

1. Record Nr.	UNINA9910811144503321
Autore	Tyrrel Helene
Titolo	Human rights in the UK and the influence of foreign jurisprudence // Helene Tyrrell
Pubbl/distr/stampa	Oxford [UK] ; ; Portland, Oregon : , : Hart Publishing, , 2018
ISBN	1-5099-0495-6 1-5099-0497-2 1-5099-0496-4
Descrizione fisica	1 online resource (261 pages)
Collana	Hart studies in comparative public law
Disciplina	342.4208/5
Soggetti	Conflict of laws - Great Britain Human rights - Great Britain International and municipal law - Great Britain
Lingua di pubblicazione	Inglese
Formato	Materiale a stampa
Livello bibliografico	Monografia
Nota di bibliografia	Includes bibliographical references (pages 216-227) and index.
Nota di contenuto	Research methodology -- Legitimacy and authority -- The purpose of foreign jurisprudence -- Foreign jurisprudence in the UK Supreme Court -- Foreign jurisprudence as a heuristic tool -- The pursuit of a common enterprise -- Instrumental uses of foreign jurisprudence.
Sommario/riassunto	"Human Rights in the UK and the Influence of Foreign Jurisprudence represents the first major empirical study of the use of foreign jurisprudence at the UK Supreme Court. This book focuses on the patterns of use and nonuse of rulings from foreign domestic courts in human rights cases before the UK Supreme Court. Results are drawn from quantitative and qualitative research methods, presenting data from the first eight years of Supreme Court activity. The evidence includes interviews with active and former members of the senior judiciary, as well as a focus group with some of the Supreme Court Judicial Assistants. It is argued that foreign jurisprudence is more intimately woven into the fabric of judicial reasoning, and serves a wider range of functions, than the term 'persuasive authority' might imply. Foreign jurisprudence is used mainly as a heuristic device, providing judges with a fresh analytical lens. Foreign jurisprudence is also important when interpreting a common legislative scheme,

supporting dialogue between the Supreme Court and supranational courts such as the European Court of Human Rights. The perspectives offered by foreign jurisprudence can also support a stronger conception of domestic human rights. In these ways, this book addresses a broader political question about the source of human rights in the UK"--Bloomsbury Publishing.
