Rethinking Expropriation Law II: Context, Criteria, and Consequences of Expropriation

About this Publication:

This book is the second of a series in which experts engage critically with the context, criteria and consequences of expropriation. The State, in the shape of monarchies, dictatorships, or democracies, has been using expropriation to implement its policies since the times of ancient Rome. This book therefore contains contributions on the historical context of expropriation. Despite its age, however, expropriation law is constantly evolving at the national and international level. The contributors show how European human rights law and international soft law instruments shape national criteria and expropriation procedures. They discuss how comparative law and insights from the theory of human flourishing can help to improve the criteria for the justification of expropriation. From comparative and international perspectives, the contributors deal with the criteria that determine whether compensation is due for a regulatory taking, constructive expropriation or excessive regulation of property. The contributors examine the definition of takings and whether the dissolution of condominium constitutes a taking. They uncover how the amount of compensation can play a role in the justification of expropriation. Lastly, the contributors examine the consequences of expropriation for residential communities.

Contents Include:

- Introduction: Context, Criteria, and Consequences of Expropriation - Leon Verstappen
- Part 1: Context
  - Confiscation and Expropriation: The Legal Consequences of Roman Imperialism - Saskia T. Roselaar
  - The History of Hungarian Expropriation Law - Imre Andorkó
  - Towards a Paradigm Shift in the Application of Expropriation Law in Flanders - Stijn Verbist
  - Hidden Expropriation in Globalization and Soft Law Protection of Communal Property Rights - Ting Xu
- Part 2: Criteria
  - The Public Use Requirement and the Character of Consequentialist Reasoning - Gregory S. Alexander
  - More Safeguards instead of a Ban of Economic Development Takings: The Kelo Case from a German Perspective - Björn Hoops

© Copyright 2019 Juta and Company (Pty) Ltd

‘Dissolving Condominium, Private Takings, and the Nature of Property’ – Douglas C. Harris, Nicole Gilewicz

The Principle of Good Governance in Expropriation Law - Jacques Sluysmans, Myrthe Nielen

Part 3: Consequences

On Benefit Sharing and the Compensatory Approach to Economic Development Takings - Sjur K. Dyrkolbotn

Expropriation Effects on Residential Communities - Shai Stern

Of Interest and Benefit to:

Academics in the field of private and notary law.