

Bibliography

- Ackerman, Bruce. 1989. "Constitutional Politics/Constitutional Law." *Yale Law Journal* 99 (3): 453–547.
- . 1991. *We the People: Foundations*. Harvard University Press.
- . 2007. "The Living Constitution." *Harvard Law Review* 120 (7): 1737–812.
- . 2014. *We the People: The Civil Rights Revolution*. Belknap Press.
- Alexy, Robert, and Julian Rivers. 2010. *A Theory of Constitutional Rights*. Oxford University Press.
- Amar, Akhil Reed. 2000. *The Bill of Rights: Creation and Reconstruction*. Yale University Press.
- . 2012. *America's Constitution: A Biography*. Random House.
- Antidiskriminierungsstelle des Bundes. 2012. *Ausgewählte Entscheidungen deutscher Gerichte zum Antidiskriminierungsrecht*. Antidiskriminierungsstelle des Bundes.
- Arndt, Adolf. 1960. *Das nicht erfüllte Grundgesetz*. Mohr Siebeck.
- Bakan, Joel. 1997. *Just Words: Constitutional Rights and Social Wrongs*. University of Toronto Press.
- Baldus, Manfred. 2005. "Frühe Machtkämpfe: Ein Versuch über die historischen Gründe der Autorität des Bundesverfassungsgericht." In *Das Lüth-Urteil aus (rechts-)historischer Sicht: Die Konflikte um Veit Harlan und die Grundrechtsjudikatur des Bundesverfassungsgerichts*, edited by Thomas Henne and Arne Riedlinger. Berliner Wissenschafts-Verlag.
- Balkin, Jack M. 2011. *Constitutional Redemption: Political Faith in an Unjust World*. Harvard University Press.
- Benedict, Michael Les. 1978. "Preserving Federalism: Reconstruction and the Waite Court." *The Supreme Court Review* 1978: 39–80.
- Bernier, Ivan, and Andrée Lajoie. 1986. *The Supreme Court of Canada as an Instrument of Political Change*. University of Toronto Press.
- Best, Samuel J., and Benjamin Radcliff. 2005. *Polling America: An Encyclopedia of Public Opinion, Volume I, A–O*. Greenwood.
- Bhagwat, Ashutosh. 2010. *The Myth of Rights: The Purposes and Limits of Constitutional Rights*. Oxford University Press.

- Black, Jr., Charles L. 1967. "Foreword: State Action, Equal Protection, and California's Proposition 14." *Harvard Law Review* 81 (1): 69–109.
- Böckenförde, Ernst-Wolfgang. 1991. *State, Society, and Liberty: Studies in Political Theory and Constitutional Law*. Berg.
- Bomhoff, Jacco. 2013. *Balancing Constitutional Rights: The Origins and Meanings of Postwar Legal Discourse*. Cambridge University Press.
- Boyd, Susan B. 2000. "The Impact of the Charter of Rights and Freedoms on Canadian Family Law." *Canadian Journal of Family Law* 17 (2): 293–331.
- Brandwein, Pamela. 2006. "The Civil Rights Cases and the Lost Language of State Neglect." In *The Supreme Court and American Political Development*, 275–325. University Press of Kansas.
- . 2007. "A Judicial Abandonment of Blacks? Rethinking the 'State Action' Cases of the Waite Court." *Law & Society Review* 41 (2): 343–86.
- . 2014. *Rethinking the Judicial Settlement of Reconstruction*. Cambridge University Press.
- Brest, Paul. 1982. "State Action and Liberal Theory: A Casenote on *Flagg Brothers v. Brooks*." *University of Pennsylvania Law Review* 130 (6): 1296–330.
- Brest, Paul, Sanford Levinson, Jack M. Balkin, Reva B. Siegel, and Akhil Reed Amar. 2006. *Processes of Constitutional Decision Making: Cases And Materials*. Aspen Law & Business.
- Bryde, Brun-Otto. 2007. "Fundamental Rights as Guidelines and Inspiration: German Constitutionalism in International Perspective." *Wisconsin International Law Journal* 25 (2): 189–208.
- Bushnell, Ian. 1992. *The Captive Court: A Study of the Supreme Court of Canada*. McGill-Queen's University Press.
- Cabral, Pedro, and Ricardo Neves. 2011. "General Principles of EU Law and Horizontal Direct Effect." *European Public Law* 17 (3): 437–54.
- Caldwell, Ernest. 2012. "Horizontal Rights and Chinese Constitutionalism: Judicialization Through Labor Disputes." *Chicago-Kent Law Review* 88 (1): 63–92.
- Canaris, Claus-Wilhelm. 1984. "Grundrechte und Privatrecht." *Archiv für die civilistische Praxis* 184 (3): 201–46.
- . 1998. *Grundrechte und Privatrecht: Eine Zwischenbilanz*. Gruyter.
- Chafee, Zechariah. 1920. *Freedom of Speech*. Harcourt, Brace and Howe.
- Chemersinsky, Erwin. 1985. "Rethinking State Action." *Northwestern University Law Review* 80 (3): 503–57.
- Cherednychenko, Ohla O. 2007. "Fundamental Rights and Private Law: A Relationship of Subordination or Complementarity." *Utrecht Law Review* 3 (2): 1–25.
- Choudhry, Sujit, and Claire Hunter. 2003. "Measuring Judicial Activism on the Supreme Court of Canada: A Comment on *Newfoundland (Treasury Board) v. NAPE*." *McGill Law Journal* 48 (3): 525–62.
- Clapham, Andrew. 2006. *Human Rights Obligations of Non-state Actors*. Oxford University Press.
- Clark, Mark W. 2006. *Beyond Catastrophe: German Intellectuals and Cultural Renewal After World War II, 1945–1955*. Lexington Books.
- Collings, Justin. 2015. *Democracy's Guardians: Constitutional Justice and the Making of Postwar Germany*. Oxford University Press.

