

1. Record Nr.	UNINA9910826944403321
Autore	Pretto-Sakmann Arianna
Titolo	Boundaries of personal property : shares and sub-shares // Arianna Pretto-Sakman
Pubbl/distr/stampa	Oxford ; Portland, Oregon, : Hart Publishing, 2005
ISBN	1-4725-5974-6 1-280-81405-5 9786610814053 1-84731-102-4
Edizione	[1st ed.]
Descrizione fisica	1 online resource (273 p.)
Classificazione	83.10
Disciplina	346.047 346.42047
Soggetti	Personal property - England Personal property - Wales
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 (pages [221]-235) and index
Nota di contenuto	PART I PROSPECT -- 1 Introduction -- 2 The Condition of Personal Property -- 3 Terminology -- PART II LOCANDA -- 4 Shares as Things -- 5 The First External Boundary: Property as Rights In Rem -- PART III ALIENANDA -- 6 Traditional Modes of Alienation -- 7 New Modes of Alienation -- 8 The Second External Boundary: Property as Alienability -- PART IV VINDICANDA -- 9 Protection of Entitlement to Shares and Sub-shares -- 10 The Third External Boundary: Property as Vindicability -- PART V RETROSPECT -- 11 Conclusion
Sommario/riassunto	This study of the boundaries of personal property has an inward and an outward perspective, with the intellectual emphasis on the latter. The inward-looking inquiry considers shares as items of personal property. Nowadays those who think of themselves as shareholders often stand one step removed from the share itself. They hold what this book christens a sub-share. This part of the book asks in what sense shares and sub-shares can be conceived to be things, how those things are alienated, and how they are protected in litigation. The outward-looking inquiry then asks whether personal property can be contemplated as a sub-category of the law of things and, more

particularly, as the law of all things locatable in space, alienable, or vindicable in court. The outward inquiry considers three boundaries. Within the law of property the line between realty and personalty proves relatively uncontroversial; the second boundary lies between property and obligations; the third between wealth and non-wealth. The second boundary is the main concern. Respect for it necessitates a differentiation between the law of property in the strict sense and the all-encompassing law of wealth, even where the consequence might be to exclude shares and sub-shares from the law of property. In maintaining the value of careful proprietary taxonomy and in reviving the underlying concepts on which it depends, this book opposes modern scepticism as to the possibility and desirability of precision in legal classification. In these commitments it could fairly be styled a post-modern study of personal property. Winner of the SLS Birks Prize for Outstanding Legal Scholarship 2006 - Second Prize
