

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.

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.

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.

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. 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.

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.

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.

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.

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.

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.

"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.

Great Debates in Property Law Macmillan International Higher Education

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

'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.

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.

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.

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.

A law professor draws from social and cultural theory to defend her idea that that intellectual property law affects the ability of citizens to live a good life and prohibits people from making and sharing culture.

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 Since the rise of Napster and other file-sharing services in its wake, most of us have assumed that intellectual piracy is a product of the digital age and that it threatens creative expression as never before. The Motion Picture Association of America, for instance, claimed that in 2005 the film industry lost \$2.3 billion in revenue to piracy online. But here Adrian Johns shows that piracy has a much longer and more vital history than we have realized—one that has been largely forgotten and is little understood. Piracy explores the intellectual property wars from the advent of print culture in the fifteenth century to the reign of the Internet in the twenty-first. Brimming with broader implications for today's debates over open access, fair use, free culture, and the like, Johns's book ultimately argues that piracy has always stood at the center of our attempts to reconcile creativity and commerce—and that piracy has been an engine of social, technological, and intellectual innovations as often as it has been their adversary. From Cervantes to Sonny Bono, from Maria Callas to Microsoft, from Grub Street to Google, no chapter in the story of piracy evades Johns's graceful analysis in what will be the definitive history of the subject for years to come.

This book introduces students to the great debates in EU law. Rather than simply presenting traditional approaches that provide descriptions (often in historical order) of substantive and constitutional elements of Union law, this book clusters material around these debates in an engaging and lively way. By offering concise analyses of core dilemmas and tensions in EU law, the book provides a different kind of introduction, one that helps students place the discussions within a broader context and narrative. The

authors have found in their teaching that students often struggle with individual aspects and materials without understanding broader narratives, which are traditionally developed in monographs or journal articles that are beyond the reach of undergraduate readers.

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.

Chief Justice John Marshall argued that a constitution "requires that only its great outlines should be marked [and] its important objects designated." Ours is "intended to endure for ages to come, and consequently, to be adapted to the various crises of human affairs." In recent years, Marshall's great truths have been challenged by proponents of originalism and strict construction. Such legal thinkers as Supreme Court Justice Antonin Scalia argue that the Constitution must be construed and applied as it was when the Framers wrote it. In *Keeping Faith with the Constitution*, three legal authorities make the case for Marshall's vision. They describe their approach as "constitutional fidelity"—not to how the Framers would have applied the Constitution, but to the text and principles of the Constitution itself. The original understanding of the text is one source of interpretation, but not the only one; to preserve the meaning and authority of the document, to keep it vital, applications of the Constitution must be shaped by precedent, historical experience, practical consequence, and societal change. The authors range across the history of constitutional interpretation to show how this approach has been the source of our greatest advances, from *Brown v. Board of Education* to the New Deal, from the *Miranda* decision to the expansion of women's rights. They delve into the complexities of voting rights, the malapportionment of legislative districts, speech freedoms, civil liberties and the War on Terror, and the evolution of checks and balances. The Constitution's framers could never have imagined DNA, global warming, or even women's equality. Yet these and many more realities shape our lives and outlook. Our Constitution will remain vital into our changing future, the authors write, if judges remain true to this rich tradition of adaptation and fidelity.

Driving straight to the heart of the most contentious issue in American history, Sean Wilentz argues controversially that, far from concealing a crime against humanity, the U.S. Constitution limited slavery's legitimacy—a limitation which in time inspired the antislavery politics that led to Southern secession, the Civil War, and Emancipation.

Research Handbook on Human Rights and Intellectual Property is a comprehensive reference work on the intersection of human rights and intellectual property law. Resulting from a field-specific expertise of over 40 scholars and professionals of world re

Through an in-depth legal analysis by leading scholars, this book searches for the exact legal causes of land-related disputes in Asia within the histories, legal systems and social realities of the respective countries. It consists of four main parts: examining the relationship between law and development; land-taking in developmental stages; common ownership; and proposals for new approaches to land law and dispute resolution. With a combination of orthodox legal interpretations and the empirical approach of legal sociology, the contributors undertake an extensive comparative legal analysis across common and civil law traditions. Most importantly, they propose pathways forward for legal transformations in the pursuit of sustainable development in Asia. This book is vital contribution to the study of comparative law, and especially property law, in East and Southeast Asia.