- Comella, Victor Ferreres. 2009. *Constitutional Courts and Democratic Values: A European Perspective*. Yale University Press.
- Courtney, John, and David E. Smith. 2010. "Introduction: Transformation of an Unnatural Country." In *The Oxford Handbook of Canadian Politics*, edited by John Courtney and David E. Smith, 3–17. Oxford University Press.
- Cox, Gary W. 1997. *Making Votes Count: Strategic Coordination in the World's Electoral Systems (Political Economy of Institutions and Decisions)*. Cambridge University Press.
- Crosby, Margaret Barber. 2008. *The Making of a German Constitution: A Slow Revolution*. Berg Publishers.
- Crowe, Justin. 2007. "Building the Judiciary: Law, Courts, and the Politics of Institutional Development." Princeton University Press.
- Currie, David P. 1994. *The Constitution of the Federal Republic of Germany*. University of Chicago Press.
- Dellinger, Walter E. 1972. "Of Rights and Remedies: The Constitution as a Sword." *Harvard Law Review* 85 (8): 1532–64.
- Diederichsen, Uwe. 1998. "Das Bundesverfassungsgericht als oberstes Zivilgericht. Ein Lehrstück der juristischen Methodenlehre." *Archiv für die civilistische Praxis* 198 (2): 171–260.
- Doyle, Arthur Conan. 1892. "The Adventure of the Silver Blaze." *The Strand Magazine: An Illustrated Monthly* 4: 645–60.
- Dürig, Günter. 1956. "Der Grundsatz der Menschenwürde. Entwurf eines praktikablen Wertsystems der Grundrechte aus Art. 1 Abs. I in Verbindung mit Art. 19 Abs. II des Grundgesetzes." *Archiv des Öffentlichen Rechts (AöR)* 81 (2): 117–57.
- Eberlein, Klaus D. 1968. *Was die Deutschen möchten*. Wegner.
- Ebke, Werner, and Matthew W. Finkin. 1996. *Introduction to German Law*. Kluwer Law International.
- Eliadis, Pearl. 2014. *Speaking Out on Human Rights: Debating Canada's Human Rights System*. McGill-Queen's University Press.
- Emanuel, Steven L. 2012. *Emanuel Law Outlines: Constitutional Law, 30th Edition*. Aspen Publishers.
- Emerson, Thomas I. 1970. *The System of Freedom of Expression*. Random House.
- . 1979. "The Right of Privacy and Freedom of the Press." *Harvard Civil Rights-Civil Liberties Law Review* 14 (2): 329–60.
- Engel, Stephen M. 2011. *American Politicians Confront the Court: Opposition Politics and Changing Responses to Judicial Power*. Cambridge University Press.
- Epp, Charles R. 1998. *The Rights Revolution: Lawyers, Activists, and Supreme Courts in Comparative Perspective*. University of Chicago Press.
- Erdoş, David. 2010. *Delegating Rights Protection: The Rise of Bills of Rights in the Westminster World*. Oxford University Press.
- Eskridge, William N. 2002. "Some Effects of Identity-Based Social Movements on Constitutional Law in the Twentieth Century." *Michigan Law Review* 100 (8): 2062–407.
- Eskridge, William N., and John Ferejohn. 2001. "Super-Statutes." *Duke Law Journal* 50 (5): 1215–76.
- . 2010. *A Republic of Statutes: The New American Constitution*. Yale University Press

- Estrada, Alexei Julio. 2000. *La Eficacia de Derechos Fundamentales Entre Particulares*. Universidad Externado de Colombia.
- . 2007. “Los Tribunales Constitucionales y la Eficacia entre Particulares de los Derechos Fundamentales.” In *Teoría Constitucional y Derechos Fundamentales*, edited by Miguel Carbonell, 203–250. Comisión Nacional de los Derechos Humanos.
- Fairman, Charles. 2009. *History of the Supreme Court of the United States: Reconstruction and Reunion, 1864–1888*. Cambridge University Press.
- Fedtke, Jörg. 2007. “Drittwirkung in Germany.” In *Human Rights and the Private Sphere: A Comparative Study*, edited by Dawn Oliver and Jörg Fedtke, 125–56. Routledge Cavendish.
- Fee, John. 2004. “Formal State Action Doctrine and Free Speech Analysis.” *North Carolina Law Review*. 83 (3): 569–620.
- Feeley, Malcolm M. 2006. “The Black Basis of Constitutional Development.” In *Earl Warren and the Warren Court: The Legacy in American and Foreign Law*, edited by Harry N. Scheiber, 49–75. Lexington Books.
- Fenske, Hans. 1994. *Deutsche Verfassungsgeschichte. Vom Norddeutschen Bund bis heute*. Copress.
- Fisher, Louis. 1988. *Constitutional Dialogues: Interpretation as Political Process*. Princeton University Press.
- Flemming, Roy B. 2005. *Tournament of Appeals: Granting Judicial Review in Canada*. UBC Press.
- Foner, Eric. 2002. *Reconstruction: America's Unfinished Revolution, 1863–1877*. Harper Perennial Modern Classics.
- Fontana, David. 2013. “Docket Control and the Success of Constitutional Courts.” In *Comparative Constitutional Law*, edited by Tom Ginsburg and Rosalind Dixon, 624–41. Edward Elgar.
- Forer, Lois G. 1987. *A Chilling Effect: The Mounting Threat of Libel and Invasion of Privacy Actions to the First Amendment*. Norton.
- Forsthoff, Ernst. 1964. *Rechtsstaat im Wandel*. Kohlhammer.
- Frank, Rainer. 2000. “100 Jahre BGB-Familienrecht zwischen Rechtspolitik, Verfassung und Dogmatik.” *Archiv für die civilistische Praxis* 200 (3/4): 401–25.
- Frankenberg, Günter. 2002. “Zur Rolle der Verfassung im Prozess der Integration.” In *Integration durch Verfassung*, edited by Hans Vorländer. Westdeutscher Verlag.
- Frantz, Laurent B. 1964. “Congressional Power to Enforce the Fourteenth Amendment Against Private Acts.” *Yale Law Journal* 73 (8): 1353–84.
- Franzius, Christine. 2005. *Bonner Grundgesetz und Familienrecht: Die Diskussion um die Gleichberechtigung von Mann und Frau in der westdeutschen Zivilrechtslehre der Nachkriegszeit (1945–1957)*. Klostermann, Vittorio.
- Friedmann, Daniel, and Daphne Barak-Erez, eds. 2001. *Human Rights in Private Law*. Hart Publishing (UK).
- Gardbaum, Stephen. 2003. “The ‘Horizontal Effect’ of Constitutional Rights.” *Michigan Law Review* 102 (3): 387–459.
- Garfield, Alan E. 1998. “Promises of Silence: Contract Law and Freedom of Speech.” *Cornell Law Review* 83 (2): 261–364.

