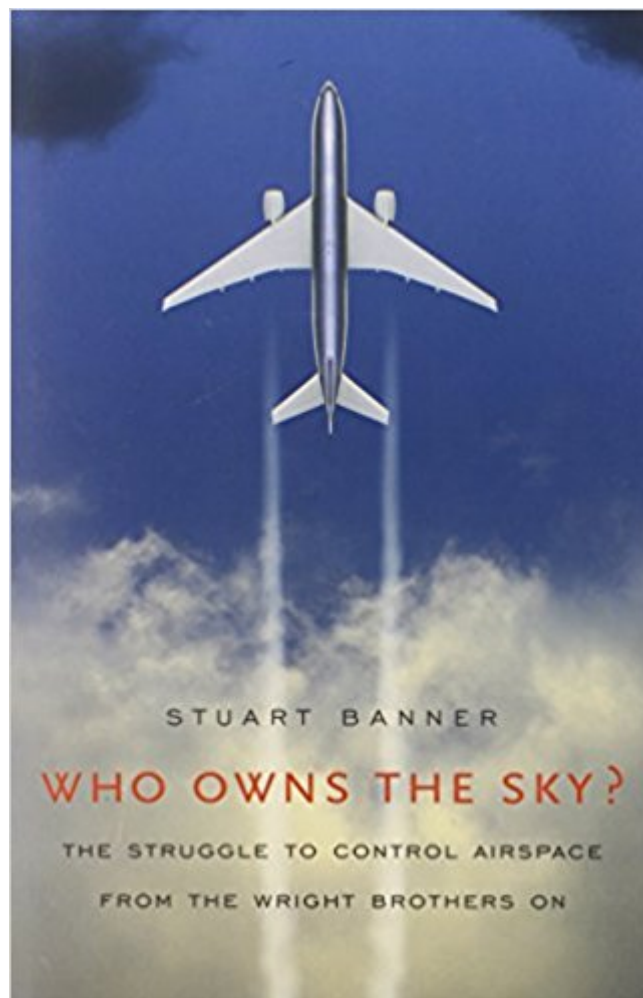




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Who Owns The Sky?: The Struggle To Control Airspace From The Wright Brothers On



Synopsis

In the summer of 1900, a zeppelin stayed aloft for a full eighteen minutes above Lake Constance and mankind found itself at the edge of a new world. Where many saw hope and the dawn of another era, one man saw a legal conundrum. Charles C. Moore, an obscure New York lawyer, began an inquiry that Stuart Banner returns to over a century later: in the age of airplanes, who can lay claim to the heavens? The debate that ensued in the early twentieth century among lawyers, aviators, and the general public acknowledged the crucial challenge new technologies posed to traditional concepts of property. It hinged on the resolution of a host of broader legal issues being vigorously debated that pertained to the fine line between private and public property. To what extent did the Constitution allow the property rights of the nation's landowners to be abridged? Where did the common law of property originate and how applicable was it to new technologies? Where in the skies could the boundaries between the power of the federal government and the authority of the states be traced? *Who Owns the Sky* is the first book to tell this forgotten story of elusive property. A collection of curious tales questioning the ownership of airspace and a reconstruction of a truly novel moment in the history of American law, Banner's book reminds us of the powerful and reciprocal relationship between technological innovation and the law—in the past as well as in the present.

Book Information

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Customer Reviews

Banner claims that with this work he has written an intellectual history of American aviation law in the first half of the 20th century. And he has done exactly that--very well...This book is not only a

great repository of the history of the question it poses, but is also a great yarn. Banner's friendly writing style gets one through the stickier details, and one simply feels better--not just better informed--for having read the book. (James T. Crouse Times Higher Education 2008-12-04)At the heart of this clever, intricate, elegant book is the improbable fact that, for over fifty years, an arcane statute devised by medieval European scholars managed, in the twentieth century, to impede the growth of aviation in the very nation that invented it. (Alexander Frater Times Literary Supplement 2009-02-27)[An] engaging book...Historically, British and then US common law declared that property in one's land extended from the center of the earth to the heavens. Yet ownership of the sky was all but impossible until the inventions of the 19th and 20th centuries made it accessible. At the very moment that ownership was possible, laws recognizing that property right were challenged. Banner narrates a terrific story, discussing how technology, first with the balloon and then other air travel, challenged the law and eventually changed it. The book weaves together the Wright brothers, legal scholarship, the emergence of the airline industry, and eventually the Supreme Court, offering fascinating details about the law on airspace. These changes climax first in a landmark decision by the Supreme Court clarifying airspace property rights, and then the 1967 Outer Space Treaty declaring the universe a common heritage beyond ownership...This is a fun, well-written, and informative book. (D. Schultz Choice 2009-06-01)

Stuart Banner is Norman Abrams Professor of Law at the University of California, Los Angeles.

Each book Stuart Banner writes seems better than the last. And even his very first book, on property and territorial conflicts in late colonial and early republican Missouri, was terrific. But this book is among my very favorites by any legal historian in the past several years. It is delightfully written, well researched, and has ongoing relevance for issues such as climate change. For anyone interested in combined issues of property, sovereignty, regulation, and the commons, this book belongs in your collection.

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