

Shareholder Primacy And Corporate Governance

Routledge Research In Corporate Law

Shuangge Wen

Shareholder Primacy and Corporate Governance Shuangge Wen, 2013-10-08 Rising defaults in the financial market in 2007, the current widespread economic recession and debt crisis have added impetus to existing doubts about companies' governance, and cast new light on future trends in shareholder-oriented corporate practice. Taking account of these developments in the field and realising the current need for changes in governance, this book offers a thorough exploration of the origins, recent changes and future development of the corporate objective—shareholder primacy. Legal and theoretical aspects are examined so as to provide a comprehensive and critical account of the practices reflecting shareholder primacy in the UK. In the wake of the financial crisis, this book investigates the direction of future policy, with particular attention to changes in governing rules and regulations and their implications for preserving the objective of shareholder primacy. It examines current UK and EU reform proposals calling for long-term and socially-responsible corporate performance, and the potential friction between proposed legal changes and commercial practices. This book will be useful to researchers and students of company law, and business and management studies.

Shareholder Primacy and Global Business Lela Mélon, 2019-03-13 In the context of growing public interest in sustainability, Corporate Social Responsibility (CSR) has not brought about the expected improvement in terms of sustainable business. Self-regulation has been unable to provide appropriate answers for unsustainable business frameworks, despite empirical proof that sustainable behaviour is entirely in corporate enlightened self-interest. The lack of success of the soft law approach suggests that hard law regulation may be needed after all. This book discusses these options, alongside the issue of shareholder primacy and its externalities in corporate, social, and natural environment. To escape the prisoner's dilemma European corporations and their global counterparts have found themselves in, help is needed in the form of EU hard law to advocate sustainability through mandatory rules. This book argues that the necessity of these laws is based on the first-mover's advantage of such corporate law approach towards sustainable development. In the current EU law environment, where codification of corporate law is sought for, forming and defining a general EU policy could not only help corporations embrace this self-enlightened behaviour but could also build the necessary EU corporate citizenship

atmosphere. Considering the developments in the field of CSR as attempts to mitigate negative externalities resulting from inappropriate shareholder primacy use, the book is centred around a discussion of the shareholder primacy paradigm, its legal position and its (un)suitability for modern global business. Going beyond solely legal analysis, juxtaposing legal principles and argumentation with economic theoretic approaches and, more importantly, real-life examples, this book is accessible to both professionals and academics working within the fields of business, economics, corporate governance and corporate law.

Progressive Corporate Governance for the 21st Century Lorraine Talbot, 2013-06-03 *Progressive Corporate Governance for the 21st Century* is a wide ranging and ambitious study of why corporate governance is the shape that it is, and how it can be better. The book sets out the emergence of shareholder primacy orientated corporate governance using a study of historical developments in the United Kingdom and the United States. Talbot sees shareholder primacy as a political choice made by governments, not a 'natural' feature of the inevitable market. She describes the periods of progressive corporate governance which governments promoted in the middle of the 20th century using a close examination of the theories of the company which then prevailed. She critically examines the rise of neoliberal theories on the company and corporate governance and argues that they have had a negative and regressive impact on social and economic development. In examining contemporary corporate governance she shows how regulatory styles as informed and described by prevailing regulatory theories, enables neoliberal outcomes. She illustrates how United Kingdom-derived corporate governance codes have informed the corporate governance initiatives of European and global institutions. From this she argues that neoliberalism has re-entered ex command transition economies through those United Kingdom and OECD inspired corporate governance Codes over a decade after the earlier failed and destructive neoliberal prescriptions for transition had been rejected. Throughout, Talbot argues that shareholder primacy has socially regressive outcomes and firmly takes a stand against current initiatives to enhance shareholder voting in such issues as director remuneration. The book concludes with a series of proposals to recalibrate the power between those involved in company activity; shareholders, directors and employees so that the public company can begin to work for the public and not shareholders.

