

Taking corporate codes seriously: towards private law enforcement of voluntary corporate social responsibility codes

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Propositions relating to the dissertation

“Taking Corporate Codes Seriously: Towards Private Law Enforcement of Voluntary Corporate Social Responsibility Codes”

Anna Beckers

1. Codes of conduct created by private actors are of considerable importance for the regulation of substantive corporate social responsibilities, but these codes require recognition by national law in order to be successful in the long run.
2. Due to the character of corporate codes as serious unilateral declarations that aim to function as political regulation in the absence of a global government, positive enforcement is the appropriate way forward.
3. Attempts to develop solutions for the enforcement of corporate codes should start with the objective of finding functionally equivalent concepts in different national legal systems, although the success of such an attempt is ultimately highly uncertain considering remaining path-dependencies of national laws.
4. Although national private law does not yet contain all the concepts that are necessary to effectuate corporate codes, the frequently demonstrated capability of courts to reconcile the law with changes in society gives ample hope that a change to facilitate the proposed private law enforcement of corporate codes is likely to be initiated.
5. When researching private law in a European or global context, it is indispensable to take into consideration the existing national institutional path-dependencies as evidenced by the *Varieties of Capitalism* approach; these path-dependencies will in the future become rather more than less important for comparative legal research.
6. The methodology of comparative sociological jurisprudence remains an impossible necessity, but every research must start with the objective to pursue the impossible.
7. CSR is a concept that means very different things to different people and its understanding differs fundamentally from one discipline to another, therefore, further exchange between the different disciplines that work with this concept is needed and conceptual discussions are crucial.
8. The legal policy proposals that represent the core research results can be valorised by means of framing them as a first innovative step towards conceptualising effective legal obligations for companies concerning their social role in global society, in which due respect is paid to the productive self-organisation of the private sphere as well as the role of national law to decide ultimately about the content of legal obligations.
9. PhD researchers can be inspired by Marcel Proust’s “In search of lost time” when starting to write their book, because it contains the most beautiful sentence that a book has ever started with (“For a long time I would go to bed early”).
10. A PhD is curiosity before starting it, a regrettable choice while writing it, but might end up being the first small step towards getting closer to understanding the world formula when completing it.