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Emerson's Corporate Individualism

Christopher Newfield

Political travel writing about the United States has often agreed on at least one thing: US democratic culture is more readily authoritarian than it is nonconformist. In the mid-1840s, Alexis de Tocqueville was already foretelling a US future in which social relations were determined not by citizens but by an “immense, protective power which is alone responsible for securing their enjoyment [and which] gladly works for their happiness but wants to be sole agent and judge of it” (692). Benevolent despotism is not a corruption of democracy in America but is this democracy's essential structure. In Tocqueville's view, the United States substitutes democracy for the despotisms of the Old World only to make democracy despotic. US liberty is conformity and its democracy is a liberal kind of authoritarianism. Sustaining the alarm of Tocqueville as well as that of Charles Dickens, Harriet Martineau, and other Europeans who found US conformity where they sought its liberties, Jean Baudrillard has recently noted that “true freedom” here is the orgiastic adaptation to the “advertizing-effect” of fashion. “The liberated man is not the one who is freed in his ideal reality, his inner truth, or his transparency; he is the man who changes faces, who circulates, who changes sex, clothes, and habits according to fashion, *rather than morality . . .*” (96). Tocqueville's ruling “schoolmaster” has become Baudrillard's commodity market, but in each case the individual acquires freedom through obedience.

Tocqueville and Baudrillard regard this mobile but submissive freedom not as a sign of US backwardness but of its irreversible modernity. I agree with a long tradition in cultural criticism that sees regulated freedom or “repressive tolerance” running deep in white American middle-class culture, but I also regard it as only one of a number of cultural alternatives. In order to rule, liberal authoritarianism must perform ongoing ideological and material defenses of its assumptions about individuality and democracy. One of these defenses is the common but false choice between regarding individuality as the

effect either of autonomy or of administered subjection. When liberal US culture rejects the ideal of individual self-determination, it usually replaces it not with a notion of public, “democratic,” collective self-determination but with individual obedience to the determination of larger or higher powers.

Ralph Waldo Emerson is a principal figure in calling for a self-reliance which is constituted not only by a relation to external powers but by submission to them. But he has a double role to play. He develops a corporate notion of individualism in which individuality consists of obeying a massive (benevolent) administrative power which is private and out of one's control. But he also assumes the possibility of a public, collective agency that would reflect group sovereignty. By examining Emerson's *Nature* and discussing contract and corporation law, I will suggest how his liberal individualism is corporate in opposing any social movement that contests the authority of the private corporate form. But I will also argue that his corporate individualism reveals a public variety that counters the authoritarianism of the first.

1. Individualism's Contradictions

American individualism under nineteenth-century market capitalism has lately begun to have a different look. In revisionary readings, a figure like Ralph Waldo Emerson seems to have ideas about consciousness that do not fit with the common portrait of the freely willing and possessing individual who imagined a private power over the external world through the metaphors of the “infinite self.” In much recent work, personal identity is seen as mutual and relational rather than separatist, assertive, and absolute. A growing number of commentators regard the period's self-reliant individual as admitting a constitutive relation to the social forces this individual often proclaimed to be alien. Self-reliance, in this revised sense, involved not the refusal, but the introduction, of the other into the self.¹ This more receptive individualist, though displaying a range of assertive positions, covertly and systematically replaced autonomy with more communal and consensual modes. The transcendentalist self now more obviously resembles the conscientious liberal citizen whose faith in the transformative power of the soul did not interfere with a concern for the health of civic life.

This modification of strong individualism boasts a number of conceptual advantages. It replaces the (usually white, well-

educated, male) subject of simple self-differentiation with the more flexible subject of relation, “transition,” and reception. It avoids screening the discourse of the period through a binary contrast between soul and history in which even the transcendentalists did not fully believe. When individualism is more consensual than assertive, it seems able to explain how the public and private spheres, far from the antagonists that Emerson described in his most polemical moments, can be continually married off. When asked whether America exists for each person or the people, for private property or national providence, the antebellum consensus liberal simply answered “both.” Hence the appearance of strange words like “auto-American-biography” in our intellectual histories (Bercovitch, *Puritan* 134). The agendas of self and state coincided, in these accounts, in a possessive *and* collective individualism that overcame the self’s alienation from society through a system of highly structured and redemptive affiliations.

It is still hard to associate Emerson with all this compromising of the self with history, institutions, mores, and groups. He launched his career with *Nature*’s assertion that no self need submit to anything but itself and its own law because the external world is derived from human life. Once the “laws of [man’s] mind, the periods of his actions externized themselves into day and night . . .” (46). More important, such will be the case again if he awakens and “perceives that . . . his law is still paramount.” God himself is nothing but our own “alienated majesty” waiting to be reclaimed. Our submission to law is submission to a law we once dictated out of a perfectly sovereign autonomy which we have not forfeited.

But Emerson rapidly and repeatedly made this command ambiguous. Sometimes the individual recovers sovereignty by replacing obedience to historical laws with the positing of personal laws out of the self. But at other times this self-positing or self-trust, rather than replacing submission to God, shows itself to be another form of such submission. In the manifesto “Self-Reliance,” Emerson defines this touchstone term as something like its opposite: “Trust thyself: every heart vibrates to that iron string. Accept the place the divine providence has found for you, the society of your contemporaries, the connection of events. Great men have always done so, and confided themselves childlike to the genius of their age, betraying their perception that the absolutely trustworthy was seated at their heart, working through their hands, predominating in all their being” (260). Freedom is obedience; greatness is submission; sovereignty is union with God.

It is because of the permanent prominence of a yearning piety in Emerson's work that he does not so much repudiate his period's mainstream compromise individualism as he elaborates it beyond its more hesitant and cumbersome formulations. His persuasions notwithstanding, this individualism rests on a harmony between two distinctive ideal states whose compatibility is very uncertain. The self that is sovereign in Nietzsche's sense of making its own "measure of value" is not obviously compatible with the self that is sovereign in Kant's sense of free submission to a universal law. Schematically, Nietzsche finds freedom in liberation from the moral law while Kant finds it in submission to the moral law. The assertive self-positing individual has a notion of freedom that would ostensibly prevent him or her from desiring reconciliation with cooperative, other-directed, or universal modes: the idea of freedom as autonomy or independence is exacting and famously threatened by community systems.

