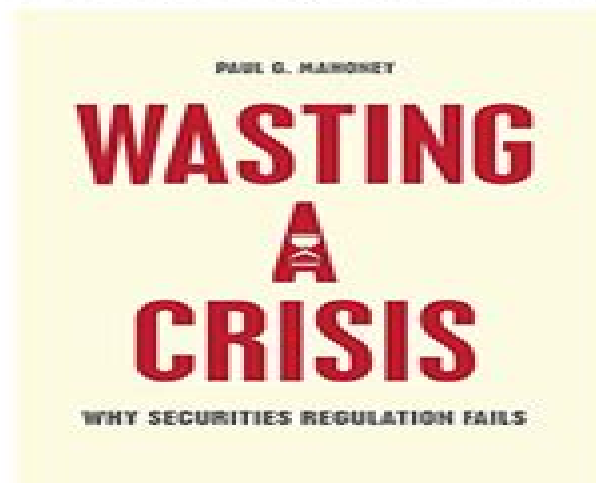


Wasting a Crisis: Why Securities Regulation Fails



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Description :

*The recent financial crisis led to sweeping reforms that inspired countless references to the financial reforms of the New Deal. Comparable to the reforms of the New Deal in both scope and scale, the 2,300-page Dodd-Frank Act of 2010 is the main regulatory reform package introduced in the United States. It also shared with New Deal reforms the assumption that the underlying cause of the crisis was misbehavior by securities market participants, exacerbated by lax regulatory oversight. With *Wasting a Crisis*, Paul G. Mahoney offers persuasive research to show that this now almost universally accepted narrative of market failure is broadly similar across financial crises. It is formulated by political actors hoping to deflect blame from prior policy errors. Drawing on a cache of data, from congressional investigations, litigation, regulatory reports, and filings to stock quotes from the 1920s and 1930s, Mahoney moves beyond the received wisdom about the financial reforms of the New Deal, showing that lax regulation was not a substantial cause of the financial problems of the Great Depression. As new regulations were formed around this narrative of market failure, not only were the majority largely ineffective, they were also often counterproductive, consolidating market share in the hands of leading financial firms. An overview of twenty-first-century securities reforms from the same analytic perspective, including Dodd-Frank and the Sarbanes-Oxley Act of 2002, shows a similar pattern and suggests that they too may offer little benefit to investors and some measurable harm.*

Wasting A Crisis Why Securities Regulation Fails

Stuart Banner



Wasting A Crisis Why Securities Regulation Fails:

Wasting a Crisis Paul G. Mahoney, 2015-03-23 In *Securities Regulation Reassessed* Paul Mahoney shows that policy responses to financial crises are broadly similar across place and time political actors hoping to avoid blame for a financial crisis create a narrative of market failure arguing that misbehavior by securities market participants rather than prior policy errors is the primary cause of the crisis Politically obliged regulators craft reforms that purport to solve problems which are either non existent or only tangentially related to the crisis yet they increase the complexity and expense of compliance resulting in consolidation and concentration of market share in the hands of already leading financial firms *Securities Regulation Reassessed* illustrates these points primarily but not exclusively with evidence from the New Deal era securities reforms in the United States Against the conventional wisdom that regards the New Deal reforms as successful Mahoney provides substantial countervailing evidence showing instead that Congress's diagnoses were systematically inaccurate and its remedies reduced competition in the securities industry Looking farther into history the work treats several key episodes prior to the New Deal including the English financial crises of 1697 and 1720 and the blue sky era of the 1910s and 1920s in the United States Finally Mahoney considers the Sarbanes Oxley Act of 2002 and the Dodd Frank Act of 2010 from the same analytical perspective Mahoney finds a predictable pattern for efforts at securities reform they require huge effort to enact and yield little objectively measurable payoff and some objectively measurable harm

