

The Beauty and Horror of Corporate Persons

Penny Crofts*

Abstract

Lisa Siraganian's *Modernism and the Meaning of Corporate Persons* (2020) illuminates modernist investigations of corporate personhood and how collective agents might intend, and if so, how they might manifest meaning. Through a magisterial and seamless analysis of cases, legal theory, legal analysis, political cartoons, philosophy and artistic endeavors, *Corporate Persons* demonstrates that the questions and answers of the modernist era remain salient today. This article highlights firstly the persuasiveness and insight of Siraganian's analysis of the implications of the failure to fully conceptualize the corporate person. The article then explores the strands of horror in *Corporate Persons* generated by the "artificial creature" created by law and law's failure to adequately conceptualize the meaning of corporate persons.

* * *

Lisa Siraganian's *Modernism and the Meaning of Corporate Persons* is a beautifully written scholarly monograph that is a joy to read.¹ The stated aim is to "investigate corporate personhood (or personality) during the early twentieth century as a site of basic deliberations about how collective social agents could possibly mean the actions, of speech or otherwise, attributed to them" (2) and Siraganian more than delivers. Siraganian argues that there was a "crisis of intentionality" because conventional conceptions of intention and meaning were "insufficient or inaccurate when dealing with powerful collective entities with whom Americans were increasingly interacting" (14). Through her powerful, imaginative, erudite, sustained meditation on whether or not collective agents intend, and, if so, how they might manifest meaning, Siraganian demonstrates that the questions and answers of the modernist era remain salient today and have serious consequences for the world in which we live. The message from *Corporate Persons* is that we have long needed, and continue to need, a coherent concept of corporations and how they manifest meaning, in order to attribute responsibility fairly for the widespread, systemic harms caused by corporations. The failure to do so is a disavowal of legal responsibility with horrific consequences.

The methodology of *Corporate Persons* is one of its joys. It seamlessly combines a vast set of sources to grapple with arguments about the ontology of the corporation, including legal analysis of law reviews, treatises, and case law, application of philosophies of the mind

* Professor of Law, University of Technology Sydney. This review was made possible through a grant from the Australian Research Council (DE180100577).

¹ Lisa Siraganian, *Modernism and the Meaning of Corporate Persons* (2020). Henceforth cited as *Corporate Persons*, with parenthetical references in the text.

and action, integrated with literary interpretation of short stories, novels, and poems, and close analysis of political art. Siraganian provides a master class of how to present vastly different ideas and content from diverse sources in a way which is accessible, productive and imaginative. I was familiar with some, but not all, of the works of art, and Siraganian's representation of these works encouraged me to engage with these works.

Siraganian justifies the turn to fiction by asserting, in accordance with much longstanding legal authority, that the idea of corporate personality is a fiction, thus inviting analysis of fictional portrayals of corporations. Additionally, I particularly enjoyed Siraganian's argument that questions about the conceptualization of corporate personhood were a "vital community project emerging as a set of legal, philosophical and aesthetic debates. Those debates became the stage to work out a crisis of intentionality and collective social agency that would find its strongest flourishing after mid-century" (12). This notion of modern jurists, legal philosophers, journalists, novelists and poets proffering ideas about collective intention and meaning is lovely and inspiring. Underlying this approach is an argument that our contemporary approaches are not working. There is a failure of the legal system to grapple with increasingly dominant, powerful and harmful corporations and we need imagination to conceive of corporate meaning and thereby responsibility. By turning to works of the imagination unrestricted by the rules of law, *Corporate Persons* displays and encourages innovative thinking, demonstrating weaknesses and shortcomings in legal responses, and proposing alternative approaches. *Corporate Persons* is at the very least a wakeup call, if not an antidote, to the longstanding failure of the legal system to grapple with questions of responsibility.

Corporate Persons is addressed to multiple audiences including literary critics and theorists, legal philosophers, literary and cultural historians. It is a fascinating read and very accessible. I come from a criminal law background and greatly appreciated the summaries and explanations of the jurisprudence of corporations. Siraganian covers an astounding range of scholarship, providing excellent overviews of jurisprudence and philosophies of action and the mind, and explaining clearly how and why these theories matter. For example, I found the reframing of the development of contract theories as a way to grapple with the predicament of knowing corporate intention in various ways enjoyable. The great American jurist and legal philosopher Oliver Wendell Holmes appears throughout *Corporate Persons* in part because he developed the objective theory of contracts. Holmes claimed that all contracts are formal and accordingly, not dependent on a meeting of minds in one intention, but on the agreement of two sets of external signs, the signed contract of both parties. Siraganian argues that Holmes came up with this theory "to sidestep the damaging consequences of the corporation's inscrutable mind and prospective lack of intentionality" (111). Holmes sought to render intention irrelevant to contract, by focusing on formal signifiers. Siraganian ably demonstrates that in the process, he solved one problem, that is, that you could now contract with a corporate person without having to know its mind, but generated another. Through her analysis of Frank Norris's novel, *The Octopus: A Story of California* (1901), Siraganian shows the inscrutability of corporate intentions and provides a

