BIBLIOGRAPHY

Abbott, Kenneth W. and Thomas J. Biersteker (eds.), *Informal Governance in World Politics* (Cambridge University Press, 2024).

Ackerman, Bruce, *Before the Next Attack: Preserving Civil Liberties in an Age of Terrorism* (Yale University Press, 2007).

Alexy, Robert, *A Theory of Constitutional Rights* (Oxford University Press, 2010).

Andrassy, Juraj, 'Uniting for Peace' (1956) 50:3 *The American Journal of International Law* 563–82.

Antkowiak, Thomas M., 'Remedial Approaches to Human Rights Violations: The Inter-American Court of Human Rights and Beyond' (2007) 46 *Columbia Journal of Transnational Law* 351–419.

Arendt, Hannah, *The Origins of Totalitarianism* (Harcourt Brace & Company, 1973).

Avant, Deborah D., Martha Finnemore and Susan Sell, 'Who Governs the Globe?', in id. (eds.), *Who Governs the Globe?* (Cambridge University Press, 2010), pp. 1–31.

Avbelj, Matej and Jan Komárek (eds.), *Constitutional Pluralism in the European Union and Beyond* (Bloomsbury Publishing, 2012).

Backes, Chris and Gerrit van der Veen, 'Urgenda: The Final Judgment of the Dutch Supreme Court' (2020) 17:3 *Journal for European Environmental & Planning Law* 307–21.

Administratiefrechtelijke Beslissingen 2018/417.

Bandopadhyay, Saptarishi, *All Is Well: Catastrophe and the Making of the Normal State* (Oxford University Press, 2022).

Barber, Nick W., *The Principles of Constitutionalism* (Oxford University Press, 2018).

Barber, Rebecca, 'Accountability for Crimes Against the Rohingya: Possibilities for the General Assembly Where the Security Council Fails' (2019) 17:3 *Journal of International Criminal Justice* 557–84.

Bárd, Petra and Wouter van Ballegooij, 'Judicial Independence as a Precondition for Mutual Trust? The CJEU in Minister for Justice and Equality v. LM.' (2020) 9(3) *New Journal of European Criminal Law* 353–65.

Downloaded from https://www.cambridge.org/core. UNIVERSIDAD AUTONOMA METROPOLITANA, on 14 Nov 2026 at 16:29:19, subject to the Cambridge Core terms of use, available at https://www.cambridge.org/core/terms. https://doi.org/10.1017/9781009646659.014

Barkow, Rachel E., 'More Supreme Than Court: The Fall of the Political Question Doctrine and the Rise of Judicial Supremacy' (2002) 102 *Columbia Law Review* 237–336.

Bar-Siman-Tov, Ittai, 'Semiprocedural Judicial Review' (2012) 6:3 *Legisprudence* 271–300.

Bass, Jack, *Unlikely Heroes* (University Alabama Press, 1990).

Bauer, Hartmut, 'Der Bundeszwang in der bundesstaatlichen Ordnung des Grundgesetzes' (2019) *Revista Catalana de Dret Públic* 1–20.

Baxi, Upendra, 'Taking Suffering Seriously: Social Action Litigation in the Supreme Court of India' (1985) 6 *Third World Legal Studies* 107–32.

Benz, Arthur, 'Demokratisches Regieren im Föderalismus: Neue Literatur zu einem alten Thema' (2019) 64 *Neue Politische Literatur* 513–35.

Bergkamp, Lucas, 'The Dutch Supreme Court's Climate Judgment: Its Consequences and Implications for Business – Revolution Through Litigation' (2020) 29:3 *European Energy and Environmental Law Review* 89–97.

Bergkamp, Lucas and Scott Stone, 'The Trojan Horse of the Paris Agreement on Climate Change: How Multi-level, Non-hierarchical Governance Poses a Threat to Constitutional Government' (2015) 4 *Environmental Liability* 119–40.

Bernstein, Anya and Cristina Rodríguez, 'The Accountable Bureaucrat' (2023) 132 *Yale Law Journal* 1600–90.

Bernstein, Anya and Glen Staszewski, 'Judicial Populism' (2021) 106 *Minnesota Law Review* 283–351.

Bhuwania, Anuj, *Courting the People: Public Interest Litigation in Post-Emergency India* (Cambridge University Press, 2017).

Bignami, Francesca, 'Rethinking the Legal Foundations of the European Constitutional Order: The Lessons of the New Historical Research' (2012) 28:5 *American University International Law Review* 1311–35.

Bilchitz, David and David Landau (eds.), *The Evolution of the Separation of Powers: Between the Global North and the Global South* (Edward Elgar Publishing, 2018).

Bilgin, Pinar and Adam David Morton, 'Historicising Representations of "Failed States": Beyond the Cold-War Annexation of the Social Sciences?' (2002) 23:1 *Third World Quarterly* 55–80.

Binder, Christina, 'Uniting for Peace Resolution (1950)' (2017), *Max Planck Encyclopedia of International Public Law* (Oxford University Press, 2013).

Blokker, Niels M., 'International Organizations or Institutions, Implied Powers', in A. Peters and R. Wolfrum (eds.), *Max Planck Encyclopedia of Public International Law* (Oxford University Press, 2008).

Bobek, Michal and David Kosař, 'Global Solutions, Local Damages: A Critical Study in Judicial Councils in Central and Eastern Europe' (2014) 15:7 *German Law Journal* 1257–92.

Downloaded from https://www.cambridge.org/core. UNIVERSIDAD AUTONOMA METROPOLITANA, on 14 Nov 2026 at 16:29:19, subject to the Cambridge Core terms of use, available at https://www.cambridge.org/core/terms. https://doi.org/10.1017/9781009646659.014

von Bogdandy, Armin and Luke Dimitrios Spieker, 'Transformative Constitutionalism in Luxembourg: How the Court Can Support Democratic Transitions' (2023) 29:2 *Columbia Journal of European Law* 65–91.

von Bogdandy, Armin, *Strukturwandel des öffentlichen Rechts. Entstehung und Demokratisierung der europäischen Gesellschaft* (Suhrkamp, 2022).

et al., 'A Potential Constitutional Moment for the European Rule of Law: The Importance of Red Lines', in Armin von Bogdandy et al. (eds.), *Defending Checks and Balances in EU Member States* (Springer, 2021), pp. 385–401.

'Principles of a Systemic Deficiencies Doctrine: How to Protect Checks and Balances in the Member States' (2020) 57:3 *Common Market Law Review* 705–40.

et al., 'Protecting EU Values: Reverse Solange and the Rule of Law Framework', in András Jakab and Dimitry Kochenov (eds.), *The Enforcement of EU Law and Values: Ensuring Member States' Compliance* (Oxford University Press, 2017), pp. 218–33.

von Bogdandy, Armin and Michael Ioannidis, 'Systemic Deficiency in the Rule of Law: What It Is, What Has Been Done, What Can Be Done' (2014) 51:1 *Common Market Law Review* 59–96.

von Bogdandy, Armin and Ingo Venzke, 'In Whose Name? An Investigation of International Courts' Public Authority and Its Democratic Justification' (2012) 23:1 *European Journal of International Law* 7–41.

Brenner, Samuel, '"Airbrushed Out of the Constitutional Canon": The Evolving Understanding of Giles v. Harris, 1903–1925' (2009) 107:5 *Michigan Law Review* 853–79.

Brenton, Scott, 'Does Federalism Enhance Representative Democracy? Perpetual Reform and Shifting Power in a Divided Belgium' (2022) 31:2 *Journal of Contemporary European Studies* 1–19.

Brouwer, Evelien, 'Mutual Trust and the Dublin Regulation: Protection of Fundamental Rights in the EU and the Burden of Proof' (2013) 9 *Utrecht Law Review* 135–47.

Buchanan, Allen and Robert O. Keohane, 'The Legitimacy of Global Governance Institutions', in Jovan Babic and Petar Bojanic (eds.), *World Governance: Do We Need It, Is It Possible, What Could It (All) Mean?* (Cambridge University Press, 2010), pp. 214–46.

Buchanan, James M., 'Market Failure and Political Failure' (1988) 8:1 *Cato Journal* 1–15.

Bulmer, Elliot W., 'Federalism: International IDEA Constitution-Building Primer 12' (2017), 2nd ed., *International Institute for Democracy and Electoral Assistance*.

Búrca, Gráinne de, *Reframing Human Rights in a Turbulent Era* (Oxford University Press, 2021).

Downloaded from https://www.cambridge.org/core. UNIVERSIDAD AUTONOMA METROPOLITANA, on 14 Nov 2026 at 16:29:19, subject to the Cambridge Core terms of use, available at https://www.cambridge.org/core/terms. https://doi.org/10.1017/9781009646659.014

'Human Rights Experimentalism' (2017) 111:2 *American Journal of International Law* 277–316.

'The European Court of Justice and the International Legal Order After Kadi' (2010) 51:1 *Harvard Journal of International Law* 1–50.

Búrca, Gráinne de and Joanne Scott, 'Introduction', in Id. (eds.), *Law and New Governance in the EU and the US* (Bloomsbury Publishing, 2006) 1–12.

