

DEBT'S DOMINION

A HISTORY OF BANKRUPTCY LAW IN AMERICA



DAVID A. SKEEL, Jr.

Debts Dominion A History Of Bankruptcy Law In America

Yale Law Journal



Debts Dominion A History Of Bankruptcy Law In America:

A History of American Law: Third Edition Lawrence M. Friedman, 2005-06-01 In this brilliant and immensely readable book Lawrence M Friedman tells the whole fascinating story of American law from its beginnings in the colonies to the present day By showing how close the life of the law is to the economic and political life of the country he makes a complex subject understandable and engrossing *A History of American Law* presents the achievements and failures of the American legal system in the context of America s commercial and working world family practices and attitudes toward property government crime and justice Now completely revised and updated this groundbreaking work incorporates new material regarding slavery criminal justice and twentieth century law For laymen and students alike this remains the only comprehensive authoritative history of American law

The Political Development of American Debt Relief Emily Zackin, Chloe N. Thurston, 2024-06-21 A political history of the rise and fall of American debt relief Americans have a long history with debt They also have a long history of mobilizing for debt relief Throughout the nineteenth century indebted citizens demanded government protection from their financial burdens challenging readings of the Constitution that exalted property rights at the expense of the vulnerable Their appeals shaped the country s periodic experiments with state debt relief and federal bankruptcy law constituting a pre industrial safety net Yet the twentieth century saw the erosion of debtor politics and the eventual retrenchment of bankruptcy protections *The Political Development of American Debt Relief* traces how geographic sectoral and racial politics shaped debtor activism over time enhancing our understanding of state building constitutionalism and social policy

Reinventing Bankruptcy Law Virginia Torrie, 2020-05-28 *Reinventing Bankruptcy Law* offers the first historical account of the CCAA drawing on a broad array of historical sources including legislation news sources scholarly writing archival materials and more

Bankruptcy Joseph Spooner, Joseph Tobias Spooner, 2019-04-11 Excessive household debt has allowed for economic growth but this model has become increasingly unstable Spooner examines bankruptcy law as a potential solution

Bankrupt in America Mary Eschelbach Hansen, Bradley A. Hansen, 2020-02-05 In 2005 more than two million Americans six out of every 1 000 people filed for bankruptcy Though personal bankruptcy rates have since stabilized bankruptcy remains an important tool for the relief of financially distressed households In *Bankrupt in America* Mary and Brad Hansen offer a vital perspective on the history of bankruptcy in America beginning with the first lasting federal bankruptcy law enacted in 1898 Interweaving careful legal history and rigorous economic analysis *Bankrupt in America* is the first work to trace how bankruptcy was transformed from an intermittently used constitutional provision to an indispensable tool for business to a central element of the social safety net for ordinary Americans To do this the authors track federal bankruptcy law as well as related state and federal laws examining the interaction between changes in the laws and changes in how people in each state used the bankruptcy law In this thorough investigation Hansen and Hansen reach novel conclusions about the causes and consequences of bankruptcy adding nuance

to the discussion of the relationship between bankruptcy rates and economic performance **Odious Debt** Edward Jones Corredera, 2024-10-21 What are fallen tyrants owed What makes debt illegitimate And when is bankruptcy moral Drawing on new archival sources this book shows how Latin American nations have wrestled with the morality of indebtedness and insolvency since their foundation and outlines how their history can shed new light on contemporary global dilemmas With a focus on the early modern Spanish Empire and modern Mexico Colombia and Argentina and based on archival research carried out across seven countries *Odious Debt* studies 400 years of history and unearths overlooked congressional debates and understudied thinkers The book shows how discussions on the morality of debt and default played a structuring role in the construction and codification of national constitutions identities and international legal norms in Latin America This new history of the moral economy of the Hispanic World from the 1520s to the 1920s illuminates contemporary issues in international law and international relations Latin American jurists developed a global critique of economics and international law that continues to generate pressing questions about debt bankruptcy reparations and the pursuit of a moral global economy **Re-examining Insolvency Law and Theory** Emilie Ghio, John M. Wood, Jennifer L.L. Gant, 2023-12-11

An original book offering a unique theoretical approach *Re-examining Insolvency Law and Theory* analyses the important role that legal theory plays in the development of insolvency law It explores how law and theory are able to respond to issues of financial distress in the 21st century and questions how insolvency law could develop to address contemporary challenges

