

Introduction to Property Theory

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Part I: The Market Mechanism of Appropriation

Introduction

This paper is an introduction to a modern theory of property. To some extent the theory is new and to some extent it represents a reconstruction in modern terms of older and long-neglected ideas about property rights. Like economic theory, this property theory has both a descriptive and normative side. The normative theory is based on the same individualist-subjectivist (Austrian) methodology that supplies a basis for the efficiency norm (Pareto optimality) used in economics.

The modern development of this theory of property has been much delayed by a number of factors in the conceptual worldview of orthodox economics and jurisprudence. It is not a matter of making a perturbation or two; a number of mini-shifts in conceptual framework or “paradigm” are required before things fall into place in a new configuration or *gestalt*. Also the theory has

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Introduction to Property Theory David P. Ellerman, This paper inaugurates the mathematical treatment of property theory proving the two fundamental theorems for the property system that correspond to the two fundamental theorems for the competitive price system

Research Handbook on Property, Law and Theory Chris Bevan, 2024-08-06 This comprehensive Research Handbook interrogates and offers historical as well as contemporary understandings of property property law and property theory Chapters locate the role of property in key theoretical debates and examine property's place in significant social contexts covering topics such as Indigenous property artificial intelligence cryptoassets property and the art world environmentalism and climate change

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Toward the Reform of Private Waqfs Hamid Harasani, 2015-10-05 Using a combination of the comparative legal method and hermeneutics this book reconciles Islamic law with English trust's law in these two main areas It does not find it necessary for one legal system to reign supreme over the other as such solutions will be questioned by the internal subjects of the dominated legal system undermining the efficacy of this study Rather reconciliation is a mutual step to congruence taken by both legal systems In the area of perpetuities the book finds that neither Islamic Waqfs must be perpetual nor common law trusts must have a rule against perpetuities Regarding ownership theories the multiplicity of rendered theories in both legal systems presents more than one avenue of reconciliation Overall the study finds that private Waqfs and private trusts can be reconciled without undermining the internal hermeneutic standpoints of both legal systems

Research Handbook on Private Law Theory Hanoch Dagan, Benjamin C. Zipursky, 2020-12-25 This comprehensive Research Handbook provides an unparalleled overview of contemporary private law theory Featuring original contributions by leading experts in the field its extensive examinations of the core areas of contracts property and torts are complemented by an exploration of a

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