

5 yeares past, the Cloath hath had as good a vent as before, and our Nation better welcome to the people.”<sup>104</sup> The issues raised in relation to the Merchant Adventurers in 1604, encompassing the rights of Englishmen overseas, the government of trade, and the powers of merchants in relation to the state, framed much of the debate on corporations for the century to come. At least one high profile critic of the Company believed that “what p[re]tences soev[er] the Marchantes make to drawe themselves into companyes, they ev[er] have in yt their privat ends, and all those take their ground from the Marchantes adventurers.”<sup>105</sup> The lesson was clear: “yt is not Convenient that Marchantes have such power passed ov[er] unto them, as that thereby they may govern the estate of thinges both at home and abroad as they list, and they not to be Curbed therein by the State.”

The Merchant Adventurers had to contend with such arguments until 1689, when the Company lost most of its privileges.<sup>106</sup> In the meantime, of course, it had ceased to be the most powerful or even controversial merchant company, eclipsed by the great trans-national corporations. But the controversies associated with the Merchant Adventurers continued to shape debates on trading companies, and it would be interesting to consider how organisations like the East India and Royal Africa Companies drew on the experiences of their forbearer in deflecting charges of monopoly. Certainly the merchant company had a history in England that long predated the Elizabethan wave of incorporations that gave rise to England’s first trans-continental companies. Much of the early modern debate about the relationship between states and merchants emerged in this setting. A “fully realised global history of corporate constitutionalism” will surely find room for the Merchant Adventurers, and the Anglo-European context in which they operated.

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## **Parasites, Persons, and Princes: Evolutionary Biology of the Corporate Constitution**

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This welcome call for a constitutional approach to the history of the seventeenth-century colonial and commercial company raises any number of important provocations for early modern political, legal, economic, imperial, and global history, as well, as the authors are quite aware, having great potential to explain the origins of

the bewildering power of multinational corporations in our postmodern one as well. Yet, if Pettigrew's article persuades that the history of all hitherto existing societies is to be a history of corporations, the spectre that continues to haunt it is of course that of Thomas Hobbes. His ubiquitously cited antipathy towards corporations—quoted here, as well as in an embarrassingly frequent number of places, including my own work—as “lesser Common-wealths in the bowels of a greater, like wormes in the entrayles of a naturall man” belies a far more complex and perhaps contradictory role for the corporation in early modern political and imperial thought. The parasitic corporation found in chapter 29—by which he quite specifically meant merely the large, numerous, and well-armed boroughs and cities that had been so recently troubling to the English monarch—comes at the end of a long list of even far more life-threatening intestinal diseases of the body politic, such as mixed government and incomplete sovereignty.<sup>107</sup> Elsewhere, whether understood as a “political system” or a *persona civilis*, the corporation appears to be integrally part of the very musculature of the body politic; even large overseas trading corporations, while suspect and perhaps noxious as “double monopolies” at home and abroad, were not inherently destined to devolve into the “Wens, Biles, and Apostemes” of the commonwealth.<sup>108</sup>

I raise Hobbes neither to praise nor bury him, and certainly not to extol any virtues of a history of the corporation that retreats from the capacious call found here into a more familiar canon of political thought. However, it seems not a bad place to start, given the charge to pursue an “anatomy of the corporate constitution,” packed as it is with metaphors about the composition and health of the body and implications for understanding early modern institutional power. To *incorporate*, to make into a body, was to *impersonate*, in both senses of the word: that is, to make into a person, but one that is in some sense only comes into being through mimicry, language, performance, and the law.<sup>109</sup> Yet, if diagnosing the corporate body politic requires some form of gross anatomy, it also calls for dissection of its biology on every level, from the biochemical and molecular to the morphological, ecological, ethological, and of course, evolutionary. As Hobbes recognised, there was an “unspeakable diversitie” of corporations, in number, kind, and circumstances; the question of a corporate biology would be, in a sense, to figure out how much one could generalise or systematise such a multiplicity, over time and place. Or, as the early twentieth-century legal theorist Frederic Maitland put it, “there seems to be a genus of which State and Corporation are species,” and we were “a little behind the age of Darwin if between the State and all other groups we fix an immeasurable gulf and ask ourselves no question about the origin of species.”<sup>110</sup>

