
3. WHAT IS LAND TENURE

Land tenure

3.1 Land tenure is the relationship, whether legally or customarily defined, among people, as individuals or groups, with respect to land. (For convenience, "land" is used here to include other natural resources such as water and trees.) Land tenure is an institution, i.e., rules invented by societies to regulate behaviour. Rules of tenure define how property rights to land are to be allocated within societies. They define how access is granted to rights to use, control, and transfer land, as well as associated responsibilities and restraints. In simple terms, land tenure systems determine who can use what resources for how long, and under what conditions.

3.2 Land tenure is an important part of social, political and economic structures. It is multi-dimensional, bringing into play social, technical, economic, institutional, legal and political aspects that are often ignored but must be taken into account. Land tenure relationships may be well-defined and enforceable in a formal court of law or through customary structures in a community. Alternatively, they may be relatively poorly defined with ambiguities open to exploitation.

3.3 Land tenure thus constitutes a web of intersecting interests. These include:

- **Overriding interests:** when a sovereign power (e.g., a nation or community has the powers to allocate or reallocate land through expropriation, etc.)
- **Overlapping interests:** when several parties are allocated different rights to the same parcel of land (e.g., one party may have lease rights, another may have a right of way, etc.)
- **Complementary interests:** when different parties share the same interest in the same parcel of land (e.g., when members of a community share common rights to grazing land, etc.)
- **Competing interests:** when different parties contest the same interests in the same parcel (e.g., when two parties independently claim rights to exclusive use of a parcel of agricultural land. Land disputes arise from competing claims.)

3.4 Land tenure is often categorised as:

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**Duane B. SIMMONS, John Henry
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Notes on Land Tenure and Local Institutions in Old Japan. Edited ... by J.H. Wigmore Duane B. SIMMONS, John Henry Wigmore, 1891 **A History of Law in Japan Until 1868** Carl Steenstrup, 1996-01-01 Japan's modern written law is Western. However, this law operates in a society whose values are pre-Western. In order to understand the function of modern law, one has to study older systems of law as well. The main phases of Japan's pre-modern legal development are: first, the indigenous customary law of the Yamato state; next, the import and adaptation of Chinese codes from the 7th century onwards; third, the use of Chinese legal techniques to bring order to the indigenous feudal law culminating in the thirteenth century and leading to the independence of Japan's legal system from that of China; fourth, the mature system of written law and custom of the Tokugawa state. It is owing to the existence of well-functioning channels of law that Japan was able to modernise rapidly. **John Henry Wigmore and the Rules of Evidence** Andrew Porwancher, 2017-06-30 Honorable Mention 2017 Scribes Book Award The American Society of Legal Writers. At the dawn of the twentieth century, the United States was reeling from the effects of rapid urbanization and industrialization. Time-honored verities proved obsolete, and intellectuals in all fields sought ways to make sense of an increasingly unfamiliar reality. The legal system, in particular, began to buckle under the weight of its anachronism. In the midst of this crisis, John Henry Wigmore, dean of the Northwestern University School of Law, single-handedly modernized the jury trial with his 1904 5 Treatise on Evidence, an encyclopedic work that dominated the conduct of trials. In so doing, he inspired generations of progressive jurists among them Oliver Wendell Holmes Jr., Benjamin Cardozo, and Felix Frankfurter to reshape American law to meet the demands of a new era. Yet Wigmore's role as a prophet of modernity has slipped into obscurity. This book provides a radical reappraisal of his place in the birth of modern legal thought. Journal of the American Oriental Society Isaac H. Hall, William W. Rockhill, Edward Washburn Hopkins, 2024-03-19 Reprint of the original first published in 1889 **Japan: An Attempt at Interpretation** Lafcadio Hearn, 2019-11-22 In *Japan: An Attempt at Interpretation*, Lafcadio Hearn embarks on a profound exploration of Japanese culture, philosophy, and aesthetics through a lens of deep empathy and curiosity. Written in an evocative style, Hearn's text intertwines personal anecdotes, historical insight, and rich descriptions, allowing readers to experience the essence of Japan in the late 19th century. His approach merges travel writing with literary critique, offering an interpretive framework that unveils the complexities of Japanese traditions, spirituality, and societal norms, making it a pivotal work in Orientalist literature while challenging simplistic views of Japanese life. Lafcadio Hearn, a multicultural figure himself, was born in Greece and raised in Ireland before settling in the United States. His unique perspective as an outsider allowed him to engage with

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