

NEW ESSAYS  
IN THE LEGAL  
AND POLITICAL  
THEORY OF  
PROPERTY

Edited by  
STEPHEN R. MUNZER

CAMBRIDGE STUDIES IN  
PHILOSOPHY AND LAW

# New Essays In The Legal And Political Theory Of Property

**Aileen McHarg**



## **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      **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

Harvard Law Review: Volume 125, Number 3 - January 2012 Harvard Law Review, 2012-01-13 The Harvard Law Review is offered in a digital edition for ereaders featuring active Table of Contents linked footnotes and cross references legible tables and proper ebook formatting This issue is Jan 2012 Volume 125 Number 3 Featured articles in this issue are from such recognized scholars as Rebecca Tushnet reimagining copyright law for images instead of the usual frame of text and words and Carol Steiker reviewing David Garland s new book on capital punishment under the idea of contingency Student contributions explore the law relating to conversion modified video games the Second Amendment and gun rights patent law environmental law and extending the debt ceiling Finally the issue includes several Book Notes      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 Human Right to Property* Douglas Maxwell, 2022-07-14 This is an excellent work It is deeply researched

and the analysis of case law will prove very valuable to practitioners and academics seeking a synthesis of the law on an issue. The Rt Hon Lord Justice Green, Judge of the Court of Appeal of England and Wales and Chair of the Law Commission, a valuable contribution to the jurisprudence on Article 1 Protocol No 1 and of much interest to both property and human rights lawyers. Professor Sarah Nield, University of Southampton. The pervasiveness of A1P1 through contemporary property law makes this a serious and comprehensive study. This book masterfully interweaves theory and doctrinal law. It is both timely and necessary for academics and practitioners working in this area. David Sawtell, 39 Essex Chambers and Cambridge University. This book provides a highly detailed practical analysis of Article 1 of Protocol No 1 A1P1 and its implications in the United Kingdom. A1P1 prescribes a qualified right to the peaceful enjoyment of possessions. This right corresponds to a negative limit on legislators and public authorities to rationalise interferences with possessions and where necessary to strike a fair balance, often requiring just compensation. Through lively and rigorous commentary on the latest advances made by the European Court of Human Rights and domestic courts, *The Human Right to Property* enriches current understanding of the peaceful enjoyment of property since the enactment of the Human Rights Act 1998. Exploring the theoretical and political foundations of A1P1, the book guides the reader through the relevant case law from the earliest developments in Strasbourg to the present day. *The Human Right to Property* concludes that the most significant impacts of A1P1 are that it forces States to justify interferences, limits radical redistributions of property and casts a wider shadow over legislative choice and public body decision making.

**Engaging the Everyday** John M. Meyer, 2015-03-13 Meyer pioneers a uniquely political approach to environmental social criticism that follows from a startling central proposition that it is not outright oppression and denialism that are the most significant impediments but what he aptly terms the resonance dilemma. This is the failure of climate and environmental challenges, however important we may grant that they are to strike us as integral everyday concerns. This lively eloquent accessible volume models the very style of social criticism that it calls for in response to this dilemma: a resonant environmental criticism that works on rather than against everyday practices. Lisa Disch, Department of Political Science, University of Michigan, Ann Arbor, author of *Hannah Arendt and the Limits of Philosophy*.

**Research Handbook on Intellectual Property and Artificial Intelligence** Ryan Abbott, 2022-12-13 This incisive Handbook offers novel theoretical and doctrinal insights alongside practical guidance on some of the most challenging issues in the field of artificial intelligence and intellectual property. Featuring all original contributions from a diverse group of international thought leaders including top academics, judges, regulators and eminent practitioners, it offers timely perspectives and research on the relationship of AI to copyright, trademark, design, patent and trade secret law.

