

## Great Debates In Property Law Palgrave Macmillan Great Debates In Law

"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.

From the two-time winner of the prestigious Lincoln Prize, a stirring and surprising account of the debates that made Lincoln a national figure and defined the slavery issue that would bring the country to war. In 1858, Abraham Lincoln was known as a successful Illinois lawyer who had achieved some prominence in state politics as a leader in the new Republican Party. Two years later, he was elected president and was on his way to becoming the greatest chief executive in American history. What carried this one-term congressman from obscurity to fame was the campaign he mounted for the United States Senate against the country's most formidable politician, Stephen A. Douglas, in the summer and fall of 1858. As this brilliant narrative by the prize-winning Lincoln scholar Allen Guelzo dramatizes, Lincoln would emerge a predominant national figure, the leader of his party, the man who would bear the burden of the national confrontation. Lincoln lost that Senate race to Douglas, though he came close to toppling the "Little Giant," whom almost everyone thought was unbeatable. Guelzo's Lincoln and Douglas brings alive their debates and this whole year of campaigns and underscores their centrality in the greatest conflict in American history. The encounters between Lincoln and Douglas engage a key question in American political life: What is democracy's purpose? Is it to satisfy the desires of the majority? Or is it to achieve a just and moral public order? These were the real questions in 1858 that led to the Civil War. They remain questions for Americans today.

In *Moral Panics and the Copyright Wars*, William Patry offers a lively, unflinching examination of the pitched battles over new technology, business models, and most of all, consumers. He lays bare how we got to where we are: a bloated, punitive legal regime that has strayed far from its modest, but important roots. A centrist and believer in appropriately balanced copyright laws, Patry concludes that the only laws we need are effective laws, laws that further the purpose of encouraging the creation of new works and learning.

A much-anticipated new edition of this acclaimed work on intellectual property (IP) in its global context. With intelligent and insightful coverage of IP law from international and comparative perspectives this second edition has been thoroughly revised and expanded. This unique textbook presents the main IP rights, identifying their basic features and tracing their evolution up to the present day by reference to statutes, cases and international treaties.

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.

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.

Dr Talbot traces the history of the fundamental principles of English company law, including the doctrine of separate corporate personality, director's duties, minority protection and the doctrine of ultra vires from both a black letter and contextual perspective. Relevant aspects of the Companies Act 2006 are thoroughly examined. Drawing on the influence of American law and scholarship, the book considers the ideas which have informed corporate governance in England . It includes a case study of mutual building societies' march to the market and corporate identity. The hybrid approach adopted in the text provides a contextual and critical framework in which to understand company law as well as a broad picture in black letter law terms. The aim is to invigorate what many students and academics consider a dry subject by uncovering the social factors which continue to inform this area of law - and the political nature of the law itself. Dr Talbot maintains that modern company law is shaped by three main factors – economics, ideology and existing law. The state of the law at any one time is determined by the constantly shifting relationship between these factors.

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.

In mid-sixteenth-century England, people were born into authority and responsibility based on their social status. Thus elite children could designate property or serve in Parliament, while children of the poorer sort might be forced to sign labor contracts or be hanged for arson or picking pockets. By the late eighteenth century, however, English and American law began to emphasize contractual relations based on informed consent rather than on birth status. In *By Birth or Consent*, Holly Brewer explores how the changing legal status of children illuminates the struggle over consent and status in England and America. As it emerged through religious, political, and legal debates, the concept of meaningful consent challenged the older order of birthright and became central to the development of democratic political theory. The struggle over meaningful consent had tremendous political and social consequences, affecting the whole order of society. It granted new powers to fathers and guardians at the same time that it challenged those of masters and kings. Brewer's analysis reshapes the debate about the origins of modern political ideology and makes connections between Reformation religious debates, Enlightenment philosophy, and democratic political theory.

Rules regulating access to knowledge are no longer the exclusive province of lawyers and policymakers and instead command the attention of anthropologists, economists, literary theorists, political scientists, artists, historians, and cultural critics. This burgeoning interdisciplinary interest in “intellectual property” has also expanded beyond the conventional categories of patent, copyright, and trademark to encompass a diverse array of topics ranging from traditional knowledge

to international trade. Though recognition of the central role played by “knowledge economies” has increased, there is a special urgency associated with present-day inquiries into where rights to information come from, how they are justified, and the ways in which they are deployed. *Making and Unmaking Intellectual Property*, edited by Mario Biagioli, Peter Jaszi, and Martha Woodmansee, presents a range of diverse—and even conflicting—contemporary perspectives on intellectual property rights and the contested sources of authority associated with them. Examining fundamental concepts and challenging conventional narratives—including those centered around authorship, invention, and the public domain—this book provides a rich introduction to an important intersection of law, culture, and material production. Tying together cultural history, legal history, and institutional economics, *The Laws and Economics of Confucianism: Kinship and Property in Preindustrial China and England* offers a novel argument as to why Chinese and English preindustrial economic development went down different paths. The dominance of Neo-Confucian social hierarchies in Late Imperial and Republican China, under which advanced age and generational seniority were the primary determinants of sociopolitical status, allowed many poor but senior individuals to possess status and political authority highly disproportionate to their wealth. In comparison, landed wealth was a fairly strict prerequisite for high status and authority in the far more 'individualist' society of early modern England, essentially excluding low-income individuals from secular positions of prestige and leadership. Zhang argues that this social difference had major consequences for property institutions and agricultural production.

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. *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

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.

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.

*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 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.

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 unspuported 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.

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. 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.

