

# Redefining The Market State Relationship Ioannis Glinavos

## **Microfinance and Financial Inclusion** - Eugenia Macchiavello 2017-07-20

Following the recent global financial crisis there is a growing interest in alternative finance – and microfinance in particular – as new instruments for providing financial services in a socially responsible way or as an alternative to traditional banking. Nonetheless, correspondingly there is also a lack of clarity about how to regulate alternative financial methods particularly in light of the financial crisis' lessons on regulatory failure and shadow banking's risks. This book considers microfinance from a legal and regulatory perspective. Microfinance is the provision of a wide range of financial services, particularly credit but also remittances, savings, to low-income people or financially excluded people. It combines a business structure with social inspiration, often resorts to technological innovations to lower costs (Fintech: e.g. crowdfunding and mobile banking) and merges with traditional local experiences (e.g. financial cooperatives and Islamic finance), this further complicating the regulatory picture. The book describes some of the unique dimensions of microfinance and the difficulties that this can cause for regulators, through a comparative analysis of selected European Union (EU) countries' regimes. The focus is in fact on the EU legal framework, with some references to certain developing world experiences where relevant. The book assesses the impact and validity of current financial regulation principles and rules, in light of the most recent developments and trends in financial regulation in the wake of the financial crisis and compares microfinance with traditional banking. The book puts forward policy recommendations for regulators and policy makers to help address the challenges and opportunities offered by microfinance.

## **Regulation of Debt Collection in Europe** - Cătălin Gabriel Stănescu 2022-11-25

Due to the absence of due process and other procedural guarantees generally offered by judicial enforcement, informal debt collection practices (IDCPs) can become abusive, harming both consumers and the economy by threatening consumers' physical, psychological, and economic wellbeing; exposing lawabiding debt collectors to unfair competition; undermining the financial system; and negatively impacting social peace by resorting to criminal activity. The need to control and harmonize IDCPs surfaced in connection with the European Commission's Action Plan to tackle the high level of non-performing loans caused by the financial crisis and the Covid-19 pandemic –specifically the Proposal for a Directive on Credit Servicers, Credit Purchasers, and the Recovery of Collateral (CSD). Harmonizing the regulation of abusive IDCPs is vital for several reasons. First, IDCPs have a cross-border dimension due to the freedom of movement, enabling debt collection operations across the internal market. Second, the internal market's size amounts to over 450 million citizens potentially exposed to abusive IDCPs. The regulatory frameworks addressing IDCPs in the E.U. display divergent characteristics that may be difficult to navigate and require creating a level-playing field for consumers and debt collectors, especially when approaches vary at Member State level. This book addresses this gap by providing a comprehensive guide to regulating informal debt collection practices in eight Member States of the E.U. and the United Kingdom (U.K.). It serves as a comparative law instrument for implementing the recently adopted CSD. It will be important reading for students, academics, and stakeholders with an interest in debt collection practices and the law.

## **Socio-Legal Approaches to International Economic Law** - Amanda Perry-Kessaris 2013-03-05

This collection explores the analytical, empirical and normative components that distinguish socio-legal approaches to international economic law both from each other, and from other approaches. It pays particular attention to the substantive focus (what) of socio-legal approaches, noting that they go beyond the text to consider context and, often, subtext. In the process of identifying the 'what' and the 'how' (analytical and empirical tools) of their own socio-legal approaches, contributors to this collection reveal why they or anyone else ought to bother--the many reasons 'why' it is important, for theory and for practice, to take a social legal approach to international economic law.

## **International Economic Law and African Development** - Laurence Boule 2014-06-20

International Economic Law and African Development discusses international perspectives on African law and economic development in the light of broader globalisation imperatives. It is the third in what can loosely be described as a series on Africa and globalisation by the Mandela Institute, the first two being Globalisation and Governance and International Economic Law - Voices of Africa.

