REGULATORY TAKINGS

Law, Economics, and Politics

William A. Fischel

Regulatory Takings Law Economics And Politics

Robert J. Johnston, Stephen K. Swallow

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Regulatory Takings William A. Fischel, 1995 State and federal government regulations are disciplined by property owner coalitions whose voice is clearly audible in the statehouses and in Congress **Property Rights, Economics and the Environment** Michael D. Kaplowitz, 2004-08-02 This book explores how discussions of environmental policy increasingly require scholars and practitioners to integrate legal economic analyses of property rights issues An excellent array of contributors have come together for the first time to produce this magnificent book Constitutional Law for a Changing America Lee Epstein, Kevin T. McGuire, Thomas G. Walker, 2025-02-26 In Constitutional Law for a Changing America Institutional Powers and Constraints bestselling authors Lee Epstein Kevin T McGuire and Thomas G Walker show students how political factors influence judicial decisions and shape the development of constitutional law The Twelfth Edition updated with additional material such as recent court rulings more than 500 supplemental cases and greater coverage of executive legislative and judicial power facilitates a deeper understanding of how the U S Constitution defines what institutions can and cannot do This book is ideal for Constitutional Law courses in the two semester sequence that covers powers and constraints For courses that cover both rights and liberties and the separation of powers in one semester see Constitutional Law for a Changing America A Short Course The New Palgrave Dictionary of Economics and the Law Peter Newman, 2016-04-30 A great deal of economics is about law the functioning of markets property rights and their enforcement financial obligations and so forth yet these legal aspects are almost never addressed in the academic study of economics Conversely the study and practice of law entails a significant understanding of economics yet the drafting and administration of laws often ignore economic principle The New Palgrave Dictionary of Economics and the Law is uniquely placed by the quality breadth and depth of its coverage to address this need for building bridges Drawn from the ranks of academics professional lawyers and economists in eight countries the 340 contributors include world experts in their fields Among them are Nobel laureates in economics and eminent legal scholars First published in 1998 and now available in paperback for the first time The New Palgrave Dictionary of Economics and the Law has established itself as a classic reference work in this important field Economics and Contemporary Land Use Policy Robert J. Johnston, Stephen K. Swallow, 2010-09-30 As external forces increase the demand for land conversion communities are increasingly open to policies that encourage conservation of farm and forest lands This interest in conservation notwithstanding the consequences of land use policy and the drivers of land conversions are often unclear One of the first books to deal exclusively with the economics of rural urban sprawl Economics and Contemporary Land Use Policy explores the causes and consequences of rapidly accelerating land conversions in urban fringe areas as well as implications for effective policy responses This book emphasizes the critical role of both spatial and economic ecological interactions in contemporary land use and the importance of a practical policy oriented perspective Chapters illustrate an interaction of conceptual theoretical and empirical approaches to land use policy

and highlight advances in policy oriented economics associated with the conservation and development of urban fringe land Issues addressed include 1 the appropriate role of economics in land use policy 2 forecasting and management of land conversion 3 interactions among land use property values and local taxes and 4 relationships among rural amenities rural character and urban fringe land use policy Economics and Contemporary Land Use Policy is a timely and relevant contribution to the land use policy debate and will prove an essential reference for policymakers at the local state and federal levels It will also be of interest to students academics and anyone with an interest in the practical application of economics to Private Property, Community Development, and Eminent Domain Robin Paul Malloy, 2016-04-15 The contributors in this volume address the fundamental relationship between the state and its citizens and among the people themselves Discussion centers on a recent decision by the United States Supreme Court in the case of Kelo v City of New London This case involved the use of eminent domain power to acquire private property for purposes of transferring it by the State to another private party that would make better economic use of the land This type of state action has been identified as an economic development taking In the Kelo case the Court held that the action was legal within provisions of the US Constitution but the opinion was contentious among some of the Justices and has been met with significant negative outcry from the public The Kelo case and the public debate arising in its aftermath give cause to assess the legal landscape related to the ability of government to fairly balance the tension between private property and the public interest The tension and the need to successfully strike a balance are not unique to any one country or any one political system From the United States to the United Kingdom to the People's Republic of China property and its legal regulation are of prime importance to matters of economic development and civic institution building The Kelo decision therefore explores a rich set of legal principles with broad applicability **Encyclopedia of American Civil Liberties** Paul Finkelman, 2013-11-07 This Encyclopedia on American history and law is the first devoted to examining the issues of civil liberties and their relevance to major current events while providing a historical context and a philosophical discussion of the evolution of civil liberties Coverage includes the traditional civil liberties freedom of speech press religion assembly and petition In addition it also covers concerns such as privacy the rights of the accused and national security Alphabetically organized for ease of access the articles range in length from 250 words for a brief biography to 5 000 words for in depth analyses Entries are organized around the following themes organizations and government bodies legislation and legislative action statutes and acts historical overviews biographies cases themes issues concepts and events The Encyclopedia of American Civil Liberties is an essential reference for students and researchers as well as for the general reader to help better understand the world we live in today The Fundamental Interrelationships Between Government and Property Nicholas Mercuro, Warren J. Samuels, 2003-07-17 This collection of 22 commissioned essays from scholars across numerous fields responded to the question What are the most fundamental things you can say concerning the interrelations between the institutions of

government and property Contributing authors were asked to address this question in a positive analysis and that their essay penetrate to the deepest most fundamental levels of property government organization Their contributions are illuminating

