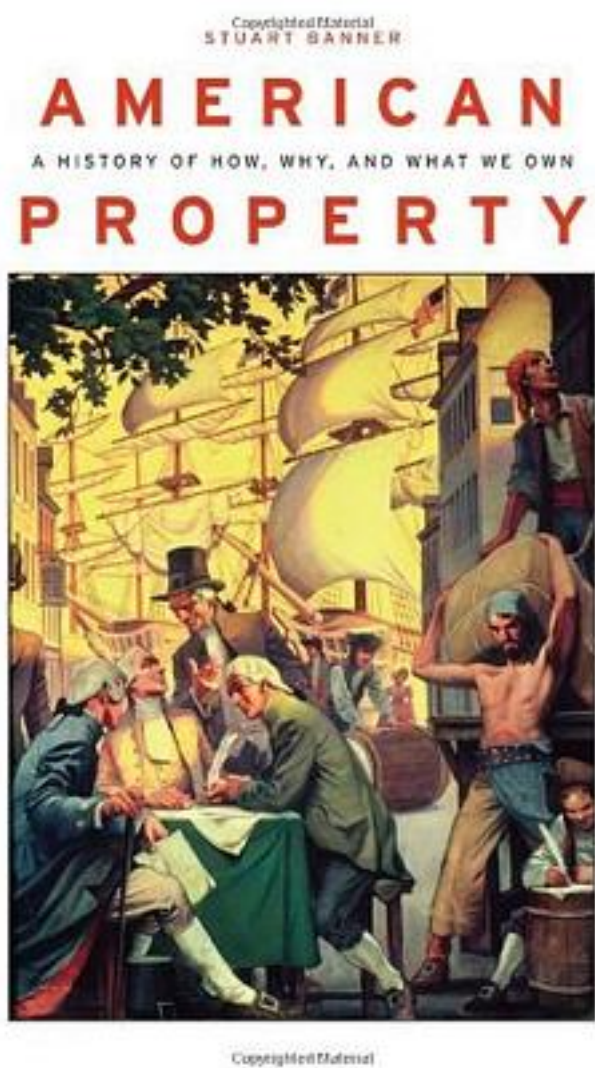


American Property



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著者:Stuart Banner

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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.

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斯图尔特·班纳

著名美国法律史学家，耶鲁大学文学学士，斯坦福大学法律博士（J.D.），现任加州大学洛杉矶分校法学院诺曼·艾布拉姆斯法学教授。班纳曾先后担任第九巡回上诉法院柯辛斯基法官和最高法院奥康纳大法官的助理。现已出版九部专著，内容横跨英美法律史的多个不同领域。在《斯坦福法学评论》《法律与历史评论》《美国法律史期刊》等刊物上发表论文数十篇。

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标签

法律

历史

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财产法

英文原版

美国

经济学

评论

讲述了美国自殖民时期直至今日的产权法制度和政策变迁：部分英格兰封建时期遗留下来的基于土地的有形和无形产权制度的消亡，以及新的土地制度和无形产权（知识产权、新闻、音乐、名誉、政府福利）的产生。本书新意不强，但体现了美国现今主流的产权法思想。产权制度的更替并非主要来源于产权概念理论分析的进步，而主要是工具性地调节经济制度以满足人们变迁的经济和精神文化需求。

Banner的书值得读，你对财产权这个项目下细分的各种权利会有一个崭新的认识。它们的发展、消亡，都被Banner作为故事一样娓娓道来。我不知道为什么，现在越读好的书，越觉得它们像小说，别看它们是专业书。Weird...

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书评

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