DIVAn ethnography of intellectual property, discussing the uses made of items of intellectual property by various cultural groups -- for purposes of identity, solidarity, resistance and so forth. /div

This book presents a fundamental reinterpretation of law and politics in America between 1790 and 1850, the crucial period of the Republic's early growth and its movement toward industrialism. It is the most detailed study yet available of the intellectual and institutional processes that created the foundation categories framing all the basic legal relationships involving working people. 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.

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.

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.

. . . the book is enlightening for practitioners who are often required to take into account global considerations when advising clients. . . It would be of particular interest to policy-makers in the intellectual property field. Australian Intellectual Property Law Bulletin Dutfield and Suthersanen have skillfully captured in one concise volume all the important things you need to know about international intellectual property law. The materials are accessible, timely, methodically presented and at times critical. The book's detailed, in-depth and comparative analyses provide helpful insights into the increasingly complex international intellectual property system. Global Intellectual Property Law is not only an effective textbook for students interested in the subject, but a desktop companion for policymakers and professionals who need a quick and up-to-date overview of global intellectual property issues. Peter K. Yu, Drake University, US and Zhongnan University of Economics and Law, China Today global intellectual property rules affect everything from poor people's access to essential medicines to farmers' rights in seeds to access to knowledge on the Internet. But at the same time that pundits declare that intellectual property has come of age, this body of law is more contested than ever, with critics asking whether intellectual property is even necessary to stimulate innovation, and whether and how intellectual property ought to be tailored to address the health and developmental needs of the global South. Dutfield and Suthersanen's *Global Intellectual Property Law* is a timely and lucid contribution to the field. This tome covers every hot button area of international intellectual property law and policy, from debates over the affect of intellectual property on development, to controversy over biotechnology and property rights in life, to claims by indigenous people and developing countries for new property rights in traditional knowledge. Dutfield and Suthersanen describe the current terrain, comparing North American, European, and developing world approaches; much to their credit, they do not shy away from describing points of tension among global actors. *Global Intellectual Property Law* is a must have for scholars and practitioners in the field for whom, I anticipate, the book will become a trusted and oft-used reference on their bookshelf. The book is clearly written and engaging enough to be perfect for students or laypersons interested in acquiring a comprehensive and critical appraisal of the field. Madhavi Sunder, University of California, Davis, US Dutfield and Suthersanen have succeeded in writing an engaging treatise that offers a truly modern perspective on intellectual property today. With examples from every continent, from every level of jurisdiction (national, regional, international), their study covers all the traditional fundamentals of intellectual property law as well as the current critical interrogations that their development raises. It is a book with character. Ysolde Gendreau, Université de Montréal, Canada *Global Intellectual Property Law* by Dutfield and Suthersanen provides a broad overview of the issues at stake concerning fair and effective ways to organize the information resources upon which the well-being of us all depends. The book highlights international and comparative perspectives on IP law and policy. Although primarily targeted at postgraduate level students, the book is enlightening also for practitioners, and a must-read for all policy makers and opinion leaders in the IP field. Thomas Dreier, University of Karlsruhe, Germany Globalisation of trade means that intangible informational resources are now produced, bartered and consumed

anywhere and everywhere defying jurisdictional borders. Intellectual property has moved into the mainstream of national economic and developmental planning; in the recent past it has also emerged as the central impetus in multilateral

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.

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.

Medical Law: Text, Cases, and Materials offers all of the explanation, commentary, and extracts from cases and key materials that students need to gain a thorough understanding of this complex topic. Key case extracts provide the legal context, facts, and background; extracts from materials provide differing ethical perspectives and outline current debates; and the author's insightful commentary ensures that readers understand the facts of the cases and can navigate the ethical landscape to form their own understanding of medical law. Online resource centre Online updates to the law are provided alongside a searchable glossary of medical and legal terms.

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