Nonetheless, reconciling receptive and assertive individuality could seem already accomplished when we recall the tradition of modern Euro-American thought, which constitutes free masculine individuality with just such a reconciliation. This might be oedipal, a powerful sonship, or liberal, a voluntary "consent" to collective government. This obedience to a law, which might appear to be subservience, is from these perspectives nothing more than the liberal-democratic social contract in which a relinquished freedom is always relinquished freely. The tradition that develops an assortment of kindred models includes Locke, Kant, Hegel, Freud, Lacan, and Foucault, to name only one crooked line that could also include Christ and Augustine. It is impossible to dismiss or expose the idea of freedom-in-obedience simply by pointing out that it is contradictory. This is particularly true in the United States, where the "liberal republican" male individual finds freedom in consenting to laws that he can claim were legislated, if not by him directly, then by others in his name. The sovereign subject of representative democracy and the sovereign son of the oedipal scenario both acquire a delegated yet fully possessable power by obeying a law that derives circuitously from themselves. Emerson's work exemplifies the gratifications on both sides of this combination.

But if Emerson's work shows the power of combining Nietzschean and Kantian notions of sovereign individuality, it also suggests that the appearance of their compatibility requires repression and heavy maintenance. Emerson might define "trusting yourself" as "accepting your place" and thus override

a potential conflict (arousing a satisfied silence in the vast majority of his readers), but self-trust on other occasions means a radical disruption of precisely this kind of deference. There is no doubt that liberal individualism claims to have achieved a balance of freedom and order through consent, but this claim is contested from so many different directions in Emerson's time and ours that it is better treated as a myth that fronts for a variety of ruling groups than as anybody's psychological experience, including that of its defenders. Emerson's writing dramatically illustrates how a voluntary Kantian submission to a moral law does not absorb the structure of Nietzschean subjectivity's positing of its own law. The latter must continually look for other modes in which to utter itself separately from (if not in opposition to) the modes of submissive freedom.

Without attempting a more definitive statement about the relation between self-positing and consenting in antebellum liberal individualism, I note that their relation was of neither identity nor opposition and was in need of constant mediation. Antebellum America offered a number of mediating structures. Emerson sometimes tried the metaphysics of the One, in which all individuals are united in being. Another attempted ground of reconciliation has already been mentioned: political formulations of free consent, voluntary submission, delegated self-governance, and so on. A third involves a commonplace oedipal identification with authority, in which obedience is rewarded with the passing-on of the sanctioned power that grants the experience of freedom.

But this mediation is a social problem, and neither the metaphysical, the political, nor the psychological mediations function independently of concrete varieties of group life. The antebellum "association" linked autonomy and unity in a tremendous range of ways, and the period was remarkable for being as much the age of associations as it was the age of the individual. Theological and psychological questions of the Oneness of souls, the moral law, and the master/slave dialectic continually manifested themselves as questions of social power. Thus Emerson refers to the "doctrine that man is one," but also notes how this means that "the individual, to possess himself, must sometimes return from his own labor to embrace all the other laborers" (54). Even for Emerson, US individualism is perennially preoccupied with allowing a carefully restricted role for the life of the group. But the group fails to overcome the nagging gap between the self-positing and the cooperating individual, which means that the liberal self depends on reconciling soul-making with solidarity.

2. Corporate Mediations

The entities that mediate between autonomous and consensual types of individuality by acknowledging group life are “corporate forms” that are not socialist because they are not public. They are instead most frequently private collectives or associations. The corporate form is not limited to the business corporation, which regularized its distinctive characteristics after 1870, but includes various kinds of voluntary associations as well as the aggregated populations of involuntary ones like the extended family, the factory, and the prison. The business association was particularly important to an antebellum society trying to mingle the Lockean notion of the self as property with its communal or “republican” ideals, for this association squarely juxtaposed private possession to an increasingly socialized culture. Alexis de Tocqueville was already suggesting that “corporation stockholders might be more representative of individualism than the self-sufficient yeoman who is too often taken to embody the concept” (qtd. in Kohl 12). The early corporation modernized individualism by bringing it from country to city, wielding a “concentrated moneyed power” in a way that other voluntary associations did not (Henshaw 5), and removing the self from its “little society” of personal ties into a new tangle of relations to public economy.

The antebellum corporate form lay between self and state and structured the “public” realm the self experienced. It bound individuals in an association, which, unlike the family or neighborhood, did not provide face-to-face relations of “mutual agency” so much as the kind of impersonal transactions manifest as, for example, “transferrable shares” (Hessen 9). Above all, it constituted a system that acted as a public institution while being controlled by private powers. Such a structure negotiated the conflicting demands of personal and collective agency, private and public power, by adapting the more isolated “possessive” self of classical liberalism to mass culture while claiming to sustain this possessive self. The corporation was not socialist but was a privatized socialism: it formalized the collectivization of social power while allowing it to remain in private hands.

The stakes here were very high, for they concerned the power of individualism to present itself as the “American” outcome even in a social modernity driven by the forces of the group, the mass, the statistical aggregate, the organization. The danger of socialization was that the public would revolt against an outmoded Jeffersonian individualism and allow publicly di-

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rected, collective agents some real authority over private property. The corporate form forestalled this venerable “communist” threat by “harnessing vast publics to a private interest . . . [and] entrust[ing] social production to private decision” (Lustig 10). In nearly the same instant that wealth came to reside in collectives, these collectives were taken private. Under corporate liberalism, the kind of identity that seems at first to straddle a contradiction between private and transcendent powers is resolved in a “double movement in which the self is substantiated by the disappearance of its agency” (H. Horwitz 98). It would seem, then, that corporate individualism is the paradoxical subjectivity that props a paradoxical (yet highly functional) capitalism. Apparently reconciling Kant’s free obedience and Nietzsche’s radical sovereignty, corporate liberalism proposes that the more a person is corporate, the more that person is individual.