New York Times Bestseller In the most ambitious one-volume American history in decades, award-winning historian and New Yorker writer Jill Lepore offers a magisterial account of the origins and rise of a divided nation, an urgently needed reckoning with the beauty and tragedy of American history. Written in elegiac prose, Lepore's groundbreaking investigation places truth itself—a devotion to facts, proof, and evidence—at the center of the nation's history. The American experiment rests on three ideas—"these truths," Jefferson called them—political equality, natural rights, and the sovereignty of the people. And it rests, too, on a fearless dedication to inquiry, Lepore argues, because self-government depends on it. But has the nation, and democracy itself, delivered on that promise? These Truths tells this uniquely American story, beginning in 1492, asking whether the course of events over more than five centuries has proven the nation's truths, or belied them. To answer that question, Lepore traces the intertwined histories of American politics, law, journalism, and technology, from the colonial town meeting to the nineteenth-century party machine, from talk radio to twenty-first-century Internet polls, from Magna Carta to the Patriot Act, from the printing press to Facebook News. Along the way, Lepore's sovereign chronicle is filled with arresting sketches of both well-known and lesser-known Americans, from a parade of presidents and a rogues' gallery of political mischief makers to the intrepid leaders of protest

movements, including Frederick Douglass, the famed abolitionist orator; William Jennings Bryan, the three-time presidential candidate and ultimately tragic populist; Pauli Murray, the visionary civil rights strategist; and Phyllis Schlafly, the uncredited architect of modern conservatism. Americans are descended from slaves and slave owners, from conquerors and the conquered, from immigrants and from people who have fought to end immigration. "A nation born in contradiction will fight forever over the meaning of its history," Lepore writes, but engaging in that struggle by studying the past is part of the work of citizenship. "The past is an inheritance, a gift and a burden," These Truths observes. "It can't be shirked. There's nothing for it but to get to know it."

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.

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.

Infrastructure resources are the subject of many contentious public policy debates, including what to do about crumbling roads and bridges, whether and how to protect our natural environment, energy policy, even patent law reform, universal health care, network neutrality regulation and the future of the Internet. Each of these involves a battle to control infrastructure resources, to establish the terms and conditions under which the public receives access, and to determine how the infrastructure and various dependent systems evolve over time. *Infrastructure: The Social Value of Shared Resources* devotes much needed attention to understanding how society benefits from infrastructure resources and how management decisions affect a wide variety of interests. The book links infrastructure, a particular set of resources defined in terms of the manner in which they create value, with commons, a resource management principle by which a resource is shared within a community. The infrastructure commons ideas have broad implications for scholarship and

public policy across many fields ranging from traditional infrastructure like roads to environmental economics to intellectual property to Internet policy. Economics has become the methodology of choice for many scholars and policymakers in these areas. The book offers a rigorous economic challenge to the prevailing wisdom, which focuses primarily on problems associated with ensuring adequate supply. The author explores a set of questions that, once asked, seem obvious: what drives the demand side of the equation, and how should demand-side drivers affect public policy? Demand for infrastructure resources involves a range of important considerations that bear on the optimal design of a regime for infrastructure management. The book identifies resource valuation and attendant management problems that recur across many different fields and many different resource types, and it develops a functional economic approach to understanding and analyzing these problems and potential solutions.

Describes the 1830s battle over slavery in the Congress, led by Adams and prominent abolitionists

Great Debates in Property Law Macmillan International Higher Education

Is file-sharing destroying the music industry? Should the courts encourage breach of contract? Does the threat of malpractice lawsuits cause doctors to provide too much medical care? Do judges discriminate when sentencing? With *Issues in Law and Economics*, Harold Winter takes readers through these and other recent and controversial questions. In an accessible and engaging manner, Winter shows these legal issues can be reexamined through the use of economic analysis. Using real-world cases to highlight issues, Winter offers step-by-step analysis, guiding readers through the identification of the trade-offs involved in each issue and assessing the economic evidence from scholarly research before exploring how this research may be used to guide policy recommendations. The book is divided into four sections, covering the basic practice areas of property, contracts, torts, and crime, with a fifth section devoted to a concise introduction to the topic of behavioral law and economics. Each chapter concludes with a series of thought-provoking discussion questions that provide readers the opportunity to further explore important ideas and concepts.

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.

*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 'This is about gob-smacking science at the far end of reason ... Take it nice and easy and savour the experience of your mind being blown without recourse to hallucinogens' Nicholas Lezard, Guardian For most people, quantum theory is a byword for mysterious, impenetrable science. And yet for many years it was equally baffling for scientists themselves. In this magisterial book, Manjit Kumar gives a dramatic and superbly-written history of this fundamental scientific revolution, and the divisive debate at its core. Quantum theory looks at the very building blocks of our world, the particles and processes without which it could not exist. Yet for 60 years most physicists believed that quantum theory denied the very existence of reality itself. In this tour de force of science history, Manjit Kumar shows how the golden age of physics ignited the greatest intellectual debate of the twentieth century. Quantum theory is weird. In 1905, Albert Einstein suggested that light was a particle, not a wave, defying a century of experiments. Werner Heisenberg's uncertainty principle and Erwin Schrodinger's famous dead-and-alive cat are similarly strange. As Niels Bohr said, if you weren't shocked by quantum theory, you didn't really understand it. While "Quantum" sets the science in the context of the great upheavals of the modern age, Kumar's centrepiece is the conflict between Einstein and Bohr over the nature of reality and the soul of science. 'Bohr brainwashed a whole generation of physicists into believing that the problem had been solved', lamented the Nobel Prize-winning physicist Murray Gell-Mann. But in "Quantum", Kumar brings Einstein back to the centre of the quantum debate. "Quantum" is the essential read for anyone fascinated by this complex and thrilling story and by the band of brilliant men at its heart.

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.

[Copyright: e53148e9f7c4f5569f896375ca2d6104](https://www.palgrave.com/gb/9780233042610)