

CONSTITUTIONAL PROPERTY CLAUSES



AJ van der Walt

With a Foreword by Frank I Michelman

Constitutional Property Clauses

Federico Ortino



Constitutional Property Clauses:

Constitutional Property Clauses A. Van der Walt, 1999-12-09 The constitutional entrenchment and protection of property rights has always been a difficult and controversial issue This new and unique work is more than a collection of cases on constitutional property law it is an in depth comparison of constitutional property clauses in jurisdictions around the world The book consists of three parts the first chapter contains a general discussion of comparative theoretical and analytical issues The second part consists of eighteen chapters on jurisdictions where the property clause has generated substantial case law and jurisprudence meriting extensive analysis and discussion Among the countries discussed are Australia Japan Canada Germany Switzerland and South Africa For easy reference the structure of these country by country chapters is identical These chapters not only contain practical useful legal information but also a normative interpretation of constitutional property clauses in their national and international context The third and final part of the book contains a collection of 86 property clauses from jurisdictions not included in the country reports The focus of the book is on comparison and cross references assist the reader in finding related cases and issues in other jurisdictions The book will be of interest to private and public lawyers engaged in international trade and business practices as well as to scholars of comparative constitutional law

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Property and the Constitution

Janet McLean, 1999-08-23 Papers from a July 1998 conference written by public lawyers property lawyers and legal philosophers examine public dimensions of private property Contributors consider whether property is a human right and look at its role in making responsible citizens its relationship to freedom of speech constitutional protections of private property and attempts to redress historical wrongs by property settlements to indigenous people The editor is former director of the New Zealand Institute of Public Law and a lecturer at the University of Auckland New Zealand Distributed by ISBS Annotation copyrighted by Book News Inc Portland OR

The Constitutional Property Clause A. J. Van der Walt, 1997 This text is directed at legal practitioners in the fields of property and constitutional law as well as at students dealing with these subjects Through comparative analysis it considers some of the main issues raised by the interpretation and application of Section 25 of the 1996 Constitution

The Global Debate Over Constitutional Property Gregory S. Alexander, 2011-07-29 Countries around the world are heatedly debating whether property should be a constitutional right But American lawyers have largely ignored this debate which is divided into two clear camps those who believe making

property a constitutional right undermines democracy by fostering inequality and those who believe it provides the security nec

Constitutional Property Law Andries Johannes Van der Walt, 2005 Successor to the 1997 publication *The constitutional property clause a comparative analysis of section 25 of the South African Constitution of 1996* *The Constitutional Protection and Regulation of Property and Its Influence on the Reform of Private Law and Landownership in South Africa and Germany* Hanri Mostert, 2002

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The Constitutional Protection of Private Property in China Chuanhui Wang, 2016 Using a comparative approach this book analyses the history of China's private property protection at the constitutional level since 1949

Rights and Democracy Henk Botha, Andries Johannes Van der Walt, J. C. Van der Walt, 2004-01-01 The twelve essays in this book pay tribute to senior Harvard law professor Frank Michelman whose thinking and input on Constitutional Law has made a great contribution to constitutional development in South Africa These essays are the work of some of the best practical and academic legal minds in this country and given South Africa's recent successes in this field represent an advanced position in constitutional thinking in the world

Global Perspectives on Constitutional Law Vikram Amar, Mark V. Tushnet, 2009 The authors introduce students to the various ways that nations other than the United States resolve contemporary constitutional questions Covering both structural issues and individual rights each chapter presents foreign case materials on a particular topic comparing U.S. and other nations' laws

National Protection of Internally Displaced Persons in Africa Romola Adeola, 2021-03-13 This volume examines the protection of internally displaced persons (IDPs) through an interdisciplinary lens with a focus on IDPs in Africa The novelty of this book resonates from the fact that it explores national perspectives on internal displacement with the aim of providing a well-grounded engagement on the subject of internal displacement for which very little exists The chapter authors are drawn from various disciplines and institutional backgrounds and provide context-based analysis and examine the situation in countries with significant population displacement The work is a timely engagement as the issue of internal displacement has emerged as a pertinent concern in Africa Each of the chapters in this book draw on significant context-based knowledge and on issues for which there is a need for pertinent attention across the African countries This book will be a significant reference point for researchers, professors, practitioners, judges, policy makers, international organizations, regional bodies, lawyers and scholars in the field of migration, forced migration and regional institutions