The question that arises is whether the corporate synthesis of autonomy and submission is more successful than other religious, political, and psychological types. Emerson’s religious synthesis manifests an unresolved contradiction. But some recent work suggests that by the end of the nineteenth century American culture was ruled by a fully reciprocal connection between individuality and corporate being. Walter Benn Michaels reads Frank Norris and Josiah Royce as suggesting that “personality is always corporate” (213). But whatever might be contradictory about this—contradictory because corporate personality presumably conflicts with self-reliant autonomy—never actually appears. The “corporate moment” is “the moment when the nonidentity of material and ideal constitutes the identity of the person” (Michaels 206); when, in other words, the person is said to have body *and* soul. For an individual to be a corporation is nothing more unprecedented or specific than to be a person with a soul. The corporate is, in this account, another word for “personality”: “Personality is always corporate,” but “corporations must be persons even if persons aren’t” (205). Similarly, Howard Horwitz identifies “Emersonian self-reliance” with corporate agency and Emersonian “virtue” with “self-eradication” (99). Self-reliant personal agency and the self-willed by a “transcendence of personal agency” are interchangeable (99, 119). Lawrence Kohl suggests that “the world of contracts and constitutions, corporations and voluntary associations” issues in self-mastery and “inner-direction” (16). And David Leverenz argues that Emerson’s “impersonal geometry” sustains rather than qualifies his “private infinitude” (49, 52). These commentators regard personal autonomy as a

function of corporate existence and see the corporate form producing an individual who is no less individual for being corporate. The corporate individual is an advanced model of the liberal individual adapted to the “mass culture” that begins to congeal in Jacksonian America.

These critics accurately describe a particular liberal rhetoric that casts complex, dissonant communal forces as synthesizing totalities that individuate while corporatizing. This rhetoric had tremendous cultural power: it convinced most of its citizens most of the time that corporate capital preserved their freedoms rather than stole their sovereignty. It seemed to offer a good compromise individualism that allowed both coordinated force and personal greatness. But it remained a rhetoric or, more accurately, an ideology that justified particular interests in the guise of universality, and, throughout the nineteenth century, it was obliged to confront a varying array of rival explanations and policies whose very existence it tried to conceal. We would repeat corporate liberalism’s ideological work were we to present its claims as having successfully vanquished dissent and contradiction.

And in fact, preliminary readings of earlier experiences of the corporate form suggest that corporatism, at least in its antebellum infancy, had a great deal of trouble making corporate life seem individualist. A range of writers saw corporations as the enemy of freedom and of the sovereignty of the people’s representatives in the legislature. Even those who accepted corporate subjectivity denied that it produces an autonomous individualism:

Th[e] strong individuality of the South is the effect of the institution of slavery. The South without slaves would have had the same tendency to centralization that we have at the North. The cause of it here is the fact that no individual here feels himself of much importance by the side of the state. Individually he can do but little, and feels himself small. Hence his strong desire to lean on the state, his uncommon fondness for association, corporations, partnerships, whatever concentrates power and adds to individual strength. Then again our commercial and manufacturing pursuits also tend to make us desire somewhere the social power, we can call in to supply our deficiency in strength, capital, and skill. (Rev. of *Slavery* 258)

This Northern writer (possibly Orestes Brownson) agrees that the Northern individual is a corporate individual. Nonetheless,

the reviewer does not identify corporate individuality with autonomy but with dependence on external groups. To this writer, corporate life does not so much reconcile autonomy with socialization or private with public as it shatters the illusion that corporate systems issue in sovereign individuality. One feels strength *as an individual* only as a master under Southern slavery; owning oneself entails owning someone else. The Northern mode of the consensual subject does not offer mastery but demands the strategic use of the association. Contrary to the consensus account, this association does not restore even the appearance of self-reliance. The individual draws strength from the state and practices a self-conscious search for “association, corporations, partnerships” that can replace the lordly self attributed to plantation masters. Here one of Emerson’s contemporaries argues that the corporate person is not a corporate *individual*.

This is not to deny that the corporate individual is a culturally powerful and pervasive structure. But this does suggest that the corporate individual, despite its apparent success as a synthesis, never resolves the contradiction between sovereignty and submission which this reviewer polarizes into the opposition between South and North. The rule of the corporate self arises in large part from an ongoing imposition of state power in tumultuous alliance with amalgamated business designed to forestall more public or socialized governance. It also arises from creating the impression that corporate subjectivity sustains personal sovereignty. The impression depends on disavowing just how dependent the corporate individual is on a very concrete corporate power. The individual must appear, to the contrary, to be able to spiritualize corporate power and internalize it in the form of soul or instinct. This creates the appearance of personal volition working in harmony with impersonal forces. This appearance must be systematically fabricated: it works, in this kind of liberalism, by making “communal being” out to be so immaterial that it is the subordinate of the self rather than its master (Marx 220). Corporate liberalism maintains freedom in subordination by obscuring or abstracting the corporation’s goals and material instruments of subordination.²

Since the coherence of corporate liberalism involves the misrepresentation of material corporate interests and power, one might wonder what would happen to its version of individualism were the divergence between corporate and individual agency to reemerge. Before the Civil War, the difference between the sovereignty of the public and that of corporations had not yet been concealed in the first place. In the last chapter

of *Nature*, Emerson juxtaposes individual and corporate modes of poetic utterance without joining them together. In his discussion, Emerson uses the term “orphanic” but not the terminology of chartered corporations or contract law. In discussing the latter, I am not trying to translate Emerson’s ideas into a more secular idiom but want instead to clarify the fascination with nonindividualist subjectivity that he held in common with a wide variety of antebellum writers who were pushing against the limits of their increasingly paradoxical use of possessive individualism and who often knew very well that the cultural future lay with entities more subtle than partnerships and scaled for the masses. Their choice was not between private autonomy and collective legislation but between two kinds of collectivity, one run in private from above and the other run in public and democratically. Emerson’s “orphanic” mode, I argue, imagines a democratic sphere by featuring a kind of agency that is simultaneously personal and public.

3. Two Versions of Corporatism

Emerson is well suited to articulate freedom in the North as corporatism. Even his early writing, sometimes misread as a literature of rebellion, mounts a sustained summons to reliance on systemic forces. Does his work of the mid-1830s offer one “revolutionary ego” after another—the American scholar, the Young American, the “Transcendentalist,” the idealist, the orphanic poet? Not in the least. As I have noted, Emerson’s early ideal is less that of positing than of reflecting a preestablished and encompassing law: “[T]he only prophet of that which must be, is . . . that Unity, that Over-soul, with which every man’s particular being is contained and made one with all other” (385–86). Emersonian agency repeatedly involves the effacement of agency (H. Horwitz 99).³ Emerson calls for resistance to a conformist social law the better to conform to spiritual law. Private power consists of external, higher powers and is obtained through merging with a metaphysical corporate body.