- Garlicki, Lech. 2007. "Constitutional Courts Versus Supreme Courts." *International Journal of Constitutional Law* 5 (1): 44.
- German Law Journal. 2001. "Federal Constitutional Court Affirms Horizontal Effect of Constitutional Rights in Private Law Relations and Voids a Marital Agreement on Constitutional Grounds." *German Law Journal* 2 (6). <http://www.germanlawjournal.com/s/GLJ_Vol_02_No_06_01.pdf>.
- Gillette, William. 1980. *Retreat from Reconstruction: 1869–1879*. Louisiana State University Press.
- Goebel, Julius. 1964. *Law Practice of Alexander Hamilton*. Columbia University Press.
- Goldstone, Lawrence. 2012. *Inherently Unequal: The Betrayal of Equal Rights by the Supreme Court, 1865–1903*. Walker & Company.
- Green, Leon. 1960. "The Right to Communicate." *New York University Law Review* 35 (4): 903–24.
- Greene, Ian. 2007. *The Courts*. UBC Press.
- Grimm, Dieter. 2005. "Integration by Constitution." *International Journal of Constitutional Law*. 3 (2/3): 193–210.
- . 2006. "Constitutional Issues in Substantive Law: Limits of Constitutional Adjudication." In *The Future of the European Judicial System in a Comparative Perspective: 6th International ECLN-Colloquium / IACL Round Table Berlin, 2–4 November 2005*, edited by Patricia Stöbener, Julia Mall, Ingolf Pernice, Juliane Kokott, and Cheryl Saunders, 277–81. Nomos.
- . 2007. "Proportionality in Canadian and German Constitutional Jurisprudence." *University of Toronto Law Journal* 57 (2): 383–97.
- Günther, Frieder. 2004. *Denken vom Staat her: Die bundesdeutsche Staatsrechtslehre zwischen Dezision und Integration 1949–1970*. Oldenbourg Wissenschaftsverlag.
- Gusy, Christoph. 2006. "Die Verfassungsbeschwerde." In *Das Bundesverfassungsgericht im politischen System*, edited by Robert Chr. van Ooyen and Martin H.W. Möllers, 201–13. VS Verlag für Sozialwissenschaften.
- Häberle, Peter. 2006a. "Role and Impact of Constitutional Courts in a Comparative Perspective." In *The Future of the European Judicial System in a Comparative Perspective: 6th International ECLN-Colloquium / IACL Round Table Berlin, 2–4 November 2005*, edited by Patricia Stöbener, Julia Mall, Ingolf Pernice, Juliane Kokott, and Cheryl Saunders. Nomos.
- . 2006b. "Verfassungsgerichtsbarkeit in der offenen Gesellschaft." In *Das Bundesverfassungsgericht im politischen System*, edited by Robert Chr. van Ooyen and Martin H.W. Möllers, 35–46. VS Verlag für Sozialwissenschaften.
- Hager, Johannes. 1994. "Grundrechte im Privatrecht." *JuristenZeitung* 49 (8): 373–83.
- Hale, Robert L. 1923. "Coercion and Distribution in a Supposedly Non-Coercive State." *Political Science Quarterly* 38 (3): 470–94.
- Hamburger, Philip. 2008. *Law and Judicial Duty*. Harvard University Press.
- Hamilton, Alexander, James Madison, and John Jay. 2013. *The Federalist Papers*. US Historic Books.
- Härtel, Ines. 2013. "Constitutional Courts as Positive Legislators: Germany." In *Constitutional Courts as Positive Legislators: A Comparative Law Study*, edited by Allan R. Brewer-Carías, 497–519. Cambridge University Press.

