, and Constitutional Rights,” *Law & Ethics of Human Rights* 11:1 (2017): 31-59. [↑](#endnote-ref-8)
9. . Justinian. The Digest of Justinian, Alan Watson, ed. (Philadelphia: University of Pennsylvania, 1985): 3.4.1. [↑](#endnote-ref-9)
10. . William Blackstone, Commentaries on the Laws of England in Four Books, vol. I (Philadelphia: J.B. Lippincott, 1893),, vol. I, 468. [↑](#endnote-ref-10)
11. . Blackstone, Commentaries on the Laws of England in Four Books, vol. I, 293. [↑](#endnote-ref-11)
12. . Ciepley, “Member Corporations, Property Corporations, and Constitutional Rights,” 39. [↑](#endnote-ref-12)
13. . Ciepley, “Member Corporations, Property Corporations, and Constitutional Rights,” 41. [↑](#endnote-ref-13)
14. . Trustees of Dartmouth College v. Woodward, 17 US 518 (1819). [↑](#endnote-ref-14)
15. . Trustees of Dartmouth College v. Woodward, 17 US 518 (1819), 653.

 [↑](#endnote-ref-15)
16. . Much of what I say here I have learned from the work of Joss Winn and Mike Neary who served as gracious hosts during my too brief visit to the University of Lincoln in the summer of 2018. While I could cite many specific examples of their published work, I suspect it will prove more helpful to note the running list of sources included in Joss Winn, “Co-operative universities: A bibliography” (<https://josswinn.org/tag/bibliography/>), accessed on March 21, 2021. [↑](#endnote-ref-16)
17. . “What Is a Co-Operative?,” International Co-operative Alliance (<https://www.ica.coop/en/cooperatives/cooperative-identity>). For the U.K.’s articulation of this definition in the form of seven principles, see “Co-operative Values and Principles,” The Co-Operative College (<https://www.co-op.ac.uk/co-operative-values-and-principles>), accessed on March 21, 2021. [↑](#endnote-ref-17)
18. . Industrial Common Ownership Act of 1976, United Kingdom (<https://www.legislation.gov.uk/ukpga/1976/78/contents>). [↑](#endnote-ref-18)
19. . American Association of Colleges & Universities, “Liberal Arts Degrees and Their Value in the Employment Market,” 2014 (<https://www.aacu.org/nchems-report>), accessed on March 21, 2021. [↑](#endnote-ref-19)