

Die Act of State-Doktrin ALS Zukunftsmodell Fur Deutschland?: Zur Nachprufung Fremder Hoheitsakte Durch Staatliche Gerichte (Paperback)



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Reviews

This ebook is fantastic. It is probably the most awesome book i actually have read. I found out this ebook from my i and dad suggested this book to understand.

(Ethel Mills)

DIE ACT OF STATE-DOKTRIN ALS ZUKUNFTSMODELL FUR DEUTSCHLAND?: ZUR NACHPRUFUNG FREMDER HOHEITSAKTE DURCH STAATLICHE GERICHTE (PAPERBACK)



Mohr Siebeck, Germany, 2010. Paperback. Condition: New. 1. Auflage.. Language: German . Brand New Book. English summary: Civil courts are increasingly being confronted with the problem of how to deal with foreign acts of state which interfere with private legal positions. Maria Berentelg does a comparative study of the solutions in the USA and in Germany. The American act of state doctrine does not provide for an investigation of foreign acts of state due to judicial self-restraint in regard to foreign affairs. The author outlines the legal framework for a model of this kind in Germany. She focuses on the standards in fundamental rights and the extent to which foreign affairs and the idea of judicial self-restraint can determine how to deal with foreign acts of state in Germany as well. The author rejects adopting the American model, does however advocate taking foreign affairs into consideration within the framework of the *ordre public*. German description: Zivilgerichte werden immer haufiger mit dem Problem konfrontiert, wie sie mit Hoheitsakten auslandischer Staaten zu verfahren haben, die in private Rechtspositionen eingreifen. Maria Berentelg untersucht vergleichend die Losungen in den USA und in Deutschland. In den USA kommt es nach der Act of State -Doktrin aus richterlicher Selbstbeschrankung in aussenpolitischen Angelegenheiten nicht zu einer Uberprufung fremder Hoheitsakte. Die Autorin steckt den rechtlichen Rahmen fur ein entsprechendes Modell in Deutschland ab. Im Zentrum stehen die grundrechtlichen Vorgaben und die Frage, inwieweit aussenpolitische Erwagungen und der Gedanke richterlicher Selbstbeschrankung auch in Deutschland die Behandlung fremder Hoheitsakte bestimmen konnen. Eine vollstandige Ubernahme des US-amerikanischen Modells lehnt die Autorin ab, pladiert aber fur eine Berucksichtigung aussenpolitischer Belange im Rahmen des *ordre-public*.

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