

An abstract painting of a landscape. The upper half features rolling hills and mountains in shades of red, orange, and yellow, set against a background of blue and green. The lower half depicts a body of water in blue and green, with a small, stylized red tree on the right. The overall style is expressive and colorful.

Law and the New Developmental State

The Brazilian Experience in
Latin American Context

Edited by
David M. Trubek, Helena Alviar Garcia,
Diogo R. Coutinho, Alvaro Santos

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Law And The New Developmental State



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Law And The New Developmental State:

Law and the New Developmental State David M. Trubek, Helena Alviar Garcia, Diogo R. Coutinho, Alvaro Santos, 2013-05-31 This book explores the emergence of a new developmental state in Latin America and its significance for law and development theory In Brazil since 2000 emerging forms of state activism including a new industrial policy and a robust social policy differ from both classic developmental state and neoliberal approaches They favor a strong state and a strong market employ public private partnerships seek to reduce inequality and embrace the global economy Case studies of state activism and law in Brazil show new roles emerging for legal institutions They describe how the national development bank uses law in innovation promotion trade law strengthens new developmental policies in export promotion and public health and social law frames innovative poverty relief programs that reduce inequality and stimulate demand Contrasting Brazilian experience with Colombia and Mexico the book underscores the unique features of Brazil's trajectory and the importance of this experience for understanding the role of law in development today *Developmental States and the Legal Order* David M. Trubek, 2014 The emergence of new developmental states has important implications for law The term developmental state was used to describe the role of the state in the development of Latin America and Asia In both regions states played an active role in stimulating and directing economic growth These policies fell out of fashion during the hegemony of neo liberalism and the Washington consensus Today however new practices and new theories of development are emerging and some countries are returning to a more active role in promoting both growth and equity These new developmental states are experimenting with new modes of legal action This paper looks at recent theoretical work on the political economy of development showing that these new developments require a rethinking of the role of law in development outlines some of the new legal and governance processes and practices that are emerging and discusses what would be needed construct a robust theory of the role of law in a new developmental state *Law and the New Developmental State* David M. Trubek, Helena Alviar García, Diogo R. Coutinho, Alvaro Santos, 2013 This book explores the emergence of a new developmental state in Latin America and its significance for law and development theory *The Oxford Handbook of International Law and Development* Ruth Buchanan, 2024-02-15 The Oxford Handbook of International Law and Development is a unique overview of the field of international law and development examining how normative beliefs and assumptions around development are instantiated in law and critically examining disciplinary frameworks competing agendas legal actors and institutions and alternative futures **The World Bank Legal Review** Hassane Cisse, Sam Muller, Chantal Thomas, Wang Chenguang, 2012-12-11 The fourth volume of the World Bank Legal Review contains essays that examine how innovations in law and efforts to empower the poor can help achieve development objectives *Industrial Development in Mexico* Walid Tijerina, 2019-05-02 This book explores developmental policymaking across the multiple levels of Mexico's contemporary state arguing that many of the innovations in industrial policy have been driven at

the subnational level In the three decades since Mexico's neoliberal turn in its political economy subnational units of government have taken a lead in industrial transformation galvanising policy from below With most literature on new developmentalism focusing on the national level this book is an important exploration of the differentiated and rewarding results that may be found below the state's centre Based on an original dataset of written and oral interviews gained from national and subnational governmental units of industrial policymaking in Mexico the book shows how attribution and power are diffused across the contemporary state's multiple levels Notable subnational projects explored by the book include public private collaboration productive investments and an interesting array of incentives targeted towards industrial upgrading and innovation The book concludes by providing a distinctive and systematic comparison between subnational units from different countries in Latin America and further afield in order to assess the commonalities of developmental roles and policies Industrial Development in Mexico will be an important read for scholars across the fields of political science political economy and Latin American development

Law and Development of Middle-Income Countries Randall

Peerenboom, Tom Ginsburg, 2014-02-10 This interdisciplinary volume addresses the special challenges that middle income countries confront from both a theoretical and a practical perspective

Regulation in Asia John Gillespie, Randall

Peerenboom, 2009-06-08 Unlike much analysis about regulation in Asia which focuses on globalisation and the transplant effect leaving domestic influence over commercial regulation under researched and under theorized this book focuses on how local actors influence regulatory change It explores the complex economic and regulatory factors that generate social demand for state regulation and shows how local networks courts democratic processes and civil society have a huge influence on regulatory systems It examines the particular circumstances in a wide range of Asian countries provides transnational comparisons and comparisons with Western countries and assesses how far local regulatory regimes increase economic value and convey competitive advantages

