

# THE EDGES OF THE FIELD



Lessons on the Obligations of Ownership

Joseph Singer

# Edges Of The Field Lessons On The Obligations Of Ownership

**Austin Sarat, Lawrence  
Douglas, Martha Umphrey**



## **Edges Of The Field Lessons On The Obligations Of Ownership:**

**The Edges of the Field** Joseph William Singer, 2001-05-11 In *The Edges of the Field* Harvard law professor Joseph William Singer offers a brilliant and cogent look at America's complex relation to property and ownership Incorporating examples as far reaching as the experience of Malden Mills owner and Polartec manufacturer Aaron Feuerstein the Torah and the musical *Rent* Singer reminds us that ownership is a curious blend of security and vulnerability between owner and nonowner He proposes that the manner in which property shapes social relations of power is as important as ownership rights *The Oxford Handbook of Christianity and Law* John Witte (Jr.), Rafael Domingo, 2024 This volume tells the story of the interaction between Christianity and law historically and today in the traditional heartlands of Christianity and around the globe Sixty new chapters by leading scholars provide authoritative and accessible accounts of foundational Christian teachings on law and legal thought over the past two millennia the current interaction and contestation of law and Christianity on all continents how Christianity shaped and was shaped by core public private penal and procedural laws various old and new forms of Christian canon law natural law theory and religious freedom norms Christian teachings on fundamental principles of law and legal order and Christian contributions to controversial legal issues Together the chapters make clear that Christianity and law have had a perennial and permanent influence on each other over time and across cultures albeit with varying levels of intensity and effectiveness This volume defines Christianity broadly to include Catholic Protestant and Orthodox traditions and various denominations and schools of thought within them It draws on Christian ideas and institutions norms and practices texts and titans to tell the story of Christianity's engagement with the world of law over the past two millennia The volume also defines law broadly as the normative order of justice power and freedom The chapters address natural laws of conscience reason and the Bible and positive laws enacted by states churches and voluntary associations Several chapters focus on Christian engagement with specific types of law canon law family law education law constitutional law criminal law procedural law and laws governing labor tax contracts torts property and beyond Other chapters take up cutting edge legal issues of racial justice environmental care migration euthanasia and bio technology as well as fundamental legal principles of liberty dignity equality justice equity judgment and solidarity **Léon Duguit and the Social Obligation Norm of Property** Paul Babeie, Jessica Viven-Wilksch, 2019-09-07 This book demonstrates the importance of L on Duguit for property theory in both the civil and common law world It translates into English for the first time ever Duguit's seminal lecture on property the sixth of a series given in 1911 in Buenos Aires It also collects essays from the leading experts on the social function of property in major civil and common law jurisdictions internationally The book explores the importance that the notion of the social function of property has come to have not only in France but in the entire civil law tradition and also considers the wide if unattributed and seldom regarded influence in the common law tradition and theory of property **Land Use Controls and Property Rights** John P. Lewis, 2007-07 **Law and Religion**

