Contents

Acknowled Introduction	lgemen on A	nts ntonio Gambaro	vii ix
PART I	HISTORICAL BACKGROUND OF CONTEMPORARY DISCOURSES		
	1.	Peter Birks (1985), 'The Roman Law Concept of Dominium and the	
		Idea of Absolute Ownership', Acta Juridica, 1985, 1–37	3
	2.	1	
		Blackstone's Anxiety', Yale Law Journal, 108 (3), December,	40
		601–32	40
PART II	PRO	OPERTY IN MODERN THEORY	
	3.	Wesley Newcomb Hohfeld (1913), 'Some Fundamental Legal	
	5.	Conceptions as Applied in Judicial Reasoning', Yale Law Journal,	
		23 (1), November, 16–59	75
	4.	Wesley Newcomb Hohfeld (1917), 'Fundamental Legal	
		Conceptions as Applied in Judicial Reasoning', Yale Law Journal,	
		26 (8), June, 710–70	119
	5.		
		Essays in Jurisprudence: A Collaborative Work, Chapter V, London,	
		UK: Oxford University Press, 107–47	180
	6.	Guido Calabresi and A. Douglas Melamed (1972), 'Property Rules,	
		Liability Rules, and Inalienability: One View of the Cathedral',	
		Harvard Law Review, 85 (6), April, 1089–128	221
	7.	Bernard Rudden (1994), 'Things as Thing and Things as Wealth',	
		Oxford Journal of Legal Studies, 14 (1), Spring, 81-97	261
	8.	Amnon Lehavi (2008), 'The Property Puzzle', Georgetown Law	
		Journal, 96 (6), August, 1987–2027	278
	9.	Henry E. Smith (2012), 'Property as the Law of Things', Harvard	
		Law Review, 125 (7), May, 1691-726	319
	10.	Thomas W. Merrill (2012), 'Property as Modularity', Harvard Law	
		Review, 125 (7), May, 151–63	355
	11.	Christian von Bar and Ulrich Drobnig (2004), 'Law of Things or	
		Property Law?', in The Interaction of Contract Law and Tort and	
		Property Law in Europe: A Comparative Study, Part 2, Section 1,	
		Munich, Germany: Sellier European Law Publishers, 317–20	368

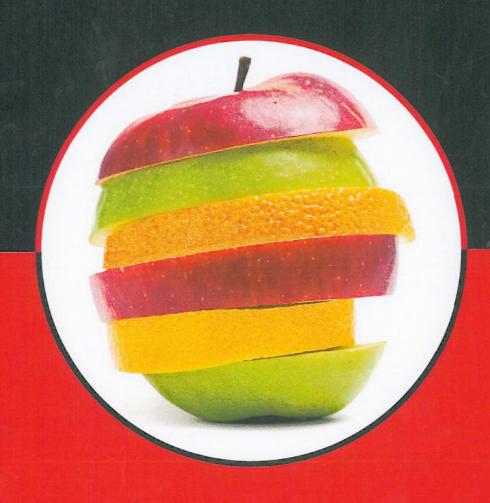
	12.	Anna di Robilant (2013), 'Property: A Bundle of Sticks or a Tree?', Vanderbilt Law Review, 66 (3), April, 869–932	372
PART III	CO	MPARATIVE OVERVIEW	
	13.	John Henry Merryman (1974), 'Ownership and Estate (Variations	439
	14.	on a Theme by Lawson)', <i>Tulane Law Review</i> , 48 , 916–45 Ugo Mattei (2000), 'Preface' and 'History', in <i>Basic Principles of</i>	439
		Property Law: A Comparative Legal and Economic Introduction, Preface and Chapter 1, Westport, CT, USA: Greenwood Press,	
		xi–xiv, 1–27	469
	15.	Sjef van Erp (2006), 'Comparative Property Law', in Mathias Reimann and Reinhard Zimmermann (eds), <i>The Oxford Handbook of Comparative Law</i> , Part III, Chapter 32, New York, NY, USA:	
		Oxford University Press, 1043–70	500
	16.	Francesco Parisi (2002), 'Entropy in Property', American Journal	
	10.	of Comparative Law, 50 (3), Summer, 595–632	528
	17.	Michael Trebilcock and Paul-Erik Veel (2008), 'Property Rights	
		and Development: The Contingent Case for Formalization', University of Pennsylvania Journal of International Law, 30 (2),	
		397–481	566
	18.	Anna di Robilant (2014), 'Property and Democratic Deliberation: The <i>Numerus Clausus</i> Principle and Democratic Experimentalism in Property Law', <i>American Journal of Comparative Law</i> , 62 (2),	
		Spring, 301–50	65
	19.	Yun-chien Chang and Henry E. Smith (2015), 'Structure and Style in Comparative Property Law', in Theodore Eisenberg and	
		Giovanni B. Ramello (eds), Comparative Law and Economics, Part	
		II, Chapter 6, Cheltenham, UK and Northampton, MA, USA:	70
		Edward Elgar Publishing, 131–60	70