Burgardt, Claus, 'Das Systemversagen in der GKV' (2014) 5 *Medizinprodukterecht* 145–9.

Çalı, Başak, '"To me, fair friend, you can never be old", William Shakespeare, "Sonnet 104": ECHR at 70 Rudolf Bernhardt Lecture, 2020' (2022) 81:4 *Zeitschrift für ausländisches öffentliches Recht und Völkerrecht/Heidelberg Journal of International Law* 895–916.

Çali, Başak and Anne Koch, 'Foxes Guarding the Foxes? The Peer Review of Human Rights Judgments by the Committee of Ministers of the Council of Europe' (2014) 14:2 *Human Rights Law Review* 301–25.

Call, Charles T., 'The Fallacy of the "Failed State"' (2008) 29:8 *Third World Quarterly* 1491–507.

Calvert, Jonathan and George Arbuthnott, *Failures of State: The Inside Story of Britain's Battle with Coronavirus* (Mudlark/Harper Collins, 2021).

Canor, Iris, 'Suspending Horizontal Solange: A Decentralized Instrument for Protecting Mutual Trust and the European Rule of Law', in Armin von Bogdandy et al. (eds.), *Defending Checks and Balances in EU Member States* (Springer, 2021), pp. 183–206.

Carey, John, 'U. N. Response to Government Oppression' (1968) 3:1 *The International Lawyer* 102–8.

Carolan, Eoin, *The New Separation of Powers: A Theory for the Modern State* (Oxford University Press, 2009).

Carroll, Maureen, 'Class Action Myopia' (2016) 65 *Duke Law Journal* 843–908.

Carswell, Andrew J., 'Unblocking the UN Security Council: The Uniting for Peace Resolution' (2013) 18:3 *Journal of Conflict and Security Law* 453–80.

Cavallaro, James L. and Stephanie Erin Brewer, 'Reevaluating Regional Human Rights Litigation in the Twenty-First Century: The Case of the Inter-American Court' (2008) 102:4 *American Journal of International Law* 768–827.

Cepeda Espinosa, Manuel José and David Landau, 'A Broad Read of Ely: Political Process Theory for Fragile Democracies' (2021) 19:2 *International Journal of Constitutional Law* 548–68.

'*Colombian Constitutional Law: Leading Cases*' (Oxford University Press, 2017).

Cepeda Espinosa, Manuel José, 'The Constitutional Protection of IDPs in Colombia', in Rodolfo Arango Rivadeneira (ed.), *Judicial Protection of Internally Displaced Persons: The Colombian Experience* (The Brookings Institution-University of Bern Project on Internal Displacement, 2009), pp. 1–48.

Downloaded from https://www.cambridge.org/core. UNIVERSIDAD AUTONOMA METROPOLITANA, on 14 Nov 2026 at 16:29:19, subject to the Cambridge Core terms of use, available at https://www.cambridge.org/core/terms. https://doi.org/10.1017/9781009646659.014

Cerna, Christina M., 'The Inter-American System for the Protection of Human Rights' (2004) 16:1 *Florida Journal of International Law* 195–211.

Chamon, Merijn, 'Implied Exclusive Powers in the CJEU's Post-Lisbon Jurisprudence: The Continued Development of the ERTA Doctrine' (2018) 55:4 *Common Market Law Review* 1101–42.

Chayes, Abram, 'The Role of the Judge in Public Law Litigation' (1976) 89 *Harvard Law Review* 1281–316.

Chenwi, Lillian, 'Unpacking "Progressive Realisation", Its Relation to Resources, Minimum Core and Reasonableness, and Some Methodological Considerations for Assessing Compliance' (2013) 46:3 *De Jure* 742-–69.

Chilton, Adam and Mila Versteeg, 'Small-c Constitutional Rights' (2022) 20:1 *International Journal of Constitutional Law* 141–76.

Chitalkar, Poorvi and Varun Gauri, 'India: Compliance with Orders on the Right to Food', in Malcolm Langford, César Rodríguez-Garavito and Julieta Rossi (eds.), *Social Rights Judgments and the Politics of Compliance: Making It Stick* (Cambridge University Press, 2017), pp. 288–314.

Choudhry, Sujit, Madhav Khosla and Pratap Bhanu Mehta (eds.), *The Oxford Handbook of the Indian Constitution* (Oxford University Press, 2016).

Coffee Jr., John C., *Entrepreneurial Litigation: Its Rise, Fall, and Future* (Harvard University Press, 2015).

'Rescuing the Private Attorney General: Why the Model of the Lawyer as Bounty Hunter Is Not Working' (1983) 42:2 *Maryland Law Review* 215–88.

Cohen, Benjamin V., *The United Nations, Constitutional Developments, Growths, and Possibilities* (Harvard University Press, 1961), pp. 18–9.

Cohen, Joshua and Charles F. Sabel, 'Directly-Deliberative Polyarchy' (1997) 3:4 *European Law Journal* 313–42.

Cohen-Eliya, Moshe and Iddo Porat, 'American Balancing and German Proportionality: The Historical Origins', in Brian Bix and Horacio Spector (eds.), *Rights: Concepts and Contexts* (Routledge, 2017), pp. 463–86.

'Proportionality and the Culture of Justification' (2011) 59:2 *The American Journal of Comparative Law* 463–90.

Conable, Barber B., 'Foreword', in *Sub-Saharan Africa: From Crisis to Sustainable Growth* (The World Bank, Washington D.C., 1989), pp. xi–15.

Costello, Cathryn and Itamar Mann, 'Border Justice: Migration and Accountability for Human Rights Violations' (2020) 21:3 *German Law Journal* 311–34.

Couzigou, Irène, 'The Right to Self-Defence against Non-State Actors: Criteria of the "Unwilling or Unable" Test' (2017) 77 *Heidelberg Journal of International Law* 53–55.

Croissant, Aurel, 'Thailand: The Vicious Cycle of Civilian Government and Military Rule', in id. (ed.), *Comparative Politics of Southeast Asia* (Springer, 2nd ed., 2022), pp. 315–59.

Cunningham, Frank, *Theories of Democracy* (Routledge, 2002).

Downloaded from https://www.cambridge.org/core. UNIVERSIDAD AUTONOMA METROPOLITANA, on 14 Nov 2026 at 16:29:19, subject to the Cambridge Core terms of use, available at https://www.cambridge.org/core/terms. https://doi.org/10.1017/9781009646659.014

Czepek, Jakub, 'The Application of the Pilot Judgment Procedure and Other Forms of Handling Large-Scale Dysfunctions in the Case Law of the European Court of Human Rights' (2018) 20 *International Community Law Review* 347–73.

Daly, Tom, *The Alchemists: Questioning Our Faith in Courts as Democracy-Builders* (Cambridge University Press, 2017).

Damrosch, Lori F., 'Gross and Systematic Human Rights Violations', in Anne Peters and Rüdiger Wolfrum (eds.), *4 Max Planck Encyclopedia of Public International Law* (Oxford University Press, 2012), pp. 597–603.

Dann, Philipp, 'Liberal Constitutionalism and Postcolonialism in the South and Beyond: On Liberalism as an Open Source and the Insights of Decolonial Critiques' (2022) 20:1 *International Journal of Constitutional Law* 1–12.

The Law of Development Cooperation: A Comparative Analysis of the World Bank, the EU and Germany (Cambridge University Press, 2013).

'Verfassungsgerichtliche Kontrolle gesetzgeberischer Rationalität' (2010) 49:4 *Der Staat* 630–46.

von Danwitz, Luc, 'Der Grundsatz des gegenseitigen Vertrauens zwischen den Mitgliedstaaten der EU. Eine wertebasierte Garantie der Einheit und Wirksamkeit des Unionsrechts' (2020) 61:1 *Europarecht* 61-88.

Davis, Dennis M., 'Separation of Powers: Juristocracy or Democracy' (2016) 133 *South African Law Journal* 258–70.

De Oliveira, Emerson A. B., 'The Unconstitutional State of Affairs in Brazil's Prisons', in Rubens Becak and Jairo Lima (eds.), *The Unwritten Brazilian Constitution: Human Rights in the* Supremo Tribunal Federal (Lexington Book, 2021), pp. 233–46.

Derwort, Pim, Nicolas Jager and Jens Newig, 'Towards Productive Functions? A Systematic Review of Institutional Failure, Its Causes and Consequences' (2019) 52:2 *Policy Sciences* 281–98.

Deutsch, Ulrike and Rüdiger Wolfrum, *The European Court of Human Rights Overwhelmed by Applications: Problems and Possible Solutions* (Springer, 2009).

Dixon, Rosalind, *Responsive Judicial Review* (Oxford University Press, 2023).

Dixon, Rosalind and David Landau, *Abusive Constitutional Borrowing: Legal Globalization and the Subversion of Liberal Democracy* (Oxford University Press, 2021).

Dixon, Rosalind and Michaela Hailbronner, 'Ely in the World: The Global Legacy of *Democracy and Distrust* Forty Years On' (2021) 19:2 *International Journal of Constitutional Law* 427–38.

'The Forms, Functions, and Varieties of Weak(ened) Judicial Review' (2019) 17:3 *International Journal of Constitutional Law* 904–930.