Islamic Capital Markets and Products Simon Archer, Rifaat Ahmed Abdel Karim, 2017-10-16 *Ensure Basel III compliance with expert analysis specific to Islamic Finance* *Islamic Capital Markets and Products* provides a thorough examination of Islamic capital markets ICM with particular attention to the products that they offer and the legal and regulatory infrastructure within which they operate Since Islamic banks act as asset managers attention is paid to the regulatory challenges which they face in the light of Basel III as regards both eligible capital and liquidity risk management The authors of the chapters are professionals and practitioners and write from experience The editors also contributed to some of the chapters The markets and products covered include Islamic equities Islamic investment certificates Suk k which are Shari ah compliant alternatives to conventional bonds and Islamic Collective Investment Schemes The coverage of legal and regulatory issues includes an examination of the implications for ICM of securities laws and regulations and of Basel III as well as collateralisation issues Shari ah compliance aspects in terms both of the selection criteria for Islamic equities and of the purification of impermissible components of income are also examined in some detail as are the implications of Basel III for eligible capital in general and for Shari ah compliant capital instruments in particular A similar analysis is also made of the implications of the Basel III requirements for liquidity risk management and high quality liquid assets HQLA including Shari ah compliant HQLA The book concludes with three case studies two describing the ICM in Malaysia and Bahrain and a third which describes Suk k issued as Shari ah compliant capital instruments followed by brief concluding remarks by the editors

The

Oxford Handbook of Legal History Markus D. Dubber, Christopher Tomlins, 2018-07-26 Some of the most exciting and innovative legal scholarship has been driven by historical curiosity Legal history today comes in a fascinating array of shapes and sizes from microhistory to global intellectual history Legal history has expanded beyond traditional parochial boundaries to become increasingly international and comparative in scope and orientation Drawing on scholarship from around the world and representing a variety of methodological approaches areas of expertise and research agendas this timely compendium takes stock of legal history and methodology and reflects on the various modes of the historical analysis of law past present and future Part I explores the relationship between legal history and other disciplinary perspectives including economic philosophical comparative literary and rhetorical analysis of law Part II considers various approaches to legal history including legal history as doctrinal intellectual or social history Part III focuses on the interrelation between legal history and jurisprudence by investigating the role and conception of historical inquiry in various models schools and movements of legal thought Part IV traces the place and pursuit of historical analysis in various legal systems and traditions across time cultures and space Finally Part V narrows the Handbooks focus to explore several examples of legal history in action including its use in various legal doctrinal contexts

The Anatomy of Corporate Law Reinier Kraakman, John Armour, Paul Davies, Luca Enriques, Henry Hansmann, Gerard Hertig, Klaus Hopt, Hideki Kanda, Mariana Pargendler, Wolf-Georg Ringe, Edward Rock, 2017-01-19 This is the long awaited third edition of this highly regarded comparative overview of corporate law This edition has been comprehensively revised and updated to reflect the profound changes in corporate law and governance practices that have taken place since the previous edition These include numerous regulatory changes following the financial crisis of 2007 09 and the changing landscape of governance especially in the US with the ever more central role of institutional investors as active owners of corporations The geographic scope of the coverage has been broadened to include an important emerging economy Brazil In addition the book now incorporates analysis of the burgeoning use of corporate law to protect the interests of external constituencies without any contractual relationship to a company in an attempt to tackle broader social and economic problems The authors start from the premise that corporations or companies in all jurisdictions share the same key legal attributes legal personality limited liability delegated management transferable shares and investor ownership Businesses using the corporate form give rise to three basic types of agency problems those between managers and shareholders as a class controlling shareholders and minority shareholders and shareholders as a class and other corporate constituencies such as corporate creditors and employees After identifying the common set of legal strategies used to address these agency problems and discussing their interaction with enforcement institutions *The Anatomy of Corporate Law* illustrates how a number of core jurisdictions around the world deploy such strategies In so doing the book highlights the many commonalities across jurisdictions and reflects on the reasons why they may differ on specific issues The analysis covers the basic governance structure of the corporation

including the powers of the board of directors and the shareholder meeting both when management and when a dominant shareholder is in control. It then analyses the role of corporate law in shaping labor relationships, protection of external stakeholders, relationships with creditors, related party transactions, fundamental corporate actions such as mergers and charter amendments, takeovers, and the regulation of capital markets. *The Anatomy of Corporate Law* has established itself as the leading book in the field of comparative corporate law. Across the world, students and scholars at various stages in their careers, from undergraduate law students to well-established authorities in the field, routinely consult this book as a starting point for their inquiries.