The Ashgate Research Companion to Feminist Legal Theory

Vanessa E. Munro, 2016-04-01 As a distinct scholarly contribution to law feminist legal theory is now well over three decades old Those three decades have seen consolidation and renewal of its central concerns as well as remarkable growth dynamism and change This Companion celebrates the strength of feminist legal thought which is manifested in this dynamic combination of stability and change as well as in the diversity of perspectives and methodologies and the extensive range of subject matters which are now included within its ambit Bringing together contributors from across a range of jurisdictions and legal traditions the book provides a concise but critical review of existing theory in relation to the core issues or concepts that have animated and continue to animate feminism It provides an authoritative and scholarly review of contemporary feminist legal thought and seeks to contribute to the ongoing development of some of its new approaches perspectives and subject matters The Companion is divided into three parts dealing with Theory Concepts and Issues The first part addresses theoretical questions which are of significance to law but which also connect to feminist theory at the broadest and most

interdisciplinary level The second part also draws on general feminist theory but with a more specific focus on debates about equality and difference race culture religion and sexuality The Issues section considers in detail more specific areas of substantive legal controversy

International Investment Law and Development Stephan W. Schill, Christian J. Tams, Rainer Hofmann, 2015-12-18 International investment law has often been seen as an obstacle to sustainable development While the connections between investment and development are plain for a long time there has been relatively little scholarship exploring them Combining critical reflection and detailed analysis this book addresses the relationship between contemporary investment law and development The book is organized around two competing visions of investment and development as working either harmoniously or in conflict with one another The expert contributors reflect on both of these views and analyse the social dimensions of development and its impact on investment law Coverage includes in depth discussion on such issues as human rights poverty reduction labor standards and indigenous peoples Students and scholars of international investment law will benefit from the informed analysis of the links between investment and development This book will also be of use to practitioners and experts of development law who are looking for an up to date perspective of the field

Private Equity and Financial Development in Latin America Ignacio Puente, 2022-02-01 Shallow capital markets are a key bottleneck for private sector development in Latin America Still there is not a large literature on capital markets and corporate governance or on the politics of regulatory reform and business associations focused on this region To help address this gap this new book introduces private equity into the financial development debate through a Latin American lens The author looks at the cases of Brazil Mexico Chile Colombia and Argentina And proposes a shift in the financial development discussion from institutional explanations focused only on rules to an actor based argument centered on the role of institutional investors in particular pension funds

The Rise of the Regulatory State of the South Navroz K. Dubash, Bronwen Morgan, 2013-06-27 The 1990s and 2000s have witnessed a spurt of energetic institution building in the developing world as regulatory agencies emerge to take over the role of the executive in key sectors This rise of the regulatory state of the south is barely noticed both by scholars of regulation and of development let alone adequately documented and theorized Yet the consequences for the role of the state and modalities of governance in the south are substantial as politically charged decisions are handed over to formally technocratic agencies creating new arenas and forms of contestation over the gains and losses from development decisions Moreover this shift in the developing world comes at a time when the regulatory state in the north is under considerable stress from the global financial crisis Understanding the regulatory state of the south and particularly forms of accommodation to political pressures could stimulate a broader conversation around the role of the regulatory state in both north and south This volume seeks to provoke such a discussion by empirically exploring the emergence of regulatory agencies of a range of developing countries across Asia Africa and Latin America The cases focus on telecommunications electricity and water sectors that have often been at the frontlines of

this transition The central question for the volume is Are there distinctive features of the regulatory state of the South shaped by the political economic context of the global south in the last two decades To assist in exploring this question the volume includes brief commentaries on the case studies from a range of disciplines development economics law and regulation development sociology and comparative politics Collectively the volume seeks to shape the contours of a productive inter disciplinary conversation on the emergence of a significant empirical phenomenon the rise of regulatory agencies in the developing world with implications both for the study of regulation and the study of development

The Brazilian Legal Profession in the Age of Globalization Luciana Gross Cunha,Daniela Monteiro Gabbay,José Garcez Ghirardi,David M. Trubek,David B. Wilkins,2018-01-11 Brings together experts from North and South to examine the impact of globalization on the corporate legal environment in Brazil

Legal Thoughts between the East and the West in the Multilevel Legal Order Chang-fa Lo,Nigel N.T. Li,Tsai-yu Lin,2016-11-11 This book focuses on the interaction and mutual influences between the East and the West in terms of their legal systems and practices In this regard it highlights Professor Herbert H P Ma s achievements and his efforts to bring Eastern and Western legal concepts and systems closer together The book shows that while there have been convergences between different legal regimes in many fields of law diverse legal practices and approaches rooted in differing cultural social political and philosophical backgrounds do remain and that these differences are not necessarily negative elements in the contemporary legal order By examining different levels of the legal order including domestic regional and multilateral it goes on to argue that identifying these diversities and addressing the interactions and mutual influences between different regimes is a worthwhile undertaking not only in terms of mutual enrichment but also with regard to intensifying the degree of desirable coordination between different legal systems All chapters were written by leading experts practitioners and scholars from different jurisdictions with expertise in various fields of law and different levels of the legal order and discuss a number of issues with particular focus on either one way or mutual influences between the Eastern and the Western legal systems practices and philosophies