Dixon, Rosalind and David Landau, 'Competitive Democracy and the Constitutional Minimum Core', in Tom Ginsburg and Aziz Huq (eds.), *Assessing Constitutional Performance* (Cambridge University Press, 2016), pp. 268–92.

Downloaded from https://www.cambridge.org/core. UNIVERSIDAD AUTONOMA METROPOLITANA, on 14 Nov 2026 at 16:29:19, subject to the Cambridge Core terms of use, available at https://www.cambridge.org/core/terms. https://doi.org/10.1017/9781009646659.014

'The Core Case for Weak-Form Judicial Review' (2016) 38:6 *Cardozo Law Review* 2193–232.

'Creating Dialogue about Socioeconomic Rights: Strong-form versus Weak-form Judicial Review Revisited' (2007) 5:3 *International Journal of Constitutional Law* 391–418.

Dorf, Michael C. and Charles F. Sabel, 'A Constitution of Democratic Experimentalism' (1998) 98:2 *Columbia Law Review* 267–473.

Dupuy, Pierre-Marie, 'The Constitutional Dimension of the Charter of the United Nations Revisited' (1997) 1:1 *Max Planck Yearbook of United Nations Law Online* xix–33.

Duranti, Marco, *The Conservative Human Rights Revolution: European Identity, Transnational Politics, and the Origins of the European Convention* (Oxford University Press, 2016).

Dyzenhaus, David, 'Legal Theory in the Collapse of Weimar: Contemporary Lessons?' (1997) 91 *American Political Science Review* 121–34.

Dzehtsiarou, Kanstantsin, *Can the European Court of Human Rights Shape European Public Order?* (Cambridge University Press, 2021).

Eggleston, Neil W. and Amanda Elbogen, 'The Trump Administration and the Breakdown of Intra-Executive Legal Process' (2018) 127 *The Yale Law Journal* 825–47.

Eisenberg, Theodore and Stephen C. Yeazell, 'The Ordinary and the Extraordinary in Institutional Litigation' (1980) 93:3 *Harvard Law Review* 465–517.

Ely, John Hart, *Democracy and Distrust: A Theory of Judicial Review* (Harvard University Press, 1980).

von Engelhardt, Marie, *Dealing with Fragile States: The Law and Practice of International Development Organizations,* PhD diss., Humboldt University, 2015, available at https://edoc.hu-berlin.de/bitstream/handle/18452/18078/engelhardt.pdf?sequence=1&isAllowed=y.

Epp, Charles R., *Making Rights Real: Activists, Bureaucrats, and the Creation of the Legalistic State* (University of Chicago Press, 2009).

The Rights Revolution: Lawyers, Activists, and Supreme Courts in Comparative Perspective (University of Chicago Press, 1998).

Ermacora, Felix, 'Procedures to Deal with Human Rights Violations: A Hopeful Start in the United Nations?' (1974) 7 *Human Rights Journal* 670–89.

Eskridge, William N. Jr., 'Relationships Between Formalism and Functionalism in Separation of Powers Cases' (1998) 22:1 *Harvard Law Review* 21–9.

Fahner, Johannes Hendrik, *Judicial Deference in International Adjudication: A Comparative Analysis* (Bloomsbury Publishing, 2020).

Fassbender, Bardo, 'The United Nations Charter as Constitution of the International Community' (1998) 36 *Columbia Journal of Transnational Law* 529–620.

Downloaded from https://www.cambridge.org/core. UNIVERSIDAD AUTONOMA METROPOLITANA, on 14 Nov 2026 at 16:29:19, subject to the Cambridge Core terms of use, available at https://www.cambridge.org/core/terms. https://doi.org/10.1017/9781009646659.014

Ferejohn, John and Pasquale Pasquino, 'The Law of the Exception: A Typology of Emergency Powers' (2004) 2:2 *International Journal of Constitutional Law* 210–39.

Ferraz, Octavio Luiz Motta, *Health as a Human Right: The Politics and Judicialisation of Health in Brazil* (Cambridge University Press, 2020).

Figueroa Garcia-Herreros, Nicolas, *A Critique of Populist Jurisprudence: Courts, Democracy, and Constitutional Change in Colombia and Venezuela*, PhD diss., The New School, 2016.

Fischer Kuh, Katharina, 'The Legitimacy of Judicial Climate Engagement' (2019) 46:3 *Ecology Law Quarterly* 731–64.

Fish, Stanley, *Is There a Text in This Class? The Authority of Interpretive Communities* (Harvard University Press, 1980).

Fish Hodgson, Timothy, 'The Mysteriously Appearing and Disappearing Doctrine of Separation of Powers: Toward a Distinctly South Africa Doctrine for a More Radically Transformative Constitution' (2018) 34:1 *South African Journal on Human Rights* 57–90.

Fiss, Owen M., 'Foreword: The Forms of Justice' (1979) 93:1 *Harvard Law Review* 1–58.

Fletcher, William A., 'The Discretionary Constitution: Institutional Remedies and Judicial Legitimacy' (1982) 91:4 *The Yale Law Journal* 635–97.

Fombad, Charles Manga (ed.), *The Separation of Powers in African Constitutionalism* (Oxford University Press, 2016).

Fowkes, James, 'Normal Rights, Just New: Understanding the Judicial Enforcement of Socioeconomic Rights' (2020) 68:4 *The American Journal of Comparative Law* 722–59.

'Transformative Constitutionalism and the Global South: The View from South Africa', in Armin von Bogdandy et al. (eds.), *Transformative Constitutionalism in Latin America: A New Latin American Ius Commune* (Oxford University Press, 2017), pp. 97–122.

Building the Constitution: The Practice of Constitutional Interpretation in Post-Apartheid South Africa (Cambridge University Press, 2016).

'Civil Procedure in Public Interest Litigation: Tradition, Collaboration and the Managerial Judge' (2012) 1:3 *Cambridge Journal of International and Comparative Law* 235–53.

Franck, Thomas M., *Recourse to Force: State Action Against Threats and Armed Attacks* (Cambridge University Press, 2002).

'U.S. Foreign Policy and the U.N.' (1986) 14 *Denver Journal of International Law & Policy* 159–70.

Frankenberg, Günter, 'Constitutional Transfer: The IKEA Theory Revisited' (2010) 8:3 *International Journal of Constitutional Law* 563–79.

Freedman, Sam, *Failed State: Why Nothing Works and How We Fix It* (Pan Macmillan, 2024).

Downloaded from https://www.cambridge.org/core. UNIVERSIDAD AUTONOMA METROPOLITANA, on 14 Nov 2026 at 16:29:19, subject to the Cambridge Core terms of use, available at https://www.cambridge.org/core/terms. https://doi.org/10.1017/9781009646659.014

Fuller, Lon L. and Kenneth I. Winston, 'The Forms and Limits of Adjudication' (1978) 92:2 *Harvard Law Review* 353–409.

García Morales, María Jesús, 'Bundeszwang und Sezession in Spanien: Der Fall Katalonien' (2019) *Die öffentliche Verwaltung* 1–13.

Gardbaum, Stephen, 'Comparative Political Process Theory' (2020) 18:4 *International Journal of Constitutional Law* 1429–57.

The New Commonwealth Model of Constitutionalism: Theory and Practice (Cambridge University Press, 2013).

Gargarella, Roberto, *The Law as a Conversation Among Equals* (Cambridge University Press, 2022).

Latin American Constitutionalism, 1810–2010: The Engine Room of the Constitution (Oxford University Press, 2013).

'Dialogic Justice in the Enforcement of Social Rights: Some Initial Arguments', in Alicia Ely Yamin and Siri Gloppen (eds.), *Litigating Health Rights: Can Courts Bring More Justice to Health?* (Harvard University Press, 2011), pp. 232–43.

Gauri, Varun, 'Public Interest Litigation in India: Overreaching or Underachieving?' (2009) *The World Bank*, Policy Research Working Paper 5109.

Gauri, Varun and Daniel M. Brinks, *Courting Social Justice: Judicial Enforcement of Social and Economic Rights in the Developing World* (Cambridge University Press, 2008).

Geiss, Robin, *"Failed States": Die normative Erfassung gescheiterter Staaten* (Duncker & Humblot, 2005).

Ginsburg, Tom, Aziz Huq and David Landau, 'The Comparative Constitutional Law of Presidential Impeachment' (2021) 88 *The University of Chicago Law Review* 81–164.

Ginsburg, Tom and Aziz Huq, *How to Save a Constitutional Democracy* (University of Chicago Press, 2018).

Griffin, Stephen M., *Broken Trust: Dysfunctional Government and Constitutional Reform* (University Press of Kansas, 2015).

Grimm, Dieter, 'Braucht Europa eine Verfassung?' (1995) 50:12 *JuristenZeitung* 581–91.

Gross, Oren, 'The Prohibition on Torture and the Limits of the Law', in Sanford Levinson (ed.), *Torture: A Collection* (Oxford University Press, 2004), pp. 229–56.

Gruffydd Jones, Branwen, 'The Global Political Economy of Social Crisis: Towards a Critique of the "Failed State" Ideology' (2008) 15:2 *Review of International Political Economy* 180–205.

