

The Myth of
PROPERTY

Toward an Egalitarian
Theory of Ownership

John Christman

Myth Of Property Toward An Egalitarian Theory Of Ownership

Shraga F. Biran



Myth Of Property Toward An Egalitarian Theory Of Ownership:

The Myth of Property John Christman, 1994-07-14 The Myth of Property is the first book length study to focus directly on the variable and complex structure of ownership It critically analyzes what it means to own something and it takes familiar debates about distributive justice and recasts them into discussions of the structure of ownership The traditional notion of private property assumed by both defenders and opponents of that system is criticized and exposed as a myth The book then puts forward a new theory of what it means to own something one that will be important for any theory of distributive justice This new approach more adequately reveals the disparate social and individual values that property ownership serves to promote The study has importance for understanding the reform of capitalist and welfare state systems as well as the institution of market economies in former socialist states for the view developed here makes the traditional dichotomy between private ownership capitalism and public ownership socialism obsolete This new approach to ownership also places egalitarian principles of distributive justice in a new light and challenges critics to clarify aspects of property ownership worth protecting against calls for greater equality The book closes by showing how defenders of egalitarianism can make use of some of the ideas and values that traditionally made private property appear to be such a pervasive human institution

Property Theory James Penner, Michael Otsuka, 2018-08-30 Property or property rights remains one of the most central elements in moral legal and political thought It figures centrally in the work of figures as various as Grotius Locke Hume Smith Hegel and Kant This collection of essays brings fresh perspective on property theory from both legal and political theoretical perspectives and is essential reading for anyone interested in the nature of property Edited by two of the world s leading theorists of property James Penner and Michael Otsuka this volume brings together essays which consider amongst other topics property and public law the importance of legal forms in property theory whether use or exclusion are most essential to our understanding of property distributive justice Lockean and Grotian theories the common ownership of the Earth and Confucian ideas of property

Laws of Creation Ronald A. Cass, Keith N. Hylton, 2013-01-01 Cass and Hylton explain how technological advances strengthen the case for intellectual property laws and argue convincingly that IP laws help create a wealthier more successful more innovative society than alternative legal systems Ignoring the social value of IP rights and making what others create free would be a costly mistake indeed

The Problem of Property Karl Widerquist, 2023-01-01 This book is Karl Widerquist s first statement of the independent theory of property called Justice as the Pursuit of Accord JPA It argues the natural rights based arguments for unequal private property have failed to establish that institution as right It is a legal privilege inconsistent with the maximum equal freedom from interference The book discusses how to establish and maintain a property system that best promotes freedom from interference Paying taxes and obeying regulations is part of the purchase price of the right to control use or use up any good made partly out of natural resources i e all goods because doing so interferes with people who control use or use up fewer natural resources A sufficient

portion of that tax revenue has to be redistributed in the form of a Universal Basic Income to ensure the property system is in the interest of everyone *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

Infocrime Eli Lederman, 2016-03-25 It has often been said that information is power This is more true in the information age than ever The book profiles the tools used by criminal law to protect confidential information It deals with the essence of information the varieties of confidential information and the basic models for its protection within the context of the Internet and social networks Eli Lederman examines the key prohibitions against collecting protected information and against using disclosing and disseminating it without authorization The investigation cuts across a broad subject matter to discuss and analyze key topics such as trespassing and peeping the human body as a source of information computer trespassing tracking and collecting personal information in the public space surveillance privileged communications espionage and state secrets trade secrets personal information held by others and profiling and sexting Infocrime will appeal to graduate and undergraduate scholars and academics in the legal arena in law schools and schools of communication and to practicing lawyers with an interest in legal theory and a concern for the protection of the personal realm in a world of increasingly invasive technologies *The Making of Modern Property* Anna di Robilant, 2023-07-27 In this original intellectual history

Anna di Robilant traces the history of one of the most influential legal political and intellectual projects of modernity the appropriation of Roman property law by liberal nineteenth century jurists to fit the purposes of modern Europe Drawing from a wealth of primary sources many of which have never been translated into English di Robilant outlines how a broad network of European jurists reinvented the classical Roman concept of property to support the process of modernisation By placing this intellectual project within its historical context she shows how changing class relations economic policies and developing ideologies converged to produce the basis of modern property law Bringing these developments to the twentieth century this book demonstrates how this largely fabricated version of Roman property law shaped and continues to shape debates concerning economic growth sustainability and democratic participation

