Born Political

A Dispositive Analysis of Google and Copyright

Whelan, Glen

Document Version
Accepted author manuscript

Published in:
Business & Society

DOI:
10.1177/0007650317717701

Publication date:
2019

License
Unspecified

Citation for published version (APA):
Whelan, G. (2019). Born Political: A Dispositive Analysis of Google and Copyright. *Business & Society*, *58*(1), 42-73. https://doi.org/10.1177/0007650317717701

Born Political:
A Dispositive Analysis of Google and Copyright

Glen Whelan

Journal article (Accepted manuscript*)

Please cite this article as:
Whelan, G. (2019). Born Political: A Dispositive Analysis of Google and Copyright. Business & Society, 58(1), 42-73. https://doi.org/10.1177/0007650317717701

DOI: https://doi.org/10.1177/0007650317717701

Born Political: A Dispositive Analysis of Google and Copyright

Glen Whelan – Forthcoming in *Business & Society*

Abstract

Google is a complex and complicated political beast with a significant, and often confusing, interest, in copyright matters. On the one hand, for example, Google is widely accused of profiting from piracy. On the other, Google routinely complies with what is rapidly approaching a billion copyright takedown requests annually. In the present article, Foucault, neo-Gramscians, and Deleuze and Guattari, are utilized to help construct a 3^2 dispositive analysis framework that overlaps three dispositive modalities (law, ethical, utilitarian) and perspectives (apparatus, articulation, assemblage). In applying the framework to the Google-copyright relationship, the article shows how Google was 'born political': in that it was, and still is, disposed by an apparatus comprised of copyright laws, Silicon Valley culture, and broad advances in digitization. Moreover, the article shows how Google continuously acts where 'politics is born': as it significantly shapes copyright considerations by disposing of (non-)human and organizational phenomena through articulations and assemblages.

Keywords: Copyright, Dispositive, Foucault, Google, Politics.

As its verbalization indicates, Google is close to omnipresent in many people's lives. Nevertheless, it is only just now approaching its twentieth birthday, with the domain Google.com having been registered on September 15, 1997. Such youthful ubiquity, and the sparse whiteness of its search page, can make Google seem simple and uncomplicated, apolitical even. But as the investigation of its policies and practices, and the veritably massive academic, policy and popular literatures concerned therewith, soon makes clear, Google is a complex and complicated political beast.

Dispositive analysis, it is here proposed, provides a means of respecting the complexity, and reducing the complications, of Google's politics. Most generally, it does this by acknowledging that strategic actions are influenced by, and can influence: law dispositives that prescribe and prohibit behavior (Foucault, 1985, p.25; 2007, p.5; Habermas, 1996, p.116); ethical dispositives associated with communal identities (O'Neill, 1996, pp.49-50), "forms of life" (Habermas, 1996, p.62), or "forms of subjectivation" (Foucault, 1985, p.29); and utilitarian dispositives that (try to) order (Flyverbom, 2011, 2015) or steer (Vallentin & Murillo, 2012) conduct with ensembles (Foucault, 1980, p.194) that combine various elements (e.g., architectures, ethics, rules) whilst acknowledging that popular conduct is a "natural phenomenon that cannot be changed by decree" (Foucault, 2007, pp.47, 71).

In emphasizing that organizations are shaped by these three modalities, dispositive analysis recognizes that "politics precedes being" (Deleuze & Guattari, 1988, p.203): that organizations are born political in that they are the offspring of "governmental rationalities [that] overlap, lean on each other, challenge each other" (Foucault, 2008, p.313). Nevertheless, it also recognizes that organizations can act where "politics is born": for they can play a key role in the interplay of the "different arts of government" and the various debates to which they give rise (Ibid.).

As these remarks suggest, politics is here defined in a relatively capacious and thoroughgoing fashion. Indeed, and whereas it has recently been suggested that politics only relates to "public deliberations, collective decisions, and the provision of public goods" (Scherer et al., 2016, p.276), politics is here conceived as also including much more private deliberations, decisions and goods, and simple unvarnished power too. There are at least two benefits to this broader definition. First, it enables agreement with political scientists who tend to emphasize that politics does not just relate to democratic and rational considerations, but to such matters as autocracy and violence as well (Bueno de Mesquita et al., 2003). Second, and as suggested by the likes of Foucault (1985), and a whole host of other social theorists in varying ways (Bourdieu, 2001), it helps account for the manner in which people and organizations are habitually governed or disciplined in relatively unthinking or unacknowledged ways.

According to the present conception, then, individuals, firms, or other organizations, do not "*become* political actors by engaging in public discourse, influencing collective decisions, and by providing public goods" (Scherer et al., 2016, p.276, emphasis added). Rather, they are conceived as *always* being political, and as having the capacity to shift from one type of political existence (e.g., passive governance) to another (e.g., democratic deliberation). In this fashion, the Chinese Communist Party is considered political when it engages in 'democratic' deliberations within international organizations, and when it does not. Likewise, family relations characterized by males working outside the house and females inside the house, or vice-versa, are considered political, even if such family relations are not made the subject of some sort of collective, or democratic, decision-making process. The reason why, in short, is that all such phenomena are related to political matters of governance, organization and regulation.

This conception of politics as inclusive of private *and* public, coercive *and* consensual, and conscious *and* unconscious, ordering and governance matters, is obviously influenced by Foucault. Likewise, the approach to dispositive analysis advanced below is considerably influenced by his work on *le dispositif* (Foucault, 1980, 2007, 2008). Nevertheless, the present work is not considered strictly Foucauldian for two reasons. First, Foucault tended to "rework everything from top to bottom" (Foucault, 1985, p.7), suggested that his "own undertaking is [potentially] at cross purposes" (Foucault, 1980, p.196), and did not always explain how similar notions – e.g. biopolitics, security, governmentality – "relate to each other" (Raffnsøe, Gudmand-Høyer & Thaning, 2016, p.281) As a result, the concern to maintain some sort of high fidelity to Foucault, is here considered misplaced (Collier, 2009, p.28).

Second, the approach to dispositive analysis here advanced is not considered strictly Foucauldian because it emphasizes the directive function of dispositions *and* the more active capacity to strategically dispose of phenomena. Thus – and whilst Foucault was well aware of the capacity to strategically organize (Foucault, 1983); lived a full life of self-creation (Miller, 1994); and did suggest that the dispositive had more and less agentic aspects to it (Foucault, 1980, pp.194-195) – his general theoretical concern was to explain the historical emergence of the "lines of stratification and sedimentation" (Legg, 2011, p.131) that govern and regulate existence/subjectivities (Levy & Scully, 2007, p.983). Amongst other things then, Foucault sought to trace the emergence of 20th century neo-liberalism (2008, p.131), and to explain how confinement, from the middle of the 17th century onwards, contributed to the emergence of madness (1965, pp.48-49). More generally, the perspective Foucault took on dispositive modalities tended to emphasize that they are *apparatus* of regulation that dispose or incline in certain directions through juridicial laws or regulations, disciplinary regulations, and security

regulations (Foucault, 2007, pp.9-10, 46-47). In other words, Foucault focused on dispositional apparatus that capture or striate territory (Deleuze & Guattari, 1988, pp. 442, 474-475; Legg, 2011, p.131).

In supplementing Foucault's focus on dispositions, the present approach to dispositive analysis also draws upon a specific reading of the neo-Gramscian idea of *articulation* – to emphasize the capacity to creatively dispose of inter -human and -organizational relations (Böhm, Spicer & Fleming, 2008; Gramsci, 1971; Laclau & Mouffe, 1985; Levy & Scully, 2007); and of Deleuze and Guattari's (1988) idea of *assemblage* (cf., Legg, 2011; Sørensen, 2005) – to emphasize the capacity to (de)dispose of (non-)human phenomena more generally. Whilst Deleuze-Guattarian (Sørensen, 2005) and neo-Gramscian (Levy & Scully, 2007) perspectives on the capacity to dispose are commonly discussed separately, and in separation from Foucauldian perspectives of dispositions (Välikangas & Seeck, 2011), all three perspectives are here utilized.

The reason for these perspectives being used is that – in contrast to other prominent (political) theorists, such as Habermas or Rawls, who tend to focus on relatively formal political structures (Whelan, 2012) – Foucault, Deleuze and Guattari, and neo-Gramscians, have focused on much more informal political considerations too. Moreover, the constructive processes associated with Foucault and Deleuze and Guattari in particular, suggest that their works are well suited to the sorts of abstractions and variations that are made of them here. In particular, it should be remembered that Foucault's 'reading' of the archives was in effect a "tactical intervention" that involved isolating and inverting specific elements within it (de Certeau 1986, pp.190-191); and that to "stretch… tensors through" the work of Deleuze and Guattari (1988, p.105) is to both "repeat what they said… [and] *do what they did*" (cf. 1994, p.29).

Given as such, the article's next section differentiates the three different dispositive modalities (i.e., law, ethical, utilitarian) and three different dispositive perspectives (i.e., apparatus, articulation, assemblage), and then overlaps these modalities and perspectives to construct the 'dispositive analysis framework'. Following this, the framework is applied to the study of Google and copyright. The complexities and complications of the Google-copyright relationship are quickly revealed by the fact that, whilst Google reports removing 63 million URLs due to copyright concerns in the month preceding 20th December 2016 (GTR, 2016), and reports that it rejected less than 1% of all copyright takedown requests in 2013 (Google, 2014a, p.13); the likes of 'old' media magnate Rupert Murdoch have accused Google of "plain stealing" and of being a "piracy leader" (Bercovici, 2012). Likewise, such complexities and complications are suggested by the interest that scholars across the humanities and social sciences show in the topic: e.g., business ethics (Tan & Tan, 2012), culture and media studies (Jakobsson & Stiernstedt, 2015; Vaidhyanathan, 2011), economics (Benhamou, 2015), internet governance (DeNardis, 2013), law (Benkler et al., 2013; Chandler, 2013), political science (Hofmann, 2013). A key reason for here focusing on the Google-copyright relationship, then, is that it enables the explicatory strengths of the dispositive analysis framework to be highlighted.

