

From the co-director of *MANUFACTURING CONSENT*

“A provocative, entertaining, and at times chilling documentary.” – IndiWIRE



the Corporation

a film by Mark Achbar, Jennifer Abbott & Joel Bakan



Winner of 16 International Awards

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the Corporation

a film by Mark Achbar, Jennifer Abbott & Joel Bakan

One hundred and fifty years ago, the corporation was a relatively insignificant entity. Today, it is a vivid, dramatic and pervasive presence in all our lives. Like the Church, the Monarchy and the Communist Party in other times and places, the corporation is today's dominant institution.

But history humbles dominant institutions. All have been crushed, belittled or absorbed into some new order. The corporation is unlikely to be the first to defy history. In this complex, exhaustive and highly entertaining documentary, Mark Achbar, co-director of the influential and inventive MANUFACTURING CONSENT: NOAM CHOMSKY AND THE MEDIA, teams up with co-director Jennifer Abbott and writer Joel Bakan to examine the far-reaching repercussions of the corporation's increasing preeminence.

Based on Bakan's book THE CORPORATION: THE PATHOLOGICAL PURSUIT OF PROFIT AND POWER, the film is a timely, critical inquiry that invites CEOs, whistle-blowers, brokers, gurus, spies, players, pawns and pundits on a graphic and engaging quest to reveal the corporation's inner workings, curious history, controversial impacts and possible futures. Featuring illuminating interviews with Noam Chomsky, Michael Moore, Howard Zinn and many others, THE CORPORATION charts the spectacular rise of an institution aimed at achieving specific economic goals as it also recounts victories against this apparently invincible force.

www.thecorporation.com

Media Praise For THE CORPORATION

"Coolheaded and incisive...thorough and informative... It leaves audiences with a cold shiver!"

-San Francisco Chronicle

"Compelling and entertaining....likely to stir the sensibilities of anyone with a conscience greater than a flytrap and amuse anybody born with a funny bone...check it out and pass the word."

-San Francisco Examiner

"Brilliant. Hilarious and chilling!"

-The San Francisco Bay Guardian

"Ambitious...epic...riveting!"

-Los Angeles Times

"Cogent, entertaining, even rabble rousing indictment of perhaps the most influential institutional model of our era."

-Variety

"More radical than FAHRENHEIT 9/11. Securing the participation of so many kings of capitalism was one of the filmmakers' most vital accomplishments."

-The New York Observer

"People on both sides of the globalisation debate should pay attention. THE CORPORATION is a surprisingly rational and coherent attack on capitalism's most important institution."

-The Economist

"A fast-moving collage, an ironic surreal visual riff."

-The Wall Street Journal

"A provocative, entertaining and at times chilling documentary"

-Indiewire

"A sly sense of humor and a queasy sense of doom."

-Boston Globe

"Visually arresting and very funny."

-LA Weekly

"FOUR STARS...Engrossing!...Will send you running to review the accurate predictions of Orwell and Huxley." **-Minneapolis Star Tribune**

Filmmakers' statements

MARK ACHBAR

My father was a successful small businessman, so I personally have had a life of relative privilege because of the financial circumstances in my family. I've always felt an obligation to try to use that privilege responsibly. In addition, filmmakers are very fortunate here in Canada, with the public funding available to us and editorial freedom.

My overriding objective in making THE CORPORATION was to challenge conventional wisdom about the role of the corporation in society, to make the commonplace seem strange, to alienate viewers from the normalcy of the dominant culture allowing them to gain a critical distance on the corporations and the corporate culture that envelop us all.

When it comes to the fate of the Earth, I don't believe in legitimizing destructive forces by validating their perspective in a "balanced" TV-style journalism format. But I am interested in and, frankly, fascinated by the advocates of economic globalization and corporate dominance. It is essential, in a program of corporate literacy, to hear from them, and to understand their perspective. Reform comes from within as well as without, which is why THE CORPORATION also tries to expose the institutional constraints many good people working inside big corporations struggle with.

JENNIFER ABBOTT

As a teenager, fragments of information came my way that betrayed earlier ideas I had been taught about many issues: the food we eat, American foreign policy, the rich and the poor, etc. In those moments of betrayal, I became a non-stop questioner and struggled to find ways to explore what I perceived as our most problematic social norms and practices, and especially how we come to accept these as "normal." I also felt the need to find my voice within a society that I frequently felt alienated from, and to explore an individual artistic practice. Filmmaking offered me a way to express my ideas publicly and I seized it as socially engaged communication as well as an artistic medium.

I live on Galiano Island, a tiny island in the Pacific Ocean where I see crossbills and eagles daily and look across the Trincomalli Channel to Salt Spring and the San Juan Islands. It is here that THE CORPORATION was edited, and where I developed a deep understanding of why the richness of the world is worth working hard for. THE CORPORATION to me is many things, but it resonates most strongly as a gesture towards exposing the destructive nature of that institution. It is my hope that the film will contribute to change made possible by ever-growing awareness.