- Hausegger, Lori, Matthew Hennigar, and Troy Riddell. 2008. *Canadian Courts: Law, Politics, and Process*. Oxford University Press.
- Heldrich, Andreas, and Gebhard M. Rehm. 2001. "Importing Constitutional Values Through Blanket Clauses." In *Human Rights in Private Law*, edited by Daniel Friedmann and Daphne Barak-Erez, 113–28. Hart Publishing (UK).
- Henne, Thomas. 2005. "'Von 0 auf Lüth in 6 1/2 Jahren': Zu den prägenden Faktoren der Grundsatzentscheidung." In *Das Lüth-Urteil aus (rechts-) historischer Sicht: Die Konflikte um Veit Harlan und die Grundrechtsjudikatur des Bundesverfassungsgerichts*, edited by Thomas Henne and Arne Riedlinger. Berliner Wissenschafts-Verlag.
- . 2006a. "'Smend oder Hennis': Bedeutung, Rezeption und Problematik der 'Lüth-Entscheidung' des Bundesverfassungsgerichts von 1958." In *Das Bundesverfassungsgericht im politischen System*, 141–50. Springer.
- . 2006b. "Die neue Wertordnung in Zivilrecht—speziell Familien- und Arbeitsrecht." In *Das Bonner Grundgesetz: Altes Recht und neue Verfassung in den ersten Jahrzehnten der Bundesrepublik Deutschland (1949–1969)*, edited by Michael Stolleis, 13–38. Berliner Wissenschafts-Verlag.
- Henne, Thomas, and Arne Riedlinger, eds. 2005. *Das Lüth-Urteil aus (rechts-) historischer Sicht: Die Konflikte um Veit Harlan und die Grundrechtsjudikatur des Bundesverfassungsgerichts*. Berliner Wissenschafts-Verlag.
- Hennigar, Matthew. 2010. "Reference re Same-Sex Marriage: Making Sense of the Government's Litigation Strategy." In *Contested Constitutionalism: Reflections on the Canadian Charter of Rights and Freedoms*, edited by James B. Kelly and Christopher P. Manfredi, 209–30. UBC Press.
- Hennis, Wilhelm. 2005. "Lüth—und Anderes." In *Das Lüth-Urteil aus (rechts-) historischer Sicht: Die Konflikte um Veit Harlan und die Grundrechtsjudikatur des Bundesverfassungsgerichts*, edited by Thomas Henne and Arne Riedlinger, 187–94. Berliner Wissenschafts-Verlag.
- Herbert, Ulrich. 2003. "Liberalisierung als Lernprozeß. Die Bundesrepublik in der deutschen Geschichte—eine Skizze." In *Wandlungsprozesse in Westdeutschland. Belastung, Integration, Liberalisierung 1945–1980*, edited by Ulrich Herbert, 7–49. Wallstein Verlag.
- . 2006. "Integration der jungen Republik durch Verfassungsrecht?" In *Das Bonner Grundgesetz: Altes Recht und neue Verfassung in den ersten Jahrzehnten der Bundesrepublik Deutschland (1949–1969)*, edited by Michael Stolleis, 85–102. Berliner Wissenschafts-Verlag.
- Heun, Werner. 2011. *The Constitution of Germany: A Contextual Analysis*. Hart Publishing.
- Hiebert, Janet L. 2013. "Constitutional Experimentation: Rethinking How a Bill of Rights Functions." In *Comparative Constitutional Law (Research Handbooks in Comparative Law Series)*, edited by Tom Ginsburg and Rosalind Dixon, 298–320. Edward Elgar.
- . 2010. "The Canadian Charter of Rights and Freedoms." In *The Oxford Handbook of Canadian Politics*, edited by John Courtney and David E. Smith, 54–71. Oxford University Press.

- Hoentzsch, Susanne. 2006. "Discrimination in Individual-Related Employment—A View from Europe and Germany to Canada." *German Law Journal* 7 (10): 795–818.
- . 2015. *Constitutional Law of Canada: 2015 Student Edition*. Carswell.
- Hogg, Peter W., and Allison A. Bushell. 1997. "The Charter Dialogue between Courts and Legislatures (Or Perhaps the Charter of Rights Isn't Such a Bad Thing After All)." *Osgoode Hall Law Journal* 35 (1): 75–124.
- Hogg, Peter W., and Allison A. Thornton. 1999. "Reply to Six Degrees of Dialogue." *Osgoode Hall Law Journal* 37 (3): 529–36.
- Hohfeld, Wesley Newcomb. 1913. "Some Fundamental Legal Conceptions as Applied in Judicial Reasoning." *Yale Law Journal* 23 (1): 16–59.
- Holdsworth, William Searle. 1938. *A History of English Law*. Methuen.
- Hollstein, Thorsten. 2007. *Die Verfassung als "Allgemeiner Teil": Privatrechtsmethode und Privatrechtskonzeption bei Hans Carl Nipperdey (1895–1968)*. Mohr Siebeck.
- Horwitz, Morton J. 1977. *The Transformation of American Law 1780–1860*. Harvard University Press.
- . 1992. *The Transformation of American Law, 1870–1960: The Crisis of Legal Orthodoxy*. Oxford University Press.
- Howe, Paul, and Peter H. Russell. 2001. *Judicial Power and Canadian Democracy*. Institute for Research on Public Policy.
- Howe, R. Brian, and David Johnson. 2000. *Restraining Equality: Human Rights Commissions in Canada*. University of Toronto Press.
- Ipsen, Jörn. 2009. *Der Staat der Mitte: Verfassungsgeschichte der Bundesrepublik Deutschland*. Beck Juristischer Verlag.
- Jackson, D. Michael. 2013. *The Crown and Canadian Federalism*. Dundurn.
- Jacobson, Arthur J., and Bernhard Schlink. 2000. *Weimar: A Jurisprudence of Crisis*. University of California Press.
- Jain, Harish C., Frank Horwitz, and Christa L. Wilkin. 2012. "Employment Equity in Canada and South Africa: A Comparative Review." *The International Journal of Human Resource Management* 23 (1): 1–17.
- James, Patrick. 2011. *Constitutional Politics in Canada After the Charter: Liberalism, Communitarianism, and Systemism*. UBC Press.
- Jarass, Hans D., and Bodo Pieroth. 2012. *Grundgesetz für die Bundesrepublik Deutschland*. C.H.Beck.
- Jellinek, Georg. 1892. *System der subjektiven öffentlichen Rechte*. Mohr (Siebeck).
- Jestaedt, Matthias. 2011. "Phänomen Bundesverfassungsgericht. Was das Gericht zu dem macht, was es ist." In *Das entgrenzte Gericht: Eine kritische Bilanz nach sechzig Jahren Bundesverfassungsgericht*, edited by Christoph Möllers, Matthias Jestaedt, Christoph Schönberger, and Oliver Lepsius, 78–140. Suhrkamp Verlag.
- Jones-Correa, Michael. 2000. "The Origins and Diffusion of Racial Restrictive Covenants." *Political Science Quarterly* 115 (4): 541–68.
- Kalven, Harry. 1965. *The Negro and the First Amendment*. Ohio State University Press.
- Kar, Robin Bradley. 2013. "The Psychological Foundations of Human Rights." In *The Oxford Handbook of International Human Rights Law*, edited by Dinah Shelton, 104–43. Oxford University Press.

