DOWNLOAD PDF REAL SECURITY REGARDING IMMOVABLE OBJECTS REFLECTIONS ON A EURO-MORTGAGE

Chapter 1 : Property rights in legal history : Encyclopedia of Law and Economics

legal literature see H.G. Wehrens, Real security regarding immovable objects - Reflections on a Euro-Mortgage, in: A. Hartkamp (et al., eds.), Towards a European Civil Code (Nijmegen: Ars Aequi Libri/ Kluwer Law.

The gods way higher than them, Gygax and Arneson decided after rolling two 20s together that the Holy Trinity shall be no more. They were saddened, but ultimately not surprised and get packing right away. After departing from the Main House, she found out that her friends have their temples in shambles due to poor maintenance and they are spending more time in the mortal realm. Not wanting to get lonely again, Haruhi decided to reunite with her friends once again by finding a new position: After some evaluating, the Court thinks she and her friends can take the title, since they have enough influence in the Pantheon for quite some time. Haruhi also designates Tsuruya as herald due to hanging out with the Brigade very often. The latter is also excited that she gets to be part of a larger world. Konata Izumi has always been the biggest advocate for O-Haruhi-Sama. She was overjoyed when the latter returned and gave full support to her and her friends. Likewise, Patricia Martin also offered to help them in school events, mostly of the anime and manga variety. Speaking of Daichi, he got along with Nagato and formed a club with her and Histoire, Blanc, Patchouli Knowledge and Yue Ayase because the Pantheons is too noisy and he wants to read quietly. Yuya Sakaki, Yuzu Hiiragi and their respective counterparts have befriended the Brigade after hearing about their many adventures. Even the Brigade is horrified by the events of the Dimensional War, as the threats of those like Jean-Michel Roger and Professor Leo Akaba have posed reminds them of various enemies they themselves have faced like Ryoko Asakura, Fujiwara, the Data Overmind and the Agency. Luckily, Haruhi is still not aware of them. Haruhi finds the war too much even for her and gave the counterparts full support of the SOS Brigade. They also vehemently oppose Junko Enoshima and Monokuma for getting other students to kill each other in despair in a locked down school. Junko in turn thinks they also might be perfect toys to play with and is fascinated by the fact that Haruhi has god-like powers and a person like her is perfect to fall into despair, ignoring her sounding like Monaca. No one dares to tell Junko about the repercussions Her aim with the club is meeting all sorts of creatures like aliens, time travelers and espers. She got what she wanted when she first ascended to the Pantheon, further exciting her more. What no one is telling her is that she has god-like powers. If she did find out that she had already shaped her universe, this can break reality in and of itself and her ignorance to this is part of the Equilibrium. The Status Quo is making sure that she remains oblivious for as long as possible. With this revelation, Yuki Terumi and Bernkastel think this is a good idea to shape the current reality into a bleaker and dark one. They first deceive her into thinking they mean no harm which works; then they make her believe their views of everyone should be suffering and it is all hopeless to change that. The result works too well; the Pantheons ended up becoming a Fire and Brimstone Hell and everyone is finding a safe place to take cover. Luckily this did not last, as Rachel, Rika and the LOLrangers quickly come to her aid with Rachel and Palutena giving the mischievious two a beatdown they deserve. Haruhi believes her advice, causing the world around her to literally brighten once more and gained a Morality Pet in Pollyanna. When the rest of the Brigade heard about this, they fiercely fortify their temple and prepare for the next worst incident involving the Trollkaiger. Some sects believe Sasaki should have ascended instead of Haruhi. Likewise, another group of schismatics believe Kyon is the true God of Tropes. He pretends not to hear them. That is until an enraged Yui Ikari stormed through the Main House and almost killed her. She is currently trying to find a way to get it back, even if the other brigade members say it is not worth the effort. She is considered to be the greatest shipmaster in the Pantheon. Many gods have been traumatized as a result. Maeda Keiji, the resident matchmaker greatly opposes this; while he does pair up people a lot, he does so with consideration of compatibility and prior relations while Haruhi ships everyone just because they have fanart on Deviant Art. How did she had the Spy under her orders, you ask? Well, he tried to disguise himself as her after getting bored of impersonating John Carmack in the Main House and it took fifty seconds for her to catch him

