

1. Record Nr.	UNINA9910823829403321
Titolo	Rethinking expropriation law I : public interest in expropriation / / edited by Bjorn Hoops [and four others]
Pubbl/distr/stampa	The Hague : , : Eleven International Publishing, , [2015] ©2015
ISBN	94-6274-444-0
Descrizione fisica	1 online resource (411 p.)
Disciplina	343.0252
Soggetti	Eminent domain Eminent domain (International law) Compensation (Law) Rule of law
Lingua di pubblicazione	Inglese
Formato	Materiale a stampa
Livello bibliografico	Monografia
Note generali	Description based upon print version of record.
Nota di bibliografia	Includes bibliographical references.
Nota di contenuto	Cover; Chapter 1 Rethinking Public Interest in Expropriation Law: Introductory Observations; 1.1 The Law, Good Governance, and Expropriation; 1.2 The Basic Requirements and Interpretative Challenges; 1.2.1 Questions of Scope; 1.2.2 Questions of Context; 1.3.1 Terminology and Interpretation; 1.3.2 Public Purpose in the Context of Good Governance; 1.3.3 Public Purpose and the Determination of Fair Compensation; 1.4 Urgent Need to Reconceptualize Expropriation; 1.5 Conclusion; Chapter 2 Public Interest in Takings Cases in Italy and France: The Constitutional and Human Rights Dimension 2.1 Introduction2.2 The Right of Property at the Interface between National Legal Traditions and the ECHR; 2.3 Putting the Public Interest Requirement into Context: Scope and Meaning of the Protection of Property Rights; 2.4 Looking for the Meaning of Public Interest through the Lens of Courts; 2.5 Questioning the Public Interest of Takings: Which Standard of Judicial Review?; 2.6 Conclusion; Chapter 3 The Poverty of Precedent on Public Purpose/Interest; 3.1 Introduction; 3.2.1 Anomalous Relationship between Statute and Constitution; 3.2.2 Origins of the Binary Formulation

3.2.3 Deliberate Vagueness of the Definition3.3 Public Purpose/Public Interest in South African Expropriation Law; Outline placeholder;
3.3.1.1 Public Purposes: Different Applications; 3.3.1.2 Apartheid as a Public Purpose; 3.3.1.3 The Poverty of Pre-Constitutional Precedent;
3.3.2 Precedent from the Constitutional Era; 3.3.2.1 Public Purposes/Public Interest in the Expropriation Context Since 1996; a Calculation of Just Compensation; b Restitution through the Land Claims Court's Orders; c Eviction Proceedings; 3.3.2.3 The Poverty of Post-Apartheid Precedent
3.4 Conclusion: Rethinking Public InterestChapter 4 "Somewhat at Sea";
4.1 Introduction; 4.2 Why State Law Matters; 4.3.1 Thomas M. Cooley and the Origins of Michigan's Constitutional Limitations on Public Use; 4.3.2 Poletown: General Motors and Justice James L. Ryan; 4.3.3 Hathcock: Resurrecting Cooley and Ryan; 4.3.4 Distinguishing Hathcock and Constitutional Codification; 4.4.1 The Post-Kelo Constitutional Amendments; 4.4.2 Failed Test Case and Constitutional Revision; 4.4.3 Evading Third-Party Transfer Limits - Feudal Tenures to the Rescue; 4.5 Conclusion
Chapter 5 Reviewing Expropriations5.1 Introduction; 5.2 The Preference for Means-Ends Scrutiny in Expropriation Law; 5.3.1 Constitutional Background; 5.3.2 Urban Renewal; 5.4 Property Values beyond Articles 40.3.2° and 43; 5.4.1 The Lack of 'Internal' Guidance; 5.4.2 The Directive Principles of Social Policy; 5.4.3 Inviolability of the Dwelling; 5.5 Conclusions; Chapter 6 In the Shadow of Zimbabwe; 6.1 Introduction; 6.2 A History of Land and Agrarian Reform; 6.3 The Role of Law; 6.4 Land, Law, and Poverty Reduction; 6.5 Claiming Land and Protecting Property
6.6 Expropriation and the Issue of 'Willing-Buyer, Willing-Seller'