Certainly, at the core—and quite famously on the cover—of Hobbes's *Leviathan* is the very image of a corporation: the “artificial man” of the state, many reduced into one under a single head, a legal person and common government. That corporations were themselves commonwealths only serves to remind us that Hobbes's “greater” commonwealth, the Sovereign himself, was a corporation.<sup>111</sup> In England, this became articulated in the legal theory of the “corporation sole,” or what perhaps

more famously has come to be known as the “King’s two bodies”: the one natural, mortal, and finite; the other, political, perpetual, and imperishable.<sup>112</sup> Such a corporation was less a product of “jurisdictional evasiveness” than a function of the evolution of the notion of governance and jurisdiction itself, centuries of conceptualizing legally fictitious persons which gave birth to both the power of corporate associations as well as unleashing a conception of the sovereign state as transcendent, abstract, and impersonal—as well, as of course, a body formed immemorially by compact.<sup>113</sup>

Like his many contemporaries, Hobbes was deeply familiar with the corporation, both through his own involvement with concerns like the Virginia and Somers Island Companies<sup>114</sup> as well as, far more influentially, the palpable legacy in both theory and practice of medieval jurists’ constant and extensive debates over the concept and nature of the *persona ficta*, in the rights of universities, bishoprics, cities, guilds, and ultimately commercial and colonial combines with relation both to monarchs, emperors, and the body the Church and the *corpus christi* itself.<sup>115</sup> This of course raises the question: if the only thing that truly distinguished the species *civitas hobbesiana* from other *personae civiles* is what Maitland dismissed as simply a “jurist’s theory,” then it remains to be resolved whether the corporation was a fundamentally distinct, rival, or generically similar concept to the state. The possibilities are not mutually exclusive. Perhaps it may be that the corporation did not develop a “long history of jurisdictional evasiveness” as a means to survive so much as the national state, with its similar biology but potentially different sociology, may represent simply some sort of unique corporate genetic mutation.

Thus, the history of the corporate constitution seems to be one of simultaneous convergence and divergence with the nation. Pettigrew’s article quite rightly also points to the global and transnational character of the commercial and colonial corporation specifically. We are pointed particularly to points of divergence, which are certainly persuasive—such as the greater capacities companies had to deal with the diversity of sovereignty and religion found in the extra-European world; it certainly offers a potentially deep structural answer to the puzzling question as to why Bombay became a cornerstone of the modern British Empire while Tangier burned. But, here one might turn from the divergence of state and company to consider their connections. Are their different paths to be found in the corporate constitution itself? To answer this, one might also need to consider how and why dissenters flourished in proprietorship Pennsylvania and Catholics in Maryland as much as Presbyterians did in Massachusetts, and the successes and failures all had in dealing with the several indigenous forms of sovereignty found within and without their borders. If we take Charles I at his word that the Crown believed corporations such as Virginia, Bermuda, and New England suited for trade but not “fit or safe to communicate the ordering of State affairs,”<sup>116</sup> then one must consider whether the proprietorial forms that followed were really any less categorically influential on the colonial constitution than the corporation.<sup>117</sup> And, of course, while corporations may seem jurisdictionally evasive, they would seem far less so when measured up against the host of pirates,

mercenaries, merchants, and others that constantly challenged the authority of both state and company alike.<sup>118</sup>

These are simply a few, hopefully open-ended questions, inspired by what is clearly an important and timely call for a wide-ranging research agenda on the impact of the early modern corporation on constitutional thought. Such work both picks up on a great inertia of current research and pushes it in new, exciting, and perhaps as-yet-unknown directions. It suggests a way to think about corporations—from the East India Company to the Royal College of Physicians—within the language of constitutionalism, while continuing to push us beyond singular, teleological notions of territorially-bounded state sovereignty. A gross anatomy of the corporation is one, like surgery itself, that is both an art and a science, comprehending critical patterns while also remaining as complex, varied, and unpredictable as the body itself.