Progressive Corporate Governance for the 21st Century Lorraine Talbot, 2013-06-03 *Progressive Corporate Governance for the 21st Century* is a wide ranging and ambitious study of why corporate governance is the shape that it is, and how it can be better. The book sets out the emergence of shareholder primacy orientated corporate governance using a study of historical developments in the United Kingdom and the United States. Talbot sees shareholder primacy as a political choice made by governments, not a 'natural' feature of the inevitable market. She describes the periods of progressive corporate governance which governments promoted in the middle of the 20th century using a close examination of the theories of the company which then prevailed. She critically examines the rise of neoliberal theories on the company and corporate

governance and argues that they have had a negative and regressive impact on social and economic development. In examining contemporary corporate governance she shows how regulatory styles as informed and described by prevailing regulatory theories, enables neoliberal outcomes. She illustrates how United Kingdom-derived corporate governance codes have informed the corporate governance initiatives of European and global institutions. From this she argues that neoliberalism has re-entered ex command transition economies through those United Kingdom and OECD inspired corporate governance Codes over a decade after the earlier failed and destructive neoliberal prescriptions for transition had been rejected. Throughout, Talbot argues that shareholder primacy has socially regressive outcomes and firmly takes a stand against current initiatives to enhance shareholder voting in such issues as director remuneration. The book concludes with a series of proposals to recalibrate the power between those involved in company activity; shareholders, directors and employees so that the public company can begin to work for the public and not shareholders.

The Enlightened Shareholder Value Principle and Corporate Governance Andrew Keay, 2013 The book explains and assesses the nature of enlightened shareholder value principle (ESV) and its contribution to corporate governance. Andrew Keay traces the development of the principle of ESV and examines it in the context of existing principles which have influenced corporate governance. The book analyses the UK legislation that delivers the principle in corporate law and ESV is compared to the constituency statutes that apply in the US in order to determine can whether anything can be learned from the American experience with these statutes. Finally the book considers whether ESV will mean a less short-termist approach by financial institutions and non-financial institutions after the global financial crisis.

Shareholder Activism and the Law Ekrem Solak, 2020-05-04 This book provides a complete framework for contemporary shareholder activism and its implications for US corporate governance, which is based on director primacy theory. Under director primacy theory, shareholders do not wish to be involved in the management of the company; in the rare event that they wish to be involved, it is considered a transfer of power from the board of directors to shareholders, which in turn reduces the efficiency of centralised decision-making in public companies. However, this book demonstrates that shareholders do not use their power to transfer corporate control from the board to themselves, and that some form of shareholder activism is even collaborative, which is a new paradigm for US corporate governance. This book shows that while monitoring remains a key contribution of shareholders, they also bring new informational inputs to corporate decision-making that could not be obtained under the traditional board model. Accordingly, contemporary shareholder activism enhances the board's decision-making and monitoring capacity, without undermining the economic value of the board's authority. Therefore, this book argues that the complete approach of contemporary shareholder activism should be accommodated into US corporate governance. In doing so, this book considers not only legal and regulatory developments in the wake of the 2007-2008 financial crisis, but also the governance developments through by-law amendments. Furthermore,

the author makes several recommendations to soften the current director primacy model: establishing a level playing field for private ordering, adopting the proxy access default regime, the majority voting rule, the universal proxy rules, and enhancing the disclosure requirements of shareholders. The book will be of interest to academics and students of corporate governance, both in the US and internationally.

Corporate Governance in Contention Ciaran Driver, Grahame Thompson, 2018 Corporate governance is a complex idea that is often inappropriately simplified as a cookbook of recommended measures to improve financial performance. Meta studies of published research show that the supposed benign effects of these measures - independent directors or highly incentivised executives - are at best context-specific. There is thus a challenge to explain the meaning, purpose, and importance of corporate governance. This volume addresses these issues. The issues discussed centre on relationships within the firm e.g. between labour, managers, and investors, and relationships outside the firm that affect consumers or the environment. The essays in this collection are the considered selection by the editors and the contributors themselves of what are seen as some of the most weighty and urgent issues that connect the corporation and society at large in developed economies with established property rights. The essays are to be read in dialogue with each other, giving a richer understanding than could be obtained by shepherding all contributions into a single mould. Nevertheless taken together they demonstrate a shared sense of deep concern that the corporate governance agenda has been and still is on the wrong track. The contributors, individually and collectively, identify in this compendium both a research programme and a platform for change.

