

Contractual Communities In The Self Organising City Freedom Creativity Subsidiarity Springerbriefs In Geography

Changing Concepts of Contract is a prestigious collection of essays that re-examines the remarkable contributions of Ian Macneil to the study of contract law and contracting behaviour. Ian Macneil, who taught at Cornell University, the University of Virginia and, latterly, at Northwestern University, was the principal architect of relational contract theory, an approach that sought to direct attention to the context in which contracts are made. In this collection, nine leading UK contract law scholars re-consider Macneil's work and examine his theories in light of new social and technological circumstances. In doing so, they reveal relational contract theory to be a pertinent and insightful framework for the study and practice of the subject, one that presents a powerful challenge to the limits of orthodox contract law scholarship. In tandem with his academic life, Ian Macneil was also the 46th Chief of the Clan Macneil. Included in this volume is a Preface by his son Rory Macneil, the 47th Chief, who reflects on the influences on his father's thinking of those experiences outside academia. The collection also includes a Foreword by Stewart Macaulay, Malcolm Pitman Sharp Hildale Professor Emeritus at the University of Wisconsin-Madison, and an Introduction by Jay M Feinman, Distinguished Professor of Law at Rutgers School of Law.

Property and Community fills a major gap in the legal literature on property and its relationship to community. The essays included differ from past discussions, including those provided by law-and-economics, by providing richer accounts of community. By and large, prior discussions by property theorists treat communities as agglomerations of individuals and eschew substantive accounts of justice, favoring what Charles Taylor has called "procedural" conceptions. These perspectives on ownership obscure the possibility that the "community" might have a moral status that differs from neighboring owners or from non-owning individuals. This book examines a variety of social practices that implicate community in its relationship to property. These practices range from more obvious property-based communities like Israeli kibbutzim to surprising examples such as queues. Aspects of law and community in relationship to legal and social institutions both inside and outside of the United States are discussed. Alexander and Peñalver seek to mediate the distance between abstract theory and mundane features of daily life to provide a rich, textured treatment of the relationship between law and community. Instead of defining community in abstractly theoretical terms, they approach the subject through the lens of concrete institutions and social practices. In doing so, they not only enrich our empirical understanding of the relationship between property and community but also provide important insights into the concept of community itself.

This book challenges the conventional (modernist-inspired) understanding of urbanization as a universal process tied to the ideal-typical model of the modern metropolis with its origins in the grand Western experience of city-building. At the start of the twenty-first century, the familiar idea of the 'city' - or 'urbanism' as we know it - has experienced such profound mutations in both structure and form that the customary epistemological categories and prevailing conceptual frameworks that predominate in conventional urban theory are no longer capable of explaining the evolving patterns of city-making. Global urbanism has increasingly taken shape as vast, distended city-regions, where urbanizing landscapes are increasingly fragmented into discontinuous assemblages of enclosed enclaves characterized by global connectivity and concentrated wealth, on the one side, and distressed zones of neglect and impoverishment, on the other. These emergent patterns of what might be called enclave urbanism have gone hand-in-hand with the new modes of urban governance, where the crystallization of privatized regulatory regimes has effectively shielded wealthy enclaves from public oversight and interference.

This Handbook provides the hidden common threads that tie sociological inquiry together and featuring eminent scholars, it separates itself from its predecessors in substance and organization. Rather than rehashing old debates or longingly gazing at the past, this book presents sociologists with new ways of conceptualizing the organization and presentation of sociological theory. At the heart of this Handbook's vision is the twin goals of making theory a viable enterprise by reconceptualizing how we teach theory and keeping theory closely tied to its empirical applications. Three strategies are offered: (1) Elucidating how classic issues like integration or interaction are interrogated today; (2) Presenting a coherent vision of the social levels of reality that theorists work on such as communities, groups, and the self as well as how the coherence of these levels speaks to the macro-micro link; and, (3) Theorizing the social world rather than celebrating theorists or theories; that is, one can look at how theory is used holistically to understand the constraints the social world places on our lived experience or the dynamics of social change. Hence, in the second decade of the 21st century, it has become clear that sociology is at a crossroads as the number of theorists and amount of theory available is increasingly unmanageable and unknowable by the vast majority of professionals and students. As such, this Handbook of Contemporary Sociological Theory presents the novice and the expert with the a roadmap for traversing this crossroad and building a more coherent, robust, and cumulative sociology.