**Property and Human Rights in a Global Context** Ting Xu, Jean Allain, 2016-03-24 Property as a human rights concern is manifested through its incorporation in international instruments and as a subject of the law through property related cases considered by international human rights organs. Yet for the most part the relationship between property and human rights has been

discussed in rather superficial terms lacking a clear substantive connection or common language That said the currents of globalisation have witnessed a new era of interrelation between these two areas of the law including the emergence of international intellectual property law and the recognition of indigenous claims which in fundamental ways speak to an engagement with human rights law This collection starts the conversation between human rights lawyers and property lawyers and explores analytical approaches to the increasing relationship between property and human rights in a global context The chapters engage with key theoretical and policy debates and range across three main themes The re evaluation of the public private divide in the law the tensions between the market and social justice in development and the balance between the rights of individuals and those of communities The chapters adopt a global comparative perspective and engage in case studies from countries including India Philippines Brazil the United States the United Kingdom and includes various regions of Africa and Europe

Online Music Distribution - How Much Exclusivity Is Needed? Nikita Malevanny, 2019-08-30 This book analyzes regulatory models established in the field of online music distribution and examines their consistency with the overarching objectives of copyright law In order to do so the book takes a deep dive into the provisions of international treaties EU Directives as well as the German and US copyright systems and case law It subsequently scrutinizes the identified regulatory models from the standpoint of the copyright s objectives with regard to incentives rewards a level playing field and dissemination Lastly it endorses the improved market based statutory license as a preferable instrument in the online music field The book is intended for all readers with an interest in music copyright law Part I will especially benefit copyright scholars and practitioners seeking in depth insights into the current legal situation regarding streaming and downloading In turn Part II will above all appeal to scholars interested in law and economics and in the theoretical foundations of online music copyright Policy recommendations can be found in Part III

*Inheritance Law and Political Theology in Shakespeare and Milton* Joseph S. Jenkins, 2016-05-23 Reading God s will and a man s Last Will as ideas that reinforce one another this study shows the relevance of England s early modern crisis regarding faith in the will of God to current debates by legal academics on the theory of property and its succession The increasing power of the dead under law in the US the UK and beyond a concern of recent volumes in law and social sciences is here addressed through a distinctive approach based on law and humanities Vividly treating literary and biblical battles of will the book suggests approaches to legal constitution informed by these dramas and by English legal history This study investigates correlations between the will of God in Judeo Christian traditions and the Last Wills of humans especially dominant males in cultures where these traditions have developed It is interdisciplinary in the sense that it engages with the limits of several fields it is informed by humanities critical theory especially Benjaminian historical materialism and Lacanian psychoanalysis but refrains from detailed theoretical considerations Dramatic narratives from the Bible Shakespeare and Milton are read as suggesting real possibilities for alternative inheritance i e constitutional regimes As Jenkins shows these texts propose ways to alleviate

violence violence both personal and political through attention to inheritance law      **Digitization, Copyright and the Law** Ettore M. Lombardi, 2024-09-13 This book discusses copyleft and its impact on the traditional way to conceive of property It is specifically focused on the European and international juridical framework Analysing the impact of digitalization on copyright and the potential effect of copyleft in the European market and within a European and international juridical framework this book explores the complex evolutionary framework which charts the reduction of physical property and the progressive expansion of intangible assets Although digitalization enables more accessibility than ever before this impacts traditional intellectual property frameworks Evaluating common traits of ownership structure the book considers the challenges that intangible property open source and creative commons present to the current legal system Examining the impact of copyleft on copyright and the law of ownership the book considers the rights of authors and creators legal limits and complications arising from these new forms of ownership of intangible assets The book is grounded in the European potential regulatory framework of copyleft through movements like open source software The book will be of interest to students academics and practitioners with an interest in contract law property law and intellectual property law      The Southern Middle Class in the Long Nineteenth Century Jonathan Daniel Wells, Jennifer R. Green, 2011-12-12 The Southern Middle Class in the Long Nineteenth Century provides a series of provocative essays reflecting innovative original research on professional and commercial interests in a region often seen as composed of just two classes planters and slaves This study shows however that the active middle class devoted to cultural and economic modernization of the region worked in tandem with its northern counterpart and independently to bring reforms to the South      **Property and the Law in Energy and Natural Resources** Aileen McHarg, 2010 The law of energy and natural resources has always had a strong focus on property as one of its components but there are relatively few comparative book length treatments of both property law and energy and natural resources law The aim of this edited collection is to explore the multiple dimensions of the contemporary relationship between property and energy and natural resources law Its genesis was the growing resurgence of global interest in questions of property in energy and resources and how it manifests itself across legal regimes around the world With an international and comparative character the collection seeks to capture differences in the meaning of property and the different views about the role it should play in a diverse range of contexts civil law and common law the law of indigenous communities public law and private law and national and international law Key issues discussed include private rights and common property situations privatization and regulation competition for land use and resources the role of property rights in environmental protection and the balance between national sovereignty and the security of foreign investment The collection thus has relevance for a wide readership interested in the legal dimensions of property as an increasingly important aspect of the law for energy and resources across diverse countries and at the international level The contributors are established experts in the energy and natural resources law field and the collection builds upon a body of previous collaborative work in

