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| Autore | Reid Elspeth |
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Chapter 19 The Margin of Appreciation Doctrine of the European Court of Human Rights: Protection of Ownership and the Right to a Home
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Sommario/riassunto

A comparative investigation into the revolution in private law in the era of human rights. Scotland and South Africa are mixed jurisdictions, combining features of common law and civil law traditions. Over the last decade a shared feature in both Scotland and South Africa has been a new and intense focus on human rights. In Scotland the European Convention on Human Rights now constitutes an important element in the foundation of all domestic law. Similarly, the Constitution of the Republic of South Africa, adopted in 1996, has as its cornerstone a Bill of Rights that binds not only the legislat