This book addresses the social, functional and symbolic dimensions of urban space in today's world. The twelve essays are grouped in three parts, ranging from a conceptual framework to case descriptions rich with illustrations. They provide a valuable service in exploring the nature and significance of social space and particular aspects of its contemporary distribution and contestation. The book addresses a topic that is intrinsically interdisciplinary. Questions of space are examined from a rich variety of disciplinary perspectives in a welcome range from urban planning to political philosophy, shedding a good deal of light in the process. The issues in focus include the dichotomies of public and private space, discussion of rights and duties with regard to the use of space, or conflicts over its allocation. Well reasoned and presented discussion is offered from the perspective of basic values and rights. The policy issue of institutional

recognition of the specifics of (minority community) identity is raised in opposition to abstract distributive accounts of justice.

Many people assume that what morally justifies private ownership of property is either individual freedom or social welfare, defined in terms of maximizing personal preference-satisfaction. This book offers an alternative way of understanding the moral underpinning of private ownership of property. Rather than identifying any single moral value, this book argues that human flourishing, understood as morally pluralistic and objective, is property's moral foundation. The book goes on to develop a theory that connects ownership and human flourishing with obligations. Owners have obligations to members of the communities that enabled the owners to live flourishing lives by cultivating in their community members certain capabilities that are essential to leading a well-lived life. These obligations are rooted in the interdependence that exists between owners and their community members, and inherent in the human condition. Obligations have always been inherent in ownership. Owners are not free to inflict nuisances upon their neighbors, for example, by operating piggeries in residential neighborhoods. The human flourishing theory explains why owners at times have obligations that enable their fellow community members to develop certain necessary capabilities, such as health care and security. This is why, for example, farm owners may be required to allow providers of health care and legal assistance to enter their property to assist employees who are migrant workers. Moving from the abstract and theoretical to the practical, this book considers implications for a wide variety of property issues of importance both in the literature and in modern society. These include questions such as: When is a government's expropriation of property legitimated for the reason it is for public use? May the owner of a historic or architecturally significant house destroy it without restriction? Do institutions that owned African slaves or otherwise profited from the slave trade owe any obligations to members of the African-American community? What insights may be gained from the human flourishing concept into resolving current housing problems like homelessness, eviction, and mortgage foreclosure?

"Self care is about people's attitudes and lifestyle, as well as what they can do to take care of themselves when they have a health problem. Supporting self care is about increasing people's confidence and self esteem, enabling them to take decisions about the sensible care of their health and avoiding triggering health problems. Although many people are already practising self care to some extent, there is a great deal more that they can do." - Ruth Chambers, Gill Wakley and Alison Blenkinsopp, in the Preface.

Designed around the Department of Health's Working in Partnership Programme, this book is full of easy-to-implement advice for everyday use, promoting a positive approach to self care and demonstrating how smoothly it can be introduced and undertaken. "Supporting Self Care in Primary Care" encourages interactive professional learning and development, both individually and within a team, and highlights the importance and benefits of self care in the workplace. It is a self-contained text with tools and illustrative examples to aid comprehension, and includes a complementary web resource containing further tools and a training package. All healthcare professionals involved in commissioning or providing primary care to patients will find this practical guide invaluable, as will healthcare managers and health promotion specialists.