But Emerson’s idea of freedom-as-obedience regularly overshoots piety in the direction of dissolution. *Nature* suggests that transcendent agency is not only submissive but is not agency at all. Spirit or “the Supreme Being, does not build up nature around us, but puts it forth through us, as the life of the tree puts forth new branches and leaves through the pores of the old. As a plant upon the earth, so a man rests upon the bosom of God; he is nourished by unfailing fountains, and draws, at

his need, inexhaustible power" (41). This self is corporate in the sense of having its being as part of a system of laws and forces. It experiences itself as passive, but it is also more than passive: it is vegetative. In this figure, corporate being leads humble man toward the condition of the unthinking plant. To the extent that the corporate individual binds with absolute spirit or transcendent agency, to that extent it abandons personal agency. If the "corporate individual" is a subject of transcendent spirit, it is also self-contradictory. Personal and corporate agency are incompatible when the latter goes beyond locating agency in empirical associations (as the anonymous reviewer of *Slavery* had done) and locates it in transcendent spirit.

In response to "Spirit," "Prospects," *Nature's* final chapter, tries to rescue individual identity while retaining some kind of transcendent spirit. But it does this not by reuniting individual and corporate states but by separating what "Spirit" had collapsed together. It retains the oracular or nonindividual voice by dividing it from the voice of personal agency.

The voice of personal agency arises from George Herbert's poem on man, while the nonindividual comes from long fictional citations which Emerson attributes to the "orphyic poet." For Emerson, Herbert represents a claim that the individual soul is the reflection of cosmological design, and this claim, although translated into a doctrine of the soul, renders the self as a reflection of Spirit.⁴ Herbert's dependence on the law of the father makes him the explicitly oedipal son: his power consists of the paternal design "working through him." He rules creation as the father's deputy; his power, though real, is explicitly derivative. Unlike Milton, Wordsworth, and Emerson's other strong precursors, Herbert manages to live his belated sonship mildly and to write poetry without ever needing to rebel. But Herbert's obedience does not erode his personal agency or identity. Quite the contrary, like all loyal sons, he is rewarded with the ability to distinguish himself from the creation which fathered him. He merely *resembles* God, nature, and spirit, and does not merge into them. "'Man is one world,'" Herbert reports, "'and hath / Another to attend him'" (qtd. in Emerson 45). The Herbertian poet boasts a stable personal identity and conscious, if not original, individual agency. His connection to the world is lawful yet voluntary.

The chapter's second voice recaptures self-positing agency: "'Man is the dwarf of himself. Once he was permeated and dissolved by spirit. He filled nature with his overflowing currents. Out from him sprang the sun and moon; from man, the

sun; from woman, the moon. The laws of his mind, the periods of his actions externized themselves into day and night, into the year and the seasons' ” (46). Now man has shrunk, says the orphic poet, so that creation is no longer equivalent to him and springing from him. But the true poet is he who knows that man's pure originality can be recovered: “ ‘He perceives that if his law is still paramount, if still he have elemental power, if his word is sterling yet in nature, it is not conscious power, it is not inferior but superior to his will. It is Instinct’ ” (46). This poet knows that he does not simply reflect the creation but posits the creation because he ontologically preexists it. The orphic poet enacts Friedrich Schlegel's (rather than Herbert's) claim that Reason “ ‘alone is infinite, as it alone is free, and its first law is that the poet's arbitrariness is subject to no law’ ” (qtd. in Todorov 196). The poet supersedes existing sovereignty by expressing the original absolute self-possession that appears as “instinct.” The orphic poet's “untaught sallies of the spirit” and “continual self-recovery” (43) arise from having established an identity between poetic will or Reason and its physical consequences. In the words of Emerson's authority on the matter, the translator Thomas Taylor, Orpheus is nothing other than the “perpetual and abundant fountain, [from which] the divine muse of Homer, and the philosophy of Pythagoras and Plato, flowed” (166). In this reading, the orphic poet is not closer than other mortals to the fountain, but *is* the fountain. The orphic poet owns the laws that constitute him and owns himself as absolutely as Locke's God was thought to own the “Men” who were of his sole “Workmanship” (Locke 271): he is his own God. While Herbert explicitly obeys the external law of the father, Orpheus claims to have fathered himself, thereby breaking the oedipal chain.

In Emerson's orphic poet, three qualities converge. The first is a power of self-positing or self-fathering, and the second is absolute ownership of the self-as-property. But surprisingly, neither of these qualities generates a poet who inhabits an individual sphere. For the poet's third quality is the embodiment of creation as a system or corporate being. The poet distinguishes between now and then, history and prehistory, the dwarf and the giant. To Emerson's radical idealism, the orphic poet is the corporate poet. The true poet not only notes correspondences as Herbert does but knows himself as their original inventor. He constitutes the entirety of relations, forces, and laws that exist between all creatures. To constitute them, he must reject those ideas that tie him to the dwarfish notion of his mere “resemblance” to spirit in his individual person and must aban-

don individuality itself. The orphic poet's body is a corporate body: it consists of "overflowing currents" which comprise "sun and moon," "the year and the seasons." Above all, its power to possess and posit absolutely is a corporate power that exists through the repudiation of personal power.

This dissociation of corporate power and personal identity is essential to the original myth of Orpheus. When Orpheus tries to retrieve Eurydice, his failure arises precisely from his power of possession. For Taylor, Orpheus acts as the sovereign will, "who by the melody of his lyre, drew rocks, woods, and wild beast, stopt rivers in their course, and even moved the inexorable king of hell" (166). He possesses the law of objects so absolutely that he appears to posit them into existence. He appears as an exemplar of the ideal fusion of transcendent corporate agency and autonomous personal identity. But when Eurydice dies, Orpheus experiences a loss that one who had truly incorporated the world would not have felt. His mourning for her discloses a wound in his completeness or, in our terms, a gap between corporate union and the personal power of possession that only an oedipal structure can suppress. When Orpheus is offered a chance to rescue her from the underworld, he tries to retake her with the absolute personal power that assumes a link between personal and transcendent (infinite) agency. He is told, however, that he must let her follow him, meaning that he needs to refrain from direct possession and learn to let her follow with a will entirely her own. He is told, in other words, that corporate reunion depends on relinquishing the kind of self that depends on personal possession: corporate and individual agency are different. But Orpheus cannot maintain this suspension of his control and, succumbing to his familiar habits, turns to look at her and to verify her obedience. The underworld, indifferent to private property, reveals that this power, in a larger economy, leads to the object's withdrawal and the dissolution of the corporate structure. Orpheus does not learn much from all this, and his ongoing claim to have personal power and transcendent power over the corporate whole leads finally to the loss of his person. He is permanently separated from his beloved other and is ultimately separated from himself in a radically nonconsensual dismemberment into pieces that can never be reassembled.

