

American Property: A History of How, Why, and What We Own



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Description :

In America, we are eager to claim ownership: our homes, our ideas, our organs, even our own celebrity. But beneath our nation's proprietary longing looms a troublesome question: what does it mean to own something? More simply: what is property? The question is at the heart of many contemporary controversies, including disputes over who owns everything from genetic material to indigenous culture to music and film on the Internet. To decide if and when genes or culture or digits are a kind of property that can be possessed, we must grapple with the nature of property itself. How does it originate? What purposes does it serve? Is it a natural right or one created by law? Accessible and mercifully free of legal jargon, American Property reveals the perpetual challenge of answering these questions, as new forms of property have emerged in response to technological and cultural change, and as ideas about the appropriate scope of government regulation have shifted. This first comprehensive history of property in the United States is a masterly guided tour through a contested human institution that touches all aspects of our lives and desires. Stuart Banner shows that property exists to serve a broad set of purposes, constantly in flux, that render the idea of property itself inconstant. Despite our ideals of ownership, property has always been a means toward other ends. What property signifies and what property is, we come to see, has consistently changed to match the world we want to acquire.

American Property A History Of How Why And What We Own

Susanna L. Blumenthal



American Property A History Of How Why And What We Own:

A History of American Law Lawrence Meir Friedman, 2019 Renowned legal historian Lawrence Friedman presents an accessible and authoritative history of American law from the colonial era to the present day This fully revised fourth edition incorporates the latest research to bring this classic work into the twenty first century In addition to looking closely at timely issues like race relations the book covers the changing configurations of commercial law criminal law family law and the law of property Friedman furthermore interrogates the vicissitudes of the legal profession and legal education The underlying theory of this eminently readable book is that the law is the product of society In this way we can view the history of the legal system through a sociological prism as it has evolved over the years

The Opening of American Law Herbert Hovenkamp, 2015 Two late Victorian ideas disrupted American legal thought the Darwinian theory of evolution and marginalist economics The legal thought that emerged can be called neoclassical because it embodied ideas that were radically new while retaining many elements of what had gone before Although Darwinian social science was developed earlier in most legal disciplines outside of criminal law and race theory marginalist approaches came to dominate This book carries these themes through a variety of legal subjects in both public and private law

Research Handbook on Critical Legal Theory Emiliios Christodoulidis, Ruth Dukes, Marco Goldoni, 2019 Critical theory characteristically linked with the politics of theoretical engagement covers the manifold of the connections between theory and praxis This thought provoking Research Handbook captures the broad range of those connections as far as legal thought is concerned and retains an emphasis both on the politics of theory and on the notion of theoretical engagement The first part examines the question of definition and tracks the origins and development of critical legal theory along its European and North American trajectories The second part looks at the thematic connections between the development of legal theory and other currents of critical thought such as Feminism Marxism Critical Race Theory varieties of post modernism as well as the various turns ethical aesthetic political of critical legal theory The third and final part explores particular fields of law addressing the question how the field has been shaped by critical legal theory or what critical approaches reveal about the field with the clear focus on opportunities for social transformation

The Six-Shooter State Jonathan Obert, 2018-10-18 Public and private forms of violence have co evolved rather than competed in America s political development since the nineteenth century

Oxford Studies in Private Law Theory: Volume I Paul B. Miller, John Oberdiek, 2020 This volume brings together essays by scholars from around the world covering issues in general private law theory as well as specific fields including the theoretical analysis of tort law property law and contract law

Black Litigants in the Antebellum American South

Kimberly M. Welch, 2018-01-02 In the antebellum Natchez district in the heart of slave country black people sued white people in all white courtrooms They sued to enforce the terms of their contracts recover unpaid debts recuperate back wages and claim damages for assault They sued in conflicts over property and personal status And they often won Based on new

research conducted in courthouse basements and storage sheds in rural Mississippi and Louisiana Kimberly Welch draws on over 1 000 examples of free and enslaved black litigants who used the courts to protect their interests and reconfigure their place in a tense society To understand their success Welch argues that we must understand the language that they used the language of property in particular to make their claims recognizable and persuasive to others and to link their status as owner to the ideal of a free autonomous citizen In telling their stories Welch reveals a previously unknown world of black legal activity one that is consequential for understanding the long history of race rights and civic inclusion in America