Company Law and Sustainability Beate Sjøfjell, Benjamin J. Richardson, 2015-05-21 This book advances an innovative, multi-jurisdictional argument for the necessity of company law reform to reorient companies towards environmental sustainability.

Law and Responsible Supply Chain Management Vibe Ulfbeck, Alexandra Andhov, Kateřina Mitkidis, 2019-01-10 Corporate Social Responsibility has for long been on the agenda in the business world and recently, it has also become a political agenda in the European Union. Focusing on international supply chains and their control based on studies of law in several European jurisdictions, this book aims to advance the discussion on the application and enforcement of CSR. Drawing parallels to US and Canadian law, the book explores to what extent private law tools can be used as an enforcement device and it ultimately asks if what we are witnessing is the formation of a new area of law, employing the interplay of contract and tort - a law of production liability, as a corollary of the concept of product liability.

The Transnational Politics of Corporate Governance Regulation Henk Overbeek, Bastiaan van Apeldoorn, Andreas Nölke, 2007-04-30 This ambitious volume explores the politics of recent changes in corporate governance regulation and the transnational forces driving the process. Corporate governance has in the 1990s become a catchphrase of the global business

community. The Enron collapse and other recent corporate scandals, as well as growing worries in Europe about the rise of Anglo-Saxon finance, have made issues of corporate governance the subject of political controversies and of public debate. The contributors argue that the regulation of corporate governance is an inherently political affair. Given the context of the deepening globalization of the corporate world, it is also increasingly a transnational phenomenon. In terms of the content of regulation the book shows an increasing reliance on the application of market mechanisms and a tendency for corporations themselves to become commodities. The emerging new mode of regulation is characterized by increasing informalization and by forms of private regulation. These changes in content and mode are driven by transnational actors, first of all the owners of internationally mobile financial capital and their functionaries such as coordination service firms, as well as by key public international agencies such as the European Commission. The Transnational Politics of Corporate Governance Regulation will be of interest to students and researchers of international political economy, politics, economics and corporate governance.

Rethinking Corporate Governance in Financial Institutions Demetra Arsalidou, 2015-11-06 There are many deep-seated reasons for the current financial turmoil but a key factor has undoubtedly been the serious failings within the corporate governance practices of financial institutions. There have been shortcomings in the risk management and incentive structures; the boards' supervision was at times weak; disclosure and accounting standards were in some cases inadequate; the institutional investors' engagement with management was at times insufficient and, last but not least, the remuneration policies of many large institutions appeared inappropriate. This book will provide a critical overview and analysis of key corporate governance weaknesses, focusing primarily on three main areas: directors' failure to understand complex company transactions; the poor remuneration practices of financial institutions; and, finally, the failure of institutional investors to sufficiently engage with management. The book, while largely focused on the UK, will also consider EU and Australian developments as well as offering a comparative angle looking at the corporate governance of financial institutions in the US.

Directors' Decisions and the Law Alice Belcher, 2014-02-24 Directors are key decision-makers in any organisation, whether it is in the public sector, a family business or a transnational company. The UK Companies Act 2006 codified directors' duties for the first time and describes the director as the 'most likely to promote the success of the company for the benefit of its members as a whole'. This book addresses key tensions and problems involved in the duties and responsibilities of the director in promoting success, including corporate culture and credibility, trust, risk and uncertainty, collective responsibility, and the degree of control. The book considers directors' decision-making in both private and public sector organisations and explicitly examines aspects of decision-making during periods of financial distress. The book compares the legal contexts of director's decisions in the UK to those of the USA, Germany and Australia, and takes an interdisciplinary approach in its combination of management theory, economic theory and behavioural studies. In doing so the book addresses issues key to the understanding of corporate governance in light of recent financial crises.

