

# Contents

<i>Table of Cases</i>	xi
<i>Table of International Treaties and Documents</i>	xxv
<i>List of Abbreviations</i>	xxxi
<i>Introduction</i>	xxxv
<b>1. The Court Over Sixty Years</b>	<b>1</b>
1. International treaties and the zeitgeist	1
2. The 1940s—Concepts, plans, and fruitful discussions in a newly divided world	3
3. The 1950s—Successful negotiations, soft revolution, and a slow start	8
4. The 1960s—Reflection and preparation	15
5. The 1970s—Breakthrough and innovation	19
6. The 1980s—Sleeping beauty slowly waking up	23
7. The 1990s—Common values for Europe as a whole	25
8. The 2000s—Exponential growth	29
9. The 2010s—New challenges and consolidation	34
<b>2. Organization, Personnel, and Procedure</b>	<b>38</b>
1. Foundational principles	38
2. Composition of the Bench—challenge of diversity	40
3. Role of the Registry—backbone of the institution	47
4. Procedures	51
5. Judicial formations	56
6. Decision-making procedure	63
7. Language and style	68
8. The Court as a part of human rights culture in Europe	68
<b>3. Convention Law and Basic Doctrine</b>	<b>73</b>
1. Non-doctrinal doctrine	73
2. Effective protection	74
3. Living-instrument doctrine	76
4. European consensus	84
5. Margin of appreciation	88
6. Subsidiarity	95

<b>x</b>	<b>Contents</b>	
	7. Proportionality test and overall assessment	96
	8. Procedural versus substantive violations	98
	9. Negative versus positive obligations	101
	10. Autonomous interpretation	104
	11. Modesty and influence	107
<b>4.</b>	<b>The Court and Domestic and International Legal Systems</b>	<b>109</b>
	1. The ECtHR's role from pioneer to competitor	109
	2. Implementation of the Convention in different constitutional settings	112
	3. Interaction between the ECtHR and the ECJ	129
	4. Overlap between general international law and Convention law	136
<b>5.</b>	<b>Judgments and Efficacy</b>	<b>153</b>
	1. Light and shadow—evaluation of the Convention system by its Member States	153
	2. The control system before and after 1998	154
	3. Shared responsibility	157
	4. Follow-up to binding judgments	161
	5. Specific implementation problems in specific member States	174
	6. Efficacy of the work of the ECtHR	181
<b>6.</b>	<b>Successes, Problems, and Potential</b>	<b>184</b>
	1. The Court and European politics	184
	2. The Court and life in modern society in Europe	192
	3. The Court and global politics	194
	4. Chances and limits	200
	<i>Bibliography</i>	203
	<i>Index</i>	205