

A Comparative Study of Comity and Reciprocity in Recognition and Enforcement of Foreign Judgments in Domestic Laws and International Instruments

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Abstract

The interference of the interests of private individuals and the sovereignty of states in the field of international relations has led to the recognition of foreign court judgments relying on various doctrines on international relations, such as comity and reciprocity. The application of these doctrines makes the rights of private individual's dependent on the conduct and interaction of conflicting governments. Alternative theories have also failed to provide an accurate and unambiguous criterion for recognition of foreign judgments and persuading governments to amend their regulations. Conclusion of international treaties, albeit regional and bilateral, as the superior way to recognition of foreign judgments is the only way to establish legal stability, avoid double litigation, and prevent the issuance of conflicting judgments in today's divided world. This paper with study of U.S, Germany, China, Iran law and Hague Conventions shows that in a world with a high level of cross-border communication, it is necessary that the judgments of the courts can be cross-border. Nevertheless, achieving this goal is possible only with the cooperation of governments, flexibility to foreign judgments and acceptance of commitment within certain frameworks.

Keywords: Recognition; Foreign Judgment; Reciprocity; Comity; Public Order.

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