International Corporate Governance Thomas Clarke,2007-07-31 Comprehensive and up-to-date, this important textbook analyzes the escalating crisis in corporate governance and the growing interest in its reform across the globe. Written by a leading name in the field of corporate governance from a genuinely international perspective, this excellent textbook provides a balanced analysis of the relative strengths and weaknesses of the Anglo-Saxon, European and Asian traditions of corporate governance; offering a prognosis of the future development, complexity and diversity of corporate governance forms and systems. It: investigates the reasons for the failure of Enron, WorldCom, Tyco, Parmalat and other major international corporations examines the role of international standards of corporate governance, with the intervention of the OECD, World Bank and IMF explores the continuing cultural diversity in corporate and institutional forms in the United States and UK, Europe and Asia Pacific. Illustrated with a wealth of up-to-the minute case studies and packed full of excellent illustrative material that guides student readers through this complex subject, International Corporate Governance is a must read for anyone studying corporate governance today.

Understanding Institutional Shareholder Activism Bo Gong,2013-12-13 Institutional shareholder participation has long been considered as vital to good corporate governance yet its potential does not seem to have been realized. The recent banking crisis exposed the passivity of some institutional shareholders, many of whom appear to have chosen to sell their stakes in the banks rather than intervene or challenge the board when they realized the strategies followed by the banks were excessively risky. Institutional shareholders' role to scrutinize and monitor the decisions of boards and executive management in the banking sector in the UK is considered by many to be a failure, resulting in the phenomenon of 'ownerless corporations', as described by Lord Myners. In China, despite the fast rising of institutional investment in the securities market, institutional shareholders have not yet played a contributory role in monitoring corporate managers in listed companies. Drawing on empirical evidence this book seeks to systematically analyses institutional shareholders' incentives to activism to explain when and why shareholder activism will occur. The book puts forward a model which explains the factors that determine institutional shareholders' propensity for activism. The model both elaborates the collective benefits of activism as a means of achieving managerial accountability asks whether and when shareholder activism is rational for any individual shareholder. The book then goes on to apply these findings to both the UK and China in order to explain the varying levels of shareholder activism in each jurisdiction. The book is the first to take an in-depth look at institutional share-holder activism in China providing prescriptions to promote greater shareholder engagement and exploring the potential it holds for improving corporate governance in the region.

Information For Efficient Decision Making: Big Data, Blockchain And Relevance Kashi R Balachandran,2020-11-19 Can there be reliable information that is also relevant to decision making? Information for Efficient Decision Making: Big Data, Blockchain and Relevance focuses on the consolidation of information to facilitate making decisions in firms, in order to make

their operations efficient to reduce their costs and consequently, increase their profitability. The advent of blockchain has generated great interest as an alternative to centralized organizations, where the data is gathered through a centralized ledger keeping of activities of the firm. The decentralized ledger keeping is one of the main features of blockchain that has given rise to many issues of technology, development, implementation, privacy, acceptance, evaluation and so on. Blockchain concept is a follow-up to big data environment facilitated by enormous progress in computer hardware, storage capacities and technological prowess. This has resulted in the rapid acquiring of data not considered possible earlier. With shrewd modeling analytics and algorithms, the applications have grown to significant levels. This handbook discusses the progress in data collection, pros and cons of collecting information on decentralized publicly available ledgers and several applications.