"Prospects" seems to know the lesson of orphic power which Orpheus could not learn. The narrator is closest to Herbert, and he offsets his orphic utterances in quotation marks as though to announce their separation from his own pronouncements. Herbert's voice is successfully assimilated by the narrator

and, though not originally the latter's, is now in his possession. The orphic voice, however, appears only in quotation (Michael 150). When the narrator imagines the personal possession of orphic or corporate agency, however, he imagines a distinction between himself and that positing power. The voice that claims an originary power for the self arises from the self's other. The voice that arises from the self claims that its power is borrowed from another; it does not comprise a power that one could identify as personal identity. The power to own (oneself) is not owned but borrowed; the power of borrowing is all that is owned.

"Prospects" refuses the mythic combination of individual and corporate agency that underlies corporate liberalism. The individual in "Prospects" is Herbert, but his subordinate voice is not capable of a self-positing willing. Perhaps a poet could give up orphic pretensions to absolute self-possession in favor of Herbert's borrowed personal agency and identity. But according to "Prospects," the poet cannot pretend that this move toward Herbert would allow the self a self-legislating "orphic" will. Herbert's position offers individuality but not autonomy. The orphic will is omnipotent, but it is not individual. In part by the formal device of the quoted voice, Emerson blocks a dialectical rapport between these two modes of power, thus presenting as impossible the corporate-yet-individual personhood that the Orpheus myth shows to be disastrous.

The conflict within "Prospects" does not mean that Emerson considers the corporate individual a fiction. After all, he is extremely interested in individuality as constituted by corporate or providential forces. The orphic poet is a symptom of this belief that you can "[b]uild . . . your own world" out of "the pure idea in your mind" only when your mind has merged with corporate Spirit. However, the conflict *does* mean that "corporate individual" is a very loose term: it does not denote an individual in the bourgeois liberal sense. The division of the possessive will suggests that corporate and individual power, far from existing in harmony, are mutually exclusive. There is nothing about the orphic position in itself that supports "liberal" or "possessive" individuality. Orpheus is a corporate poet, but he cannot be a corporate individual. When "Prospects" separates Herbert's voice from that of the orphic poet, the chapter avoids the kind of liberal individualism that affirms Emerson's receptivity to "otherness" or even to public or communal forces while also admiring his ability to capture these for the private sphere.

"Prospects" offers a choice between at least two different readings of corporate individualism. The first, associated with

Herbert and the oedipal sonship that issues in individuality through mimesis, regards the corporate individual as coherent and functional, having assumed that all transcendent agency resembles personal agency. This assumption rests on a traditionally “romantic” act of faith, a primal prosopopoeia, in which a human form is assigned to providential law; it proposes a familiar synthesis of reception and creation. The second reading, which here is orphic, regards the self-making autonomy that Herbert “borrows” to be radically nonindividual. The corporate individual is a contradiction in terms or, more accurately, a liberal fiction that ignores the anti-individual outcome of genuinely spiritual/corporate self-making. Emerson, like the reviewer of *Slavery*, may wish for symbiosis, but he represents a contradiction.

4. Contract and Possession

Although Emerson does not often concern himself with political economy, he is preoccupied with the questions of subjectivity that were at issue in a variety of antebellum disciplines. The two types of poet in “Prospects” embody different descriptions of the fit between personal identity, private property, and mass or corporate forces. They are individualist and more-than-individualist responses to the dilemma of living in a culture which requires that the individual wield private power at the same time as power is becoming more socialized. Their divergence is not Emerson’s eccentric invention. “Prospects” is part of a divergence between contract and corporation law, which officially complement each other under law, but whose legislated symbiosis does not necessarily extend to practical subjectivity. The contest there illuminates the tremendous difficulty that “individualism” has in pretending its hegemony.

Orphic corporatism is difficult enough to distinguish from the individualist kind in a culture that perennially seeks “individualist” resolutions to the overarching conflict between individual and collective forces. Contract was an especially attractive individualist solution, for it seemed to allow the individual to enter the collective structure of the market entirely on voluntary terms. It worked within, while superseding, legislative statute and common law, both of which arose from a preexisting public sphere. In contract, “individuals, pursuing their own ends, made their own ‘law,’ perfected their own arrangements” (Friedman 532). In short, they “built their own world” as Emerson’s transcendentalism would have them do

and legislated independently of a prior law, which nonetheless guaranteed the contract's performance. This seemed like the best of both worlds of public and private: the public is sanctioned *and* codified as a system of supports of private powers. In the "golden age of contract" in which Emerson dwelt, individualized deals were protected by public laws which refrained from "*ex post facto* tampering with bargains, for whatever reason" (Friedman 275, 276).

In contract, identity is personal. Corporate power is fully captured and subsumed by the volition the contract expresses, and some famous cases after *Fletcher v. Peck* (1810) created a precedent for regarding the business corporation itself as a contract (Dodd 37; Friedman 534; M. Horwitz 112). The full weight of contract law endorses the final victory of an individualist privatization of public resources and rights as embodied by the corporate charter. In Emerson's terms, Herbert speaks for the claim that corporate forces are absorbed by an individual contract. The doctrine of correspondence between self and creation establishes individualist corporatism. In other words, it expresses a contract made between God and his assenting creature (with God signing for both parties), which creates a resemblance between natural and supernatural forces and the individual. The self/spirit relation is a lawful yet voluntary face-to-face transaction.

In spite of this surprising power of contract to subsume everything, including Neoplatonic metaphysics, the satisfactions of contractual exchange do not provide the possessive "individualist" identity that these satisfactions seek. Corporatism without the individual, however awkward to describe, articulates a public sphere in which the contractual "individual" is missing. To explain this, I must backtrack briefly. Contracts in the eighteenth century were judged by communally established notions of "substantive impact" and "fairness." Traditional standards routinely took precedence over the wills of the contracting parties (Gunn 133). The dominant view throughout the early nineteenth century was that a contract's terms must express a "natural justice and equity" to which individual volition should submit. But as the nineteenth century progressed, contract law referred with increasing exclusion to the individual will of a free agent. (This latter notion prevailed in part because it is more flexible than the concept of equitable value.) Intention rather than outcome increasingly functioned as the arbiter of a contract's fairness. The influential jurist William Story argued that "[o]nly 'an unnatural and artificial extension' of public institutions could create a 'power to overrule the express agree-

ments of individuals . . .’ since ‘whatever men have consented to, that shall bind them, and nothing else’ ” (qtd. in M. Horwitz 203). This shift toward private consent is part of a battle that New England culture fought (and still fights) again and again so that liberal individualism, loosely construed, could escape a more “republican” organic solidarity.

