

Hans Hanau

Der Grundsatz der Verhältnismäßigkeit als Schranke privater Gestaltungsmacht

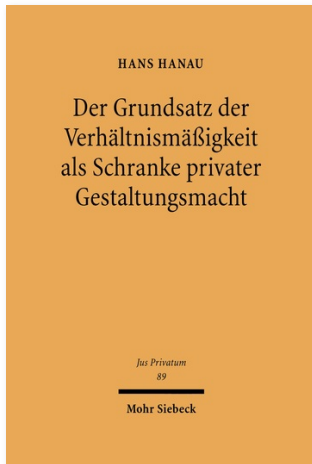
Zu Herleitung und Struktur einer Angemessenheitskontrolle von Verfassungen wegen

[The Principle of Proportionality as Confinement to Private Autonomy. The Derivation and Structure of the Proportionality Test based on the Constitution.]

Published in German.

Hans Hanau deals with the essential aspect of control for adequacy in the law of contracts: the principle of proportionality. Basing his work on the discussion surrounding the surety decision by the Federal Constitutional Court and using a constitutional approach, the author begins with demonstrating that the dispute about the effect of the basic rights between private parties is not the problem it would seem to be. The protective function in the constitution, created initially for public law and having the principle of proportionality as its central element, can basically be applied equally to the state sanctioning of privately heteronomous rights to influence legal relationships.

Hans Hanau Geboren 1962; Studium der Rechtswissenschaften in Frankfurt a.M. und Tübingen; 1993 Promotion; 2002 Habilitation; seitdem Vertretungsprofessuren in Erfurt, Freiburg und Darmstadt.



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