- Kaufmann, Erich. 1952. "Die Grenzen der Verfassungsgerichtsbarkeit." In *Die Gestaltung des Polizei- und Ordnungsrechts in den einzelnen Besatzungszonen*, 1–16. de Gruyter.
- Kelly, James B. 2006. *Governing with the Charter: Legislative and Judicial Activism and Framers' Intent*. UBC Press.
- Kelly, James B., and Christopher P. Manfredi. 2010. "Courts." In *The Oxford Handbook of Canadian Politics*, edited by John Courtney and David E. Smith, 39–53. Oxford University Press.
- Kommers, Donald P. 1976. *Judicial Politics in West Germany: A Study of the Federal Constitutional Court*. Sage Publications.
- . 1997. *The Constitutional Jurisprudence of the Federal Republic of Germany*. Duke University Press.
- Kommers, Donald P., and Russell A. Miller. 2012. *The Constitutional Jurisprudence of the Federal Republic of Germany: Revised and Expanded*. Duke University Press.
- Kramer, Larry. 2004. *The People Themselves: Popular Constitutionalism and Judicial Review*. Oxford University Press.
- Kröger, Klaus. 1993. *Einführung in die Verfassungsgeschichte der Bundesrepublik Deutschland, Vorgeschichte, Grundstrukturen und Entwicklungslinien des Grundgesetzes*. C.H. Beck.
- Kuhlbrodt, Dietrich. 2005. "Veit Harlan und sein Film 'Jud Süß.'" In *Das Lüth-Urteil aus (rechts-) historischer Sicht: Die Konflikte um Veit Harlan und die Grundrechtsjudikatur des Bundesverfassungsgerichts*, edited by Thomas Henne and Arne Riedlinger, 65–78. Berliner Wissenschafts-Verlag.
- Kühn, Zdenek. 2005. "Making Constitutionalism Horizontal: Three Different Central European Strategies." In *The Constitution in Private Relations: Expanding Constitutionalism*, edited by András Sajó and Renáta Uitz. Boom Eleven International.
- Kumm, Mattias. 2006. "Who Is Afraid of the Total Constitution? Constitutional Rights as Principles and the Constitutionalization of Private Law." *German Law Journal* 7 (4): 341–69.
- Kumm, Mattias, and Victor Ferreres Comella. 2005. "What is So Special about Constitutional Rights in Private Litigation?" In *The Constitution in Private Relations: Expanding Constitutionalism*, edited by András Sajó, and Renáta Uitz, 241–88. Boom Eleven International.
- Kutler, Stanley I. 1968. *Judicial Power and Reconstruction Politics*. University of Chicago Press.
- L'Heureux-Dube, Claire. 1997. "Making Equality Work in Family Law." *Canadian Journal of Family Law* 14 (2): 103–27.
- Landfried, Christine. 1984. *Bundesverfassungsgericht und Gesetzgeber: Wirkungen der Verfassungsrechtsprechung auf parlamentarische Willensbildung und soziale Realität*. Nomos.
- Lash, Kurt T. 2014. *The Fourteenth Amendment and the Privileges and Immunities of American Citizenship*. Cambridge University Press.
- Laufer, Heinz. 1968. *Verfassungsgerichtsbarkeit und politischer Prozess. Studien zum Bundesverfassungsgericht der Bundesrepublik Deutschland*. Mohr (Siebeck).
- Laver, Michael, and Norman Schofield. 1991. *Multiparty Government: The Politics of Coalition in Europe*. Oxford University Press.

- Law, David S., and Mila Versteeg. 2011. "The Evolution and Ideology of Global Constitutionalism." *California Law Journal* 99 (5): 1163–257.
- Leishman, Rory. 2006. *Against Judicial Activism: The Decline of Freedom and Democracy in Canada*. McGill-Queen's University Press.
- Lembcke, Oliver. 2006. "Das Bundesverfassungsgericht und die Regierung Adenauer—vom Streit um den Status zur Anerkennung der Autorität." In *Das Bundesverfassungsgericht im politischen System*, edited by Robert Chr. van Ooyen and Martin H.W. Möllers, 151–61. VS Verlag für Sozialwissenschaften.
- Lepsius, M. Rainer. 1983. "Alltagsnormen und Lebensgefühle in der Bundesrepublik." In *Die zweite Republik. 25 Jahre Bundesrepublik Deutschland- eine Bilanz*, edited by Richard Löwenthal, and Hans-Peter Schwarz, 263–88. Busse-Seewald Verlag.
- Levy, Richard E., and Alexander Somek. 2001. "Paradoxical Parallels in the American and German Abortion Decisions." *Tulane Journal of International & Comparative Law* 9: 109–66.
- Lewis, Anthony. 1992. *Make No Law: The Sullivan Case and the First Amendment*. Vintage.
- Lindseth, Peter L. 2004. "The Paradox of Parliamentary Supremacy: Delegation, Democracy, and Dictatorship in Germany and France, 1920s–1950s." *Yale Law Journal* 113 (7): 1341–415.
- Lupu, Ira C. 1993. "Statutes Revolving in Constitutional Law Orbits." *Virginia Law Review* 79 (1): 1–89.
- Macfarlane, Emmett. 2013. *Governing from the Bench: The Supreme Court of Canada and the Judicial Role*. UBC Press.
- Manfredi, Christopher P. 2001. *Judicial Power and the Charter: Canada and the Paradox of Liberal Constitutionalism*. McClelland & Stewart.
- Manfredi, Christopher P., and James B. Kelly. 1999. "Six Degrees of Dialogue: A Response to Hogg and Bushell." *Osgoode Hall Law Journal* 37 (3): 513–27.
- Markesinis, Basil S., and Hannes Unberath. 2002. *The German Law of Torts: A Comparative Treatise*. Hart Publishing.
- Martin, Robert I. 2005. *The Most Dangerous Branch: How the Supreme Court of Canada Has Undermined Our Law and Our Democracy*. McGill-Queen's University Press.
- Mathews, Jud, and Alec Stone Sweet. 2011. "All Things in Proportion? American Rights Review and the Problem of Balancing." *Emory Law Journal* 60 (4): 797–1437.
- Meinecke, Friedrich. 1946. *Die deutsche Katastrophe*. Brockhaus.
- Merryman, John Henry. 1994. *The Civil Law Tradition: An Introduction to the Legal Systems of Western Europe and Latin America*. Stanford University Press.
- Miller, Russell, and Donald P. Kommers. 2009. "Das Bundesverfassungsgericht: Procedure, Practice and Policy of the German Federal Constitutional Court." *Journal of Comparative Law* 3 (2): 194–211.
- Miron, Janet. 2009. *A History of Human Rights in Canada: Essential Issues*. Brown Bear Press.
- Monahan, Patrick. 1987. *Politics and the Constitution: The Charter, Federalism, and the Supreme Court of Canada*. Carswell.
- Morton, F. L., and Rainer Knopff. 2000. *The Charter Revolution and the Court Party*. University of Toronto Press.