In the process, the private consent meant to resolve a division became divided itself. Contractual will was supposed to sustain private intent in the realm of public exchange. But in so doing, it became torn between embodying individual property and representing a transitional place in a system of exchange. Contract law began to separate itself from property. At that point contract began to be understood not as transferring the title of particular property but as creating an expected return (M. Horwitz 174). Contract represents two somewhat different kinds of will: the immediate will to possession and the will to engage in a network of transactions and contingencies. One form attempts to produce wealth by suspending contingency in favor of possession; the other seeks wealth by inviting contingency. One excludes crowds of conflicting agents, while the second welcomes them. The will in contractual exchange does not have the kind of immediate access to itself that the will as embodied in property ownership would theoretically provide; contract does not provide a personal identity based on unmediated self-possession.

Contract law addressed this (more or less unspoken) dilemma about the nature of the contracting will in part by making the will increasingly abstract through the 1850s. The will represented in free contract became the will to engage in controlled exchange. Though contract certainly sought to control market forces, this volitional control did not accomplish possession. No longer was property thought of “as entailing the right to undisturbed ownership free from all outside interference”; property was used in a transactional network in which it was “just another cash-valued commodity” (M. Horwitz 39, 102, 44). Legal agency had increasingly less to do with ownership and increasingly more to do with a transaction in which agency was itself a commodity. Formalizing the will did not resolve the status of legal agency but confirmed the split between possession and exchange.

If a contract did deliver inalienable possession—possession so secure as to allow personal identity to form around the power that delivered it—possession would lose its value. From the start, Emerson conceives even the natural forces ostensibly standing outside exchange to be forces supporting exchange:

“All the parts [of nature] incessantly work into each other’s hands for the profit of man. The wind sows the seed; the sun evaporates the sea; the wind blows the vapor to the field . . . and thus the endless circulations of the divine charity nourish man” (12). Were contract to deliver stable possession, the excess that is charity (and movement generally) would be missing. Charity represents the subordination of the power of self-legislation in favor of a multiplicity of outcomes that the individual will does not intend. Contract is an instrument for protecting the individual *against* inalienable property and its old, inactive, and all-too-self-identical value. To will a contract is to agree to exchange as a way of avoiding possession. By the time Theodore Dreiser examines the instruments of credit and leverage in *The Financier*, the earlier, Emersonian fascination with the power of transition and circulation has evolved into the idea that only losers seek possession in the first place. The individual can own contracted property, but not in a way that furnishes autonomy.

Corporate liberalism in general insists that self-possession and contracted exchange are symbiotic and that the orphic and oedipal functions work together. But self-possession is not one of contract’s outcomes. Accordingly, “Prospects” denies that the individual can get anything but nonindividualist ideas about him- or herself from the attempt to harmonize the modes of positing, owning, reflecting, and exchanging the law. The divergence of the operation of power from personal agency allows Emerson to move toward the corporate nonindividual for his image of future splendor. “Prospects” participates in one prominent trajectory of market contract. This makes Emerson a spokesman for the market, but equally a spokesman for its internal conflict between the “oedipal” union of self-possession and circulation and the “orphic” loss of self in circulation.

5. The Public Basis of the Corporation

What kind of system emerges when the most powerful mechanism of individualized corporatism—contract—does not sustain possessive individuality? The division in “Prospects” suggests that its speaker, experiencing himself only in relation to the other, cannot uphold the oedipal fiction that the conventional relation to otherness leads to self-ownership. I think it is worth noting for its own sake that contract fails to make market individualism a stable source of personal autonomy. But it is not immediately obvious what issues from this. The question needs to be asked in an especially pointed way because

the answer might be nothing except the usual cycles of loss and recovery that sustain the oedipal desire for self-possession, a desire that survives in spite, or rather because, of the constant threat of its own ephemerality. We have been well warned that it is a mistake to “celebrate the subversive potential of the non-identical subject” (such as the subject of “Prospects”), since “nonidentity . . . has so often [been] shown to be part of disciplinary processes” (Gallagher 47). Emerson commentary is a case in point, for it has specialized in casting Emersonian non-identity as “bipolar complementarity,” “double consciousness,” “alternation of opposites,” “balanced antagonism,” or a “receptive autonomy” that reads any conflict as part of a deeper plan for agonistic wholeness.

The paired poets of “Prospects” do not seem even to seek an alliance. The orphic poet flees from marriage with any individual. This poet sings less of each man and more of “Man” and finally of a “dominion,” “house,” and “world.” At first, the poet affirms that “‘A man is a god in ruins.’” However, he does not thereby affirm the “‘will’” but, rather, “‘Instinct’” (46). “Instinct” for Emerson is spirit within the self, yet it is also a term that Emerson’s texts associate with actual social groups. At the close of “The American Scholar,” Emerson describes instinct indifferently as “the perspective of your own infinite life” which translates as “the shades of all the good and great” (70–71). One’s own infinite life is beyond individuality in dwelling with “all the good and great,” which leads to the formation of a more perfect “nation of men.” “Self-Reliance,” another early work, claims that the “aboriginal self,” if defined as “Spontaneity or Instinct,” is where “all things find their common origin” (269). Emerson describes instinct as the (orphic) voice which is *not* possessable, sometimes because it is God and sometimes because it is a form of common property. Instinct is transcendent agency *and*, at other times, *public* agency—agency that, in belonging to all, is shared by all. Orphic power denies that agency rests with a superior individual *and* denies that it rests with oneself.

If one reads Emerson without expecting his metaphysical corporatism to lead to concrete individuality, one notes that it leads to concrete collectivity. In Marx’s reading of liberal idealism, a refusal to separate corporatism from spiritualist terms means a combination of an abstract commonality and a concrete individuality. But it is not so easy for commonality to remain abstract and spiritual when, as in Emerson, concrete individuality does not find support in contract and private property. The result is that an abstract corporatism becomes concrete

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and competes with concrete individuality. The attraction of Emerson's Spirit is that it moves beyond what Marx saw in Stirner and other bourgeois reformers toward a corporate "Spirit" that heralds an actual "nation of men," a corporate form that cannot be described by a binary opposition between abstract and concrete, collective and individual.