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Comparative Property Law

Volume II



Contents

Acknowled Introduction	-	nts n introduction to both volumes by the editor appears in Volume I	vii
PART I	PR	OPERTY PROBLEMS IN COMPARATIVE PERSPECTIVES	
	1.	, ,,	
		Property in the Transition from Marx to Markets', Harvard Law	
		Review, 111 (3), January, 621–88	3
	2.	Thomas W. Merrill and Henry E. Smith (2000), 'Optimal	
		Standardization in the Law of Property: The Numerus Clausus	
		Principle', Yale Law Journal, 110 (1), October, 1–70	71
	3.	Sjef van Erp (2003), 'A Numerus Quasi-Clausus of Property Rights	
		as a Constitutive Element of a Future European Property Law?',	
		Electronic Journal of Comparative Law, 7 (2), June, accessed on	
		7th December 2016, 1–12, http://www.ejcl.org/72/abs72-2.html	141
	4.	The state of the s	
		Rights: A European Principle?', in Louise Gullifer and Stefan	
		Vogenauer (eds), English and European Perspectives on Contract	
		and Commercial Law: Essays in Honour of Hugh Beale, Chapter	
		23, Oxford, UK and Portland, OR, USA: Hart Publishing Ltd,	
		441–54	153
	5.		
		Law: A Comparative Legal and Economic Analysis', New York	
		University Law Review, 73 (2), May, 434-79	167
	6.	Michele Graziadei, Ugo Mattei and Lionel Smith (2005),	
		'Commercial Trusts in European Private Law: The Interest and	
		Scope of the Enquiry', in Commercial Trusts in European Private	
		Law, Part 1, Chapter 1, New York, NY, USA: Cambridge University	
	_	Press, 3–44	213
	7.	Michael Milo and Jan Smits (2000), 'Trusts in Mixed Legal	
		Systems: A Challenge to Comparative Trust Law', European	
	0	Review of Private Law, 8 (3), 421–6	255
	8.	Daniel Clarry (2014), 'Fiduciary Ownership and Trusts in a	
		Comparative Perspective', International and Comparative Law	0.54
	0	Quarterly, 63 (4), October, 901–33	261
	9.	J. W. Harris (1996), 'Who Owns My Body', Oxford Journal of Legal Studies, 16 (1), Spring, 55–84	294
		Levin Sumies In (1) Spring 33-X4	14/1

	10.	Antonio Gambaro (2013), 'Community, State, Individuals and the Ownership of Cultural Objects', in Jorge A. Sánchez Cordero (ed.), <i>The 1970 UNESCO Convention: New Challenges</i> , Mexico City,	7
	11.	Mexico: Universidad Nacional Autónoma de México, 135–49 Ulrich Bälz (1997), 'Fundamental Changes in the Protection of Property – Some Comparative Reflections', <i>Tel Aviv University</i>	32
		Studies in Law, 13, 221–30	339
PART II	CO	NSTITUTIONAL PROPERTY	774
	12.	Charles A. Reich (1964), 'The New Property', Yale Law Journal, 73	19
	12.	(5), April, 733–87	351
	13.	Frank I. Michelman (1967), 'Property, Utility, and Fairness: Comments on the Ethical Foundations of "Just Compensation"	331
		Law', Harvard Law Review, 80 (6), April, 1165-258	406
	14.	Frank I. Michelman (1996), 'Socio-Political Functions of	
		Constitutional Protection for Private Property Holdings (In Liberal	
		Political Thought)', in G. E. van Maanen and A. J. van der Walt	
		(eds), Property Law on the Threshold of the 21st Century, Antwerp,	
		Belgium and Apeldoorn, the Netherlands: MAKLU Uitgevers, 433–50	500
	15.	Carol M. Rose (2000), 'Property and Expropriation: Themes and	300
	15.	Variations in American Law', <i>Utah Law Review</i> , 2000 (1), 1–38	518
	16.	Gregory S. Alexander (2006), 'Lessons for American Takings	010
		Jurisprudence', in The Global Debate over Constitutional Property:	
		Lessons for American Takings Jurisprudence, Chapter 5, Chicago,	
		IL, USA: University of Chicago Press, 199-243, 303-12	556
	17.	James Y. Stern (2013), 'Property's Constitution', California Law	
		Review, 101 (2), April, 277-326	611