

PROPERTY LAW REVIEW

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Libertarian thinking is on the rise in the United States, but libertarians wrongly characterise regulation as a deprivation of both freedom and property rights and an inefficient interference with the free market. While libertarians are correct to praise the value of freedom, they fail to appreciate how regulations promote liberty, property and efficiency. The subprime crisis reminds us that neither property nor liberty nor the market can exist without law. Laws establish minimum standards for economic and social relationships appropriate to a free and democratic society that treats each person with equal concern and respect. Property rights are structured by law to protect consumers from unfair practices and to ensure that economic relationships comply with minimum standards of decency.	7
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Can the understanding and interpretation of leases be enhanced by relational contract considerations? In this article the authors explore the pertinence of relational contract theory, particularly in relation to retail leases. The article outlines the nature of leases, the contractualisation process and the influence of certain statutes on leasing transactions. It then focuses on relational contract theory and the extent to which different types of leases may be regarded as relational. The main focus of the article is on retail leases; considering the terms of the lease “contract” but also examining whether relational analysis may inform the interpretation of statutes relevant to retail leasing transactions.	21
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Although email is a modern-day communication necessity, the current landscape in respect of ownership of email accounts is quite unclear in most English-speaking common law jurisdictions. This article argues that an email account can, in some circumstances, be regarded as a unique kind of property for the purposes of testamentary disposition; but its legal protection as an inheritable probate asset is currently uncertain. Despite the fact that an email account, unlike a bank account, does not usually have a monetary value, this is not an insignificant issue.	59
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