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'Thoughtful, stimulating and even entertaining ... Lord Sumption's opinion is always worth listening to, even - or especially - if one disagrees with it.' Daily Telegraph 'Time spent on Law in a Time of Crisis is time spent in the company of a brilliant mind considering interesting things' The Times Brexit, the independence referendum, the pandemic: the UK is a country in crisis. And, in crises, we turn to the law to set the boundaries of what the government can and should do. However, in a country with no written constitution, what sounds like a simple proposition is in fact anything but. Based on his 2019 Reith lectures, former Supreme Court Judge Jonathan Sumption asks: what are the limits of law in politics? Is not having a constitution a hindrance or help in times of crisis? From referenda to the rise of nationalisms, Law in a Time of Crisis exposes the uses and abuses of legal intervention in British crises - past, present, and potential. An original and innovative recasting of constitutionalism, written by acknowledged experts in the field, this empirically grounded and theoretically informed volume addresses the strategies and philosophies that judges and lawyers bring to bear when creating European constitutional jurisprudence; investigating and promoting promotes the sustainability of a theory or praxis of ‘procedural’ constitutionalism. Building upon European and American critical legal scholarship, Michelle Everson and Julia Eisner argue that constitutional adjudication has never been the neutral matter of a mere judicial ‘identification’ of the values, norms and procedures that each society seeks to concretise in its own body of constitutional law. Instead, a ‘mythology’ of comprehensive national constitutional settlement has obscured the primary legal constitutional conundrum that is created by the requirement that a judiciary must always adapt its constitutional jurisprudence to the evolving values that are to be found within any society; but must always, also, maintain the integrity and autonomy of the law itself. European judges and lawyers, having been denied recourse to all forms of constitutional mythology, provide us with an alternative model of constitutionalism; one that does not require a founding myth of constitutional settlement, and one which both secures the autonomy of law, as well as ensures dialogue between law and society. This occurs, however, not through grand theories of ‘constitutional adjudication’ but, as The Making of a European Constitution documents, rather through a practical process. Despite growing skepticism about the value of international law and its compatibility with state sovereignty, states should improve and strengthen international law because it makes a critical contribution to an international order characterized by peace and justice. In recent years, international agreements and institutions have become particularly contentious. China is refusing to abide by the decision of an international arbitration decision implementing UNCLOS rules in the South China Sea, and Donald Trump has withdrawn the US from international agreements including the Paris Agreement on Climate Change of 2015. Such retreats expose widespread ambivalence towards cooperation through international law, and reverse the gains made by long-standing processes of legalization. In Law Beyond the State, Carmen Pavel responds to the

ambivalent attitude states have with respect to international law by offering moral and legal reasons for them to improve, strengthen, and further institutionalize its capacity. She argues that the same reasons which support the development of law at the domestic level, namely the cultivation of peace, the protection of individual rights, the facilitation of complex forms of cooperation, and the resolution of collective action problems, also support the development of law at the international level. The argument thus engages in institutional moral reasoning. Pavel shows why it should matter to individuals that their states are part of a rule-governed international order. When states are bound by common rules of behavior, their citizens reap the benefits. International law encourages states to protect individual rights and provides a forum where they can communicate, negotiate, and compromise on their differences in order to protect themselves from outside interference and pursue their domestic policies more effectively, including those directed at enhancing their citizen's welfare. Thus, Pavel shows that international law makes a critical, irreplaceable, and defining contribution to an international order characterized by peace and justice. At a time when challenges of cooperation beyond state boundaries include climate change, health epidemics, and large-scale human rights violations, Law Beyond the State issues a powerful reminder of the tools we have to address them. This book is a study of the beginnings of law and the 'primitive' stages of its development, from the first rudimentary rules of conduct to the codes of the legal systems. Its scope extends to both cultures and legal systems from the ancient and medieval past: those of the Babylonians and Assyrians, Hittites, Hebrews, Romans, Hindus, English and other German peoples, and those of Africa, Australia and America. Correlating early economic and legal development, the book illustrates how laws change with the development of material culture. Originally published in 1971. We live in a world of legal pluralism, where