

THE  
MODERN CORPORATION  
AND  
PRIVATE PROPERTY

By

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NEW YORK  
THE MACMILLAN COMPANY

1953

# Modern Corporation And Private Property

**Adolf A. Berle, Gardiner Coit Means**

## **Modern Corporation And Private Property:**

The Modern Corporation and Private Property ,1991-01-01 Written more than a half century ago The Modern Corporation and Private Property remains the fundamental introduction to the internal organization of the corporation in modern society Combining the analytical skills of an attorney with those of an economist Berle and Means raise the central questions even when their answers have been superseded by changing circumstances This volume remains of valuable to all those concerned with the evolution of this major social institution The Modern Corporation and Private Property Adolf A. Berle

(Jr.),Gardiner Coit Means,1993 **The Modern Corporation and Private Property** Gardiner Means,2017-09-29 This monumental work on the corporation is one of those enduring classics that many cite but few have read Graced with a new introduction by Weidenbaum and Jensen this new edition makes this classic available to a new generation Written in the early 1930s The Modern Corporation and Private Property remains the fundamental introduction to the internal organization of the corporation in modern society Combining the analytical skills of an attorney with those of an economist Berle and Means raise the central questions even when their answers have been superseded by changing circumstances The book s most enduring theme is the separation of ownership from control of the modern corporation and its consequences Berle and Means display keen awareness of the divergent interests of directors and managers and of each from owners of the firm Among their predictions are the characteristic increase in size of the modern corporation and concentration of the economy The authors view stock exchanges and stock markets as essential by products of the rise of the modern corporation and explore how these function They address the difficult questions of whether corporations operate for the benefit of owners or managers and explore what motivates managers to make effective use of corporate assets Finally they examine the role of the corporation as the prevailing form of organizing the production and distribution of goods and services In their new introduction Weidenbaum and Jensen co directors of the Center for the Study of American Business at Washington University critically assess the impact of developments not fully anticipated by Berle and Means such as the rise of the service sector and the significant role played by institutional investors in the owner manager equation They note the authors prescient observations including the complex role of and motivating influences on professional managers and the significance of inside informatio

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*The modern corporation and private property*, by A.A. Berle and G.C. Means Adolf A. Berle (Jr.),

*The Modern Corporation and Private Property* Robert Hessen, 1983 Reassessment of the highly acclaimed 1932 publication on the nature of corporations The modern corporation and private property by A Berle and G Means     **The Modern Corporation and Private Property** Adolf A. Berle (jr.), 1968     **Berle and Meens' "The Modern Corporation and Private Property" Revisited** Charles Spiro Telly, 1976     **Introduction to The Modern Corporation and Private Property** Murray L. Weidenbaum, Mark Jensen, 1990     *Perspectives on Corporate Governance* F. Scott Kieff, Troy A. Paredes, 2010-07-30 The events that began with the collapse of Enron WorldCom Tyco and Adelphia and continued into the financial crisis of 2008 teach us an important lesson corporate governance matters Although it is widely acknowledged that good corporate governance is a linchpin of good corporate performance how can one improve corporate governance and its impact on corporate and overall economic performance This book offers a diverse and forward looking set of approaches from experts covering the major areas of corporate governance reform and analyzing the full range of issues and concerns Written to be both theoretically rigorous and grounded in the real world the book is well suited for practicing lawyers managers lawmakers and analysts as well as academics conducting research or teaching a wide range of courses in law schools business schools and economics departments     *Modern Corporation and American Political Thought* Scott Bowman, 2010-11-01     **Governing the Modern Corporation** Roy C. Smith, Ingo Walter, 2006-01-12 Nearly seventy years after the last great stock market bubble and crash another bubble emerged and burst despite a thick layer of regulation designed since the 1930s to prevent such things This time the bubble was enormous reflecting nearly twenty years of double digit stock market growth and its bursting had painful consequence The search for culprits soon began and many were discovered including not only a number of overreaching corporations but also their auditors investment bankers lawyers and indeed their investors In *Governing the Modern Corporation* Smith and Walter analyze the structure of market capitalism to see what went wrong They begin by examining the developments that have made modern financial markets now capitalized globally at about 70 trillion so enormous so volatile and such a source of wealth and temptation for all players Then they report on the evolving role and function of the business corporation the duties of its officers and directors and the power of its Chief Executive Officer who seeks to manage the company to achieve as favorable a stock price as possible They next turn to the investing market itself which comprises mainly financial institutions that own about two thirds of all American stocks and trade about 90% of these stocks These investors are well informed highly trained professionals capable of making intelligent investment decisions on behalf of their clients yet the best and brightest ultimately succumbed to the bubble and failed to carry out an appropriate governance role In what follows the roles and business practices of the principal financial intermediaries notably auditors and bankers are examined in detail All corporations investors and intermediaries are found to have been infected by deep seated conflicts of interest which add significant agency costs to the free market system The imperfect politicized role of the regulators is also explored with disappointing results The entire system is seen to have been

