



SCHOOL OF LAW RESEARCH SEMINAR SERIES
AUTUMN 2016

Capitalism: A Crime Story

HARRY GLASBEEK & PROFESSOR MICHAEL HEAD

DATE

Wednesday 30 March 2016

TIME

11.30am - 12.30pm

VENUE

Moot Court, Building EO, Parramatta

LUNCH PROVIDED

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INQUIRIES

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ABSTRACT

We are angered by tax minimization by means of corporate finagling. It seems to betray the spirit of our legal system and the polity it supports. Here it is argued that it is but one manifestation of a larger phenomenon. The ordinary and natural practices of capitalism conflict with the spirit of liberal law as it is conventionally understood. If we insisted on adherence by capitalists to that spirit much of their conduct would be characterized as criminal in nature, that is, as offending our most important values and norms. The legitimacy of capitalism would be on the table. The presentation will aim to show that it is law itself that ensures that non-adherence to its spirit is white-washed. Law twists and turns to such an extent that anti-social, illiberal daily practices become normalized and acceptable. Illustrations will be provided. If this argument makes any sense it will shed light on why so many corporations, the primary tools used by capitalism to do its thing, appear to us, trusting believers in the asserted spirit of liberal law, to be socially irresponsible and ethically insensitive. It will help us see that the many earnest and thoughtful reforms of the tool, the corporation, are unlikely to have much bite until the regime the tool serves is confronted head-on. It will go some way towards explaining why we find it so hard to be effective when regulating corporate conduct and enforcing those minimal regulations we do enact.

BIOGRAPHY

PROFESSOR HARRY GLASBEEK B.A., LL.B. (Hons.) University of Melbourne, JD (Chicago), Professor Emeritus and Senior Scholar, Osgoode Hall Law School, York University. Professor Glasbeek has taught at the Universities of Melbourne and Monash in Australia, and the University of Western Ontario in Canada. From 1974 to 1996 he was a Professor at Osgoode Hall Law School. After retirement, until 2013, he spent 6 months of the year as a visitor and Adjunct Professor at Victoria University. He has written books on Australian labour law and Australian evidence law, on Canadian labour law and Canadian evidence law, as well as more than 130 articles on tort law, labour law, Bills of Rights, legal education, corporate law, corporate criminality, corporate social responsibility and occupational health and safety. His last book, the tenth, was *Wealth by Stealth: Corporate Crime, Corporate Law, and the Perversion of Democracy*, (Toronto: Between the Lines, 2003). His forthcoming book is *Shareholders: A Privileged Class*.

PROFESSOR MICHAEL HEAD teaches in the Law School at Western Sydney University and is the author of nine books, focussing on legal theory, state repression and public law.