

Distinction between real rights and personal rights

	Real Right	Personal Right
Object	Tangible <i>Corporeal</i> thing (except a pledge of claims)	Performance (to give something, to do something or not to do something)
Content	The holder of a real right will have a direct claim to and a right of disposal over a thing	The holder of a personal right is entitled to claim performance from a specific individual.
Remedies	The holder of a real right can enforce his real right by means of a real remedy (e.g. <i>rei vindicatio</i>) of owner, which can be instituted against anyone who is unlawfully in control of the thing.	The holder of a personal right enforces his right by means of a personal remedy e.g. <i>condictio furtiva</i> (action of an owner against thief to claim back stolen object)
Source / Origin	Real rights have their origin in legal facts as opposed to obligations e.g. delivery, accession (<i>accessio</i>) and prescription.	Personal rights come into existence through obligations e.g. in terms of a contract or a delict.
Absoluteness	Real rights are "absolute" in principle : The holder of a right can vindicate his thing (subject to certain exceptions) from anyone who may be in control of a thing.	Personal rights are relative in principle : The holder can enforce his right only against that person who is obliged to perform in terms of an obligation.
Preference	In case of insolvency, a real right enjoys preference over other rights <i>Maxime</i> 'first in time is stronger in law' (<i>prior in tempore est potior in iure</i>) is applied in case of two or more competing real rights.	In most cases the <i>prior in tempore est potior in iure</i> principle will not apply to personal rights.
Publicity	When it comes to creation, transfer or extinction real rights requires some form of publicity: Delivery – transfer of ownership of movable thing. Registration – immovable property Reason for this lies in nature of real rights. Since these rights have to be respected by the world at large, it is important that there should be some form of publicity informing outsiders of existence, transfer or extinction of real rights therein.	

Real Rights

ML Yell



Real Rights:

Real Rights Carl Wellman, 1995-05-18 Real Rights offers a new theory of the grounds of legal and moral rights thereby providing a platform from which to determine whether alleged rights are real or not In particular Wellman conceives of a legal or moral right as a complex of liberties claims powers and immunities and distinguishes the kinds of laws and moral reasons that can ground each of these The book argues that only agents can be right holders that children and the mentally limited can have only limited rights while fetuses the dead and groups can have none It also discusses the duties implied by any real right as well as the kinds of considerations including conflicting rights that could override implied duties This original and systematic discussion of the grounds of rights should interest a wide range of scholars and practitioners in philosophy law and political science

Digital Borders and Real Rights Evelien Renate Brouwer, 2008 Since its launch in 1995 the majority of personal data held in the Schengen Information System SIS concerns third country nationals to be refused entry to the Schengen territory This study reveals why the use of the SIS and the second generation SIS or SIS II entails a risk to the protection of human rights such as the right to privacy and the right to data protection but also the freedom of movement of persons and the principle of non discrimination This study describes the implementation of the SIS in respectively France Germany and the Netherlands and the available legal remedies in both data protection and immigration law On the basis of three general principles of European law minimum standards are developed for effective remedies for individuals registered in the SIS but also other databases such as Eurodac or the Visa Information System

Observations on the Real Rights of Women and Other Writings Hannah Mather Crocker, 2011-05-01 Following in the path of her distinguished Puritan forebears Hannah Mather Crocker used her skills as a writer primarily to persuade Unlike those forebears however she did not begin her career as a published writer until well into middle age after the death of her husband Joseph Crocker and after having raised ten children The works collected here include previously unpublished poetry drama memoirs sermons and essays on American identity education and history as well as the three texts published in her lifetime This volume is named for her most famous work Observations on the Real Rights of Women Originally published in 1818 it is widely considered the first published treatise on women's rights written by an American woman and serves as a rare example of women's views of their own roles within the early American republic This collection also mirrors the many changes that occurred in the United States during the late eighteenth and early nineteenth centuries highlighting the shift in attitude toward women's rights education and other reform movements as well as the American Revolution Crocker's writing provides a rare and valuable window into the concerns of women who embodied Enlightenment ideals during the years of the early republic

Gai Institutiones Gaius, 1925 **A Treatise on Equity Jurisprudence** John Norton Pomeroy, 1907

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