JOEL BAKAN

My main interest as a legal scholar is in how the law shapes and is shaped by social and economic forces. *THE CORPORATION* is a project that came out of this interest. In 1997 I published a book, *JUST WORDS: CONSTITUTIONAL RIGHTS AND SOCIAL WRONGS*, in which I argued that constitutional rights were becoming increasingly ineffective in protecting the ideals they embodied, such as freedom, equality and justice. One reason for this, I suggested, was that constitutions apply only to governments; they do not apply to the key institution of market capitalism—the corporation.

The problem was especially pressing because, with economic globalization in full swing, corporations were emerging as global governing institutions, dominating societies and governments throughout the world. At the same time, most people had, and have, very little understanding of their true institutional nature. So it made sense to ask—what is the nature of this new governing institution? And what are the consequences of its growing hold on society? I developed the idea that the corporation, deemed by the law to be a person, had a psychopathic personality, and that there was something quite bizarre, and dangerous, in such an institution wielding so much power.

It was around this time that I met Mark Achbar, coincidentally, at a social event. He told me he was thinking about making a documentary film about globalization. We realized that we had a lot of shared interests and concerns and soon decided to collaborate on making a film about the corporation, as I wrote the book. Jennifer Abbott joined the two of us three-and-a-half years later, and, after three more years, *THE CORPORATION* was made.

the Corporation

a film by Mark Achbar, Jennifer Abbott & Joel Bakan

In THE CORPORATION, case studies, anecdotes and true confessions reveal behind-the-scenes tensions and influences in several corporate and anti-corporate dramas. Each illuminates an aspect of the corporation's complex character. Among the 40 interview subjects are CEOs and top-level executives from a range of industries: oil, pharmaceutical, computer, tire, manufacturing, public relations, branding, advertising and undercover marketing; in addition, a Nobel-prize winning economist, the first management guru, a corporate spy, and a range of academics, critics, historians and thinkers are interviewed.

A LEGAL "PERSON"

In the mid-1800s the corporation emerged as a legal "person." Imbued with a "personality" of pure self-interest, the next 100 years saw the corporation's rise to dominance. The corporation created unprecedented wealth. But at what cost?

The remorseless rationale of "externalities"—as Milton Friedman explains: the unintended consequences of a transaction between two parties on a third—is responsible for countless cases of illness, death, poverty, pollution, exploitation and lies.

THE PATHOLOGY OF COMMERCE: CASE HISTORIES

To more precisely assess the "personality" of the corporate "person," a checklist is employed, using actual diagnostic criteria of the World Health Organization and the DSM-IV, the standard diagnostic tool of psychiatrists and psychologists. The operational principles of the corporation give it a highly anti-social "personality": It is self-interested, inherently amoral, callous and deceitful; it breaches social and legal standards to get its way; it does not suffer from guilt, yet it can mimic the human qualities of empathy, caring and altruism. Four case studies, drawn from a universe of corporate activity, clearly demonstrate harm to workers, human health, animals and the biosphere. Concluding this point-by-point analysis, a disturbing diagnosis is delivered: the institutional embodiment of laissez-faire capitalism fully meets the diagnostic criteria of a "psychopath."

MINDSET

But what is the ethical mindset of corporate players? Should the institution or the individuals within it be held responsible?

The people who work for corporations may be good people, upstanding citizens in their communities—but none of that matters when they enter the corporation's world. As Sam Gibara, Chairman of Goodyear Tire, explains, "If you really had a free hand, if you really did what you wanted to do that suited your personal thoughts and your personal priorities, you'd act differently."

Ray Anderson, CEO of Interface, the world's largest commercial carpet manufacturer, had an environmental epiphany and re-organized his \$1.4 billion company on sustainable principles. His company may be a beacon of corporate hope, but is it an exception to the rule?

MONSTROUS OBLIGATIONS

A case in point: Sir Mark Moody-Stuart recounts an exchange between himself (at the time Chairman of Royal Dutch Shell), his wife and a motley crew of Earth First activists who arrived on the doorstep of their country home. The protesters chanted and stretched a banner over their roof that read,



"MURDERERS." The response of the surprised couple was not to call the police, but to engage their uninvited guests in a civil dialogue, share concerns about human rights and the environment and eventually serve them tea on their front lawn. Yet, as the Moody-Stuarts apologize for not being able to provide soy milk for their vegan critics' tea, Shell Nigeria is flaring unrivaled amounts of gas, making it one of the world's single worst sources of pollution. And all the professed concerns about the environment do not spare Ken Saro Wiwa and eight other activists from being hanged for opposing Shell's environmental practices in the Niger Delta.

The Corporation exists to create wealth, and even world disasters can be profit centers. Carlton Brown, a commodities trader, recounts with unabashed honesty the mindset of gold traders while the twin towers crushed their occupants. The first thing that came to their minds, he tells us, was: "How much is gold up?"

PLANET INC.