in the act. Instead of kicking him out with extreme prejudice, she gave him three certain conditions if he wanted to keep hanging around in there: NEVER reveal any info to any god regardless of alignment, stay invisible and check if anyone is following you in the Main House and simply follow her around. He accepted, though he is still embarrassed that he got caught very quickly. The other members are still very wary of him though. Even if he already expressed that attacking them is a disobedience to O-Haruhi-Sama, his very nature will still spell trouble for them. She may have a bit of an ego, but deep down she does care about those around her Haruhi finds most destroyer deities like Melkor, the Anti-Monitor, Zamasu and Nekron frightening and tries to stay far away from them. What makes matters worse is that the Pantheons can still be shaped to her will and once they learned this from Terumi and Bernkastel, they individually plan to kill her in order to cause chaos and destruction to all. Haruhi is chummy with fellow clubrunner Miu Kazashiro, though Miu feels Haruhi can be a bit too overbearing. She also has good terms with the idol group Muse, even getting them to perform at events organized by the SOS Brigade. Besides Pollyanna, Haruhi also befriended Miyuki Hoshizora for wanting everyone to be happy and Miyuki definitely did not bore her when they hang out together, thus gaining another Morality Pet. She also hanged out with Excel, a fellow Genki Girl who finds kinship with her. Aware of her uselessness , Haruhi tries to have Excel in groups Haruhi personally dislikes to which Excel, being Excel always accepts with enthusiasm and no questions. Gained an Odd Friendship in Yoruichi Shihouin for reasons as of yet undisclosed. Haruhi even invites her to cosplay events once in a while, which Yoruichi do accept once her schedule has openings. Haruhi rejoices at her return to the mortals of the United States with the release of her adventures on DVD and Blu-Ray, and legal streaming September 13th, , after a long time of being away and legally unavailable. Also an Unreliable Narrator due to how some events are given embellishments as well as giving too much bias. Regardless, he exists to balance out her energy and keep the world in a roughly constant shape. No wonder those guys think he is the true God of Tropes. He may have temporary falling outs with Haruhi like when her abuse on Mikuru reaching an apex, causing Kyon to snap and almost punched her , but he and Haruhi will ultimately reconcile in spite of that. They will not making anymore big moves other than that. Kyon has met Fred Jones of the Mystery Gang, who was surprised that his adventures are super fantastical. From that day onward, Kyon has nothing but respect for Fred. Because of this, the two became friends, being the Only Sane Men of their worlds. Speaking of not wanting to stay normal, Kyon also got along with Azuma Kazuki and his friends as they too refuse to live a boring life. Azuma even offered to defend the Brigade whenever a threat looms over them, which Kyon accepts, given the nature of the Pantheons. Also got along with Mordecai and Rigby for constantly having weird things happen to them. Kyon even joins them in slacking off, playing video games and whatnot. Ever since his encounter with Ryoko Asakura going after him, Kyon started to fear Yanderes for not wanting to relive it again. Because of his voice , Kyon gained an Odd Friendship in Ragna the Bloodedge who went through even worse hell than Kyon did. Together, they relate to one another about the most out-there experiences they had and Ragna even offered to defend Haruhi for Kyon after Terumi once broke her. A Cute Clumsy Girl who serves tea to the other Brigade members, often in a maid outfit. She is literally dragged into the club just to be the living embodiment of sex appeal. Apart from standing around, looking cute , she is also a time traveler, with a star-shaped mole on her left chest. This causes her to befriend Ryotaro Nogami, Hiro Nakamura and the Doctor; the former can relate to her unluckiness and gentle, soft-spoken nature and the latter even let her join on his adventures just to cheer her up. She is suspected to be an alternate version of Orihime , due to similarity in appearance, personality, and English voice. Both of them deny being the same person, but they get along swimmingly and Orihime hopes she gets better treatment from her friends. Mikuru also has befriended Fuuka Yamagishi after they both shared similar stories of bullying from a close friend. Has gotten along with Mikan Tsumiki for being a fellow Cute Clumsy Girl and having a lot of Fanservice moments and the similarly-named Aoi Asahina, who often shares donuts with her. Though she has nothing nice to say about Tsumugi Shirogane; Enoshima is one problem and Tsumugi sadly adds to that because of her end-goal of entertainment for herself, even being compared to Mikuru as her Evil Counterpart of sorts. Tsumugi herself thinks she would be a

perfect candidate in a killing game, though she have to get through the other Brigade members considering who and what they are. Some believe she is the real force behind the creation of the band Houkago Tea Time. This is not the case , though Mikuru did befriended them especially Mio Akiyama for also being Reluctant Fanservice Girls. She oftens joins them in band rehearsals and school festivals. Has gotten along with both Fluttershy and Nia Teppelin, who used to be one of her former followers. Most gods in proximity, even the most stoic ones cannot handle the sheer sweetness of their free time together. But watch out, seeing the girls having fun will also have you grinning wide and blushing beet red. Those who make her cry will receive a sonorous reprimand from O-Haruhi-Sama. Kyon and Koizumi learned the hard way. It seems that her future self will have already arranged for her placement in the pantheon. What could her plan be? A really quiet girl with glasses who is actually a Humanoid Interface sent by the Data Overmind to observe Haruhi and her powers. So leet, she can hack reality. Challenged O-Haruhi-sama once, but got beaten badly. At any rate, nowadays she is much more preferably a follower of Kyon. She got along greatly with Spock who she once served as his High Priest. They also relate their problems of feeling emotions to each other and discusses their importance to their growth. Together, they become an excellent duo of logic and analysis, often with IF joining due to being a fellow Knowledge Broker. Also gained an Odd Friendship of sorts with Duke Togo for this very reason. Try not to expect them to talk much though, let alone with each other.

Chapter 2 : Risking Trust (Private Protectors, #1) by Adrienne Giordano

C â€" LAW OF PROPERTY AND REAL SECURITY Ulrich Drobnig CHAPTER 21 Security in Movable and Intangible Property Real Security regarding Immovable Objects.