This awkward transitional state puts Emerson midway between secular individualism and a quasisocialism authorized in part by his anachronistic Neoplatonic metaphysics. But the authority that endorsed the move to make the corporate concrete (and indeed impelled that move beyond liberalism) was, in my view, the social and economic change that produced the all-too-concrete early business corporation. Even as Marx and Emerson wrote, the concrete was increasingly less and less individual. In its open frontier phase, New England capitalism was very much *not* a free-for-all, but owed much of its advance to various forms of association. Emerson certainly can be found engaged in commonplace laissez-faire moralizing, but the fact is that world-making power in Emerson's time was already corporate. Individual enterprise recast the world like a modern Orpheus only by acting through chartered banks, railroad companies, interregional commodity networks, and large-scale labor operations. The remarkable dependence of market individuality on associations pressed Emerson's immaterial corporatism into conflict with his individualism.

The ruling feature of the new corporate form was its privacy. Prior to the 1830s, "use of the corporate form was limited primarily to non-business, clearly public-related or noncontroversial activities such as municipalities and benevolent, religious, or educational institutions" (Gunn 106). Collective enterprises had public and communal legal status, and corporations were extensions of a general civic will as established by a legislature. But as the century progressed, various factors pressed corporate charters toward the private sector: "The [private] corporation began as a surrogate instrument for organizing essentially public functions. . . . Hampered by a lack of funds, poorly developed administrative structures, and a preference for private over governmental action, New York [among other states] resorted to private arrangements to provide transportation facilities and a system of currency and finance" (Gunn 100, 111). The shift from the public to the private corporation produced a massive increase in administrative efficiency, profit, and private capital. The corporate form supported individualist assumptions about personhood by explicitly harnessing collective forces to individual vision. By enabling the public interest

to be privately owned, the corporation installed the collective, democratic will in a structure owned by possessive individuals.

But private property and the corporate form were consolidated in the later nineteenth century through a massive exertion of police power bought and wielded by a state-corporation alliance. Even then, the consolidation remained incomplete. I itemize a few of the vicissitudes of ownership that resulted when corporations attempted to privatize collective property. They are vicissitudes denied by oedipal and enacted by orphic corporatism.

First, the antebellum corporation offered the collective will access to forces far greater than those of private property. Before the Civil War the corporation was less a legal individual than it was an agent of collective opportunity. While, in England, modern economic development depends on “individual wealth,” “our ancestors came here poor; the fundamental principles of their institutions were, to elevate the character, and improve the condition of the whole mass, by diffusing among all the citizens an equality of wealth, as well as of political rights and privileges” (Henshaw 5). The method they wisely chose was “charters of incorporation,” given “neither as monopolies nor perpetuities; they were particular, and peculiar laws, regulating particular bodies of men, for special and laudable purposes, the object being the common good, the individual interest of the corporators being secondary, and subservient to the primary object, the common good and general welfare” (Henshaw 5). Henshaw argues that the business corporation can serve “the common good” and in that way operate like a self-created commonwealth. The purpose of the business corporation is to join its members in relations other than those of private contract. As Emerson was composing *Nature*, private accumulation seemed compatible with all aspects of public life, not because public life was thought the natural servant of the private self but because private accumulation would serve the commonwealth.

Second, the corporate form extended the private will only by altering it beyond recognition. The will became a network of shareholder obligations which did not result in shareholder agency. Only a handful of corporate owners managed the assets and did so more as a result of their status as managers or delegates than as owners. For nearly everyone, the corporation was the site of receiving the dividend rather than enacting the deed. Owners voted through their stock, but this vote expressed formal assent rather than substantive intent. Corporate consent and dissent appeared much more commonly through buying

and selling stock in the market than through direct action. Structurally, it was then, as now, almost impossible for agency to escape the nexus of intracorporate exchange, and it almost never existed as positive substantive control. The corporation was not an agency to be owned, but was itself a market in its own shares, which represented a fully commodified agency. "Ownership" here simply meant access to this market, which acted as a system of social relations. In the corporation, investment and private control parted company: in one antebellum decision, a bank corporation was allowed to "*purchase, absolutely*" lands it would not occupy, but, nonetheless, "*would hold them by a title defeasible by the Commonwealth, and the Commonwealth alone*" (*Bard v. The Bank of Washington*; cited in Angell and Ames 81).

Third, the corporate charter in antebellum America did not simply fracture the private will in the manner of contract but replaced it with a public will tied to the legislature. While business partnerships were founded through private agreements between persons who retained executive control over their organizations, corporations differed explicitly from these in resting on a charter that functioned more as a constitution than as a "mere license for private will" (Hurst 16). These constitutions originated in Emerson's time in the "affirmative law" of the state or federal legislature. While the idea of a "private corporation" may to us verge on redundancy, the early corporation's status as private property hung by the still-fragile thread of a controversial judicial construction of the charter as a contract under the US Constitution. The idea of eliminating public supervision of charters did not prevail until "long after 1855" (Seavoy 6). Even when jurists were preferring the private rights of parties over restrictions on the charter by treating the charter as a private contract, the founding charter remained visible as a creation of public power. The US Supreme Court, noted one Democrat, considered a charter like that of the Bank of the United States to render it a "public institution": "all acts of incorporation shall be deemed public acts" (Henshaw 11; cf. Ingersoll). The chief justice of the New Hampshire Supreme Court ruled in *Trustees of Dartmouth College* (1817) that "the property of these corporations exist[s] collectively in all the individuals of whom they are composed; not, however, as natural persons, but as a body politic" (cited in Dodd 26).⁵ Even a conservative advocate of property rights like Justice William Story simultaneously sustained legislative sovereignty by noting in *Dartmouth College* "that a legislature could avoid the effect

of the decision by reserving in the charter itself the right to amend or repeal it" (Dodd 28).

This idea survived the most sustained and varied series of challenges by private interests. The corporation remains a shadow "body politic" in the twentieth century, and the status of the "corporate fiction," the "corporate personality," and other issues of private and public law remain active in the writing of George Canfield, John Dewey, Harold Laski, Arthur Machen, Josiah Royce, Maurice Wormser, and many others. The "private" will, seen apart from its fictions of autonomy, is not so well expressed in contract as in an irreducible "association" dependent for many of Emerson's contemporaries upon legislative "concessions" that cannot separate themselves from a "body politic" or a "public will."⁶ The "orphic" will manifests individual sovereignty as a collective will, and not as a collective will taken private.