The Choice Theory of Contracts is an engaging landmark that shows, for the first time, how freedom matters to contract. Social order results from a complex interaction of individual actions, institutional structures, and cultural norms. But just how do they relate to one another, and is any one factor predominant? The answers that social science has provided reflect the competing paradigms of the rationalist, structuralist, and culturalist approaches. In this innovative book, two prominent social scientists coming from competing research traditions attempt to chart a course between them, drawing on their respective strengths to present a new model based on a classificatory scheme of market/community/contract/hierarchy. The discussion, which includes a closing dialogue between the authors, covers both methodological and empirical issues, with a review of classic theories of revolution and an analysis of the process of re-legitimation following the French Revolution and the Dutch Revolt against the Hapsburgs.

Self-determination, a crucial concept in American Indian social and educational policy and the force behind Indian policy programs, is assessed here and found wanting. The volume contends that many aspects of this policy impulse are contradictory. Senese, looking at an area largely neglected by scholars of American educational policy, explores the discrepancy between the rhetoric of self-determination and its reality in Native American social settings. This study is rigorous in its analysis of the development, implementation, and language of this policy and unique in its critical perspective.

This edited collection brings together leading international academics and researchers to provide a comprehensive body of literature that informs the future of prison and wider corrective services training, education, research, policy and practice. This volume addresses a range of 21st century issues faced by modern corrective services including, prison overcrowding, young and ageing offenders, mental health, sexual assault in corrective facilities, trans communities in corrective services and radicalisation of offenders within corrective services. Taking a multi-disciplinary approach and drawing together theoretical and practice debates, the book comprehensively considers current challenges and future trajectories for corrective systems, the people within them and service delivery. This volume will also be a welcomed resource for academics and researchers who have an interest in prisons, corrective services practice and broader criminal justice issues. It will also be of interest to those who want to join corrective services, those who are currently training to become personnel in corrective services and related allied professions, and those who are currently working in the field.

This book investigates the self-organizing responses of governments and interests to the institutional collective action (ICA) dilemmas of particular concern to students of federalism, urban governance, and regional management of natural resources. ICA dilemmas arise in fragmented systems whenever decisions by one independent formal authority do not consider costs or benefits imposed on others. The ICA framework analyzes networks, joint projects, partnerships, and other mechanisms developed by affected parties to mitigate ICA decision externalities. These mechanisms play a widespread role in federalist systems by reshaping incentives to encourage coordination/cooperation. The empirical studies of urban service delivery and regional integration of regional resource management address three questions: How does a given mechanism mitigate costs of uncoordinated decisions? What incentives do potential members have to create the mechanism? How do incentives induced by the mitigating mechanism affect its sustainability in a changing environment and its adaptability to other ICA dilemmas?

This is a new type of book. It provides an index of the most useful and important academic and other writings on contract

law, whether published in articles or journal chapters, or as books. These writings, with their full citation, are gathered under familiar contract law subject-headings, and the most significant half of them are digested in a summary of a few lines each. The book aims to cover all writings published in the English language about the Common Law of contracts, and includes sections on contract theory and the history of contract law, as well as sections for the more traditional substantive topics (such as the interpretation of contracts, penalty clauses, remoteness of damage and anticipatory breach). This work should prove an invaluable resource for practitioners, academics and students, increasing awareness of important writings, and saving readers time by familiarising them with the work that has already been done in their particular fields.

This title explores the normative foundations of European contract law. It addresses fundamental political questions on contract law in Europe from the perspective of leading contemporary political theories. Does the law of contract need a democratic basis? To what extent should it be Europeanised? What justifies the binding force of contract and the main remedies for breach? When should weaker parties be protected? Should market transactions be considered legally void when they are immoral? Which rules of contract law should the parties be free to opt out of? Adopting a critical lens, this book interrogates utilitarian, liberal-egalitarian, libertarian, communitarian, civic republican, and discourse-theoretical political philosophies and analyses the answers they provide to these questions. It also situates these theoretical debates within the context of the political landscape of European contract law and the divergent views expressed by lawmakers, legal academics, and other stakeholders. This work moves beyond the *acquis* positivism, market reductionism, and private law essentialism that tend to dominate these conversations and foregrounds normative complexity. It explores the principles and values behind various arguments used in the debates on European contract law and its future to highlight the normative stakes involved in the practical question of what we, as a society, should do about contract law in Europe. In so doing, it opens up democratic space for the consideration of alternative futures for contract law in the European Union, and for better justifications for those parts of the EU contract law *acquis* we wish to retain.

