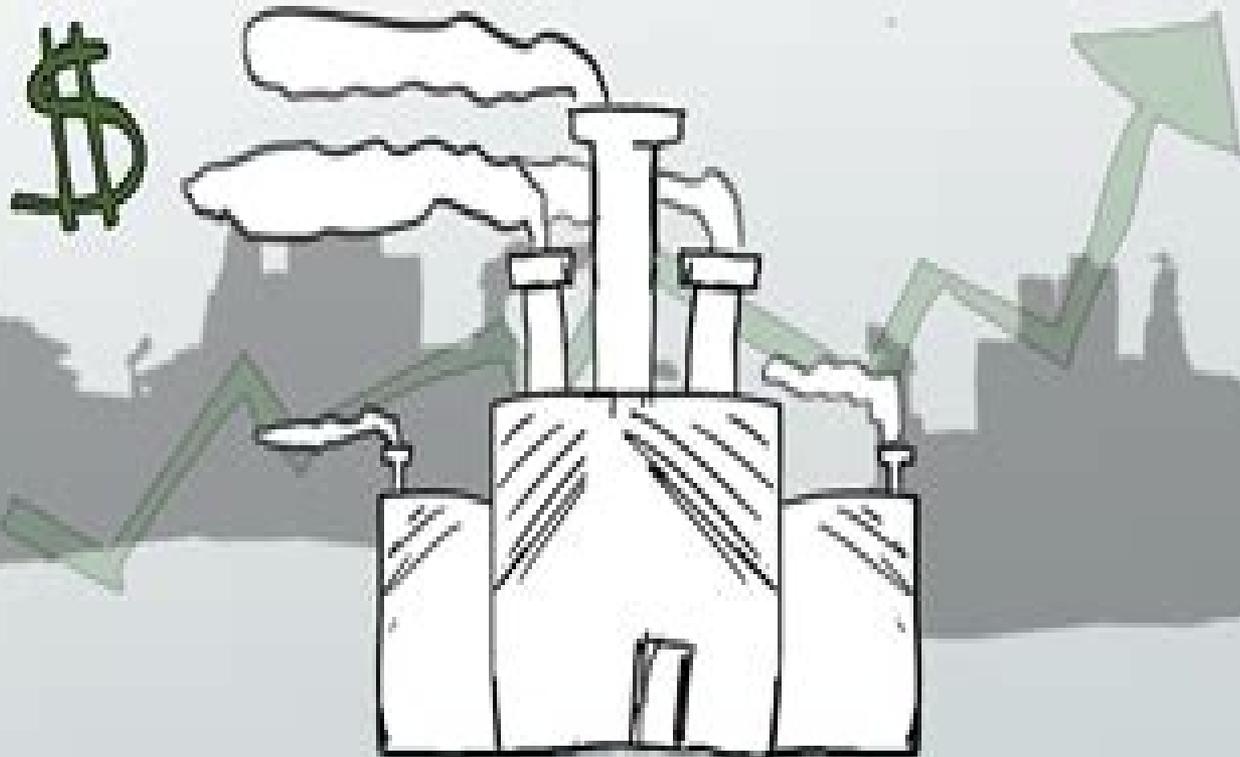


Capitalism

an economic system in which the means of production of goods or services are privately owned and operated for a profit



Capitalism And Legal Change

Duncan Kennedy



Capitalism And Legal Change:

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The Law of Capitalism and How to Transform It

Katharina Pistor, 2025-09-30 A fascinating study of the legal underpinnings of capitalism reasons why the system must be transformed and actions we can take Even though capitalism has been conventionally described as an economic system it is actually a deeply entrenched legal regime Law provides the material for coding simple objects promises and ideas as capital assets It also provides the means for avoiding the legal constraints that societies have frequently imposed on capitalism Often lauded for creating levels of wealth unprecedented in human history capitalism is also largely responsible for the two greatest problems now confronting humanity the erosion of social and political cohesion which undermines democratic self governance and the threats that emanate from climate change By exploring the ways that Western legal systems empower individuals to advance their interests against society Katharina Pistor reveals how capitalism is an unsustainable system designed to foster inequity She offers ideas for rethinking how the transformation of the law and the economy can help us create a more just system before it is too late

