



“  
The ECHR has lost any claim it might once have had to our respect

**Andrew Tettenborn**  
*conservativewoman.co.uk*

What civil partnership is to marriage, the 2018 European human rights edifice is to humanitarianism.

An institution once high-mindedly dedicated to promoting people’s ability to use their virtue and talent to the full is now a vehicle for marriage-lite à la mode: the dignity of man has morphed into the state’s sacred duty to make sure that, in a spirit of equality, nothing is put in the way of anyone who wants to go giggling to hell in a handcart.

If this is what the ECHR is about, so be it: but if so it has lost any claim it might once have had to our respect, or to being entitled to any privilege against the rough-and-tumble of democratic politics.

The case gets stronger every day for denouncing it and replacing it with something capable of protecting only the rights that really matter. If people like Ms Steinfeld and Mr Keidan want to insist that the state satisfy their more trivial desires, that’s their business.

But like anyone with a political axe to grind, it should be up to them to persuade politicians and voters, and not simply beguile unelected judges and human rights professionals to give them an end-run around democracy.



“  
Each spouse should know the financial implications of marriage

**Constance McDonnell**  
*Barrister, Serle Court*

We need legislative change to enable the court to declare that where a testator lacked capacity to marry and/or was coerced into the marriage, the marriage did not have the effect of revoking any will made by the deceased.

A will is by operation of law revoked by marriage notwithstanding that one of the spouses lacked capacity to marry or was coerced into marrying.

This can be devastating financially and emotionally. In a recent case in the High Court in Leeds a secret marriage had taken place five months before the deceased’s death. Due to their ignorance of the ceremony her children did not have an opportunity to take steps during her lifetime to nullify the marriage on the grounds of her dementia. The effect of the marriage was that the deceased’s husband had the right to dispose of her body (in a manner contrary to the wishes of her family and friends) and also inherited her entire £200,000 estate pursuant to the intestacy rules.

If marriage registrars were now to apply the test for capacity to marry set out in *EJ v SD* [2017] EWCOP 32, they would have to be satisfied that each spouse knows the actual financial implication of marriage in terms of the effect upon a will.



“  
Social media services should be responsible for the costs of harm reduction

**William Perrin**  
*Trustee, Carnegie UK Trust (with Lorna Woods, professor of internet law, University of Essex)*

When considering harm reduction, social media networks should be seen as a public place – like an office, bar, or theme park. Hundreds of millions go to social networks owned by companies to do many different things and should be protected.

Duties of care are expressed in terms of what they want to achieve (ie the prevention of harm) rather than necessarily regulating the steps of how to get there. This means such duties work in circumstances where so many different things happen that you couldn’t write rules for each one.

This generality works well in multifunctional places like houses, parks and offices and [is] to a large extent futureproof. Duties of care set out in law 40 years ago still work well.

The generality and simplicity of a duty of care works well for the breadth, complexity and rapid development of social media services, where writing detailed rules in law is impossible. By taking a similar approach to the physical world, harm can be reduced in social networks. Making owners and operators of the largest social media services responsible for the costs and actions of harm reduction will also make markets work better.

 **TWEETS**  
*of the week*



**Mary Aspinall-Miles**  
*@MAM12CP*

There was a group of primary school kids at the RCJ today. So I stopped to talk to them robed up. Their little faces as they passed my wig around were priceless. Hope that at least one, just one, of them thinks ‘I could do that too’.



**BHD Solicitors**  
*@bhd solicitors*

Angry tweet of the week: Discovered this week that our clients (an overstaying couple with two small children) had been charged £10k for a One-Stop Notice and were to be charged £20k for an appeal before we stepped in. This still happens? SRA to be contacted.



**Ellie Ball**  
*@wee\_ellster*

Touched by huge support for Noel + outrage at today’s decision. This is NOT the end of the road: ‘I will keep fighting for myself and all terminally ill people who want the right to die peacefully, with dignity and on our own terms’ <https://t.co/fm13cWR7CD> #imwithnoel



**John Hyde**  
*@JohnHyde1982*

Remarkable stat here from @AlexChalkChelt: The Department for Work and Pensions spends the equivalent of the entire Ministry of Justice budget in about 10 days.



**LALY Awards**  
*@LALYawards*

Team LALY is so sad to hear of Sheila Donn’s death. Sheila won our 2017 award for family legal aid in recognition of her work in complex care cases. She was one of legal aid’s unsung heroes & part of the backbone of family law. A true justice champion.