Dealing with Losers M. J. Trebilcock, 2014 Dealing with Losers addresses the transition costs associated with most policy reforms and strategies for mitigating those costs in order to facilitate the necessary political compromises to ensure that socially desirable reforms move forward This book examines widely disparate public policy contexts from trade liberalization to agricultural supply management immigration and climate change policy to illustrate the importance in political economy The Political Economy of Fracking Ilia terms of well considered transition cost mitigation strategies Murtazashvili, Ennio Piano, 2018-12-07 Over the past two decades fracking has led to a revolution in shale gas production For some shale gas promised economic opportunities cheaper energy bills and an alternative to coal For others shale gas was fool s gold Critics contend that the shale boom has occurred in a regulatory Wild West that the response has been fractured and ineffective or that the harmful environmental and health consequences exceed the benefits from shale gas production The Political Economy of Fracking argues that the criticism of the shale revolution has been misplaced The authors use insights from a diversity of perspectives in political economy to understand why the shale boom occurred who won in the race for shale and who was left behind The book explains how private property rights and entrepreneurs led to the shale boom It contends that polycentric governance which encourages a diversity of regulatory responses is a virtue because it generates knowledge about the most appropriate ways to regulate shale development Private property rights and political institutions that provide for local self governance also helped to ensure that the benefits of shale gas production exceeded its costs The authors make the case for fracking shale gas using evidence from shale producing countries from around the world comparing them to those that have fallen behind in the shale race They show that private property rights and markets have been a source of innovation and dynamism and that a diversity of regulatory responses is appropriate to govern shale gas development This book is insightful reading for academics and professionals interested in the shale boom the fracking industry in general and regulatory policy The Bill of Rights in Modern America David J. Bodenhamer, James W. Ely, 2022-04-05 As the 2020s began protestors filled the streets politicians clashed over how to respond to a global pandemic and new scrutiny was placed on what rights US citizens should be afforded Newly revised and expanded to address immigration gay rights privacy rights affirmative action and more The Bill of Rights in Modern America provides clear insights into the issues currently shaping the United States Essays explore the law and history behind contentious debates over such topics as gun rights limits on the powers of law enforcement the death penalty abortion and states rights Accessible and easy to read the discerning research offered in The Bill of Rights in Modern America will help inform critical discussions for years to come **Economic Foundations of Law and Organization** Donald Wittman, 2006-06-26 This book serves as a compact introduction to the economic analysis of law and organization At the same time it covers a broad

spectrum of issues It is aimed at undergraduate economics students who are interested in law and organization law students who want to know the economic basis for the law and students in business and public policy schools who want to understand the economic approach to law and organization The book covers such diverse topics as bankruptcy rules corporate law sports rules the organization of Congress federalism intellectual property crime accident law and insurance Unlike other texts on the economic analysis of law this text is not organized by legal categories but by economic theory. The purpose of the book is to develop economic intuition and theory to a sufficient degree so that one can apply the ideas to a variety of areas in law and The Grasping Hand Ilya Somin, 2015-05-28 In 2005 the Supreme Court ruled that the city of New London Connecticut could condemn fifteen residential properties in order to transfer them to a new private owner Although the Fifth Amendment only permits the taking of private property for public use the Court ruled that the transfer of condemned land to private parties for economic development is permitted by the Constitution even if the government cannot prove that the expected development will ever actually happen The Court's decision in Kelo v City of New London empowered the grasping hand of the state at the expense of the invisible hand of the market In this detailed study of one of the most controversial Supreme Court cases in modern times Ilya Somin argues that Kelo was a grave error Economic development and blight condemnations are unconstitutional under both originalist and most living constitution theories of legal interpretation They also victimize the poor and the politically weak for the benefit of powerful interest groups and often destroy more economic value than they create Kelo itself exemplifies these patterns. The residents targeted for condemnation lacked the influence needed to combat the formidable government and corporate interests arrayed against them Moreover the city's poorly conceived development plan ultimately failed the condemned land lies empty to this day occupied only by feral cats The Supreme Court's unpopular ruling triggered an unprecedented political reaction with forty five states passing new laws intended to limit the use of eminent domain But many of the new laws impose few or no genuine constraints on takings The Kelo backlash led to significant progress but not nearly as much as it may have seemed Despite its outcome the closely divided 5.4 ruling shattered what many believed to be a consensus that virtually any condemnation qualifies as a public use under the Fifth Amendment It also showed that there is widespread public opposition to eminent domain abuse With controversy over takings sure to continue The Grasping Hand offers the first book length analysis of Kelo by a legal scholar alongside a broader history of the dispute over public use and eminent domain and an evaluation of options for reform