Legal Naturalism Olufemi Taiwo, 2015-11-12 Legal Naturalism advances a clear and convincing case that Marx's theory of law is a form of natural law jurisprudence It explicates both Marx's writings and the idea of natural law and makes a forceful contribution to current debates on the foundations of law Olufemi Taiwo argues that embedded in the corpus of Marxist writing is a plausible adequate and coherent legal theory He describes Marx's general concept of law which he calls legal naturalism For Marxism natural law isn't a permanent verity it refers to the basic law of a given epoch or social formation which is an essential aspect of its mode of production Capitalist law is thus natural law in a capitalist society and is politically and morally progressive relative to the laws of preceding social formations Taiwo emphasizes that these formations are dialectical or dynamic not merely static so that the law which is naturally appropriate to a capitalist economy will embody tensions and contradictions that replicate the underlying conflicts of that economy In addition he discusses the enactment and reform of positive law law established by government institutions in a Marxian framework

Law & Capitalism Curtis J. Milhaupt, Katharina Pistor, 2008-09-15 Recent high profile corporate scandals such as those involving Enron in the United States Yukos in Russia and Livedoor in Japan demonstrate challenges to legal regulation of business practices in capitalist economies Setting forth a new analytic framework for understanding these problems Law and Capitalism examines such contemporary corporate governance crises in six countries to shed light on the interaction of legal systems and economic change This provocative book debunks the simplistic view of law's instrumental function for financial market development and economic growth Using comparative case studies that address the United States China Germany Japan Korea and Russia Curtis J Milhaupt and Katharina Pistor argue that a disparate blend of legal and nonlegal mechanisms have supported economic growth around the world Their groundbreaking findings show that law and markets evolve together in a rolling relationship and legal systems including those of the most successful economies

therefore differ significantly in their organizational characteristics Innovative and insightful Law and Capitalism will change the way lawyers economists policy makers and business leaders think about legal regulation in an increasingly global market for capital and corporate governance *The Tools of Law that Shape Capitalism* Koen Bytтеbier,2019-09-04 The book provides a critical analysis of the legal mechanisms that help shape the capitalist system and also makes proposals for deploying these tools in a different manner Although often disguised in difficult legal jargon in reality the main legal building blocks of the prevailing capitalist socio economic system are simple the most important being 1 money 2 the company form and 3 neo liberal state organization aimed at making markets as free as possible for the entrepreneurial sector Having been used to create the socio economic order over 2 3 centuries the legal systems that helped shape capitalist societies around the globe have also contributed to a variety of fundamental problems that remain unaddressed by the capitalist system itself such as ever mounting public and private debt pollution and climate change an increasing polarization between rich and poor and a globally unjust fiscal order By proposing alternative uses for the tools of law that shape capitalism the book also makes proposals for dealing with these matters *Regulation Theory and Australian Capitalism* Brett Heino,2017-11-22 The end of the post World War II long boom in the mid 1970s proved the beginning of a process of political economic change that has fundamentally transformed labour law both in Australia and across the developed world more generally This is a phenomenon with deep ramifications for social justice The dissolution of productive industry the fragmentation of employment categories the rise of profound employment precarity and an increasingly hostile legal environment for trade unionism have been of immense significance for key social justice issues including income inequality the rise of a new working underclass and the marginalization of organised labour By combining the concepts of the Parisian Regulation Approach with an explicitly Marxist jurisprudence this study offers a theoretically rigorous yet empirically sensitive account of legal transition with key case studies in the metal food processing and retail sectors Given the similar development logic of post World War II capitalism in Western societies this theory although operationalised in the Australian context can be used in the effort to explain labour law change more broadly **A Critique of Adjudication [fin de Siècle]** Duncan Kennedy,2009-06-01 A major statement from one of the foremost legal theorists of our day this book offers a penetrating look into the political nature of legal and especially judicial decision making It is also the first sustained attempt to integrate the American approach to law an uneasy balance of deep commitment and intense skepticism with the Continental tradition in social theory philosophy and psychology At the center of this work is the question of how politics affects judicial activity and how in turn lawmaking by judges affects American politics Duncan Kennedy considers opposing views about whether law is political in character and if so how He puts forward an original distinctive and remarkably lucid theory of adjudication that includes accounts of both judicial rhetoric and the experience of judging With an eye to the current state of theory legal or otherwise he also includes a provocative discussion of postmodernism Ultimately concerned with the practical consequences

of ideas about the law A Critique of Adjudication explores the aspects and implications of adjudication as few books have in this century As a comprehensive and powerfully argued statement of a critical position in modern American legal thought it will be essential to any balanced picture of the legal political and cultural life of our nation Law/Society John Sutton,2001 A core text for the Law and Society or Sociology of Law course offered in Sociology Criminal Justice Political Science and Schools of Law John Sutton offers an explicitly analytical perspective to the subject how does law change What makes law more or less effective in solving social problems What do lawyers do Chapter 1 contrasts normative and sociological perspectives on law and presents a brief primer on the logic of research and inference as it is applied to law related issues Theories of legal change are discussed within a common conceptual framework that highlights the explanatory strengths and weaknesses of different arguments Discussions of law in action are explicitly comparative applying a consistent model to explain the variable outcomes of civil rights legislation Many concrete in depth examples throughout the chapters