**in Public Life** Nadirsyah Hosen, Richard Mohr, 2011-04-27 With religion at centre stage in conflicts worldwide and in social ethical and geo political debates this book takes a timely look at relations between law and religion To what extent can religion play a role in secular legal systems How do peoples of various faiths live successfully by both secular laws as well as their religious laws Are there limits to freedom of religion These questions are related to legal deliberations and broader discussions around secularism multiculturalism immigration settlement and security The book is unique in bringing together leading scholars and respected religious leaders to examine legal theoretical historical and religious aspects of the most pressing social issues of our time In addressing each other s concerns the authors ensure accessibility to interdisciplinary and non specialist audiences scholars and students in social sciences human rights theology and law as well as a broader audience engaged in social political and religious affairs Five of the book s thirteen chapters address specific contemporary issues in Australia one of the most ethnically diverse countries in the world and a pioneer of multicultural policies Australia is a revealing site for contemporary studies in a world afraid of immigration and terrorism The other chapters deal with political legal and ethical issues of global significance In conclusion the editors propose increasing dialogue with and between religions Law may intervene in or guide such dialogue by defending the free exchange of religious ideas by adjudicating disputes over them or by promoting a civil society that negotiates rather than litigates The Routledge Handbook of Property, Law and Society Nicole Graham, Margaret Davies, Lee Godden, 2022-11-14 This handbook brings together diverse perspectives major topics and multiple approaches to one of the biggest legal institutions in society property Property touches on many fundamental human questions It involves decisions about power economy morality work and ecology It also involves ideas about where humans fit in the world and how humans relate to more than human life This book will ask in myriad ways such questions as what property means what kinds of property there are what is and should be the relationship between owned and owner and what is the impact of different forms of property on life in this world Drawing on a range of socio legal and empirical methodologies renowned scholars and rising stars in property from around the world present current issues and map future directions in research Coming from the place of law but reaching out through cognate disciplines this handbook provides a comprehensive and accessible survey of current research at the interface of property society and the environment This handbook will appeal to students and researchers across a range of disciplines including law sociology geography history and economics **International Law from Below** Balakrishnan Rajagopal, 2003-11-06 The emergence of transnational social movements as major actors in international politics as witnessed in Seattle in 1999 and elsewhere has sent shockwaves through the international system Many questions have arisen about the legitimacy coherence and efficiency of the international order in the light of the challenges posed by social movements This book offers a fundamental critique of twentieth century international law from the perspective of Third World social movements It examines in detail the growth of two key components of modern international law international institutions and human rights

in the context of changing historical patterns of Third World resistance Using a historical and interdisciplinary approach Rajagopal presents compelling evidence challenging debates on the evolution of norms and institutions the meaning and nature of the Third World as well as the political economy of its involvement in the international system *Reforming Water Law and Governance* Cameron Holley, Darren Sinclair, 2018-04-27 This book identifies the most effective water policy tools and innovations and the circumstances that foster their successful implementation by taking a comparative look at a world leading laboratory of water law and governance Australia In particular the book analyses Australia's 20 year experience implementing a hybrid governance system of markets hierarchical regulation and collaborative integrated water planning Australia is acknowledged as a world leader in water governance reform and an examination of its relatively mature water law and governance system has great significance for many international academics and jurisdictions This book synthesises practical lessons and theoretical insights from Australia as well as recommendations from comparative analysis with countries such as the United States to provide useful guidance for policymakers and scholars seeking to apply water instruments in a wide range of policy contexts The book also advances our understanding of water and broader environmental governance theory and is a valuable reference for scholars researchers and students working in law regulation and governance studies especially in the field of water and environmental law Chapter Lessons from Australian water reforms Indigenous and environmental values in market based water regulation is available open access under a Creative Commons Attribution 4.0 International License via [link.springer.com](http://link.springer.com) *Patenting Lives* Johanna Gibson, 2016-05-13 Patenting Lives includes contributions from various interests and perspectives both in the context of current international developments in life patents and the global agenda of harmonization of international intellectual property The book is divided into five sections reflecting the critical issues arising from patents and biotechnology Context Human Rights and Ethical Frameworks Medicine and Public Health Traditional Knowledge and Agriculture The international contributors from government civil society academia and the private sector provide diverse perspectives on life patents and the facilitation of social cultural and economic development in the context of international principles of trade **Property and Community** Gregory S. Alexander, Eduardo M. Penalver, 2010-01-21 Property and Community fills a major gap in the legal literature on property and its relationship to community The essays included differ from past discussions including those provided by law and economics by providing richer accounts of community By and large prior discussions by property theorists treat communities as agglomerations of individuals and eschew substantive accounts of justice favoring what Charles Taylor has called procedural conceptions These perspectives on ownership obscure the possibility that the community might have a moral status that differs from neighboring owners or from non owning individuals This book examines a variety of social practices that implicate community in its relationship to property These practices range from more obvious property based communities like Israeli kibbutzim to surprising examples such as queues Aspects of law and

community in relationship to legal and social institutions both inside and outside of the United States are discussed Alexander and Pe alver seek to mediate the distance between abstract theory and mundane features of daily life to provide a rich textured treatment of the relationship between law and community Instead of defining community in abstractly theoretical terms they approach the subject through the lens of concrete institutions and social practices In doing so they not only enrich our empirical understanding of the relationship between property and community but also provide important insights into the concept of community itself

