

Great Debates In Property Law Palgrave Macmillan Great Debates In Law

WINNER OF: Frantz Fanon Outstanding Book from the Caribbean Philosophical Association Canadian Political Science Association's C.B. MacPherson Prize Studies in Political Economy Book Prize Over the past forty years, recognition has become the dominant mode of negotiation and decolonization between the nation-state and Indigenous nations in North America. The term "recognition" shapes debates over Indigenous cultural distinctiveness, Indigenous rights to land and self-government, and Indigenous peoples' right to benefit from the development of their lands and resources. In a work of critically engaged political theory, Glen Sean Coulthard challenges recognition as a method of organizing difference and identity in liberal politics, questioning the assumption that contemporary difference and past histories of destructive colonialism between the state and Indigenous peoples can be reconciled through a process of acknowledgment. Beyond this, Coulthard examines an alternative politics—one that seeks to revalue, reconstruct, and redeploy Indigenous cultural practices based on self-recognition rather than on seeking appreciation from the very agents of colonialism. Coulthard demonstrates how a "place-based" modification of Karl Marx's theory of "primitive accumulation" throws light on Indigenous–state relations in settler-colonial contexts and how Frantz Fanon's critique of colonial recognition shows that this relationship reproduces itself over time. This framework strengthens his exploration of the ways that the politics of recognition has come to serve the interests of settler-colonial power. In addressing the core tenets of Indigenous resistance movements, like Red Power and Idle No More, Coulthard offers fresh insights into the politics of active decolonization.

Germany's Constitution - the Basic Law of 23 May 1949 - created a democratic constitution which, despite amendments, has held up over the years, even providing the legal basis for German reunification in 1990. When it was written, the Basic Law was initially regarded as a temporary solution which would last until a pan-German constitution could be created, but over the years it has grown to become a mainstay of post-war stability and has even become one of Germany's most successful exports. Foreign scholars are particularly interested in the German conception of fundamental rights and the mechanisms in place for enforcing them in the courts, as well as in Germany's federal structure. Making and applying administrative law and working alongside the system of EU law are also subjects of great interest. This book, developed by a group of scholars in honour of the 60th anniversary of the Basic Law, presents examples of fundamental aspects of current scholarly debate. The analyses found in this book present the latest scholarly discussions, specifically for a foreign audience, touching upon constitutional law, administrative law and the place of the Federal Republic within the system of European Union law, with constitutional law providing the constant framework.

"Capital is the defining feature of modern economies, yet most people have no idea where it actually comes from. What is it, exactly, that transforms mere wealth into an asset that automatically creates more wealth? The Code of Capital explains how capital is created behind closed doors in the offices of private attorneys, and why this little-known fact is one of the biggest reasons for the widening wealth gap between the holders of capital and everybody else. In this revealing book, Katharina Pistor argues that the law selectively "codes" certain assets, endowing them with the capacity to protect and produce private wealth. With the right legal coding, any object, claim, or idea can be turned into capital - and lawyers are the keepers of the code. Pistor describes how they pick and choose among different legal systems and legal devices for the ones that best serve their clients' needs, and how techniques that were first perfected centuries ago to code landholdings as capital are being used today to code stocks, bonds, ideas, and even expectations--assets that exist only in law. A powerful new way of thinking about one of the most pernicious problems of our time, The Code of Capital explores the different ways that debt, complex financial products, and other assets are coded to give financial advantage to their holders. This provocative book paints a troubling portrait of the pervasive global nature of the code, the people who shape it, and the governments that enforce it."--Provided by publisher.

A new and retitled edition of Great Debates in Property Law, this is an engaging introduction to the more advanced writings on property law, designed to provide the additional insights necessary to excel in the study of the subject. Includes new material on e-conveyancing, and the impact of the global financial crisis and austerity politics.