a single act or actor is potentially regulated by multiple legal or quasi-legal regimes imposed by state, substate, transnational, supranational and nonstate communities. Navigating these spheres of complex overlapping legal authority is confusing and we cannot expect territorial borders to solve all these problems. At the same time, those hoping to create one universal set of legal rules are also likely to be disappointed by the sheer variety of human communities and interests. Instead, we need an alternative jurisprudence, one that seeks to create or preserve spaces for productive interaction among multiple, overlapping legal systems by developing procedural mechanisms, institutions and practices that aim to manage, without eliminating, the legal pluralism we see around us. Global Legal Pluralism provides a broad synthesis across a variety of legal doctrines and academic disciplines and offers a novel conceptualization of law and globalization. When the United Nations Charter was adopted in 1945, states established a legal `paradigm' for regulating the recourse to armed force. In the years since then, however, significant developments have challenged the paradigm's validity, causing a `pardigmatic shift'. International Law and the Use of Force traces this shift and explores its implications for contemporary international law and practice. In Western culture, law is dominated by textual representation. Lawyers, academics and law students live and work in a textual world where the written word is law and law is interpreted largely within written and printed discourse. Is it possible, however, to understand and learn law differently? Could modes of knowing, feeling, memory and expectation commonly present in the Arts enable a deeper understanding of law's discourse and practice? If so, how might that work for students, lawyers and academics in the classroom, and in continuing professional development? Bringing together scholars, legal practitioners internationally from the fields of legal education, legal theory, theatre, architecture, visual and movement arts, this book is evidence of how the Arts can powerfully revitalize the theory and practice of legal education. Through discussion of theory and practice in the humanities and Arts, linked to practical examples of radical interventions, the chapters reveal how the Arts can transform educational practice and our view of its place in legal practice. Available in enhanced electronic format, the book complements The Moral Imagination and the Legal Life, also published by Ashgate. Beyond Human Rights, previously published in German and now available in English, is a historical and doctrinal study about the legal status of individuals in international law. This book explores the promise and limitations of international criminal law as a means of enforcing international human rights and

humanitarian law. It analyses the principal crimes, such as genocide and crimes against humanity, and appraises the mechanisms developed to bring individuals to justice. This book explores the effects of institutional fragmentation in international human rights law, by comparing the rights jurisprudence of three human rights courts and bodies, namely the European Court for Human Rights, the Inter-American Court for Human Rights and the Human Rights Committee. Contributions cover the areas of freedom of expression (journalism and the media), right to privacy, freedom of assembly and freedom of association (political parties), and measure the extent of fragmentation of human rights protection. Moreover, the volume argues that, while the conflict of laws approach, favoured by the International Law Commission, might work in avoiding outright conflict in obligation, in practice it is not an approach that presents a viable research agenda when it comes to understanding the causes and consequences of institutional fragmentation. This is especially evident in areas like international human rights, where the possibility of a silent drift between the jurisprudence of the three courts is a real possibility. This book was originally published as a special issue of the Nordic Journal of Human Rights. From its earliest decisions in the 1790s, the US Supreme Court has used international law to help resolve major legal controversies. This book presents a comprehensive account of the Supreme Court's use of international law from its inception to the present day. Addressing treaties, the direct application of customary international law and the use of international law as an interpretive tool, this book examines all the cases or lines of cases in which international law has played a material role, showing how the Court's treatment of international law both changed and remained consistent over the period. Although there was substantial continuity in the Supreme Court's international law doctrine through the end of the nineteenth century, the past century has been a time of tremendous doctrinal change. Few aspects of the Court's international law doctrine remain the same in the twenty-first century as they were two hundred years ago. In this Handbook, distinguished experts in the field of administrative law discuss a wide range of issues from a comparative perspective. The book covers the historical beginnings of comparative administrative law scholarship, and discusses important methodological issues and basic concepts such as administrative power and accountability. This book offers a comprehensive analysis of the law of treaties based on the interplay