

THE LEGAL CULTURE OF THE EUROPEAN COURT OF HUMAN RIGHTS

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Abstract

This dissertation is a socio-legal study of transnational law and legal culture at the European Court of Human Rights. Europe had a history of division and wars for centuries shaping the continent. The Court is one of the first European institutions created after the Second World War. It constantly grew, to today 45 member states from Iceland to Armenia – countries varying not only in political history and legal systems. With 45 member states, the Court is in size, reach and impact unique. Judges from all these countries come together at the Court to produce European human rights case law, binding to all its member states. Those judges not only have different experiences from their domestic political traditions, and their domestic legal systems, they also have very different legal vocational backgrounds. Given the many important differences among the judges, one could expect that they would hardly develop a common culture. This, however, turns out to be wrong. Based on interviews, a field study, and a case law study, this dissertation shows that the Court does develop a common legal culture, and this legal culture is surprisingly one of consensus.

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