The results played a role in several legislative amendments in the the mortgage market in both France and Spain , the creation of the Central American Hypothec and dozens of research works. Below we reproduce the full contents of the original web site of the group www. For more information please also see this and this. Origin of the Eurohypothec The desire to create a real guarantee of rights in rem that is common to all of Europe eurohypothec dates back almost to the creation of the European Community itself. The first work on the subject was drafted by Prof. The doctrinal debate centres around different questions regarding the eurohypothec, among which we could highlight the proposals relating to a eurohypothec that could be either dependent or independent, on whether it needs to be completely regulated by EU legislation, on its possible incorporation into the hypothetical European Civil Code, etc. To this we must add the lack of a financial analysis of the advantages that would be involved in a common right in rem for mortgages around Europe, as well as complying with the provisions of articles 3 and 67 of the Constitutional Treaty of the European Community. In recent times, the question of having a common mortgage at a European level has been of great interest to the European Mortgage Federation www. Thus, the eurohypothec has been discussed at a European level for about 40 years, and yet there is still no pan-European research group specifically dedicated to dealing with the problems that this right in rem entails, given that it is directly related to the situation and idiosyncrasies of each State, unlike what happens with contracts and liability. Consequently, there is a real need for a research group working specifically on the common European mortgage. Official studies in Europe have not reached any definitive conclusion and there is still no unanimity in the doctrine regarding which is the best mortgage model to satisfy the diverse European legislations and to service the interests of the transnational market. Aims of the Research This research group has three main objectives: To establish the need and the suitability of the existence of a common hypothec for whole of Europe. The fact that the national hypothecs are efficient in their respective countries does not mean that they are also efficient when they secure trans-national credits up to 14 different hypothecs. So this is an interdisciplinary group jurists and economists ; both disciplines will make a list of advantages of a eurohypothec for both the mortgagees credit institutions and the mortgagors credit borrowers. To do a comparative scientific work about the different national mortgages to find the common core of all of them. The countries that will be incorporated into the EU in will also be included. This project will be adapted to the economic theories of law, so we will find an institution that is both legally and economically efficient. The essential feature among the different models is fractioning, which makes it very difficult to have a true pan-European mortgage credit, meaning that lending institutions cannot compete in equal conditions in any member State there are differences as regards the time it takes to establish the credit, the model and the competent authority , preventing a situation whereby those who need a loan can benefit from one. Even though every jurisdiction seems to have a system that is efficient for its needs, there is room for improvement, especially in terms of the time needed to register a mortgage loan, the expenses, simplicity, transparency, access to records, the transferability of mortgages and the exequatur among jurisdictions. Every credit institution that decides to operate in another country must, necessarily, acquire information beforehand regarding the mortgage requirements in that country which is even more important with the adhesion of new EU member States. The mortgage model that is most frequent in Europe is that of the accessory mortgage to the loan guaranteed in each case. This entails a series of difficulties and a rigidity that could be overcome with the regulation of a eurohypothec that is not accessory to the loans guaranteed. Apart from Sweden, Germany and Austria, there is no mortgage that matches this description in any jurisdiction in the EU, which provides a comparative advantage to those States where this type of mortgage already exists: Flexibility in that one can negotiate the credit and the mortgage separately. The possibility of

guaranteeing several loans from a single lender with the same mortgage. The possibility of having syndicated loans with fewer expenses and greater speed. The possibility of the mortgage being converted into a security that can be easily negotiated at a European level. Better mortgage refinancing for mortgage borrowers, who will be able to change to a different lender that offers them better service quickly and free of cost. One of the aspects that worried the European Mortgage Federation was the difficulty in transferring the mortgage. An independent mortgage can easily overcome this problem, given that it is extremely agile. An independent mortgage would not replace national mortgages, but would, rather, act as an alternative option for the credit institutions. Currently, the percentage of mortgages granted by transnational credit institutions domiciled in different Member States is very low when compared with the number of mortgages granted in the country where a particular credit institution is domiciled. Therefore, the potential benefit for all European credit institutions would be enormous if we could find a vehicle that would enable and facilitate the granting of mortgage loans across Europe The low utilization of transnational mortgage loans is due to excessive costs and difficulties that credit institutions are encountering every time they want to grant a loan for a project, guaranteeing it with a mortgage located in another country, especially when competing with similar lenders in the country where this property is located. Among these expenses are those for legal advice double cost of lawyers in both territories , financial expenses thorough knowledge of the foreign property market in question , loss of time in order to get to know and master foreign regulations for the establishment and registration of the mortgage, dependence on the foreign rules regarding efficacy, risk and the efficiency of a mortgage strength of the action for execution , etc. In general, transnational mortgage loans currently imply an uncertainty that leads to any project that involves guaranteeing a loan with a mortgage on a foreign property becoming too expensive, and also European credit institutions not being able to compete on a level playing field. In effect, credit institutions domiciled in the same country as the property that will serve as the guarantee for the loan have an advantage in terms of the lex rei sitae regulation which dominates European jurisdictions , given that the financial and legal expenses, and the time and risks involved, are much lower than those faced by a foreign lender. The eurohypothec is intended to bring about real transparency in the mortgage market. The eurohypothec will mean that: Credit entities will enjoy authentic and real competition, without having to take into account any jurisdictional barriers, given that they would all be operating under a common right in rem for property guarantees. The opening up of the mortgage market and the creation of a true European mortgage market would attract more entities offering mortgages in every State. Increased competition between credit entities, with more entities offering mortgages will necessarily lead to lower interest rates for borrowers whether for housing or commercial purposes as well as improved conditions. An increase in syndicated loans among different European credit entities. Greater ease in creating pan-European mortgages and the greater flexibility involved in these if authorities choose to adopt the model of the independent mortgage will encourage association between different credit entities around Europe in order to jointly carry out major projects that are of common interest to them. Mortgages will also become more affordable for credit entities fewer notary and registry expenses and less time spent , which in turn will surely benefit mortgage borrowers. The credit entities will benefit from a strong guarantee, which will be the same in all Member States. Methodology The group has organised its research in the following steps: Three primary fields of research: The group will then be able to know the needs of transnational mortgage lending, the common core of mortgages throughout Europe and the scientific works already done on this topic. After that, the group will propose a model for the Eurohypothec with its corresponding regulations, and the alterations needed to be made to national laws in order for it to be implemented. Finally, the main final objective of the group is to write a European Directive Proposal about the Eurohypothec. Un modelo de Registro flexible para una Eurohipoteca ; in: Christoph Schmid , Florence , in press. Already published on the website of the European University Institute Florence www. European Review of Private Law , p. Derecho privado europeo coord. Geburtstag, Heidelberg , S. Notarius International , p. Zevenbergen, Registration of property rights; a systems approach â€" Similar tasks, but different roles, in: WM Wertpapier-Mitteilungen , S. Deutsche