Family, Law, and Inheritance in America Yvonne Pitts, 2013-05-20 Yvonne Pitts explores inheritance practices by focusing on nineteenth century testamentary capacity trials in Kentucky in which disinherited family members challenged relatives wills These disappointed heirs claimed that their departed relative lacked the capacity required to write a valid will These inheritance disputes criss crossed a variety of legal and cultural terrains including ordinary people s understandings of what constituted insanity and justice medical experts attempts to infuse law with science and the independence claims of women Pitts uncovers the contradictions in the body of law that explicitly protected free will while simultaneously reinforcing the primacy of blood in mediating claims to inherited property By anchoring the study in local communities and the texts of elite jurists Pitts demonstrates that capacity was a term laden with legal meaning and competing communal values about family race relations and rationality These concepts evolved as Kentucky transitioned from a conflicted border state with slaves to a developing free labor industrializing economy

Gentlemen Revolutionaries Tom Cutterham, 2020-10-13 In the years between the Revolutionary War and the drafting of the Constitution American gentlemen the merchants lawyers planters and landowners who comprised the independent republic s elite worked hard to maintain their positions of power *Gentlemen Revolutionaries* shows how their struggles over status hierarchy property and control shaped the ideologies and institutions of the fledgling nation Tom Cutterham examines how facing pressure from populist movements as well as the threat of foreign empires these gentlemen argued among themselves to find new ways of justifying economic and political inequality in a republican society At the heart of their ideology was a regime of property and contract rights derived from the norms of international commerce and eighteenth century jurisprudence But these gentlemen were not concerned with property alone They also sought personal prestige and cultural preeminence Cutterham describes how painting the egalitarian freedom of the republic s lower sort as dangerous licentiousness they constructed a vision of proper social order around their own fantasies of power and justice In pamphlets speeches letters and poetry they argued that the survival of the republican experiment in the United States depended on the leadership of worthy gentlemen and the obedience of everyone else Lively and elegantly written *Gentlemen Revolutionaries* demonstrates how these elites far from giving up their attachment to gentility and privilege recast the new republic in their own image

American Property Stuart Banner, 2011-03 Lost property The rise of intellectual property A bundle of rights Owning the news People not things Owning sound Owning fame

From the tenement to the condominium The law of the land Owning wavelengths The new property Owning life Property resurgent The end of property

Surveillance Capitalism in America Josh Lauer, Kenneth Lipartito, 2021-10-15 Surveillance Capitalism in America offers a crucial historical perspective on the intimate relationship between surveillance and capitalism While surveillance is often associated with governments today the role of the private sector in the spread of everyday surveillance is the subject of growing public debate Tech giants like Google and Facebook are fueled by a continuous supply of user data and digital exhaust Surveillance is not just a side effect of digital capitalism it is the business model itself suggesting the emergence of a new and more rapacious mode of capitalism surveillance capitalism But how much has capitalism really changed Surveillance Capitalism in America explores the historical development of commercial surveillance long before computers and suggests that surveillance has been central to American capitalism since the nation's founding Managers surveilled labor merchants surveilled consumers and businesses surveilled each other Focusing on events in the United States the chapters in this volume examine the deep logic of modern surveillance as a mode of rationalization bureaucratization and social control from the early nineteenth century forward Even more business surveillance has often involved collaborations with the state through favorable laws policing and information sharing The history of surveillance capitalism is thus the history of technological legal and knowledge infrastructures built over decades Together the chapters in this volume reveal the long arc of surveillance capitalism from the violent coercion of slave labor to the seductions of target marketing

