

Statute

Educational Resources > Art Law and Cultural Property > Cultural Property (Antiquities) Disputes Over Non-United States Property > Statutes

Foreign Relations, Restatement 3d of Foreign Relations §§ 443-444, Act of State Doctrine



Citation

RESTATEMENT (THIRD) OF FOREIGN RELATIONS §§ 443-444 (1987)

Summary

See text of Restatement sections below. See also, *Underhill v. Hernandez*, 168 U.S. 250, 252 (1897), which has the classic statement of the Act of State Doctrine: "Every sovereign state is bound to respect the independence of every other sovereign state, and the courts of one country will not sit in judgment on the acts of the government of another, done within its own territory. Redress of grievances by reason of such acts must be obtained through the means open to be availed of by sovereign powers as between themselves."

Text

Restatement of the Law, Third, Foreign Relations Law of the United States
Rules and Principles

[Part 4](#) - Jurisdiction and Judgments

[Chapter 4](#) - Jurisdiction and the Law of Other States

§ 443 Act of State Doctrine: Law of the United States

(1) In the absence of a treaty or other unambiguous agreement regarding controlling legal principles, courts in the United States will generally refrain from examining the validity of a taking by a foreign state of property within its own territory, or from sitting in judgment on other acts of a governmental character done by a foreign state within its own territory and applicable there.

(2) The doctrine set forth in Subsection (1) is subject to modification by act of Congress. See § 444.

§ 444 Act of State Doctrine: Statutory Limitation

In the absence of a Presidential determination to the contrary, the act of state doctrine will not be applied in a case involving a claim of title or other right to property, when the claim is based on the assertion that a foreign state confiscated the property in violation of international law.

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