**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 Idea of Property** Laura S. Underkuffler, 2003 Legal scholars and philosophers have long been engaged in studying the secret of the internal structure of property in law This text aims to advance our understanding of property as an idea and the power that claimed property rights should have against competing public interests

*Strata Title Property Rights* Cathy Sherry, 2016-12-19 Multi owned properties make up an ever increasing proportion of commercial tourist and residential development in both urban and rural landscapes around the world This book critically analyses the legal social and economic complexities of strata or community title schemes At a time when countries such as Australia and the United States turn ever larger areas into strata title condominiums and community title homeowner associations this book shows how governments the judiciary and citizens need to better understand the ramifications of these private communities Whilst most strata title analysis has been technical focusing on specific sections of legislation this book provides higher level analysis discussing the wider economic social and political implications of Australia s strata and community title law In particular the book argues that private by laws however desirable to initial parties are often economically inefficient and socially regressive when enforced against an ever changing group of owners The book will be of particular interest to scholars and legal practitioners of property law in Australia but as the Australian strata title model has formed the basis for legislation in many countries the book draws out lessons and analysis that will be of use to those studying privately owned communities across the world

*Public Lands and Political Meaning* Karen R. Merrill, 2002-07-15 The history of the American West is a history of struggles over land and none has inspired so much passion and misunderstanding as the conflict between ranchers and the federal government over public grazing lands Drawing upon neglected sources from organized ranchers this is the first book to provide a historically based

explanation for why the relationship between ranchers and the federal government became so embattled long before modern environmentalists became involved in the issue. Reconstructing the increasingly contested interpretations of the meaning of public land administration, *Public Lands and Political Meaning* traces the history of the political dynamics between ranchers and federal land agencies, giving us a new look at the relations of power that made the modern West. Although a majority of organized ranchers supported government control of the range at the turn of the century, by midcentury these same organizations often used a virulently antifederal discourse that fueled many a political fight in Washington and that still runs deep in American politics today. In analyzing this shift, Merrill shows how profoundly people's ideas about property wove their way into the political language of the debates surrounding public range policy. As she unravels the meaning of this language, Merrill demonstrates that different ideas about property played a crucial role in perpetuating antagonism on both sides of the fence. In addition to illuminating the origins of the sagebrush rebellions in the American West, this book also persuasively argues that political historians must pay more attention to public land management issues as a way of understanding tensions in American state building.

*Shadow Property and the Hidden Empire of Ego* P. T. Babie, 2024-10-03 This book explores the nature of liberal property in the twenty-first century. It contains three parts. The first examines how we have arrived at the liberal concept of property, what many scholars call the bundle of rights metaphor of property. This part argues that the liberal conception embodied in the bundle of rights metaphor is really a way of masking or hiding what property really is: an exercise of ego about the way goods and resources are used. Or, put another way, it enshrines the ability to suit personal preferences about the way things are used rather than what might better serve the common good. The second part provides an important modern critique of the bundle of rights metaphor, arguing that in addition to being a collection of rights, property is also about social relations that exist between people. Through these social relations, which are contained in law, any decision that a person makes about how to use a good or resource necessarily carries implications for others. While those effects can be both positive and negative, we are much more familiar with the latter, including most of the global challenges we face today: climate change, extreme weather, global hunger, and global poverty. Taking those global challenges as its focus, the final part of the book suggests possible futures of property in which it is reconceived in ways that reduce the potential for negative impacts on others.

*Property in the Margins* A. J. van der Walt, 2009-05-29 Having its origins in the process of transformation and land reform that began to take shape in South Africa at the end of the last century, this strikingly original analysis of property starts from deep inside the property regime and not from a distant or abstract perspective on property rules and practices. Focusing on issues of stability and change in a transformative setting and on the role of tradition and legal culture in that context, the book argues that a property regime, including the system of property holdings and the rules and practices that entrench and protect them, tends to insulate itself against change through the security and stability-seeking tendency of tradition and legal culture, including the deep assumptions about security and stability embedded in the