compromised by a variety of bacteria that crept in little by little over the years and were virtually invisible during the bubble years. These issues are now being addressed in part by new regulation, in part by prosecutions and class action lawsuits, and in part by market forces responding to revelations of misconduct. But the authors note that all of the market's professional players—executives, investors, experts, and intermediaries themselves—carry fiduciary obligations to the shareholders, clients, and investors whom they represent. More has to be done to find ways for these fiduciaries to be held accountable for the correct discharge of their duties.

*Taming the Octopus: The Long Battle for the Soul of the Corporation* Kyle Edward Williams, 2024-02-20. The untold story of how efforts to hold big business accountable changed American capitalism. Recent controversies around environmental, social, and governance (ESG) investing and woke capital evoke an old idea: the Progressive Era vision of a socially responsible corporation. By midcentury, the notion that big business should benefit society was a consensus view. But as Kyle Edward Williams's brilliant history *Taming the Octopus* shows, the tools forged by New Deal liberals to hold business leaders accountable—such as the Securities and Exchange Commission—narrowly focused on the financial interests of shareholders. This inadvertently laid the groundwork for a set of fringe views to become dominant: that market forces should rule every facet of society. Along the way, American capitalism itself was reshaped, stripping businesses to their profit-making core. In this vivid and surprising history, we meet activists, investors, executives, and workers who fought over a simple question: Is the role of the corporation to deliver profits to shareholders or something more? On one side were business statesmen who believed corporate largess could solve social problems. On the other were libertarian intellectuals such as Milton Friedman and his oft-forgotten contemporary Henry Manne, whose theories justified the ruthless tactics of a growing class of corporate raiders. But Williams reveals that before the activist investor emerged as a capitalist archetype, Civil Rights groups used a similar playbook for different ends: buying shares to change a company from within. As a rising tide of activists pushed corporations to account for societal harms—from napalm to environmental pollution to inequitable hiring—a new idea emerged: that managers could maximize value for society while still turning a maximal profit. This elusive ideal, stakeholder capitalism, still dominates our headlines today. Williams's necessary history equips us to reconsider democracy's tangled relationship with capitalism.

**Transaction Man** Nicholas Lemann, 2019-09-10. An Amazon Best History Book of 2019. A splendid and beautifully written illustration of the tremendous importance public policy has for the daily lives of ordinary people. Ryan Cooper, *Washington Monthly*. Over the last generation, the United States has undergone seismic changes. Stable institutions have given way to frictionless transactions, which are celebrated no matter what collateral damage they generate. The concentration of great wealth has coincided with the fraying of social ties and the rise of inequality. How did all this come about? In *Transaction Man*, Nicholas Lemann explains the United States and the world's great transformation by examining three remarkable individuals who epitomized and helped create their eras: Adolf Berle, Franklin Delano Roosevelt's chief theorist of the economy, imagined a society dominated by large corporations, which a newly powerful federal

government had forced to become benign and stable institutions contributing to the public good by offering stable employment and generous pensions By the 1970s the corporations large stockholders grew restive under this regime and their chief theoretician Harvard Business School s Michael Jensen insisted that firms should maximize shareholder value whatever the consequences Today Silicon Valley titans such as the LinkedIn cofounder and venture capitalist Reid Hoffman hope networks can reknit our social fabric Lemann interweaves these fresh and vivid profiles with a history of the Morgan Stanley investment bank from the 1930s through the financial crisis of 2008 while also tracking the rise and fall of a working class Chicago neighborhood and the family run car dealerships at its heart Incisive and sweeping *Transaction Man* is the definitive account of the reengineering of America and the enormous impact it has had on us all