backdrop for why Holmes thought it better to avoid the question of corporate intentions. But her analysis of F. Scott Fitzgerald's unfinished novel, *The Love of the Last Tycoon* (1940), shows how Holmes's theory was problematic in action. Siraganian analyzes the novel's portrayal of corporate executives as understanding language as only literal, commodifiable signifiers without an ability to manage the flexibility of everyday conversation. Holmes's theory of contracts composed of literal signs could not be distinguished from a language of commodified signifiers and, as I explore below, Siraganian successfully contends that it is a logical precursor to *Citizens United* and the disputed doctrine of protected corporate speech.²

Siraganian's exploration of the way that the failure to fully conceptualize the corporation as legal person is manifested in grammatical awkwardness is compelling. She argues persuasively that this problem of corporate personhood was not solely the province of law and media, but also a literary problem. She undertakes an analysis of Muriel Rukeyser's Gauley Bridge poems about the devastating construction of a hydroelectric dam responsible for the deaths of seven hundred to several thousand miners. The miners suffered fatal lung damage which was easily preventable if the company, Union Carbide and Carbon Corporation, had spent money on basic security precautions. The poems appeared in *US 1* (1938) as *The Book of the Dead*.³ Rukeyser drew upon excerpted court records, congressional testimony, and eyewitness accounts. Siraganian notes that Rukeyser's modernist approach was criticized as a "snob style" because of its use of modifiers without referents and ambiguous participles (8). However, she argues that Rukeyser's style was explicitly aimed at interrogating the idea of corporate personality, stating:

Her frequent intentional omissions of grammatical antecedents in this poem, as in others, demonstrate how mesmerizing and dangerous it can be when a powerful collective "object," a corpus or "body" of sorts, acts without clear direction from an agential subject—"a soul." When corporations like Union Carbide are involved, action, as felt in the lived grammar of subject, object, verb, does not run in the way we expect (8).

This approach gives insight into the problem of the corporate subject which continues to plague contemporary law and society. In the absence of law's coherent conceptualization of the ontology of the corporation, "the corporate agent (the subject) directing the blasting is felt only as a grammatical, structural absence" (10). Rukeyser's poetry challenges actions occurring without defined intention with the style of vague references and missing subjects, displaying the effects of the corporation as a body without a soul. There is an awkwardness in how we refer to corporations in everyday language—He? She? It? They? We personify corporations legally and in everyday language, but the failure to engage with the problem of the collective actor manifests in the shifting labels and language we use when describing corporations and actions. Siraganian's analysis of Rukeyser's poetry highlights the costs of this failure to fully conceptualize the corporation. Siraganian concludes her analysis by noting that Rukeyser includes a newspaper scrap at the climax of the poem with a rising stock

² *Citizens United v. Fed. Election Comm'n*, 558 U.S. 310 (2010).

³ Muriel Rukeyser, *The Collected Poems of Muriel Rukeyser* (Janet E. Kaufman & Anne F. Herzog eds., 2005).

price of Union Carbide “to make entirely obvious that this kind of collective active is neither wholly personal nor natural, but *is* entirely familiar and even ordinary” (11). There is a horror here of the failure to adequately engage with corporations that are so ubiquitous as to be utterly banal but not integrated into our everyday language and grammar, let alone our legal concepts.

Later in the monograph, Siraganian draws together Rukeyser’s poetry and Holmes’s contract theory with her analysis of *Citizens United*. In that case, the court decided to provide a corporation’s speech, via its money, the same legal protections as any other person’s speech. Siraganian gives an overview of critical commentary of the case, arguing that “commentators intuit a problem without identifying its conceptual source” (87). Through her historical, contextualized analysis, Siraganian comes up with different questions and persuasive answers. In line with the title of the monograph, Siraganian puts the problem of intention, and how corporations manifest that intention, at the center of her argument:

For whatever reason commentators neglected to investigate corporate speech as a concept, the result obfuscated the larger trouble: understanding language that combines causal entailment with intentional meaning. Corporate speech, in other words, combines the measles spots with the measles diagnosis. The result is that the corporate intention’s source appears nowhere and everywhere at once: as ubiquitous and ephemeral as a virus, as certain and banal as a shopping receipt (88).