Charitable organisations occupy a central place in society across much of the world, accounting for billions of pounds in revenue. As society changes, so does the law which regulates nonprofit organisations. From independent schools to foodbanks, they occupy a broad policy space. Not immune to scandals, sometimes nonprofits are in the news for all the wrong reasons and so, when they are in the public eye, regulators must respond to high profile cases. In this book, a team of internationally recognised charity law experts offers a modern take on a fast-changing policy field. Through the concept of policy debates it moves the field forward, providing an important reference point for developing scholarship in charity law and policy. Each chapter explores a policy debate, setting out the fault-lines in play, and often offering proposals for reform. Two important themes are explored in this edited collection. First, there is a policy tension in charity law between its largely conservative history and the need to keep up-to-date with social change. This pressure is felt acutely along key fault-lines, such as the extent to which a body of law which developed before the advent of legislated human rights is able to adapt to a rights-based world, and the extent to which independent schools – historically so closely linked with charity – might deserve their generous tax-breaks. The second theme explores the law from the perspective of a good-faith regulator, concerned to maximise the usefulness of charities. From the need to reform old organisations, to the need to ensure that charities enjoy the right amount of regulatory freedom in a world of payment-by-result contracts, the book critically charts the policy justifications for regulatory intervention, as well as the costs that such intervention might bring. Debates in Charity Law will be of interest to both academic researchers and students of the non-profit sector, looking to understand the links between law, social change and regulation. It will also help and guide nonprofit employees and volunteers, showing how their sector is shaped and moulded by the law.

This book explores the relationship between space, subjectivity and property in order to invert conventional socio-legal understandings of property. Sarah Keenan demonstrates that new political possibilities for property may be unveiled by thinking about property in terms of space and belonging, rather than exclusion. Drawing on feminist and critical race theory, this book shifts focus away from the propertied subject and on to the broader spaces in and through which the propertied subject is located. Using case studies, such as analyses of compulsory leases under Australia's Northern Territory Intervention and lesbian asylum cases from a range of jurisdictions, Keenan argues that these spaces consist of networks of relations that revolve around belonging: not just belonging between subject and object, as property is traditionally understood, but also the less explored relation of belonging between the part and the whole. This book therefore offers a conceptually useful way of analysing a wide range of socio-legal issues. It will be of relevance to those working in the area of property and legal geography, but also to those with more general interests in socio-legal studies, social and political theory, postcolonial studies, critical race studies and gender and sexuality studies.

Since Justin Trudeau's election in 2015, Canada has been hailed internationally as embarking on a truly progressive, post-postcolonial era—including an improved relationship between the state and its Indigenous peoples. Shiri Pasternak corrects this misconception, showing that colonialism is very much alive in Canada. From the perspective of Indigenous law and jurisdiction, she tells the story of the Algonquins of Barriere Lake, in western Quebec, and their tireless resistance to federal land claims policy. Grounded Authority chronicles the band's ongoing attempts to restore full governance over its lands and natural resources through an agreement signed by settler governments almost three decades ago—an agreement the state refuses to fully implement. Pasternak argues that the state's aversion to recognizing Algonquin jurisdiction stems from its goal of perfecting its sovereignty by replacing the inherent jurisdiction of Indigenous peoples with its own, delegated

authority. From police brutality and fabricated sexual abuse cases to an intervention into and overthrow of a customary government, Pasternak provides a compelling, richly detailed account of rarely documented coercive mechanisms employed to force Indigenous communities into compliance with federal policy. A rigorous account of the incredible struggle fought by the Algonquins to maintain responsibility over their territory, *Grounded Authority* provides a powerful alternative model to one nation's land claims policy and a vital contribution to current debates in the study of colonialism and Indigenous peoples in North America and globally.

Classic Books Library presents this brand new edition of "The Federalist Papers", a collection of separate essays and articles compiled in 1788 by Alexander Hamilton. Following the United States Declaration of Independence in 1776, the governing doctrines and policies of the States lacked cohesion. "The Federalist", as it was previously known, was constructed by American statesman Alexander Hamilton, and was intended to catalyse the ratification of the United States Constitution. Hamilton recruited fellow statesmen James Madison Jr., and John Jay to write papers for the compendium, and the three are known as some of the Founding Fathers of the United States. Alexander Hamilton (c. 1755–1804) was an American lawyer, journalist and highly influential government official. He also served as a Senior Officer in the Army between 1799-1800 and founded the Federalist Party, the system that governed the nation's finances. His contributions to the Constitution and leadership made a significant and lasting impact on the early development of the nation of the United States.

The second edition of *Land Law: Text, Cases, and Materials* offers a stimulating and thought-provoking guide to land law. With insightful commentary and carefully selected primary and secondary material this book provides the resources necessary for a thorough study of land law.