6. Emersonian Impasse

In insisting on the public aspect of the increasingly private antebellum corporation, I do not deny its ongoing privatization (Gunn 105 *passim*; Mayfield 74). But I have suggested an instability that fails to take private corporate forms public only through official actions that are part of the well-known history of postbellum corporate capitalism. Contract law failed to ground the privacy and self-genesis of individual agency and failed because of its exposure to "public" forces in perpetual motion. The corporation builds more successfully on this public dimension. But the corporation manages to be neither private nor public, for even in its legal and fiduciary function as the arm of private interest it encrypts the public within itself.

Pointing out the public or collective structure of private corporations does not in itself weaken the corporate grip, for we have no access to an "authentic" public sphere that would oppose the private version. The corporation has produced an oligarchical type of "public will" that has long substituted for a collectively governed community. Since Emerson's time the corporation has seemed to offer the best of both worlds: the scope and riches to construct public necessities like railroads, television networks, and a global military, with none of the conflict and disorder of legislative activity. The corporation takes the form of a collective order without "mutual agency"

or reciprocal influence; each individual exists as part of a group, but not as agent so much as shareholder. As long as we are construed as corporate individuals, we can neither move forward toward collective sovereignty nor backward toward autonomous individuality. Instead, we live in free submission to decisions handed down from executive spheres tied to threads of fiduciary interest that lead toward even more remote regions of private capital.

Or so it seems. But though the corporate individual is individually helpless, she or he is also haunted by the specter of a public agency that dwells within mystified corporatism. Emerson moves in two directions at once on this matter, as is his lifelong custom. First, he insures that an individual's submission to a sufficiently gigantic and inaccessible collective instrument will seem like a spiritual triumph. His metaphysics of the One allows a community system controlled by private interests to seem literally providential. This metaphysics also allows personal agency being directed by a "transcendental" agency to seem coherent and individuating. Thus in still-transcendentalist America, individuals compete in unending labors of self-differentiation while their social relations are managed from somewhere else.

But second, and generally in spite of himself, Emerson reflects the cultural fact that the contractual and corporate supplements of simple possessive individualism lead toward a range of experiences of oneself that cannot be reduced to possession. "Prospects" implies that "oneself" exists most freely in a collective. Emerson replaces the simple relation of private and public with the relation between contradictory contracts and messy corporate instruments—between, in his terms, Herbert's submissive individuality and Orpheus's powerful commonality. Thus, much of Emerson's work endorses the longtime American confusion of freedom with submission to laissez-faire private orders. On the other hand, it suggests that the powerful individualism that he associates with the orphic poet can acquire power only by eradicating its attachment to private individuality. Emerson here imagines an individual who has replaced his or her spiritualist adherence to "othered," or private, or otherwise inaccessible corporate bodies with a better understanding of agency as a participatory and collective activity. Corporate life would be controlled by a public legislative power rather than by private managers. The antebellum prehistory of the collective subject imagined an individual free of corporate authoritarianism. But it is difficult to judge the issue, since this is a prehistory that has not yet ended.

Notes

1. The most fully elaborated claim for the identity of personal autonomy and national destiny comes from Bercovitch. He describes an individualism in which immersion in corporate providence invariably confirms autonomous power (*Puritan* 173, 176). Emerson's transcendentalism appears to be essentially identical to antebellum liberalism when Bercovitch describes the latter as a "pluralistic faith [which] compels resolution through the higher laws of both/and" that avoid choice and produce "bipolar complementarity"; "liberalism hold[s] the self intact by holding it in check" in accordance with an "expanding continuum of liberal reciprocity" ("A-Politics" 637, 643, 637, 642). In the context of this article, these statements constitute myth description rather than cultural analysis (and it is a myth that lives for a narrow range of antebellum society). Even the early, ebullient, and always patrician Emerson is more conflicted than this.

2. In recent years, feminism has sponsored the historical work most apt to acknowledge that New England corporate life produced not only traditional individualism but *concrete* collective structures. Elizabeth Ammons, Nina Baym, Ann Douglas, Mary Ryan, Jane Tompkins, and others have described structures like the matriarchal home that imagined "escape for people as a group . . . into some large and more perfect corporate system" where this corporate system was "modeled not on individualism but on motherhood" (Ammons 157). Such readings suggest that a mixed range of antebellum corporate forms, though always entwined with an individualistic political culture, produced individualist fictions *and* other kinds of under-analyzed subjectivities.

3. See also Cole 101–02; Douglas 90, 129; Lang 117–21; Robinson 89; Packer 88; Peacock 64; Van Leer 192.

4. "Man is all symmetry," Herbert writes, "Full of proportions, one limb to another, / And to all the world besides. / Each part may call the farthest, brother . . ."; Man, Herbert continues, "is in little all the sphere"; "Man is one world, and hath / Another to attend him" (qtd. in Emerson 44–45). In each stanza of his poem, Herbert, who for Emerson is a kind of genteel "Naturalist," elaborates on a traditional identity between microcosm and macrocosm in which the individual mirrors the preexisting structure of being.

5. Although I reverse his stress on the corporate form's subordination to contract, I have benefited from Thomas's reading of *Fletcher v. Peck* (1810) and *Dartmouth College v. Woodward* (1819); see 49 and chapter 2 *passim*. I am also grateful for his comments on an earlier version of this paper. My reading is similarly counter to the authoritative interpretation of Morton Horwitz, particularly chapter 4. Horwitz's research endorses the widely accepted view that legislative franchise was all but vanquished by the legal favor granted to economic development and its imperatives of "fair and equal competition," private contract, and "market" decision (134). But for a contemporary survey of the surprisingly irregular course of judicial opinion, see Angell and Ames, especially chapters 5 and 7.

6. The latter phrase comes from Dewey, who also discusses "association." Dewey cites Maitland on "group-person" and notes the countervailing conjunction of Kant's theory of the will with "natural rights" theory (27, 31n). Dewey also chronicles the tremendous historical variation of concepts of corporate personality and emphasizes the difficulty of keeping the private individual distinct from public entities even where the latter are conceptually modeled on the former.

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