Notar-Zeitschrift , S. I, Las libertades fundamentales, Colex, Madrid, Gostick Hall, Great Britain, Marcial Pons i Universidad Rovira i Virgili. Centro de Estudios Registrales.

Chapter 3 : Uprooted Palestinian: 28/03/10 - 04/04/10

Some of these draft principles are brilliantly conceived and exposed (e.g. 'Breach of Contract and Reparation of Damage' by Dennis Tallon, 'Traffic Accident Compensation' by AndrÃ© Tunc, 'Real Security Regarding Immovable Objects: Reflections on a Euro-Mortgage' Hans. G. Wehrens); others seem to have been put down on paper in a.

September 1, Share Story In this month of September, more than heads of government are to attend UN meetings to discuss organizational reforms. It would take reform of the most massive and comprehensive nature to restore the UN to serious credi- bility. By being something for everyone, the Annan reform pack- age will end by satisfying no one sufficiently to secure the endorsement that Annan seeks. By seeking, among other things, agreement to a global convention against terrorism, a restructured Security Council, commitment by rich countries to provide 0. If 70, dead in Darfur are not enough to convince the UN that genocide is occurring, what hope is there for solv- ing hard questions of money and national prestige? Essentially, the UN resists the reality of US power. Or rather, it wishes the US to use its power only for UN- endorsed objectives. Many of its members reject US objec- tives, either because those objectives threaten their illegitimate regimes or because supporting US objectives would enhance further US power, which is not in their national interests. The US has declined to be the ox for the UN plow, and has deferred to UN desires the pursuit of its national objectives as Washington perceives them. These dichotomies lie at the root of US-UN tensions. A substan- tial portion of the US political class has simply given up on the UN. The essential requirement for a politically relevant United Nations is to re-engage the United States. At its inception, the US was haunted by the guilt of the easily guilt-ridden after the US refusal to support the League of Nations had led to its failure and eventually the Second World War. It has been some- what downhill from there. With the ever-burgeoning dimensions of the General Assembly came axiomatic majorities often rallied against the United States for whatever happened to be the issue of the day. As a conse- quence, the US largely ignored the Assembly and worked within the Security Council to prevent the issue of the moment from gaining traction. The UN was simply another Cold War forum in which jaw-jaw substituted for war-war or at least most of the time. Perhaps, just perhaps, it might develop into an organization that could do something serious con- cerning peacekeeping. And, indeed, when faced with the Iraqi invasion of Kuwait, the UN endorsed action to drive Iraqi forces from Kuwait, albeit refusing to countenance an invasion of Iraq. So, at the end of Operation Desert Storm in , there was a bril- liant tactical success in liberating Kuwait that left pending the chore of curbing Iraqi aggression. But if there were potential for UN peacekeeping following Desert Storm, it quickly ran into the sands. There was disaster in Somalia; there was utter genocidal catastrophe in Rwanda. The UN was unable to cope with the disin- tegration of the former Yugoslavia. It fumbled opportunities to assist in Haiti. And particularly the UN demonstrates relentless hostility to Israel. It may be unfair, but Secretary- General Kofi Annan is regarded as the first part of the problem. Nevertheless, whether Kofi Annan is personally responsible for the oil-for- food corruption or profited directly from it is irrelevant. But by being in command, the SG is responsible. Yet even the Bush administration has stopped short of demanding his dismissal, though it is unlikely to support him for another five years in office when his term expires at the end of In this regard, there have been musings that the next SG should be an Asian. Perhaps the next SG should be a North American: Canada and the United States. If we are looking for a strong Canadian candidate for SG, there are two obvious individuals: Traditionally, the United States has been excluded from supplying senior leaders for various major institutions due to the perception that the US already is too powerful. But perhaps it is time to cast aside old paradigms and to suggest that a US secretary-gen- eral would be the ideal messenger to re-engage the United States in UN activity. For the United States, the obvious candidate is former president William Jefferson Clinton, whose intelligence, political acuity, empathy and energy have never been doubted " regardless of US domestic questions regarding his personal moral compass. Nor would he necessarily be vetoed by the current US administration. Clinton has been rehabilitated by good works and public sympathy