This book presents the general principles of contract law that apply in the countries of the University of the South Pacific ('USP') region - Cook Islands, Fiji Islands, Kiribati, Marshall Islands, Nauru, Niue, Tokelau, Tonga, Tuvalu, Samoa, Solomon Islands, and Vanuatu. It is unique in that it provides the only up-to-date survey of regional authorities for the principles of contract operating within the region. Like many other branches of the law, contract law has yet to establish its own identity in the South Pacific. However, whilst it is still based on the law of England, there are significant differences between English contract law and South Pacific contract law. The text provides a clear explanation of this divergence and highlights regional innovations, both in the form of legislation and local case law. It also examines the role of customary law and provides a comprehensive study of the significant differences between the law of contract in individual regional countries. Comparison is made between regional law with current English contract law, and with the contract law of Australia and New Zealand, particularly where regional courts have preferred that law to the law of England. This book is essential reading for all students of contract law in the South Pacific and constitutes a very useful source book and guide for academics and practitioners, from within and outside the region.

European welfare states are currently under stress and the 'social contracts' that underpin them are being challenged. First, welfare spending has arguably 'grown to limits' in a number of countries while expanding everywhere in the 1990s in line with higher unemployment. Second, demographic change and the emergence of new patterns of family and working life are transforming the nature of 'needs'. Third, the economic context and the policy autonomy of nation states has been transformed by 'globalization'. This book considers the implications of these challenges for European welfare states at the end of the twentieth century with interdisciplinary contributions from first-rate political scientists, economists and sociologists including Paul Ormerod.

The book proposes a set of original contributions in research areas shared by planning theory, architectural research, design and ethical inquiry. The contributors gathered in 2010 at the Ethics of the Built Environment seminar organized by the editors at Delft University of Technology. Both prominent and emerging scholars presented their researches in the areas of aesthetics, technological risks, planning theory and architecture. The scope of the seminar was highlighting shared lines of ethical inquiry among the themes discussed, in order to identify perspectives of innovative interdisciplinary research. After the seminar all seminar participants have elaborated their proposed contributions. Some of the most prominent international authors in the field were subsequently invited to join in with this inquiry. Claudia Basta teaches "Network Infrastructures and Mobility" at Wageningen University. Between 2009 and 2011 she worked as Coordinator of the 3TU Centre of Excellence for Ethics and Technology of Delft University, where she completed her post-doc research on the shared areas of investigation between risk theories, planning theories and ethical inquiry. Her main research interests concern the matter of assessing and governing technological risks in relation to sustainable land use planning. She wrote a number of journal articles and contributions to collective books on these themes. Stefano Moroni teaches "Land use ethics and the law" at Milan Politecnico. His main research interests concern planning theory and ethics. He is the author of a number of books and journal articles. Recent publications (as co-author): *Contractual Communities in the Self-Organizing City* (Springer 2012).

In *Liberalizing Contracts* Anat Rosenberg examines nineteenth-century liberal thought in England, as developed through, and as it developed, the concept of contract, understood as the formal legal category of binding agreement, and the relations and human practices at which it gestured, most basically that of promise, most broadly the capitalist market order. She does so by placing canonical realist novels in conversation with legal-historical knowledge about Victorian contracts. Rosenberg argues that current understandings of the liberal effort in contracts need reconstructing from both ends of Henry Maine's famed aphorism, which described a historical progress "from status to contract." On the side of contract, historical accounts of its liberal content have been oscillating between atomism and social-collective

approaches, missing out on forms of relationality in Victorian liberal conceptualizations of contracts which the book establishes in their complexity, richness, and wavering appeal. On the side of status, the expectation of a move "from status" has led to a split along the liberal/radical fault line among those assessing liberalism's historical commitment to promote mobility and equality. The split misses out on the possibility that liberalism functioned as a historical reinterpretation of statuses – particularly gender and class – rather than either an effort of their elimination or preservation. As Rosenberg shows, that reinterpretation effectively secured, yet also altered, gender and class hierarchies. There is no teleology to such an account.

