

References

- Ackerman, Bruce (2000), "The New Separation of Powers" 113 *Harv. L. Rev.* 633.
- Ackerman, Mark (2010), "Understanding Independent Accountability Agencies", in Susan Rose-Ackerman and Peter Lindseth (eds), *Comparative Administrative Law*, Cheltenham UK and Northampton MA: Edward Elgar Publishing.
- Alexy, Robert (2002), *A Theory of Constitutional Rights*, New York NY: Oxford University Press.
- Barak, Aharon (2012), *Proportionality: Constitutional Rights and Their Limitations*, Cambridge UK: Cambridge University Press.
- Bar-Siman-Tov, Ittai (2013), "Semiprocedural Judicial Review" 6 *Legisprudence* 271.
- Beatty, David (2004), *The Ultimate Rule of Law*, New York NY: Oxford University Press.
- Bellamy, Richard (2007), *Political Constitutionalism: A Republican Defence of the Constitutionality of Democracy*, Cambridge UK: Cambridge University Press.
- Berman, Mitchell (2010), "Constitutional Constructions and Constitutional Decision Rules: Thoughts on the Carving of Implementation Space" 27 *Constitutional Commentary* 39.
- Black, Charles L. (1969), *Structure and Relationship in Constitutional Law*, Baton Rouge LA: Louisiana State University Press.
- Blackbourn, Jessie (2014), "Independent Reviewers as Alternative: An Empirical Study from Australia and the UK", in Fergal F. Davis and Fiona de Londras (eds), *Critical Debates on Counter-Terrorist Judicial Review*, Cambridge UK: Cambridge University Press.
- Bomhoff, Jacco (2013), *Balancing Constitutional Rights: The Origins and Meaning of Postwar Legal Discourse*, Cambridge UK: Cambridge University Press.
- Calabresi, Guido and Philip Bobbitt (1978), *Tragic Choices*, New York NY: Norton.
- Chayes, Abram (1976), "The Role of the Judge in Public Law Litigation" 89 *Harv. L. Rev.* 1281.
- Cheibub, Jose Antonio (2007), *Presidentialism, Parliamentarism, and Democracy*, New York NY: Cambridge University Press.
- Cho, Hong Sik and Ole W. Pedersen (2013), "Environmental Rights and Future Generations", in Mark Tushnet, Thomas Fleiner and Cheryl Saunders (eds), *Routledge Handbook of Constitutional Law*, London: Routledge.
- Chrysogonos, Kostas and Costas Stratilatis (2012), "Limits of Electoral Equality and Political Representation" 8 *European Constitutional Law Review* 9.
- Coenen, Dan (2001), "A Constitution of Collaboration: Protecting Fundamental Values with Second-Look Rules of Interbranch Dialogue" 42 *Wm. and Mary L. Rev.* 1575.

- Dahl, Robert (1957), "Decision-Making in a Democracy: The Supreme Court as a National Policy-Maker" 6 *J. Pub. L.* 279.
- Dicey, Albert Venn (1915), *Introduction to the Study of the Law of the Constitution* (8th edition), London: Macmillan & Co., Ltd.
- Dixon, Rosalind (2008), "A Democratic Theory of Constitution Comparison" 56 *Am. J. Comp. L.* 947.
- Dixon, Rosalind (2015), "Constitutional Drafting and Distrust" 13 *Int'l J. Const. L.* 819.
- Dixon, Rosalind and Tom Ginsburg (2011), "Deciding Not to Decide: Deferral in Constitutional Design" 9 *Int'l J. Con. L.* 636.
- Dixon, Rosalind and David Landau (2018), "Tiered Constitutional Design" 86 *Geo. Wash. L. Rev.*
- Elkins, Zachary, Tom Ginsburg and James Melton (2009), *The Endurance of National Constitutions*, New York NY: Cambridge University Press.
- Elliott, Mark (2013), "Ombudsmen, Tribunals, Inquiries: Re-fashioning Accountability Beyond the Courts", in Nicholas Bamforth and Peter Leyland (eds) *Accountability in the Contemporary Constitution*, Oxford UK: Oxford University Press.
- Elster, Jon (1995), "Force and Mechanisms in the Constitution-Making Process" 45 *Duke L. J.* 364.
- Epp, Charles (1998), *The Rights Revolution: Lawyers, Activists, and Supreme Courts in Comparative Perspective*, Chicago IL: University of Chicago Press.
- Epstein, Richard (1995), *Simple Rules for a Complex World*, Cambridge MA: Harvard University Press.
- Ewing, Keith, Tom Campbell and Adam Tomkins (eds) (2001), *The Legal Protection of Human Rights: Sceptical Essays*, Oxford UK: Oxford University Press.
- Fontana, David (2011), "The Rise and Fall of Comparative Constitutional Law in the Postwar Era" 36 *Yale Journal of International Law* 1.
- Fuller, Lon (1978), "The Forms and Limits of Adjudication" 92 *Harv. L. Rev.* 353.
- Gardbaum, Stephen (2013), *The New Commonwealth Model of Constitutionalism: Theory and Practice*, Cambridge UK: Cambridge University Press.
- Ginsburg, Tom (2010), "Written Constitutions and the Administrative State: On the Constitutional Character of Administrative Law", in Susan Rose-Ackerman and Peter Lindseth (eds), *Comparative Administrative Law*, Cheltenham UK and Northampton MA: Edward Elgar Publishing.
- Ginsburg, Tom and Rosalind Dixon (eds) (2011), *Comparative Constitutional Law*, Cheltenham UK and Northampton MA: Edward Elgar Publishing.
- Ginsburg, Tom and Zachary Elkins (2009), "Ancillary Powers of Constitutional Courts" 87 *Tex. L. Rev.* 1431.
- Ginsburg, Tom and Tamir Moustafa (eds) (2008), *Rule By Law: The Politics of Courts in Authoritarian Regimes*, Cambridge UK: Cambridge University Press.
- Ginsburg, Tom and Alberto Simpser (2014), *Constitutions in Authoritarian Regimes*, Cambridge UK: Cambridge University Press.
- Graber, Mark (2007), "The New Fiction: *Dred Scott* and the Language of Judicial Authority" 82 *Chi.-Kent L. Rev.* 177.
- Habermas, Jurgen (1996), *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy*, Cambridge MA: MIT Press.

