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Property Rights and Social Justice analyses ‘progressive property’ in action by examining the role of constitutional property rights guarantees in mediating private ownership and social justice. It combines insights from property theory with enlightening doctrinal analysis of the interaction between property rights and social justice in the constitutional and broader legal context. It does so through the prism of the Irish Constitution’s property guarantees, which uniquely in the English-speaking, common law world both protect property rights and require their regulation by the State to secure social justice. Through this analysis, the book grounds key debates in contemporary property theory in fresh, illuminating doctrinal examples, and enhances global debates about the constitutional protection of property rights. It argues that primacy is perhaps inevitably afforded to political determinations about the appropriate mediation of property rights and social justice, meaning that the political impact of constitutionalisation needs to be disentangled from its strict legal effects.

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PROPERTY RIGHTS AND
SOCIAL JUSTICE

Progressive Property in Action

RACHAEL WALSH

Trinity College Dublin

Cambridge University Press
For Neil Taaffe, and my parents, Michael and Linda Walsh
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