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Justifying Intellectual

Property Oxford University
Press
Most people understand

property as something that is owned, a means of creating individual wealth. But in *Commodity and Propriety*, the first full-length history of the meaning of property, Gregory Alexander uncovers in American legal writing a competing vision of property that has existed alongside the traditional conception. Property, Alexander argues, has also been understood as proprietary, a mechanism for creating and maintaining a properly ordered society. This view of property has even operated in periods—such as the second half of the nineteenth century—when market forces seemed to dominate social and legal relationships. In demonstrating how the understanding of property as a private basis for the public good has competed with the better-known market-oriented conception, Alexander radically rewrites the history of property, with significant implications for current political debates and recent Supreme Court decisions.

The Idea of Property in Law BRILL

This book investigates law's interaction with practical reasons. What difference can legal

requirements-e.g. traffic rules, tax laws, or work safety regulations-make to normative reasons relevant to our action? Do they give reasons for action that should be weighed among all other reasons? Or can they, instead, exclude and take the place of some other reasons? The book critically examines some of the existing answers and puts forward an alternative understanding of law's interaction with practical reasons. At the outset, two competing positions are pitted against each other: Joseph Raz's view that (legitimate) legal authorities have preemptive force, namely that they give reasons for action that exclude some other reasons; and an antithesis, according to which law-making institutions (even those that meet prerequisites of legitimacy) can at most provide us with reasons that compete in weight with opposing reasons for action. These two positions are examined from several perspectives, such as justified disobedience cases, law's conduct-guiding function in contexts of bounded rationality, and the phenomenology associated with authority.

It is found that, although each of the above positions offers insight into the conundrum at hand, both suffer from significant flaws. These observations form the basis on which an alternative position is put forward and defended. According to this position, the existence of a reasonably just and well-functioning legal system constitutes a reason that fits neither into a model of ordinary reasons for action nor into a preemptive paradigm-it constitutes a reason to adopt an (overridable) disposition that inclines its possessor towards compliance with the system's requirements.

Laws of Creation Yale University Press
Property law should expand opportunities for individual and collective self-determination and restrict options of interpersonal domination.

The Idea of Property Harvard University Press
Property has long played a central role in political and moral philosophy. Philosophers dealing with property have tended to follow the consensus that property has no special content but is a protean construct - a mere placeholder for theories aimed at questions of

distributive justice and efficiency. Until recently there has been a relative absence of serious philosophical attention paid to the various doctrines that shape the actual law of property. If the philosophy of property is to be more attentive to concepts lying between broad considerations of political philosophy and distributive justice on the one hand and individual rules on the other, what in this broad space needs explaining, and how might we justify what we find? The papers in this volume are a first step towards filling this gap in the philosophical analysis of private law. This is achieved here by revisiting the contributions of philosophers such as Hume, Locke, Kant, and Grotius and revealing how particular doctrines illuminate the way in which property law respects the equality and autonomy of its subjects. Secondly, by exploring the central notions of possession, ownership, and title and finally by considering the very foundations of conceptualism in property.

[The Oxford Handbook of Legal Studies](#) Oxford University Press

Defenders of intellectual property rights argue that these rights are justified because creators and inventors deserve compensation for their labour, because their ideas and expressions are their personal property and because the total amount of creative work and innovation increases when inventors and creators have a prospect of generating high income through the exploitation of their monopoly rights. Andreas Von Gunten shows in this essay that the classical arguments for the justification of private intellectual property rights can be contested, and that there are many good reasons to abolish intellectual property rights completely in favour of an intellectual commons where every person is allowed to use every cultural expression and invention in whatever way he wishes.

American Property
University of Chicago Press

Ranging over a host of issues, *Property Rights: A Re-Examination* pinpoints and addresses a number of theoretical problems at the heart of property theory. Part 1 reconsiders and rejects, once again, the bundle of rights picture of property and

the related nominalist theories of property, showing that ownership reflects a tripartite structure of title: the right to immediate, exclusive, possession, the power to license what would otherwise be a trespass, and the power to transfer ownership. Part 2 explores in detail the Hohfeldian theory of jural relations, in particular liberties and powers and Hohfeld's concept of 'multital' jural relations, and shows that this theory fails to illuminate the nature of property rights, and indeed obscures much that it is vital to understand about them. Part 3 considers the form and justification of property rights, beginning with the relation an owner's liberty to use her property and her 'right to exclude', with particular reference to the tort of nuisance. Next up for consideration is the Kantian theory of property rights, the deficiencies of which lead us to understand that the only natural right to things is a form of use- or usufructory-right. Part 3 concludes by addressing the ever-vexed question of property rights in land. Ashgate Publishing, Ltd. What type of right is a property right? How are