Social and Economic Rights in Theory and Practice Helena Alviar García,Karl Klare,Lucy A. Williams,2014-09-19 Since World War II a growing number of jurisdictions in both the developing and industrialized worlds have adopted progressive constitutions that guarantee social and economic rights SER in addition to political and civil rights Parallel developments have occurred at transnational level with the adoption of treaties that commit signatory states to respect and fulfil SER for their peoples This book is a product of the International Social and Economic Rights Project iSERP a global consortium of judges lawyers human rights advocates and legal academics who critically examine the effectiveness of SER law in promoting real change in people s lives The book addresses a range of practical political and legal questions under these headings with acute sensitivity to the racial cultural and gender implications of SER and the path breaking SER jurisprudence now emerging in the Global South The book brings together internationally renowned experts in the field of social and economic rights to

discuss a range of rights controversies from both theoretical and practical perspectives Contributors of the book consider specific issues in the litigation and adjudication of SER cases from the differing standpoints of activists lawyers and adjudicators in order to identify and address the specific challenges facing the SER community This book will be of great use and interest to students and scholars of comparative constitutional law human rights public international law development studies and democratic political theory Civil Law Reforms in Post-Colonial Asia Yuka Kaneko,2019-03-13 This book focuses on the legal systems of the late developing countries of ASEAN Cambodia Laos Myanmar and Vietnam often referred to as the CLMV countries These nations are apt to be placed in an economically disadvantageous situation within the opportunity of communalization of legal systems being advanced by the ASEAN Economic Community AEC launched in 2015 and the book clarifies the dynamics of the changes within these legal systems Concurrently there is an intention to analyze the legal system development support that has continued to be provided to these countries since the mid 1990s via international development support from international organizations and developed countries including Japan In particular the emphasis has been on the area of civil law where the main subject of Japan s support has been centered on the civil code and civil procedure code The legal system of the recipient country is complicated by the crisscrossing of the remnants of previous eras from the inherent laws that have existed since before colonization the laws of the colonial powers that were introduced during the colonial era French law in Cambodia Laos and Vietnam English law in Myanmar the influence of socialist law after independence from colonization and the path of modern industrialization and development such that one country s legal system is the combination of all of these influences For the reader to understand the dynamics of these changing laws each chapter of the book combines two methodological perspectives The first is to ascertain the spatial range as to how far the civil law extends across social phenomena The second is a historical perspective in which the trends in legal changes will be understood on a time axis *The Politics of Inclusive Development* Samuel Hickey,Kunal Sen,Badru Bukenya,2015 It is now widely accepted that politics plays a significant role in shaping the possibilities for inclusive development However the specific ways in which this happens across different types and forms of development and in different contexts remains poorly understood This collection provides a state of the art review regarding what is currently known about the politics of inclusive development Leading academics offer systematic reviews of how politics shapes development across multiple dimensions including through growth natural resource governance poverty reduction service delivery social protection justice systems the empowerment of marginalised groups and the role of both traditional and non traditional donors The volume not only provides a comprehensive update but also a ground breaking range of new directions for thinking and acting around these issues The book s originality thus derives not only from the wide scope of its case study material but also from the new conceptual approaches it offers for thinking about the politics of inclusive development and the innovative and practical suggestions for donors policy makers and practitioners that flow from this Developmental States Linda Low,2004 As the

Asian crisis triggered or precipitated the meltdown a second objective is to explore the reasons and factors for the breakdown or redundancy of developmental states distinguishing between domestic transformative capacity and external global factors as identified A third objective is to cull experiences and lessons beyond East Asia With many transition economies in Central and Eastern Europe beside China and Indochinese states the theory and practice of developmental states may be a useful bridge These are by no means exhaustive and comprehensive aims questions and issues For individual developmental states covered in this volume country specific lessons may also be drawn for them to be reconfigured to stay relevant The most important consideration for this volume is to value add to the literature both the theory and principles of the Asian developmental state as well as empirical observations observed elsewhere This volume comprises 13 chapters in two parts

Developmental States beyond East Asia Jewellord T. Nem Singh, Jesse Salah Ovadia, 2020-05-21 This comprehensive volume reviews recent scholarship regarding the role of the state in economic development With a wide range of case studies of both successful and failed state led development the authors push the analysis of the developmental state beyond its original limitations and into the 21st century New policies institutional configurations and state market relations are emerging outside of East Asia as new developmental states move beyond the historical experience of East Asian development The authors argue for the continued relevance of the developmental state and for understanding globalization and structural transformation through the lens of this approach They further this concept by applying it to analyses of China Latin America and Africa as well as to new frontiers of state led development in Japan and the East Asian developmental states This book expands the scope of research on state led development to encompass new theoretical and methodological innovations and new topics such as governance institution building industrial policy and the role of extractive industries This book was originally published as a special issue of the journal Third World Quarterly

Developmental States Stephan Haggard, 2018-02-08 The concept of the developmental state emerged to explain the rapid growth of a number of countries in East Asia in the postwar period Yet the developmental state literature also offered a theoretical approach to growth that was heterodox with respect to prevailing approaches in both economics and political science Arguing for the distinctive features of developmental states its proponents emphasized the role of government intervention and industrial policy as well as the significance of strong states and particular social coalitions This literature blossomed into a wider approach firmly planted in a much longer heterodox tradition that explored comparisons with states that were decidedly not developmentalist thus contributing to our historical understanding of long run growth This Element provides a critical but sympathetic overview of this literature and ends with its revival and a look forward at the possibility for developmentalist approaches both in the advanced and developing world

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