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The Limits and Logic of Agency Theory in Company Law Jonathan Hardman,2024-09-12 Agency theory is ubiquitous in company law This book explores a the limits of such deployment and b the logic of how to deploy it The book makes five linked arguments in respect of the limits of agency theory in company law First it argues that agency theory has become so broad that it can be used to analyse most human relationships Such breadth though comes at the expense of legal clarity as agency relationships cover such a broad range of relationships there are no normative legal conclusions that can be drawn merely from identifying such a relationship Second it argues that we need to differentiate more specific concepts with clearer legal implications such as externalities and the particular manifestation of moral hazard that appears in insurance dynamics Third it argues that considerable amounts of existing company law theory which is ostensibly built from agency theory is in fact based on a series of hidden value judgments at each stage of the analysis Fourth it argues that company law theory should use agency theory less to rebalance the discipline agency theory has become hegemonic which is dangerous for the discipline obscures company law's role in establishing incentives undermines accountability and reduces company law's autonomy The book then moves to the logic of agency theory and makes three arguments First it argues that we need to factor in the company only apply agency theory to voluntary interactions and foreground our value judgments when identifying agency relations to do it properly Second it argues that it is rational to incur agency costs when we perceive the benefits of doing so to outweigh the costs meaning that agency costs can be facilitative and we should look to front end them rather than universally minimise them Third it argues that this needs to be undertaken through mandatory laws Exploring the external limits and internal logic of agency cost

analysis this book will be of interest to academics students and researchers of corporate and company law

Company Law and Economic Protectionism Ulf Bernitz, Wolf-Georg Ringe, 2010-12-23 A collection of essays examining the conflict between EU law and company law covering a broad range of topics including takeovers mergers and restructuring sovereign wealth funds and proportionality of ownership and control

Annotated Companies Legislation Nigel Boardman, 2010 A comprehensive guide to companies legislation in a convenient paperback volume Written from the perspective of the 2006 regime it gives detailed section by section commentary alongside the Companies Act 2006 and surviving parts of the previous legislation as well as including the text of relevant statutory instruments

Research Handbook on Corporate Legal Responsibility Stephen Tully, 2005 What I liked in particular about the Handbook was that each chapter identified the issues within a theoretical context and then gave the historical perspective with an accurate account of the current legal position and set down clear markers on the issues likely to influence future developments in corporate responsibility Phillip Taylor The Barrister This book has drawn together a distinguished and international group of writers to provide a wide ranging discussion of the responsibility of corporations to society in general including discussion of the role of companies in promoting human rights accomplishing sustainable development and restoring and keeping public trust The contributors put calls for Corporate Social Responsibility into its legal framework and provide a wide range of possible solutions to perceived weaknesses in the law The authors are to be congratulated for adhering to the editorial mandate to provide information in a succinct style which is comprehensible to the lay person as much as the well informed This work is an indispensable tool for anyone engaged in the globalisation debate It gives valuable international multi faceted insights on the current situation on work in progress to create change and of the theoretical perspectives which inform both Janet Dine Queen Mary College University of London UK Finally a book that explores the legal considerations related to corporate responsibility and does so from a global perspective with strong underpinnings of ethics This book should prove a useful guide for those academics and managers interested in the historical and emerging legal framework that guides corporate decision making around responsibility Sandra Waddock Boston College US This volume provides an invaluable collection of essays that consider diverse perspectives on the social responsibility of corporations As such it provides a very satisfying and balanced combination of contributions that should be useful to any serious student either in practice or academe of the role of corporations in society David Crowther London Metropolitan University UK The ever important topic of corporate legal responsibility is deconstructed into many multifaceted components in this fascinating Handbook which systematically examines each in turn and describes the contemporary legal position The Research Handbook on Corporate Legal Responsibility considers general theory and basic concepts such as corporate legal personality the doctrine of attribution corporate governance and directors duties and reviews the range of individuals to which corporations may be held responsible particularly employees suppliers shareholders stakeholders and women The substantive grounds for corporate

responsibility under civil and criminal law within the North American and Commonwealth jurisdictions are evaluated and mechanisms of accountability such as novel regulatory processes interactive regulation codes of conduct and social reporting risk management and the significant role of non governmental organisations are identified The thought provoking chapters contained within this Handbook go on to present perspectives on topical international questions corruption labour standards human rights environmental protection and sustainable development including an analysis of recent initiatives from several international organisations Bringing together the work of around thirty leading academics practitioners campaigners and policymakers from North America Europe and Australia each chapter locates these issues within a theoretical context giving an overview of its historical evolution providing an accurate account of the current legal position and identifying policy issues likely to influence future developments

Boundaries of Personal Property Arianna Pretto-Sakmann, 2005-08-15 This study of the boundaries of personal property has an inward and an outward perspective with the intellectual emphasis on the latter The inward looking inquiry considers shares as items of personal property Nowadays those who think of themselves as shareholders often stand one step removed from the share itself They hold what this book christens a sub share This part of the book asks in what sense shares and sub shares can be conceived to be things how those things are alienated and how they are protected in litigation The outward looking inquiry then asks whether personal property can be contemplated as a sub category of the law of things and more particularly as the law of all things locatable in space alienable or vindicable in court The outward inquiry considers three boundaries Within the law of property the line between realty and personalty proves relatively uncontroversial the second boundary lies between property and obligations the third between wealth and non wealth The second boundary is the main concern Respect for it necessitates a differentiation between the law of property in the strict sense and the all encompassing law of wealth even where the consequence might be to exclude shares and sub shares from the law of property In maintaining the value of careful proprietary taxonomy and in reviving the underlying concepts on which it depends this book opposes modern scepticism as to the possibility and desirability of precision in legal classification In these commitments it could fairly be styled a post modern study of personal property Winner of the SLS Birks Prize for Outstanding Legal Scholarship 2006 Second Prize

Comparative Corporate Governance Petri Mäntysaari, 2006-01-16 An analytical overview of the regulation of shareholder activism in the UK and Germany The book shows how the comparative legal method can be used in the study of the corporate governance systems of different countries It deals with the regulation of the governance of listed companies within a wide framework that recognises the importance of company law securities markets law standards and internal rule making

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