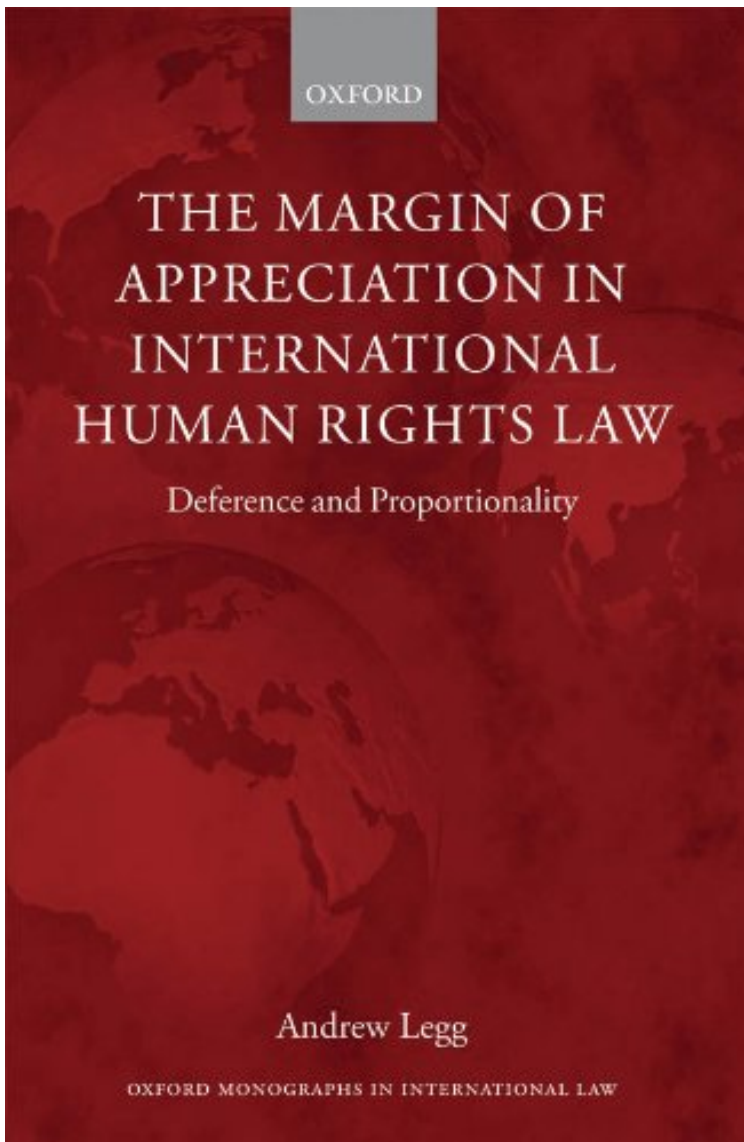


[PDF] File size: 48.Mb

The Margin of Appreciation in International Human Rights Law: Deference and Proportionality



Par Andrew Legg
**Download PDF | ePub | DOC | audiobook | ebooks*

Dtails sur le produit Rang parmi les ventes : #711046 dans eBooksPubli le: 2012-07-05Sorti le: 2012-07-05Format: Ebook Kindle

[PDF] The Margin of Appreciation in International Human Rights Law: Deference and Proportionality

Par Andrew Legg : The Margin of Appreciation in International Human Rights Law: Deference and Proportionality before purchasing it in order to gage whether or not it would be worth my time, and all praised The Margin of Appreciation in International Human Rights Law: Deference and Proportionality:

 [Download](#)

 [Read Online](#)

Description :

Prsentation de l'diteurThe margin of appreciation is a judicial doctrine whereby international courts allow states to have a measure of diversity in their interpretation of human rights treaty obligations. The doctrine is at the heart of some of the most important international human rights decisions. Does it undermine the universality of human rights? How should judges decide whether to give this margin of appreciation to

states? How can lawyers make best use of arguments for or against the margin of appreciation? This book answers these questions, and broadens the discussion on the margin of appreciation by including material beyond the ECHR system. It provides a comprehensive justification of the doctrine, and ALLFSCA14I the key cases affecting the doctrine in practice. Part One provides a systematic defence of the margin of appreciation doctrine in international human rights law. Drawing on the philosophy of practical reasoning the book argues that the margin of appreciation is a doctrine of judicial deference and is a common and appropriate feature of adjudication. The book argues that the margin of appreciation doctrine prevents courts from imposing unhelpful uniformity, whilst allowing decisions to be consistent with the universality of human rights. Part Two considers the key case law of the European Court of Human Rights, the Inter-American Court of Human Rights, and the UN Human Rights Committee, documenting the margin of appreciation in practice. The analysis uniquely takes a broad look at the factors affecting the margin of appreciation. Part Three explores how the margin of appreciation operates in the judicial decision-making process, reconceptualising the proportionality assessment and explaining how the nature of the right and the type of case affect the courts' reasoning.

Revue de presse Written with great clarity and cogently argued, Legg's book succinctly takes stock of the existing arguments for and against deference in judicial review beyond the state and provides ample empirical material from the three tribunals case-law to substantiate his claims. It will be an indispensable work for all students and scholars dealing with issues of deference and its operationalisation in international judicial practice, and can only be warmly recommended. (Andreas von Staden, *Human Rights Law*) Practitioners as well as academics involved in international law will appreciate and no doubt profit from this erudite and closely argued examination of the complexities of margin of appreciation. (Phillip Taylor MBE and Elizabeth Taylor of Richmond Green Chambers) Legg's book is a welcome addition to the margin of appreciation debate, shedding light on this doctrine through the prism of notions of deference and practical reasoning. (Marjan Ajevski, *Nordic Journal of Human Rights*)

Présentation de l'auteur The margin of appreciation is a judicial doctrine whereby international courts allow states to have a measure of diversity in their interpretation of human rights treaty obligations. The doctrine is at the heart of some of the most important international human rights decisions. Does it undermine the universality of human rights? How should judges decide whether to give this margin of appreciation to states? How can lawyers make best use of arguments for or against the margin of appreciation? This book answers these questions, and broadens the discussion on the margin of appreciation by including material beyond the ECHR system. It provides a comprehensive justification of the doctrine, and ALLFSCA14I the key cases affecting the doctrine in practice. Part One provides a systematic defence of the margin of appreciation doctrine in international human rights law. Drawing on the philosophy of practical reasoning the book argues that the margin of appreciation is a doctrine of judicial deference and is a common and appropriate feature of adjudication. The book argues that the margin of appreciation doctrine prevents courts from imposing unhelpful uniformity, whilst allowing decisions to be consistent with the universality of human rights. Part Two considers the key case law of the European Court of Human Rights, the Inter-American Court of Human Rights, and the UN Human Rights Committee, documenting the margin of appreciation in practice. The analysis uniquely takes a broad look at the factors affecting the margin of appreciation. Part Three explores how the margin of appreciation operates in the judicial decision-making process, reconceptualising the proportionality assessment and explaining how the nature of the right and the type of case affect the courts' reasoning.