- Murkens, Jo Eric Khushal. 2013. *From Empire to Union: Conceptions of German Constitutional Law Since 1871*. Oxford University Press.
- Muttart, Daved. 2007. *Empirical Gap in Jurisprudence: A Comprehensive Study of the Supreme Court of Canada*. University of Toronto Press.
- Nichols, David. A. 2007. *A Matter of Justice: Eisenhower and the Beginning of the Civil Rights Revolution*. Simon & Schuster.
- Niclauß, Karlheinz. 2006. "Der Parlamentarische Rat und das Bundesverfassungsgericht." In *Das Bundesverfassungsgericht im politischen System*, 117–28. VS Verlag für Sozialwissenschaften.
- Novak, William J. 1996. *The People's Welfare: Law and Regulation in Nineteenth-Century America*. University of North Carolina Press.
- Oliver, Dawn, and Jörg Fedtke, eds. 2007. *Human Rights and the Private Sphere: A Comparative Study*. Routledge Cavendish.
- Ooyen, Robert Chr. van, and Martin H. W. Möllers, eds. 2006. *Das Bundesverfassungsgericht im politischen System*. VS Verlag für Sozialwissenschaften.
- Parsons, Talcott. 2012. *The Social System*. Quid Pro, LLC.
- Payne, Julien D., and Payne, Marilyn A. 2013. *Canadian Family Law 5th edition*. Irwin Law Inc.
- Phillips, Michael J. 1984. "The Inevitable Incoherence of Modern State Action Doctrine." *Saint Louis University Law Journal* 28 (3): 683–743.
- Phillipson, Gavin. 2011. "Privacy: The Development of Breach of Confidence—The Clearest Case of Horizontal Effect?" In *The Impact of the UK Human Rights Act on Private Law*, edited by David Hoffman, 136–64. Cambridge University Press.
- Pieroth, Bodo, and Bernhard Schlink. 2013. *Grundrechte. Staatsrecht II: Mit höchstgerichtlichen Entscheidungen auf CD-ROM*. Verlagsgruppe Hüthig-Jehle-Rehm.
- Popoff, Emalee G. 2014. "Testamentary Conditions in Restraint of the Marriage of Homosexual Donees." *Drexel Law Review* 7 (1): 163–93.
- President's Committee on Civil Rights. 1947. *To Secure These Rights: The Report of the President's Committee on Civil Rights*. U.S. Government Printing Office.
- Presidents of the Federal Courts. 1956. "Stellungnahme der Präsidenten der Oberen Bundesgerichte." *JuristenZeitung* 11 (3): 90–93.
- Primus, Richard A. 1999. *The American Language of Rights*. Cambridge University Press.
- . 2007. "An Introduction to the Nature of American Rights." In *Introduction*, edited by Barry Alan Shain, 16–24. University of Virginia Press.
- Quint, Peter E. 1989. "Free Speech and Private Law in German Constitutional Theory." *Maryland Law Review* 48 (2): 247–349.
- Razack, Sherene. 2002. "The Women's Legal Education and Action Fund." In *Law, Politics and the Judicial Process in Canada*, edited by Frederick L. Morton, 316–25. University of Calgary Press.
- Riedlinger, Arne. 2005. "Vom Boykottaufruf zur Verfassungsbeschwerde: Erich Lüth und die Kontroverse um Harlans Nachkriegsfilme (1950–58)." In *Das Lüth-Urteil aus (rechts-) historischer Sicht: Die Konflikte um Veit Harlan und die Grundrechtsjudikatur des Bundesverfassungsgerichts*, edited by Thomas Henne and Arne Riedlinger, 147–86. Berliner Wissenschafts-Verlag.
- Roach, Kent. 2001. "Constitutional and Common Law Dialogues Between the Supreme Court and Canadian Legislatures." *Canadian Bar Review* 80 (1/2): 481–533.