You'd think that things like disasters, or the purity of childhood, or even milk, let alone water or air, would be sacred. But no. Corporations have no built-in limits on what, who or how much they can exploit for profit. In the fifteenth century, the enclosure movement began to put fences around public grazing lands so that they might be privately owned and exploited. Today, every molecule on the planet is up for grabs. In a bid to own it all, corporations are patenting animals, plants, even your DNA.

Around things too precious, vulnerable, sacred or important to the public interest, governments have, in the past, drawn protective boundaries against corporate exploitation. Today, governments are inviting corporations into domains from which they were previously barred.

PERCEPTION MANAGEMENT

The Initiative Corporation spends \$22 billion worldwide placing its clients' advertising in every imaginable—and some unimaginable—media. One new medium: very young children. Their "Nag Factor" study dropped jaws in the world of child psychiatry. It was designed not to help parents cope with their children's nagging, but to help corporations design their ads and promotions so that children would nag for their products more effectively. Initiative Vice President Lucy Hughes elaborates: "You can manipulate consumers into wanting, and therefore buying your products. It's a game."

Today people can become brands. And brands can build cities. And university students can pay for their educations by shilling on national television for a credit card company. And a corporation even owns the rights to the popular song "Happy Birthday." Do you ever get the feeling it's all a bit much? Corporations have invested billions to shape public and political opinion. When they own everything, who will stand for the public good?



THE PRICE OF WHISTLEBLOWING

It turns out that standing for the public good is an expensive proposition. Ask Jane Akre and Steve Wilson, two investigative reporters fired by Fox News after they refused to water down a story on rBGH, a synthetic hormone widely used in the United States (but banned in Europe and Canada) to rev up cows' metabolism and boost their milk production. Because of the increased production, the cows suffer from mastitis, a painful infection of the udders. Antibiotics must then be injected, which find their way into the milk, and ultimately reduce people's resistance to disease.

Fox demanded that they rewrite the story, and ultimately fired Akre and Wilson. Akre and Wilson subsequently sued Fox under Florida's whistle-blower statute. They proved to a jury that the version of the story Fox would have had them put on the air was false, distorted or slanted. Akre was awarded \$425,000. Then Fox appealed, the verdict was overturned on a technicality, and Akre lost her award. [For more information on the case see www.foxbghsuit.com]

DEMOCRACY LTD.

Democracy is a value that the corporation just doesn't understand. In fact, corporations have often tried to undo democracy if it is an obstacle to their single-minded drive for profit. From a 1934 business-backed plot to install a military dictator in the White House (undone by the integrity of one U.S. Marine Corps General, Smedley Darlington Butler) to present-day law-drafting, corporations have bought military might, political muscle and public opinion.

And corporations do not hesitate to take advantage of democracy's absence either. One of the most shocking stories of the twentieth century is Edwin Black's recounting IBM's strategic alliance with Nazi Germany—one that began in 1933 in the first weeks that Hitler came to power and continued well into World War II.

FISSURES

The corporation may be trying to render governments impotent, but since the landmark WTO protest in Seattle, a rising wave of networked individuals and groups have decided to make their voices heard. Movements to challenge the very foundations of the corporation are afoot: The charter revocation movement tried to bring down oil giant Unocal; a groundbreaking ballot initiative in Arcata, California, put a corporate agenda in the public spotlight in a series of town hall meetings; in Bolivia, the population fought and won a battle against a huge transnational corporation brought in by their government to privatize the water system; in India nearly 99% of the basmati patent of RiceTek was overturned; and W. R. Grace and the U.S. government's patent on Neem was revoked.

As global individuals take back local power, a growing re-invigoration of the concept of citizenship is taking root. It has the power to not only strip the corporation of its seeming omnipotence, but to create a feeling and an ideology of democracy that is much more than its mere institutional version.



Who's Who in The Corporation

JANE AKRE

Investigative reporter, fired by Fox News

RAY ANDERSON

CEO, Interface, world's largest commercial carpet manufacturer

JOE BADARACCO

Prof. of Business Ethics, Harvard Business School

MAUDE BARLOW

Chairperson, Council of Canadians

MARK BARRY

Competitive intelligence professional

ELAINE BERNARD

Director, Harvard Business School Labor Program

EDWIN BLACK

Author, IBM AND THE HOLOCAUST

CARLTON BROWN

Commodities broker

NOAM CHOMSKY

Professor, M.I.T.

CHRIS BARRETT & LUKE MCCABE

"Corporately-sponsored" students

PETER DRUCKER

Management guru

Dr. SAMUEL EPSTEIN

Emeritus Professor of Occupational and Environmental Medicine, U. of Illinois

ANDREA FINGER

Spokesperson, Disney-built town of Celebration

MILTON FRIEDMAN

Nobel Prize-winning economist

SAM GIBARA

Chairman and former CEO, Goodyear Tire

RICHARD GROSSMAN

Co-founder, Program on Corporations, Law and Democracy

Dr. ROBERT HARE, Ph.D.