rights paradigm rhetoric and logic that dominate current legal culture The rights paradigm tends to stabilise the current distribution of property holdings by securing extant property holdings on the assumption that they are lawfully acquired socially important and politically and morally legitimate This function of the rights paradigm tends to resist or minimise change including change brought about by morally politically and legally legitimate and authorised reform or transformation efforts The author's goal is to gauge the lasting power of the rights paradigm by investigating its effects in the margins of property law and of society by establishing the actual efficacy and power of reformist or transformative anti eviction policies and legislation aimed at the protection of marginalised and weak land users and occupiers in areas such as landlord tenant law eviction of unlawful occupiers of land and other restrictions on the landowner's power to enforce a stronger right to exclusive possession Ultimately the book's aim is to explore the possibility of opening up theoretical space where justice inspired changes to or transformation of the extant property regime can be imagined and discussed more or less fruitfully from an unusual perspective a perspective from the margins which is valuable for any theoretical consideration or discussion of property

**Lives in the Law** Austin Sarat, Lawrence Douglas, Martha Umphrey, 2009-03-06 The essays look at the consequences that legal practice has on the lives of its practitioners as well as on the individual legal subject and on the shape of shared identities These essays challenge liberal and communitarian notions of what it means to live the law In the first of the essays Pnina Lahav presents a study of the Chicago Seven Trial to paint a picture of the law's power to serve as a site for the definition of a collective group identity In contrast Sarah Gordon focuses on the experience of an individual legal subject namely the defendant in the Hester Vaughn trial a notorious nineteenth century case of infanticide Frank Munger looks at how law constructs the identity of women and explores the strategies by which poor women resist the law's construction of their dependency In the fourth essay Vicki Schultz offers a moral vision of equality that straddles the liberal and communitarian positions with her articulation of the concept of a life's work Lastly Annette Wieviorka examines the recent trial of Maurice Papon for complicity in crimes against humanity to reveal how the very identity of a nation in this case France can be defined through juridical and legal acts Austin Sarat is William Nelson Cromell Professor of Jurisprudence and Political Science and Professor of Law Jurisprudence and Social Thought Amherst College Lawrence Douglas is Associate Professor of Law Jurisprudence and Social Thought Amherst College Martha Umphrey is Assistant Professor of Law Jurisprudence and Social Thought Amherst College

*Property Diversity and its Implications* John Page, 2016-08-05 Property is more diverse than is usually assumed Developing the concept of property diversity this book explores the varied role of property in placed human landscapes In acknowledging the propertied diversity about us the book highlights the paucity of our settled contemporary assumptions of property as defined by private ownership Challenging this universalizing model the book analyses how this self limiting view produces critical blind spots in modern property discourse In response it offers a re conceptualization of property that matches the grounded reality of our rich and diverse relationships with land



Integrating the plurality of real property types private public and common with inclusive understandings of both interest and ownership it thus identifies and substantiates an overarching theory of property diversity Drawing on studies from numerous jurisdictions including the USA New Zealand Australia and the UK its analysis of property as something more and indeed other than a place less abstraction provides an invaluable contribution to the contemporary law and theory of property

**Wesley Hohfeld A Century Later** Shyamkrishna Balganes, Ted M. Sichelman, Henry E. Smith, 2022-07-28 Wesley Hohfeld is known the world over as the legal theorist who famously developed a taxonomy of legal concepts His contributions to legal thinking have stood the test of time remaining relevant nearly a century after they were first published Yet little systematic attention has been devoted to exploring the full significance of his work Beginning with a lucid annotated version of Hohfeld's most important article this volume is the first to offer a comprehensive look at the scope significance reach intricacies and shortcomings of Hohfeld's work Featuring insights from leading legal thinkers the book also contains many of Hohfeld's previously unseen personal papers shedding new light on the complex motivations behind Hohfeld's projects Together these selected papers and original essays reveal a portrait of a multifaceted and ambitious intellectual who did not live long enough to see the impact of his ideas on the study of law Modern Studies in Property Law - Volume 2 Elizabeth Cooke, 2003-05-14 The Modern Studies in Property Law series is a collection of the papers given at the biennial conferences of the Centre for Property Law at the University of Reading Volume II contains the proceedings from the conference in 2002 and includes a wide range of papers from both English and international speakers covering many of the most topical issues within the law of property

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