- . 2011. "The Canadian Constitutional Courts as Positive Legislators." In *Constitutional Courts as Positive Legislators: A Comparative Law Study*, edited by Allan-Randolph Brewer-Carias, 315–44. Cambridge University Press.
- Robin-Olivier, Sophie. 2014. "The Evolution of Direct Effect in the EU: Stocktaking, Problems, Projections." *International Journal of Constitutional Law* 12 (1): 165–88.
- Rosen, Jeffrey. 2008. "Supreme Court Inc." *New York Times Magazine*, March 16, 38–45.
- Rosenberg, Gerald N. 2008. *The Hollow Hope: Can Courts Bring About Social Change? Second Edition*. University of Chicago Press.
- Ross, Stephen, Helen Irving, and Heinz Klug. 2014. *Comparative Constitutional Law: A Contextual Approach*. LexisNexis.
- Roth, Herbert. 2014. "Die 'Schumansche Formel' und das fehlerhafte Zivilurteil." In *Symposium "50 Jahre Schumansche Formel"*, edited by Herbert Roth, 19–27. Nomos.
- Ruffert, Matthias. 2001. *Vorrang der Verfassung und Eigenständigkeit des Privatrechts: eine verfassungsrechtliche Untersuchung zur Privatrechtswirkung des Grundgesetzes*. Mohr (Siebeck).
- Russell, Peter H. 2010. "Constitution." In *The Oxford Handbook of Canadian Politics*, edited by John Courtney and David E. Smith, 21–38. Oxford University Press.
- Sadurski, Wojciech. 2007. *Rights Before Courts: A Study of Constitutional Courts in Postcommunist States of Central and Eastern Europe*. Springer.
- Sajó, András, and Renáta Uitz, eds. 2005. *The Constitution in Private Relations: Expanding Constitutionalism*. Boom Eleven International.
- Saunders, Cheryl. 2005. "Constitutional Rights and the Common Law." In *The Constitution in Private Relations: Expanding Constitutionalism*, edited by András Sajó and Renáta Uitz. Boom Eleven International.
- Sauvageau, Florian, David Schneiderman, and David Taras. 2005. *Last Word: Media Coverage of the Supreme Court of Canada*. UBC Press.
- Saywell, John T. 2004. *The Lawmakers: Judicial Power and the Shaping of Canadian Federalism*. University of Toronto Press.
- Schaal, Gary S. 2002. "Vier Normative Konzepte von Integration qua Verfassung." In *Integration durch Verfassung*, edited by Hans Vorländer, 71–99. Westdeutscher Verlag.
- Schmidt, Eike. 1995. "Verfassungsgerichtliche Einwirkungen auf Zivilistische Grundprinzipien und Institutionen." *Kritische Vierteljahresschrift für Gesetzgebung und Rechtswissenschaft* 78 (4): 424–51.
- Schröder, Hans-Christopher. 2002. "Ancient Constitution: Von Nutzen und Nachteil der ungeschriebenen Verfassung Englands." In *Integration durch Verfassung*, edited by Hans Vorländer, 153–79. Westdeutscher Verlag.
- Shapiro, Martin. 1966. *Freedom of Speech: The Supreme Court and Judicial Review*. Prentice Hall.
- Siegel, Stephen A. 2006. "The Origin of the Compelling State Interest Test and Strict Scrutiny." *The American Journal of Legal History* 48 (4): 355–407.
- Singer, Reinhard. 2007. "Die Grundrechte im deutschen Arbeitsrecht." In *Grundrechte und Privatrecht aus rechtsvergleichender Sicht*, edited by Jörg Neuner, 245–64. Mohr (Siebeck).
- Singh, Mahendra P. 2010. *German Administrative Law in Common Law Perspective*. Springer.

- Skinner, Quentin. 1969. "Meaning and Understanding in the History of Ideas." *History and Theory* 8 (1): 3–53.
- Slattery, Brian. 1986. "The Charter's Relevance to Private Litigation: Does Dolphin Deliver?" *McGill Law Journal* 32 (4): 905–23.
- Smend, Rudolf. 1928. *Verfassung und Verfassungsrecht*. Duncker & Humblot.
- Smiley, Donald V. 1980. *Canada in Question: Federalism in the Eighties*. McGraw-Hill Ryerson.
- Smith, Miriam. 2008. *Political Institutions and Lesbian and Gay Rights in the United States and Canada*. Routledge.
- Sommeregger, Georg. 2005. "The Horizontality of Equality: The German Attempt to Promote Non-Discrimination in the Private Sphere via Legislation." In *The Constitution in Private Relations: Expanding Constitutionalism*, edited by András Sajó and Renáta Uitz, 33–53. Boom Eleven International.
- Starck, Christian. 2001. "Human Rights and Private Law in German Constitutional Development and in the Jurisdiction of the Federal Constitutional Court." In *Human Rights in Private Law*, edited by Daniel Friedmann and Daphne Barak-Erez, 97–111. Hart Publishing (UK).
- Steinfeld, Robert J. 2010. "Book Review: The Lost Origins of American Judicial Review." *Law and History Review* 28 (3): 865–68.
- Stern, Klaus. 1980. *Verfassungsgerichtsbarkeit zwischen Recht und Politik*. Westdeutscher Verlag.
- Stolleis, Michael. 1998. *The Law Under the Swastika: Studies on Legal History in Nazi Germany*. University of Chicago Press.
- . 2004. *A History of Public Law in Germany 1914–1945*. Oxford University Press, USA.
- Stone Sweet, Alec. 1992. *The Birth of Judicial Politics in France: The Constitutional Council in Comparative Perspective*. Oxford University Press.
- . 2000. *Governing with Judges: Constitutional Politics in Europe*. Oxford University Press, USA.
- . 2004. *The Judicial Construction of Europe*. Oxford University Press, USA.
- . 2008. "Constitutions and Judicial Power." In *Comparative Politics*, edited by Daniele Caramani, 217–39. Oxford University Press.
- . 2011. "Rights Adjudication and Constitutional Pluralism in Germany and Europe." *Journal of European Public Policy* 19 (1): 92–108.
- Stone Sweet, Alec, and Jud Mathews. 2008. "Proportionality Balancing and Global Constitutionalism." *Columbia Journal of Transnational Law* 47 (1): 73–165.
- Studin, Irvin, ed. 2009. *What Is a Canadian? Forty-Three Thought-Provoking Responses*. McClelland & Stewart.
- Strayer, Barry L. 2013. *Canada's Constitutional Revolution*. The University of Alberta Press.
- Supreme Court of Canada. 2012. *Statistics 2002–2012*.
- Tarnopolsky, Walter. 1968. "The Iron Hand in the Velvet Glove: Administration and Enforcement of Human Rights Legislation in Canada." *Canadian Bar Review* 46 (4): 565–91.
- Teubner, Gunther. 1998. "Legal Irritants: Good Faith in British Law or How Unifying Law Ends Up in New Divergencies." *The Modern Law Review* 61 (1): 11–32.
- . 2000. "Ein Fall von struktureller Korruption? Die Familienbürgerschaft in der Kollision unverträglicher Handlungslogiken (BVerfGE 89, 214 ff.)." *Kritische Vierteljahresschrift für Gesetzgebung und Rechtswissenschaft* 83 (3/4): 388–404.