Psychologist and FBI psychopath consultant

LUCY HUGHES

Vice President, Initiative Media

IRA JACKSON

Director, Center for Business & Government, Kennedy School, Harvard

CHARLES KERNAGHAN

Director, National Labor Committee

ROBERT KEYES

President and CEO, Canadian Council for International Business

MARK KINGWELL

Philosopher, cultural critic, author

NAOMI KLEIN



Author, NO LOGO

TOM KLINE

Vice President, Pfizer Inc., world's largest pharmaceutical corporation

CHRIS KOMISARJEVSKY

CEO, Burson Marsteller Worldwide

DR. SUSAN LINN

Prof. of Psychiatry, Baker Children's Center, Harvard

ROBERT MONKS

Corporate governance advisor and shareholder activist

SIR MARK MOODY-STUART

Former Chairman, Royal Dutch Shell

MICHAEL MOORE

Author, filmmaker

OSCAR OLIVERA

Leader, Coalition in Defense of Water and Life

JONATHON RESSLER

CEO, Big Fat Inc., undercover marketing specialist

JEREMY RIFKIN

President, Foundation on Economic Trends

Dr. VANDANA SHIVA

Physicist, ecologist, feminist and seed activist

CLAY TIMON

CEO, Landor and Associates, global branding specialists

MICHAEL WALKER

Executive Director, Fraser Institute

ROBERT WEISSMAN

Editor, MULTINATIONAL MONITOR

STEVE WILSON

Investigative reporter, fired by Fox News

IRVING WLADAWSKY-BERGER

Vice President, Technology and Strategy, IBM Servers

MARY ZEPERNICK

Coordinator, Program on Corporations, Law and Democracy

HOWARD ZINN

Historian and Author, A PEOPLE'S HISTORY OF THE UNITED STATES



The Filmmakers

MARK ACHBAR Producer, Director

Working for almost 30 years on films, videos and books, Mark Achbar endeavors, through media, to challenge apathy around issues of nuclear lunacy, poverty, media control, East Timor, human rights, the religious right, U.S. hegemony and corporate power.

Achbar is best known for *MANUFACTURING CONSENT: NOAM CHOMSKY AND THE MEDIA*, which he co-directed and co-produced with Peter Wintonick. The film was honored with 22 awards and distinctions, screened theatrically in 300 cities and aired on 30 national TV networks. The two-hour, 45-minute epic is the top-grossing feature documentary in Canadian history.

Achbar received a Gemini nomination for Best Writer on *THE CANADIAN CONSPIRACY*, a cultural/political satire for CBC and HBO's Comedy Experiments. It won a Gemini for Best Entertainment Special and was nominated for an International Emmy. In 1999 Achbar worked with editor Jennifer Abbott to direct and produce *TWO BRIDES AND A SCALPEL: DIARY OF A LESBIAN MARRIAGE*, the comic-tragic story of Canada's first legally married same-sex couple. The film has played worldwide in festivals and has aired in Canada on Pride Vision TV and Knowledge Network.

JENNIFER ABBOTT Director, Editor

Jennifer Abbott is a documentary maker, cultural activist and editor with a particular interest in producing media that shifts perspectives on problematic social norms and practices. In addition to co-directing and editing *THE CORPORATION*, she produced, directed and edited *A COW AT MY TABLE*, a feature documentary about meat, culture and animals, which won eight international awards.

Her other past works include the experimental short film and video installation about interracial relationships, *SKINNED*, which toured North America and Europe including New York's Museum of Modern Art. Abbott has also edited numerous documentaries, installations and performance works including *TWO BRIDES AND A SCALPEL: DIARY OF A LESBIAN MARRIAGE*, produced by Mark Achbar. She is the editor and a contributing writer for the book *MAKING VIDEO "IN": THE CONTESTED GROUND OF ALTERNATIVE VIDEO ON THE WEST COAST*. She lives on Galiano Island.

JOEL BAKAN Writer/ Co-Creator

Author of *The Corporation: The Pathological Pursuit of Profit and Power* A lawyer, professor and writer, Joel Bakan has degrees from Oxford, Dalhousie and Harvard, and has received several honors and awards including a Rhodes Scholarship and a Governor General's medal. His work critically examines the social, economic, and political dimensions of law, and he has published in leading academic journals as well as the popular press. Bakan's book, *JUST WORDS: CONSTITUTIONAL RIGHTS AND SOCIAL WRONGS*, was characterized as "cutting edge commentary by one of Canada's rising intellectuals."

Bakan's most recent book *THE CORPORATION: THE PATHOLOGICAL PURSUIT OF PROFIT AND POWER* will be released by Penguin Canada in March 2004, and in the U.S. by Simon & Schuster. Co-creator (with Mark Achbar) of *THE CORPORATION*, Bakan's book was written during the making of the documentary and formed the basis of the research and writing for the film.

An interview with the Filmmakers

From P.O.V. magazine, Winter 2003/4 Issue #52

THE CORPORATION is a highly effective, politically oriented documentary. It questions the nature of an institution that affects our lives but over which we have few controls. Over the course of nearly three hours, the film presents interviews with a host of expert thinkers whose opinions and experience range across the political spectrum....Among them are Nobel Prize-winning economist Milton Friedman, former CEO of Goodyear Tire Sam Gibara, University of British Columbia Psychology Professor Dr. Robert Hare, former Royal Dutch Shell Chairman Sir Mark Moody-Stuart, Oscar winning documentarian Michael Moore and critical theorist and linguist Noam Chomsky.

