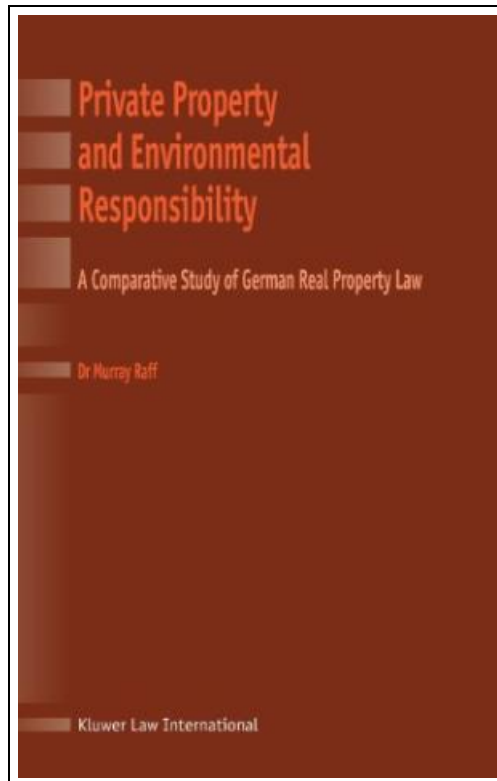


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(Arelly Dare)

PRIVATE PROPERTY AND ENVIRONMENTAL RESPONSIBILITY, A COMPARATIVE STUDY OF GERMAN REAL PROPERTY LAW



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Kluwer Law International. Hardcover. Condition: New. 340 pages. Dimensions: 9.6in. x 6.5in. x 0.9in. The concept of absolute private property by which an owner can do whatever he wishes with what belongs to him has been attacked in many ways, but no challenge brings it into question with such strength as the awareness of continuing environmental degradation in virtual contempt of sustainable development. Throughout the twentieth century and into our own era, legal property rights have time and time again been successfully invoked by polluters and others interested in evading ecological imperatives. However, most jurists today would agree that the internationally acknowledged necessity for land use to be administered in ecologically sustainable ways is plainly a principle that should be harmonized across national boundaries. This remarkable new book is not a radical text, but seeks to find a principle of responsible proprietorship in our existing legal systems. And in fact it presents an excellent case for the international recognition of a principle of responsible proprietorship in the title registration systems derived from the German model, rooted in the historical Hanseatic model; primarily the Australian Torrens system that spread throughout the British Empire from the mid-nineteenth century on. In great detail, the author demonstrates that this system offers a firm foundation on which a truly responsible environmental law of property can be established. Dr Raff identifies the German model of land title registration as the modern globalizing trend. It has been freely adopted in jurisdictions as widespread as Eastern Europe and Asia, and it is the model favoured by international capacity building and funding agencies of the UN, World Bank and IMF, to the extent that it may now be described as the international model and future internationalization is pressed onward. The unfolding of responsible proprietorship in German land law has demonstrated the potential...



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