Rethinking Expropriation Law I: Public Interest in Expropriation

About this Publication:

This book is the first of a series in which experts engage critically with identified aspects of expropriation law. The internationally diverse group of contributing authors offer valuable insight into the treatment of public purpose/interest related issues as they are canvassed in jurisdictions around the world. Some of these include:

- the public purpose/interest requirement and the definition of the object of expropriation;
- the role of public purpose/interest in distinguishing between expropriation and regulation of property;
- public interest and the classification of expropriatory actions as administrative, statutory or constructive;
- categorising of the notions of public interest and public purpose;
- justifiability of expropriation without compensation;
- consequences of a change in purpose after expropriation has been effected;
- whether an expropriation can be challenged on the basis that less invasive means were available for the state to realise the specific purpose;
- whether the public interest could legitimately entail transfer of expropriated property to a party other than the state.
Contents Include:

- Rethinking Public Interest in Expropriation Law: Introductory Observations - Leon Verstappen
- Public Interest in Takings Cases in Italy and France: The Constitutional and Human Rights Dimension - Sabrina Praduroux
- The Poverty of Precedent on Public Purpose/Interest: An Analysis of Pre-Constitutional and Post-Apartheid jurisprudence in South Africa - Hanri Mostert
- "Somewhat at Sea": Public Use and Third-Party Transfer Limits in Two US States - John A. Lovett
- Reviewing Expropriations: Looking beyond Constitutional Property Clauses - Rachael Walsh
- In the Shadow of Zimbabwe: Public Interest, Land Reform, and the Transfer of Property in South Africa - Heinz Klug
- Reclaiming Property: Changes of Purpose or Non-Realization of Public Purpose after Expropriation - Jacques Sluysmans, Nikky van Triet
- Exactions and the Rule of Law - Eduardo M. Peñalver
- The Public Purpose for the Expropriation of Land: A Framework for Assessing Its Democratic Legitimacy - Björn Hoops
- The ‘Land Assembly Districts’ Solution to Third-Party Transfers - Michael Heller, Rick Hills
- Fundamental Premises of Land Expropriation in Poland - Magdalena Habdas
- Expropriatory Compensation, Distributive Justice, and the Rule of Law - Hanoch Dagan
- The Public Purpose Requirement in the Calculation of Just and Equitable Compensation - Elmien (WJ) du Plessis
- When Does State Action Amount to Expropriation? Recent Australian Developments - Brendan Edgeworth

Of Interest and Benefit to:

Academics in the field of private and notary law.