As these remarks begin to suggest, and as outlined in the discussion, the article makes two main contributions. First, through its tactical intervention with the likes of Deleuze and Foucault, whose writings have been referred to as allusive (Smith & Protevi, 2015) and like a "thicket" (White, 1994, p.49), respectively, the article produces a relatively practical analytic framework. Moreover, by differentiating the three dispositive perspectives and modalities, the article extends the re-emergent concern to relate (Levy, 2008, p.249: Raffnsøe et al., 2016, pp.283-284), rather than conflate (Laclau & Mouffe, 1985, p.107), discursive and non-discursive phenomena.

Second, the article helps demonstrate that both the political corporate social responsibility (CSR) and corporate political activity (CPA) literatures have tended to obscure the fuller political importance of corporations (and other organizations). More constructively, the article helps further integrate such literatures with a number of other perspectives on politics and organization: e.g., corporations and citizenship (Whelan, Moon & Grant, 2013), neo-Gramscian analyses (Böhm et al., 2008; Levy & Scully, 2007), accounts of discipline and control (Fleming & Spicer, 2004; Martinez, 2010). Having detailed these contributions, the article concludes by making a number of suggestions as to how dispositive analysis can inform future research in business and society and Internet governance.

Dispositive Analysis

The present section begins by drawing upon Foucault, Deleuze and Guattari, and neo-Gramscian work, to differentiate the three dispositive perspectives of apparatus, assemblage and articulation. Then, in primarily building on Foucault, the law, ethical and utilitarian dispositive modalities are delineated. Finally, the dispositive analysis framework is constructed by laying the three perspectives over the three modalities.

Three Dispositive Perspectives

In French, the noun *dispositif* can be used to describe a system or plan of action: e.g., *dispositif militaire* (military intervention); or to refer to a device: e.g., *dispositif de securité* (safety device), *dispositif d'écoute* (listening device). In English, the adjective dispositive relates to affecting disposition: a noun referring to general orderings or tendencies (e.g., a humorous or angry disposition). The verb dispose, on the other hand, relates to the capacity to finish or transfer some thing/task, to the killing or getting rid of some thing/one, or to the capacity to construct or arrange a state of affairs in a certain direction (cf., Pløger, 2008; Raffnsøe et al., 2016).

Although far from discounting the strategic capacity to dispose of or arrange events, Foucault's work on *le dispositive*, like his work more generally, focused on identifying and analyzing dispositions. Thus – and further to his using the term to refer to "both discursive and non-discursive" forms, "the said as much as the unsaid" (Foucault, 1980, pp.196, 194; cf. Jäger, 2001, pp.38-46) – Foucault (2007, pp.9-10, 46-47) associated dispositives with *apparatus* of regulation that capture or striate territory (Deleuze and Guattari: 1988, pp.442, 474-475; cf. Legg, 2011, p.131).

When Foucault (1980, p.194) suggests that architectural forms are a part of dispositive ensembles, it is difficult to avoid thinking of his interest in Bentham's panopticon, an apparatus designed to promote hyper-regularity through prisoners' internalization of a central watch tower's ubiquitous gaze (Foucault, 1977, pp.206-207). More speculatively, it is difficult to avoid the thought that Foucault would consider much of today's Internet architecture and applications (Lessig, 2006, p.121) in similar panoptic terms (Flyverbom, Christensen & Hansen, 2015; Mayer-Schönberger, 2009, p.11).

Like Foucault (1980, p.194), Deleuze and Guattari propose that dispositives are comprised of an ensemble of heterogeneous elements. But whereas Foucault tended to emphasize that such heterogeneity led to apparatus of regulation, Deleuze and Guattari emphasized that such elements provided the basis for *assemblages* of the human and non-human that could result in (regulated) organizations and institutions being ruptured (deterritorializations) and/or newly created (reterritorializations) (Deleuze & Guattari, 1988, p.55; cf., Legg, 2011, p.131; Sørensen, 2005, pp.121-125). Indeed, Deleuze and Guattari (1988, p.34) emphasized that even the most apparently stable of assemblages have rhizomic tendencies within their "multiplicities of

multiplicities" that enable the potentially rapid formation of branches and nodes that escape their seeming solidity.

Deleuze and Guattari (1988, p.6) also stressed that "the multiple *must be made*", and that new assemblages could be constructed by taking units away from already constructed ones, or by combining units that were previously separated (Deleuze & Guattari, 1988, p.391). In one of their more helpful illustrations of such dispositional capacities, and of their potentially significant implications, Deleuze and Guattari (1988, p.89) note that the "assembling of the body of the knight and the horse and their new relation to the stirrup", played a key role in the Crusades.

In comparison to Deleuze and Guattari, Gramsci (1971) arguably provides a more sober position on the capacity to dispose (cf., Deleuze & Guattari, 1988, p.6; Sørensen, 2005, p.120). Gramsci is most famous for the emphasis he placed on the manner in which incumbent economic powers could make (minimal) sacrifices of an "economic-corporate kind" to mobilize both civil society actors (norms and values) and state actors (law, police) to create or maintain hegemony (Gramsci, 1971, pp.161, 245). But as a communist, Gramsci was also interested in how to overthrow the status-quo (Levy & Scully, 2007, p.982). Given this trajectory, neo-Gramscians have tended to emphasize that more powerful *and* less powerful actors can coordinate "across multiple bases of power, to gain legitimacy, develop organizational capacity, and win new allies" (Levy & Scully, 2007, pp.978-979); and that they can employ formal and informal strategies or tactics (Böhm et al., 2008) to *articulate*, or bring together, separate interests and subjectivities. As Laclau and Mouffe (1985, p.105) conceive of articulations as being inclusive of all sorts of relations, it must be emphasized that *articulations* are here limited to the deliberate and strategic relations that can be formed between (human) individuals and organizations. In doing so,

articulations are analytically differentiated from *assemblages* – which are limited to deliberate and strategic relationships between human and non-human units; and *apparatus* – which are limited to existing relationships that direct and dispose our actions.

The Three Dispositive Modalities

Further to distinguishing between the three dispositive perspectives, it is important to distinguish between three dispositive modalities. The first is the *law* dispositive: "a legal or juridical mechanism", and/or a code-oriented morality, which differentiates between the permitted, the forbidden and the obligatory (Foucault, 1985, p.25; 2007, pp.5, 44). In being associable with perfect duties – i.e., unambiguous responsibilities or tasks whose discharging can be more or less clearly specified (Lea, 2004, p.207; O'Neill, 1989, p.226) – such rules (e.g., do not murder or steal) can be associated with specific punishments (e.g., hanging, banishment, fines) (Foucault, 2007, p.4). Employment and tenancy contracts, drink driving laws, and some of the 10 commandments (e.g., don't break the Sabbath), are all examples of the law dispositive.

Whereas the law dispositive is associated with rules or morals that are considered as being somehow categorical or universal for a given population (e.g., doctors, parents, teachers, British citizens), the *ethical* dispositive is more vaguely associated with communal identities (O'Neill, 1996, pp.49-50); with "practices of the self that are meant to ensure" specific forms of moral subjectivation (Foucault, 1985, p.29); and/or, with "individual life histories and intersubjectively shared traditions and forms of life" (Habermas, 1996, p.96). As Foucault wrote of a discipline dispositive (Foucault, 2007, pp.5-6; cf., Raffnsøe et al., 2016), and not of what is here termed the ethical dispositive, it is noted that the reason for the latter being preferred, is due to Foucault conflating his understanding of law and discipline. Specifically, and just as he suggested with regard to law (see above), Foucault (2007, pp.46, 56-57) proposed that: "the disciplinary

mechanism [or dispositive]… constantly codifies in terms of the permitted… obligatory and the forbidden"; that discipline is "entirely regulative"; and that discipline normalizes by identifying "the best actions for achieving a particular result".

By way of contrast, the ethical dispositive is here limited to imperfect duties: i.e., to obligations, objectives, or virtues for which clear and specific tasks or responsibilities cannot be associated, and which are thus often difficult to associate with specific punishments (Lea, 2004; O'Neill, 1989, pp.224-225). Virtues such as creativity, courage, and kindness, are helpfully conceived as imperfect. So too are the 'practices of the self' associated with being a good teammate, a leading physicist, or with being a contributor to local culinary culture. Moreover, the ethical dispositive is here preferred as it recognizes that supererogation is possible in the sphere of the undetermined. Foucault's discipline dispositive, on the other hand, suggests that what is "undetermined, is prohibited" (2007, p.46).

The last of the modalities, the *utilitarian* dispositive, was suggested by Foucault with a variety of terms whose relations he was less than clear about: i.e., biopolitics, security, governmentality (Raffnsøe et al., 2016). What he was relatively clear about, however, was that the notions of governmentality and security relate to the emergence of a political economy concerned with the general management of a population (Foucault, 2007, pp.94-95, 109-110), and that "utilitarianism is a technology of [this] government[ality]" (Foucault, 2008, p.41).