this area     Property Aspects of Intellectual Property Ole-Andreas Rognstad, 2018-07-05 Three property aspects of IP law  
Implications of the three aspects of property     Conceptualizing Copyright Exceptions in China and South Africa Jia Wang, 2018-03-01 This book critically evaluates the current copyright law system in a digital environment from a comparative perspective Since many developing countries modelled their copyright laws on more advanced jurisdictions they have not benefitted from such a law as much as intended due to their inherently embedded social economic conditions Moreover the copyright law system has been under constant challenges from rapidly developing digital technology and the Internet All in all there is a pressing need for developing countries to reevaluate their copyright law in light of their national needs the developmental stage of their economy their culture and tradition and their legal system The book poses the question of whether copyright law should be reformed to fulfill its fundamental purpose of serving education and research that are in the public interest in the digital era It examines whether the legal frameworks adequately address developing countries educational and research requirements in view of the opportunities and restrictions posed by electronic communication media Further it provides a comprehensive study that addresses the various critical issues relevant to the reform of the copyright law system and offers recommendations for developing countries to revamp their copyright law system to better serve their education and research sector     Assembly Michael Hardt, Antonio Negri, 2017 Each year an eruption of leaderless social movements leaves external observers and activists perplexed Why have the movements which address the needs and desires of so many not been able to achieve lasting change In Assembly Michael Hardt and Antonio Negri analyze potential paths for creating a more democratic and just society     **The Future of Copyright in the Age of Artificial Intelligence** Gaon, Aviv H., 2021-09-07 The Future of Copyright in the Age of Artificial Intelligence offers an extensive analysis of intellectual property and authorship theories and explores the possible impact artificial intelligence AI might have on those theories The author makes compelling arguments via the exploration of authorship ownership and artificial intelligence     **An International Law Perspective on the Protection of Human Rights in the TRIPS Agreement** Ping Xiong, 2012-03-20 This book offers an analysis of the interpretation of the WTO TRIPS Agreement and its impact on the right to health It furthers understanding of WTO jurisprudence and researches the topic in a broad framework of international law It examines the extent to which the patent protections in the TRIPS Agreement are consistent with the right to health and in particular with access to medicine It helps to underpin an understanding of the relationship between human rights law and intellectual property law specifically between the right to health and patent protection It usefully analyses the relationship between TRIPS and the right to health and develops an understanding of interpretive techniques for use within WTO dispute settlement     Global Knowledge Cultures , 2007-01-01 Knowledge is about cultural power Considering that it is both resource and product within the brave new world of fast capitalism this collection argues for knowledge cultures that are mutually engaged and hence more culturally inclusive and socially productive Globalized intellectual property regimes the

privatization of information and their counterpoint the information and creative commons movements constitute productive sites for the exploration of epistemologies that talk with each other rather than at and past each other Global Knowledge Cultures provides a collection of accessible essays by some of the world's leading legal scholars new media analysts techno activists library professionals educators and philosophers Issues canvassed by the authors include the ownership of knowledge open content licensing knowledge policy the common wealth of learning transnational cultural governance and information futures Together they call for sustained intercultural dialogue for more ethical knowledge cultures within contexts of fast knowledge capitalism

**Rights and Legal Empowerment in Eradicating Poverty** Dan Banik, 2008-01-01

How best to improve the position of the world's poorest people remains one of the major issues facing the human species This book investigates the role that legal empowerment and rights including human rights can play in tackling poverty and enabling poor people in developing countries to take action to improve their positions



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