- Treanor, William Michael. 2010. "Judicial Review Before Marbury." *Stanford Law Review* 58 (2): 455–562.
- Tribe, Laurence H. 1988. *American Constitutional Law*. Foundation Press.
- Tridimas, Takis. 2006. *The General Principles of EU Law*. Oxford University Press.
- Tushnet, Mark. 2000. *Taking the Constitution Away from the Courts*. Princeton University Press.
- . 2002. "State Action, Social Welfare Rights, and the Judicial Role: Some Comparative Observations." *Chicago Journal of International Law* 3 (2): 435.
- . 2003. "The Issue of State Action/Horizontal Effect in Comparative Constitutional Law." *International Journal of Constitutional Law* 1 (1): 79–98.
- . 2005. "The Relationship Between Judicial Review of Legislation and the Interpretation of Non-Constitutional Law, with Reference to Third Party Effect." In *The Constitution in Private Relations: Expanding Constitutionalism*, edited by András Sajó, and Renáta Uitz, 167–82. Boom Eleven International.
- . 2008. *Weak Courts, Strong Rights: Judicial Review and Social Welfare Rights in Comparative Constitutional Law*. Princeton University Press.
- Valelly, Richard M. 2004. *The Two Reconstructions: The Struggle for Black Enfranchisement*. University of Chicago Press.
- Vasak, Karel. 1977. "Human Rights: A Thirty-Year Struggle: The Sustained Efforts to Give Force of Law to the Universal Declaration of Human Rights." *UNESCO Courier* 30 (11): 29–32.
- Van Alstyne, William. 2006. "Corliss Lamont and the Postmaster General: A Synecdoche for the First Amendment in the Era of the Warren Court (1953–1969)." In *Earl Warren and the Warren Court: The Legacy in American and Foreign Law*, edited by Harry N. Scheiber, 113–35. Lexington Books.
- Vanberg, Georg. 2009. *The Politics of Constitutional Review in Germany*. Cambridge University Press.
- Vaughan, Frederick. 2001. "Judicial Politics in Canada: Patterns and Trends." In *Judicial Power and Canadian Democracy*, edited by Paul Howe and Peter H. Russell, 3–26. Institute for Research on Public Policy.
- Vitzthum, Wolfgang Graf. 2005. "Zurück zum klassischen Menschenwürdebegriff! Eine Erinnerung an Lüth, Dürig, und Kant." In *Das Lüth-Urteil aus (rechts-)historischer Sicht: Die Konflikte um Veit Harlan und die Grundrechtsjudikatur des Bundesverfassungsgerichts*, edited by Thomas Henne and Arne Riedlinger, 349–67. Berliner Wissenschafts-Verlag.
- Vorländer, Hans. 2002. "Integration durch Verfassung? Die symbolische Bedeutung der Verfassung im politischen Integrationsprozess." In *Integration durch Verfassung*, edited by Hans Vorländer, 9–40. Westdeutscher Verlag.
- Vorländer, Hans. 2006. "Die Deutungsmacht des Bundesverfassungsgerichts." In *Das Bundesverfassungsgericht im politischen System*, edited by Robert Chr. Can Ooyen and Martin Möllers, 189–99. Springer VS.
- Walker, James W. St. G. 2013. "Decoding the Rights Revolution: Lessons from the Canadian Experience." In *Taking Liberties: A History of Human Rights in Canada*, edited by David Goutor and Stephen Heathorn, 29–58. Oxford University Press.
- Walkila, Sonya. 2015. *Horizontal Effect of Fundamental Rights in EU Law*. Europa Law Publishing.

- Waluchow, W.J. 2009. *A Common Law Theory of Judicial Review: The Living Tree*. Cambridge University Press.
- Weinrib, Lorraine E. 2002. "Canada's Charter of Rights: Paradigm Lost?" *Review of Constitutional Studies* 6 (2): 119–78.
- Weinrib, Lorraine E., and Ernest J. Weinrib. 2001. "Constitutional Values and Private Law in Canada." In *Human Rights in Private Law*, edited by Daniel Friedmann and Daphne Barak-Erez, 43–72. Hart Publishing (UK).
- Wessel, Franz. 1956. "Vermerk des Berichterstatters vom 18.1.1956 zum Schreiben der Präsidenten der oberen Bundesgerichte vom 14.1. 1956 betreffend den Beschluß des Ersten Senats des Bundesverfassungsgerichts." *JuristenZeitung* 11 (3): 93–94.
- West, Robin. 2003. "Response to State Action and a New Birth of Freedom." *Georgetown Law Journal* 92 (4): 819–31.
- White, G. Edward. 2010. "Response: *Law and Judicial Duty*." *George Washington Law Review* 78 (6): 1145–61.
- Whittington, Keith E. 2010. "Constitutionalism." In *The Oxford Handbook of Law and Politics*, edited by Keith E. Whittington, R. Daniel Kelemen, and Gregory A. Caldeira. Oxford University Press, USA.
- Wiegandt, Manfred. 1995. *Norm und Wirklichkeit: Gerhard Leibholz (1901–1982)—Leben, Werk und Richteramt*. Nomos.
- Wiemann, Joachim. 2010. "Obligation to Contract and the German Act on Equal Treatment (Allgemeines Gleichbehandlungsgesetz)." *German Law Journal* 11 (10): 1131–46.
- Women's Legal Education and Action Fund. 1992. "Factum, Moge v. Moge." <<http://www.leaf.ca/wp-content/uploads/1992/1992-moge.pdf>>.
- Wood, Horace Gay. 1875. *A Practical Treatise on the Law of Nuisances in Their Various Forms: Including Remedies Therefor at Law and in Equity*. Bancroft-Whitney Company.
- Wyrozumska, Anna. 2001. "Direct Application of the Polish Constitution and International Treaties to Private Conduct." *Polish Yearbook of International Law* 25: 5–26.
- Young, Alison Harvison. 2001. "The Changing Family, Rights Discourse and the Supreme Court of Canada." *Canadian Bar Review* 80 (1/2): 749–92.
- Young, Alison L. 2011. "Mapping Horizontal Effect." In *The Impact of the UK Human Rights Act on Private Law*, edited by David Hoffman, 16–47. Cambridge University Press.
- Zimmermann, Reinhard. 2006. *The New German Law of Obligations: Historical and Comparative Perspectives*. Oxford University Press.