State Responsibility for Breaches of Investment Contracts Jean Ho, 2018-10-25 This book critically analyses the origins, the creation and the evolution of an international law on investment contract protection

Comparative Constitutional Law Tom Ginsburg, Rosalind Dixon, 2011-01-01 This landmark volume of specially commissioned original contributions by top international scholars organizes the issues and controversies of the rich and rapidly maturing field of comparative constitutional law Divided into sections on constitutional design and redesign, identity, structure, individual rights and state duties, courts and constitutional

interpretation this comprehensive volume covers over 100 countries as well as a range of approaches to the boundaries of constitutional law While some chapters reference the text of legal instruments expressly labeled constitutional others focus on the idea of entrenchment or take a more functional approach Challenging the current boundaries of the field the contributors offer diverse perspectives cultural historical and institutional as well as suggestions for future research A unique and enlightening volume Comparative Constitutional Law is an essential resource for students and scholars of the subject

The Oxford Handbook of the Indian Constitution Sujit Choudhry, Madhav Khosla, Pratap Bhanu Mehta, 2016 As the first major post colonial constitution the Indian Constitution holds particular importance for the study of constitutional law and constitutions Providing a thorough historical and political grounding this Handbook examines key debates and developments in Indian constitutionalism and creates a framework for further study

The Origin and Evolution of Investment Treaty Standards Federico Ortino, 2019 This book charts the origins and development of investment protection provisions in foreign investment treaties Federico Ortino argues that these provisions revolve around three key concepts legal stability investment's value and reasonableness

Global Canons in an Age of Contestation, 2024-07-13 Comparative constitutionalism emerged in its current form against the backdrop of the fall of the Berlin Wall and the end of the Cold War As that backdrop recedes into the past it is being replaced by a more multi polar and confusing world and the current state of the discipline of comparative constitutionalism reflects this fragmentation and uncertainty This has opened up space for new more varied and increasingly critical voices seeking to improve the project of democratic constitutionalism But it also raises questions What of the past if anything is worth preserving Which more recent parts should be defining of the field In this context this book asks which are or should be the canonical texts of comparative constitutionalism The theoretical scope of the contributions is broad and ambitious selecting primary material from beyond the existing textbooks to engage the concept of a canon This framework provides significant insights about inclusion and exclusion and proposes candidates for canonical and anti canonical materials The result is a wide ranging discussion among many voices of how particular judgments and other primary texts have shaped or should shape our understanding of central elements of democratic constitutionalism from a comparative law perspective This book is not a prescription of one universal understanding but a broader conversation about the field and the future of constitutional democracy

The Heritage Guide to the Constitution David F. Forte, Matthew Spalding, 2014-09-16 A landmark work of more than one hundred scholars The Heritage Guide to the Constitution is a unique line by line analysis explaining every clause of America's founding charter and its contemporary meaning In this fully revised second edition leading scholars in law history and public policy offer more than two hundred updated and incisive essays on every clause of the Constitution From the stirring words of the Preamble to the Twenty seventh Amendment you will gain new insights into the ideas that made America important debates that continue from our Founding and the Constitution's true meaning for our nation

Congressional Record United States. Congress, 2011 The

Congressional Record is the official record of the proceedings and debates of the United States Congress. It is published daily when Congress is in session. The Congressional Record began publication in 1873. Debates for sessions prior to 1873 are recorded in *The Debates and Proceedings in the Congress of the United States* 1789-1824, the *Register of Debates in Congress* 1824-1837, and the *Congressional Globe* 1833-1873.

A Politics of Patent Law Kali N. Murray, 2013. This book examines how national, regional, and international patent law can better respond to the interests of a diverse set of non-profit and public interest entities and be of more benefit to developing countries. The book sets out a tool box of participatory mechanisms which would foster third party participation in the patent process.

Comparative Constitutional Law in Asia Rosalind Dixon, Tim Ginsburg, 2014-02-28. Comparative constitutional law is a field of increasing importance around the world, but much of the literature is focused on Europe, North America, and English speaking jurisdictions. The importance of Asia for the broader field is demonstrated here.

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