Habermas, Jürgen, *Between Facts and Norms: Contributions to a Discourse Theory on Law and Democracy* (MIT Press, 1996).

'Remarks on Dieter Grimm's: Does Europe Need a Constitution' (1995) 1 *European Law Journal* 303–7.

Downloaded from https://www.cambridge.org/core. UNIVERSIDAD AUTONOMA METROPOLITANA, on 14 Nov 2026 at 16:29:19, subject to the Cambridge Core terms of use, available at https://www.cambridge.org/core/terms. https://doi.org/10.1017/9781009646659.014

Hailbronner, Michaela, 'Output-Legitimacy and Its Limitations in Constitutional Theory', in Anika Klafki (ed.), *Patterns of Legitimacy* (Nomos 2024), pp. 151–66.

'Combatting Malfunction or Optimizing Democracy? Lessons from Germany for a Comparative Political Process Theory' (2021) 19:2 *International Journal of Constitutional Law* 492–514.

'Political Process Review: Beyond Distrust' (2020) 18:4 *International Journal of Constitutional Law* 1458–65.

'Beyond Legitimacy: Europe's Crisis of Constitutional Democracy', in Mark Graber, Sandy Levinson and Mark Tushnet (eds.), *Constitutional Democracy in Crisis?* (Oxford University Press, 2018), pp. 277–95.

'Transformative Constitutionalism: Not Only in the Global South' (2017) 65:3 *American Journal of Comparative Law* 527–65.

'Constitutional Legitimacy and the Separation of Powers in Africa: Looking forward', in Charles Manga Fombad (ed.), *The Separation of Powers in African Constitutionalism* (Oxford University Press, 2016), pp. 385–9.

Traditions and Transformations: The Rise of German Constitutionalism (Oxford University Press, 2015).

Hamilton, Alexander, Madison, James and Jay, John, *The Federalist Papers*, Clinton Rossiter (ed.) (Dutton/Signet, 2012).

Hammarskjöld, Dag, 'Do We Need the United Nations?' Address before the Students Association. Copenhagen, 2 May 1959, in Andrew Wellington Cordier, Wilder Foote and Max Harrelson (eds.) (1974) 4 *Public Papers of the Secretaries-General of The United Nations 1958-1960*.

Harms, Katharina, 'Kompetenzen des Bundes aus der "Natur der Sache"?' (1994) 33:3 *Der Staat* 409–28.

Heckman, Charles A., 'Keeping Legal History Legal and Judicial Activism in Perspective: A Reply to Richard Pildes' (2002) 19 *Constitutional Commentary* 625–44.

Hellwig, Timothy and David Samuels, 'Electoral Accountability and the Variety of Democratic Regimes' (2008) 38:1 *British Journal of Political Science* 65–90.

Helman, Gerald B. and Steven R. Ratner, 'Saving Failed States' (1992–1993) 89 *Foreign Policy* 3–20.

Heri, Corina, *Responsive Human Rights: Vulnerability, Ill-Treatment and the ECtHR* (Hart Publishing, 2021).

Herzog, Roman and Gerken, Lüder, 'Stoppt den Europäischen Gerichtshof', Frankfurter Allgemeine Zeitung, 8 September 2008, p. 8.

Hirschl, Ran, *Comparative Matters: The Renaissance of Comparative Constitutional Law* (Oxford University Press, 2014).

Downloaded from https://www.cambridge.org/core. UNIVERSIDAD AUTONOMA METROPOLITANA, on 14 Nov 2026 at 16:29:19, subject to the Cambridge Core terms of use, available at https://www.cambridge.org/core/terms. https://doi.org/10.1017/9781009646659.014

Towards Juristocracy: The Origins and Consequences of the New Constitutionalism (Harvard University Press, 2009).

Hobbes, Thomas, 'Leviathan', John Charles Addison Gaskin (ed.) (Oxford University Press, 2008).

Huneeus, Alexandra, 'Reforming the State from Afar: Structural Reform Litigation at the Human Rights Courts' (2015) 40:1 *Yale Journal of International Law* 1–40.

Imamović, Šejla, 'Post-EU Accession to the ECHR: The Argument for Why the ECtHR Should Abandon the Bosphorus Doctrine' (2024) 39:1 *Utrecht Journal of International and European Law* 17–29.

Inman, Robert and Daniel L. Rubinfeld, *Democratic Federalism: The Economics, Politics, and Law of Federal Governance* (Princeton University Press, 2020).

Isiksel, Turkuler, *Europe's Functional Constitution: A Theory of Constitutionalism Beyond the State* (Oxford University Press, 2016).

Issacharoff, Samuel, *Fragile Democracies: Contested Power in the Era of Constitutional Courts* (Cambridge University Press, 2015).

Issacharoff, Samuel and Richard H. Pildes, 'Politics as Markets: Partisan Lockups of the Democratic Process' (1998) 50:3 *Stanford Law Review* 643–717.

Jacobsohn, Gary and Miguel Schor (eds.), *Comparative Constitutional Theory* (Edward Elgar Publishing, 2018).

Jaffrelot, Christophe and Pratinav Anil, *India's First Dictatorship: The Emergency, 1975–1977* (Oxford University Press, 2021).

Jensen, Steven L. B., *The Making of International Human Rights: The 1960s, Decolonization, and the Reconstruction of Global Values* (Cambridge University Press, 2016).

Kaiser, Anna-Bettina, *Ausnahmeverfassungsrecht* (Mohr Siebeck, 2020).

Karlan, Pamela S., 'Politics by Other Means' (1999) 85:8 *Virginia Law Review* 1697–724.

Kavanagh, Aileen, *The Collaborative Constitution* (Cambridge University Press, 2023)

'The Constitutional Separation of Powers', in David Dyzenhaus and Malcolm Thorburn (eds.), *Philosophical Foundations of Constitutional Law* (Oxford University Press, 2016), pp. 221–39.

Kelley, Mark, 'Saving 60(b)(5): The Future of Institutional Reform Litigation' (2015) 125 *The Yale Law Journal* 272–312.

Kersbergen, Kees van and Bertjan Verbeek, 'The Politics of Subsidiarity in the European Union' (1994) 32 *Journal of Common Market Studies* 215–36.

Khaitan, Tarunabh, 'Guarantor (or "Fourth Branch") Institutions', in Jeff King and Richard Bellamy (eds.), *Cambridge Handbook of Constitutional Theory* (Cambridge University Press, forthcoming).

Downloaded from https://www.cambridge.org/core. UNIVERSIDAD AUTONOMA METROPOLITANA, on 14 Nov 2026 at 16:29:19, subject to the Cambridge Core terms of use, available at https://www.cambridge.org/core/terms. https://doi.org/10.1017/9781009646659.014

Khosla, Madhav and Mark Tushnet, 'Courts, Constitutionalism, and State Capacity: A Preliminary Inquiry' (2022) 70:1 *The American Journal of Comparative Law* 95–138.

King, Jeff, *Judging Social Rights* (Cambridge University Press, 2012).

Kingsbury, Benedict and Megan Donaldson, 'Global Administrative Law', in Anne Peters and Rüdiger Wolfrum (eds.), *4 Max Planck Encyclopedia of Public International Law* (Oxford University Press, 2012), pp. 468 ff.

Klabbers, Jan, 'The EJIL Foreword: The Transformation of International Organizations Law' (2015) 26:1 *European Journal of International Law* 9–82.

Klare, Karl E., 'Legal Culture and Transformative Constitutionalism' (1998) 14:1 *South African Journal on Human Rights* 146–88.

Klarman, Michael J., *From Jim Crow to Civil Rights: The Supreme Court and the Struggle for Racial Equality* (Oxford University Press, 2006).

Brown v. Board of Education and the Civil Rights Movement (*Oxford University Press,* 2007).

Klatt, Matthias, 'Positive Obligations Under the European Convention on Human Rights' (2011) 71 *Zeitschrift für ausländisches öffentliches Recht und Völkerrecht* 691–718.

Kleinlein, Thomas, 'The Procedural Approach of the European Court of Human Rights: Between Subsidiarity and Dynamic Evolution' (2019) 68:1 *International & Comparative Law Quarterly* 91–110.

'Consensus and Contestability: The ECtHR and the Combined Potential of European Consensus and Procedural Rationality Control' (2017) 28:3 *European Journal of International Law* 871–93.

Klonoff, Robert H., 'The Decline of Class Actions' (2017) 90 *Washington University Law Review* 729–838.

Kochenov, Dimitry, 'Article 7: A Commentary on a Much Talked-About "Dead" Provision', in Armin von Bogdandy, et al. (eds.), *Defending Checks and Balances in EU Member States* (Springer, 2021), pp. 127–54.

Komesar, Neil K., *Law's Limits: Rule of Law and the Supply and Demand of Rights* (Cambridge University Press, 2001).

Imperfect Alternatives: Choosing Institutions in Law, Economics, and Public Policy (University of Chicago Press, 1994).

Krenn, Christoph, *The Procedural and Organisational Law of the European Court of Justice: An Incomplete Transformation* (Cambridge University Press, 2022).