## **Handbook of International Investment Law and Policy** - Julien Chaisse 2021-08-17

The Handbook of International Investment Law and Policy is a one-stop reference source. This Handbook covers the main conceptual questions in a logical, scholarly yet easy to comprehend manner. It is based on a truly global vision insisting particularly on Global South related issues and developments. In this respect, the Handbook of International Investment Law and Policy provides an excellent modern treatment of international investment law which is one of the fastest growing areas of international economic law. Professor Julien Chaisse, Professor Leïla Choukroune, and Professor Sufian Jusoh are the editors-in-chief of the Handbook of International Investment Law and Policy, a 1,500-page reference book, which is anticipated becoming one of the most influenced reference books in the international economic law areas. This Handbook is a highly comprehensive set of four volumes of original materials designed to cover all facets of international investment law and policy. The chapters, written by world-leading experts, explore key ideas and debates in relation to: international investment substantive law (Volume I), Investor-state dispute settlement (Volume II); interaction between international investment law and other fields of international law (Volume III); and, the new trends and challenges for international investment law (Volume IV). The Handbook will feature more than 80 contributions from leading experts (academics, lawyers, government officials), including Vivienne Bath, M. Sornarajah, Mélida Hodgson, Rahul Donde, Roberto Echandi, Andrew Mitchell, Ernst-Ulrich Petersmann, Christina L. Beharry, Krista Nadakavukaren Schefer, Leon Trakman, Prabhash Ranjan, Emmanuel Jacomy, Mariel Dimsey, Stavros Brekoulakis, Romesh Weeramantry, Nathalie Bernasconi-Osterwalder, David Collins, Damilola S. Olawuyi, Katia Fach Gomez, Jaemin Lee, Alejandro Carballo-Leyda, Patrick W. Pearsall, Mark Feldman, Surya Deva, Luke Nottage, Rafael Leal-Arcas, James Nedumpara, Rodrigo Polanco, etc. This Handbook will be an essential reference tool for students and scholars of international economic law. Policy makers and researchers alike will find the Handbook of International Investment Law and Policy useful for years to come.

## **The Oxford Handbook of International Arbitration** - Thomas Schultz 2020-06-30

This Handbook offers academics and practitioners a one-stop-shop entry into the subject of international arbitration, and the ways in which it is discussed today.

## **Neoliberal Legality** - Honor Brabazon 2016-11-10

Neoliberalism has been studied as a political ideology, an historical moment, an economic programme, an institutional model, and a totalising political project. Yet the role of law in the neoliberal story has been relatively neglected, and the idea of neoliberalism as a juridical project has yet to be considered. That is: neoliberal law and its interrelations with neoliberal politics and economics has remained almost entirely neglected as a subject of research and debate. This book provides a systematic attempt to develop a holistic and coherent understanding of the relationship between law and neoliberalism. It does not, however, examine law and neoliberalism as fixed entities or as philosophical categories. And neither is its objective to uncover or devise a 'law of neoliberalism'. Instead, it uses empirical evidence to explore and theorise the relationship between law and neoliberalism as dynamic and complex social phenomena. Developing a nuanced concept of 'neoliberal legality', neoliberalism, it is argued here, is as much a juridical project as a political and economic one. And it is only in understanding the juridical thrust of neoliberalism that we can hope to fully comprehend the specificities, and continuities, of the neoliberal period as a whole.

## **Holocaust Restitution** - Michael J. Bazyler 2007-06

"Bazyler and Alford have produced an essential tool for understanding the righteous struggle to win

restitution for Holocaust victims and their heirs." --Richard Z. Chesnoff, author of *Pack of Thieves: How Hitler & Europe Plundered the Jews & Committed The Greatest Theft In History*"This excellent volume makes a significant contribution both to legal studies and to the history of the Holocaust. The editors deserve special praise for including chapters by Holocaust survivors, assuring that their often-forgotten voices are not lost within the great debate about Holocaust restitution."--Marilyn J. Harran, Stern Chair in Holocaust History, Chapman University"An invaluable text for students and scholars as well as a fascinating read for all those concerned with Holocaust and genocide issues in all disciplines and on behalf of all victims."--Israel W. Charny, President, International Association of Genocide Scholars "This unique collection is important in bringing together the perspectives of legal practitioners, activists, archivists and historians, negotiators, and survivors. It is remarkably comprehensive. . . . The editors have not shied away from controversy."--David Cesarani, Research Professor in History, Royal Holloway, University of London"If there is a 'final frontier' in understanding the Holocaust, it is the assessment of international litigation, compensation, and reparations claims. This extraordinary group of contributions thoughtfully reflects on the Holocaust, past and present, as well as what many would call 'imperfect justice.'"--Stephen Feinstein, Professor of History and Director, Center for Holocaust and Genocide Studies, University of Minnesota"This collection of essays on Holocaust restitution litigation provides a wonderful overview