Freedom of Establishment and Private International Law for Corporations Paschalis Paschalidis, 2012-03-29 Freedom of establishment is one of the four fundamental freedoms of the European Union The principle is that natural persons who are European Union Citizens and legal entities formed in accordance with the law of a Member State and having its registered office central administration or principal place of business within the EU may take up economic activity in any Member State in a stable and continuous form regardless of nationality or mode of incorporation This book examines the way in which EU law has influenced how national courts in Europe assert jurisdiction in cross border corporate disputes and insolvencies and the mechanism which allows them to decide which national law should apply to the substance of the dispute The book also considers the potential for EU Member States to compete for devising national corporate and insolvency legislation that will attract incorporations or insolvencies Central to the book is the concept of national choice of law In considering the impact of freedom of establishment on private international law for corporations the book uniquely analyses both corporate and insolvency law together presenting the topic in the broadest possible sense Importantly the doctrine of abuse in corporate and insolvency law is covered raising the question of forum shopping and regulatory competition which underpins the intersection between freedom of establishment and private international law Through examination of the most recent and leading judgments of the European Court of Justice in *Centros* and *Cadbury Schweppes* the book derives certain conclusions as to the operation of the doctrine of abuse and the limits thereof in the context of freedom of establishment Being the first in

the field to examine the leading ECJ cases of Inspire Art Sevic and Cartesio regarding the real seat doctrine the book makes the judgment that there is no incompatibility as such between the doctrine and the freedom of establishment Ultimately the book analyses to what extent diversity in the corporate and insolvency laws of the Member States should be preserved so as to encourage competition between jurisdictions in Europe

American Bonds Sarah L. Quinn, 2021-08-10 How the American government has long used financial credit programs to create economic opportunities Federal housing finance policy and mortgage backed securities have gained widespread attention in recent years because of the 2008 financial crisis but issues of government credit have been part of American life since the nation's founding From the 1780s when a watershed national land credit policy was established to the postwar foundations of our current housing finance system American Bonds examines the evolution of securitization and federal credit programs Sarah Quinn shows that since the Westward expansion the U S government has used financial markets to manage America's complex social divides and politicians and officials across the political spectrum have turned to land sales home ownership and credit to provide economic opportunity without the appearance of market intervention or direct wealth redistribution Highly technical systems securitization and credit programs have been fundamental to how Americans determined what they could and should owe one another Over time government officials embraced credit as a political tool that allowed them to navigate an increasingly complex and fractured political system affirming the government's role as a consequential and creative market participant Neither intermittent nor marginal credit programs supported the growth of powerful industries from railroads and farms to housing and finance have been used for disaster relief foreign policy and military efforts and were promoters of amortized mortgages lending abroad venture capital investment and mortgage securitization Illuminating America's market heavy social policies American Bonds illustrates how political institutions became involved in the nation's lending practices

Consumer Credit and the American Economy Thomas A. Durkin, Gregory E. Elliehausen, 2014 Consumer Credit and the American Economy examines the economics behavioral science sociology history institutions law and regulation of consumer credit in the United States After discussing the origins and various kinds of consumer credit available in today's marketplace this book reviews at some length the long run growth of consumer credit to explore the widely held belief that somehow consumer credit has risen too fast for too long It then turns to demand and supply with chapters discussing neoclassical theories of demand new behavioral economics and evidence on production costs and why consumer credit might seem expensive compared to some other kinds of credit like government finance This discussion includes review of the economics of risk management and funding sources as well discussion of the economic theory of why some people might be limited in their credit search the phenomenon of credit rationing This examination includes review of issues of risk management through mathematical methods of borrower screening known as credit scoring and financial market sources of funding for offerings of consumer credit The book then discusses technological change in credit granting It examines how modern

automated information systems called credit reporting agencies or more popularly credit bureaus reduce the costs of information acquisition and permit greater credit availability at less cost This discussion is followed by examination of the logical offspring of technology the ubiquitous credit card that permits consumers access to both payments and credit services worldwide virtually instantly After a chapter on institutions that have arisen to supply credit to individuals for whom mainstream credit is often unavailable including payday loans and other small dollar sources of loans discussion turns to legal structure and the regulation of consumer credit There are separate chapters on the theories behind the two main thrusts of federal regulation to this point fairness for all and financial disclosure Following these chapters there is another on state regulation that has long focused on marketplace access and pricing Before a final concluding chapter another chapter focuses on two noncredit marketplace products that are closely related to credit The first of them debt protection including credit insurance and other forms of credit protection is economically a complement The second product consumer leasing is a substitute for credit use in many situations especially involving acquisition of automobiles This chapter is followed by a full review of consumer bankruptcy what happens in the worst of cases when consumers find themselves unable to repay their loans Because of the importance of consumer credit in consumers financial affairs the intended audience includes anyone interested in these issues not only specialists who spend much of their time focused on them For this reason the authors have carefully avoided academic jargon and the mathematics that is the modern language of economics It also examines the psychological sociological historical and especially legal traditions that go into fully understanding what has led to the demand for consumer credit and to what the markets and institutions that provide these products have become today