Kreuder-Sonnen, Christian and Jonathan White 'Europe and the Transnational Politics of Emergency' (2022) 29:6 *Journal of European Public Policy* 953–965.

Emergency Powers of International Organizations: Between Normalization and Containment (Oxford University Press, 2019).

Krisch, Nico, 'Liquid Authority in Global Governance' (2017) 9:2 *International Theory* 237–60.

Downloaded from https://www.cambridge.org/core. UNIVERSIDAD AUTONOMA METROPOLITANA, on 14 Nov 2026 at 16:29:19, subject to the Cambridge Core terms of use, available at https://www.cambridge.org/core/terms. https://doi.org/10.1017/9781009646659.014

Kumm, Mattias, 'Constitutionalism and Experimentalist Governance' (2012) 6:3 *Regulation & Governance* 401–9.

'Institutionalising Socratic Contestation: The Rationalist Human Rights Paradigm, Legitimate Authority and the Point of Judicial Review' (2008) 1:2 *European Journal of Legal Studies* 153–83.

'Who Is Afraid of the Total Constitution? Constitutional Rights as Principles and the Constitutionalization of Private Law,' (2006) 7:4 *German Law Journal* pp. 341–69.

'The Jurisprudence of Constitutional Conflict: Constitutional Supremacy in Europe Before and After the Constitutional Treaty' (2005) 11 *European Law Journal* 262–307.

Kurban, Dilek, 'Forsaking Individual Justice: The Implications of the European Court of Human Rights' Pilot Judgment Procedure for Victims of Gross and Systematic Violations' (2016), 16:4 *Human Rights Law Review* pp. 731–69.

Kuwali, Dan, 'The End of Humanitarian Intervention: Evaluation of the African Union's Right of Intervention' (2009) 9 *African Journal on Conflict Resolution* 41–61.

Kyritsis, Dimitrios, *Where Our Protection Lies: Separation of Powers and Constitutional Review* (Oxford University Press, 2017).

Laclau, Ernesto, *On Populist Reason* (Verso, 2005).

Landau, Joseph, 'Process Scrutiny: Motivational Inquiry and Constitutional Rights' (2019) 119:8 *Columbia Law Review* 2147–204.

Landau, David, 'Institutional Failure and Intertemporal Theories of Judicial Role in the Global South', in David Bilchitz and David Landau (eds.), *The Evolution of the Separation of Powers: Between the Global North and the Global South* (Edward Elgar Publishing, 2018), pp. 31–56.

'A Dynamic Theory of Judicial Role' (2014) 55:5 *Boston College Law Review* 1501–62.

'The Reality of Social Rights Enforcement' (2012) 53:1 *Harvard International Law* 190–247.

'Political Institutions and Judicial Role in Comparative Constitutional Law' (2010) 51:2 *Harvard International Law Journal* 319–78.

Landemore, Helen, *Open Democracy* (University of Princeton Press, 2020).

Lang, Heinrich, '§ 27 Krankenbehandlung', in Ulrich Becker and Thorsten Kingreen (eds.), *SGB V – Gesetzliche Krankenversicherung* (8th edn., C.H. Beck, 2022).

Lazar, Nomi Claire, *States of Emergency in Liberal Democracies* (Cambridge University Press, 2009).

Lecourt, Robert, 'Le rôle du droit dans l'unification européenne' (1964) 17–18 *Bulletin de l'Association des juristes européens* 5–23.

Legrand, Pierre, 'The Impossibility of "Legal Transplants"' (1997) 4 *Maastricht Journal of European & Comparative Law* 111–24.

Downloaded from https://www.cambridge.org/core. UNIVERSIDAD AUTONOMA METROPOLITANA, on 14 Nov 2026 at 16:29:19, subject to the Cambridge Core terms of use, available at https://www.cambridge.org/core/terms. https://doi.org/10.1017/9781009646659.014

Leijten, Ingrid, 'Human rights v. Insufficient climate action: The Urgenda case' (2019) 37:2 *Netherlands Quarterly of Human Rights* 112–8.

Lenaerts, Koen, 'La vie après l'avis: Exploring the Principle of Mutual (Yet Not Blind) Trust' (2017) 54:3 *Common Market Law Review* 805–40.

Lepsius, Oliver, 'Die maßstabsetzende Gewalt', in Matthias Jestaedt et al. (eds.), *Das entgrenzte Gericht* (3rd edn., Suhrkamp, 2019), pp. 159–281.

Levi-Faur, David, 'From "Big Government" to "Big Governance"?', in id. (ed.), *The Oxford Handbook of Governance* (Oxford University Press, 2012), pp. 3–18.

Levinson, Sanford and Jack M. Balkin, *Democracy and Dysfunction* (University of Chicago Press, 2019).

Lewis, David E., *The Politics of Presidential Appointments: Political Control and Bureaucratic Performance* (Princeton University Press, 2008).

'Revisiting the Administrative Presidency: Policy, Patronage, and Agency Competence' (2009) 39:1 *Presidential Studies Quarterly* 60–73.

Liebenberg, Sandra 'Engaging the Paradoxes of the Universal and Particular in Human Rights Adjudication: The Possibilities and Pitfalls of "Meaningful Engagement"' (2012) 12 *African Human Rights Law Journal* 1–29.

'The Art of the (Im)Possible? Justice Froneman's Contribution to Designing Remedies for Structural Human Rights Violations' (2022) 12:1 *Constitutional Court Review* 137–70.

Liebenberg, Sandra and Katherine G. Young, 'Adjudicating Social Rights: Can Democratic Experimentalism Help?', in Helena Alviar García, Karl Klare and Lucy A. Williams (eds.), *Socio-Economic Rights in Theory and Practice: Critical Inquiries* (Routledge, 2015), pp. 237–57.

Locke, John, *Two Treatises of Government* (Cambridge University Press, 2013, Peter Laslett edition).

Second Treatise on Government (1689).

Loevy, Karin, *Emergencies in Public Law: The Legal Politics of Containment* (Cambridge University Press, 2016).

Loughlin, Martin, *Against Constitutionalism* (Harvard University Press, 2022).

Lübbe, Anna, '"Systemic Flaws" and Dublin Transfers: Incompatible Tests Before the CJEU and the ECtHR?' (2015) 27:1 *International Journal of Refugee Law* 135–40.

Luhmann, Niklas, *Rechtssoziologie* (Springer, 2008).

Lustig, Doreen and Joseph H. H. Weiler, 'Judicial Review in the Contemporary World: Retrospective and Prospective' (2018) 16:2 *International Journal of Constitutional Law* 315–72.

Madlingozi, Tshepo, 'Social Justice in a Time of Neo-Apartheid Constitutionalism: Critiquing the Anti-Black Economy of Recognition, Incorporation and Distribution' (2017) 28:1 *Stellenbosch Law Review* 123–47.

Downloaded from https://www.cambridge.org/core. UNIVERSIDAD AUTONOMA METROPOLITANA, on 14 Nov 2026 at 16:29:19, subject to the Cambridge Core terms of use, available at https://www.cambridge.org/core/terms. https://doi.org/10.1017/9781009646659.014

Mahomed, Faraaz, 'The Fourth Branch: Challenges and Opportunities for a Robust and Meaningful Role for South Africa's State Institutions Supporting Democracy', in David Bilchitz and David Landau (eds.), *The Evolution of the Separation of Powers: Between the Global North and the Global South* (Edward Elgar Publishing, 2018), pp. 177–205.

Marciano, Alain and Stephen G. Medema, 'Market Failure in Context: Introduction' (2015) 47 *History of Political Economy* 1–19.

Mason, Stephen, 'The Post Office Horizon Scandal: A Brief Chronology' (2021) 18 *Digital Evidence and Electronic Signature Law Review* 1–9.

Mate, Manoj, 'The Rise of Judicial Governance in the Supreme Court of India' (2015) 33 *Boston University International Law Journal* 169–224.

Maxwell, Lucy, Sarah Mead and Dennis van Berkel, 'Standards for Adjudicating the Next Generation of Urgenda-Style Climate Cases' (2022) 13:1 *Journal of Human Rights and the Environment* 35–63.

Mayer, Benoit, 'The Contribution of Urgenda to the Mitigation of Climate Change' (2022) XX *Journal of Environmental Law* 1–18.

McCarthy-Cotter, Leanne-Marie and Matthew V. Flinders, 'Accountability in Liberal Democratic, Parliamentary Systems', in Edoardo Ongaro and Sandra Van Thiel (eds.), *The Palgrave Handbook of Public Administration and Management in Europe* (Palgrave Macmillan, 2017).

Medina-Quiroga, Cecilia, *The Battle of Human Rights: Gross, Systematic Violations and the Inter-American System* (Springer Netherlands, 1988).

Meinel, Florian, 'Confidence and Control in Parliamentary Government: Parliamentary Questioning, Executive Knowledge, and the Transformation of Democratic Accountability' (2018) 66:2 *The American Journal of Comparative Law* 317–67.

Melling, Graham and Anne Dennett, 'The Security Council Veto and Syria: Responding to Mass Atrocities through the "Uniting for Peace" Resolution' (2017) 57 *Indian Journal of International Law* 285–307.