- Harding, Andrew (2012), *The Constitution of Malaysia: A Contextual Analysis*, Oxford UK: Hart Publishing.
- Hirschl, Ran (2004), *Towards Juristocracy: The Origins and Consequences of the New Constitutionalism*, Cambridge MA: Harvard University Press.
- Hirschl, Ran (2005), "The Question of Case Selection in Comparative Constitutional Law" 53 *American Journal of Comparative Law* 125.
- Hirschl, Ran (2014), *Comparative Matters: The Renaissance of Comparative Constitutional Law*, New York NY: Oxford University Press.
- Hofstadter, Richard (1973), *The American Political Tradition and the Men Who Made It* (25th anniversary edition), New York NY: Knopf, p. 131.
- Hogg, Peter and Allison Bushell (1997), "The Charter Dialogue Between Courts and Legislatures (Or Perhaps the Charter of Rights Isn't Such a Bad Thing After All)" 35 *Osgoode Hall L. J.* 75.
- Holmes, Jr, Oliver Wendell (1897), "The Path of the Law" 10 *Harv. L. Rev.* 457.
- Kahana, Tsvi (2013), "Majestic Constitutionalism – The Notwithstanding Mechanism in Israel", in Gideon Sapir, Daphne Barak-Erez and Aharon Barak (eds) *Israeli Constitutional Law in the Making*, Oxford UK: Hart Publishing, p. 73.
- Khaitan, Tarunabh (2018), "Securing Losers' Consent for India's Constitution: The Role of Directive Principles" 16(2) *Int'l J. Con. L.*
- Kramer, Larry (2005), *The People Themselves: Popular Constitutionalism and Judicial Review*, New York NY: Oxford University Press.
- Krishnaswamy, Sudhir (2009), *Democracy and Constitutionalism in India: A Study of the Basic Structure Doctrine*, New Delhi: Oxford University Press.
- Landau, David (2012), "The Reality of Social Rights Enforcement" 53 *Harvard International Law Journal* 189.
- Landau, David (2013), "Abusive Constitutionalism" 47 *UC Davis Law Review* 189.
- Lee, H.P. (ed.) (2011), *Judiciaries in Comparative Perspective*, Cambridge UK: Cambridge University Press.
- Lerner, Hanna (2012), "The Political Infeasibility of 'Thin' Constitutions: Lessons from 2003–2006 Israeli Constitutional Debates" 22 *J. Transnat'l L. and Pol'y* 85.
- Levinson, Daryl (2011), "Parchment and Politics: The Positive Puzzle of Constitutional Commitment" 124 *Harvard Law Review* 657.
- Levinson, Daryl and Richard Pildes (2006), "Separation of Parties, Not Powers" 119 *Harv. L. Rev.* 2311.
- Lindblom, Charles E. (1977), *Politics and Markets: The World's Political-Economic Systems*, New York NY: Basic Books.
- Linde, Hans (1976), "Due Process of Law-Making" 55 *Neb. L. Rev.* 197.
- Mandel, Michael (1989), *The Charter of Rights and the Legalization of Politics in Canada*, Toronto: Wall & Thompson.
- Meierhenrich, Jens (2008), *The Legacies of Law: Long-run Consequences of Legal Development in South Africa, 1652–2000*, Cambridge UK: Cambridge University Press.
- Moustafa, Tamir (2007), *The Struggle for Constitutional Power: Law, Politics, and Economic Development in Egypt*, Cambridge UK and New York NY: Cambridge University Press.