The Law and Governance of Decentralised Business Models Roger M Barker, Iris H-Y Chiu, 2020-12-30 This book draws together themes in business model developments in relation to decentralised business models (DBMs), sometimes referred to as the 'sharing' economy, to systematically analyse the challenges to corporate and organisational law and governance. DBMs include business networks, the global supply chain, public-private partnerships, the platform economy and blockchain-based enterprises. The law of organisational forms and governance has been slow in responding to changes, and reliance has been placed on innovations in contract law to support the business model developments. The authors argue that the law of organisations and governance can respond to changes in the phenomenon of decentralised business models driven by transformative technology and new socio-economic dynamics. They argue that principles underlying the law of organisations and governance, such as corporate governance, are crucial to constituting, facilitating and enabling reciprocity, mutuality, governance and redress in relation to these business models, the wealth-creation of which subscribes to neither a firm nor market system, is neither hierarchical nor totally decentralised, and incorporates socio-economic elements that are often enmeshed with incentives and relations. Of interest to academics, policymakers and legal practitioners, this book offers proposals for new thinking in the law of organisation and governance to advance the possibilities of a new socio-economic future.

Corporate Governance and Leadership Monique Cikaliuk, Ljiljana Eraković, Brad Jackson, Chris Noonan, Susan Watson, 2020-08-27 This Element deals with leadership and governance of corporations from the point of view of the board. We expand our understanding of board leadership by focusing on the modern company as a legal person comprised of a capital fund and the relationships among directors, shareholders, management and stakeholders. We propose a model which integrates insights from the fields of leadership and corporate governance and establishes a theoretical link illustrated by empirical findings in three intersections: team leadership on the board, the chair's leadership of the board, and strategic leadership by the board. We maintain this integrative model provides a powerful means to further an understanding of the board as the nexus of leadership and governance. We close this Element by identifying the new research directions that our

integrative model opens up. We also identify the implications for practice for those who either serve on boards or provide support to them.

The Shareholder Value Myth Lynn Stout, 2012-05-07 An in-depth look at the trouble with shareholder value thinking and at better options for models of corporate purpose. Executives, investors, and the business press routinely chant the mantra that corporations are required to “maximize shareholder value.” In this pathbreaking book, renowned corporate expert Lynn Stout debunks the myth that corporate law mandates shareholder primacy. Stout shows how shareholder value thinking endangers not only investors but the rest of us as well, leading managers to focus myopically on short-term earnings; discouraging investment and innovation; harming employees, customers, and communities; and causing companies to indulge in reckless, sociopathic, and irresponsible behaviors. And she looks at new models of corporate purpose that better serve the needs of investors, corporations, and society. “A must-read for managers, directors, and policymakers interested in getting America back in the business of creating real value for the long term.” —Constance E. Bagley, professor, Yale School of Management; president, Academy of Legal Studies in Business; and author of *Managers and the Legal Environment* and *Winning Legally* “A compelling call for radically changing the way business is done... The Shareholder Value Myth powerfully demonstrates both the dangers of the shareholder value rule and the falseness of its alleged legal necessity.” —Joel Bakan, professor, The University of British Columbia, and author of the book and film *The Corporation* “Lynn Stout has a keen mind, a sharp pen, and an unbending sense of fearlessness. Her book is a must-read for anyone interested in understanding the root causes of the current financial calamity.” —Jack Willoughby, senior editor, *Barron’s* “Lynn Stout offers a new vision of good corporate governance that serves investors, firms, and the American economy.” —Judy Samuelson, executive director, Business and Society Program, The Aspen Institute

Corporate Governance Robert A. G. Monks, Neil Minow, 2003-12-19 In the wake of the dramatic series of corporate meltdowns: Enron; Tyco; Adelphia; WorldCom; the timely new edition of this successful text provides students and business professionals with a welcome update of the key issues facing managers, boards of directors, investors, and shareholders. In addition to its authoritative overview of the history, the myth and the reality of corporate governance, this new edition has been updated to include: analysis of the latest cases of corporate disaster; An overview of corporate governance guidelines and codes of practice in developing and emerging markets new cases: Adelphia; Arthur Andersen; Tyco Laboratories; Worldcom; Gerstner's pay packet at IBM Once again in the new edition of their textbook, Robert A. G. Monks and Neil Minow show clearly the role of corporate governance in making sure the right questions are asked and the necessary checks and balances in place to protect the long-term, sustainable value of the enterprise. A CD-ROM containing a comprehensive case study of the Enron collapse, complete with senate hearings and video footage, accompanies the text. Further lecturer resources and links are available at www.blackwellpublishing.com/monks