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## Notes

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- 1 Noam Chomsky, “Domestic Constituencies,” in *Z Magazine*, (May, 1998) <[http://chomsky.info/199805\\_/](http://chomsky.info/199805_/)>; George Osborne, address to the Institute of Directors quoted in *The Guardian*, (3 October, 2014). <<http://www.theguardian.com/politics/2014/oct/03/george-osborne-charities-business-chancellor>>
- 2 On the political roots of the early modern corporate body see especially Halliday, *Dismembering the Body Politic: Partisan Politics in England's Towns*; Withington,

- “Public Discourse, Corporate Citizenship, and State Formation in Early Modern England”; Stern, *The Company State*.
- 3 See Carr, *Select Charters of Trading Companies*, p. xii.
  - 4 Another “critical phase” occurred between circa 1780 and 1840 when the functions and behavior of corporate vehicles were transformed as they became much more detached from the state.
  - 5 Coke, *The second part of the Institutes of the lawes of England containing the exposition of many ancient, and other statutes*.
  - 6 Withington, *Society in Early Modern England*, 206; Halliday, *Dismembering the Body Politic*. On the historiographical move from “state-building” to “state formation” see Braddick, *State Formation in Early Modern England*; Hindle, *The State and Social Change in Early Modern England*.
  - 7 Hobbes, *Leviathan, or The Matter, Forme, and Power of a Common Wealth, Ecclesiastical and Civil*, pt. 2, ch. 29, 174.
  - 8 Davenant, “Reflections upon the Constitution and Management of the African Trade,” 332.
  - 9 This tally of corporate constitutions includes all of the charters issued to the following corporations across the seventeenth century: African (7), East India (13), Hudson’s Bay (1), Levant (6), Massachusetts Bay (2), Russia (6), Virginia (4), New England (2), and other North American Trading Companies (2).
  - 10 Davis, *Corporations: A Study of the Origin and Development of Great Business Combinations and of their Relation to the Authority of the State*, vol. 1, 194.
  - 11 Stein, “Tangier in the Restoration Empire.”
  - 12 Papillon, *The East-India-Trade a most Profitable Trade to the Kingdom*, 18.
  - 13 See Sen, *Empire of Free Trade: The East India Company and the Making of the Colonial Marketplace*; Stern, “A Politie of Civill & Military Power,” 263–7.
  - 14 Boogert, *The Capitulations and the Ottoman Legal System: Qadis, Consuls and Beratlis in the 18th Century*; Eldem, “Capitulations and Western Trade,” 283–335.
  - 15 On this point, see Boogert, *The Capitulations*, 25–6.
  - 16 “Sir Sackville Crowe, complainant v. The Governor and Merchants of England trading to the Levant Seas, defendants: brief,” c. 1661, TNA, SP 105/109, f. 214v.
  - 17 “Narrative of some of the Levant Companies Proceedings with his Late Majesties & Your Crowne,” TNA, SP 97/19, f. 266r-v.
  - 18 Benton and Ross, “Empires in Legal Pluralism: Jurisdiction, Sovereignty, and Political Imagination in the Early Modern World,” 9.
  - 19 Stern, “A Politie of Civill & Military Power,” 253.
  - 20 British Library, IOR E/3/90 1683 May 23<sup>rd</sup> London to Capt Leon Brown [Capt of the ship transporting above letters to India] (p. 165–66).
  - 21 Orr, “A Prospectus for a ‘New’ Constitutional History of Early Modern England,” 433.
  - 22 Benton, “The Legal Regime of the South Atlantic World”; Benton, *Law and Colonial Cultures: Legal Regimes and World History*, 49–59.
  - 23 I deploy “transnational” in much the same way as David Armitage in *Foundations of Modern International Thought*, 18.
  - 24 See Stern, “A Politie of Civill & Military Power,” 283.
  - 25 For the very different concept of “business constitutionalism” applied to the consistent ways in which the metropolitan managers of the East India Company sought to manage the Asian trade see Chaudhuri, *The Trading World of Asia*, ch. 2.
  - 26 Halliday, *Dismembering the Body Politic*, ch. 2.
  - 27 The constitutional category I define here is therefore meant to accommodate the differing perceptions of the corporation that have included understanding corporations as “sovereign” (Philip J Stern), as “franchises” (Paul Halliday), and as “societies” Philip Withington.