Thinking Ecologically Marian Chertow,1997-01-01 Twenty five years ago the Cuyahoga River in Ohio was so contaminated that it caught fire air pollution in some cities was thick enough to taste and environmental laws focused on the obvious enemy large American factories with belching smokestacks and pipes gushing wastes Federal legislation has succeeded in providing cleaner air and water but we now confront a different set of environmental problems less visible and more subtle This important book offers thought provoking ideas on how America can respond to changing public health and

ecological risks and create sound environmental policy for the future The innovative thinkers of the Next Generation Project of the Yale Center for Environmental Law and Policy experts from business government nongovernmental organizations and academia propose reforms that balance environmental efforts with other public needs and issues They call for new foundations for environmental law and policy adoption of a more diverse set of policy tools and strategies economic incentives ecolabels and new connections between critical sectors agriculture energy transportation service providers and environmental policy Future progress must involve not only officials from the U S Environmental Protection Agency and state environmental protection departments say the authors but also decision makers as diverse as mayors farmers energy company executives and delivery route planners To be effective next generation policy making will view environmental challenges comprehensively connect academic theory with practical policy and bridge the gaps that have caused recent policy debates to break down in rancor This book begins the process of accomplishing these challenging goals

Environmental Choices Lawrence S. Rothenberg, 2002-02-01 Within a federal system government agencies and regulatory policies can be fractured even at odds with each other National actors share power with their counterparts in states and localities as do presidents with Congressional leaders and bureaucrats with judges Understanding the broad economic and political contexts of environmental policymaking illuminates the motivations behind policy choices of various interested parties from the National Park Service and the EPA to environmental activists and members of Congress Rothenberg utilizes basic economic ideas to provide not only a fresh look at how the U S deals with environmental ills but a way of thinking about policy making in general General Principles of Law and International Investment Arbitration Andrea Gattini, Attila Tanzi, Filippo Fontanelli, 2018-05-29 General Principles of Law in Investment Arbitration surveys the function of general principles in the field of international investment law particularly in investment arbitration. The authors analysis provides a representative case study of how this informal source operates alongside and in the absence of other sources of applicable law The contributions are divided into two parts devoted respectively to substantive principles and procedural ones The principles discussed in the book are selected for their currency in the practice their contested nature and their relevance The Land Question in India Anthony P. D'Costa, Achin Chakraborty, 2017 Examines the centrality of land in contemporary development discourse in India and the role of the state in the dispossession of land from peasants and tribal communities It looks at land acquisition processes their legal and ethical implications and the regional diversity of acquisition experiences in India The Oxford Handbook of Behavioral Economics and the Law Eyal Zamir, Doron Teichman, 2014 The Oxford Handbook of Behavioral Economics and Law brings together leading scholars of law psychology and economics to provide an up to date and comprehensive analysis of this field of research including its strengths and limitations as well as a forecast of its future development Its twenty nine chapters are organized into four parts Contemporary Property Rights Issues James W. Ely, Jr., 1997 A multidisciplinary overview This new series gathers a broad

selection of the best scholarly literature dealing with property rights in American constitutional history The initial three volumes deal with the historical aspects of property ownership many of which are relevant to contemporary developments Another volume is devoted to the contract clause which was the heart of a great deal of constitutional litigation Two volumes deal directly and at length with current issues such as regulatory takings The authors come from a variety of disciplines including history law and political science bringing a multidisciplinary approach to the debate and providing an excellent background for understanding contemporary issues A versatile classroom and student research resource Because it gathers so many important articles from law reviews academic journals and books including classic essays by prominent 19th century authorities this collection is a valuable resource for law schools But its thorough exploration of a vital issue that has been the concern of legislators courts and citizens since the founding of the republic also makes it useful in American History classes Professors will appreciate the collection because it gives them access to a concentration of material for classroom use and it s a user friendly way to introduce students to a variety of opinions and diversity of sources that can get them started on doing their own research Students will appreciate the many articles as a veritable gold mine of information Landmark Cases in Property Law Simon Douglas, Robin Hickey, Emma Waring, 2015-06-25 Landmark Cases in Property Law explores the development of basic principles of property law in leading cases Each chapter considers a case on land personal property or intangibles discussing what that case contributes to the dominant themes of property jurisprudence How are property rights acquired What is the content of property rights What are the limits or boundaries of property How are property rights extinguished Individually and collectively the chapters identify a number of important themes for the doctrinal development of property institutions and their broader justification These themes include the obscure and incremental development of seemingly foundational principles the role of instrumentalism in property reasoning the influence of the law of tort on the scope of property doctrines and the impact of Roman legal reasoning on the common law of property One or more of these themes and others is revealed through careful case analysis in each chapter and they are collected and critically explored in the editors introductions This makes for a coherent and provocative collection and ensures that Landmark Cases in Property Law will be lively and essential reading for scholars practitioners and all those interested in the development of property principles at law

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