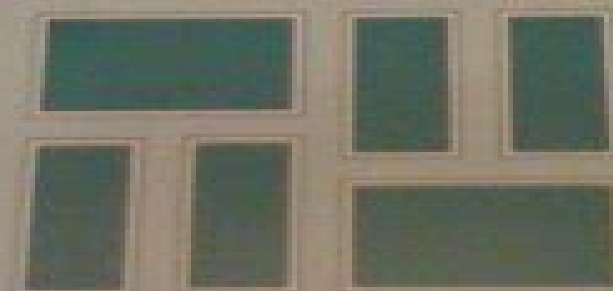


REINTERPRETING PROPERTY



Margaret Jane Radin



Reinterpreting Property

Ḥanokh Dagan



Reinterpreting Property:

Reinterpreting Property Margaret Jane Radin, 1993 This collection of essays by one of the country's leading property theorists revitalizes the liberal personality theory of property Departing from traditional libertarian and economic theories of property Margaret Jane Radin argues that the law should take into account nonmonetary personal value attached to property and that some things such as bodily integrity are so personal they should not be considered property at all Gathered here are pieces ranging from Radin's classic early essay on property and personhood to her recent works on governmental taking of private property Margaret Jane Radin is professor of law at Stanford University She is the author of over twenty five articles on legal and political theory

The Making of Australian Property Law A. R. Buck, 2006 In 1847 in one of the most important cases in Australian legal history the Chief Justice of NSW Sir Alfred Stephen handed down a decision that would have profound implications for both the development of Australian property law and the property rights of the Aboriginal peoples of Australia The case was *Attorney General v Brown* and in his decision Stephen CJ ruled that the laws of property in Australia were governed by feudal principles The shadow cast by *Attorney General v Brown* has been a long one stretching down to the decision in *Mabo* and beyond Judicial thinking and much legal scholarship continues to emphasise a connection between the feudal origins of the English law and the state of contemporary Australian property law thereby perpetuating a nostalgic view of Australian property law This book in contrast argues that the feudal imprint on property in Australia had been washed away by the early 1860s and that the decades of the early nineteenth century witnessed the making of a distinct Australian property law Egalitarianism rather than feudalism this book argues shaped the emergence of Australian property law This book situates legal development in its social and political context re-evaluating the relationship between political ideas social values and law reform in early Australia

New Essays in the Legal and Political Theory of Property Stephen R. Munzer, 2001-06-18 This collection of essays examines central issues of property theory from a variety of perspectives

Property Rights and Sustainability David Grinlinton, Prue Taylor, 2011-04-11 Published with the support of The New Zealand Law Foundation As collapses and crises involving ecological systems economic and financial management and international governance increase the need for bold alternatives to traditional economic and legal responses has never been more urgent Property concepts are an important element in the interaction between humans and the natural environment An important driver of ecological harm property concepts can also become a powerful tool for responding to ecological problems in ways that have so far eluded both government regulators and markets Going beyond the traditional critiques of liberal property theories *Property Rights and Sustainability* takes on the challenge of fundamentally reconceptualising property rights and systems It makes a significant contribution to rebalancing the legal framework in a way that recognises humanity as a member of a larger ecological order the health and integrity of which is of primary importance to the long term viability of our planet *Property Rights and Sustainability* will be an indispensable resource for those interested in the relationship

between property law and the environment and the ways in which property law can be reshaped to respond to the ecological challenges of our time

The Idea of Home in Law Lorna Fox O'Mahony, James A. Sweeney, 2016-03-03

The Idea of Home in Law Displacement and Dispossession explores an important set of legal and policy issues surrounding the concepts of home and homelessness taking a growing area of legal scholarship into the new arena of human rights and international law The collection considers the ideas concerning home both in the sense of the dwelling place as a special type of property and territorial claims to homeland which underpin many contemporary legal problems by examining a range of contexts where people are displaced or dispossessed from their homes The essays focusing on dispossession consider themes ranging from mortgage and rent arrears in the UK to responses to the foreclosure crisis in the USA and from eviction for the purposes of economic development in South Africa to the exclusion of asylum seekers from the UK's social housing and welfare provision and within the framework of the European Convention on Human Rights The displacement theme meanwhile examines transnational home issues from the experiences of exiles and refugees in areas of conflict to the impact of the broader context of economic social and cultural rights on attempts to protect housing and home through international law At the heart of each essay the contributors experts from across the fields of law policy and housing rights examine the circumstances in which displacement and dispossession take place and reconsider how law and policy respond to such circumstances with a particular focus on the impact of loss of home for the human person At a time of particular and increasing concern about security of tenure and the role of law and policy in protecting people who are vulnerable to forced eviction The Idea of Home in Law presents a bold opportunity to raise questions about the rights and norms associated with housing and home and to generate new insights for scholarship and for national and international policy debates concerning displacement and dispossession

Civic Republicanism and the Properties of Democracy Erik J. Olsen, 2006-01-01

Taking the revival of civic republicanism as his point of departure Erik Olsen examines the relationship between property civic virtue and democracy in post socialist political thought Steering a course between the crass materialism that post socialists criticize and their own post materialist perspective Olsen outlines a theory of democratic stakeholding in which citizens have rights of inhabitation in their commonwealth

Conceptualising Home Lorna Fox O'Mahony, 2006-12-01

It is difficult to overstate the everyday importance of home in law Home provides the backdrop for our lives and is often the scene or the subject of legal disputes In addition in recent decades there has been growing academic interest in the meaning of home which has prompted empirical studies and theoretical exploration in a wide range of disciplines Yet while the authenticity of home as a social psychological cultural and emotional phenomenon has been recognised in other disciplines it has not penetrated the legal domain where the proposition that home can encapsulate meanings beyond the physical structure of the house or the capital value it represents continues to present conceptual difficulties This book focuses on the competing interests of creditors who lend money against the security of the property and the occupiers who dwell in the property in the context of

possession actions By mapping the concept of home as it has evolved in other disciplines against existing legal frameworks Conceptualising Home examines the possibilities for developing a coherent concept of home in law Human Tissue in Transplantation and Research David Price,2009-12-17 A proposal for resolving tensions between professionals and society regarding tissue for transplants and research while properly protecting donors interests **The Law and Ethics of Restitution** Hanokh Dagan,2004-08-12 This 2004 book provides a comprehensive account of the American law of restitution Critical Legal Studies Richard W Bauman,2021-11-28 Contemporary legal thought has been powerfully influenced by Critical Legal Studies a school of legal scholars whose work has sustained a continuing radical critique of established legal doctrines In this essential reference work Richard Bauman presents the most thorough up to date guide available for this essential literature In addition to providing the basic bibliographic information Bauman offers a set of effective introductions to contextualize and explain the work being surveyed He has created a fundamental handbook not only for the law but also for politics and radical thought

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Reinterpreting Property Introduction

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