Yale Law Journal: Volume 123, Number 2 - November 2013 Yale Law Journal, 2013-11-15 This November issue of The Yale Law Journal the second of Volume 123 academic year 2013 2014 features new articles and essays on law and legal theory by internationally recognized scholars Contents include Article Leviathan and Interpretive Revolution The Administrative State the Judiciary and the Rise of Legislative History 1890 1950 by Nicholas R Parrillo Essay Reconsidering Citizens United as a Press Clause Case Michael W McConnell Note The Mens Rea of Accomplice Liability Supporting Intentions Comment A First Amendment Approach to Generic Drug Manufacturer Tort Liability Comment The EU General Data Protection Regulation Toward a Property Regime for Protecting Data Privacy Quality ebook formatting includes fully linked footnotes active Table of Contents including linked Contents for individual articles active URLs in notes and properly presented tables and graphs throughout

Contingent Convertibles [Cocos]: A Potent Instrument For Financial Reform George M Von Furstenberg, 2014-08-08 Contingent Convertibles CoCos represent debt that is subject to being converted automatically into common equity under pre specified terms of conversion if the chosen regulatory capital ratio falls to a level triggering conversion CoCos are that subspecies of contingent capital that references regulatory Basel III concepts in its triggers From 2014 trigger points are set by common equity Common Equity Tier 1 CET1 in percent of risk

weighted assets RWA or of more complicated measures of total exposure to a variety of risks particularly credit risk This is the first comprehensive book on CoCos an innovative instrument that has attracted growing attention since it was first issued in 2009 The book is mostly concerned with going concern recovery rather than resolution CoCos because avoiding failure and costly disruption of financial networks without government financing is the first order of business CoCos hold a high promise of providing fully loss absorbing equity capital when it is most needed and least available to financial institutions Yet having grown out of the 2007 2009 financial crisis they are still an infant reform instrument in many respects Few of the instrument s design features or even the rating regulatory and tax treatments are entirely settled This book seeks to move the discussion toward and then past the main decision points so that CoCos can prove their value for contingency planning and self insurance all over the world It is intended to increase the ability of issuers and investors to analyze and understand the different kinds of CoCos

State and Financial Systems in Europe and the USA Jaime Reis,2016-04-01 During the twentieth century the financial sector became possibly the most regulated area of the economy in many advanced and developing countries The interwar years represented the defining moment for the escalation of governments intervention turning the State into the core of financial systems in its capacity of regulator supervisor or owner The essays in this collection shed light on different aspects of the experience of financial regulation ownership and deregulation in Europe and the USA from a secular historical perspective The volume s chapters explore how the political economy of finance changed in the nineteenth and twentieth centuries and how such changes were related to shifting attitudes towards globalization They also investigate how regulation responded to governance problems of financial intermediaries and markets and how different legal frameworks and institutional architectures influenced such response The collection engages with a set of issues as diverse as they are interrelated across countries and over time the regulatory attitude of British authorities toward the banking system and the stock exchange market in the nineteenth and twentieth centuries the comparative evolution of bankruptcy laws and procedures the link between state regulation and governance in the evolution of the US and French financial systems the emergence of banking regulation and supervision by central banks the regulation and supervision of international financial markets since the 1950s and the connection between deregulation and banking crises at the end of the past century Taken as a whole the chapters offer an intriguing insight into the differing ways western countries approached and responded to the challenges of the international financial system and the legacy of this on the modern world In so doing the volume holds up to historical scrutiny the debate as to whether overt state regulation of financial markets always has a negative affect on economic growth or whether it can be an essential tool for developing nations in their efforts to expand their economies