between the 1969 Vienna Convention on the Law of Treaties and customary international law. Written by a team of renowned international lawyers, it offers new insight into the basic concepts and methodology of the law of treaties and its problems. Analysing both national and transnational processes, this volume offers an integrated viewpoint of the principles governing the procedural due process requirements of regional and global regulatory regimes. This book explores the conceptual spaces and socio-legal context which mental capacity laws inhabit. It will be seen that these norms are created and reproduced through the binaries that pervade mental capacity laws in liberal legal jurisdictions-such as capacity/incapacity; autonomy/paternalism; empowerment/protection; carer/cared-for; disabled/non-disabled; public/private. Whilst on one level the book demonstrates the pervasive reach of laws questioning individuals mental capacity, within and beyond the medical context which it is most commonly associated with, at a deeper and perhaps more important level it challenges the underlying norms and assumptions underpinning the very idea of mental capacity, and reflects outwards on the transformative potential of these realisations for other areas of law. In doing so, whilst the book offers lessons for mental capacity law scholarship in terms of reform efforts at both domestic and internationals levels, it also offers ways to develop our understandings of a range of linked legal, policy and theoretical concepts. In so doing, it offers new critical vantage points for both legal critique and conceptual change beyond mental capacity law. The book will be of interest to researchers in mental capacity law, disability law and socio-legal studies as well as critical geographers and disability studies scholars. This book considers the increasing trend towards a âe~culture of controlâe(tm) in democratic countries. The post-9/11 counter-terrorism laws in nations such as the USA, the UK, Canada and Australia provide a stark demonstration of this trend. These laws share a focus on the pre-emption of crime, restrictions on the right to liberty of non-suspects, limited public access to information, and increased community surveillance. The laws derogate, in

many respects, from the ordinary principles of the criminal justice system and fundamental human rights while also harnessing public institutions in the broader project of prevention and control. Distinctively, the contributors to this volume focus on the impact of these laws outside of the counter-terrorism context. The book draws together a range of experts in both public and criminal law, from Australia and overseas, to examine the effect of counter-terrorism laws on public institutions within democracies more broadly. Issues considered include changes to the role and functions of the courts, the expansion of executive discretion, the seepage of extraordinary powers and pre-emptive measures into other areas of the criminal law, and the interaction and overlap between intelligence and law enforcement agencies. Counter-Terrorism and Beyond: The Culture of Law and Justice After 9/11 will be of interest to students and scholars of criminal law, criminology, comparative criminal justice, terrorism and national security, public law, human rights, governance and public policy. Under pressure from globalisation, the classical distinction between domestic and international law has become increasingly blurred, spurring demand for new paradigms to construe the emerging postnational legal order. The typical response of constitutional and international lawyers as well as political theorists has been to extend domestic concepts - especially constitutionalism - beyond the state. Yet as this book argues, proposals for postnational constitutionalism not only fail to provide a plausible account of the changing shape of postnational law but also fall short as a normative vision. They either dilute constitutionalism's origins and appeal to 'fit' the postnational space; or they create tensions with the radical diversity of postnational society. This book explores an alternative, pluralist vision of postnational law. Pluralism does not rely on an overarching legal framework but is characterised by the heterarchical interaction of various suborders of different levels - an interaction that is governed by a multiplicity of conflict rules whose mutual relationship remains legally open. A pluralist model can account for the fragmented structure of the European and global legal orders and it reflects the competing (and often equally legitimate) claims for control of postnational politics. However, it typically provokes concerns about stability, power and the rule of law. This book analyses the promise and problems of pluralism through a theoretical enquiry and empirical research on major global governance regimes, including the European human rights regime, the contestation around UN sanctions and human rights, and the structure of global risk regulation. The empirical research reveals how prevalent pluralist structures are in postnational law and what advantages they possess over constitutionalist models. Despite the problems it also reveals, the analysis suggests cautious optimism about the possibility of stable and fair cooperation in pluralist settings. The study and teaching of international human rights law is dominated by the doctrinal method. A wealth of alternative approaches exists, but they tend to be discussed in isolation from one another. This collection