If any film inspired THE CORPORATION, it was MANUFACTURING CONSENT, the brilliant documentary on Chomsky that was co-directed by Peter Wintonick and Mark Achbar. This time Achbar is back with a new team of radical media makers. Joining him are Jennifer Abbott, editor and co-director and Joel Bakan, writer, associate producer and co-creator. The trio has produced a film of remarkable depth, provocation and insight.

It was Bakan who came up with the signature idea, to psychoanalyze the corporation. In legal terms, corporations are defined as people; Bakan proceeded to ask psychologist Dr. Hare, "what kind of person is it?" The entity that the world has legally endorsed as a person has the following characteristics: it is singularly self-interested, manipulative, irresponsible, lacks empathy and is unable to feel remorse or guilt. In other words, the corporation is a psychopath.

This tough-minded, well-conceived documentary has won five prizes in as many festivals this [past] fall including three People's Choice awards and an NFB Best Documentary Award....[The film also recently won the Audience Award for Best Documentary in the World Cinema section of the Sundance Film Festival]. POV Editor Marc Glassman talked to THE CORPORATION's creative team of Joel Bakan, Jennifer Abbott and Mark Achbar the day after its premiere screening at the Toronto International Film Festival.

The Creators

Jennifer Abbott: I'm a documentary maker and an activist. I've taught at the Emily Carr Institute of Art and Design. I'm the mother of a three-year-old; we live on Galliano Island. The first feature doc I directed was COW AT MY TABLE and it won awards at Canadian festivals. It features people across the spectrum on the animal rights issue: from hard-line activists to committed carnivores. It looked at the culture of meat and the way that we as a society have put up barriers between our prey and ourselves.

My own work questions the process of reification, the way that social conventions become accepted and unquestioned and appear normal. I attempt to make them appear strange, to shift perspective and, in the process, make people question and become more socially engaged. My work focuses on different practices in society that are problematic or oppressive.

Joel Bakan: I'm a law professor at the Faculty of Law, University of British Columbia. I came there after teaching at Osgoode Hall, York University. I studied law at Oxford University as a Rhodes Scholar, at Dalhousie and then at Harvard.

My previous book was intended for academic audiences. It was published by University of Toronto Press and called JUST WORDS: CONSTITUTIONAL RIGHTS AND SOCIAL WRONGS. It

asked, “why are constitutional rights so ineffective in promoting social justice?” THE CORPORATION: THE PATHOLOGICAL PURSUIT OF PROFIT AND POWER will be published in spring 2004 in the US. It’s geared towards a mass popular audience. The ideas are developed through anecdotes and interviews done for the film. It’s meant to be enjoyable to read. As you can imagine, it’s a challenge to translate complex ideas into something accessible.

Mark Achbar: We’re very privileged in where we live, with the resources that we have. I personally have had a life of relative privilege because of the financial circumstances in my family. I grew up in Ottawa; my father was a successful small businessman. I’ve always felt an obligation to try to use that privilege responsibly.

When I discovered I had a facility for media making, I tried to apply that skill set to issues I care about. I vowed at one point to work only on projects I care about with people I like. I worked with Robert Del Tredici on his book AT WORK IN THE FIELDS OF THE BOMB. I was very concerned about nuclear issues in the early 80s. The particular medium – a book or a film – was less important to me than getting the ideas out.

Soon after, Peter Wintonick and I decided to make a film about Noam Chomsky and his ideas. It took us five years; the film we made, MANUFACTURING CONSENT, had an impact on community activists and educators, as well as film festival audiences.

Using media to shift the culture to the extent that one can: that seems to be what I’ve ended up doing. There’s a lot of injustice around the world, and suffering. To the extent that I can use my position of privilege to reduce that, that’s what I try to do through my work.

“Making It”: THE CORPORATION

Q: How did the film originate?

Joel: Mark and I met in 1997 at a reception after a funeral. We were both at the buffet table and started chatting. I had finished my first book, JUST WORDS, about the limits of human rights. I was thinking of doing a book on fundamental relations and how the law contributed to forming them. One of the central institutions, of course, is the corporation and that would have been a large part of the book. Mark was talking about doing a film on globalization. We realized that it would be interesting to look at the corporation as an institution: I would write the book and we would develop the film simultaneously.

Q: How did that development process work?

Mark: We hammered out a proposal and sent it around to various people. The NFB turned us down for development money. We got turned down by the CBC, and all the other major networks. But, in the end, there couldn't have been a more ideal, ultimate financial structure than what Joel and I got after pitching together at Banff in 1999.

Q: What happened there?

Mark: That was the first time Joel and I really pitched together. By then, we knew what we wanted to say and we had some of the ideas about who we would interview. We even had access to some of them at that point. We had developed the idea of the corporation as a psychopath; we had a number of stories around privatization and deregulation and we knew that we were going to look at the relationships between the human beings within the corporation and the corporation itself. We had a metastructure.

