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Legal Right and Social Democracy

Essays in Legal and
Political Philosophy

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New Essays In The Legal And Political Theory Of Property

Thana Cristina de Campos



New Essays In The Legal And Political Theory Of Property:

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 and Practical Reason* Adam J. MacLeod, 2015-04-30 Property and Practical Reason makes a moral argument for common law property institutions and norms and challenges the prevailing dichotomy between individual rights and state interests and its assumption that individual preferences and the good of communities must be in conflict One can understand competing intuitions about private property rights by considering how private property enables owners and their collaborators to exercise practical reason consistent with the requirements of reason and thereby to become practically reasonable agents of deliberation and choice who promote various aspects of the common good The plural and mediated domains of property ownership though imperfect have moral benefits for all members of the community They enable communities and institutions of private ordering to pursue plural and incommensurable good ends while specifying the boundaries of property rights consistent with basic moral requirements What's Wrong with Copying? Abraham Drassinower, 2015-04-09 Abraham Drassinower presents a new way to balance the needs of creators and users of authored works Disentangling copyright theory from its focus on the economic value of a work as a commodity he views a work instead as a communicative act Infringement according to this perspective is an unauthorized appropriation of another's speech **Trade Secrets Legal Protection** Luc Desautnettes-Barbero, 2023-06-10 Despite the economic relevance of trade secrets their legal protection is not based on a robust theoretical corpus and a large uncertainty remains regarding how they should be legally apprehended The present book investigates the foundations of their legal protection by assessing its justifications and aims to define how this legal apprehension should be organized The book starts with a comparative analysis of the US and the EU legal frameworks It demonstrates the parentship existing between the two systems of protection and highlights that the incremental structuring of trade secrets protection has led to legal systems lacking broad based conceptual foundations In both legal orders trade secrets rely on blurred protection formally anchored in unfair competition the strength of which however comes closer to that offered by intellectual property law In this convoluted architecture the judiciary is required to play a decisive role especially at the enforcement stage However the absence of clarity concerning the telos of trade secrets protection leads to legal uncertainty potentially incoherent enforcement and all in all to inefficient outcomes from a welfare perspective The book then explores a theoretical framework based on a distinction between two legal objects the undertakings secret sphere and secret pieces of information Securing the undertakings secret sphere appears as a condition for the competition process to happen in an economy working under structural uncertainty It requires objective regulations enforced by public authorities On the other hand the legal apprehension of secret pieces of information should be considered as falling within the realm of immaterial goods regulation aiming to solve the deficit of marketability of this type of good This might call after

conducting a careful policy trade off for the establishment of relative i.e. inter partes subjective rights **The Idea of Property** Laura S. Underkuffler, 2003 Legal scholars and philosophers have long been engaged in studying the secret of the internal structure of property in law This text aims to advance our understanding of property as an idea and the power that claimed property rights should have against competing public interests Performers' Rights in Sri Lanka Gowri Nanayakkara, 2019-04-13 This book explores whether global music copyright law and the performers rights regime PRR have been able to improve the economic position of artists as they were originally intended to The author investigates whether this regime effectively addresses contemporary issues regarding royalty payments and cover songs in Sri Lankan music drawing on the empirical findings of a case study she conducted on the Sinhala music industry She finds that the PRR developed internationally and implemented in Sri Lanka is predicated on a particular view of the role of performers and their relationships with other actors in the music industry although this view can be found in the USA UK and India it does not seem to reflect the established practices and relationships within Sri Lanka's contemporary music industry While providing a socio historical and legal analysis of these differing industrial settings and investigating the manner in which they impact the PRR's in ability to deliver improved economic security for Sinhala singers the book also offers policymakers recommendations on how to supplement current national copyright law and the PRR in order to provide a secure economic position for music artists in Sri Lanka *An Introduction to Property Theory* Gregory S. Alexander, Eduardo M. Peñalver, 2012-04-09 This book surveys the leading modern theories of property Lockean libertarian utilitarian law and economics personhood Kantian and human flourishing and then applies those theories to concrete contexts in which property issues have been especially controversial These include redistribution the right to exclude regulatory takings eminent domain and intellectual property The book highlights the Aristotelian human flourishing theory of property providing the most comprehensive and accessible introduction to that theory to date The book's goal is neither to cover every conceivable theory nor to discuss every possible facet of the theories covered Instead it aims to make the major property theories comprehensible to beginners without sacrificing accuracy or sophistication The book will be of particular interest to students seeking an accessible introduction to contemporary theories of property but even specialists will benefit from the book's lucid descriptions of contemporary debates *Property in the Margins* A J van der Walt, 2009-05-29 Having its origins in the process of transformation and land reform that began to take shape in South Africa at the end of the last century this strikingly original analysis of property starts from deep inside the property regime and not from a distant or abstract perspective on property rules and practices Focusing on issues of stability and change in a transformative setting and on the role of tradition and legal culture in that context the book argues that a property regime including the system of property holdings and the rules and practices that entrench and protect them tends to insulate itself against change through the security and stability seeking tendency of tradition and legal culture including the deep assumptions about security and