- 28 In this sense my notion of corporate constitutionalism offers some reflections on the processes that led to the formation ultimately of what Regina Grafe and Alejandra Irigoin have termed a “stakeholder empire.” See Grafe and Irigoin, “A stakeholder empire: the political economy of Spanish imperial rule in America.”
- 29 Stern, *Company-State*.
- 30 John Cary, *An Essay on the State of England, in Relation to Its Trade*, 47.
- 31 Pettigrew and Cleve, “Parting Companies: The Glorious Revolution, Company Power, and Imperial Mercantilism,” 627.
- 32 Darwin, *After Tamerlane: The Global History of Empire since 1405*, ch. 3.
- 33 Mentz, *The English Gentleman Merchant at Work: Madras and the City of London, 1660–1740*, 264; Nierstrasz, *In the Shadow of the Company: the Dutch East India Company and its servants in the period of its decline (1740–1796)*.
- 34 See especially Child, *A Treatise Wherin is Demonstrated*, 38.
- 35 Withington, “Public Discourse, Corporate Citizenship, and State Formation in Early Modern England,” 1024; Ogborn, *Global lives: Britain and the world, 1550–1800*, 87–93; Hasan, “Indigenous Cooperation and the Birth of a Colonial City: Calcutta, c. 1698–1750,” 73.
- 36 Foster, *Letters Received by the East India Company from Its Servants in the East*, 261 (Ralph Preston to the East India Company, Amadaver, 1 January, 1614).
- 37 IOR G/19/21, Yale to “his most Imperial Majesty Jeanepatwan [?] Emperor of the Island of Sumatra and Territories thereof” Madras, 12 Sept. 1687, (f. 33v) IOR G/19/21, Yale to the “Emperor of the Island of Sumatra and Territories thereof” [the ruler of Bengkulu], Madras, 12 Sept. 1687, (f. 33v).
- 38 Breen, *Puritans and Adventurers: Change and Persistence in Early America*; Greene, *Creating the British Atlantic: Essays on Transplantation, Adaptation, and Continuity*; Winship, *Godly Republicanism: Puritans, Pilgrims, and a City on a Hill*.
- 39 Pettigrew, *Freedom’s Debt: The Royal African Company and the Politics of the Atlantic Slave Trade*, 38.
- 40 Erikson, *Between Monopoly and Free Trade: The English East India Company*.
- 41 The Levant Company was a regulated company and therefore had a more decentralised corporate governance structure.
- 42 Chandler and Mazlish, “Introduction,” 2.
- 43 Tully, *Strange Multiplicity: Constitutionalism in an Age of Diversity*, 58.
- 44 Colley, “Empire of Writing: Britain, America and Constitutions, 1776–1848,” 239.
- 45 For recent work on constitutional history that privileges the late eighteenth and nineteenth centuries see Ginsburg, et al., *The Endurance of National Constitutions*.
- 46 Much of what follows is drawn from Pettigrew, *Freedom’s Debt*; and Pettigrew and Cleve, “Parting Companies.”
- 47 Lincoln’s Inn Library, *Maynard MSS*, No. 42. I’m grateful to Dr George Van Cleve for bringing this material to my attention.
- 48 For an alternative reading of these debates see Pincus, *1688: The First Modern Revolution*.
- 49 Opinion of Thos. Turnor, Gray’s Inn, December 12, 1677; Opinion of Thos. Corbett, 1677 (?) including brief summary of oral opinion of Sir John Maynard, TNA SP, vol. 398, fos. 110–19.
- 50 Stern, *Company-state*, 59–60.
- 51 Shower’s argument is in Renton, *The English Reports*, vol. 89, 498 (1 Show. K.b. 137, 138).
- 52 On the African Company as tyrannical see Wilkinson, *Systema Africanum*, 3. On the East India Company see *Reasons humbly offered against grafting or splicing and for dissolving this present East-India Company*, 4.
- 53 *Some Considerations Humbly Offered, against Granting the Sole Trade to Guiny from Cape Blanco to Cape Lopez, to a Company with a Joint Stock, exclusive of others*. See also Pettigrew and Stein, “The Public Rivalry between Regulated