After trying unsuccessfully the year before by myself, I realized that I needed Joel Bakan to pitch the film with me because he's an award-winning professor and he's brilliant. He is to this film what Noam Chomsky was to MANUFACTURING CONSENT.

Typically pitches in Banff run about five minutes. If you can do that, you're considered a great success. When we sat down in front of NFB, Arte and Rudy Buttignol from TVO, we did 45-minute pitches that held those broadcasters and producers absolutely rapt.

Q: Joel, what did you do that made the difference?

Joel: I give good pitch. I'm a trained lawyer, so I know that I can persuade people! When I was talking to those people, I felt hesitancy; they were engrossed by the pitch but they weren't throwing money at us right away. There were always questions: how are you going to take these ideas and make them watchable?

Take Arte: they're a big European broadcaster. Well, we were sitting on the terrace drinking beer, and they were definitely asking great questions. It was an engaged, fantastic intellectual experience. At the end, the guy said, 'it's all great, but what are we going to see?'

I give credit to Rudy Buttignol for seeing that we'd be able to come up with something that could be seen, for having faith in us. I'm not a filmmaker. I don't have a sense of how to put a film together. Mark and Jennifer do. Once Jennifer came on board and the collaboration between the three of us began, it moved beyond a set of ideas, arguments and stories, into something that had a brilliant graphic sensibility.

Q: While you were working on the fundraising, what was happening with the film?

Mark: I did a lot of preliminary work in the research phase while Joel and I were developing the concept. I attended several annual International Forum on Globalization conferences, attended forums and did a lot of preliminary interviews on a mini-DV camera with dozens of people. We had a lot of tape. About three minutes of that preliminary shooting ended up in the film.

Then once we had a budget in place, I took a different tack than Peter Wintonick and I did with MANUFACTURING CONSENT. There the strategy was: get a little money, go shoot; try to get it processed, get it cut; get some more money, do some more shooting, do some more cutting. We were involved organically, creatively, filmically all the way through as well as doing the fundraising.

With THE CORPORATION, I wanted to get the money in place at the beginning. You could strategize and get economies of scale if you pitched in terms of a three part television series (and a festival film.) Your budget could allow the production to buy a camera instead of renting one. It would be possible to establish a unified aesthetic for the piece.

Q: Was that a good strategy?

Mark: I've mixed feelings about it. It was frustrating to be working for three-and-a-half years and not being engaged in the filming. When we finally got the money together, it was such a sense of accomplishment, I felt like I was done! But of course, it was only the beginning.

Interview Techniques

Q: Had you figured out aesthetic issues in pre-production? Did you devise a look for the interviews?

Mark: I had an instinct about wanting to shoot blue or green screen for the flexibility that would allow us in post-production. We started with two cameras, one at ninety degrees to a side of the person and the other, straight on the subject. I knew I wanted people addressing the camera directly. There's something really engaging about that.

Inspired by Errol Morris' set-up but lower-tech, I devised a part-silvered mirror at forty-five degrees in front of the camera. The interviewee is speaking straight into the camera, but they're seeing my face superimposed over it, so they're not conscious of the lens. We could engage in eye contact and a lot of non-verbal communication while the person was talking.

I find the results to be quite subtle. I think the quality of the interviews is really interesting. It's intimate, relaxed and the subjects found it a lot easier to be speaking essentially face to face with a person rather than speaking to a cold camera lens. Just me raising my eyebrows or tilting my head could prompt them, non-verbally, to continue or to clarify. You see their non-verbal gestures – facial expressions – that were directed at me are now directed to the viewer. There's a texture that I found very engaging and successful.

Q: Who did the interviews?

Joel: I started out doing them but a personal crisis in my life stopped that.

Mark: Also, in some ways Joel was just too smart to be doing the interviews. He engaged the subjects at too high an intellectual level for a general audience. On the other hand, because he knew exactly what he wanted, his lawyerly interrogations would often only produce the answer "yes or no."

Joel: Mark is exactly the opposite: he wants to hear the other person's story. And that's a good quality for an interviewer.

Q: How does a group of radical filmmakers get even ex-CEOs of Goodyear and Royal Dutch Shell to open up and talk to you?

Joel: They don't hear I'm a left-wing professor. They're told that I'm a Rhodes Scholar and a law professor and that Mark is an award-winning filmmaker. In the letter we sent out, we didn't say, "a left-

wing filmmaker and a social activist law professor would like to interview you about your corporation.”

Q: Sure, but you both have histories. Corporate types could access your names off the web, for instance. Were you ever turned down?

Mark: Of course. The way you get these people is you hire Dawn Brett. She’s an independent journalist and was our associate producer. She’s the most awesome access negotiator that I can imagine. With tough-to-get people, she had no problem picking up the phone and having a hard conversation that presented the film in a way that’s completely truthful. You can’t lie when you’re negotiating access.