Foucault (2007, pp.4-5, 47, 71) was also relatively clear that governmentality or security are constrained by "natural phenomenon that cannot be changed by decree"; and that there are costs and benefits that need to be weighed up when comparing different means by which to achieve a given understanding of the common welfare. For such reasons, and given that the preceding modalities are helpfully associated with deontic respect for (moral) laws and an Aristotelian

respect for ethical virtue respectively, this third modality is simply labelled the utilitarian dispositive.

Foucault emphasized the importance of real or natural limits to the utilitarian dispositive when he invited readers to consider a big store in which 20% of the turnover is stolen. He proposed that whilst it would be easy to reduce this figure to 19%, it would be very difficult to reduce it below 5%: for the elasticity of crime supply is not homogenous (Foucault, 2008, p.255). More generally, Foucault proposed that, although the "intelligible mechanisms" that result in such popular tendencies are, once explicated, governable or manageable – e.g., his association of governmentality with "the way in which one conducts the conduct of men" (Foucault, 2008, p.186) – "it will not be possible", in the last instance, "to suspend them totally" (Foucault, 2008, p.15). Foucault thus suggests that some phenomena, such as certain (more or less widespread) feelings or desires, need to be recognized as effectively enduring, and reckoned with accordingly.

The Dispositive Analysis Framework

In contrast to similar but more singular approaches (Laclau & Mouffe, 1985), the preceding discussions have explicitly differentiated three dispositive perspectives and three dispositive modalities. By laying the three perspectives over the three modalities, a 3^2 (or 3X3) dispositive analysis framework is created. The resulting benefit of the dispositive analysis framework is that it enables a more or less complex and complicated substantive concern, issue, or problematic, to be (dis)aggregated into nine (ultimately related) categories. It does this by showing how the three different dispositive perspectives shine a slightly different light on the three different dispositive modalities, or vice-versa (see table 1 below). In this fashion, the dispositive analysis framework helps ensure that rich, complex, and complicated, phenomena – such as the Google-copyright

relationship analyzed in the article's next section – are more respected than they are obscured when made the subject of our analytic gaze.

-- Insert Table 1 about here --

Google and Copyright

The Google-copyright relationship is the subject of significant attention within popular and academic writings. To get a quick sense of this, it suffices to note that the following search tools [and search string criteria] returned the following *number of results* on the 20th and 21st of December 2016: google.com [google copyright piracy] *4.7 million*; bing.com [google copyright piracy] *3.1 million*; ebsco host [google and copyright, abstracts only] *1563*.

In making such a potentially overwhelming mass of data tractable, the dispositive analysis framework encourages researchers to proceed through each of the nine categories summarized in table 1 above. Consequently, and as the following analysis of publicly accessible data shows (e.g., Google statements, newspaper articles, relevant scholarly literatures), the framework enables the complexities of convoluted subjects such as the Google-copyright relationship to be explicated, and their complications to be minimized. Moreover, it must be emphasized that whilst the dispositive analysis framework can be actualized with a variety of formal methods (e.g., content or network analysis), it need not be used, and is not here used, with any.

Google and Copyright – A Very Quick Introduction

Larry Page and Sergey Brin met as PhD students at Stanford in 1995; came up with their new search technique PageRank in 1996; changed the name of their search engine built on PageRank from 'BackRub' to the mathematically inclined Google (a play on a googol – 1 followed by 100 zeros) in 1997; and then incorporated Google in September 1998 (Edwards, 2011, pp.xi-xii; Levy, 2011, pp.21-34; Google, 2016a). Subsequently, and along with Eric Schmidt, who became

CEO of Google in 2001, and then Google's executive chairman in 2011, Brin and Page agreed to manage Google for 20 years in 2004 (Google, 2016a; Lashinsky, 2008).

In 2015, Alphabet was formed as the successor issuer and parent holding company of Google Inc., and of the company's 'Other Bets': e.g., Calico (a company devoted to life extension technologies), Nest (a company aimed at the reinvention of thermostats, smoke alarms, and other household devices). Whilst these organizational changes are considerable – and seemingly motivated by considerations of transparency and operational efficiency (Page, 2015) – they are not overly important in the present context. The reason being that Brin, Page and Schmidt continue to control 58.5% of Alphabet's shares (Alphabet, 2016, p.16), and that Google continues to generate massive profits by itself (Alphabet, 2016).

Google's "mission is to facilitate access to information for the entire world, and in every language" (Google, 2016b). At first glance, such a statement appears hubristic. Google, however, has made very significant strides in such regards. For example, Google search is now available in more than one hundred languages; Google Maps currently provides a view of streets in seven continents and sixty five plus countries (Google, 2016c); Google Books is reported to have already digitized more than 20 million books (Metz, 2013); and YouTube, which Google paid US$ 1.65 billion for in 2006, has hundreds of hours of content uploaded every minute (YouTube, 2016a). When such facts are considered, Google's rank as one of the world's most recognizable and valuable brands is unsurprising (Badenhausen, 2014).

As anyone familiar with Google Books and YouTube will be aware, Google's fortunes are closely related to copyright considerations. Indeed, Google is continuously managing claims and lawsuits that relate to purported copyright infringements (Alphabet, 2016, pp.8-11). In 2007 for example, Viacom, the video production company that owns the likes of MTV and Nickelodeon,

"objected to the fact that millions of fans of its programs had the habit of taking bits of those shows and putting them up on YouTube… [and] filed suit against Google asking for $1 billion in damages" (Vaidhyanathan, 2011, pp.35-36). And in 2005, the Authors Guild filed a lawsuit accusing Google Books of "massive copyright infringement" that had the potential to cost billions (Gershman, 2015). Whilst Google ultimately prevailed in both cases, the company continues to be at risk from a variety of new and existing copyright laws, in the US and elsewhere, that could significantly harm its business (Alphabet, 2016, p.9).

Apparatus-Law

As the above remarks indicate, Google's success cannot be explained without reference to copyright law. In particular, the 'Online Copyright Infringement Liability Limitation Act' (OCILLA), Title II of the Digital Millennium Copyright Act (October 28 1998), has played a key role in Google's success due to its provision of four 'safe harbors' for companies that: 1) "bring the Internet to one's home"; 2) "make temporary copies of data being routed on the Internet"; 3) "host on the Internet material provided by others"; and 4) provide "Internet search engines" (Chandler, 2013, p.660). Most importantly, the fourth harbor means that the likes of Google can "avoid liability for the widespread copyright infringement" facilitated by their systems (Chandler, 2013, p.661) by implementing policies that banish repeat copyright offenders from their network, and by having an agent that receives and acts on 'take down' requests from copyright holders (e.g., record labels, film studios) (McWane, 2001, pp.95-96). Whilst the DMCA is sometimes critiqued for encouraging too quick compliance with take down requests and for discouraging attention to Fair Use considerations protected by the US First Amendment (Seltzer, 2010) – which allow third parties "to copy or use a copyrighted work without… consent… in a fair or reasonable manner" (e.g., art, scholarship) (McWane, 2001,p.94) – the

DMCA and Fair Use doctrine can still be understood as effectively combining to provide Google with significant legal protections that enable its business (Chandler, 2013, pp.658-664).

Apparatus-Ethical

Just as Google did not design the above noted apparatus-law configuration, Google is far from being the sole-author of its ethical dispositions. Google's self-proclaimed "true" beliefs that "there's always more information out there", and that "the need for information crosses all borders" (Google, 2016b), for example, are reminiscent of the 'all information should be free'" (Levy, 2010a, pp.24-25) precept that Levy (2010b) considers to be "most central to hacker culture". These 'true' beliefs are also reminiscent of the academic world's interest, and of the free and open-source software world's interest, in "multidirectional information and feedback flows" (Vaidhyanatan, 2011, pp.187-188).

Given as such, and in duly noting that Google aggressively protects its "hard-won proprietary information" (Levy, 2011, p.32) and trade secrets (Pasquale, 2010), Google can be considered to embody hacker and academic cultural norms. The PageRank algorithm which underpins Google's business, and which ranks search returns by the extent to which they are linked to by other pages, is obviously informed by "the same principle that guides academic citation-review systems. [Indeed] Google's founders were working on citation-analysis projects when they came up with the idea of applying such a system to the chaos that was the World Wide Web" (Vaidhyanatan, 2011, pp.187-188).

Working at Google is also commonly compared to university life (Levy, 2011, p.135). In large part, this seems due to Google having "developed a set of both electronic and material commons within which to organize and work", and to their having "created a culture in which multiple reward systems are at play" (Turner, 2009, p.78). Furthermore, it relates to Google

subsidizing "the individual development efforts of its employees by asking that every engineer spend 20 percent of their working time on projects of their own choosing" (Turner, 2009, p.79).

By such means, Google encourages employees to blur any personal boundaries they draw between productive activity and play time; between their work for Google and their pursuit of personal growth (Turner, 2009, p.79). Google also encourages their employees to "pursue reputations on the basis of ideas which could be presented to and tested by all, and to aim at serving "users first and to allow profits to grow from, rather than drive, that process" (Turner, 2009, p.80; cf. Levy, 2011, p.5). Such multiple reward systems, which have proven hugely profitable financially, are once again reminiscent of the relatively long standing (hacker and academic) Silicon Valley culture that Google emerged within (Saxenian, 1994, p.37).

