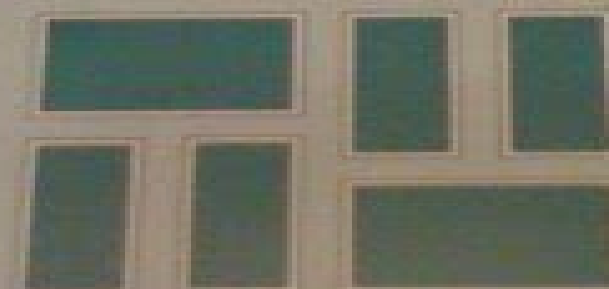


# REINTERPRETING PROPERTY



*Margaret Jane Radin*



# Reinterpreting Property

**Gary Chartier**



## **Reinterpreting Property:**

**Reinterpreting Property** Margaret Jane Radin, 1993 This collection of essays by one of the country's leading property theorists revitalizes the liberal personality theory of property Departing from traditional libertarian and economic theories of property Margaret Jane Radin argues that the law should take into account nonmonetary personal value attached to property and that some things such as bodily integrity are so personal they should not be considered property at all Gathered here are pieces ranging from Radin's classic early essay on property and personhood to her recent works on governmental taking of private property Margaret Jane Radin is professor of law at Stanford University She is the author of over twenty five articles on legal and political theory The Making of Australian Property Law A. R. Buck, 2006 In 1847 in one of the most important cases in Australian legal history the Chief Justice of NSW Sir Alfred Stephen handed down a decision that would have profound implications for both the development of Australian property law and the property rights of the Aboriginal peoples of Australia The case was Attorney General v Brown and in his decision Stephen CJ ruled that the laws of property in Australia were governed by feudal principles The shadow cast by Attorney General v Brown has been a long one stretching down to the decision in Mabo and beyond Judicial thinking and much legal scholarship continues to emphasise a connection between the feudal origins of the English law and the state of contemporary Australian property law thereby perpetuating a nostalgic view of Australian property law This book in contrast argues that the feudal imprint on property in Australia had been washed away by the early 1860s and that the decades of the early nineteenth century witnessed the making of a distinct Australian property law Egalitarianism rather than feudalism this book argues shaped the emergence of Australian property law This book situates legal development in its social and political context re-evaluating the relationship between political ideas social values and law reform in early Australia *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 Idea of Home in Law** Lorna Fox O'Mahony, James A. Sweeney, 2016-03-03 The Idea of Home in Law Displacement and Dispossession explores an important set of legal and policy issues surrounding the concepts of home and homelessness taking a growing area of legal scholarship into the new arena of human rights and international law The collection considers the ideas concerning home both in the sense of the dwelling place as a special type of property and territorial claims to homeland which underpin many contemporary legal problems by examining a range of contexts where people are displaced or dispossessed from their homes The essays focusing on dispossession consider themes ranging from mortgage and rent arrears in the UK to responses to the foreclosure crisis in the USA and from eviction for the purposes of economic development in South Africa to the exclusion of asylum seekers from the UK's social housing and welfare provision and within the framework of the European Convention on Human Rights The displacement theme meanwhile examines transnational home issues from the experiences of exiles and refugees in areas of conflict to the impact of the broader

context of economic social and cultural rights on attempts to protect housing and home through international law At the heart of each essay the contributors experts from across the fields of law policy and housing rights examine the circumstances in which displacement and dispossession take place and reconsider how law and policy respond to such circumstances with a particular focus on the impact of loss of home for the human person At a time of particular and increasing concern about security of tenure and the role of law and policy in protecting people who are vulnerable to forced eviction The Idea of Home in Law presents a bold opportunity to raise questions about the rights and norms associated with housing and home and to generate new insights for scholarship and for national and international policy debates concerning displacement and dispossession