- Note [Robert Nagel] (1972), "Legislative Purpose, Rationality, and Equal Protection" 82 *Yale L. J.* 123.
- Nozick, Robert (1974), *Anarchy, State, and Utopia*, New York NY: Basic Books.
- Partlett, William (2012), "The Dangers of Popular Constitution-Making" 38 *Brook. J. Int'l L.* 193.
- Persson, Torsten and Guido Tabellini (2003), *The Economic Effects of Constitutions*, Cambridge MA: The MIT Press.
- Rosenfeld, Michel and Andras Sajo (eds) (2012), *The Oxford Handbook of Comparative Constitutional Law*, New York NY: Oxford University Press.
- Roznai, Yaniv (2017), *Unconstitutional Constitutional Amendment: The Limits of Amendment Powers*, New York NY: Oxford University Press.
- Saati, Abrak (2015), *The Participation Myth: Outcomes of Participatory Constitution Building Processes on Democracy*, <http://umu.diva-portal.org/smash/record.jsf?pid=diva2%3A809188&dswid=8313>.
- Sabbagh, Daniel (2007), *Equality and Transparency: A Strategic Perspective on Affirmative Action in American Law*, New York NY: Palgrave Macmillan.
- Sabel, Charles F. and William H. Simon (2004), "Destabilization Rights: How Public Law Litigation Succeeds" 117 *Harv. L. Rev.* 1015.
- Sagoff, Mark (1974), "On Preserving the Natural Environment" 84 *Yale L. J.* 205.
- Schauer, Frederick (2005), "Freedom of Expression Adjudication in Europe and America: A Case Study in Comparative Constitutional Architecture", in Georg Nolte (ed.), *European and U.S. Constitutionalism*, Cambridge UK: Cambridge University Press, p. 47.
- Seidman, Louis Michael (2012), *On Constitutional Disobedience*, New York NY: Oxford University Press.
- Sharlet, Robert (1993), "Chief Justice as Judicial Politician" 2 *East European Constitutional Court Review* 32.
- Sikkink, Katherine and Margaret Keck (1998), *Activists Beyond Borders: Advocacy Networks in International Politics*, Ithaca NY: Cornell University Press.
- Soichi, Koseki and Ray A. Moore (1997), *The Birth of Japan's Postwar Constitution*, Boulder CO: Westview Press.
- Stephenson, Matt (2003), "'When the Devil Turns ...': The Political Foundations of Independent Judicial Review" 32 *J. Legal Stud.* 59.
- Stone-Sweet, Alec and Kathleen Stranz (2012), "Rights Adjudication and Constitutional Pluralism in Germany and Europe" 19 *J. Eur. Public Pol'y* 92.
- Tushnet, Mark (1999), *Taking the Constitution Away from the Courts*, Princeton NJ: Princeton University Press.
- Tushnet, Mark (2007), *Out of Range: Why the Constitution Can't End the Battle Over Guns*, New York NY: Oxford University Press.
- Tushnet, Mark (2008a), "Some Skepticism about Normative Constitutional Advice" 49 *Wm. and Mary L. Rev.* 1473.
- Tushnet, Mark (2008b), *Weak Courts, Strong Rights: Judicial Review and Social Welfare Rights in Comparative Constitutional Law*, Princeton NJ: Princeton University Press.
- Tushnet, Mark (2012), "National Identity as a Constitutional Issue: The Case of the

- Preamble to the Irish Constitution of 1937", in Eoin Carolan (ed.), *The Constitution of Ireland: Perspectives and Prospects*, Haywards Heath UK: Bloomsbury Publishing.
- Tushnet, Mark (2015), "Authoritarian Constitutionalism" 100 *Corn. L. Rev.* 391.
- Tushnet, Mark, Thomas Fleiner and Cheryl Saunders (eds) (2012), *Routledge Handbook of Constitutional Law*, London: Routledge.
- Unger, Roberto Mangabeira (1987), *False Necessity: Anti-Necessitarian Social Theory in the Service of Radical Democracy*, Cambridge UK: Cambridge University Press.
- Voermans, Wim, Maarten Stremmer and Paul Cliteur (2017), *Constitutional Preambles: A Comparative Analysis*, Cheltenham UK and Northampton MA: Edward Elgar Publishing.
- Weiler, Joseph H.H. (1995), "Does Europe Need a Constitution? Demos, Telos and the German Maastricht Decision" 1 *Eur. L. J.* 219.
- Weill, Rivka (2017), "On the Nexus of Eternity Clauses, Proportional Representation and Banned Political Parties" 16 *Election L.J.* 237.
- Whitman, James (2004), "The Two Western Cultures of Privacy: Dignity Versus Liberty" 113 *Yale L. J.* 1151.
- Whittington, Keith (2009), "Judicial Review of Congress Before the Civil War" 97 *Geo. L. J.* 1257.
- Widner, Jennifer and Xenophon Contiades (2012), "Constitution-Writing Processes", in Mark Tushnet, Thomas Fleiner and Cheryl Saunders (eds), *Routledge Handbook of Constitutional Law*, London: Routledge, p. 57.
- Yap, Po Jen (2013), "Dialogue and Subconstitutional Doctrines in Common Law Asia" *Public Law* 779.
- Zoller, Elisabeth (2010), "Laïcité in Comparative Perspective: Panel Discussion" 49 *J. Catholic Leg. Stud.* 101.