These concerns with the social nature of knowledge and science (Fisk, 2003, p.9), and with the consensual/popular determination of value and truth (Vaidhyanathan, 2011, pp.60-62), have clear affinities with American pragmatism and related aspects of (French) postmodern thought (Baldwin, 2014, pp.269-273, 371-372). Baldwin (2014, chapter 8) suggests that these traditions, which oppose romantic notions of the artist as being solely reliant on their own bravery and creativity, informed Google's embarking on the "massive scanning of library collections without [copyright] permission" back in December 2004 (Vaidhyanatan, 2011, p.157). Indeed, Sergey Brin used an op-ed piece for the *New York Times* in October 2009 to argue that it was "because books are such an important part of the world's collective knowledge and cultural heritage, [that] Larry Page… first proposed that we digitize all books a decade ago" (cf., Vaidhyanatan, 2011, pp.156-157; Vise, 2008, pp.228-239). Thus, and whereas the authors' rights tradition aims to protect creators' visions "from commercialization and exploitation" and "claims to rest on the eternal verities of natural rights", Brin appealed to the tradition of copyright that focuses on

audiences' "hopes for an expansive public domain", and that is "imbued with the spirit of the common good" (Baldwin, 2014, p.15).

Apparatus-Utilitarian.

Although the idea of copyright was only given legal form in "Britain in 1710 in the Statute of Anne", the general manner in which technological developments influence cost-benefit calculations of its utility, have been recognized since at least the "the invention of printing with moveable type in fifteenth-century Germany" (Baldwin, 2014, pp.65, 54). Since the early 1990s, it is digital technologies that have had the biggest impact on utilitarian copyright calculations (Baldwin, 2014, p.327; Chandler, 2013, p.647).

Digitization erodes the distinction between original and copy, and has enabled significant advances in information, storage and (global) retrieval (Mayer-Schönberger, 2009, chapter 3). Digital millenialists claim that such developments "have changed the game… [by] allowing universal and largely costless access to all knowledge", by exposing "how all works are ultimately derivative", and by outmoding "private ownership and individual control" (Baldwin, 2014, p.318). The net result is that whilst piracy (of various sorts) is still against the law, such laws are often disobeyed due to the prohibited actions not being considered immoral.

In referring to various surveys from the 2000s, Baldwin (2014, p.337) notes that "Forty million Americans downloaded illegally per year. The number of illegal file sharers in France at any given time was estimated at 4.6 million. Fifty percent of Europeans surveyed did not feel guilty about illegal downloads." As these 'natural' transformations to the population or public cannot simply be changed by decree (Foucault, 2007, p.71), they are a good example of what is here termed the utilitarian dispositive modality. And as they clearly helped give birth to Google, and nourished it during its fledgling years (along with the preceding apparatus-law and

apparatus-ethical considerations), they are more specifically located within the framework's apparatus-utilitarian category (see Table 2 for a summary below).

-- Insert Table 2 about Here --

Articulation-Law

In 2011 and 2012 the Stop Online Piracy Act (SOPA) and the Protect Intellectual Property ACT (PIPA) were debated in the US House of Representatives and Senate respectively. Together, the bills (House Bill 3261, Senate Bill 968) marked an end to the (always) uneasy truce that the DMCA introduced between (Silicon Valley) Internet companies such as Google and (Hollywood) content providers such as the Motion Pictures Association of America. The problem with SOPA-PIPA for Internet and social media players was that they could be blacklisted and/or deemed liable for hosting links or content associated with piracy. The bills thus conflicted with the DMCA, which only requires that copyright infringing materials be 'taken down' upon request by the copyright holders (Baldwin, 2014, p.296; Loudon, 2014).

Benkler et al. (2013, p.39) propose that the debates leading up to the ultimate failure of SOPA-PIPA in early 2012 were comprised of three stages. The key participants in the first stage were tech media such as CNET and *Wired* and NGOs (or independent organizations) such as the Electronic Frontier Foundation (EFF), all of whom framed the debate in negative or threatening terms. In the second stage, "larger players such as the online communities at Reddit and Wikipedia along with Google, Mozilla, and other technology companies", who were also opposed to the bills given the significant legal risks they posed for them, entered the fray as well (Ibid.). Finally, the third stage was marked by:

> …the culmination of the debate, with an explosion of action and attention on January 18, 2012, when thousands of sites were blacked out including Wikipedia… Whilst Google's landing page remained operable, it offered a link to its 'End piracy, not liberty' petition page. Millions of people signed on. In the wake of this

> massive outpouring of opposition, both the House and Senate versions of the bill were shelved. (Benkler et al., 2013, p.37)

Given this periodization, Benkler et al. (2013, p.39) suggest that, the ultimate failure of SOPA-PIPA cannot simply be understood in terms of Google's and Facebook's opposition; in terms of what they suggest is the "politics-as-usual narrative" in which the powerful players can change (e.g., Silicon Valley rather than Hollywood), but not the (lobbying) game itself. In particular, they emphasize that it was the "core actors" that emerged during the first period – e.g., CNET, EFF – that developed "the frames that were used to engage the larger public and helped to organize and reveal the broadly manifest cross-sectoral opposition to the legislation" (Ibid.).

Whilst this suggestion is difficult to disagree with, it is important to recognize that the likes of EFF have strong links to Google despite sometimes being critical of the company. In 2011, for example, Google paid $1m to the EFF after Google had been "fined over privacy-rights violations which the EFF had championed" (BBC, 2012). Similarly, it is important to note that whilst Benkler et al. (2013, p.28) refer to Rebecca MacKinnon's op-ed piece for the *New York Times* in which she unfavorably refers to SOPA/PIPA as the 'Great Firewall of America', they fail to note that she did so as a then senior fellow at 'New America Foundation'. Google's Eric Schmidt has been chairman of the New America Foundation since 2008 (Wikipedia, 2016). Moreover, the organization has received more than $1 million in funding from Eric and Wendy Schmidt, and up to $1 short of a million from Google, in 2015-16 alone (NAF, 2016). As these and other activities indicate then – e.g., the EFF celebrated (Kalia, 2015) announcement that Google is offering "support to a handful of videos that we believe represent clear fair uses which have been subject to DMCA takedowns", and will "cover the cost of any copyright lawsuits brought against them" (Von Lohmann, 2015) – Google is promiscuous within the articulation-

law category. As the following explication of Google's links to Stanford and Lawrence Lessig suggest, Google is perhaps just as promiscuous in the articulation-ethical category.

Articulation-Ethical

Stanford has a long and proud history of contributing to Silicon Valley, and of producing engineers and entrepreneurs that do significant things and subsequently provide the University with significant resources (Quigley & Huffman, 2002). At first glance, then, Google's emergence from Stanford is 'business as usual'. Two quick illustrations, however, highlight that the Google-Stanford connection is a little more than that. First, "licensing from Google's algorithm alone has brought in around $337 million" (SN, 2012) of approximately $1.3 billion of the University's total licensing revenues (Auletta, 2012). Second, John L. Hennessy, Stanford's president from October 2000 through to the summer of 2016, has been a director of Google since April 2004, and has profited handsomely from the relationship (Vise, 2005, p.264). What is of more specific importance in the present context, however, is that Google has strong links to Stanford's 'The Centre for Internet and Society' (CIS).

Upon Google pledging $2 million to the center in 2006, the founder and then director of the center, the leading Internet law scholar (and recent US Presidential candidate) Lawrence Lessig, pronounced that:

> This support from Google will be critical to achieving a healthy balance between copyright protection and creative license. We will use this support to build a network of legal resources to achieve in practice the balance that copyright law and the First Amendment intend. (SLS, 2006).

Without in anyway questioning Lessig's sincerity in suggesting that he and his work "was independent" of such money (Lessig, 2014), the idea that Google would consciously support a center that would undermine its interests is difficult to fathom. Put more directly, in supporting

the CIS, Google was supporting a center whose (now former) leader has championed an ethic that is by and large sympathetic to its cause.

In one of the main works Lessig published between the announcement that Stanford's CSI had received $2 million from Google in November 2006, and his leaving Stanford for Harvard in 2009, Lessig (2008, p.28) advanced an ethical celebration of "'Read/Write' ('RW') culture". In contrast to "'Read/Only' ('RO') culture: a [hierarchical] culture less practiced in performance, or amateur creativity, and more comfortable (think: couch) with simple consumption"; RW culture is "flat" or horizontal in that people "add to the culture they read by creating and re-creating the culture around them" (Ibid.).

In line with the above discussion of the apparatus-ethical category, Lessig (2008, pp.52, 163) recognizes that the "democratic creativity" of RW culture is the norm in academic work and open-source software development. More generally, Lessig wants this ethic to spread beyond such specialized fields, and to make it a more or less significant part of everyday life. He thus identifies a "remix" ethic that he associates with digital technologies and the "wide-scale collage" they enable, and proposes that this ethic contributes significantly to community and education (2008, pp.69-81).

This remix ethic is also associated with the need for an increased hybridization of commercial and sharing economies. Lessig suggests that YouTube is a good example of such an economy: in that the *commercial* YouTube provides the platform, and the *sharing* users provide the content. Whilst recognizing that "some of YouTube's content is copyrighted material that the copyright owner didn't upload", Lessig (2008, p.195) proposes that "most of the most popular of YouTube's content comes from users creating content", and that YouTube users can play a key role in 'flagging' inappropriate content for removal (Ibid.). In short, Lessig suggests that

YouTube helps realize the communal and educational values of remix or RW culture; and that RW culture should increasingly supplement, if not outright displace, RO culture.