Jefferson's Freeholders and the Politics of Ownership in the Old Dominion Christopher Michael Curtis, 2012-04-30 Jefferson's Freeholders explores the processes by which Virginia was transformed from a British colony into a Southern slave state Focusing on ideas of ownership the book emphasizes the persistent influence of English common law on the state's political culture It uniquely details how the traditional principles of land tenure were subverted by the economic and political changes of the nineteenth century and how they fostered law reforms that encouraged the idea that slavery should replace land ownership as the distinguishing basis for political power

Elgar Concise Encyclopedia of Law and Literature Robert Spoo, Simon Stern, 2025-01-09 The Elgar Concise Encyclopedia of Law and Literature surveys the intersection between two important fields of study Interdisciplinary in scope the volume showcases the many ways in which literary and legal methods and insights both converge and remain distinct

Legal Responses to Religious Practices in the United States Austin Sarat, 2012-09-10 This book questions what practices constitute a religious activity such that it cannot be supported or funded by government It examines the history of accommodating laws when there is tension between respecting religious freedom and maintaining First Amendment requirements that government be neutral

Cinema and the Wealth of Nations Lee Grieveson, 2018-01-02 The silver screen and the gold standard The Panama Capers Empire of liberty Liberty bonds The State of extension The work of film in the age of Fordist mechanization The Pan American road to happiness and friendship Highways of Empire League of corporations The silver chains of mimesis The

golden harvest of the silver screen Welfare media The world of tomorrow today *Law and the Modern Mind* Susanna L. Blumenthal, 2016-02-22 Headline grabbing murders are not the only cases in which sanity has been disputed in the American courtroom Susanna Blumenthal traces this litigation revealing how ideas of human consciousness agency and responsibility have shaped American jurisprudence as judges struggled to reconcile Enlightenment rationality with new sciences of the mind **Deeds, Titles, and Changing Concepts of Land Rights** David Ress, 2020-12-09 This book explores the history of public land tenure records which first began in colonial Massachusetts as English settlers and Native Americans tried to resolve differing ideas about rights to land in the seventeenth century In South Australia a similar method of state certification of land ownership arose in the nineteenth century through Torrens system title registration a process that would be widely adopted in British and American colonies as a particularly effective way of guaranteeing absolute fee simple ownership over indigenous peoples land This book explores the similarities between these two record systems highlighting how similar settlement patterns and religious beliefs in both places focused attention on recording land tenure and illustrating how these record systems encouraged new ways of thinking about rights to and on land *The Transition of the Patent System* Yuan Feng, 2025-05-30 This book investigates the institutionalized process basic laws and evolutionary trends of the patent system based on the analytical model of evolutionary theory and deploying a historical and comparative approach Unlike traditional scholarship that focuses solely on the analysis of legal texts this book considers the patent system to be both a historical product and an evolving institution that requires a synchronic study of its institutionalization The author traces the emergence and evolution of the patent system by examining the concept and derivative systems during the pre industrial age the medieval period and the industrial age respectively as well as the challenges it faces nowadays By exploring the influencing factors and roles of technology economy culture and power that have determined and shaped the patent system throughout history the book provides insights into the impetus principles and mechanisms of its formation and evolution shedding light on its future and advancement This title will greatly benefit students researchers legal professionals and policymakers interested in intellectual property law and policy particularly the patent system *Building the Empire State* Brian Phillips Murphy, 2015-04-22 Building the Empire State examines the origins of American capitalism by tracing how and why business corporations were first introduced into the economy of the early republic Brian Phillips Murphy follows the collaborations between political leaders and a group of unelected political entrepreneurs including Robert R Livingston and Alexander Hamilton who persuaded legislative powers to grant monopolies corporate status in order to finance and manage civic institutions Murphy shows how American capitalism grew out of the convergence of political and economic interests wherein political culture was shaped by business strategies and institutions as much as the reverse Focusing on the state of New York a onetime mercantile colony that became home to the first American banks utilities canals and transportation infrastructure projects Building the Empire State surveys the changing institutional ecology during the