Gergen, Mark P., John M. Golden and Henry E. Smith, 'The Supreme Court's Accidental Revolution? The Test for Permanent Injunctions' (2012) 112 *Columbia Law Review* 203–249.

Merrill, Thomas W., 'Capture Theory and the Courts: 1967–1983' (1997) 72:4 *Chicago-Kent Law Review* 1039–117.

Mhango, Mtendeweka, 'Is It Time for a Coherent Political Question Doctrine in South Africa? Lessons from the United States' (2014) 7:4 *South African Journal of Legal Studies* 457–93.

Miglionico, Andrea and Francesco Maiani, "'One Principle to Rule Them All? Anatomy of Mutual Trust in the Law of the Area of Freedom, Security and Justice'" (2020) 57: 1 *Common Market Law Review*, 7–44.

Mishkin, Paul J., 'Federal Courts as State Reformers' (1978) 35:3 *Washington and Lee Law Review* 949–76.

Downloaded from https://www.cambridge.org/core. UNIVERSIDAD AUTONOMA METROPOLITANA, on 14 Nov 2026 at 16:29:19, subject to the Cambridge Core terms of use, available at https://www.cambridge.org/core/terms. https://doi.org/10.1017/9781009646659.014

Mjöll Arnardóttir, Oddný, '*Res Interpretata, Erga Omnes* Effect and the Role of the Margin of Appreciation in Giving Domestic Effect to the Judgments of the European Court of Human Rights' (2017) 28:3 *European Journal of International Law* 819–43.

Modiri, Joel M., 'Conquest and Constitutionalism: First Thoughts on an Alternative Jurisprudence' (2018) 34:3 *South African Journal on Human Rights* 300–25.

Moffitt, Benjamin, 'How to Perform Crisis: A Model for Understanding the Key Role of Crisis in Contemporary Populism' (2015) 50:2 *Government and Opposition* 189–217.

Möller, Kai, 'Justifying the Culture of Justification' (2019) 17:4 *International Journal of Constitutional Law* 1078–97.

Möllers, Christoph, 'Legalität, Legitimität und Legitimation', in Matthias Jestaedt et al. (eds.), *Das entgrenzte Gericht* (3rd edn., Suhrkamp, 2019), pp. 281–423.

The Three Branches: A Comparative Model of Separation of Powers (Oxford University Press, 2013).

Monnet, Jean, *Memoirs*, Richard Mayne (trans.) (Third Millenium Publishing, 2015).

Monnet, John C., 'The Latest Phase of Negro Disfranchisement' (2009) 62 *Oklahoma Law Rev*iew 407.

Morsink, Johannes, *The Universal Declaration of Human Rights: Origins, Drafting, and Intent, Pennsylvania Studies in Human Rights* (University of Pennsylvania Press, 1999).

Mukherjee, Gaurav and Juha Tuovinen, 'Designing Remedies for a Recalcitrant Administration' (2020) 36:4 *South African Journal on Human Rights* 386–409.

Müller, Jan-Werner, *What Is Populism?* (University of Pennsylvania Press, 2016).

Muralidhar, S., 'Public Interest Litigation' (1997–1998) 33–34 *Annual Survey of Indian Law*.

Murphy, Peri U. and Pasquale Pasquino, 'Long Lasting State of Emergency in Turkey and the Recent Constitutional Amendments Under Its Shade' (2023) 10:2 *International Journal of Human Rights and Constitutional Studies* 99–113.

Murray, Donnette, 'Flawed and Unnecessary: the "Unwilling or Unable" Doctrine Pertaining to States' Use of Force in Self-Defence against Non-State Actors' (2017) 30 *Hague Yearbook of International Law* 59–118.

Nahlawi, Yasmine, 'Overcoming Russian and Chinese Vetoes on Syria Through Uniting for Peace' (2019) 24:1 *Journal of Conflict and Security Law* 111–43.

North, Douglass, *Institutions, Institutional Change and Economic Performance* (Cambridge University Press, 1990).

Ockham, William of, *Dialogus*, available at http://publications.thebritishacademy.ac.uk/pubs/dialogus/t31d1new.html#zp16.

Downloaded from https://www.cambridge.org/core. UNIVERSIDAD AUTONOMA METROPOLITANA, on 14 Nov 2026 at 16:29:19, subject to the Cambridge Core terms of use, available at https://www.cambridge.org/core/terms. https://doi.org/10.1017/9781009646659.014

Odermatt, Jed, 'Patterns of Avoidance: Political Questions Before International Courts' (2018) 14:2 *International Journal of Law in Context* 221–36.

Orford, Anne, *International Authority and the Responsibility to Protect* (Cambridge University Press, 2011).

Pagden, Anthony, 'The Genesis of "Governance" and Enlightenment Conceptions of the Cosmopolitan World Order' (1998) 50:155 *International Social Science Journal* 7–15.

Page, Edward C., *Policy Without Politicians: Bureaucratic Influence in Comparative Perspective* (Oxford University Press, 2012).

Payandeh, Mehrdad, 'Das Gebot der Folgerichtigkeit: Rationalitätsgewinn oder Irrweg der Grundrechtsdogmatik?' (2011) 136:4 *Archiv des öffentlichen Rechts* 578–615.

Pergantis, Vassilis, 'Recalibrating the "Strict Obligations" Requirement of the Bosphorus Doctrine of Equivalent Protection: The Strasbourg Court Vis-à-Vis the EU Principle of Mutual Trust' (2024) 20:3 *European Constitutional Law Review* 392–423.

Petersen, Niels, *Proportionality and Judicial Activism: Fundamental Rights Adjudication in Canada, Germany and South Africa* (Cambridge University Press, 2017).

'Legislative Inconsistency and the "Smoking Out" of Illicit Motives' (2016) 64:1 *The American Journal of Comparative Law* 121–45.

Pildes, Richard H., 'Keeping Legal History Meaningful' (2002) 19 *Constitutional Commentary* 645–61.

Pildes, Richard H., 'Democracy, Anti-Democracy, and the Canon' (2000) 17 *Constitutional Commentary* 295–319.

Popper, Karl, *The Open Society and Its Enemies. Volume I: The Spell of Plato* (Routledge 2010).

Pozen, David E., 'Self-Help and the Separation of Powers' (2014) 124:1 *The Yale Law Journal* 2–90.

Prado, Mariana Mota and Michael J. Trebilcock, *Institutional Bypasses: A Strategy to Promote Reforms for Development* (Cambridge University Press, 2019).

Prakash, Aseem and Matthew Potoski, 'Dysfunctional Institutions? Toward a New Agenda in Governance Studies' (2016) 10:2 *Regulation & Governance* 115–25.

Quinot, Geo and Sandra Liebenberg, 'Narrowing the Band: Reasonableness Review in Administrative Justice and Socio-Economic Rights Jurisprudence in South Africa' (2011) 22 *Stellenbosch Law Review* 639–63.

Ramsden, Michael, 'Uniting for Peace and Humanitarian Intervention: The Authorising Function of the U.N. General Assembly' (2016) 25:2 *Washington International Law Journal* 267–306.

Rasmussen, Morten, 'Establishing a Constitutional Practice of European Law: The History of the Legal Service of the European Executive' (2012) 21:3 *Contemporary European History* 375–397.

Downloaded from https://www.cambridge.org/core. UNIVERSIDAD AUTONOMA METROPOLITANA, on 14 Nov 2026 at 16:29:19, subject to the Cambridge Core terms of use, available at https://www.cambridge.org/core/terms. https://doi.org/10.1017/9781009646659.014

Ray, Brian, *Engaging with Social Rights: Procedure, Participation and Democracy in South Africa's Second Wave* (Cambridge University Press, 2016).

Reicher, Harry, 'The Uniting for Peace Resolution on the Thirtieth Anniversary of its Passage' (1981) 20:1 *Columbia Journal of Transnational Law* 1–49.

Resnik, Judith, 'Managerial Judges' (1982) 96:2 *Harvard Law Review* 374–448.

Roach, Kent, *Remedies for Human Rights Violations: A Two-Track Approach to Supra-national and National Law, Cambridge Studies on Constitutional Law*, Vol. 27 (Cambridge University Press, 2021).

'Polycentricity and Queue Jumping in Public Law Remedies: A Two-Track Response' (2016) 66:1 *University of Toronto Law Journal* 3–52.

Roach, Kent and Geoff Budlender, 'Mandatory Relief and Supervisory Jurisdiction: When Is It Appropriate, Just and Equitable?' (2005) 122:2 *South African Law Journal* 325–51.

Robinson, Nick, 'Expanding Judiciaries: India and the Rise of the Good Governance Court' (2009) 8 *Washington University Global Studies Law Review* 1–70.

Rodríguez-Garavito, César and Diana Rodríguez-Franco, *Radical Deprivation on Trial* (Cambridge University Press, 2015).

Rodríguez-Garavito, César, 'Beyond the Courtroom: The Impact of Judicial Activism on Socioeconomic Rights in Latin America' (2011) 89 *Texas Law Review* 1669-98.

Roger, Charles B., *The Origins of Informality: Why the Legal Foundations of Global Governance Are Shifting, and Why It Matters* (Oxford University Press, 2020).