Great Debates in Law is an evolving series offering engaging and thoughtful introductions to the more advanced concepts, written by authors who are amongst the foremost thinkers in their field. They are designed to provide a cutting edge for students who are looking to gain additional insights with which to excel. The series looks to go beyond what is covered in the main textbooks, presenting the key tensions and questions underlying a subject, setting legal developments in their philosophical and cultural context and exploring the issues as matters of current debate. The text draws upon the work of leading figures to elucidate the concepts addressed, illustrating how a subject has developed in the way that it has, and why.

An engaging introduction to some of the more advanced concepts in Company Law and corporate governance, providing a cutting edge for students who are looking to gain additional insights with which to excel. Readers are introduced to the many debates surrounding each core area and presented with the key tensions and questions underlying each topic.

Ideas and Debates in Family Law is written for family law students, at undergraduate level and beyond, who are looking for less orthodox ideas about family law. The book's first section looks at themes in family law, addressing challenges facing the family justice system, rights and responsibilities, and the internationalisation of the law regulating families. The second section is focused on adult relationships: it suggests new ways for the law to allocate legal consequences for families, debates the consequences of the 'contractualisation' of marriage, and explores the value of 'fairness' in family finances. The third section is about children, discussing the welfare principle, parental responsibility and practical parenting. Although these issues sound common enough in a family law book, the discussions found here are far from common. Useful by itself or alongside a textbook, *Ideas and Debates in Family Law* offers new and thought-provoking perspectives on family law issues. 'Rob George is a new, distinctive and powerful voice in family law scholarship. In this book he subjects received and emerging opinions to incisive examination, providing readers with the intellectual invigoration associated with first class seminars. Above all, he re-claims family law as a significant branch of the idea and practice of justice.' John Eekelaar, Pembroke College, Oxford 'Building on a successful format for undergraduate seminars in Oxford, this unique student text presents an exciting array of thought-provoking debates and intellectually stimulating, sometimes unorthodox, ideas. It will help students to situate their knowledge and to think more deeply and critically about family law and policy. I applaud this book's focus and content and Rob George's vision in writing it.'

Stephen Gilmore, King's College London 'Whether you are a student looking for interesting points to make your work first class or an academic wanting an overview of family law theory, this is the book for you. Rob George has brilliantly captured the main issues facing family lawyers and policy makers at this fascinating time. All the major concepts in family law - marriage; parenthood; family - are having to be rethought and redefined. This book provides an excellent starting point for how we might go about reimagining family law and policy.' Jonathan Herring, Exeter College, Oxford

In this insightful book you will discover the range wars of the new information age, which is today's battles dealing with intellectual property. Intellectual property rights marks the ground rules for information in today's society, including today's policies that are unbalanced and unsupported by any evidence. The public domain is vital to innovation as well as culture in the realm of material that is protected by property rights.

Property-Owning Democracy: Rawls and Beyond features a collection of original essays that represent the first extended treatment of political philosopher John Rawls' idea of a property-owning democracy. Offers new and essential insights into Rawls's idea of "property-owning democracy" Addresses the proposed political and economic institutions and policies which Rawls's theory would require Considers radical alternatives to existing forms of capitalism Provides a major contribution to debates among progressive policymakers and activists about the programmatic direction progressive politics should take in the near future

You can't copyright facts, but is news a category unto itself? Without legal protection for the "ownership" of news, what incentive does a news organization have to invest in producing quality journalism that serves the public good? This book explores the intertwined histories of journalism and copyright law in the United States and Great Britain, revealing how shifts in technology, government policy, and publishing strategy have shaped the media landscape. Publishers have long sought to treat news as exclusive to protect their investments against copying or "free riding." But over the centuries,

arguments about the vital role of newspapers and the need for information to circulate have made it difficult to defend property rights in news. Beginning with the earliest printed news publications and ending with the Internet, Will Slauter traces these countervailing trends, offering a fresh perspective on debates about copyright and efforts to control the flow of news.