As Siraganian notes, this was a longstanding problem that was mostly ignored by legal theorists and judges. There is a consistency between the judgment of *Citizens United* with Rukeyser’s poetry—where the corporate speaker is absent. Instead, the court severs speech from its particular speaker or source:

The result is an opinion full of contorted sentences that rely on active verb forms of “to speak” for persons and Congress, and vague nouns and passive voice formulations for corporations. Let me underscore: avoiding active verb forms of “to speak” when depicting a corporation’s actions is not simply bad writing, technical jargon, or the familiarly reviled legalese (attempted inculpability through passive voice). It is, rather, a rhetorical strategy to cagily endow corporations with a civil right without overtly personifying them (88).

Although not poetic like Rukeyser’s “snob speech,” the judgment organizes and expresses corporations possessing a speaker’s voice but cannot depict corporations in the act of speaking.

Siraganian then returns to Holmes’s idea of separating contracts from intentions—focusing on external signs of contractual signifieds—to show how this provided a foundation for the decision in *Citizens United*. By seeking to avoid the difficulties of conceptualizing corporate intention and meaning, Holmes instead created new and unexpected problems. Siraganian highlights the way that Holmes’s theory contributed to a history of American jurisprudence which understood speech as money.

Holmes effectively authorizes it the instant he commits himself to a contractual theory of signifiers over some version of a meeting of minds. Once signifiers are privileged over their signified meaning, Holmes jettisons any principled way to discriminate between the meaning intended in this book, on a five-dollar bill, or on an H&M sweatshirt. . . . All are equivalent as “external signs” . . . to see the totalizing force of the “marketplace of [signifier]” formulation. Once meaning has been replaced by any literal sign, any nominalized

idea (read: “speech”) can be slotted in as the object of the clause. Although he did not intend it, Holmes brought legal theorizing to this very point by attempting to solve the epistemological difficulty of understanding corporate intention, that amalgamation of Griecan natural and nonnatural meaning (91).

I have quoted the text at length to provide an idea of how beautifully Siraganian communicates complex ideas in accessible ways that nail her points. Her historical contextualization provides a way of thinking through the reasoning of the court in *Citizens United* and what is wrong with it. In *Citizens United* speech becomes less a term of art than a placeholder, a category to provide legal protection for linguistic signifiers appearing in the world and paid for by corporate persons. Siraganian establishes that the deferral of difficult questions of corporate intention and meaning provide a backdrop to the decision of *Citizens United*.

I. Reading Corporate Persons as Horror

Given my area of specialty, I read *Corporate Persons* as and through horror. This is an approach I have developed on the basis that horror can always already be read in legal discourse and it provides a critique of law.⁴ There are elements of the horror genre woven through the monograph. Most obviously, this is through Siraganian’s in-depth analysis of depictions of the corporation as monster—a metaphor that remains prevalent today.⁵ Given that the natural home of monsters is the horror genre, the conception of corporations as monsters summons analysis from within that genre. Emotion theorists have argued that the emotion of horror is aroused due to schema incongruence, that is, people, things or ideas that do not fit neatly within existing orders and categories.⁶ Monsters are an example of schema incongruence. A key attribute of monsters is that they transgress cherished categories and boundaries—for example, vampires and zombies are both/neither living and/or dead. The legal, theoretical and artistic practice of thinking of, and portraying, corporations as monsters is due to the awkward fit between pre-existing categories of law constructed around the classic legal subject—the responsible human being—and the inability and/or failure of corporations to think and act consistent with those assumed characteristics of human beings.

In Chapter One, under the subheading of “Drawing the Intending Colossus or Meaningless Monster” (47), Siraganian argues that political illustrators depicted corporations as monsters in order to explore issues of collective intention. She demonstrates that whilst collective intention is difficult to conceptualize in the abstract, it may well be easier to visualize through analysis of some gorgeous political cartoons of the time:

⁴ Penny Crofts, *Law and Horror*, in *Cultural Legal Studies* (Thomas Giddens et al. eds., forthcoming).