While Waiting for Rain John Henry Schlegel,2022-08-02 What might a sensible community choose to do if its economy has fallen apart and becoming a ghost town is not an acceptable option Unfortunately answers to this question have long been measured against an implicit standard the postwar economy of the 1950s After showing why that economy

provides an implausible standard made possible by the lack of economic competition from the European and Asian countries winners or losers touched by the war John Henry Schlegel attempts to answer the question of what to do While Waiting for Rain first examines the economic history of the United States as well as that of Buffalo New York an appropriate stand in for any city that may have seen its economy start to fall apart in the 1960s 70s and 80s It makes clear that neither Buffalo nor the United States as a whole has had an economy in the sense of a persistent market structure that is the fusion of an understanding of economic life with the patterns of behavior within the economic political and social institutions that enact that understanding since both economies collapsed Next this book builds a plausible theory of how economic growth might take place by examining the work of the famous urbanist Jane Jacobs especially her book Cities and the Wealth of Nations Her work like that of many others emphasizes the importance of innovation for economic growth but is singular in its insistence that such innovation has to come from local resources It can neither be bought nor given even by well intentioned political actors As a result Americans generally as well as locally are like farmers in the midst of a drought left to review their resources and wait Finally it returns to both the local Buffalo and the national economies to consider what these political units might plausibly do while waiting for an economy to emerge

The Oxford Handbook of the Sociology of Finance

Karin Knorr Cetina, Alex Preda, 2012-11-29 The Handbook brings together leading international scholars to provide a comprehensive overview of research and theory on the sociology of finance and the workings of financial institutions and financial markets It will serve as a reference point for this rapidly expanding discipline International Cooperation in Bankruptcy and Insolvency Matters Bob Wessels, Bruce A. Markell, Jason J. Kilborn, 2009 International Cooperation in Bankruptcy and Insolvency is published in cooperation with the International Insolvency Institute and the American College of Bankruptcy The Honorable Bruce A Markell Dr Bob Wessels and Prof Jason Kilborn provide readers with invaluable insights into the origin development and future of communication and cooperation in cross border insolvency cases between insolvency practitioners and the courts The globalization of the world s economy has led to highly complex international aspects of financial reorganization and restructuring This publication analyzes the structures systems and practices that have developed and are quickly emerging to coordinate and enhance international administrations

Consumer Bankruptcy in Global Perspective

Johanna Niemi-Kiesiläinen, Iain Ramsay, William C. Whitford, 2003-12 This book provides a comparative appraisal of global developments in the area of consumer bankruptcy and overindebtedness

Credit and Consumer Society

Dawn Burton, 2012-08-06 The language of credit and debt is almost ubiquitous in daily life In advanced modern societies financial institutions and other organizations have become increasingly active in lending money to consumers and consumers apparently more than willing to take advantage This groundbreaking new book offers an analysis of this important phenomenon arguing that we have entered an era in which credit and debt are sanctioned delivered and collected through new cultural and economic mechanisms Written in an accessible and straightforward style the book takes a multi disciplinary

approach examining consumer credit and debt in both societal and economic contexts It explores key topics such as the historical context of credit and debt current theories of a consumer centred society the credit industry attempts at government regulation Credit and Consumer Society establishes the wider analysis of consumer credit and debt as a discipline in its own right It is important reading for students and researchers in business and management finance public policy and sociology as well as for policy makers and consumer groups working directly in this field

The Economy of Promises Bruce G. Carruthers, 2024-08-20 A comprehensive and illuminating account of the history of credit in America and how it continues to divide the haves from the have nots The Economy of Promises is a far reaching study of credit in nineteenth and twentieth century America Synthesizing and surveying economic and social history Bruce Carruthers examines how issues of trust stitch together the modern U S economy In the case of credit that trust involves a commitment by debtors to repay money they have borrowed from lenders Each promise poses a fundamental question why does the lender trust the borrower The book tracks the dramatic shift from personal qualitative judgments to the impersonal quantitative measurements of credit scores and ratings which make lending on a much greater scale possible It discusses how lending is shaped by the shadow of failure and the possibility that borrowers will break their promises and fail to repay their debts It reveals how credit markets have been shaped by public policy regulatory changes and various political factors And crucially it explains how credit interacts with economic inequality contributing to vast and enduring racial and gender differences which are only exacerbated by the widespread use of credit scores and ratings for big data and algorithmic decision making Bringing to life the complicated and abstract terrain of human interaction we call the economy The Economy of Promises is an important study of the tangle of indebtedness that for better or worse shapes and defines American lives

Guarding Life's Dark Secrets , 2007-11-08 This book investigates the elements that have developed as part of the definition of propriety and good behavior and how the law has acted to protect respectable people and their reputations

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