

Christian Calliess

Rechtsstaat und Umweltstaat

Zugleich ein Beitrag zur Grundrechtsdogmatik im Rahmen mehrpoliger Verfassung

[The Rule of Law and the Environmental Concept of Precaution. Fundamental Rights within the Bounds of Multipolar Constitutional Relationships. By Christian Calliess.]



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Christian Calliess deals with the relationship between the rule of law (Rechtsstaat) and the environmental concept of precaution (Umweltstaat). He looks at the legal implications of the so-called 'risk society', in which the state has to deal with the permanent challenge of uncertainty, risk assessment and risk management. Of considerable significance here is the legal precautionary principle, which provides a legitimation and a legal basis for efficient protection measures by the legislator or the administration. These measures could have a strong effect on the economic freedom as guaranteed by human rights. Considering the fact that human rights have a dimension of positive obligations in German constitutional law and European law as well, state measures have to find the right balance between freedom and protection. In this context, Calliess outlines the legal framework provided in German, European and international public law.

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