Articulation-Utilitarian.

Although remix culture was obviously threatened by SOPA/PIPA (Pasquale, 2012), Lessig was only indirectly involved in the protests against the proposed acts. Google, on the other hand, along with other major Internet actors – such as Wikipedia, which Google gave $2 million back in 2010 (Johnson, 2010); and Mozilla, which has historically received in the hundreds of millions from Google (Bright, 2015) – played a central role. Most obviously, Google 'blacked out' its logo on its search page on January 18, 2012, and provided a link to a petition asking "people to sign-on to protest the two anti-piracy laws to be voted on by Senate and Congress" (Kerr, 2012).

The general thrust of Google's opposition, as spelt out in a blog by Chief Legal Officer David Drummond (2012), was that SOPA/PIPA would grant new Internet filtering powers to law enforcement agencies that "are on the wish list of oppressive regimes" worldwide; that SOPA/PIPA would threaten the Internet industry's "track record of innovations and job creation"; and that SOPA/PIPA would not "stop piracy". Whilst not necessarily agreeing with Google's explicit reasons for opposing the acts, many people were clearly concerned by them: with more than 4.5 million people reported to have signed the petition (Kerr, 2012).

Given such evidence, the Los Angeles Times science reporter Deborah Netburn (2012) remarked, "when Google speaks, the world listens". More precisely, by proving capable of the almost immediate collection of 4.5 million signatures, Google helped convince the US House and Senate that the SOPA/PIPA proposals were against the popular will. In other words, and as summarized in table 2 above once more, Google supplemented apparatus-utilitarian considerations that 'passively' dispose the population towards a 'progressive' copyright

orientation, with articulation-utilitarian considerations that actively organized or directed the population against copyright reforms that were conceived as 'regressive'.

Assemblage-Law

In looking at the Google-copyright relationship through the assemblage-law category, one's attention is very quickly directed towards the fact that in "2008, the search engine received only a few dozen takedown notices during the entire year, but today it processes two million per day on average" (Van der Sar, 2016). Given such numbers, it is impossible for both Google, and the main makers of copyright takedown requests – like the British Phonographic Industry (BPI), who made just under 6 million URL removal requests in the month prior to December 20 2016 (GTR, 2016) – to do so by human means alone. Accordingly, the BPI uses its own crawling tools to identify what they consider copyright infringements (BPI, 2013), and Google obviously uses a whole host of engineered means to comply with, or refute, copyright take down requests (Google, 2014a, p.17).

Assemblage-Ethical.

Google search also employs a number of other more proactive engineered means that, whilst related to the DMCA, are best situated within the assemblage-ethical category. In August 2012, for example, Google announced that it would begin using an anti-piracy algorithm to make sites with high numbers of valid copyright removal notices appear lower in its results (Google, 2012). And more recently, Google has noted that it seeks "to prevent terms closely associated with piracy from appearing in Autocomplete and Related Search", and that it has created "new advertising products which further promote authorized sources of content in Search results" (2014a, p.20).

The Content ID tool, which Google launched in mid-2007, also enables copyright owners to "identify their content and manage how it is made available on YouTube" (Google, 2007). The Content ID tool works by YouTube using technology to automatically compare videos uploaded to the site against reference files that have previously been uploaded by copyright holders, and, depending on the copyright holder's chosen policy, by deciding to: 1) leave the video up so that rights holders can "make money from it [through advertising]; 2) leave it up and track viewing statistics; or 3) block it from YouTube altogether" (Google, 2014a, p.9). According to Google, the Content ID system "has generated more than a billion dollars for the content industry", and is thus a clear example of how the Internet search giant is "pioneer[ing] innovative new approaches to monetizing online media" (Google, 2014a, p.9). More generally, Google suggests that as Content ID, and "services ranging from Netflix to Spotify to iTunes have demonstrated, the best way to combat piracy [which often arises when consumer demand goes unmet by legitimate supply] is with better and more convenient legitimate services. The right combination of price, convenience, and inventory will do far more to reduce piracy than enforcement can" (Ibid.).

In addition to constructing the preceding assemblages – which seem primarily concerned to reform or appease (e.g., Spangler, 2014) the ethical orientation of big budget content producers (e.g., 'Hollywood') – Google is also very active in assembling a more 'democratic' or 'horizontal' content producing ethic and community. The YouTube Creators Hub provides a case in point (YouTube, 2016b). Indeed, in emphasizing education through the Creators Academy (YouTube, 2016c), and community through the Creators Community (YouTube, 2016d), the Creators Hub provides what amounts to a one for one actualization of the above discussed remix ethic (Lessig, 2008, pp.76-82).

The YouTube Creators Hub also very clearly emphasizes three reward systems to encourage content generation. First, it emphasizes the importance of inspiration, of producers generating content that they are passionate about. Second, it emphasizes the importance of popularity, of producing content that a large number of viewers are willing to subscribe to: e.g., through the awarding of a Diamond Play Button for channels with more than 10 million subscribers. Third, it emphasizes the possibilities of monetization.

Further to various courses and facilities provided at various YouTube 'Spaces' in prominent cities worldwide (e.g., Los Angeles, Tokyo, São Paulo), and further to a significant number of video tutorials that guide (potential) content creators, YouTube Creators Academy provides specific analytic tools that enable content creators to closely monitor their productions. Amongst other things, YouTube analytics enables creators to identify viewer attention throughout videos, identify likes, dislikes and sharing patterns amongst viewers, establish revenue generated through different monetization programmes, and to identify how the content was found. In short, the YouTube Creators Hub uses a multitudinous human-techno assemblage to educate and create a community that is aligned with a read-write ethic.

Assemblage-Utilitarian.

Although Google's relatively direct impact upon assemblage-ethical considerations are important, their somewhat more diffuse impact upon assemblage-utilitarian considerations are arguably even more so. As there is no counter factual Google-less reality for the American and European societies that Google search dominates within, it is difficult to conceive of irrefutable empirical evidence that Google is shaping populations in terms of basic wants/needs. The contention, however, that Google is impacting upon how entire populations experience time and novelty, satisfaction and convenience, is commonplace.

In referring to the Internet more generally, Lessig (2008, p.44) provides a good illustration of all this when he writes that:

> The idea that you would have to wait till "prime time" to watch prime television will seem just fascist. Freedom will mean freedom to choose to watch what you want when you want, just as freedom to read means the freedom to read what you want when you want…
>
> The expectation of access on demand builds slowly, and it builds differently across generations. But at a certain point, perfect access (meaning the ability to get whatever you want whenever you want it) will seem obvious. And when it seems obvious, anything that resists that expectation will seem ridiculous.

And in a more critically direct discussion of Google, Vaidhyanathan (2011, p.55) writes:

> Faith in Google is dangerous because it increases our appetite for goods, services, information, amusement, distraction, and efficiency. We are addicted to speed and convenience for the sake of speed and convenience. Google rewards us for our desires for immediate gratification at no apparent cost to us. There is nothing wrong with immediate gratification … Immediacy should not, however, be an end in itself.

Further to the various comments Google and its leaders have made with regard to the importance of conveniently accessing content (Brin, 2012; Google, 2014a), the company is a 'hot gospeller' when it comes to speed in particular. To illustrate why, Google's 'search guru' and Senior Vice President of (Technical) Infrastructure, Urs Höelzle (2012), has written that Google's "research shows that… a 400ms [millisecond] delay leads to a 0.44 percent drop in search volume", and that "Four out of five internet users will click away if a video stalls while loading". But because "it doesn't really matter how fast search is if, when you click on a result, you immediately move back into the slow lane" (Ibid.), Google is also investing a lot:

> …in helping the rest of the web speed up, too. Google Analytics measures a site's speed and how it impacts engagement. We're spearheading Page Speed, an open-source project that helps webmasters speed up their sites – it can even re-write pages to boost performance. We're also experimenting with a Page Speed Service that automatically accelerates page loads without any code changes required. Just route your page through the service and it gets faster. (Ibid.)

Given its long-term investments in speed (Stross, 2008, pp.54-56) – and given its many other human-techno assemblage projects: e.g., ContentID, Google Books, YouTube – Google needs to be understood as (strategically) changing and assembling the population's 'natural' attitude in ways that are clearly relevant to copyright matters (cf., Foucault, 2007, p.71).

Discussion

The preceding construction and application of the dispositive analysis framework has demonstrated that organizations like Google are born political: that they are informed and influenced by historical apparatus comprised of law, ethical and utilitarian dispositive modalities. Moreover, it has shown that organizations like Google can act where "politics is born" (Foucault, 2008, p.313): for they can strategically articulate and assemble law, ethical and utilitarian dispositive modalities as well (cf., Deleuze & Guattari, 1988, p.203). In doing both these things, the article helps to further unpack the recognition that organizations are actualized, and can continuously act, in between the established social order and an imagined or anticipated future (Raffnsøe et al., 2016). It makes two main contributions as a result.

First, the article has constructed a (relatively) practical and detailed analytic framework by abstracting off, and varying, key concepts and ideas associated with Foucault, Deleuze and Guattari, and neo-Gramscians. Thus – and rather than trying to truly replicate what these various authors suggest – the article has focused on taking suggestions from the works built upon so as to construct what it terms the 3^2 dispositive analysis framework. This means that the present article's, undoubtedly imperfect, attempt, to construct a 'cookie-cutter' that can guide and prescribe analysis, is somewhat removed from the much more esoteric, and sometimes rambling, narrative constructs, associated with Foucault and Deleuze and Guattari in particular. Nevertheless, in not being constrained by, and in freely appropriating suggestions from, these

authors, the article is basically consistent with their own constructive processes, with their willingness to "tactically intervene" with the materials and theorists that they themselves built upon (de Certeau 1986, pp.190-191).