Rombouts, Heidy, Pietro Sardaro and Stef Vandeginste, 'The Right to Reparation for Victims of Gross and Systematic Violations of Human Rights', in Koen de Feyter et al. (eds.), *Out of the Ashes: Reparation for Victims of Gross and Systematic Human Rights Violations* (Intersentia, 2005), pp. 345–503.

Romero Páez, Nicolás Augusto, 'La doctrina del estado de cosas inconstitucional en Colombia: – Novedades del neonstitucionalismo y la "inconstitucionalidad de la Realidad"' (2012) 1 *Derecho Público Iberoamericano* 243–63.

Rosanvallon, Pierre, *Counter-Democracy: Politics in an Age of Distrust* (Cambridge University Press, 2008).

Rosenberg, Gerald N., *The Hollow Hope* (University of Chicago Press, 2008).

Roux, Theunis, 'Grand Narratives of Transition and the Quest for Democratic Constitutionalism in India and South Africa' (2024) 57 *Verfassung in Recht und Übersee/World Comparative Law* 5–71.

'The Global South and Liberal Constitutionalism: Incommensurable Opposites?' on *AUSPUBLAW*, 7 July 2021.

'*In Defence of Empirical Entanglement*: The Methodological Flaw in Waldron's Case Against Judicial Review' (2015) 73 *UNSW Law Research Paper*, available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2712058.

Downloaded from https://www.cambridge.org/core. UNIVERSIDAD AUTONOMA METROPOLITANA, on 14 Nov 2026 at 16:29:19, subject to the Cambridge Core terms of use, available at https://www.cambridge.org/core/terms. https://doi.org/10.1017/9781009646659.014

The Politics of Principle: The First South African Constitutional Court, 1995–2005 (Cambridge University Press, 2013).

'Transformative Constitutionalism and the Best Interpretation of the South African Constitution: Distinction Without a Difference?' (2009) 20:2 *Stellenbosch Law Review* 258–85.

Rubin, Edward L., *Beyond Camelot* (Princeton University Press, 2007).

Russell, Meg, 'Brexit and Parliament: The Anatomy of a Perfect Storm' (2021) 74:2 *Parliamentary Affairs* 443–463.

Sabel, Charles F. and Jonathan Zeitlin, 'Learning from Difference: The New Architecture of Experimentalist Governance in the European Union' (2008) 14:3 *European Law Journal* 271–327.

Sabel, Charles F. and William H. Simon, 'Destabilization Rights: How Public Law Litigation Succeeds' (2004) 117 *Harvard Law Review* 1016–101.

Sadl, Urska, 'The Role of *Effet Utile* in Preserving the Continuity and Authority of European Union Law: Evidence from the Citation Web of the Pre-accession Case Law of the Court of Justice of the EU' (2015) 8:1 *European Journal of Legal Studies* 18–45.

Sadurski, Wojciech, '"Solange, Chapter 3": Constitutional Courts in Central Europe – Democracy – European Union' (2008) 14:1 *European Law Journal* 1–35.

Sagar, Rahul, 'Chapter 13: Emergency Powers', in Sujit Choudhry, Madhav Khosla and Pratap Bhanu Mehta (eds.), *The Oxford Handbook of the Indian Constitution* (Oxford University Press, 2016), pp. 213–31.

Sandler, Ross and David Schoenbrod, *Democracy by Decree: What Happens When Courts Run Government* (Yale University Press, 2003).

Sangiovanni, Andrea, 'Solidarity in the European Union' (2013) 33:2 *Oxford Journal of Legal Studies* 213–41.

Sathe, Satyaranjan Purushottam, *Judicial Activism in India: Transgressing Borders and Enforcing Limits* (2nd edn., Oxford University Press, 2003).

Scharpf, Fritz W., *Governing in Europe: Effective and Democratic?* (Oxford University Press, 1999).

Scheppele, Kim Lane, 'Small Emergencies' (2005) 40 *Georgia Law Review* 835–62.

Scheuerman, William E., 'Survey Article: Emergency Powers and the Rule of Law After 9/11' (2006) 14:1 *Journal of Political Philosophy* 61–84.

Schmitt, Carl, *Die Tyrannei der Werte* (Duncker & Humblot, 1967).

Politische Theologie: Vier Kapitel zur Lehre von der Souveränität (Duncker & Humblot, 1922).

Schneider, Linda, *Responses by the CJEU to the European Crisis of Democracy and the Rule of Law* (Forum Transregionale Studien, 2020).

Scicluna, Nicole, 'Integration through the Disintegration of Law? The ECB and EU Constitutionalism in the Crisis' (2018) 25:12 *Journal of European Public Policy* 1874–91.

Downloaded from https://www.cambridge.org/core. UNIVERSIDAD AUTONOMA METROPOLITANA, on 14 Nov 2026 at 16:29:19, subject to the Cambridge Core terms of use, available at https://www.cambridge.org/core/terms. https://doi.org/10.1017/9781009646659.014

Schumpeter, Joseph A., Capitalism, Socialism and Democracy (Harper, 1950).

Setzer, Joana and Lisa C. Vanhala, 'Climate Change Litigation: A Review of Research on Courts and Litigants in Climate Governance' (2019) 10:3 *Wiley Interdisciplinary Reviews: Climate Change* 580.

Shapiro, Scott J., 'Law, Plans, and Practical Reason' (2002) 8:4 *Legal Theory* 387–441.

Sharman, Campbell, 'Parliamentary Federations and Limited Government: Constitutional Design and Redesign in Australia and Canada' (1990) 2:2 *Journal of Theoretical Politics* 205–30.

Shirvani, Foroud, 'Die Bundes – und Reichsexekution in der neueren Deutschen Verfassungsgeschichte' (2011) 50:1 *Der Staat* 102–21.

Sibanda, Sanele, 'When Do You Call Time on Compromise? South Africa's Discourse on Transformation and the Future of Transformative Constitutionalism' (2020) 24 *Law Democracy and Development* 384–412.

'Not Purpose-Made! Transformative Constitutionalism, Post-Independence Constitutionalism and the Struggle to Eradicate Poverty' (2011) 22:3 *Stellenbosch Law Review* 482–500.

Simon, William H., 'Toyota Jurisprudence: Legal Theory and Rolling Rule Regimes', in Gráinne de Búrca and Joane Scott (eds.), *Law and New Governance in the EU and the US* (Bloomsbury Publishing, 2006), pp. 37–64.

Sinclair, Guy Fiti, *To Reform the World* (Oxford University Press, 2017).

Skubiszewski, Krzysztof, 'Implied Powers of International Organizations', in Yoram Dinstein and Mala Tabory (eds.), *International Law at a Time of Perplexity: Essays in Honour of Shabtai Rosenne* (Martinus Nijhoff Publishers, 1989), pp. 855–69.

Smith, Adam, *The Wealth of Nations* (1776).

Somek, Alexander, *The Cosmopolitan Constitution* (Oxford University Press, 2014).

'Administration Without Sovereignty', in Petra Dobner and Martin Loughlin (eds.), *The Twilight of Constitutionalism?* (Oxford University Press, 2010), pp. 267–88.

Starski, Paulina, *The 'Unwilling or Unable' State as a Challenge to International Law*, Habilitation thesis, Bucerius Law School (2020).

Sternberg, Claudia S., 'Political Legitimacy Between Democracy and Effectiveness: Trade-offs, Interdependencies, and Discursive Constructions by the EU Institutions' (2015) 7:4 *European Political Science Review* 615–38.

Strauss, Peter L., 'Formal and Functional Approaches to Separation of Powers Questions: A Foolish Inconsistency' (1987) 72:3 *Cornell Law Review* 488–526.

Sundstøl Eriksen, Stein, '"State Failure" in Theory and Practice: The Idea of the State and the Contradictions of State Formation' (2011) 37:1 *Review of International Studies* 229–47.

Downloaded from https://www.cambridge.org/core. UNIVERSIDAD AUTONOMA METROPOLITANA, on 14 Nov 2026 at 16:29:19, subject to the Cambridge Core terms of use, available at https://www.cambridge.org/core/terms. https://doi.org/10.1017/9781009646659.014

Sunstein, Cass R., 'Nonsectarian Welfare Statements' (2016) 10:2 *Regulation & Governance*, 126–33.

'What's Standing After Lujan? Of Citizen Suits, "Injuries," and Article III' (1992) 91:2 *Michigan Law Review* 163–236.

Susi, Mart, 'The Definition of a Structural Problem in the Case-Law of the European Court of Human Rights Since 2010' (2012) 55 *German Yearbook of International Law* 385–419.

Sweet, Alec Stone, 'A Cosmopolitian Legal Order: Constitutional Pluralism and Rights Adjudication in Europe' (2012) 1:1 *Global Constitutionalism* 53–90.

Szele, Bálint, '"Crises are Opportunities" Jean Monnet and the First Steps Towards Europe' (2003) 2:2 *European Integration Studies* 5–15.

Tardu, Maxime E., 'United Nations Response to Gross Violations of Human Rights: The 1503 Procedure' (1980) 20:3 *Santa Clara Law Review* 559.