focuses on cross-theoretical discussion that brings together an array of different analytical methods and theoretical lenses that can be used for conducting research within the field. As such, it provides a coherent, accessible and diverse account of key theories and methods. A distinctive feature of this collection is that it adopts a grounded approach to international human rights law, through demonstrating the application of specific research methods to individual case studies. By applying the approach under discussion to a concrete case it is possible to better appreciate the multiple understandings of international human rights law that are missed when the field is only comprehended though the doctrinal method. Furthermore, since every contribution follows the same uniform structure, this allows for fruitful comparison between different approaches to the study of our discipline. This volume surveys 150 law books of fundamental importance in the history of Western legal literature and culture. The entries are organized in three sections: the first dealing with the transitional period of fifteenth-century editions of medieval authorities, the second spanning the early modern period from the sixteenth to the eighteenth century, and the third focusing on the nineteenth and twentieth centuries. The contributors are scholars from all over the world. Each ‘old book’ is analyzed by a recognized specialist in the specific field of interest. Individual entries give a short biography of the author and discuss the significance of the works in the time and setting of their publication, and in their broader influence on the development of law worldwide. Introductory essays explore the

development of Western legal traditions, especially the influence of the English common law, and of Roman and canon law on legal writers, and the borrowings and interaction between them. The book goes beyond the study of institutions and traditions of individual countries to chart a broader perspective on the transmission of legal concepts across legal, political, and geographical boundaries. Examining the branches of this genealogical tree of books makes clear their pervasive influence on modern legal systems, including attempts at rationalizing custom or creating new hybrid systems by transplanting Western legal concepts into other jurisdictions. In this set of interdisciplinary essays leading scholars discuss the future of the Rule of Law, a concept whose meaning and import has become ever more topical and elusive. Historically the term denoted the idea of 'government limited by law'. It has also come to be equated, more broadly, with certain goods suggested by the idea of legality as such, including the preservation of human dignity and other individual and social benefits predicated upon or conducive to a rule-based social order. But in both its narrow and broader senses the Rule of Law remains a much contested concept. These essays seek to capture the main areas and levels of controversy by 'relocating' the Rule of Law not just at the philosophical level, but also in its main contemporary arenas of application - both national, and increasingly, supranational and international. Shows that law it is often better understood as an entangled web rather than as a coherent, orderly system. This book offers a critical appraisal of the international legal idea of the ‘Responsibility to Protect’. The idea that the international community has a responsibility to protect populations at risk has become the prominent mode and structure of address in response to mass human atrocities, gross human rights violations, and large-scale loss of life. Although the "international community" of liberal international law and of legal cosmopolitanism for the most part projects a self-assured collective project, this book maintains that it transforms global ethical responsibility into a project of governance, management, and control. Pursuing this argument, and drawing on critical legal literature, critical international relations and on ideas of responsibility and ethical relationality in the work of Jacques Derrida and Judith Butler, the book develops a concept of "irresponsibility". This concept is then juxtaposed to the dominant Responsibility to Protect discourse. By exposing and acknowledging "the sites of irresponsibility" of the Responsibility to Protect, the book argues that irresponsibility itself can become the condition of ethical responsibility and the possibility of justice. This original approach to an increasingly important topic will prove invaluable to those working in international law, international relations, politics and legal theory. This book examines the challenges posed to contemporary international law by the shifting role of the border, which has recently re-emerged as a central issue in international relations. It posits that borders do not merely correspond to States’ boundaries: indeed, while remaining a fundamental tool for asserting States’ power, they are in fact a collection of constantly changing spatial limits. Consequently, the book approaches borders as context-specific limits and revisits notions traditionally linked to them (jurisdiction, sovereignty, responsibility, individual rights), while also adopting the innovative approach of viewing borders as phenomena of both closedness and openness. Accordingly, the first part of the book addresses what happens “within” borders, investigating the root causes of the emergence of spatial limits and re-assessing apparent extra-territorial