- and Joint Stock Corporations and the Development Seventeenth-Century Corporate Constitutions.”
- 54 *Reasons humbly offered against establishing, by Act of Parliament, the East-India-trade, in a company, with a joint-stock, exclusive of others, the subjects of England*, 3.
- 55 Egerton Family Papers, Mss EL 9610, 1, Huntington Library, San Marino, Calif. This manuscript copy was printed as *Amendments Humbly Proposed to the Bill, for Settling the Trade to Africa, with the Reasons Thereof* (n.p., [1698]).
- 56 Pettigrew and Cleve, “Parting Companies,” 633–8.
- 57 Chandler and Mazlish, “Introduction,” 2. See also Ciepley, “Beyond Public and Private: Toward a Political Theory of the Corporation,” 140.
- 58 University of Kent, “Political Economies of International Commerce”: <http://peic.org.uk/>.
- 59 Barkan, *Corporate Sovereignty: Law and Government under Capitalism*, is a sophisticated treatment explicitly tied to recent events.
- 60 Stern, *The Company-State: Corporate Sovereignty and the Early Modern Foundations of the British Empire in India*; Weststeijn, “The VOC as a Company-State: Debating Seventeenth-Century Dutch Colonial Expansion.”
- 61 Maitland, *Maitland: State, Trust and Corporation*.
- 62 Robins, *The Corporation that Changed the World: How the East India Company Shaped the Modern Multinational*; Dalrymple, *The Anarchy: How a Corporation Replaced the Mughal Empire, 1756–1803*.
- 63 Willan, *The Early History of the Russia Company, 1553–1603*. A new history of the Muscovy Company is a major desideratum.
- 64 The East India Company Fine Foods: <http://www.eicfinefoods.com/>.
- 65 Ramsay, “Clothworkers, Merchant Adventurers, and Richard Hakluyt,” 504–21; on the London companies, 1400–1900, see “Records of London’s Livery Companies Online”: <http://www.londonroll.org/home>.
- 66 Malcolm, “Hobbes, Sandys, and the Virginia Company”; Jessen, “The State of the Company: Corporations, Colonies and Companies in *Leviathan*”; Springborg, “Hobbes, Donne and the Virginia Company: *Terra Nullius* and ‘The Bulimia of Dominion.’”
- 67 On consular jurisdiction, see especially Stein, “The Mediterranean and the English Empire of Trade, 1660–1748.”
- 68 Kupperman, *Providence Island, 1630–1641: The Other Puritan Colony*; Armitage, “Greater Britain: A Useful Category of Historical Analysis?” 441, and n. 72.
- 69 Gottmann, “French-Asian Connections: The Compagnie des Indes, France’s Eastern Trade, and New Directions in Historical Scholarship”; Cross, “The *Compagnie des Indes* and the Fate of Commercial Empire in the French Revolution.”
- 70 Greene, *Peripheries and Center: Constitutional Development in the Extended Politics of the British Empire and the United States, 1607–1788*; Colley, “Empires of Writing: Britain, America and Constitutions, 1776–1848.”
- 71 Handlin and Handlin, “Origins of the American Business Corporation”; Kaufman, “*Corporate Law and the Sovereignty of States*.”
- 72 Hont, *Jealousy of Trade: International Competition and the Nation-state in Historical Perspective*; Grewal, *The Invention of the Economy: The Origins of Economic Thought*.
- 73 Winter, *A Clearing in the Forest: Law, Life, and Mind*.
- 74 Jurisdiction is “a technology or set of techniques that capture or attach its objects to law.” Dorsett and McVeigh, “Questions of Jurisdiction,” 12.
- 75 Renton, *The English Reports*, vol. 77, 973 (*The Case of Sutton’s Hospital*, 1615, in 10 Co. Rep. 32b).
- 76 For all the significance of Otto von Gierke’s account of the corporation as arising by an inescapable logic of