stability embedded in the rights paradigm rhetoric and logic that dominate current legal culture The rights paradigm tends to stabilise the current distribution of property holdings by securing extant property holdings on the assumption that they are lawfully acquired socially important and politically and morally legitimate This function of the rights paradigm tends to resist or minimise change including change brought about by morally politically and legally legitimate and authorised reform or transformation efforts The author's goal is to gauge the lasting power of the rights paradigm by investigating its effects in the margins of property law and of society by establishing the actual efficacy and power of reformist or transformative anti eviction policies and legislation aimed at the protection of marginalised and weak land users and occupiers in areas such as landlord tenant law eviction of unlawful occupiers of land and other restrictions on the landowner's power to enforce a stronger right to exclusive possession Ultimately the book's aim is to explore the possibility of opening up theoretical space where justice inspired changes to or transformation of the extant property regime can be imagined and discussed more or less fruitfully from an unusual perspective a perspective from the margins which is valuable for any theoretical consideration or discussion of property

The Idea of Authorship in Copyright Lior Zemer, 2017-03-02 As information flows become increasingly ubiquitous in our post digital environment the challenges to traditional concepts of intellectual property and the practices deriving from them are immense The romantic understanding of the lone author as an endless source of new creations has to face these challenges In order to do so this work presents a collectivist model of intellectual property rights The core argument is that since copyright works enjoy profit from significant public contribution they should not be privately owned but considered to be a joint enterprise made real by both the public and author It is argued that every copyright work depends on and is reflective of the author's exposure to externalities such as language culture and the various social events and processes that occur in the public domain therefore copyright works should not be regarded as exclusive private property The study takes its organizing principle from John Locke defining and proving the fatal flaw inherent in debates on copyright on the one hand the copyright community is eager to arm authors with a robust property right over their creation while on the other this community totally ignores the fact that the exposure of the individual to externalities is what makes him or her capable of creating material that is copyrightable Just as Locke was against the absolute authority of kings the expressed view of the study is against the exclusive right an author can claim

The Global Health Crisis Thana Cristina de Campos, 2017-03-30 Proposing a new view of global justice based on natural law this book presents a discussion of the key ethical values in contemporary medicine and health notably in relation to neglected diseases like malaria Ebola and Zika The lack of treatments for such diseases points to a global health crisis Thana Cristina de Campos provides a general framework based on global commutative justice for discussion of the ethical responsibilities of international stakeholders mapping the varying duties they have and their content and force She also addresses the urgent need for reforms to the international legal rules on bioethics notably the system of intellectual property rights These ideas will be of interest to those who are looking

for a more nuanced view of the human right to health than that provided by advocates in the globalist mainstream

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Table of Contents New Essays In The Legal And Political Theory Of Property

1. Understanding the eBook New Essays In The Legal And Political Theory Of Property
 - The Rise of Digital Reading New Essays In The Legal And Political Theory Of Property
 - Advantages of eBooks Over Traditional Books
2. Identifying New Essays In The Legal And Political Theory Of Property
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an New Essays In The Legal And Political Theory Of Property
 - User-Friendly Interface
4. Exploring eBook Recommendations from New Essays In The Legal And Political Theory Of Property

- Personalized Recommendations
 - New Essays In The Legal And Political Theory Of Property User Reviews and Ratings
 - New Essays In The Legal And Political Theory Of Property and Bestseller Lists
5. Accessing New Essays In The Legal And Political Theory Of Property Free and Paid eBooks
 - New Essays In The Legal And Political Theory Of Property Public Domain eBooks
 - New Essays In The Legal And Political Theory Of Property eBook Subscription Services
 - New Essays In The Legal And Political Theory Of Property Budget-Friendly Options
 6. Navigating New Essays In The Legal And Political Theory Of Property eBook Formats
 - ePub, PDF, MOBI, and More
 - New Essays In The Legal And Political Theory Of Property Compatibility with Devices
 - New Essays In The Legal And Political Theory Of Property Enhanced eBook Features
 7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of New Essays In The Legal And Political Theory Of Property
 - Highlighting and Note-Taking New Essays In The Legal And Political Theory Of Property
 - Interactive Elements New Essays In The Legal And Political Theory Of Property
 8. Staying Engaged with New Essays In The Legal And Political Theory Of Property
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers New Essays In The Legal And Political Theory Of Property
 9. Balancing eBooks and Physical Books New Essays In The Legal And Political Theory Of Property
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection New Essays In The Legal And Political Theory Of Property
 10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
 11. Cultivating a Reading Routine New Essays In The Legal And Political Theory Of Property
 - Setting Reading Goals New Essays In The Legal And Political Theory Of Property
 - Carving Out Dedicated Reading Time
 12. Sourcing Reliable Information of New Essays In The Legal And Political Theory Of Property

- Fact-Checking eBook Content of New Essays In The Legal And Political Theory Of Property
- Distinguishing Credible Sources
- 13. Promoting Lifelong Learning
 - Utilizing eBooks for Skill Development
 - Exploring Educational eBooks
- 14. Embracing eBook Trends
 - Integration of Multimedia Elements
 - Interactive and Gamified eBooks

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