over his heart-related hospital- ization. As for Clinton, there is the attraction of the SG position as providing a huge global stage, the expec- tation of further domestic reha- bilitation, and the desire to play a role in issues such as Middle East peace that were major con- cerns during his presidency. In any event, simply by advancing Clinton as a serious date for SG, the United States would gal- vanize UN membership to seek someone of comparable stature, merit, and energy as competition. It can be argued that the UN has been getting the ambassadors that it deserves. And while some countries, notably those less powerful, send their best and brightest to act on the biggest available stage, other noteworthy countries send second-rankers. Again, for the United States, the quality, polit- ical prominence and bureaucratic weight have varied. There have been points when the US ambassador such as Jeanne Kirpatrick held Cabinet rank of greater weight than a similar desig- nation in Canada , but those in the past decade, while personally meritori- ous, have faded into the wallpaper. Bolton has been a severe and dedicated critic of UN incompetence and has written extensively and vivid- ly of its failures and irrelevance. Nevertheless, if truth is to be told, Bolton is one who can tell it. He knows the UN, having been the assistant sec- retary of state for international organi- zations from to At best, the bureaucracy is elephantine and the struggle to over- come lethargic timeservers enervating. There is no easy way to build a capable, honest bureaucracy. But stage one must be to eliminate implicit hiring requirements of the marginally quali- fied. Stage two must be a substantial culling of peripheral but expensive UNcrats. It would be draconian but jus- tified to say that the 50, plus employees throughout the UN structure should be reduced by a third. It now seems to exist only to condemn Israel and refuse to criticize any third-world state. At the same time, the United States was refused a seat in as was Canada subsequently. It appears impossible to prevent continuing distortion of true human rights concerns; there is no sniff test that would prevent such absurdities. Nor, would we want some self-sanctified human rights group, such as Amnesty International or Human Rights Watch, to be the arbi- trator for acceptable human rights con- duct; the politicized nature of these groups now is largely ignored, but to give them UN imprimatur would esca- late their unrepresentative conduct. The answer is to recognize that the Commission was a noble, idealistic pro- posal that has failed; all that remains is the politicized distortion of its original objectives, mocking of its original pur- pose. It should be abolished and its bureaucrats sent home. Composed of permanent members with veto rights the US, UK, France, China and Russia and rotating non-perma- nent members without such power, the UNSC either is an anti-democratic device to thwart the will of the majority or a reflection of global political realities " or both. Subse- quently, however, the US has used the veto regularly " particularly to prevent invidiously unbalanced resolutions directed against Israel. Nevertheless, the current composi- tion of the UNSC does not reflect glob- al political power. Certainly, an argu- ment can be made that the global power of Japan and India is greater than that of the UK and France. The Annan pro- posal for expanding the UNSC from 15 to 24 members, including 6 new per- manent members, falls into this cate- gory of political theory constructs. It ignores, of course, one of the few mer- its of the current UNSC: Ultimately, we may end by fid- dling around the edges, e. This will disappoint but should not surprise those who want UNSC membership as recognition of national power. Currently, when the UN wishes to act with military force, it depends on member states to take action in accord with a resolution. Unless a major power, most specifically the United States, is willing to put military muscle into the effort, the implemen- tation of any UN resolution is painful- ly, often pitifully slow. All too often the forces offered are of marginal professional compe- tence and require significant logistical, transportation, communications, etc. Various cures have been hypothe- sized for this problem. One proposes that a number of states with demon- strated military competence designate specific military units that could be deployed on short order upon the per- sonal authority of the secretary-gener- al. Or if that power is regarded as excessive, upon the authorization of the UNSC. A force along these lines, for example, might have been appropriate for Darfur where months have been devoted to begging the sub- quality armed forces in the area to take action that would reduce the ever-spi- ralling death toll. On its fiftieth birthday in and again at the Millennium Summit, there was considerable hope for the UN and its prospects. Now as its 60th birthday approaches, there is likewise general recognition that the organization is failing. Fiddling around

the edges of the line-and-block charts will prove unsat- isfactory. We can, and should, elimi- nate risible structures such as the Commission on Human Rights. These are necessary but hardly sufficient actions. The truth remains for any organization that good people can make a badly structured organization run well, but bad people will assure that the best organizational structure fails. Effective reform starts at the top.