Thinking Philosophically: An Introduction to the Great Debates presents a highly accessible introduction to five of the most fundamental debates in world philosophy. Introduces five fundamental philosophical debates in a highly engaging and accessible manner that invites readers to enter the discussion themselves Features chapters that each consider a central philosophical question dialectically by exploring the conflicting approaches of different philosophers Argues that the work of philosophers like Plato and Rousseau is just as relevant today as it was in their own time Provides a structure that encourages readers to apply philosophical principles to their everyday lives

As technology develops and internet-enabled devices become ever more prevalent new opportunities exist for that technology to be exploited by criminals. One result of this is that cybercrime is increasingly recognised as a distinct branch of criminal law. This book is designed for students studying cybercrime for the first time, enabling them to get to grips with an area of rapid change. The book offers a thematic and critical overview of cybercrime, introducing the key principles and clearly showing the connections between topics as well as highlighting areas subject to debate. Written with an emphasis on the law in the UK but considering in detail the Council of Europe's important Convention on Cybercrime, this text also covers the jurisdictional aspects of cybercrime in international law. Themes discussed include crimes against computers, property, offensive content, and offences against the person, and recent controversial areas such as cyberterrorism and cyber-harassment are explored. Clear, concise and critical, this text offers a valuable overview of this fast-paced and growing area of law.

In a series of debates with Oliver Cromwell in Civil War England of 1647, the Levellers argued for democracy for the first time in British history. Evolving from Oliver Cromwell's New Model army in Parliament's struggle against King Charles I, the Levellers pushed for the removal of corruption in parliament, universal voting rights and religious toleration. This came to a head with the famous debates between the Levellers and Cromwell at St Mary's church in Putney, London. Renowned human-rights lawyer and author Geoffrey Robertson argues for the relevance of the Levellers' stand today, showing how they were the first Western radical democrats.

A collection of essays that examines the use and abuse of eminent domain across the world.

Tyler Cowen's controversial New York Times bestseller—the book heard round the world that ignited a firestorm of debate and redefined the nature of America's economic malaise. America has been through the biggest financial crisis since the great Depression, unemployment numbers are frightening, media wages have been flat since the 1970s, and it is common to expect that things will get worse before they get better. Certainly, the multidecade stagnation is not yet over. How will we get out of this mess? One political party tries to increase government spending even when we have no good plan for paying for ballooning programs like Medicare and Social Security. The other party seems to think tax cuts will raise revenue and has a record of creating bigger fiscal disasters than the first. Where does this madness come from? As Cowen argues, our economy has enjoyed low-hanging fruit since the seventeenth century: free land, immigrant labor, and powerful new technologies. But during the last forty years, the low-hanging fruit started disappearing, and we started pretending it was still there. We have failed to recognize that we are at a technological plateau. The fruit trees are barer than we want to believe. That's it. That is what has gone wrong and that is why our politics is crazy. In *The Great Stagnation*, Cowen reveals the underlying causes of our past prosperity and how we will generate it again. This is a passionate call for a new respect of scientific innovations that benefit not only the powerful elites, but humanity as a whole.

An engaging introduction to the more advanced writings on criminal law, designed to provide the additional insights necessary to excel in the study of the subject.

An engaging introduction to the more advanced writings on family law, designed to provide the additional insights necessary to excel in the study of the subject.

Principles of Property Law offers a critical and contextual analysis of fundamental property law, providing students with the tools to enable them to make sense of English land law rules in the context of real-world applications. This new book adopts a contextual approach, placing the core elements of a qualifying law degree property and land law course in the context of general principles and practices as they have developed in the UK, and other jurisdictions in response to a changing societal relationship with a variety of factors. Also drawing on concepts of property developed by political theorists, economists and environmentalists, Principles of Property Law gives students a clear understanding of how property law works, why it matters, and how the theory connects with the real world. Suitable for undergraduates studying property and land law in England, Wales and Northern Ireland, as well as postgraduate students seeking an accessible analysis.

Great Debates in Property Law Macmillan International Higher Education

An engaging introduction to some of the more advanced concepts in Equity and Trusts, providing a cutting edge for students who are looking to gain additional insights with which to excel. Illuminated throughout with discussion of the specific issues which reveal the practical significance of different theoretical positions.

Copyright Law in an Age of Limitations and Exceptions brings together leading copyright scholars and the field's foremost authorities to consider the critical role of copyright law in shaping the complex social, economic, and political interaction critical for cultural productivity and human flourishing. The book addresses defining issues facing copyright law today, including justifications for copyright law's limitations and exceptions (L&Es), the role of authors in copyright, users' rights, fair use politics and reform, the three-step test in European copyright law, the idea/expression principle with respect to functional works, limits on the use of L&Es in scientific innovation, and L&Es as a tool for economic development in international copyright law. The book also presents case studies on the historical development of the concept of 'neighboring rights' and on Harvard Law School's pioneering model of global copyright education, made possible by the exercise of L&Es across national borders.