This willingness to 'tactically intervene' has also enabled the article to advance Foucault's concern, and that of Levy (2008, p.249) and Raffnsøe et al. (2016, pp.283-284) more recently, to avoid the conflation of discursive realities or constructs with phenomenal existence in general (Foucault, 1980, pp.196, 194; cf. Jäger, 2001, pp.38-46). Indeed – and whereas Laclau and Mouffe (1985, p.107) "reject the distinction between discursive and non-discursive practices", or "what are usually called the linguistic and behaviourial aspects of a social practice" – the present framework suggests that Foucault was broadly correct in his concern to associate *le dispositif* (Foucualt, 2007, 2008) with "both discursive and non-discursive" forms, "the said as much as the unsaid" (Foucault, 1980, pp.196, 194). Most obviously, the article has done this by further detailing the utilitarian dispositive modality – which highlights that certain non-discursive (e.g., natural) characteristics and tendencies cannot be discursively suspended/destroyed (Foucault, 2008, p.15) – and by overlaying it with the apparatus, articulation and assemblage dispositive perspectives. Despite his efforts to the contrary, Foucault's work on the dispositive still conflated various separable aspects, such as what he termed law and discipline (Foucault, 1985, pp. 25; 2007, pp.5, 44, 46, 56-57). Thus, and given that similar complaints might be made about Deleuze and Guattari's writings on assemblages (1988), it should again be emphasized that the present article has constructively appropriated, rather than simply replicated, all that it takes from Foucault, Deleuze and Guattari, and neo-Gramscians.

Second, and as a result of its constructing the 3^2 dispositive analysis framework once more, the article contributes to the business and society literature by demonstrating that, whatever else

their benefits, the political CSR and CPA literatures have tended to obscure the manner in which corporations and businesses are political in a more or less thorough-going fashion. The CPA literature, for example, focuses on "government affairs" and formally recognized "political and regulatory publics" (Lawton, McGuire & Rajwani, 2013, p.88). As a result, it necessarily overlooks the capacity for corporations to directly influence what are here referred to as the ethical and utilitarian dispositive modalities.

Similarly, and despite recent expansions that have sought to fend off prior critiques (cf. Frynas & Stephens, 2015; Whelan, 2012), the idea of political CSR (2.0) remains predominantly focused on relatively formalized means of (democratically) governing and regulating businesses (Scherer et al., 2016). Moreover – and as with the CPA literature once again, which suggests that corporations only become political when they show an interest in government affairs – political CSR writings generally suggest that corporations, or other organizations, only become political "by engaging in public deliberations, collective decisions, and the provision of public goods… in cases where public authorities are unable or unwilling to fulfil this role" (Scherer et al., 2016, p.276). The dispositive analysis framework, by way of contrast, shows that organizations are political from day one (with the apparatus dispositive modality in particular).

More positively, the article also extends the concern, perhaps most closely associated with Levy (Levy, 2008; Levy & Egan, 2003; Levy, Reinecke & Manning, 2016), to integrate the political CSR and CPA literatures with a number of other political perspectives. Along with neo-Gramscian (Böhm et al., 2008; Levy & Scully, 2007), and Deleuzian and Foucauldian (Fleming & Spicer, 2004; Martinez, 2010) positions, the dispositive analysis framework helps integrate the concern to account for corporate political relations with citizens in general, and not just formal or functional stakeholders (Whelan, Moon & Grant, 2013). Accordingly, the dispositive analysis

framework helps shine a light on a variety of understudied political aspects of organizations and corporations, and to further integrate such concerns with more mainstream writings.

Conclusion

As emphasized throughout the article, the dispositive analysis framework pays respect to complex political phenomena whilst reducing the complications that can curtail efforts at their description and explanation. Moreover, the article has proposed that the dispositive analysis framework helps explicate more informal political considerations that other more established perspectives tend to ignore or obscure due to their focus on formal political relations. The article thus suggests that the 3^2 dispositive analysis framework opens up, or at the very least can help reconceive, various lines of research.

For example, the application of the framework to two or more (ostensibly) similar organizations (e.g., two Internet Search companies) concerned with an (ostensibly) similar problematic (e.g., copyright, privacy, surveillance), could help reveal smaller or larger differences in their apparatus that help explain smaller or larger differences in their articulations and assemblages respectively. Likewise, the framework could be used to conduct longitudinal research and to describe and explain how organizations or industries do or do not change over time. The framework might also be deliberately disaggregated so as to provide a variety of more specific foci: such as a focus on law-articulations and ethical-articulations, ethical-articulations and ethical-assemblages, or ethical-assemblages and utilitarian-assemblages.

As the formal emptiness of these remarks are meant to indicate, the dispositive analysis framework is potentially applicable to any more or less complex and political organizational phenomena that interests a researcher. Moreover – and given that the framework's construction is explicitly informed by a willingness to abstract off and combine the various works it builds

upon – the above suggestion that the framework might be helpfully disaggregated in various ways, is due to the simple recognition that it would be hypocritical to suggest otherwise.

More concretely, the article's substantive subject matter and analytic framework combine to suggest that there is considerable merit in the business and society and Internet governance literatures increasingly interacting. Laura DeNardis (2013), for example, has recently suggested that matters of corporate responsibility are of importance to understanding key concerns of Internet governance, but makes no real reference to how this concept has been (extensively) conceived within the business and society literature. On the other hand, business and society scholars, who often focus on multi-stakeholder initiatives, and who have recently suggested that the Internet is an important domain of future study (Scherer et al., 2016), have generally failed to recognize the close connection between Internet governance and multi-stakeholderism (DeNardis, 2013). In short, the article suggests that both the business and society and Internet governance literatures will be better off by interacting with, rather existing in separation from, each other.

Finally, there is obvious scope for business and society and Internet governance researchers to normatively critique various matters that have been described and explained here. Whilst there is a continuing need for more normative work on such matters as property and ownership, the legitimacy of the DMCA, surveillance and privacy, or the legitimacy of Google's massive profits, it would arguably be more interesting for future work to critically explore the ways in which Google and others will, through their articulations and assemblages, potentially transform our ethical and utilitarian dispositive modalities at a much more general level. Such work would, of necessity, be expansive and speculative. As a result, it would also be riskier than more narrowly conceived and already actualized considerations. Nevertheless, more expansive and

speculative work can prove fun. Perhaps this is reason enough, then, to focus at least a little more of our attention on that which is yet to arise, and a little less on that which has already come.

Acknowledgements

I gratefully acknowledge the very helpful advice and encouragement provided by the three editors, Ron Deibert, Mikkel Flyverbom amd Dirk Matten, and the other attendees, Jean-Marie Chenou and Sarah Myers, at the special issue workshop at Copenhagen Business School in December 2015. I also gratefully acknowledge the work that the editors and three reviewers put into improving the article throughout the revise and resubmit process.

Financial Acknowledgement

This article was written whilst I was Marie-Curie Intra-European Fellow at CBS (Grant No. 624711). I very gratefully acknowledge the full financial support of the European Union during this period.

References

Alphabet (2016). Alphabet Inc. and Google Inc. Annual Review (United States Securities and Exchange Commission). Retrieved from https://abc.xyz/investor/pdf/20151231_alphabet_10K.pdf

Auletta, K. (2012, April 30). Get Rich U: There are no walls between Stanford and Silicon Valley. Should there be? The New Yorker. Retrieved from http://www.newyorker.com/magazine/2012/04/30/get-rich-u.

Badenhausen, K. (2014, May 11). Apple, Microsoft and Google are world's most valuable brands. Forbes. Retrieved from http://www.forbes.com/sites/kurtbadenhausen/2014/11/05/apple-microsoft-and-google-are-worlds-most-valuable-brands/.

Baldwin, P. (2014). *The copyright wars: Three centuries of trans-Atlantic battle*. Princeton, NJ: Princeton University Press.

BBC (2012, August 8). Oracle and Google are ordered to reveal paid bloggers. BBC technology. Retrieved from http://www.bbc.com/news/technology-19181172.

Benhamou, F. (2015). Fair use and fair Competition for digitized cultural goods: The case of eBooks. *Journal of Cultural Economy*, 39(2), 123-131.

Benkler, Y., Roberts, H., Faris, R., Solow-Niederman, A., & Etling, B. (2013). Social mobilization and the networked public sphere: Mapping the SOPA-PIPA debate. *Berkman Center Research Publication No. 2013-16*. Retrieved from http://cyber.law.harvard.edu/sites/cyber.law.harvard.edu/files/MediaCloud_Social_Mobilization_and_the_Networked_Public_Sphere_0.pdf

Bercovici, J. (2012, January 18). The story behind Rupert Murdoch's rants about Google and SOPA. Forbes/Business. Retrieved from http://www.forbes.com/sites/jeffbercovici/2012/01/18/the-story-behind-rupert-murdochs-rants-about-google-and-sopa/#23f96f083a03

Böhm, S., Spicer, A., & Fleming, P. (2008). Infra-political dimensions of resistance to international business: A neo-Gramscian approach. *Scandinavian Journal of Management*, 24(3), 169–182.

Bourdieu, P. (2001). *Masculine domination*. London, UK: Polity Press.