She would convince people that it was to their advantage to be in the film. She made it sound like “if you’re not in the film, man, you are missing out.”

Dramatizing the Corporation

Q: The first third of the film is structured around the personality of the corporation. You make great use of the psychiatrist’s couch. Who came up with the idea of the psychopathology of the corporation?

Joel: That is the animating idea of my book. It’s done brilliantly—graphically—in the film. In law classes, you teach to your students that a corporation is a person. You also teach your students that its operating principle is that it always has to serve its own self-interest. I put those two things together – remember, my first degree was in psychology – and asked, “what kind of person is programmed only to be able to serve its self-interest? To be unable to have concern or care about other people, to never experience guilt?” That’s a psychopath. You learn that in Psych 101.

Mark: To legitimize that notion for the film, we went to the official text of the World Health Organization, and the DSM-IV, the standard diagnostic tool for psychologists and psychiatrists. We took those actual criteria and got Dr. Robert Hare to legitimize it; he’s the world’s leading expert on psychopaths. Our brilliant graphic team at Bento Box designed a presentation of that information that worked. It was interesting to see it with a crowd. As soon as the first check mark came on, there was a huge laugh. It’s pretty dark in those case studies; it’s grim information, but we made it work.

Q: THE CORPORATION is an issue-based project based on a book that was being written concurrently with the making of the film. How did you make the material lift off the page?

Jennifer: I felt very strongly that the foundational narrative would be driven by the interviews, which were going to be ordered according to Joel’s thesis. So I started with the interviews, the primary narrative that would establish the rhythm and the emotional impact and the narrative arc. The first thing for me was to go through the 800 pages of interview transcripts and to order them. The selects were digitized into a 33-hour rough assembly. Then I worked through the interviews, pushing them so they became something that was engaging in terms of content. At that point I felt more comfortable saying, “ok let’s deal with B roll.” Mark shot some beautiful B roll that gives the film a wonderful visual quality.

Mark: Funny to call it B roll now. A lot of editors would delve into the B roll first. Jen wouldn’t touch it, despite my encouragement for her to do so. Jen really held to the point of view that the text, as represented by the interviews, should be structured first.

Jennifer: In addition to the interviews, we had some archival gems that we had ordered. And we had some verité footage, like Tom Klein, the VP of Pfizer. (Editor’s note: Pfizer is a



major pharmaceutical company; Klein doesn't realize how much he is revealing about their motivations for their philanthropy.) The narrative was based on the interviews, but other footage added a lot to the film.

Q: You use visual metaphors throughout THE CORPORATION. It's one of the reasons the film works so well. How did you come up with the "rotten apple" image, which starts things off so well?

Mark: Sometimes I record material off-air quite obsessively. During the time of the Enron and Worldcom scandals, I just felt that I must capture this stuff. I probably have 30 hours of material, just around those scandals.

I picked up on one phrase that everyone kept using: the "bad apple." There was all this discussion: is it just one apple, is it the barrel? We plucked all that stuff out and it became the beginning of an incredible amount of "apple-picking" material.

Q: It's not just confined to the "bad apple" opening motif. How did that happen?

Mark: We had that in mind when we were doing the interviews. We asked every CEO and every critic for their metaphor of the corporation. It became a Rorschach test for those individuals; they would project their value system onto their metaphor. The CEOs use positive imagery of football teams, families working together, eagles soaring. The critics have Frankenstein, and many more monsters!

Q: THE CORPORATION has a huge cast of characters. How did you select which subjects made the final cut? And what stories appealed to you?

Jennifer: All of us came up with ideas. Joel filed the first very extensive list of interview subjects. We interviewed 70 people and used 40 of them for the film.

To me, that's one of the big challenges of a piece like this. It's primarily issues based, largely from texts, which will be in Joel's book. How do you create a film out of something that's not a story? That's a big issue. When we were making our selects, the story of the Fox reporters Steve Wilson and Jane Akre was an obvious choice: it's very entertaining and engaging. (Editor's note: The two journalists wanted to blow the whistle on Monsanto's use of synthetic hormones in cows, only to be silenced by their own broadcaster. They sued Fox and, after years of litigation, lost on a technicality.)

Q: Do you feel that Akre's and Wilson's tale is exceptional? Are even hard-news channels holding back on tough investigative reports?

Jennifer: One thing that was important to me was to convey that this isn't an anomaly. That's my fear. We did cut out the one story that the Fox reporters told, which was a parallel story that happened with Dow Chemical to another reporter. I wanted that bit in but it was a tangent – although it demonstrates it's not an anomaly.

In comparison to them, CBC is better. My sister is the bureau chief for CBC National News in London. She's been involved with the CBC since her twenties. My experience of observing her career is very different from that of the Fox reporters.

Joel: In film terms, you have to take the dramatic story. You don't have a choice. That was done brilliantly with the Fox reporters. In the first part of the film, we develop the idea that the profit motive overrides all other values. I hope the viewer will understand that this kind of thing is imbued in any

organization – any news organization - that's operating for profit. Profit will clash with truth. It's inevitable.