Author note: Penny A. Weiss, Associate Professor of Political Science at Purdue University, is the author of *Gendered Community: Rousseau, Sex, and Politics*. Marilyn Friedman, Associate Professor of Philosophy at Washington University, is the author of *What Are Friends For? Feminist Perspectives on Personal Relationships and Moral Theory*.

This text provides a comprehensive guide to the principles of European contract law. They have been drawn up by an independent body of experts from each Member State of the EU, under a project supported by the European Commission and many other organizations. The principles are stated in the form of articles, with a detailed commentary explaining the purpose and operation of each article and its relation to the remainder. Each article also has extensive comparative notes surveying the national laws and other international provisions on the topic.

This book comprises a selection of the top contributions presented at the second international conference "Smart and Sustainable Planning for Cities and Regions 2017", held in March 2017 in Bolzano, Italy. Featuring forty-six papers by policy-makers, academics and consultants, it discusses current groundbreaking research in smart and sustainable planning, including the progress made in overcoming cities' challenges towards improving the quality of life. Climate change adaptation and mitigation of global warming, generally identified as drivers of global policies, are just the "tip of the iceberg" when it comes to smart energy transition. Indeed, equally relevant towards this current transformation – and key topics in this volume – are ICTs, public spaces and society; next economy for the city; strategies and actions for good governance; urban-rural innovation; rethinking mobility. The book's depth in understanding and insightfulness in re-thinking demonstrate the breaking of new ground in smart and sustainable planning. A new ground that policy-makers, academics and consultants may build upon as a bedrock for smart and sustainable planning.

This book, containing 31 chapters grouped into two parts, provides rich and multi-faceted documentation of current progress being made in creating the political, economic and social conditions indispensable for sustainable and multi-functional use of forest resources, and notes the obstacles that need to be removed to reach this goal. The first part (chapters 1-9) introduces general and global aspects that have to be considered in the context of cross sectoral policy coordination. This includes discussions on the impact of external shocks such as a sudden oil price increase on forest management, the impact of energy or trade policies on global wood markets and the role of decentralization in integrating multiple demands on forests. The second part of the book deals with regional, national and local issues of cross-sectoral policy linkages. The chapters on Africa (chapters 10-15) focus largely on the improvement of land management practices such as agroforestry, land tenure and gender issues, more integrative policies in promoting reforestation and afforestation, multiple stakeholder planning processes and external policy impacts in protecting and managing Miombo forests. In Asia (chapters 16-20), important subjects appearing in several chapters are the need to develop environmental and economic accounts for forestry, and to demonstrate more clearly the great importance of non-timber forest product linkages, road construction and population effects of forest conversion, community forest management contributions to the local and national economy, and cross-sectoral policy links in the development of mountainous areas are other issues addressed. In the Europe part (chapters 21-24); both environmental problems as well as strong trends towards developing a competitive forest and wood-processing sector determine public policy development to a considerable extent. This can be seen from leading policy scenarios that have been identified from the changes in perceptions with regard to the forest sector and from the policy issues at national level that are presented. A somewhat similar pattern of competing policy demands between resource use, industrial expansion and strong environmental demands emerges from the contributions dealing with the Americas (chapters 25-31). These chapters contain the experiences of the USA in cross-sectoral impact analysis, the lessons to be learned from the long and confliction history in managing the national forests, as well as from the resource conflicts described between forestry uses, oil and gas development and environmental protection in the boreal regions of Canada.