Civic Republicanism and the Properties of Democracy Erik J. Olsen, 2006-01-01 Taking the revival of civic republicanism as his point of departure Erik Olsen examines the relationship between property civic virtue and democracy in post socialist political thought Steering a course between the crass materialism that post socialists criticize and their own post materialist perspective Olsen outlines a theory of democratic stakeholding in which citizens have rights of inhabitation in their commonwealth

Property Rights and Sustainability David Grinlinton, Prue Taylor, 2011-04-11 Published with the support of The New Zealand Law Foundation As collapses and crises involving ecological systems economic and financial management and international governance increase the need for bold alternatives to traditional economic and legal responses has never been more urgent Property concepts are an important element in the interaction between humans and the natural environment An important driver of ecological harm property concepts can also become a powerful tool for responding to ecological problems in ways that have so far eluded both government regulators and markets Going beyond the traditional critiques of liberal property theories Property Rights and Sustainability takes on the challenge of fundamentally reconceptualising property rights and systems It makes a significant contribution to rebalancing the legal framework in a way that recognises humanity as a member of a larger ecological order the health and integrity of which is of primary importance to the long term viability of our planet Property Rights and Sustainability will be an indispensable resource for those interested in the relationship between property law and the environment and the ways in which property law can be reshaped to respond to the ecological challenges of our time

Property Rights Polly J. Price, 2003-06-23 A survey of the evolution of property rights in the United States from constitutional protections and due process to private property rights and government takings doctrines Legal opinions and public attitudes toward property rights have fluctuated over the years from periods when almost any infringement of these rights was impermissible to times in which the government was granted much wider latitude This book examines the history of individual property ownership in the U S from the late colonial era to the present explaining how property rights were established defended and sometimes later reinterpreted Of special interest are rights that have developed over time such as due process just compensation for government takings of private property and the rights landowners may assert against other persons Of particular interest to

today's readers are government regulation of private property for environmental purposes challenges to zoning regulations and intellectual property rights in cyberspace      Conceptualising Home Lorna Fox O'Mahony, 2006-12-01 It is difficult to overstate the everyday importance of home in law. Home provides the backdrop for our lives and is often the scene or the subject of legal disputes. In addition, in recent decades there has been growing academic interest in the meaning of home which has prompted empirical studies and theoretical exploration in a wide range of disciplines. Yet while the authenticity of home as a social, psychological, cultural and emotional phenomenon has been recognised in other disciplines, it has not penetrated the legal domain where the proposition that home can encapsulate meanings beyond the physical structure of the house or the capital value it represents continues to present conceptual difficulties. This book focuses on the competing interests of creditors who lend money against the security of the property and the occupiers who dwell in the property in the context of possession actions. By mapping the concept of home as it has evolved in other disciplines against existing legal frameworks, Conceptualising Home examines the possibilities for developing a coherent concept of home in law.      The Law and Ethics of Restitution Hanokh Dagan, 2004-08-12 This 2004 book provides a comprehensive account of the American law of restitution.      *Critical Legal Studies* Richard W. Bauman, 2021-11-28 Contemporary legal thought has been powerfully influenced by Critical Legal Studies, a school of legal scholars whose work has sustained a continuing radical critique of established legal doctrines. In this essential reference work, Richard Bauman presents the most thorough up-to-date guide available for this essential literature. In addition to providing the basic bibliographic information, Bauman offers a set of effective introductions to contextualize and explain the work being surveyed. He has created a fundamental handbook not only for the law but also for politics and radical thought.      **Economic Justice and Natural Law** Gary Chartier, 2009-08-06 Gary Chartier elaborates a version of economic justice rooted in the natural law tradition.      **Personalised Medicine, Individual Choice and the Common Good** Britta van Beers, Britta Chongkol van Beers, Sigrid Sterckx, Donna Dickenson, 2018-11-22 Asks whether personalised medicine is superior to one-size-fits-all treatment. Does it elevate individual choice above the common good?      *Modernism and Copyright* Paul K. Saint-Amour, 2011 How was modernism shaped from its beginning by intellectual property law? What role did the law's imperial and transatlantic asymmetries play in modernism's dissemination? How did various modernists exploit, reform, anoint and evade copyright? And how is the study of modernism today being affected by expanding copyright regimes? *Modernism and Copyright* is the first book to take up these questions. A truly multi-disciplinary study, it brings together essays by scholars of literature, theater, cinema, music and law, as well as by practicing lawyers and caretakers of modernist literary estates. Its contributors' methods are as diverse as the works they discuss. Ezra Pound's copyright statute and Charlie Parker's bebop compositions feature here as do early Chaplin films, *EverQuest* and the Madison Avenue memo. As our portrait of modernism expands and fragments, *Modernism and Copyright* locates works such as these on one of the few landscapes they all clearly share: the uneven terrain of intellectual property law.