- collective action, without the necessity of legal recognition, I take it for granted that a corporation exists as a juridical being *only* by concession of, or delegation by, the state. For discussion, see Ciepley, "Beyond Public and Private: Toward a Political Theory of the Corporation."
- 77 Cormack, *A Power to do Justice: Jurisdiction, English Literature, and the Rise of the Common Law, 1509–1625*, 8–9.
- 78 TNA, KB21/5, f. 48v and KB21/5a, fols. 16v. and 20v. Neuhauser, "Privy Council Regulation of Trade Under James I," 1034–5. This result was achieved using process by information in the nature of quo warranto. Notably, this was the same year in which Coke's court decided the *Case of Sutton's Hospital* (cited above, note 76), in which Coke's dicta laid down the basic elements of corporate personhood that have been quoted ever since, and *Bagge's Case*, by which the same court showed corporations that it could force them to do the court's bidding by writs of mandamus. Renton, *The English Reports*, vol. 77, 1271 (11 Co. Rep. 93b).
- 79 Robert Cover, "Nomos and Narrative," *Harvard Law Review* 97 (1983–84), 31.
- 80 Benton and Ross, *Legal Pluralism and Empires, 1500–1850*.
- 81 Cover, "Nomos and Narrative," 53.
- 82 Cormack, *Power to do Justice*, 9.
- 83 We might thus usefully apply to corporations the language Lauren Benton uses to discuss ships, which trace paths of jurisdiction across oceans otherwise empty of sovereign claims. Benton, *A Search for Sovereignty: Law and Geography in European Empires, 1400–1900*, ch. 3.
- 84 Stern, *The Company State: Corporate Sovereignty and the Early Modern Foundations of the British Empire in India*.
- 85 Thus Cover specified the speech that is jurisdiction as "the judge's elaboration of the privilege of force." Cover, "Nomos and Narrative," 54.
- 86 13 George III, c. 63.
- 87 Travers, *Ideology and Empire in Eighteenth-Century India: The British in Bengal*, ch. 5.
- 88 Tully, *Strange Multiplicity: Constitutionalism in an Age of Diversity*, 58, 62–70. For a more developed account, see Tully, *Public Philosophy in a New Key*, especially vol. 2: *Imperialism and Civic Freedom*.
- 89 *Ibid.*, 37.
- 90 *Ibid.*, 211.
- 91 *Ibid.*, 99, 203–6.
- 92 Tully, *On Global Citizenship: James Tully in Dialogue*.
- 93 Guldi and Armitage, *The History Manifesto*, 47.
- 94 Sutton, "The Merchant Adventurers of England: their origins and the Mercers' Company of London."
- 95 Calabi and Keene, "Merchants' lodgings and cultural exchange."
- 96 Ramsay, *The City of London in international politics at the accession of Elizabeth Tudor*.
- 97 Gelderblom. *Cities of commerce. The institutional foundations of international trade in the Low Countries, 1250–1650*.
- 98 Ramsay, *The Queen's Merchants and the Revolt of the Netherlands. The End of the Antwerp Mart*. For Hamburg, see Lindberg, "Merchant Guilds in Hamburg and Konigsberg: a Comparative Study of Urban Institutions and Economic Development in the Early-Modern Period."
- 99 Brenner, *Merchants and Revolution. Commercial change, political conflict, and London's overseas traders, 1550–1653*.
- 100 Baumann, *The Merchants Adventurers and the continental cloth-trade (1560s–1620s)*.
- 101 British Library Lansdowne MS 56, fol. 176.
- 102 Gelderblom, *Cities of Commerce*.
- 103 Huntington Library, California, Ellesmere MS 2374.
- 104 British Library Lansdowne MS 487, p. 298.
- 105 Hatfield House Archives, Cecil Papers, 112/63, "Sir John Popham to the Earl of Salisbury," 11 Sept. 1605.
- 106 Ormrod, *The Rise of Commercial Empires. England and the Netherlands in the Age of Mercantilism, 1650–1770*.