States by Peter Oliver.

Both "land-use regulation" and "territorial collective services" have traditionally been accomplished in cities through coercive efforts of public administrations. Recently, land-use regulation and collective service provision regimes have emerged within "contractual communities:" territory-based organisations (usually, but not exclusively residential) such as homeowners' associations. This book examines the problems and opportunities of contractual communities, avoiding both the alarmism and unwarranted apologies found in much of the literature on contractual communities. The central notion is that cases in which coercive action by a public agency was deemed indispensable have been unjustly overstated, while the potential benefits of voluntary self-organising processes have been seriously understated. The authors propose a revised notion of the state role that allows ample leeway for contractual communities of all forms.

Describes the concept of the relational self and its potential significance to the law.

Digital or 'virtual' currencies pose significant challenges for government, financial and legal institutions because of their non-physical nature and their relative anonymity to physical currency. These attributes make this form of exchange extremely volatile and, at the same time, attractive to criminals. Many countries around the world have, therefore issued warnings against the use of digital currencies and have enacted laws to regulate and in some cases, restrict their use among members under their respective jurisdictions. *Digital Currency: An International Legal and Regulatory Compliance Guide* serves as a primer for both general and specialized readers, as well as business law and e-commerce teachers and students, to recognize and understand the extensive network of laws and regulations already in place around the world which have a profound impact on the creation, distribution and use of digital currency and blockchain technology. The book is also a compliance guide assisting legal practitioners in the fields of business, law, and technology to develop, implement, manage, and maintain strategies, policies, practices, and procedures to ensure that their activities involving digital currency and blockchain technology comply with a complex set of legal requirements in several jurisdictions. The book addresses both the complex set of existing laws that have a profound impact on digital currencies

and blockchain technology, and the emerging new legal requirements directed specifically towards digital currency. Readers will understand the broad implications of laws and regulations on digital currency and blockchain development and its use, and will also be equipped with the knowledge to incorporate these effectively into their professional and personal endeavors. This entails maximizing the value of digital currency and blockchain technology while also minimizing their risk of adverse legal consequences. Additionally, policymakers seeking to enforce current legislations or wishing to draft appropriate new regulations in the digital currency and blockchain economy will also benefit from the information provided in this book.

Contractual Communities in the Self-Organising City Freedom, Creativity, Subsidiarity Springer Science & Business Media

During the summer of 1992, the United Nations Conference on Environment and Development in Rio de Janeiro was hailed as a watershed moment in the ecology movement. Over 100 nations signed a new international treaty intended to conserve biological diversity. Yet, every day, species—many not even discovered—are driven into extinction and the ecological crisis continues to be a pressing global problem. Stressing the need to build bridges between the scientific community and international policymakers, Timothy Swanson here develops a new theory of the interplay between human society and the biological world. Biodiversity regulation, he argues, must focus specifically on the regulation of the global economic forces driving species into extinction. As the global development process becomes increasingly sophisticated, the spectre of a homogenized biosphere looms large. Yet, while biological diversity is responsible for a host of global benefits, it confers few tangible gains onto individual nations that offset the financial advantages of exploiting these same natural resources. The same economic rationale that drives farmers to grow coca leaves instead of grain compels countries to exploit natural resources, rather than conserve them. In order to stave off the decline of biological diversity, Swanson proposes the creation of specific policies that will internalize the benefits of biodiversity on a national level.

This is an anthropological exploration of the roots of China's modernity in the country's own tradition, as seen especially in economic and kinship patterns.

This book is a systematic philosophy of community, an ethical theory rooted in philosophical anthropology and metaphysics. The book examines such questions as: What is community? What does the language of community reveal? How do we distinguish genuine community from its counterfeits? How is community established? How does it grow? How is it weakened and destroyed? How is community related to religion? to praxis? to law? How realistic is the ideal of community?

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