Changing Law and Contractual Relations under COVID-19 Yuka Kaneko,2022-12-22 COVID 19 has changed not only human lives since the beginning of the year 2020 but systems of human society as well Legal measures have been employed in every country to mandate the state s control of human behavior in order to stop the pandemic But the mode of legal control has differed by country showing different results in terms of constraining the spread of infection While the behavioral restrictions continue the socio economic impacts of the pandemic have been causing another catastrophe particularly in the most vulnerable sectors of each society Small and medium sized enterprises SMEs are typical representatives of such vulnerable groups compelled to assume the economic burdens of the pandemic that have been shifted from the larger economic actors that hold the advantage in contractual negotiations Statistical data on infection status have revealed a great gap between countries such as European nations reaching the level of several thousand deaths per one hundred thousand population while most Asian countries have maintained a level of one or two digits Even though COVID 19 affects the whole world the redistribution of risks in the pandemic is a goal to be pursued in the socio cultural context of each society This book explores the law and social changes in Asian countries under the impact of COVID 19 with a particular focus on the social relations surrounding the SMEs These form the center of contractual relations between various socio economic actors and at the same time are a direct counterpart of the governmental SME policies peculiar to Asian interventionist governments A comparative approach is taken using the results of interview surveys based on structured questions conducted via research collaboration between the contributors from Japan as well as other Asian countries A comparative analysis of the risk redistribution in the pandemic between countries that share similar preconditions is still possible and meaningful The authors of this book hold the view that Asian countries have sufficient bases for international comparison particularly on the risk reallocation in the SME sector given the relatively well controlled level of infection presumably due to the similarity of cooperative social culture Another basis for comparison is the similarity of the laws

surrounding the business operation of SMEs since normal times which makes it feasible to compare the difference in the pandemic What risks should be reallocated between whom and how

Structural Change and Growth in Capitalism Paolo Leon,1967 Revision and English translation of the Italian language essay entitled ipotesi sullo sviluppo dell economia capitalistica on economic growth and changes in economic structure in a capitalist system covers questions of interpretation of the capitalist economy differentiation of profit rates production technological change consumption prices values dynamics dialectics etc References

Law and the Rise of Capitalism Michael Tigar,2000-06 Against a backdrop of seven hundred years of bourgeois struggle eminent lawyer and educator Michael E Tigar develops a Marxist theory of law and jurisprudence based upon the Western experience This well researched and documented study traces the role of law and lawyers in the European bourgeoisies s conquest of power and in the process complements the analyses of such major figures as R H tawney and Max Weber Using a wide frange of primary sources Tigar demonstrates that the legal theory of insurgent bourgeoisie predated the Protestant Reformation and was a major ideological ingredient of the bourgeois revolution

Modern Capitalism: Its Origin and Growth Maurice Dobb,1928

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Colony and Empire William G. Robbins,1994 A forceful analysis of the role of capitalism in the history of the American West This is an important contribution to the new western history that should be read by both historians and residents of the American West Journal of American History This exciting book should take its place on the shelf next to Patricia Limerick s The Legacy of Conquest Forest Conservation History

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Lloyd's Introduction to Jurisprudence Michael D. A. Freeman,Dennis Lloyd Baron Lloyd of Hampstead,2001 Lloyd s Introduction to Jurisprudence is well established as the leading textbook on the subject In this edition extracts have been selected from the works of more than a hundred jurists These are supported by detailed introductory sections which give background and critical insight into the texts This text brings together in one book a wide variety of materials which would otherwise be difficult to obtain It also contains substantial text by way of commentary This enables students and teachers worldwide to find comprehend and evaluate the essential material in one of the most difficult and rewarding subjects in the syllabus

Essays in the Political Economy of Australian Capitalism Edward Lawrence Wheelwright,Kenneth D. Buckley,1980

The intelligent woman's guide to socialism and capitalism Bernard Shaw,1930

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