On Global Justice Mathias Risse, 2012-09-16 The grounds of justice Un pouvoir ordinaire shared membership in a state as a ground of Justice Internationalism versus statism and globalism contemporary debates What follows from our common humanity the institutional stance human rights and nonrelationism Hugo Grotius revisited collective ownership of the Earth and global public reason Our sole habitation a contemporary approach to collective ownership of the earth Toward a contingent derivation of human rights Proportionate use immigration and original ownership of the Earth But the earth abideth for ever obligations to future generations Climate change and ownership of the atmosphere Human rights as membership rights in the global order Arguing for human rights essential pharmaceuticals Arguing for human rights labor rights as human rights Justice and trade The way we live now

Imagine there s no countries a reply to John Lennon Justice and accountability the state Justice and accountability the World Trade Organization *The SAGE Encyclopedia of Business Ethics and Society* Robert W. Kolb,2018-03-27 Thoroughly revised updated and expanded The SAGE Encyclopedia of Business Ethics and Society Second Edition explores current topics such as mass social media cookies and cyber attacks as well as traditional issues including accounting discrimination environmental concerns and management The new edition also includes an in depth examination of current and recent ethical affairs such as the dangerous work environments of off shore factories for Western retailers the negligence resulting in the 2010 BP oil spill the gender wage gap the minimum wage debate and increasing income disparity and the unparalleled level of debt in the U S and other countries with the challenges it presents to many societies and the considerable impact on the ethics of intergenerational wealth transfers Key Features Include Seven volumes available in both electronic and print formats contain more than 1 200 signed entries by significant figures in the field Cross references and suggestions for further readings to guide students to in depth resources Thematic Reader s Guide groups related entries by general topics Index allows for thorough browse and search capabilities in the electronic edition *The Oxford Handbook of Political Philosophy* David Estlund,2012-05-21 Even though political philosophy has a long tradition it is much more than the study of old and great treatises Contemporary philosophers continue to press new arguments on old and timeless questions but also to propose departures and innovations The field changes over time and new work inevitably responds both to events in the world and to the directions of thought itself This volume includes 22 new pieces by leaders in the field on both perennial and emerging topics of keen interest to contemporary political philosophers In addition to longstanding issues such as Authority Equality and Freedom and Democracy there are articles on less classical topics such as Race Historical Injustice Deliberation Money and Politics Global Justice and Ideal and Non Ideal Theory All of the pieces combine clarity and accessibility with a top scholar s critical and original point of view The introductory essay briefly situates this snapshot of the state of the art in a broader view of developments in political philosophy in the last 40 years and looks forward to future developments Students and scholars alike will find the pieces to be valuable not only surveys but as provocations to think further about the questions puzzles and practical problems that animate recent work in political philosophy The issues will be of interest to many working in philosophy political science law economics and more **Unjust Enrichment** Hanoch Dagan,1997-09-18 This book is a sophisticated comparative analysis of the doctrine of unjust enrichment in the North American and Jewish legal systems and in international law By offering an explanatory theory which brings to light the normative underpinnings of the doctrine it facilitates the prediction of legal outcomes and supplies the necessary tools for evaluating existing legal rules Applying both theoretical analysis and comparative legal techniques the study claims that the choice of compensation arising from a claim of unjust enrichment is not a matter of legal technicality Instead it describes how the legal choice of a pecuniary remedy can be seen to embody a choice between competing values This decision writes Dagan is implicated in the prevailing

background ethos of the society at issue and is deeply influenced by its own complex conceptions of self and of community

Independence, Propertylessness, and Basic Income K. Widerquist, 2013-03-07 Independence Propertylessness and Basic Income argues that philosophers have focused too much on scalar freedom and proposes a theory of status freedom as effective control self ownership the power to have or refuse active cooperation with other willing people or simply freedom as the power to say no

Property, Planning and Protest: The Contentious Politics of Housing Supply Quintin Bradley, 2023-03-17 The struggle for the right to housing is a battle over property rights and land use For housing to be provided as a human need land must be recognised as a common right Property Planning and Protest is a compelling new investigation into public opposition to housing and real estate development Its innovative materialist approach is grounded in the political economy of land value and it recognises the conflict between communities and real estate capital as a struggle over land and property rights Property Planning and Protest is about a social movement struggling for democratic representation in land use decisions The amenity groups it describes champion a democratic plan led system that allocates land for social and environmental goals Situating this movement in a history of land reform and common rights this book sets out a persuasive new vision of democratic planning and affordable housing for all