Citizenship and Sustainability in Organizations David Murphy, Alison Marshall, 2020-12-29 *Citizenship and Sustainability in Organizations: Exploring and Spanning the Boundaries* is the introductory book in the series of the same name and draws upon new conceptual thinking from some of the leading contributors to *The Journal of Corporate Citizenship* on topics of social responsibility, organizational citizenship, influencing and leading change for sustainability and individual agency. Chapter authors are influential thinkers, pushing the boundaries of conventional thinking about corporate citizenship and sustainability to generate innovative ideas, models and practices. The book's core message is that the contexts within which organizations and individuals act are undergoing significant change and disruption. Existing corporate social responsibility (CSR), corporate citizenship and business sustainability models and frameworks need to be adapted, abandoned or transformed. This book represents a starting point for dialogue about these challenges and presents commentaries, debates, essays and insights that aim to be provocative and engaging, raise some of the important issues of the day and provide observations on what may be too new yet to be the subject of detailed empirical and theoretical studies. The book is aimed at researchers, students and practitioners in the fields of corporate citizenship, sustainability, CSR, business ethics, corporate governance and critical management and leadership studies.

Shareholder Primacy And Corporate Governance Routledge Research In Corporate Law : Bestsellers in 2023 The year 2023 has witnessed a noteworthy surge in literary brilliance, with numerous captivating novels captivating the hearts of readers worldwide. Lets delve into the realm of bestselling books, exploring the fascinating narratives that have enthralled audiences this year. The Must-Read : Colleen Hoover's "It Ends with Us" This heartfelt tale of love, loss, and resilience has captivated readers with its raw and emotional exploration of domestic abuse. Hoover expertly weaves a story of hope and healing, reminding us that even in the darkest of times, the human spirit can triumph. *Shareholder Primacy And Corporate Governance* Routledge Research In Corporate Law : Taylor Jenkins Reids "The Seven Husbands of Evelyn Hugo" This intriguing historical fiction novel unravels the life of Evelyn Hugo, a Hollywood icon who defies expectations and societal norms to pursue her dreams. Reids compelling storytelling and compelling characters transport readers to a bygone era, immersing them in a world of glamour, ambition, and self-discovery. Discover the Magic : Delia Owens "Where the Crawdads Sing" This evocative coming-of-age story follows Kya Clark, a young woman who grows up alone in the marshes of North Carolina. Owens weaves a tale of resilience, survival, and the transformative power of nature, entrancing readers with its evocative prose and mesmerizing setting. These bestselling novels represent just a fraction of the literary treasures that have emerged in 2023. Whether you seek tales of romance, adventure, or personal growth, the world of literature offers an abundance of compelling stories waiting to be discovered. The novel begins with Richard Papen, a bright but troubled young

man, arriving at Hampden College. Richard is immediately drawn to the group of students who call themselves the Classics Club. The club is led by Henry Winter, a brilliant and charismatic young man. Henry is obsessed with Greek mythology and philosophy, and he quickly draws Richard into his world. The other members of the Classics Club are equally as fascinating. Bunny Corcoran is a wealthy and spoiled young man who is always looking for a good time. Charles Tavis is a quiet and reserved young man who is deeply in love with Henry. Camilla Macaulay is a beautiful and intelligent young woman who is drawn to the power and danger of the Classics Club. The students are all deeply in love with Morrow, and they are willing to do anything to please him. Morrow is a complex and mysterious figure, and he seems to be manipulating the students for his own purposes. As the students become more involved with Morrow, they begin to commit increasingly dangerous acts. The Secret History is a masterful and gripping novel that will keep you wondering until the very end. The novel is a cautionary tale about the dangers of obsession and the power of evil.

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