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The Anatomy of Corporate Law

A. Comparative and Functional Approach

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The Anatomy Of Corporate Law A Comparative And Functional Approach

**Reinier Kraakman, John Armour, Paul
Davies, Luca Enriques, Henry B.
Hansmann, Gérard Hertig, Klaus J.
Hopt, Hideki Kanda, Edward B. Rock**

The Anatomy Of Corporate Law A Comparative And Functional Approach:

The Anatomy of Corporate Law Reinier H. Kraakman, 2004 This overview starts from the premise that corporate law across jurisdictions addresses the same three basic agency problems the opportunism of managers vis a vis shareholders controlling shareholders vis a vis minority shareholders and shareholders vis a vis other corporate constituencies The Anatomy of Corporate Law Reinier Kraakman, John Armour, Paul Davies, Luca Enriques, Henry B. Hansmann, Gérard Hertig, Klaus J. Hopt, Hideki Kanda, Edward B. Rock, 2009-07-23 This is the long awaited second edition of this highly regarded comparative overview of corporate law This edition has been comprehensively updated to reflect profound changes in corporate law It now includes consideration of additional matters such as the highly topical issue of enforcement in corporate law and explores the continued convergence of corporate law across jurisdictions The authors start from the premise that corporate or company law across jurisdictions addresses the same three basic agency problems 1 the opportunism of managers vis vis shareholders 2 the opportunism of controlling shareholders vis vis minority shareholders and 3 the opportunism of shareholders as a class vis vis other corporate constituencies such as corporate creditors and employees Every jurisdiction must address these problems in a variety of contexts framed by the corporation's internal dynamics and its interactions with the product labor capital and takeover markets The authors central claim however is that corporate or company forms are fundamentally similar and that to a surprising degree jurisdictions pick from among the same handful of legal strategies to address the three basic agency issues This book explains in detail how and why the principal European jurisdictions Japan and the United States sometimes select identical legal strategies to address a given corporate law problem and sometimes make divergent choices After an introductory discussion of agency issues and legal strategies the book addresses the basic governance structure of the corporation including the powers of the board of directors and the shareholders meeting It proceeds to creditor protection measures related party transactions and fundamental corporate actions such as mergers and charter amendments Finally it concludes with an examination of friendly acquisitions hostile takeovers and the regulation of the capital markets *The Anatomy of Corporate Law* Reinier Kraakman, John Armour, Paul Davies, Luca Enriques, Henry Hansmann, Gerard Hertig, Klaus Hopt, Hideki Kanda, Mariana Pargendler, Wolf-Georg Ringe, Edward Rock, 2017-01-19 This is the long awaited third edition of this highly regarded comparative overview of corporate law This edition has been comprehensively revised and updated to reflect the profound changes in corporate law and governance practices that have taken place since the previous edition These include numerous regulatory changes following the financial crisis of 2007-09 and the changing landscape of governance especially in the US with the ever more central role of institutional investors as active owners of corporations The geographic scope of the coverage has been broadened to include an important emerging economy Brazil In addition the book now incorporates analysis of the burgeoning use of corporate law to protect the interests of external constituencies without any contractual relationship to a

company in an attempt to tackle broader social and economic problems The authors start from the premise that corporations or companies in all jurisdictions share the same key legal attributes legal personality limited liability delegated management transferable shares and investor ownership Businesses using the corporate form give rise to three basic types of agency problems those between managers and shareholders as a class controlling shareholders and minority shareholders and shareholders as a class and other corporate constituencies such as corporate creditors and employees After identifying the common set of legal strategies used to address these agency problems and discussing their interaction with enforcement institutions The Anatomy of Corporate Law illustrates how a number of core jurisdictions around the world deploy such strategies In so doing the book highlights the many commonalities across jurisdictions and reflects on the reasons why they may differ on specific issues The analysis covers the basic governance structure of the corporation including the powers of the board of directors and the shareholder meeting both when management and when a dominant shareholder is in control It then analyses the role of corporate law in shaping labor relationships protection of external stakeholders relationships with creditors related party transactions fundamental corporate actions such as mergers and charter amendments takeovers and the regulation of capital markets The Anatomy of Corporate Law has established itself as the leading book in the field of comparative corporate law Across the world students and scholars at various stages in their careers from undergraduate law students to well established authorities in the field routinely consult this book as a starting point for their inquiries