⁵ Katie Thoennes, *Frankenstein Incorporated: The Rise of Corporate Power and Personhood in the US*, 28 *Hamline L. Rev.* 203 (2004); Duncan Wallace, *Like Frankenstein’s Creature, Corporations Have Been Misunderstood* (2021) (<https://papers.ssrn.com/abstract=3892971>); Timothy Peters, I, Corpenstein: Mythic, Metaphorical and Visual Imaginings of the Corporate Form in Comics and Film, 30 *Int’l J. Semiotics L.* 427 (2017); Sharon Sutherland, *Piercing the Corporate Veil—with a Stake? Vampire Imagery in American Caselaw* in *Vampires: Myths and Metaphors of Enduring Evil* 143 (Peter Day ed., 2006).

⁶ Pamela Marie Taylor & Yukiko Uchida, *Horror, Fear, and Moral Disgust Are Differentially Elicited by Different Types of Harm*, 22 *Emotion* 346 (2022).

They depicted railroads as monstrous creatures . . . no doubt in part to represent these machines' extreme physical dangerousness, especially to workers and to anyone at a railroad crossing. But many artists used this symbolic representation of the menacing corporate beast to capture a more abstract, systemic concern about corporate power and how it works (49).

Siraganian undertakes a critical analysis of the images—rather than taking them at face value. This is consistent with parallel arguments made by Peters and me, that if we are going to think of corporations as monster/s or use monster narratives, then we need to take the monster metaphor seriously.⁷

Artists of the period not only visualized corporate “persons” as fantastical beasts in order to portray the real physical danger they posed to live beings; they also used these drawings to represent the possibility of collective agency and how it might function treacherously in practice (49).

To this end, Siraganian undertakes a close analysis of the portrayal of Southern Pacific as an octopus as a way to think about collective intent. Each of Southern Pacific's tentacles chokes a different example of California industry. The cartoon depicts an efficient death machine potentially controlled by Southern Pacific magnates, whose disembodied faces peer out of the cephalopod's eye socket. Siraganian argues that the cartoon shows that if the octopus was asked “why?” then its answer would be the need to crush different industries to further its monopoly and increase profits. The octopus moves its tentacles to further that end—hence intentional group action. I particularly enjoyed and admired Siraganian's close analysis of the picture, noting that the magnates are looking away from the squeezing tentacles, raising questions about knowledge and intention. Despite looking away, the picture shows that the “Southern Pacific octopus and its magnates all know and intend the curse they write on California, regardless if they see all that they are doing while they do it” (53). The cartoon provides a powerful reflection of ongoing difficulties in criminal law—what and how does a corporation know and intend?

Depictions of the corporation in the guise of strange hybrid creatures—giant octopus, human colossus, beast, monster—offered an unexpectedly serious way to mull over the ambiguity not just about *what* the corporation is, but *how* it makes, or avoids making, meaning (58).

In another cartoon, Siraganian's analysis of a contracting octopus is clever and lovely:

The image focuses anxiety on what or how the corporation is expressing itself, and whether its sartorial signs (its “looks”) can be trusted to mean what they seem. Even the cephalopod turns out to be an intriguing metaphor: does the corporate octopus use its defensive ink instinctually and inexpressively to distract and flee from its enemies, or intentionally to write meaningfully on the world (58)?

I applaud Siraganian's close analysis of depictions of corporations as monsters as a serious way to think through the ontology of corporations and ascriptions of responsibility of or lack thereof.

⁷ Peters, *supra* note 5; Penny Crofts, *The Corporate Monster Metaphor*, forthcoming in *Law/Text/Culture*.

Not only does Siraganian explicitly consider monsters, but the language of horror permeates the monograph. There is a lexicon of threat throughout, an “unnerving sense of a powerful actor lurking, one who is slippery, invisible, and inescapable” (9). This underscores an inexorability of harm, attributes of great power and ambiguity consistent with the schema incongruence of monsters in the horror genre. The history of legal and social concerns about corporations having no soul are reminiscent of traditional portrayals of vampires as human inhuman, undead bloodsuckers. For example, Siraganian quotes Blackstone’s quest to describe the “artificial person” of the corporation, where he stated that it was “invisible” and “cannot commit treason, or felony, or other crime . . . though its members may,” and cannot be excommunicated for it “has no soul” (15-16). Siraganian states that “even this brief summary of Blackstone exposes unwieldy, metaphorical discrepancies in the conceptualization of the fictive corporate person,” including the inconsistency of a baptized person who is also a soulless knot (16).