**The Triumph of Venus** Jeanne Lorraine Schroeder, 2004-02-23 The theory of law and economics that dominates American jurisprudence today views the market as rational and individuals as driven by the desire to increase their wealth. It is a view riddled with misconceptions as Jeanne Lorraine Schroeder demonstrates in this challenging work which looks at contemporary debates in legal theory through the lens of psychoanalysis and continental philosophy. Through metaphors drawn from classical mythology and interpreted via Lacanian psychoanalysis and Hegelian philosophy, Schroeder exposes the hidden and repressed erotics of the market. Her work shows how the predominant economic analysis of markets and the standard romantic critique of markets are in fact mirror images reflecting the misconception that reason and passion are inalterably opposed. Beyond the Carbon Economy Don Zillman, Catherine Redgwell, Yinka Omorogbe, Lila K. Barrera-Hernández, 2008-03-06 The present energy economy with its heavy dependence on fossil fuels is not sustainable over the medium to long term for many interconnected reasons. Climate change is now recognized as posing a serious threat. Energy and resource decisions involving the carbon fuels therefore play a large role in this threat. Fossil fuel reserves may also be running short and many of the major reserves are in politically unstable parts of the world. Yet citizens in nations with rapidly developing economies aspire to the benefits of the modern energy economy. China and India alone have 2.4 billion potential customers for cars, industries, and electrical services. Even so, more than half of the world's citizens still lack access to energy. Decisions involving fossil fuels are therefore a significant part of the development equation. This volume explains how the law can impede or advance the shift to a world energy picture significantly different from that which exists today. It first examines the factors that create the problems of the present carbon economy, including environmental concerns and development goals. It then provides international and regional legal perspectives, examining public international law, regional legal structures, the responses of international legal bodies, and the role of major international nongovernmental actors. The book then moves on to explore sectoral perspectives, including the variety of renewable energy sources, new carbon fuels, nuclear power, demand controls, and energy efficiency. Finally, the authors examine how particular States are could or should be adapting legally to the challenges of moving beyond the carbon economy. *Law and Economics for Civil Law Systems* Mackaay, Ejan, 2021-11-18 This second edition of *Law and Economics for Civil Law Systems* substantially updates a unique work that presents the core ideas of law and economics for audiences primarily familiar with civil law systems. Freedom of Religion and Religious Pluralism Md. Jahid Hossain Bhuiyan, Carla M. Zoethout, 2023-03-20 Religious pluralism is an important aspiration of contemporary societies, meaning that religious diversity is permitted and everyone has the freedom of religion or belief or not to believe. The peaceful coexistence of people of a myriad of faiths is indispensable for securing peace in the modern era of political upheaval and economic dissonance. This book brings together a variety of religious and non-religious perspectives on religious pluralism. It explores the key philosophical and legal issues associated with religious freedom and social harmony. *Freedom of Religion and Religious Pluralism* intends to serve as a valuable resource for scholars.

specialising in religion citizenship and migration studies It will also act as a reference for courses on law religion and human rights