Chapter 4 : Garantias das ObrigaÃ§Ãµes | Fabio Rocha Pinto e Silva - racedaydvl.com

Within reforms of loan security instruments law, Serbian Draft Law on Property Rights and Other Real Rights demonstrates interest for introducing new forms of non-accessory security rights.

Tuesday, April 6, at In contemporary liberal democracies we are witnessing a severe tendency towards dismissing ethics and morality in favor of legal maneuvers. Contrariwise, referring to the ethical judgment as a vigilant act, attributable to the transcendental subject rather than to the empirical individual, hints at the uncanniness of human existence. Thus, it is deprived of the ethical whirling experience. How is it possible for the ethical episode to happen, if science and art are prohibited, and justice is replaced by obedience? Jewish law tolerates neither empty spaces to be filled up by rhetoric, nor disparity to be acted out by the means of theatre or epics. The Judaic approach to the playfulness of language is more elusive than it seems. Hence Judaism which conceives the human being as subordinated to the Text, the claim of bringing hermeneutics to its prime fails. If justice could be inferred directly by a chain of moral obligations there would be no need for a legal system. Oddly enough, formal legalism coincides with Judaic conceit of elevating hermeneutics to its peak and at the same time preserves zealously the formal status of The Law. Thus, for the purpose of distancing the observant subject from imaginative reading leading to unruly moral thinking, an esoteric hermeneutics followed by rhetorical spins was elaborated. In devising self-executing formalities Jewish hermeneutics ascertains the meaning as possessed by the last word. Judaic zeal for abstract signification, the refusal to supply presentation for the unpresentable interferes with a capacity to speculate with ideas. For more than years the world was suffused with the myth of justice and social welfare which the Ten Commandments bestowed upon it. From a cautious reading of the Ten Commandments, an all-embracing intention to disconnect human beings from their natural instincts, impulses and natural drives can be revealed. Start with the commandment that tells us to respect and love our parents. We love our parents instinctively, but rebel against their authority through many life episodes. To be commanded to respect our parents in exchange for being rewarded with long life in the Promised Land does not sound like a revelation of truth and justice. Once the tears and toils of farming and growing were ended by joy, they celebrated with feasts of wine and dancing. After sweating in the fields, people took a rest to rejoice. Notably on the Sabbath Jews are not allowed to ignite fire or to move from one place to another; in Judaism things cannot be left alone for a moment. Actually, with pagans as ordinary human beings the values of decency, civility, respect for parents and the elderly, obedience to magistrates, and submission to laws are venerated in most ancient pagan texts. Jewish monotheism is distinct not only from the Pagan world but also from Christianity. As a tribal cult, regarding themselves as chosen, Jews differentiated themselves from the gentiles whom they held in contempt. Christianity as a universal religion enables ethical contemplation without the interference of supremacist postures. Judaic Law is thus an impoverished system of justice. Even the six tomes of the Talmud as a collection of behavioral guidance are scarcely engaged in moral intuitions. Here are some disturbing questions to raise: If Jewish scholarship, should as declared by Jews be accredited as a universal wisdom embracing ethics and morality, why is it that the more the Jews are engrossed in this learning, the more segregated they turn out to be? How can ethical thinking mesh with learning that results in segregation? Despite Jewish attempts to persuade us to extract wisdom from the Talmud, it never evolved into an essential part of western intellectual thought. Its polemical image disguises a tradition of chewing ready-made disputes, in which the views and opinions of previous scholars are faithfully preserved verbatim citing the rabbi who first uttered them. Hence, whilst grieving the forgotten wisdom of the Talmud, Jewish scholars disguise its formal judicial nature. Jewish Law is not founded in a moral or an ethical conception of man; but rather as a set of regulations which grew out of social conditions and cultic motives obsolete and no longer understood. The Jews, who praise themselves for rescuing the oriental world from the cruelties of paganism, actually impersonated their own mental picture of an invisible God as a simulacrum of an oriental pitiless tyrant who grounds His power