first five decades following the American Revolution Through sustained attention to the Manhattan Company the steamboat monopoly the Erie Canal and the New York Erie Railroad Murphy traces the ways entrepreneurs marshaled political and financial capital to sway legislators to support their private plans and interests By playing a central role in the creation and regulation of institutions that facilitated private commercial transactions New York State s political officials created formal and informal precedents for the political economy throughout the northeastern United States and toward the expanding westward frontier The political economic and legal consequences organizing the marketplace in this way continue to be felt in the vast influence and privileged position held by corporations in the present day

A Machine to Move Ocean and Earth James Tejani, 2024-07-23 Winner of the 2025 Bancroft Prize An enthralling debut a beguiling history of Southern California early industrial development and U S empire Publishers Weekly starred review A deeply researched narrative of the creation of the Port of Los Angeles a central event in America s territorial expansion and rise as a global economic power The Port of Los Angeles is all around us Objects we use on a daily basis pass through it furniture apparel electronics automobiles and much more The busiest container port in the Western hemisphere it claims one sixth of all US ocean shipping Yet despite its centrality to our world the port and the story of its making have been neglected in histories of the United States In *A Machine to Move Ocean and Earth* historian James Tejani corrects that significant omission charting the port s rise out of the mud and salt marsh of San Pedro estuary and showing how the story of the port is the story of modern globalized America itself By the mid nineteenth century Americans had identified the West Coast as the republic s destiny a gateway to the riches of the Pacific In a narrative spanning decades and stretching to Washington DC the Pacific Northwest Civil War Richmond Southwest deserts and even overseas to Europe Hawaii and Asia Tejani demonstrates how San Pedro came to be seen as all important to the nation s future It was not virgin land but dominated by powerful Mexican estates that would not be dislodged easily Yet American scientists including the great surveyor George Davidson imperialist politicians such as Jefferson Davis and William Gwin and hopeful land speculators among them the future Union Army general Edward Ord would wrest control of the estuary and set the scene for the violence inequality and engineering marvels to come San Pedro was no place for a harbor Tejani reveals The port was carved in defiance of nature using new engineering techniques and massive mechanical dredgers Business titans such as Collis Huntington and Edward H Harriman brought their money and corporate influence to the task But they were outmatched by government reformers laying the foundations for the port for the modern city of Los Angeles and for our globalized world Interweaving the natural history of San Pedro into this all too human history Tejani vividly describes how a wild coast was made into the engine of American power A story of imperial dreams and personal ambition *A Machine to Move Ocean and Earth* is necessary reading for anyone who seeks to understand what the United States was what it is now and what it will be

The Democratic Constitution Brian E. Butler, 2017-08-21 The Supreme Court is seen today as the ultimate arbiter of the Constitution Once the Court has spoken it is the duty of the

citizens and their elected officials to abide by its decisions But the conception of the Supreme Court as the final interpreter of constitutional law took hold only relatively recently Drawing on the pragmatic ideals characterized by Charles Sanders Peirce John Dewey Charles Sabel and Richard Posner Brian E Butler shows how this conception is inherently problematic for a healthy democracy Butler offers an alternative democratic conception of constitutional law democratic experimentalism and applies it in a thorough reconstruction of Supreme Court cases across the centuries such as *Brown v Board of Education* *Citizens United v Federal Election Commission* *Lucas v South Carolina Coastal Council* and *Lochner v New York* In contrast to the traditional tools and conceptions of legal analysis that see the law as a formally unique and separate type of practice democratic experimentalism combines democratic aims and experimental practice Butler also suggests other directions jurisprudential roles could take for example adjudication could be performed by primary stakeholders with better information Ultimately Butler argues persuasively for a move away from the current absolute centrality of courts toward a system of justice that emphasizes local rule and democratic choice

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