The Protection of Traditional Knowledge at the Frontiers of Drug Discovery Peter S Harrison, 2024-09-19 This book concerns the often fractious interface between drug discovery and commercialisation environmental degradation the biodiversity crisis the exploitation of indigenous peoples and the destruction of their culture the right to health inequalities of power and the ability of the law to protect knowledge For millennia medicinal plants have provided a trove of treatments for human ailments and the key to that treasure has been the traditional knowledge of the indigenous peoples who have lived alongside these plants More recently that knowledge has been taken often without consent or recompense by Western science as a springboard for the development of pharmaceutical agents As a response to threats to biodiversity and indigenous culture international mechanisms have created or are creating enforceable rights for indigenous peoples to control such knowledge With a background in pharmacology and molecular biology and significant experience as a lawyer in pharmaceutical and biotech patent litigation the author brings a fresh perspective to understanding the difficulties of enforcing such rights and in particular examines whether there is a philosophically justifiable limit to the downstream scope of such rights This book is aimed at all those with an interest in the control of indigenous genetic knowledge and the protection of indigenous culture whether academics anthropologists or pharmaceutical researchers and those seeking to make indigenous rights work as activists legislators or practising lawyers

LAW OF COPYRIGHT, SECOND EDITION DAS, JATINDRA KUMAR, 2021-02-01 The book attempts to critically analyse the cases on the law of copyright as well as statutory provisions of law of copyright When the first edition of the book was published in 2015 there was no readable and dependable book for the general reader interested to be acquainted with the changing features of the law of copyright immediate after the enactment of the Copyright Amendment Act 2012 Since the publication of this book the Finance Act 2017 has introduced Appellate Board in place of Copyright Board as well as the Supreme Court and High Courts in India have also delivered a large number of judicial decisions on the law of copyright In this edition the author has surveyed all such Courts decisions and analysed them and inserted them in appropriate places of the book and also examined the impact of the Appellate Board It presents not only the provisions of the Copyright Act 1957 in the form of a normative but points out the changes made thereon by formal amendments as well as conflicts of law which have been settled by judicial interpretations The book is divided into ten chapters Chapter 1 is introductory while Chapters 2 and 3 discuss the origin and development of law of copyright at international as well as national level The most important debatable issue in copyright law is works in which copyright subsists and the Chapter 4 is devoted to this aspect Chapter 5 explores various issues relating to author of work owner of copyright and recognised rights of copyright owner The terms of copyright licensing of copyright international copyright and registration of copyright are the subject matter of Chapter 6 while rights of broadcasting organisation and of performers neighbouring rights are the subject matter of Chapter 7 Internet is the greatest

communication medium of the contemporary era and there is an inherent link between law of copyright and internet Therefore Chapter 8 is devoted to discuss various issues relating to protection of copyright in internet While Chapter 9 demonstrates the law relating to infringement of copyright and defences of copyright liability Chapter 10 the concluding chapter discusses the enforcement of copyright in India in detail Though the book is designed for the undergraduate and postgraduate students of Law it will be equally beneficial for the researchers academicians jurists lawyers judges as well as members of civil society TARGET AUDIENCE Undergraduate and postgraduate students of Law Researchers Academicians Jurists Lawyers Judges as well as members of Civil Society **The Complexity of Human Rights** Philip Alston, 2024-02-08 This book provides the first systematic assessment from a human rights law perspective of the landmark contributions of the renowned legal anthropologist Sally Engle Merry What impact does over simplification have on human rights debates The understandable tendency to present them as a single universal and immutable concept ignores their complexity and by extension only serves to weaken them Merry and her colleagues transformed human rights thinking by highlighting the process of vernacularization which sees rights discourse as being unavoidably dependent upon translation and interpretation She also warned of the pitfalls of excessive reliance upon statistical and other indicators through the process of quantification Here the leading voices in the field assess the significance of these contributions



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