items of property classified for legal purposes? In this revised edition of *Personal Property Law*, Michael Bridge provides answers to these fundamental questions of property law. His critical analysis includes new material on insolvency, in particular the anti-deprivation principle and the *pari passu* rule, as well as comprehensive accounts of recent case law (*OBG v Allan*, *Yearworth*, and *Datastream*,) and statutory developments. Widely considered to be the best short introduction to English personal property law, Bridge constructs an authoritative and systematic summary of this complex field for readers approaching the subject for the first time. It focuses on the acquisition, loss, transfer, and protection of interests in personal property law, and specific topics include: ownership and possession; treatment of the separate contributions of the common law and equity to modern personal property law; discussion of modes of transfer; the means of protecting property interests; the resolution of disputes concerning title to personal property; the

grant of security interests, and the issues arising out of the transformation and mixing of tangible personal property. *Property and Justice* Vintage
 In *The Idea of Property in Law*, Penner considers the concept of property and its place in the legal environment. Penner proposes that the idea of property as a "bundle of rights" - the right to possess, the right to use, the right to destroy etc. - is deficient as a concept, failing to effectively characterise any particular sort of legal relation, and evading attempts to decide which rights are critical to the "bundle". Through a thorough exploration of property rules, property rights, and the interests which property serves and protects, Penner develops an alternative interpretation and goes on to consider how property interacts with the broader legal system.

A Rule of Property for Bengal Cambridge University Press

This book presents an alternative viewpoint in the ongoing dialogue on property. Dr Penner places the idea of property within the broader system of rules, rights and powers which

make up the legal system. *Personal Property Law* Princeton University Press
 In the end, the book provides a fresh, comprehensive overview of an intriguing subject, accessible to anyone with a minimal background in economics. (An introductory chapter introduces the handful of assumptions embedded in the text's economics and law).

Property and Sovereignty Cambridge University Press

Early Modern Conceptions of Property draws together distinguished academics from a variety of disciplines, including law, economics, politics, art history, social history and literature, in order to consider fundamental issues of property in the early modern period. Presenting diverse original historical and literary case studies in a sophisticated theoretical framework, it offers a challenge to conventional interpretations.

Philosophical Foundations of Property Law Oxford University Press

"A superb book about a topic that should be front and center in the American political debate" (*National Review*), from the acclaimed Harvard scholar and historian of

the Russian Revolution An exploration of a wide range of national and political systems to demonstrate persuasively that private ownership has served over the centuries to limit the power of the state and enable democratic institutions to evolve and thrive in the Western world. Beginning with Greece and Rome, where the concept of private property as we understand it first developed, Richard Pipes then shows us how, in the late medieval period, the idea matured with the expansion of commerce and the rise of cities. He contrasts England, a country where property rights and parliamentary government advanced hand-in-hand, with Russia, where restrictions on ownership have for centuries consistently abetted authoritarian regimes; finally he provides reflections on current and future trends in the United States. Property and Freedom is a brilliant contribution to political thought and an essential work on a subject of vital importance.

Legal Directives and Practical Reasons John Wiley & Sons

This book offers a theory

of property that takes into account current debates about gender, slavery, and colonialism. It introduces property as a contested concept and explores how that contestability is played out in political debates between thinkers, across ideologies, and in political practice. Analyzing the key debates, Brace illustrates how private property has been caught up with ideas of labor, freedom, and belonging and has informed the development of liberalism, socialism, and conservatism as well as the construction of class, gender, and race. While examining the works of Locke, Winstanley, Godwin, Bentham, Hegel, and Marx, this book focuses on the idea of property as a site of struggle and as a means of connecting individuals to civil society and the state. It offers valuable insights into the ways in which ideas about property influence political ideologies, thought, and practice.