assertions of State power. In turn, the second part not only explores typical borderless spaces, but also more generally considers the exercise of States’ and international organisations’ powers and prerogatives across or “beyond” borders. Traditionally the issues concerning the exercise of administrative powers by public authorities were considered a type of national enclave. It was the responsibility of the state to ensure that adequate procedural safeguards were in place to prevent the government from interfering with the rights of its citizens. During the last few decades, however, a variety of sets of rules regarding procedural due process has developed to govern the conduct of those public authorities who operate on a regional or world regulatory footing, such as the European Union and the World Trade Organization. Analysing the procedural due process requirements applicable to administrative procedure beyond the borders of the States, this volume demonstrates how regional and global regulatory regimes impose requirements that are strikingly similar to those set out by the most developed legal systems of the world. The book argues

that such requirements of administrative procedure are justified not only by the traditional concerns for the protection of individual interests against the misuse of power by public authorities, but also by other values, such as good governance and cooperation between public authorities. Finally, the book conceptualizes such rules as legal requirements which arbitral tribunals and other agencies should respect when interpreting standards of justice. "The book highlights new imaginaries required to transcend traditional approaches to law and development. The authors focus on injustices and harms to people and the environment and confront global injustices involving impoverishment, patriarchy, forced migration, global pandemics, and intellectual rights in traditional medicine resulting from maldevelopment, bad governance and aftermaths of colonialism. New imaginaries emphasise deconstruction of fashionable myths of law, development, human rights, governance, and post-coloniality to focus on communal and feminist relationality, non-western legal systems, personal responsibility for justice and forms of resistance to injustices. The book will be of interest to students and scholars of development, law and development, feminism, international law, environmental law, governance, politics, international relations, social justice and activism"-- This book investigates competing constructions of areas beyond national jurisdiction, and their role in the creation and articulations of legal principles, providing a broader perspective on the ongoing negotiation at the UN on marine biodiversity beyond national jurisdiction. Despite international conventions and human rights declarations, millions of people have suffered and continue to suffer torture, slavery, or violent deaths, with no remedy or recourse. They have fallen, in essence, “below the law,” outside of law’s protection. Often violated by their own governments, sometimes with support from transnational corporations, or nations benefiting from human rights violations, how can these victims find justice? Lawyers Beyond Borders reveals the inner workings of the advances and retreats in the quest for redress and restoration of human rights for those whom international legal-political systems have failed. The process of justice begins in the US, with a handful of human rights lawyers steeped in the American tradition of advancing civil rights through civil litigation. As the civil rights movement gained traction and an ample supply of lawyers, this small cadre turned their attention toward advancing international human rights, via the US legal system. They sought to build another piece of the rights revolution, this time for survivors of egregious human rights violations in faraway lands. These cases were among the most unlikely to be slated for victory: The abuses occurred abroad; the victims are aliens, usually with few, if any, resources; the perpetrators are politically powerful, resourced, and well connected, often members of governments, militaries, or multinational corporations. The legal and political systems’ structures are mostly stacked against these survivors, many who bear the scars of trauma and terror. Lawyers Beyond Borders is about agency. It is about how, in the face of powerful interests and seemingly insurmountable obstacles—political, psychological, economic, geographical, and physical—a small group of lawyers and survivors navigated a terrain of daunting barriers to begin building, case-by-case, new pathways to justice for those who otherwise would have none. The concept of learning to ‘think like a lawyer’ is one of the cornerstones of legal education in the United States and beyond. In this book, Jeffrey Lipshaw provides a critique of the traditional views of ‘thinking like a lawyer’ or ‘pure lawyering’ aimed at lawyers, law professors, and students who want to understand lawyering beyond the traditional warrior metaphor. Drawing on his extensive experience at the intersection of real world law and business issues, Professor Lipshaw presents a sophisticated philosophical argument that the "pure lawyering" of traditional legal education is agnostic to either truth or moral value of outcomes. He demonstrates pure lawyering’s potential both for illusions of certainty and cynical instrumentalism, and the consequences of both when lawyers are called on as dealmakers, policymakers, and counsellors. This book offers an avenue for getting beyond (or unlearning) merely how to think like a lawyer. It combines legal theory, philosophy of knowledge, and doctrine with an appreciation of real-life judgment calls that multi-disciplinary lawyers are called upon to make. The book will be of great interest to scholars of legal education, legal language and reasoning as well as professors who teach both doctrine and thinking and writing skills in the first year law school curriculum; and for anyone who is interested in seeking a perspective on ‘thinking like a lawyer’