Speculation Stuart Banner, 2017. What is the difference between a gambler and a speculator? Is there a readily identifiable line separating the two? If so, is it possible for us to discourage the former while encouraging the latter? These difficult questions cut across the entirety of American economic history and the periodic failures by regulators to differentiate between irresponsible gambling and clear-headed investing have often been the proximate causes of catastrophic economic downturns. Most recently, the blurring of speculation and gambling in U.S. real estate markets fueled the 2008 global financial crisis, but it is one in a long line of similar economic disasters going back to the nation's founding. In *Speculation*, author Stuart Banner provides a sweeping and story-rich history of how the murky lines separating investment, speculation, and outright gambling have shaped America from the 1790s to the present. Regulators and courts always struggled to draw a line between investment and gambling, and it is no easier now than it was two centuries ago. Advocates for risky investments have long argued that risk-taking is what defines America. Critics counter that unregulated speculation results in bubbles that always draw in the least informed investors, gamblers essentially. Financial chaos is the result. The debate has been a perennial feature of American history, with the pattern repeating before and after every financial downturn since the 1790s. The Panic of 1837, the speculative boom of the roaring twenties, and the real estate bubble of the early 2000s are all emblematic of the difficulty in differentiating sober from reckless speculation. Even after the recent financial crisis, the debate continues. Some, chastened by the crash, argue that we need to prohibit certain risky transactions, but others respond by citing the benefits of loosely governed markets and the dangers of over-regulation. These episodes have generated deep ambivalence, yet Americans' faith in investment and, by extension, the stock market, has always rebounded quickly after even the most savage downturns. Indeed, the speculator on the make is a central figure in the folklore of American capitalism.

Engaging and accessible, *Speculation* synthesizes a suite of themes that sit at the heart of American history: the ability of courts and regulators to protect ordinary Americans from the ravages of capitalism; the periodic fallibility of the American economy; and not least, the moral conundrum inherent in valuing those who produce goods over those who speculate, and yet enjoying the fruits of speculation. Banner's history is not only invaluable for understanding the fault lines beneath the American economy today, but American identity itself.

Michigan Law Review, 2015-06

Financial Trading and Investing John L. Teall, 2022-07-09. *Financial Trading and Investing* Third Edition provides a useful introduction to trading

and market microstructure for advanced undergraduate as well as master s students Without demanding a background in econometrics the book explores alternative markets and highlights recent regulatory developments implementations institutions and debates The text offers explanations of controversial trading tactics and blunders such as high frequency trading dark liquidity pools fat fingers insider trading and flash orders emphasizing links between the history of financial regulation and events in financial markets It includes coverage of valuation and hedging techniques particularly with respect to fixed income and derivative securities The text adds a chapter on financial utilities and institutions that provide support services to traders and updates regulatory matters Combining theory and application this book provides a practical beginner s introduction to today s investment tools and markets with a special emphasis on trading Concentrates on trading trading institutions markets and the institutions that facilitate and regulate trading activities Introduces foundational topics relating to trading and securities markets including auctions market microstructure the roles of information and inventories behavioral finance market efficiency risk arbitrage trading technology trading regulation and ECNs Covers market and technology advances and innovations such as execution algo trading Designated Market Makers DMMs Supplemental Liquidity Providers SLPs and the Super Display Book system SDBK Includes improved pedagogical supplements including end of chapter questions with detailed solutions at the end of the text and useful appendices Student resources available online <https://www.elsevier.com/books-and-journals/book-companion/9780323909556> Instructor resources available for request by qualified professors <https://educate.elsevier.com/9780323909556>

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