in the Mosaic Law. In fact, this conception of God is the most ingenious device ever invented for cementing a tribal group. Mosaic monotheism always aimed at achieving a complete grip on Jewish daily life. When you eat your fill there, be careful not to forget the Lord who brought you out of Egypt. Yet, many non-observant Jews follow the Jewish rites, and maintain the same vague admiration for Judaic wisdom. This brainwashing regarding the intellectual intensity of the Talmudic debate is sustained by a predetermined common ignorance. While Orthodox Jews reject external knowledge, most secular Jews are unfamiliar with the Talmudic text. Relations with God are conceived in contractual terms: Bultmann points to the disturbing nature of blind obedient ethics where the realization of the ideal man is replaced by the glorification of God. But then, what is moral satisfaction when based on dread rather than love? Yet, any attempt to highlight this gulf between Athens and Jerusalem, is immediately denounced as anti-Semitism. The Law flourishes on the ruins of ethics. While legalism is anchored within rules, justice is the object of an idea. Is it the subservient choice which prevents theological reflection. Tragically, from the depths of his misery, Job meets with a stone wall, to discover that his complaints cannot obtain a hearing from the judge who is so much praised for his justice. The denial of fair trial is the worst of all. If this is a lesson God teaches us about fairness; why are people in court asked to swear upon a book which presents us with such heartless injustice? Jung justly asserts that God is far more preoccupied with a manifestation of His might than sustaining His right. The view regarding human beings as endowed with the ability to make rational judgments divides mainstream Enlightenment approaches from Judaism and Islam in an insuperable clash. Conceiving the human subject as spoken rather than self-defining individuals, rejects the notion of democracy. Yet, whilst Jews are bestowed with a special status in the eyes of God, Islam is not a tribalistic religion. Judaic righteousness is motivated not by love but by the fear of a jealous power. In the cities of these nations whose land the Lord is giving you as patrimony, you shall not leave any creature alive. You shall annihilate them all. Among the incompatible groups who resist western thought, Judaism is the most uncompromising. A quest to decipher the triumph of Jewish monotheism over western civilization is yet to come. In this paper I focused on Judaism, as dichotomous from Hellenism and from the other two monotheist religions. Judaism celebrates the primacy of the ear over visual representation. But despising the vividness of the referent leaves the Jewish subject sealed in a segregated bubble, impelled into an incurable detachment. The Jews are homeless; but frightened by uncanniness. Yale University Press, pp.

Chapter 5 : Narrative Genres / Pantheon - TV Tropes

Wehrens, Real Security Regarding Immovable Objects - Reflection on a Euro-Mortgage, in: Towards a European Civil Code, The Hague/London/Boston Wehrens, Ãœberlegungen zu einer Eurohypothek, WM , S. -

As seen above, Roman law knew different kinds of ownership, but did not split the core of the ownership as has been done by the Glossators. Splitting ownership in the core is only possible by approaching ownership as a bundle of rights. Bartolus de Saxoferrato â€" struggled with fitting the feudal p. Bartolus defined ownership as a right to have access to an object in perfecte disponendi, which can be translated as full disposal. By defining ownership as perfecte disponendi Bartolus had the intention to make a distinction between the rights of dominium on the one hand and the right of possession on the other hand. In contrast to the Glossators, Bartolus distinguished three forms of ownership; dominium directum, dominium utile and quasi dominium Coing, , pp. The meaning of the dominium directum and the dominium utile can be compared with the dominium directum and the dominium utile as defined by the period of the Glossators. The third kind of dominium, the quasi dominium, was less accepted than the dominium directum and the dominium utile. This quasi dominium was used to protect a person who did not have the usucapio ownership acquired by possession during a certain period of time yet and was protected by the actio Publiciana. The actio Publiciana was brought into being for the protection of the praetorian owner Feenstra, , pp. One of the followers and student of Bartolus was Baldus de Ubaldis â€" His considerations have been very important with regard to the further development of the law of property. Baldus used the term iura realia instead of iura in re, which he defined as rights without the existence of any commitment. Baldus was the first lawyer who came up with an enumeration of the iura realia. This enumeration existed of dominium, the right of succession, personal servitudes, real servitudes and hypothec, including the pignus. A further distinction between these rights was not made by Baldus. It was Hugo Donellus in the sixteenth century who made a distinction between dominium on the one hand and limited real rights on the other hand. The influence of natural law on property law and the run-up to the Age of Reason During the sixteenth and seventeenth century the insights changed. The Corpus Iuris Civilis was not the main source of law anymore. Its leading position was taken over by natural law, which content was set by nature and therefore it was valid everywhere. The change was brought about by the growing opinion that the rules of the Corpus Iuris Civilis were not timeless. Many solutions from the Corpus Iuris Civilis were sensed as irrational and therefore replaced by rational solutions found in natural law Lokin and Zwalve, , pp. The spiritual father of natural law in modern times was Hugo Grotius, p. In these works he lays down his concept of natural law. According to Grotius the meaning of natural law is to be found in the reason Scruton and Daalder, , p. Grotius proposed some remarkable changes to private law. These proposals deviated from the rules of the Corpus Iuris Civilis. The theory of Grotius concerning ownership and limited property rights is an excellent example of his ideas on private law. Grotius made a distinction between dominium or full ownership on the one hand and incomplete ownership on the other hand. With full ownership he meant the position of the juridical owner, during the Middle Ages indicated with the term dominium directum. Incomplete ownership corresponded with the medieval term dominium utile and was according to Grotius a descent from the full ownership and therefore also enforceable against everyone. Grotius sees incomplete ownership as the same concept as Donellus, namely as ius in re aliena. In Roman law the ownership of an object transferred at the moment that the possession of the object was given to the buyer. The opinion of Grotius was that according to natural law the ownership was already transferred at the moment that the parties agreed on the transfer of ownership; at the moment of closing the contract Lokin and Zwalve, , p. In the extent of the ideas of Grotius, natural law flourished during the eighteenth century in all the European academies. Discussion of these philosophers would, however, go beyond the scope of this chapter. In the thought of rationalism the law needed, for the sake of legal security, to be reformed because of its very divided and chaotic law structure; the law consisted of custom law, royal legislation, Canon law and Roman law. How