Siraganian is correct in noting that these arguments about the soul of the corporation are conversations about moral responsibility, motivated by concerns about a moral and legal vacuum in the absence of a soul. It was clear that corporations failed to fit easily into a Cartesian dualist conception of a human being with a single mind animating a single body, but how then were legal theorists, philosophers, jurists, and artists to conceive of these increasingly powerful entities? The lack of answers to this question, and thus to responsibility led to “anxiety that capitalism had unleashed soulless ‘stuffed effigies’ was matched by horror that industrialization had generated a new kind of inconceivable person . . . accruing constitutional protection for its less than human operations” (30). This analysis about the fears of capitalism reads like horror, populated with inhuman monsters capable of massive harms:

Whatever emotions we ascribed to it, its personified life is disquieting. It incarnates voraciousness, but it is also culpable and vulnerable: the alternatively bountiful or disastrous results of grasping individuals . . . working for the corporation land almost entirely on it (38).

Siraganian recounts a horror story of the creation of these increasingly powerful creatures and an absence of any story or attribution of responsibility. Solutions proposed at the time such as piercing the corporate veil, which held individuals who acted nefariously under the corporate veil, did not engage sufficiently with collective wrongdoing and were inadequate in response to “boundless corporate power” (30). Siraganian persuasively depicts the yawning chasm between the harms caused by these powerful entities and models of legal responsibility which do not fit.

Siraganian pursues the substantive impacts of the corporate form, lack of adequate restrictions and the failure to ascribe meaningful responsibility. One of my favorite chapters is the beautifully titled “Limited Poetic Liability.” It is gorgeous, haunting, and inspired. Siraganian asserts that the writers in this chapter take as given that the corporate entity has been declared a meaningful person, that is, that it can intend and speak for itself. But part of her critique, which builds through *Corporate Persons*, is that the corporation may choose not to acknowledge all of its attributes as a legal person as a way of evading responsibility.

The systemic injuries inflicted by corporations are in and of themselves horrific; many are schema incongruent—they are too big, too much, too bad for criminal law. But this horror is exacerbated by limited liability, a formal characteristic distancing corporate actions from responsibility, erecting a legal barrier severing the body that acts from the mind that plans. Siraganian states that by the end of the nineteenth century, limited liability was already the object of populist ire—critiques that have continued into the present.⁸

Siraganian's analysis of *Testimony: The United States (1885-1915): Recitative* (1965-78) by poet and lawyer Charles Reznikoff is brilliant and haunting. She refers to Reznikoff's astonishing poem about Jesse Taylor, an eight-year-old boy who was maimed at work. Reznikoff paraphrases from the Georgia Supreme Court's opinion, rearranging quotations and altering names, including nothing about Jesse's father's knowledge of his son's working arrangement, the various instructions to the jury explaining negligence, what the company needs to tell an employee to release it from liability, or even any details about Jesse's injury (145-46). Siraganian argues that the poems map out systemic injuries and the insufficiency (and horror) of the legal questions of negligence and liability.

Siraganian argues that the poems present a social-political argument about how we might imagine a just society. *Testimony* starts with seemingly small acts of violence or negligence towards animals, suggesting that men abuse work animals for a variety of reasons, but also simply because they have the power and will to abuse them. The epic then extends from animals to “explore the abuse of weak or disempowered members of society who have been viewed as less than full persons: women, children, African Americans, laborers, the impoverished” (168). The poetry narrates intensifying patterns of violence, exploitation, and suffering that occur in the absence of any person or institutional agency to stop them. The exclusion of almost everything that is obviously “legal”

focuses our attention on a different pattern. The poem directs us instead, to the common law's subtle recitative: the lyrical complaint interlaced through the court's prose, intensifying over time into a crescendo of injustice. Instead of reading cases for judicial reasoning, we read them for the disturbing pattern of their replications. Suffering continues with no relief. The same story is retold in infinite variations to expose the law's deficiencies (168).

The removal of law is particularly powerful given that so many corporations have utilized vast resources to shape, evade, and avoid legal responsibility that the impacts of corporate harms are externalized through and from law. Reznikoff directs our focus to the suffering caused by large corporations and how legal solutions have not succeeded in addressing it. The true horror here is the failure of law.

II. Escaping the Horror Story

Accordingly, *Corporate Persons* recounts a horror story of the creation of creatures over which we have limited understanding which have caused massive harms through their voracious

⁸ Gregg Barak, *Unchecked Corporate Power: Why the Crimes of Multinational Corporations Are Routinized Away and What We Can Do About It* (2017).

greed. However, it is not solely a horror story. Siraganian proposes an elegant solution to the crisis of corporate meaning.