**Competition Law and Financial Services** - David Harrison 2014-03-14

Competition law underpins the market economy by prohibiting anti-competitive agreements and practices, and the abuse of dominant positions in the market. Until the financial crisis it was widely assumed that the financial services industry was highly competitive. This book explores the extent to which this is the case. By analysing crisis and pre-crisis competition law cases and examples from the UK, the EU and around the world, David Harrison asks whether there exists good reason for financial services to be treated differently from the rest of the market economy. The theory of market efficiency is not borne out in practice. He particularly draws upon John Maynard Keynes in examining the differences between price mechanisms in product markets for "normal" goods, and price mechanisms in financial and investment markets where expectations of the future tend to play a greater role, leading to greater price fluctuations. In this evaluation, the book examines aspects of the practical functioning of capital markets such as the phenomenon of herding behaviour by financial participants, how short-term behaviour by intermediaries can be to the disadvantage of savers and productive investment, the relationship between investment markets and product markets and the extent to which the same competition rules apply to undertakings involved in both. The book will be invaluable to students, researchers and practitioners of banking and finance law, and commercial and competition law. .

**Regulation and Supervision of the OTC Derivatives Market** - Ligia Catherine Arias-Barrera 2018-05-11

The over-the-counter (OTC) derivatives market has captured the attention of regulators after the Global Financial Crisis due to the risk it poses to financial stability. Under the post-crisis regulatory reform the concentration of business, and risks, among a few major players is changed by the concentration of a large portion of transactions in the new market infrastructures, the Central Counterparties (CCPs). This book, for the first time, analyses the regulatory response of the United Kingdom and the United States, the two largest centres of OTC derivatives transactions, and highlights their shortcomings. The book uses a normative risk-based approach to regulation as a methodological lens to analyse the UK regime of CCPs in the OTC derivatives market. It specifically focuses on prudential supervision and conduct of business rules governing OTC derivatives transactions and the move towards enhancing the use of central clearing. The resulting analysis, from a normative risk based approach, suggests that the UK regime for CCPs does not fulfil what would be expected if a coherent risk based approach was taken. Our comments on the Dodd-Frank Act highlight that the incoherent adoption of risk-based approach to regulation affects the effectiveness of the US regime for CCPs. Such a regime does not follow the pace of events of 'innovation risk'; in particular, the foreseeable changes FinTech will bring to the OTCDM and central clearing services. The second inadequacy of the US regime concerns the dual regulatory structure of the CFTC and the SEC, and the inadequate adoption of different and not well-coordinated regulatory strategies. We also analyse the cross-border implications of the US regime for non-US CCPs that provide clearing services to US market participants. Finally, we study the negative effects of the absence of a clearly defined resolution

regime for CCPs.

**Institutional Structure of Financial Regulation** - Robin Hui Huang 2014-06-20

In light of on-going global financial crises, the institutional structure of financial regulation is currently a subject of significant academic and practical interest. The financial crisis has called into question the adequacy of financial regulation at the national and supranational levels, and has instigated financial regulatory reforms in major markets overseas. This has included the enactment of the Dodd-Frank Act in the US, and the programme to split the Financial Services Authority in the UK. This book examines the institutional structure reform of financial regulation from a comparative perspective, exploring both fundamental theories and international experiences. The book explores the three main institutional structures of financial regulation in the world; the sectors-based model, adopted in the US, Mainland China and Hong Kong; the twin-peaks model with Australia and the Netherlands as its pioneers; and the single-regulator model as represented by the former Financial Services Authority in the UK and the Financial Services Agency in Japan. The book contains contributions from renowned experts in the field of financial regulation including Douglas Arner, Jeffrey Carmichael, Robin Hui Huang, Dirk Schoenmaker, and Michael Taylor, and will be of interest to students and researchers of banking and finance law, and comparative economics.

**Ethics in International Arbitration** - Catherine A. Rogers 2014

International arbitration is a remarkably resilient institution, but many unresolved and largely unacknowledged ethical quandaries lurk below the surface. Globalization of commercial trade has increased the number and diversity of parties, counsel, experts and arbitrators, which has in turn lead to more frequent ethical conflicts just as procedures have become more formal and transparent. The predictable result is that ethical transgressions are increasingly evident and less tolerable. Despite these developments, regulation of various actors in the system arbitrators, lawyers, experts, third-party funders and arbitral institutions remains ambiguous and often ineffectual. Ethics in International Arbitration systematically analyses the causes and effects of these developments as they relate to the professional conduct of arbitrators, counsel, experts, and third-party funders in international commercial and investment arbitration. This work proposes a model for effective ethical self-regulation, meaning regulation of professional conduct at an international level and within existing arbitral procedures and structures. The work draws on historical developments and current trends to propose analytical frameworks for addressing existing problems and reifying the legitimacy of international arbitration into the future.