Today's copyright wars can seem unprecedented. Sparked by the digital revolution that has made copyright—and its violation—a part of everyday life, fights over intellectual property have pitted creators, Hollywood, and governments against consumers, pirates, Silicon Valley,

and open-access advocates. But while the digital generation can be forgiven for thinking the dispute between, for example, the publishing industry and Google is completely new, the copyright wars in fact stretch back three centuries—and their history is essential to understanding today's battles. The Copyright Wars—the first major trans-Atlantic history of copyright from its origins to today—tells this important story. Peter Baldwin explains why the copyright wars have always been driven by a fundamental tension. Should copyright assure authors and rights holders lasting claims, much like conventional property rights, as in Continental Europe? Or should copyright be primarily concerned with giving consumers cheap and easy access to a shared culture, as in Britain and America? The Copyright Wars describes how the Continental approach triumphed, dramatically increasing the claims of rights holders. The book also tells the widely forgotten story of how America went from being a leading copyright opponent and pirate in the eighteenth and nineteenth centuries to become the world's intellectual property policeman in the late twentieth. As it became a net cultural exporter and its content industries saw their advantage in the Continental ideology of strong authors' rights, the United States reversed position on copyright, weakening its commitment to the ideal of universal enlightenment—a history that reveals that today's open-access advocates are heirs of a venerable American tradition. Compelling and wide-ranging, The Copyright Wars is indispensable for understanding a crucial economic, cultural, and political conflict that has reignited in our own time.

What are our obligations to others as people in a free society? Should government tax the rich to help the poor? Is the free market fair? Is it sometimes wrong to tell the truth? Is killing sometimes morally required? Is it possible, or desirable, to legislate morality? Do individual rights and the common good conflict? Michael J. Sandel's "Justice" course is one of the most popular and influential at Harvard. Up to a thousand students pack the campus theater to hear Sandel relate the big questions of political philosophy to the most vexing issues of the day, and this fall, public television will air a series based on the course. Justice offers readers the same exhilarating journey that captivates Harvard students. This book is a searching, lyrical exploration of the meaning of justice, one that invites readers of all political persuasions to consider familiar controversies in fresh and illuminating ways. Affirmative action, same-sex marriage, physician-assisted suicide, abortion, national service, patriotism and dissent, the moral limits of markets—Sandel dramatizes the challenge of thinking through these conflicts, and shows how a surer grasp of philosophy can help us make sense of politics, morality, and our own convictions as well. Justice is lively, thought-provoking, and wise—an essential new addition to the small shelf of books that speak convincingly to the hard questions of our civic life. An engaging introduction to the more advanced writings on property law, designed to provide the additional insights necessary to excel in the study of the subject.

Erik Root's book, Sons of the Fathers explores the Virginia Slavery Debate of 1831-1832, conducted in the House of Delegates. The speeches in this book provide, for the first time ever, an unedited version of that debate where many of the sons of America's Founders deliberated over the necessity of emancipating the slaves in Old Dominion.

Are innovation and creativity helped or hindered by our intellectual property laws? In the two hundred plus years since the Constitution enshrined protections for those who create and innovate, we're still debating the merits of IP laws and whether or not they actually work as intended. Artists, scientists, businesses, and the lawyers who serve them, as well as the Americans who benefit from their creations all still wonder: what facilitates innovation and creativity in our digital age? And what role, if any, do our intellectual property laws play in the growth of innovation and creativity in the United States? Incentivizing the "progress of science and the useful arts" has been the goal of intellectual property law since our constitutional beginnings. The Eureka Myth cuts through the current debates and goes straight to the source: the artists and innovators themselves. Silbey makes sense of the intersections between intellectual property law and creative and innovative activity by centering on the stories told by artists, scientists, their employers, lawyers and managers, describing how and why they create and innovate and whether or how IP law plays a role in their activities. Their employers, business partners, managers, and lawyers also describe their role in facilitating the creative and innovative work. Silbey's connections and distinctions made between the stories and statutes serve to inform present and future innovative and creative communities. Breaking new ground in its examination of the U.S. economy and cultural identity, The Eureka Myth draws out new and surprising conclusions about the sometimes misinterpreted relationships between creativity and intellectual property protections.

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