Siraganian commences by first pointing to modernist arguments that the legal system is beholden to construct a solution for the creature it created. For example, Siraganian states that the English political pluralist and legal scholar Harold Laski insisted in his correspondence with Holmes, that “if corporate personality (that is personhood) was ‘a real thing,’ then ‘collective will’ (or ‘corporate mind’) was too, as ‘the inevitable accompaniment of that personality’” (111). Furthermore, some notion of corporate mind must exist, reasoned Laski, because evidence of its purposeful acts appeared everywhere. The corporation’s combination of intention, will, and mind was real because corporations were observed acting purposefully all the time (110). Siraganian states that Laski was not trying to identify a corporate mind that was the same as an individual’s, but rather that

[i]f people tolerated corporate entities, then they must also grapple with the unique nature of their personhood, as well as with their ways of consciously being, contemplating, and acting in the world. Describing them and their minds accurately was not merely of historical or scientific interest but an essential ethical and political demand (110).

Siraganian states that a similar point was made by Maitland who argued that “if law allows people to form permanently organized groups, then other people will treat those groups as ‘right-and-duty-bearing units’—that is, as persons or, more accurately, as entities having the rights and duties of legal persons.”⁹ That is, the law had to follow through on the reality it had created by adequately conceptualizing the corporate mind and thus responsibility.

Siraganian turns to Elizabeth Anscombe’s *Intention* (1957) to provide a solution to the problem of corporate meaning.¹⁰ She argues that Anscombe states rather than trying to isolate and look into someone’s mind to uncover their intention, we should instead prioritize “what physically takes place, i.e. what a man actually does” (23). Anscombe has a straightforward definition of intention: “‘Intentional actions, then, are the ones to which the question ‘Why?’ is given application’—an answer that mentions past history, interprets the action, or implies something about the future.”¹¹ I agree with Siraganian’s claim that this offers a scaffold and logic to ascribe corporate meaning:

Where and how the group or corporate mind exists (is “thingified” in the world) is not the relevant concern, although it tends to be where most discussions of collective intention become stuck to this day. Instead, the question is whether there might be an answer to the question “why?” that could explain a corporation’s action—whoever happens to offer that expression (119).

The focus, in other words, is on what a speaker for the corporate mind could express to explain its actions—not on where or how physically to pinpoint that mind in the world. This argument of simplifying questions of corporate intentionality and meaning has been

⁹ Frederic William Maitland, *Moral Personality and Legal Personality*, in *State, Trust and Corporations* 62 (David Runciman & Magnus Ryan eds., 2003).

¹⁰ G.E.M. Anscombe, *Intention* (1976) (1957).

¹¹ *Id.* at 24 (quoted in *Corporate Persons* at 48).

made by other contemporary criminal law theorists using varying approaches.¹² We may not know where the “mind” of a corporation exists but, like an accused who has refused to confess, we can ascertain intention from actions.

III. Conclusion

I loved *Modernism and the Meaning of Corporate Persons*. It is a profoundly scholarly book whilst also being beautifully written with fabulous illustrations. I read a lot of it at my local café and staff would often look over my shoulder to talk about the illustrations with me. Although focusing primarily on the modernist era, Siraganian demonstrates throughout why the questions and ideas from this period remain salient in articulating and potentially dealing with problems of the corporation. Sadly, problems of formulating the ontology of the corporation continue in the present. The legal failure to accurately and coherently describe the ontology of the corporation and thus to appropriately and fairly ascribe responsibility generates horrific harms and is, in and of itself, horrific. The corporation is a reality that has been created by law that can and should be resolved by law, particularly criminal law. If we think of criminal law as expressive, communicating, and sanctioning wrongfulness, the failure to identify and punish corporate harms as wrong communicates that as a society we condone or tolerate these harms as the cost of doing business. Siraganian’s analysis illustrates why this failure is unacceptable and proposes a scholarly and philosophical antidote.

¹² Mihailis Diamantis, *Functional Corporate Knowledge*, 61 *Wm. & Mary L. Rev.* 319 (2019); Penny Crofts, *Aliens: Legal Conceptions of the Corporate Invasion*, 34 *Law & Literature* 387 (2022); Peter A. French, *Corporate Ethics* (1995); Elise Bant, *Culpable Corporate Minds*, 48 *U.W. Australia L. Rev.* 352 (2021).