**The World Food Economy** - Douglas D. Southgate, Jr. 2006-11-03

The questions of population growth and food supply have long been of central concern to economists. The World Food Economy seeks to examine the lessons of the past for wealthy nations, where agricultural output has steadily risen for decades, as well as for developing nations where the advances of the "Green Revolution" in the 1960s have introduced new problems in addition to solutions. This text assesses the challenge of satisfying food demand during the twenty-first century as consumers and producers in every part of the world—rich and poor alike—feel the effects of expanded global commodity trade, food aid, and national legislation in response to globalization. Examines increases in agricultural output and productivity in both the developed and developing worlds Analyzes the centrality of agricultural development to general economic progress and explores cases where governments attempt to foster economic expansion while neglecting food production Assesses the challenge of satisfying food demand during the twenty-first century, given the effects of globalization on international trade and national legislation.

**Redefining the Market-State Relationship** - Ioannis Glinavos 2013-10-01

This book offers an interdisciplinary overview of the role of law in modern capitalism in the context of financial crisis. In this work, the reader will find a discussion of key issues relevant to the crisis that have occupied the pages of the financial press since 2007 including an assessment of the meltdown of the sub-prime mortgage market, the credit crunch, the European debt crisis and the turmoil in Greece, plus a series of theoretical contributions that are aimed to challenge perceptions of the market-state relationship and the place of law within it. The book includes a methodological defence of the state-market dichotomy, a critique of the tenets of neoclassical economics, and an evaluation of what the financial crisis heralds for the future of the political economy of western democracies. Ioannis Glinavos argues that it is a mistake to associate

markets with freedom and states with oppression, and suggests that more choice for consumers can -and does- mean less choice for citizens. The book suggests that a new social contract is needed to ensure the survival of both capitalism and democracy. In contributing a unique, legal perspective to the underlying dynamics of the financial crisis, this book will be valuable to scholars and students of regulation, financial markets and economic development.

**The Political Economy of Central Banking in Emerging Economies** - Mustafa Yağcı 2020-09-03

Since the start of the Global Financial Crisis in 2008, research on central banking has gained momentum due to unusual levels of central bank activism and unconventional monetary policy measures in many countries. While these policies drew significant attention to advanced economy central banks, there has been much less academic focus on central banking in emerging economies. This book extends the research on the political economy of central banking by focusing on the emerging economies in Asia, Africa, Latin America, and the European periphery. Central banks are at the heart of economic policymaking, and their decisions have a significant impact on the social and economic well-being of citizens. Adopting an interdisciplinary political economy perspective, the contributions in this book explore the reciprocal relations between politics, economics, and central banks, and how the global and domestic political economy contexts influence central bank practices. The chapters employ diverse theoretical perspectives such as institutional and organizational theory, developmental state resource dependency, and gender studies, drawing on disciplines ranging from politics, international relations, public policy, management, finance, and sociology. This book will appeal to academics and students of central banking, political economy, and emerging economies, as well as professionals and policymakers engaged with central banks, monetary policy, and economic development.

**Law and Finance after the Financial Crisis** - Abdul Karim Aldohni 2016-12-19

The 2008 financial crisis has become one of the defining features of the twenty first century's first decade. The series of events which unfolded in the aftermath of the crisis has exposed major structural flaws in many of the financial systems around the globe, triggering a global call for legal and regulatory reforms to address the problems that have been uncovered. This book deals with a neglected angle of the 2008 financial crisis looking in-depth at the implicit effects of the 2008 crisis on the UK financial market. The book considers new trends in finance which have emerged since the crisis as well as the challenges faced by some older practices in the UK financial markets. After providing a reflective account of the history of law and creditors in the UK the book investigates the proliferation of certain forms of financing that have recently become very visible parts of the UK financial market's structure, such as high cost short term lending and peer to peer lending. It provides legal and economic accounts of these forms of alternative lending, charting their developments, current status and critically assesses their impact on the UK financial market. Also examined are the ongoing funding difficulties faced by Small and Medium Enterprises (SMEs) and the suitability of the UK current legal framework to support these institutions. The book goes on to look at the viability and safety of some other post crisis trends such as banks use of Contingent Convertible Bonds (CoCos) to improve their resilience.