beyond the litigation arena. "Political economy themes have - directly and indirectly - been a central concern of law and legal scholarship ever since political economy emerged as a concept in the early seventeenth century, a development which was re-inforced by the emergence of political economy as an independent area of scholarly enquiry in the eighteenth century, as developed by the French physiocrats. This is not surprising in so far as the core institutions of the economy and economic exchanges, such as property and contract, are legal institutions.In spite of this intrinsic link, political economy discourses and legal discourses dealing with political economy themes unfold in a largely separate manner. Indeed, this book is also a reflection of this, in so far as its core concern is how the law and legal scholarship conceive of and approach political economy issues"-- This book describes the access to justice crisis facing low- and middle-income Americans and the current reforms to address it. This book provides a detailed exposition of violations of international law authorized and abetted by secret memos, authorizations, and orders of the Bush administration. In particular, it describes why several executive claims were in error, what illegal authorizations were given, what illegal interrogation tactics were approved, and what illegal transfers and secret detentions occurred. It provides the most thorough documentation of cases demonstrating that the president is bound by the laws of war; that decisions to detain persons, decide their status, and mistreat them are subject to judicial review during the war; and that the commander-in-chief power is subject to restraints by Congress. This succinct paperback will fill a major information void for students and recent graduates who are interested in a legal career outside the typical large, corporate law firm. Beyond the Big Firm offers more than 30 compelling profiles of lawyers who have chosen to follow nontraditional legal careers, in a wide range of subject areas, practice settings, and types of work. This distinctive book explores the many possibilities open to law school graduates interested in "alternative" career choices. the editors of this engaging compilation are long-time public interest lawyers; the actual authors of the profiles are primarily students who capture the personalities of the subjects in a way that is sure to resonate with the audience because they share the same questions about career choices the subjects of the profiles have been out of law school 10-15 years, they represent 18 law schools, and they work in 15 states the lawyers profiled have jobs in governments, nonprofits, and small private firms; both civil and criminal law practice are covered, including prosecutors and defense counsel some of the fields that the lawyers work in include civil rights, civil liberties, immigration, personal injury, and human rights In addition to the fascinating profiles, special features include: a special resources chapter to help students determine and follow their career choice a final chapter with mini-profiles of 3 lawyers who are not practicing law, but for whom their legal training is vital to their work short essays by current and former Stanford Law School deans Larry Kramer and Kathleen Sullivan This volume explores the continuous line from informal and unrecorded practices all the way up to illegal and criminal practices, performed and reproduced by both individuals and organisations. The authors classify them as alternative, subversive forms of governance performed by marginal (and often invisible) peripheral actors. The volume studies how the informal and the extra-legal unfold transnationally and, in particular, how and why they have been/are being progressively criminalized and integrated into the construction of global and local dangerhoods; how the above-mentioned phenomena are embedded into a post-liberal security order; and whether they shape new states of exception and generate moral panic whose ultimate function is regulatory, disciplinary and one of crafting practices of political ordering. Traditionally, legitimacy has been associated exclusively with states. But are states actually legitimate? And in light of the legalization of international norms why should discussions of legitimacy focus only on the nation-state? The essays in this collection examine the nature of legitimacy, the legitimacy of the state, and the legitimacy of supranational institutions. The collection begins by asking: What sort of problem is legitimacy? Part I considers competing theories, in particular the work of John Rawls. Part II looks at the legitimacy of state apparatus, its institutions, officials, and the rule of law, and the future of state sovereignty. Part III expands the scope of legitimacy beyond the state to supranational institutions and international law. Written by theorists of considerable standing, the essays in this volume will be of interest to students and