the history of property law became French toastâ€¦. During one of the meetings, the bourgeoisie was not satisfied with the procedures concerning the counting of the votes. They separated themselves from the nobility and the clerical order and adopted the name: The Assembly strived for a constitution, an idea that was a remaining product of natural law. This constitution should make an end to the different rules of law existing for the different classes and should bring the number of legal systems existing back to one; the constitution should bring equality before the law Lesaffer, , pp. Equality was not found in feudal relations during the eighteenth century. The society of the eighteenth century was, just as during the Middle Ages, controlled by the feudal system. But the feudal obligations accompanied by the feudal relations could not be compared with the obligations during the Middle Ages. The lord, holder of the dominium directum, lost his right more and more to the tenant, holder of the dominium utile. The obligations from the tenant to the lord, which were set in return for the dominium utile, did not increase, but they actually decreased. Financial obligations became worthless because of inflation; personal obligations on the other hand became near to useless because of a changing society. As a result of the shift of the amount of rights between the lord and the tenant and the unclearness of the content of the obligations, the value of the right of the lord became worthless. By the abolition of the feudal system, the duplex dominium double ownership was rejected and from that moment on the only kind of ownership accepted was the dominium utile Heirbaut, , pp. The first major step to equality was made by the National Assembly decree of 4 August With the decree feudalism and the attached privileges of the nobility were abolished. The abolition of feudalism was recommended by the nobility. The Declaration consisted of a preamble and 17 articles, p. Article 2 gave an enumeration of human rights and also mentioned freedom of ownership. The juridical explanation of freedom of ownership was discussed in article These terms mean that the ownership concerning an object is given by God, and that the ownership is inviolable. Ownership can only be meant to be inviolable when it is taken out of a social environment, otherwise the inviolability cannot be guaranteed. So article 17 does not refer to a positive right of ownership, but only to ownership placed outside the social environment Boersema, , pp. With the introduction of the first written Constitution, in the autumn of , the Declaration was incorporated in the Constitution as a preamble. From that moment on France became a parliamentary and constitutional monarchy Lesaffer, , pp. But the days of the monarchy were numbered and it was finally abolished on 21 September The abolition of the monarchy marked at the same time a new polity, the republic. As a result of this new polity, society demanded a new constitution. The ratification of the Constitution took place in June It was suspended because of the ongoing war, which finally resulted in the fact that it never came into force Lokin and Zwalve, , pp. The Code civil, during the Napoleonic era also named the Code Napoleon, entered into force on 21 March This codification contained a definition of a property right in article C. This article gives a very far-reaching review of individual freedom concerning the use of the right of ownership. Only through a conflicting situation by law or regulation will the freedom to use the right be put aside. The property right of the owner can only be divided when the Code civil approves Danet, , pp. By this phrase the feudal system was definitively abolished. In the countries which Napoleon conquered the legal power of the Code civil was introduced. After the defeat of Napoleon many of these countries decided to apply the Code civil until they had completed their own codex. Each country came up with its own code, containing its own rules of law and based on its own principles; the solutions for the many different legal questions were very diverse. However, the different codes all hold on to the uniform concept of ownership, fearing the return of the unfair consequences of the feudal system. The previous pages show that the main characteristics of the concept of ownership, as it exists on the European mainland, are uniformity and absoluteness. The following pages display the limitations to these characteristics. Nevertheless, there are certain infringements an owner has to tolerate. These are the infringements that find their justification in the balancing of the interests of the owner on the one side and interests of a third party on the other side. The balancing may result in a lawful infringement of the right of ownership under rules of private or public law Van Dam, Mijnssen and van Velten, , pp. Public law infringements on the right of ownership follow from laws, decrees and rules of unwritten public law.

Furthermore, authorities may have specific rights concerning the objects of ownership. The most far-reaching infringement by public law is expropriation. In the case of expropriation the right of ownership is taken away from the owner for the sake of the public interest Van Dam, Mijnssen and van Velten, , pp. Private law infringements derive from the rights of third parties and rules of unwritten private law. Under certain circumstances the exercise of property rights may amount to abuse of competence and be unlawful for that reason. In a case of abuse of competence the owner exceeds the competence linked to his property right. Moreover, causing nuisance give the neighbours a tort action against the person causing this nuisance. Nuisance is an act which interferes with the enjoyment of the neighbouring p. Not every act of nuisance can be considered to be unlawful: If the nuisance is regarded as unlawful the law will normally give the neighbours a tort action against the troublemaker Van Dam, , pp. By recognizing the right of peaceful enjoyment, article 1 guarantees the right of property, according to the European Court of Human Rights Marckx v. The right of property has to be understood in a broad sense. The Court stresses that: The Netherlands, application no. Rights and interests that do not have a financial or economic value are not covered by article 1 Barkhuysen, van Emmerik and Ploeger, , pp. The second sentence of article 1, subsection 1, provides that no one can be deprived of his or her property, except when the deprivation is in the public interest and can be justified by an action permitted by law. This sentence gives the states a certain margin of appreciation when judging if the law governs the aim of any interference, as well as its proportionality and the preservation of a fair balance J.

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