Philosophical Foundations of Tax Law Monica Bhandari, 2017-02-23 Tax law changes at a startling rate not only does societal change bring with it demands for change in the tax system but changes in the political climate will force change as will many other competing pressures With this pace of change it is easy to focus on the practical and forget the core underpinnings of the tax system and their philosophical justifications Taking a pause to remind ourselves of those principles and how they can operate in the modern tax system is crucial to ensuring that the tax system does not diverge too far from what it should be or could be It is essential to understand the answers to some of the seemingly basic questions that surround tax before we can even begin to think about what a tax system should look like This collection brings together major themes and difficult questions in the philosophical foundations of tax law The chapters consider practical issues such as justification enforcement design and mechanics and provide a full and coherent analysis of the basis for tax law Philosophical Foundations of Tax Law allows the reader to consider how tax systems should move forward in the modern world with a sound philosophical basis to provide the practical tax system that the state requires and citizens deserve

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 Encyclopedia of Ethics Lawrence C. Becker, Charlotte B. Becker, 2013-10-18 The editors working with a team of 325 renowned authorities in the field of ethics have revised expanded and updated this classic encyclopedia Along with the addition of 150 new entries all of the original articles have been newly peer reviewed and revised bibliographies have been updated throughout and the overall design of the work has been enhanced for easier access to cross references and other reference features New entries include Cheating Dirty hands Gay ethics Holocaust Journalism Political correctness and many more

Neoliberalism and the Biblical Voice Paul Babie, Michael Trainor, 2017-11-28 This book compares our contemporary preoccupation with ownership and consumption with the role of property and possessions in the biblical world contending that Christian theology provides a valuable entry point to discussing the issue of private property a neoliberal tool with the capacity to shape the world in which we live by exercising control over the planet's resources Babie and Trainor draw on the teaching on property and possessions of Jesus of Nazareth They demonstrate how subsequent members of the Jesus movement the writers of early collection of Jesus sayings called Q and the gospels of Mark and Luke reformulated Jesus teaching for different contexts that was radical and challenging for their own day Their view of wealth and possessions continues today to be as relevant as ever By placing the insights of the Galilean Jesus and the early Jesus movement into conversation with contemporary views on private property and consumer culture the authors develop legal philosophical and theological insights what they describe as seven theses into how our desire for ethical living fares in the neoliberal marketplace

Opportunism Shraga F. Biran, 2011-01-18 In this bold and forward looking book an Israeli civic leader shows how reorienting our society to make the most of opportunity could restore the global economy to health and give added value to the contributions of the new class of knowledge workers For most of us opportunism is a tainted concept Shraga F. Biran thinks otherwise He shows that our present economy favors the wealthy few more than at any point in history But such an economy is both unstable and outmoded unable to recognize the true value of the work done by the new knowledge class whose commerce is in ideas not financial assets This is why most of us have seen no real gains from the spectacular increases in paper wealth during the past three decades Biran sees a transformative new way in Opportunism In today's economy he argues the way to thrive is to create an opportunity and make the most of it With great passion he proposes that we as a society should establish a right of opportunity akin to patents and copyrights enabling all members of society to lay claim to their ideas and benefit from them financially Thus empowered the new opportunists can help bring about a revolution in applied knowledge on the scale of the Industrial Revolution and a more just stable and prosperous society

The Original Position Timothy Hinton, 2015-12-10 At the centre of John Rawls's political philosophy is one of the most influential thought experiments of the twentieth century which principles of justice would a group of individuals choose to regulate their society if they were deprived of any information about themselves that might bias their choice In this collection of new essays leading political philosophers examine the ramifications and continued relevance of Rawls's idea

Their chapters explore topics including the place of the original position in rational choice theory the similarities between Rawls s original position and Kant s categorical imperative the differences between Rawls s model and Scanlon s contractualism and the role of the original position in the argument between Rawls and other views in political philosophy including utilitarianism feminism and radicalism This accessible volume will be a valuable resource for undergraduates as well as advanced students and scholars of philosophy game theory economics and the social and political sciences

Creative Autonomy, Copyright and Popular Music in Nigeria Mary W. Gani, 2020-07-27 This book provides an in depth analysis of the unique structure of the Nigerian popular music industry It explores the dissonance between copyright s thematic support for creative autonomy and the practical ways in which the law allows singer songwriters performing authors creative autonomy to be subverted in their contractual relationships with record labels The book establishes the concept of creative autonomy for performing authors as a key criterion for sustainable economic development and makes innovative legal and policy recommendations to help stakeholders preserve it

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