

PROPERTY RIGHTS AND SOCIAL JUSTICE

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.

RACHAEL WALSH is an Assistant Professor in Law at Trinity College Dublin, Ireland. Her research is focused on the interface between public and private law in the context of property, with publications in the *Modern Law Review*, the *Law Quarterly Review*, the *International Journal of Constitutional Law*, the *European Constitutional Law Review*, and the *Canadian Journal of Law and Jurisprudence*, and leading international edited collections. She is also a co-author of the current edition of the leading treatise on constitutional law in Ireland, *Kelly: The Irish Constitution* (2018).

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(Continued after the Index)

PROPERTY RIGHTS AND SOCIAL JUSTICE

Progressive Property in Action

RACHAEL WALSH

Trinity College Dublin



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For Neil Taaffe, and my parents, Michael and Linda Walsh

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