**The Ungovernable Society** Grégoire Chamayou, 2021-01-28 Rebellion was in the air Workers were on strike students were demonstrating on campuses discipline was breaking down No relation of domination was left untouched the relation between the sexes the racial order the hierarchies of class relationships in families workplaces and colleges The upheavals of the late 1960s and early 1970s quickly spread through all sectors of social and economic life threatening to make society ungovernable This crisis was also the birthplace of the authoritarian liberalism which continues to cast its shadow across the world in which we now live To ward off the threat new arts of government were devised by elites in business related circles which included a war against the trade unions the primacy of shareholder value and a dethroning of politics The neoliberalism that thus began its triumphal march was not however determined by a simple state phobia and a desire to free up the economy from government interference On the contrary the strategy for overcoming the crisis of governability consisted in an authoritarian liberalism in which the liberalization of society went hand in hand with new forms of power imposed from above a strong state for a free economy became the new magic formula of our capitalist societies The new arts of government devised by ruling elites are still with us today and we can understand their nature and lasting influence only by re examining the history of the conflicts that brought them into being

**The Modern Corporation and Private Property - 80 Years Later** Miroslav Nedelchev, 2018 The events that took place since 2007 raised new challenges to the economy The traditional approaches to the corporate governance and to the private property are reshaped The interests of the society and of the national economy win the upper hand against the interests of the company The participants and the instruments of the corporate governance are surrounded by a new reality

*The Making of the Modern Company* Susan Watson, 2022-05-19 This book adopts a historical perspective to highlight and bring back into focus the key features of the modern company A central argument in the book is that legal personhood attaching to an entity containing a corporate fund seeded by shareholders is a direct and inevitable consequence of limited liability and the company s status as a separate legal entity from its shareholders Management by a board subject to legal duties to the company as an entity that can exist in perpetuity facilitates a long term perspective by the board that can accommodate both shareholder and stakeholder interests These

defining characteristics differentiate the modern company from other business forms The Making of the Modern Company applies a 21st century lens to the corporation through its history to identify turning points in its development It sets out how key features emerged in the course of two separate developmental cycles in English corporate law first with the English East India Company in the 17th century and then with general incorporation statutes in the 2nd half of the 19th century The book's historical perspective highlights that the key features are part of the secret sauce of modern companies Each cycle coincided with unparalleled periods of economic success associated with corporate activity This book will be of interest to corporate law and governance academics theorists and practitioners those who study the company from related disciplines and anyone who questions why uncertainty still exists about the structure of a legal form that has been described as amongst mankind's greatest inventions

**Principles of Enterprise Law** Ewan McGaughey, 2022-09-01 Major enterprises shape our lives in countless ways big tech and surveillance media that affect democratic debate algorithms that influence online shopping transport to work and home energy and agriculture corporations that drive climate damage and public services that provide our education health water and housing The twentieth century experienced swings between private and public ownership between capitalism and socialism without any settled principled outcome and without settling major questions of how enterprises should be financed governed and the rights we have in them This book's main question is are there principles of enterprise law and if they are missing what principles of enterprise law should there be Principles of Enterprise Law gives a functional account of the general enterprise laws of companies investment labour competition and insolvency before moving into specific enterprises from universities to the military It is an original guide to our economic constitution and human rights

**Adolf Berle and the New Modern Corporation** Donald Margotta, 2016 The formal study of corporate governance begins with the publication in 1932 of The Modern Corporation and Private Property by Adolf Berle and Gardiner Means Berle's work continues to be influential today but this paper suggests that he has been misunderstood on several key issues and that greater understanding of his work may provide better insight into the public corporation as it existed in 1930 and also as it exists today Such understanding is critical since today's public corporation is under intense scrutiny That scrutiny is fueled by recent substantial changes in stock ownership and this paper examines new questions on corporate governance raised by these ownership changes



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