BPI (British Phonographic Industry) (2013, November 15). BPI sends 50 millionth request to Google to remove illegal content. British Phonographic Industry Media Centre. Retrieved from https://www.bpi.co.uk/media-centre/bpi-sends-50-millionth-request-to-google-to-remove-illegal-content.aspx.

Bright, P. (2015, November 26). Mozilla: We're not getting money from Google any more but we're doing fine. Ars Technica. Retrieved from http://arstechnica.com/information-technology/2015/11/mozilla-were-not-getting-money-from-google-any-more-but-were-doing-fine/.

Brin, S. (2009, October 9). A library to last forever. New York Times. Retrieved from http://www.nytimes.com/2009/10/09/opinion/09brin.html?_r=0.

Brin, S. (2012, April 15). Web freedom faces greatest threat ever, warns Google's Sergey Brin. The Guardian. Retrieved from http://www.theguardian.com/technology/2012/apr/15/web-freedom-threat-google-brin.

Bueno de Mesquita, B., Smith, A., Siverson, R. M., & Morrow, James D. (2003). *The logic of political surivival*. Cambridge, MA: The MIT Press.

Chandler, A. (2013). How law made Silicon Valley. *Emory Law Journal*, 63(3), 639-694.

Collier, S. J. 2009. Topologies of power: Foucault's analysis of political government beyond 'Governmentality'. *Theory, Culture & Society*, 26(6), 78-108.

de Certeau, M., (1986). *Heterologies: Discourse on the other*. Minneapolis, MN: University of Minnesota Press.

Deleuze, G., & Guattari, F. (1988). *A thousand plateaus: Capitalism and schizophrenia*. Minneapolis, MN: University of Minnesota Press.

Deleuze, G., & Guattari, F. (1994). *What is philosophy?* London, UK: Verso.

DeNardis, L. (2013). Multi-stakeholderism: The internet governance challenge to democracy. *Harvard International Review*, 34(4), 40-44.

Drummond, D. (2012, January 17). Don't censor the web. Google Official Blog. Retrieved from https://googleblog.blogspot.dk/2012/01/dont-censor-web.html.

Edwards, D. (2011). *I'm feeling lucky: The confessions of Google employee number 59*. London, UK: Allen Lane.

Fisk, C. L. (2003). Authors at work: The origins of the work-for-hire doctrine. *Yale Journal of Law and the Humanities*, 15(1), 1-70.

Fleming, P., & Spicer, A. (2004) "You can check out anytime, but you can never leave": Spatial boundaries in a high commitment work place. *Human Relations*, 57(1), 75–94.

Flyverbom, M. (2011). *The power of networks: Organizing the global politics of the Internet*. Cheltenham, UK: Edward Elgar.

Flyverbom, M. (2015). Sunlight in cyberspace? On transparency as a form of ordering. *European Journal of Social Theory*, (18)2, 168 – 184.

Flyverbom, M., Christensen, L. T., & Hansen, H. K. (2015). The transparency-power nexus: Observational and regularizing control. *Management Communication Quarterly*, 29(3), 385-410.

Foucault, M. (1965). *Madness and civilization: A history of insanity in the age of reason*. New York: Random House.

Foucault, M. (1977). *Discipline and punish: The birth of the prison*. New York: Random House.

Foucault, M. (1980). 'The Confession of the Flesh', in C. Gordon (ed.) *Power/Knowledge: Selected interviews and other writings* (pp. 194–228). New York: Pantheon Books.

Foucault, M. (1983). 'Preface' in Deleuze, G, & Guattari, F. *Anti-oedipus: Capitalism and schizophrenia* (pp. xi-xiv), London, UK: The Athlone Press.

Foucault, M. (1985). *The use of pleasure: Volume 2 of the history of sexuality*. New York: Vintage Books.

Foucault, M. (2007). *Security, territory, population: Lectures at the College de France 1977–1978*. New York: Palgrave Macmillan.

Foucault, M. (2008). *The birth of biopolitics: Lectures at the Collège de France 1978–1979*. New York: Palgrave Macmillan.

Frynas, J. G., & Stephens, S. (2015). Political corporate social responsibility: Reviewing theories and setting new agendas. *International Journal of Management Reviews*, 17(4), 483-509.

Gershman, J. (2015, October 16). Appeals court backs Google in copyright lawsuit over book scanning. Wall Street Journal: Law Blog. Retrieved from http://blogs.wsj.com/law/2015/10/16/appeals-court-backs-google-in-copyright-lawsuit-over-book-scanning/.

Google (2007, October 15). Latest content ID tool for YouTube. Google Official Blog. Retrieved from https://googleblog.blogspot.dk/2007/10/latest-content-id-tool-for-youtube.html.

Google (2012, August 10). An update to our search algorithms. Google Inside Search Blog. Retrieved from https://search.googleblog.com/2012/08/an-update-to-our-search-algorithms.html.

Google, (2014a). How Google fights piracy. Retrieved from https://drive.google.com/file/d/0BwxyRPFduTN2NmdYdGdJQnFTeTA/view?pref=2&pli=1.

Google. (2016a). Our history in depth. Website. Retrieved from http://www.google.com/about/company/history/.

Google. (2016b). Our philosophy: Ten things we know to be true. Website. Retrieved from http://www.google.co.uk/intl/en/corporate/tenthings.html.

Google. (2016c). Google streetview. Website. Retrieved from https://www.google.com/maps/streetview/.

Gramsci, A. (1971). *Selections from prison notebooks*. New York: International Publishers.

GTR (Google Transparency Report). 2016. Requests to remove content due to copyright. Website. Retrieved from https://www.google.com/transparencyreport/removals/copyright/?hl=en

Habermas, J. (1996). *Between facts and norms: Contributions to a discourse theory of law and democracy*. Cambridge, MA: The MIT Press.

Höelzle, U. (2012, January, 2012). The Google gospel of speed. Think with Google – United States. Retrieved from https://www.thinkwithgoogle.com/articles/the-google-gospel-of-speed-urs-hoelzle.html.

Hofmann, J. (2013). Information governance in transition: lessons to be learned from Google Books. In I. Brown (Ed.), *Research Handbook on Governance of the Internet* (pp. 71-96). Cheltenham, UK: Edward Elgar.

Jäger, S. (2001). Discourse and knowledge: theoretical and methodological aspects of a critical discourse and dispositive analysis. In R. Wodak & M. Meyer (Eds.), *Methods of Critical Discourse Analysis* (pp. 32-62). London, UK: Sage.

Jakobsson, P., & Stiernstedt, F. (2015, July 5). Pirates of Silicon Valley: State of exception and dispossession in Web 2.0. *First Monday*, 15(7).

Johnson, B. (2010, February 18). Wikipedia wins the Google lottery – but why? The Guardian. Retrieved from http://www.theguardian.com/technology/blog/2010/feb/18/wikipedia-google.

Kalia, A. (2015, November 19). YouTube backs its users with new fair use protection program. Electronic Frontier Foundation Deeplinks Blog. Retrieved from https://www.eff.org/deeplinks/2015/11/youtube-backs-its-users-new-fair-use-protection-program.

Kerr, D. (2012, January 18). Millions sign Google's anti-SOPA petition. CNET. Retrieved from http://www.cnet.com/news/millions-sign-googles-anti-sopa-petition/.

Laclau, E., & Mouffe, C. (1985). *Hegemony and socialist strategy: Towards a radical democratic politics*. London, UK: Verso.

Lawton, T., McGuire, S., & Rajwani, T. (2013). Corporate political activity: a literature review and research agenda. *International Journal of Management Reviews*, 15(1), 86–105.

Lashinsky, A. (2008, January 29). Google wins again. Fortune. Retrieved from http://archive.fortune.com/2008/01/18/news/companies/google.fortune/index.htm.

Lea, D. (2004). The imperfect nature of corporate responsibilities to stakeholders. *Business Ethics Quarterly*, 14(2): 201-17.

Legg, S. (2011) 'Assemblage/Apparatus: Using Deleuze and Foucault', *Area*, 43(2): 128–33.

Lessig, L. (2006). *Code Version 2.0*. New York: Basic Books.

Lessig, L. (2008). *Remix: Making art and commerce thrive in the hybrid economy*. London, UK: Bloomsbury.

Lessig, L. (2014, June 27). On the curious case of Brett Glass. Lessig Blog, v2. Retrieved from http://lessig.tumblr.com/post/90048838607/on-the-curious-case-of-brett-glass.

Levy, D. L. (2008). Political contestation in global production networks. *Academy of Management Review*, 33(4), 943-963.

Levy, D., & Egan, D. (2003). A neo-Gramscian approach to corporate political strategy: Conflict and accommodation in the climate change negotiations. *Journal of Management Studies*, 40(4): 803-830.

Levy, D., & Scully, M. (2007). The institutional entrepreneur as modern prince: The strategic face of power in contested fields. *Organization Studies*, 28(7), 971-991.

Levy, D., Reinecke, J., & Manning, S. (2016). The political dynamics of sustainable coffee: Contested value regimes and the transformation of sustainability. *Journal of Management Studies*, 53(3), 364–401.

Levy, S. (2010a). *Hackers: Heroes of the computer revolution*. Sebastopol, CA.: O'Reilly.

Levy, S. (2010b, April 19). Geek power: Steven Levy revisits tech titans, hackers, idealists. Wired. Retrieved from http://www.wired.com/2010/04/ff_hackers/

Levy, S. (2011). *In the plex: How Google thinks, works, and shapes our lives*. New York: Simon & Schuster.