**Fiduciary Law and Responsible Investing** - Benjamin J. Richardson 2013-08-21

This book is about fiduciary law's influence on the financial economy's environmental performance, focusing on how the law affects responsible investing and considering possible legal reforms to shift financial markets closer towards sustainability. Fiduciary law governs how trustees, fund managers or other custodians administer the investment portfolios owned by beneficiaries. Written for a diverse audience, not just legal scholars, the book examines in a multi-jurisdictional context an array of philosophical, institutional and economic issues that have shaped the movement for responsible investing and its legal framework. Fiduciary law has acquired greater influence in the financial economy in tandem with the extraordinary recent growth of institutional funds such as pension plans and insurance company portfolios. While the fiduciary prejudice against responsible investing has somewhat waned in recent years,

owing mainly to reinterpretations of fiduciary and trust law, significant barriers remain. This book advances the notion of 'nature's trust' to metaphorically signal how fiduciary responsibility should accommodate society's dependence on long-term environmental well-being. Financial institutions, managing vast investment portfolios on behalf of millions of beneficiaries, should manage those investments with regard to the broader social interest in sustaining ecological health. Even for their own financial self-interest, investors over the long-term should benefit from maintaining nature's capital. We should expect everyone to act in nature's trust, from individual funds to market regulators. The ancient public trust doctrine could be refashioned for stimulating this change, and sovereign wealth funds should take the lead in pioneering best practices for environmentally responsible investing.

**European Prudential Banking Regulation and Supervision** - Larisa Dragomir 2010-04-05

Explores European prudential banking regulation and supervision. This book takes stock of developments in legislation, case-law and institutions affecting prudential supervision. It offers an analysis of the difficulties facing banking regulation during financial crises, including the issue of competition law in the banking sector.

**Redefining the Market-State Relationship** - Ioannis Glinavos 2013-10-01

This book offers an interdisciplinary overview of the role of law in modern capitalism in the context of financial crisis. In this work, the reader will find a discussion of key issues relevant to the crisis that have occupied the pages of the financial press since 2007 including an assessment of the meltdown of the sub-prime mortgage market, the credit crunch, the European debt crisis and the turmoil in Greece, plus a series of theoretical contributions that are aimed to challenge perceptions of the market-state relationship and the place of law within it. The book includes a methodological defence of the state-market dichotomy, a critique of the tenets of neoclassical economics, and an evaluation of what the financial crisis heralds for the future of the political economy of western democracies. Ioannis Glinavos argues that it is a mistake to associate markets with freedom and states with oppression, and suggests that more choice for consumers can -and does- mean less choice for citizens. The book suggests that a new social contract is needed to ensure the survival of both capitalism and democracy. In contributing a unique, legal perspective to the underlying dynamics of the financial crisis, this book will be valuable to scholars and students of regulation, financial markets and economic development.

**The Foundations and Future of Financial Regulation** - Mads Andenas 2013-11-20

Financial regulation has entered into a new era, as many foundational economic theories and policies supporting the existing infrastructure have been and are being questioned following the financial crisis. Goodhart et al's seminal monograph "Financial Regulation: Why, How and Where Now?" (Routledge:1998) took stock of the extent of financial innovation and the maturity of the financial services industry at that time, and mapped out a new regulatory roadmap. This book offers a timely exploration of the "Why, How and Where Now" of financial regulation in the aftermath of the crisis in order to map out the future trajectory of financial regulation in an age where financial stability is being emphasised as a key regulatory objective. The book is split into four sections: the objectives and regulatory landscape of financial regulation; the regulatory regime for investor protection; the regulatory regime for financial institutional safety and soundness; and macro-prudential regulation. The discussion ranges from theoretical and policy perspectives to comprehensive and critical consideration of financial regulation in the specifics. The focus of the book is on the substantive regulation of the UK and the EU, as critical examination is made of the unravelling and the future of financial regulation with comparative insights offered where relevant especially from the US. Running throughout the book is consideration of the relationship between financial regulation, financial stability and the responsibility of various actors in governance. This book offers an important contribution to continuing reflections on the role of financial regulation, market discipline and corporate responsibility in the financial sector, and upon the roles of regulatory authorities, markets and firms in ensuring the financial health and security of all in the future.

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