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The Margin of Appreciation Doctrine

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Human rights receive ample lip-service the world over, yet their protection languishes as politicians and theorists stalemate between two conflicting perspectives. One camp claims that human rights are universal and that every country must answer to the same standard, while the other perspective fears that a single standard enforced worldwide would violate state-sovereignty, the right of a nation to govern its own people. The margin of appreciation doctrine, developed by the European Court of Human Rights, is the first tangible attempt to bridge these perspectives. It grants a varying degree of leniency towards nations depending on their circumstances and the right that has allegedly been violated. Does this doctrine adequately resolve the conflict, and if so, could it be applied globally? The implications of the doctrine are explored and human rights assumptions are challenged in this engaging, thought-provoking presentation.