

## Publications

### Articles

- EJ Marais “The South African possession theory revisited: a re-evaluation of the possession concept and possessory terminology (part 1)” (2022, forthcoming) *Tydskrif vir Hedendaagse Romeins-Hollandse Reg*
- EJ Marais “The South African possession theory revisited: a re-evaluation of the possession concept and possessory terminology (part 2)” (2022, forthcoming) *Tydskrif vir Hedendaagse Romeins-Hollandse Reg*
- EJ Marais “Protecting *Quasi*-Possession of Electricity Supply with the *Mandament van Spolie* – Has the Supreme Court of Appeal Switched Off this Possibility?” (2021) 32 *Stellenbosch Law Review* 215-233.
- EJ Marais “The increasing difficulty of protecting *quasi*-possession of incorporeals with the *mandament van spolie*” 2021 *De Jure Law Journal* 91-104
- G Muller & EJ Marais “Reconsidering counter-spoliation as a common-law remedy in the eviction context in view of the single-system-of-law principle” 2020 *Tydskrif vir die Suid-Afrikaanse Reg* 103-124
- J van de Voorde, B Hoops & EJ Marais “De verkrijgende verjaring door de bezitter niet te goeder trouw. Een driespraak tussen België, Nederland en Zuid-Afrika” 2020 *Tijdschrift voor Privaatrecht* 97-170
- B Hoops & EJ Marais “Betalen van een gebruiksvergoeding na verloop van de verjaringstermijn – wordt de verjaringsverkrijger achteraf tot houder gedegradeerd?” (2019/7252) 150 *Weekblad voor Privaatrecht, Notariaat en Registratie* (28 September 2019) 662-668
- EJ Marais “Narrowing the meaning of ‘deprivation’ under the property clause? A critical analysis of the implications of the Constitutional Court’s *Diamond Producers* judgment for constitutional property protection” (2018) 34 *South African Journal on Human Rights* 167-190
- EJ Marais & G Muller “The right of an ESTA occupier to make improvements without an owner’s permission after *Daniels: quo vadis* statutory interpretation and development of the common law?” (2018) 135 *South African Law Journal* 766-798
- EJ Marais “Providing better protection for expropriatees? Preliminary thoughts on the interpretation of arbitrarily in clause 2(1) of the Expropriation Bill B4D-2015” (2017) 33 *South African Journal on Human Rights* 97-119

- B Hoops & EJ Marais “Het verjaringsbos weer door de bomen van bezitsverkrijging zien: Het Hoogheemraadschap-arrest vanuit een Zuid-Afrikaans en theoretisch perspectief” (2017/7141) 148 *Weekblad voor Privaatrecht, Notariaat en Registratie* (11 March 2017) 213-221
- EJ Marais “A common-law presumption, statutory interpretation and section 25(2) of the Constitution – a tale of three fallacies. A critical analysis of the Constitutional Court’s *Arun* judgment” (2016) 133 *South African Law Journal* 629-663
- EJ Marais & PJH Maree “At the intersection between expropriation law and administrative law: two critical views on the Constitutional Court’s *Arun* judgment” (2016) 19 *Potchefstroom Electronic Law Journal* 1-54
- EJ Marais “Expanding the contours of the constitutional property concept: *Shoprite Checkers (Pty) Ltd v MEC for Economic Development, Eastern Cape* 2015 6 SA 125 (CC)” 2016 *Tydskrif vir die Suid-Afrikaanse Reg* 576-592
- B Hoops & EJ Marais “Werpt het bodemrecht het net te ver uit?” (2015/7079) 146 *Weekblad voor Privaatrecht, Notariaat en Registratie* (17 October 2015) 864-872
- EJ Marais “When does state interference with property (now) amount to expropriation? An analysis of the *Agri SA* court’s state acquisition requirement (part I)” (2015) 18 *Potchefstroom Electronic Law Journal* 2983-3031
- EJ Marais “When does state interference with property (now) amount to expropriation? An analysis of the *Agri SA* court’s state acquisition requirement (part II)” (2015) 18 *Potchefstroom Electronic Law Journal* 3033-3069
- EJ Marais “The constitutionality of section 89(5)(c) of the National Credit Act under the property clause: *National Credit Regulator v Opperman and Others*” (2014) 131 *South African Law Journal* 215-233
- AJ van der Walt & EJ Marais “The constitutionality of adverse possession under the European Convention 1950: *JA Pye (Oxford) Ltd v United Kingdom* (2008) 46 EHRR 45 (GC)” (2013) 76 *Tydskrif vir Herenda’s Romeins-Hollandse Reg (Journal for Contemporary Roman-Dutch Law)* 261-269
- AJ van der Walt & EJ Marais “The constitutionality of acquisitive prescription: A section 25 analysis” 2012 *Tydskrif vir die Suid-Afrikaanse Reg* 714-736
- AJ van der Walt & EJ Marais “Eiendomsverlies weens verkrygende verjaring: ’n Ongekompenseerde onteiening – of nie?” (2012) 9 *LitNet Akademies* 298-321

## Book chapters

- EJ Marais “Human dignity and ubuntu in eviction law” in S Arel, L Cooper & V Hellmann (eds) *Human Dignity: Approaches at the Threshold* (2022, forthcoming) Springer Publishing Company: New York
- EJ Marais “Acquisitive prescription and sharing” in B Hoops & EJ Marais (eds) *New Perspectives on Acquisitive Prescription* (2019) Eleven International Publishing: The Hague
- FI Michelman & EJ Marais “A constitutional vision for property: *Shoprite* and beyond” in G Muller, R Brits, BV Slade & AMA van Wyk (eds) *Festschrift in honour of AJ van der Walt* (2018) Juta Publishers: Cape Town
- EJ Marais “The justifications for acquisitive prescription: A new perspective” in B Akkermans & E Ramaekers (eds) *Property Law Perspectives* (2012) Antwerp: Intersentia 63-84

## Other

- EJ Marais *Acquisitive Prescription in View of the Property Clause* (2011) unpublished LLD thesis Stellenbosch University