



## Reading Group

### Evolution of Conceptions of the Corporate Form

convened by Tim Connor

March – November 2023

#### 1. Extracts from Current Company Law Textbooks (15 & 29 Mar)

Wednesday 15 March (1pm–2pm)

'Theoretical Perspectives' in Harris, Jason, *Company Law: Theories, Principles and Applications* (LexisNexis, 2nd ed, 2015), pp. 16-34 (18 pages)

Wednesday 29 March (2pm–3pm)

'Chapter 2: Corporate Law Theories and Debates' in Bottomley et. al., *Contemporary Australian Corporate Law* (Cambridge University Press, 2nd ed, 2020), pp. 44-66 (22 pages)

#### 2. Savigny (26 April, 10 & 24 May)

Wednesday 26 April (1pm–2pm)

Frederick Hallis' discussion of Friedrich Carl von Savigny's conceptualisation of corporations in Hallis, *Corporate Personality: A Study in Jurisprudence* (Oxford University Press, 1930) pp. 3-15 PLUS 1<sup>st</sup> reading from vol 2 of Savigny's *System of the Modern Roman Law* (1840),<sup>1</sup> pp. 176-182, 204-208 (25 pages in total)

Wednesday 10 May (1pm–2pm)

2<sup>nd</sup> reading from vol 2 of Savigny's *System of the Modern Roman Law* (1840),<sup>2</sup> pp. 208-222, 231-244 (28 pages)

Wednesday 24 May (1pm–2pm)

3<sup>rd</sup> reading from vol 2 of Savigny's *System of the Modern Roman Law* (1840),<sup>3</sup> pp. 245-267 (23 pages)

#### 3. Jhering (7 June, 28 June, 12 July)

Wednesday 7 June (1pm–2pm)

Seagle, William 'Rudolf von Jhering: Or Law as a Means to an End' (1945) 13 *University of Chicago Law Review* 1 (19 pages)

Wednesday 28 June (1pm–2pm)

Frederick Hallis' discussion of von Jhering's conceptualisation of corporations in Hallis, *Corporate Personality: A Study in Jurisprudence* (Oxford University Press, 1930) pp. 166-185 (19 pages)

---

<sup>1</sup> Friedrich Karl von Savigny, *Jural Relations: Or, The Roman Law of Persons as Subjects of Jural Relations: Being a Translation of the Second Book of Savigny's System of Modern Roman Law*, tr William Henry Rattigan (Hyperion Press, 1884). First published in German in 1840 as vol. 2 of *System des Heutigen Römischen Rechts*.

<sup>2</sup> Ibid.

<sup>3</sup> Ibid.

Wednesday 12 July (1pm–2pm)

Extracts from von Jhering's 1883 work *Der Zweck im Recht*, as translated by Isaac Husik as *Law as a Means to an End*,<sup>4</sup> pp. 157-175; 238-241 (21 pages)

#### 4. Gierke (26 July, 9 & 23 Aug, 6 Sept)

Wednesday 26 July (1pm–2pm)

1st reading from Otto von Gierke's 1889 lecture 'The Social Role of Private Law' (2018) 19 *German Law Journal* 4–pp. i-ix, 2-15 in the SSRN version (16 pages in English, including intro by the translator, Ewan McGaughey, plus 7 pages in German).

Wednesday 9 August (1pm–2pm)

2nd reading 'The Social Role of Private Law', pp. 16-46 in the SSRN version (16 pages in English, plus 16 pages in German).

Wednesday 23 August (1pm–2pm)

Extract from Gierke's 1902 work 'The Nature of Human Associations' (1935) *University of Wisconsin Studies in the Social Sciences and History* 25, pp. 139-157 (19 pages)

Wednesday 6 September (1pm–2pm)

Gierke, 'Chapter XIX: Economic Fellowships Based on Personality: The Producers' Co-Operative' [Produktivgenossenschaft] in *The Legal and Moral History of the German Fellowship* 1868 (15 pages)

#### 5. Maitland & the Transplantation of Gierke's Ideas to the UK & the US (20 Sep, 4 & 18 Oct, 1 Nov)

Wednesday 20 September (1pm–2pm)

1<sup>st</sup> reading from Ron Harris, 'The Transplantation of The Legal Discourse on Corporate Personality Theories: From German Codification to British Legal Pluralism and American Big Business' (2006) 63 *Washington and Lee Law Review* 1421, 1422–1444 (23 pages)

Wednesday 4 October (1pm–2pm)

2nd reading from Harris' 'Transplantation' article, pp. 1445-1455, 1460-1478 (28 pages)

Wednesday 18 October (1pm–2pm)

Frederic William Maitland, 'Moral Personality and Legal Personality' (1905) 6 *Journal of the Society of Comparative Legislation* 2, pp. 192-200 PLUS 1<sup>st</sup> reading from Maitland's 'Introduction' to his translation of Gierke's *Political Theories of the Middle Ages* (Cambridge University Press 1900) pp. vii-xxi (24 pages in total)

Wednesday 1 November (1pm–2pm)

2<sup>nd</sup> reading from Maitland's 'Introduction' to his translation of Gierke's *Political Theories of the Middle Ages* (Cambridge University Press 1900) xxii-xlv (24 pages)

---

<sup>4</sup> Rudolf von Jhering, *Law as a Means to an End*, tr Isaac Husik (The Boston Book Company, 1913).