Taylor, Helen, 'Forcing the Court's Remedial Hand: Non-compliance as a Catalyst for Remedial Innovation' (2019) 9:1 *Constitutional Court Review* 247–81.

Teubner, Günther, *Constitutional Fragments: Societal Constitutionalism and Globalization* (Oxford University Press, 2012).

'Constitutionalising Polycontexturality' (2011) 20 *Social and Legal Studies* 210–29.

Theuns, Tom, 'The Need for an EU Expulsion Mechanism: Democratic Backsliding and the Failure of Article 7' (2022) 28 *Res Publica* 693–713.

Thiruvengadam, Arun K., 'Swallowing a Bitter PIL? Reflections on Progressive Strategies for Public Interest Litigation in India', in Oscar Vilhena et al. (eds.), *Transformative Constitutionalism: Comparing the Apex Courts in Brazil, India and South Africa* (Pretoria University Press, 2013), pp. 519–31.

Thornhill, Chris and Carina Rodriguez de Araújo Calabria, 'Global Constitutionalism and Democracy: The Case of Colombia' (2020) 2 *Jus Cogens* 155–83.

Thürer, Daniel, 'The "Failed State" and International Law' (1999) 81:836 *International Review of the Red Cross* 731–761.

Timmer, Alexandra, 'A Quiet Revolution: Vulnerability in the European Court of Human Rights', in Martha Albertson Fineman and Anna Grear (eds.), *Vulnerability* (Routledge, 2016), pp. 147–70.

Tokatlı, Mahir, 'Impeachment as Last Resort to Safeguard Democracy? Removing the Head of Government in Different Institutional Settings' (2024) 65:2 *Politische Vierteljahresschrift* 395–415.

Tolley, Howard Jr., *The U.N. Commission on Human Rights* (Westview Press, 1987).

'The Concealed Crack in the Citadel: The United Nations Commission on Human Rights Response to Confidential Communications' (1984) 6:4 *Human Rights Quarterly* 420–62.

Downloaded from https://www.cambridge.org/core. UNIVERSIDAD AUTONOMA METROPOLITANA, on 14 Nov 2026 at 16:29:19, subject to the Cambridge Core terms of use, available at https://www.cambridge.org/core/terms. https://doi.org/10.1017/9781009646659.014

Tomuschat, Christian, '"Uniting for Peace": ein Rückblick nach 50 Jahren' (2001) 76:2/3 *Die Friedens-Warte* 289–303.

Tsebelis, George, 'Decision Making in Political Systems: Veto Players in Presidentialism, Parliamentarism, Multicameralism and Multipartyism' (1995) 25:3 *British Journal of Political Science* 289–325.

Tushnet, Mark, *The New Fourth Branch: Institutions for Protecting Constitutional Democracy* (Cambridge University Press, 2021).

Weak Courts, Strong Rights: Judicial Review and Social Welfare Rights in Comparative Constitutional Law (Princeton University Press, 2009).

'Law and Prudence in the Law of Justiciability: The Transformation and Disappearance of the Political Question Doctrine' (2002) 80 *North Carolina Law Review* 1203–35.

'Policy Distortion and Democratic Debilitation: Comparative Illumination of the Countermajoritarian Difficulty' (1995) 94:2 *Michigan Law Review* 247-301.

Tzouvala, Ntina, *Capitalism as Civilisation: A History of International Law, Cambridge Studies in International and Comparative Law*, Vol. 142 (Cambridge University Press, 2020).

'TWAIL and the "Unwilling or Unable" Doctrine: Continuities and Ruptures' (2015) 109 *American Journal of International Law* 266–70.

Uitz, Renáta, 'EU Rule of Law Dialogues: Risks – in Context', *Verfassungsblog*, 23 January 2020, https://verfassungsblog.de/eu-rule-of-law-dialogues-risks-in-context/.

Unger, Roberto Mangabeira, *False Necessity: Anti-necessitarian Social Theory in the Service of Radical Democracy* (Cambridge University Press, 1987).

Urquhart, Brian, *Hammarskjold* (Knopf, 1972).

Van der Schyff, Gerhard, 'The Prohibition on Constitutional Review by the Judiciary in the Netherlands in Critical Perspective: The Case and Roadmap for Reform' (2020) 21:5 *German Law Journal* 884–903.

Vauchez, Antoine, 'Integration Through Law: Contribution to a Socio-History of EU Political Commonsense' (2008) 10 *EUI Working Papers* (European University Institute).

Venzke, Ingo and Joana Mendes, 'The Idea of Relative Authority in European and International Law' (2018) 16:1 *International Journal of Constitutional Law* 75–100.

Vilbert, Frank, *The Rise of the Unelected: Democracy and the New Separation of Powers* (Cambridge University Press, 2009).

Waldron, Jeremy, *Political Theory* (Harvard University Press, 2016).

'The Core of the Case Against Judicial Review', (2006) 115:6 *The Yale Law Journal* 1346–405.

Wegener, Bernhard, 'Urgenda – Weltrettung per Gerichtsbeschluss' (2019) *Zeitschrift für Umweltrecht* 3–13.

Downloaded from https://www.cambridge.org/core. UNIVERSIDAD AUTONOMA METROPOLITANA, on 14 Nov 2026 at 16:29:19, subject to the Cambridge Core terms of use, available at https://www.cambridge.org/core/terms. https://doi.org/10.1017/9781009646659.014

Weiler, Joseph H. H., 'In the Face of Crisis: Input Legitimacy, Output Legitimacy and the Political Messianism of European Integration' (2012) 34:7 *Journal of European Integration* 825–41.

'The Transformation of Europe' (1991) 100:8 *The Yale Law Journal* 2403–83.

Wewerinke-Singh, Margaretha and Ashleigh McCoach, 'The State of the Netherlands v Urgenda Foundation: Distilling Best Practice and Lessons Learnt for Future Rights-Based Climate Litigation' (2021) 30:2 *Review of European, Comparative & International Environmental Law* 275–83.

White, Jonathan, 'The De-institutionalisation of Power Beyond the State' (2022) 28:1 *European Journal of International Relations* 187–208.

Politics of Last Resort: Governing by Emergency in the European Union (Oxford University Press, 2019).

White, Michael D. et al., 'Federal Civil Litigation as an Instrument of Police Reform: A Natural Experiment Exploring the Effects of the Floyd Ruling on Stop-and-Frisk Activities in New York City' (2016) 14 *Ohio State Journal of Criminal Law* 9–66.

White, Nigel David, 'The United Nations System: Conference, Contract or Constitutional Order' (2000) 4 *Singapore Journal of International & Comparative Law* 281–99.

Whittington, Keith E., 'Impeachment in a System of Checks and Balances' (2022) 87:3 Missouri Law Review 835–61.

Political Foundations of Judicial Supremacy: The Presidency, the Supreme Court, and Constitutional Leadership in U.S. History (Princeton University Press, 2007).

Wildhaber, Luzius, 'Pilot Judgments in Cases of Structural or Systemic Problems on the National Level', in Ulrike Deutsch and Rüdiger Wolfrum (eds.), *The European Court of Human Rights Overwhelmed by Applications: Problems and Possible Solutions* (Springer, 2009), pp. 69–75.

Wilkinson, Michael A., *Authoritarian Liberalism and the Transformation of Modern Europe* (Oxford University Press, 2021).

Wischmeyer, Thomas, *Zwecke im Recht des Verfassungsstaates: Geschichte und Theorie einer juristischen Denkfigur* (Mohr Siebeck, 2015).

'Generating Trust Through Law? Judicial Cooperation in the European Union and the "Principle of Mutual Trust"' 17:3 (2016) *German Law Journal* 339–82.

Yamin, Alicia Ely, Oscar Parra-Vera and Camila Gianella, 'Colombia: Judicial Protection of the Right to Health: An Elusive Promise?', in Alicia Ely Yamin and Siri Gloppen (eds.), *Litigating Health Rights: Can Courts Bring More Justice to Health?* (Harvard University Press, 2011), pp. 103–31.

Yap, Po Jen, 'Remedial Discretion and Dilemmas in Asia' (2019) 69:1 *University of Toronto Law Journal* 84–104.

Constitutional Remedies in Asia (Routledge, 2019).

Downloaded from https://www.cambridge.org/core. UNIVERSIDAD AUTONOMA METROPOLITANA, on 14 Nov 2026 at 16:29:19, subject to the Cambridge Core terms of use, available at https://www.cambridge.org/core/terms. https://doi.org/10.1017/9781009646659.014

'New Democracies and Novel Remedies' (2017) 1 *Public Law* 30–45.
Young, Katharine, 'The Canons of Social and Economic Rights' (2021) 553:1 *Boston College Law School Legal Studies Research Paper* 1–18.
Zittoun, Philippe, 'Analysing Policy Failure as an Argumentative Strategy in the Policymaking Process: A Pragmatist Perspective' (2015) 30:3 *Public Policy and Administration* 243–60.

Downloaded from https://www.cambridge.org/core. UNIVERSIDAD AUTONOMA METROPOLITANA, on 14 Nov 2026 at 16:29:19, subject to the Cambridge Core terms of use, available at https://www.cambridge.org/core/terms. https://doi.org/10.1017/9781009646659.014