Loudon, M. (2014). 'Research in the wild' in online communities: Reddit's resistance to SOPA. *First Monday*, 19 (2-3).

MacKinnon, R. (2011, November 15). Stop the great firewall of America. The New York Times. Retrieved from http://www.nytimes.com/2011/11/16/opinion/firewall-law-could-infringe-on-free-speech.html?_r=0.

McWane, S. H. 2001. Hollywood vs. Silicon Valley: DeCSS Down, Napster to Go? ***CommLaw Conspectus***, 9(1), 87-109.

Martinez, D. E. (2010). Beyond disciplinary enclosures: Management control in the society of control. *Critical Perspectives on Accounting*, 22(2), 200–11.

Mayer-Schönberger, V. (2009). *Delete: The virtue of forgetting in the digital age*. Princeton, NJ: Princeton University Press.

Metz, C. (2013, November 14). 8 years later, Google's book scanning crusade ruled 'fair use'. Wired. Retrieved from http://www.wired.com/2013/11/google-2/.

Miller, J. (1994). *The passion of Michel Foucault*. London, UK: Flamingo.

NAF (New America Foundation) (2016). Support New America. Website. Retrieved from https://www.newamerica.org/contribute/.

Netburn, D. (2012, January 18). Google says 4.5 million people signed anti-SOPA petition today. Los Angeles Times. Retrieved from http://latimesblogs.latimes.com/technology/2012/01/google-anti-sopa-petition.html.

O'Neill, O. (1989). *Constructions of reason: Explorations of Kant's practical philosophy*. Cambridge, UK: Cambridge University Press.

O'Neill, O. (1996). *Towards justice and virtue: A constructive account of practical reasoning*. Cambridge, UK: Cambridge University Press.

Page, L. (2015, August 10). Google announces plans for new operating structure. Alphabet Investor Relations. Retrieved from https://abc.xyz/investor/founders-letters/2015/index.html.

Pasquale, F. (2010). Beyond innovation and competition: The need for qualified transparency in internet intermediaries. *Northwestern University Law Review*, 104(1), 105-173.

Pasquale, F. (2012, January 18). Digital culture wars: SOPA and the fight for control of online content. Boston Review. Retrieved from https://bostonreview.net/frank-pasquale-sopa-pipa-free-internet.

Pløger, J. **(**2008). Foucault's dispositif and the city. *Planning Theory*, 7(1), 51–70.

Quigley, J. M., & Huffman, D. (2002). The role of the university in attracting high tech entrepreneurship: A Silicon Valley tale. *The Annals of Regional Science*, 36, 403-419.

Raffnsøe, S., Gudmand-Høyer, M., and Thaning, M. S. (2016). Foucault's dispositive: The perspicacity of dispositive analytics in organizational research. *Organization*, 23(2), 272-298.

Saxenian, A. (1994). *Regional advantage: Culture and competition in Silicon Valley and Route 128*. Cambridge, MA: Harvard University Press.

Scherer, A. G., Rasche, A., Palazzo, G., & Spicer, A. (2016). Managing for political corporate social responsibility: New challenges and directions for PCSR 2.0. *Journal of Management Studies*, 53(3), 273-298.

Seltzer, W. (2010). Free speech unmoored in copyright's safe harbour: Chilling effects of the DMCA on the First Amendment. *Harvard Journal of Law & Technology*, 24(1), 171-232.

SLS (Stanford Law School) (2006, November 28). Google Inc. pledges $2M to Standford Law School Center for Internet and Society. SLS Press. Retrieved from https://law.stanford.edu/press/google-inc-pledges-2m-to-stanford-law-school-center-for-internet-and-society/.

Smith, D., & Protevi, J. (2015). Gilles Deleuze. In E. N. Zalta (ed.), *The Stanford Encyclopedia of Philosophy*, Winter 2015 Edition. Retrieved from, https://plato.stanford.edu/archives/win2015/entries/deleuze/.

SN (Stanford News) (2012, June 6). New members inducted into Stanford Inventor Hall of fame. Stanford News. Retrieved from http://news.stanford.edu/thedish/2012/06/06/new-members-inducted-into-stanford-inventor-hall-of-fame/.

Sørensen, B. M. (2005). Immaculate defecation: Gilles Deleuze and Félix Guattari in organization theory. *Sociological Review*, 53(Supplement 1), 120-133.

Spangler, T. (2014, March 18). Why the Viacom-YouTube case wasn't a giant waste of time. *Variety*. Retrieved from http://variety.com/2014/biz/news/why-the-viacom-youtube-case-wasnt-a-giant-waste-of-time-1201137664/.

Stross, R. (2008). *Planet Google: How one company is transforming our lives*. New York, NY: Free Press.

Tan, J., & Tan, A. E. 2012. Business under threat, technology under attack, ethics under fire: The experience of Google in China. *Journal of Business Ethics*, 110(4), 469-479.

Turner, F. (2009). Burning Man at Google: a cultural infrastructure for new media production. *New Media & Society*, 11(1 & 2), 73-94.

Vaidhyanathan, S. (2011). The Googlization of everything (and why we should worry). Berkeley, CA: University of California Press.

Välikangas, A., & Seeck, H. (2011). Exploring the Foucauldian interpretation of power and subject in organizations. *Journal of Management and Organization*, 17(6), 812-827.

Vallentin, S. & Murillo, D. (2012). Governmentality and the politics of CSR. *Organization*, 19(6), 825-843.

Van der Sar, E. (2016, March 6). Google asked to remove 100,000 'pirate links' every hour. Torrent Freak. Retrieved from https://torrentfreak.com/google-asked-to-remove-100000-pirate-links-every-hour-160306/.

Vise, D. A. (2008). *The Google Story*. London, UK: Pan Books.

von Lohmann, F. (2015, November 19). A step toward protecting fair use on YouTube. *Google Public Policy Blog*. Retrieved from http://googlepublicpolicy.blogspot.dk/2015_11_01_archive.html

Whelan, G. (2012). The political perspective of corporate social responsibility: A critical research agenda. *Business Ethics Quarterly*, 22(4), 709-737.

Whelan, G. Moon, J., & Grant, B. (2013). Corporations and citizenship arenas in the age of social media. *Journal of Business Ethics*, 118(4), 777-790.

White, H. (1994). Foucault's discourse: The historiography of anti-humanism. In B. Smart (ed.), *Michel Foucault: Critical Assessments, vol. 3* (pp. 48-76). London, UK: Routledge.

Wikipedia. (2016). Eric Schmidt. Website. Retrieved from https://en.wikipedia.org/wiki/Eric_Schmidt#cite_note-43

YouTube (2016a). How content ID works. YouTube Video. Retrieved from https://support.google.com/youtube/answer/2797370?p=cid_what_is&rd=1.

YouTube (2016b). YouTube for Creators. Website. Retrieved from https://www.youtube.com/yt/creators/?noapp=1.

YouTube (2016c). YouTube Creators Academy. Website. Retrieved from https://creatoracademy.withgoogle.com/page/education?hl=en.

YouTube (2016d). YouTube Creators Community. Website. Retrieved from https://plus.google.com/communities/117250843496356854304.

TABLE 1: THE DISPOSITIVE ANALYSIS FRAMEWORK

		DISPOSITIVE MODALITIES		
		Law	**Ethical**	**Utilitarian**
DISPOSITIVE PERSPECTIVES	**Apparatus**	Historical rules that enable and constrain phenomena	Historical cultural norms that enable and constrain phenomena	Historical 'conduct of conduct' considerations and cost-benefit calculations associated with the 'natural' popular good that enable and constrain phenomena
	Articulation	Inter-personal and inter-organizational relations that seek to influence rules	Inter-personal and inter-organizational relations that seek to influence cultural norms	Inter-personal and inter-organizational relations that seek to shape 'conduct of conduct' considerations and 'cost-benefit' calculations associated with the 'natural' popular good
	Assemblage	Human and non-human constructs that make new rules possible	Human and non-human constructs that make new cultural norms possible	Human and non-human constructs that can alter the 'natural' popular good in new ways, and that can also make new 'conduct of conduct' considerations and cost-benefit calculations possible

TABLE 2: THE GOOGLE-COPYRIGHT RELATIONSHIP AS EXPLICATED BY THE DISPOSITIVE ANALYSIS FRAMEWORK

		DISPOSITIVE MODALITIES		
		Law	**Ethical**	**Utilitarian**
DISPOSITIVE PERSPECTIVES	**Apparatus**	Title II of the Digital Millenium Copyright Act (DMCA) - the Online Copyright Infringement Liability Limitation Act; Fair Use	Hacker, Academic and Silicon Valley Culture; American Pragmatism	Digitization and reduced costs of producing, accessing and storing information
	Articulation	Links to Electronic Frontier Foundation and New America Foundation (who opposed SOPA/PIPA); Legal support for YouTube users who face Fair Use trials	Significant links to Stanford University, and to the Centre for Internet Studies (CIS) in particular. Lessig's *Remix,* writen during his time at CIS, advances Read/Write ethic, and uses Youtube as an example of commercial-sharing hybrid economy	Self-Censorship of Google logo on January 18, 2012; 4.5 million sign Google's anti-SOPA/PIPA petition
	Assemblage	Enginered Copyright Takedown Request Analysis and Compliance (in terms of the DMCA)	Anti-piracy Algorithm; Content-ID system to automatically register and check unauthorized use of copyrighted works; YouTube Creators Hub	The Gospel of Speed; Site-Speed Analytic Tools; Open-Source Site Speed Development Tools