

CONTENTS

<i>Preface and acknowledgments</i>	page ix
<i>List of abbreviations</i>	x
<i>Table of cases</i>	xix
<i>Table of legislation</i>	xxiii
Introduction	1

PART I The object and course of the investigation

1. Dimensions of convergence in shareholder law	7
I. The spatial dimension: the legal systems covered	7
II. The objective dimension: the shareholder of a joint stock company	10
III. The temporal dimension	17
IV. The methodological dimension	23
V. Summary	26

PART II The status quo of convergence

2. Legal bases	31
I. International and regional law	31
II. Statute law and case law	34
III. Company and securities law	37
IV. Self-regulation and state regulation	45
V. Conclusion	59
3. Bases for a shareholder typology	60
I. The shareholder in the theoretical debate	60
II. Real types of shareholder	64
III. Conclusions	66

4.	The 'shareholder as such'	68	
I.	The profit-oriented shareholder	68	
II.	The active shareholder	87	
III.	The informed shareholder	120	
IV.	The anonymous shareholder	136	
V.	Conclusions to this chapter	147	
5.	The shareholder in the power structure of the company		149
I.	The deciding shareholder	150	
II.	The protected shareholder	174	
III.	The litigating shareholder	210	
IV.	Conclusions to this chapter	222	
6.	Conclusions to Part II	224	
I.	Divergence and convergence	224	
II.	Globalization and Americanization	226	
III.	Convergence and artificial convergence	228	

PART III Developmental trends and patterns

7.	Bases	231	
I.	The dependency of shareholder law	231	
II.	Regulatory levels of shareholder law	239	
III.	Regulatory forms at the national level	244	
IV.	Conclusions to this chapter	248	
8.	Convergence through congruence	250	
I.	General cultural and economic-policy approximation		250
II.	The convergence of legal cultures	255	
III.	Internationalization of the economy	263	
IV.	Approximation of shareholder structures	277	
V.	Legislative responses	290	
9.	Convergence through pressure	297	
I.	Pressure from company founders	297	
II.	Pressure from management	307	
III.	Pressure from shareholders	310	
IV.	Pressure from other interest groups	314	
V.	Pressure from international organizations and foreign states		316
VI.	Legislative responses	317	

CONTENTS

vii

10.	Future convergences in shareholder law	336	
I.	The 'shareholder as such'	336	
II.	The shareholder in the power structure of the company		353
11.	Conclusions to Part III	366	
I.	Re-regulation	366	
II.	Convergence forces	367	
III.	Changes in future law	368	
PART IV	Conclusion		
12.	Convergence as a model for the future	373	
I.	Convergence 'from above'	373	
II.	Convergence 'from below'	381	
III.	The object of convergence in shareholder law		391
IV.	Conclusion	395	
13.	Summary of principal findings	396	
	<i>References</i>	401	
	<i>Index</i>	451	