The Anatomy of Corporate Law, 2009 Towards a Sustainable European Company Law Beate Sjøfjell, 2009-01-01 No one doubts any longer that sustainable development is a normative imperative Yet there is unmistakably a great reluctance to acknowledge any legal basis upon which companies are obliged to forgo shareholder value when such a policy clearly dilutes responsibility for company action in the face of continuing environmental degradation Here is a book that boldly says Shareholder primacy is wrong Such a narrow short term focus the author shows works against the achievement of the overarching societal goals of European law itself The core role of EU company and securities law is to promote economic development notably through the facilitation of market integration while its contributory role is to further sustainable development through facilitation of the integration of economic and social development and environmental protection There is a clear legal basis in European law to overturn the poorly substantiated theory of a market for corporate control as a theoretical and ideological basis when enacting company law With rigorous and persuasive research and analysis this book demonstrates that European companies should have legal obligations beyond the maximization of profit for shareholders human and environmental interests may and should be engaged with in the realm of company law and company law has a crucial role in furthering sustainable development As a test case the author offers an in depth analysis of the Takeover Directive showing that it neither promotes economic development nor furthers the integration of the economic social and environmental interests that the principle of sustainable development requires This book goes to the very core of the ongoing

debate on the function and future of European company law Surprisingly it does not make an argument in favour of changing EU law but shows that we can take a great leap forward from where we are For this powerful insight and the innumerable recognitions that support it this book is a timely and exciting new resource for lawyers and academics in both camps those on the activist side of the issue and those with company or official policymaking responsibilities **Routledge Handbook of Corporate Law** Roman Tomasic,2016-11-10 The Routledge Handbook of Corporate Law provides an accessible overview of current research in the field from an international and comparative perspective In recent years there has been an explosion of corporate law research as this area of law continues to develop rapidly throughout the world Traditionally Anglo American corporate law theory has dominated debates and publications however this handbook readdresses the balance by exploring the treatment of corporate law in both Europe and Asia as well developments in the US and UK Bringing together a wide range of key thinkers in the field this volume is divided into three main parts Thinking about corporate law Corporate law principles and governance Some cross cultural comparisons Providing up to date and authoritative articles covering all the key aspects of corporate law this reference work is essential reading for advanced students scholars and practitioners in the field Research Handbook on the Economics of Corporate Law Claire A. Hill,James L. Krusemark,Brett H. McDonnell,Solly Robbins,2012-04-01 Comprising essays specially commissioned for the volume leading scholars who have shaped the field of corporate law and governance explore and critique developments in this vibrant and expanding area and offer possible directions for future research This important addition to the Research Handbooks in Law and Economics series provides insights into subjects such as the role of directors shareholders creditors and employees empirical studies of litigation and shareholder activism executive compensation corporate gatekeepers comparative law and behavioral approaches to law and finance Topics are organized within five sections corporate constituencies insider governance gatekeepers jurisdiction and new theory Taken as a whole the volume serves as an introduction for those new to the field and as a reference for those unfamiliar with some of the topics discussed Authoritative and accessible the Research Handbook on the Economics of Corporate Law will be a valuable resource for students scholars and practitioners of corporate law and economics

Technology and Corporate Law Godwin, Andrew, Lee, Pey W., Langford, Rosemary Teele,2021-08-27 In light of the overwhelming impact of technology on modern life this thought provoking book critically analyses the interaction of innovation technology and corporate law It highlights the impact of artificial intelligence and distributed ledgers on corporate governance and form examining the extent to which technology may enhance or displace conventional theories and practices concerning corporate governance and regulation Expert contributors from multiple jurisdictions identify themes and challenges that transcend national boundaries and confront the international community as a whole *Research Handbook on Competition and Corporate Law* Florence Thépot,Anna Tzanaki,2025-07-15 This is an open access title available under the terms of a CC BY NC ND 4.0 License It is free to read download and share on Elgaronline thanks to

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Chinese Companies and the Hong Kong Stock Market

Flora Xiao Huang, Horace Yeung, 2013-10-30 Listing by companies from one country on the stock market of another country is a device often used both to raise capital in and to increase bonding with the target country This book examines the listing by Chinese companies on the Hong Kong stock market It discusses the extent of the phenomenon compares the two different regulatory regimes and explores the motivations for the cross listing It argues that a key factor in addition to raising capital and bonding with the Hong Kong market is Chinese companies desire to encourage legal and regulatory reforms along Hong Kong lines in mainland China in order to develop and open up China s domestic capital markets

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