Mark: I fear that story is much more normal than we know about. You can be sure that pressure to change stories happens daily. What's rare is that two reporters will stand up. Their courage is exceptional, their willingness to stand on their principles is exceptional. The lack of support they received from fellow journalists is shameful.

Q: By contrast, the story of Ray Anderson, the CEO of Interface, is inspiring. Here's a guy running a billion-dollar carpet manufacturing company that has completely changed his mind about a corporation's social responsibility. How did you respond to his story?

Jennifer: Ray Anderson blew me away. It's a personal story about his epiphany, his paradigm shift. He comes across as one of the stars of the film. Here's a corporate insider who realized that he had to become environmentally friendly.

In terms of structuring the film, it was important to me to find those stories where the interview subjects revealed something, either about themselves or about their experience, that had an emotional impact.

Joel: We had some disagreements. How we treated Ray Anderson is one of them. A decision was made, more by Jen and Mark, and I agree with it now, to make Anderson a bit of a hero or a star.

There are questions you can ask of Anderson: what's he doing with his workforce? How did he get that \$200 million extra revenue without taking more out of the earth? Did he lay off people? Did he cut back wages? How is he with unions? We don't know any of that. We know how he is on the environment, but we don't know about the other externalities. I'm not saying he's bad or good; I don't know the answer to the question. He's a wonderful man and entirely sincere, but he probably wonders if his decision will work. Anderson's solution is that his company should continue to own the carpets that it manufactures and effectively lease them to people. Then he, as an owner, has an interest in maintaining them, making sure they don't wear out too soon. And that will be good for the environment.

It's a thesis that goes back to Adam Smith and continues through Michael Walker at the Fraser Institute: if people own things, they won't do bad things to them. As an academic, I look at his idea and say, "I'm quite critical of it and don't think it will work." But in terms of the film, you don't want to do that. Instead, you want to focus on the positive aspects of what he's doing and his sincerity.

Jennifer: There's one thing that takes Ray Anderson one step above the other people who are talking about social responsibility in the film. In his interview he says, "if we can't make carpets in a sustainable way, then maybe we don't have a place on this earth." He's willing to say, "we will stop this if we don't succeed." To me he went on to a whole new tier when he said that. We talked a lot about Anderson because I felt that his emotional impact was so great, and he revealed so much about himself and that other business people might relate to what he's saying. It was very important to me that he be portrayed as a hopeful figure. We don't want people to emerge from this film feeling only despair.

Joel: Seeing the film, I ultimately agree with the choice that was made. It says something about the different mediums of film and book: Anderson plays a very small role in the book. He's a star in the film. His appeal was filmic. His look, his eyes, his Jimmy Carter accent. When it's just in text, it's much easier to see through it.

Mark: I like the fact that he's a business insider, delivering a critical point of view and an environmental perspective, but I don't think we present him as an answer to the problems the film raises. If we're going to rely on moments of epiphany that by chance strike the CEOs of the world, we're in big trouble. The film, I hope, has enough of a meta-perspective on itself and its own content to suggest that.

Q: The presence of a corporate spy, Marc Barry, really astonished me. His career could be ruined through his appearance in THE CORPORATION. Why did he do it?

Jennifer: He wanted to promote his own book! Don't forget: Marc Barry is a master of disguise. He has a lot of different looks. With his different personas, his career isn't over. For us, he was great. He ended up being much, much more than we could ever have imagined.

THE CORPORATION's Future

Q: What is your hope for this film?

Mark: I think it will spark a lot of dialogue. That will be very gratifying. I don't think we can predict the uses to which a film will be put. With *MANUFACTURING CONSENT*, I heard about uses to which the film has been put that amazed me, in academic disciplines and community circles that I didn't even know existed. It's going to be up to the creativity of the audience, to community organizers, to put it to use. It's modular and has huge educational potential for media literacy groups, among others. The film has already been invited to a social responsibility program at a university in Seattle. The Ivey Business School is considering building a four-day curriculum unit around it. But I think your question is more about the potential for social change. I think our joint goal is to get people to see the institution of the corporation in an entirely new light. We don't have a lot of feedback yet, but we've already heard from people that they can't walk down the street and look at corporate logos the same way any more.

Jennifer: One of my goals was for viewers to ask questions about this strange thing, the corporation. I hope people walk away empowered and motivated to do something. The website is going to be a very good tool to answer audience questions. It will survey what some activists are doing while not advocating a particular route to take. There will be links to organizations throughout the world.

Joel: A great social critic, Karl Marx, said that understanding the world is the first step toward changing it. We've taken an institution that's been reified and what we've done in this project is to say that's not the case: it's an institution that we've created.

Ever since I studied the corporation as a law student, I've been struck by how bizarre an institution it really is, and have asked why an enlightened civilization could create this thing, and give it such powers. In the film and my book, we've politicized the corporation, turning it into something we can treat in our political debate. To me, that's enough. We're not just consumers, we're citizens. We can look at the institution of the corporation as something we can change.



the Corporation

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