scholars of law, politics, and philosophy looking for ways of approaching the problem of how extra-territorial affairs affect a state's written and unwritten agreements with its citizens in a world where laws and norms with legal effect are increasingly made beyond the state. Law beyond the State brings together contributions by renowned experts on international and European Union law to celebrate the centennial of Goethe–Universität Frankfurt. The essays explore Frankfurt's contribution to the development of international law; the historical development of international law; how this form of law can be used as a tool to improve the world and create a better future for all; the essential relevance of the spiritual dimension of legal orders, including the European Union, to ensuring their values will be taken seriously; and the possibility, offered by the Internet, for all persons concerned with global lawmaking to participate effectively in relevant decision-making processes. This book addresses the impact of EU law beyond its own borders, the use of law as a powerful instrument of EU external action, and some of the normative challenges this poses. The phenomenon of EU law operating beyond its borders, which may be termed its 'global reach', includes the extraterritorial application of EU law, territorial extension, and the so-called 'Brussels Effect' resulting from unilateral legislative and regulatory action, but also includes the impact of the EU's bilateral relationships, and its engagement with multilateral fora and the negotiation of international legal instruments. The book maps this phenomenon across a range of policy fields, including the environment, the internet and data protection, banking and financial markets, competition policy, and migration. It argues that in looking beyond the undoubtedly important instrumental function of law we can start to identify the ways in which law shapes the EU's external identity and its relations with other legal regimes, both enabling and constraining the EU's external action. The high profile cases of Charlie Gard, Alfie Evans, and Tafida Raqeeb raised the questions as to why the state intrudes into the exercise of parental responsibility concerning the medical treatment of children and why parents may not be permitted to decide what is in the best interests of their child. This book answers these questions. It argues for a reframing of the law concerned with the medical treatment of children to one which better protects the welfare of the individual child, within the context of family relationships recognising the duties which professionals have to care for the child and that the welfare of children is a matter of public interest, protected through the intervention of the state. This book undertakes a rigorous critical analysis of the case law concerned with the provision of medical treatment to children since the first reported cases over forty years ago. It argues that understanding of the cases only as disputes over the best interests of the child, and judicial resolution thereof, fails to recognise professional duties and public responsibilities for the welfare and protection of children that exist alongside parental responsibilities and which justify public, or state, intervention into family life and parental decision-making. Whilst the principles and approach of the court established in the early cases endure, the nature and balance of these responsibilities to children in their care need to be understood in the changing social, legal, and political context in which they are exercised and enforced by the court. The book will be a valuable resource for academics, students, and practitioners of Medical Law, Healthcare Law, Family Law, Social Work, Medicine, Nursing, and Bioethics. The European Court of Human Rights (“ECtHR”) suffers from the burgeoning caseload and challenges to its authority. This two-pronged crisis undermines the ECtHR’s legitimacy and consequently the functioning of the whole European human rights regime. Domestic courts can serve as welcome allies of the Strasbourg Court. They have a potential to diffuse Convention norms domestically, and therefore prevent and filter many potential human rights violations. Yet, we know very little about how domestic courts actually treat the Strasbourg Court’s rulings. This book brings unique empirical findings on how often, how and with what consequences domestic judges work with the ECtHR’s case law. It moves beyond the narrow concept of compliance and develops a new three-level methodology for analysing the role played by domestic courts in the implementation of ECtHR case law. Moreover, using the example of Czechia, it shifts the attention from Western countries to a more volatile Central and Eastern European region, which has recently witnessed democratic backsliding and backlash against international checks on human rights and the rule of law

standards. Looking at a wider social and legal context, this book identifies factors helping transitional countries to adapt to regional human rights regimes. The work will be an essential resource for students, academics and policy-makers working in the areas of Constitutional law, Politics and Human Rights law. Its global appeal is enhanced by the methodological framework which is applicable in other international systems. An analysis of international human rights law's applicability and effectiveness in geographic areas where the State has lost territorial control.