The Turning Point in Private Law Edward Elgar Publishing

This book explores the relationships between property and the concept of sovereignty from a number of different

perspectives. It distinguishes between the dual meaning of 'sovereignty' in property discourse - political sovereignty and owner sovereignty. The contributors discuss the nature of sovereignty in both senses, applying it to a wide range of topics such as the evolution of property rights in fragile and conflict-affected nation states, and notions of sovereign property in new worlds. A section on the Arts illuminates the relationships between property, sovereignty, and culture, and a further section investigates regulatory property and governmental control over resources. The book concludes with an exploration of sovereign shaping of private property entitlements to achieve instrumental ends. This interesting collection will be valuable to those in the fields of legal philosophy, property theory, international and comparative law, and political sociology. This book explores the relationships between property and the concept of sovereignty from a number of different perspectives. It distinguishes between the dual meaning of 'sovereignty' in property

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Possession, Relative Title, and Ownership in English Law Routledge

This book gives an account of a full spectrum of property rights and their relationship to individual liberty. It shows that a purely deontological approach to justice can deal with the most complex questions regarding the property

system. Moreover, the author considers the economic, ecological, and technological complexities of our real-world property systems. The result is a more conceptually sound account of natural rights and the property system they demand. If we think that liberty should be at the centre of justice, what does that mean for the property system? Economists and lawyers widely agree that a property system must be composed of many different types of property: the kind of private ownership one has over one's person and immediate possessions, as well as the kinds of common ownership we each have in our local streets, as well as many more. However, theories of property and justice have not given anything approaching an adequate account of the relationship between liberty and any other form of property other than private ownership. It is often thought that a basic commitment to liberty cannot really tell us how to arrange the major complexities of the property system, which diverge from simple private ownership. Property and Justice demonstrates how

philosophical rigour coupled with interdisciplinary engagement enables us to think clearly about how to deal with real-world problems. It will be of interest to political philosophers, political theorists, and legal theorists working on property rights and justice.

Property Rights Harvard University Press

This book examines the development of the concept of intellectual property in the United States during the nineteenth century.

Intellectual Property and the Law of Ideas Routledge

The Idea of Property in Law Oxford University Press

Property and Freedom

The Idea of Property in Law

Ideas are the fuel of industry and the entertainment business. Likewise, manufacturers receive suggestions for new products or improvements to existing products, and retailers frequently receive ideas for new marketing campaigns. Many ideas are not new and may be used by anyone without the risk of incurring any legal liability, but some ideas are novel and

valuable. If the originator of a potentially useful idea does not have the financial resources to exploit the idea, he or she may submit it to another, with the expectation of receiving compensation if the idea is used. Although an extensive body of intellectual property law exists to protect the rights of inventors, authors, and businesses that own valuable brands or confidential proprietary information, raw ideas receive no protection. Nevertheless, the originator of a potentially useful and marketable idea is not without legal recourse. The courts have developed, through a long line of common law precedents, legal protection for novel and concrete ideas under certain circumstances. The originator of an idea can rely on contract law, whereby the recipient may expressly or impliedly agree to pay for

the idea. Alternatively, if the idea is disclosed in confidence, its unauthorized use by the recipient allows the originator of the idea to recover compensation. Finally, some courts have treated the ownership of ideas as quasi-property rights.

The Property Species

Harvard University Press
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.

Property Law For

Dummies Oxford University Press, USA
In Regulatory Property Rights: The Transforming Notion of Property in Transnational Business

Regulation, editor Christine Godt generates fresh impetus for rethinking modern property theory. The book’s central theme is the transformation of property in response to societal changes brought about by internationalization, digitalization and new forms of collective action. The contributions sketch a vision of modern property, which grew out of 18th and 19th century ideologies. It operates in the modern multilevel system, and is not confined to the nation state. It is conscious about the broad range of functionalities of the title holder with regard to managing international supply and distribution chains and modern rationalities of the capital market, and at the same time acknowledges the legitimate interests of third parties and modern forms of governance.

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- [The Five-star Weekend](#)
- [Dog Man: Twenty Thousand Fleas Under The Sea: A Graphic Novel \(dog Man #11\): From The Creator Of Captain Underpants](#)
- [The Summer I Turned Pretty \(summer I Turned Pretty, The\) By Jenny Han](#)
- [How To Win Friends & Influence People \(dale Carnegie Books\)](#)
- [Goodnight Moon](#)

- [The Inmate: A Gripping Psychological Thriller](#)
- [Adult Children Of Emotionally Immature Parents: How To Heal From Distant, Rejecting, Or Self-involved Parents](#)