- 107 Hobbes, *Leviathan*, 230.
- 108 Hobbes, *Leviathan*, 165; Hobbes, *Hobbes On the Citizen*, esp. ch. 5; Jessen, "The State of the Company: Corporations, Colonies and Companies in *Leviathan*."
- 109 Orts, *Business Persons: A Legal Theory of the Firm*, 43; Pettit, *Made with Words: Hobbes on Language, Mind, and Politics*, chs. 4–5. One the modern legal and philosophical complicity between concepts of state and corporation, see Barkan, *Corporate Sovereignty: Law and Government under Capitalism*.
- 110 Maitland, "Introduction," in Otto von Guericke, *Political Theories of the Middle Age*, p. ix.
- 111 On the language of commonwealth in relation to urban corporations specifically see, Withington, *The Politics of Commonwealth: Citizens and Freemen in Early Modern England*; Halliday, *Dismembering the Body Politic: Partisan Politics in England's Towns, 1650–1730*.
- 112 Largely due to the pioneering work of Ernst Kantorowicz in excavating Frederic Maitland's engagement with the subject. See Maitland, "The Crown as Corporation"; Kantorowicz, *The King's Two Bodies: A Study in Mediaeval Political Theology*.
- 113 Quentin Skinner influentially located this transformation with Hobbes, though did not originally stress the role of corporate thinking in that evolution.: Skinner, "The State." More recently, though, he has explored those connections more explicitly: see, e.g., Skinner, "Hobbes and the Purely Artificial Person of the State"; and his 2008 British Academy Lecture, published as Skinner, "A Genealogy of the Modern State." See also David Runciman's response to the former, "Debate: What Kind of Person is Hobbes's State: A Reply to Skinner"; as well as, among others, Bus, "Law, sovereignty and corporation theory, 1300–1450," 473–74; Foisneau, "Elements of Fiction in Hobbes's System of Philosophy," 80.
- 114 As Noel Malcolm has pointed, out, in all of *Leviathan*, one finds only six scattered "direct echoes" of his connection to the Virginia Company, most of which are his more famous observations about Native Americans and none of which seem to be about the operation of corporations *per se*. Malcolm, "Hobbes, Sandys, and the Virginia Company." On Hobbes, see also, Aravamudan, "Hobbes and America"; Foisneau, "Elements of Fiction in Hobbes's System of Philosophy," 80–81; Jessen, "The State of the Company," 76; Springborg, "Hobbes, Donne and the Virginia Company: *Terra Nullius* and 'The Bulimia of Dominion.'"
- 115 Colish, *Medieval Foundations of the Western Intellectual Tradition, 400–1400*, 267, 343; Siepp, "Formalism and realism in fifteenth-century English law: Bodies corporate and bodies natural"; Tierney, *The Idea of Natural Rights*, 309; Tierney, "Corporatism, Individualism, and Consent: Locke and Premodern Thought"; Tierney, *Foundations of the Conciliar Theory: The Contribution of the Medieval Canonists from Gratian to the Great Schism*, 90, 98–140.
- 116 "Proclamation by Charles I in Regard to Virginia," 135.
- 117 MacMillan, *The Atlantic Imperial Constitution: Center and Periphery in the English Atlantic World*, 153–54.
- 118 Among others, Thomson, *Mercenaries, Pirates, and Sovereigns: State-Building and Extraterritorial Violence in Early Modern Europe*.