

References

- Albert, Richard. 2009. "Nonconstitutional Amendments." *Canadian Journal of Law & Jurisprudence*, 22: 5–47.
- Ackerman, Bruce. 2014. *We the People: Volume 3: The Civil Rights Revolution*. Cambridge, MA: Harvard University Press.
- Albert, Richard. 2017. "How a Court Becomes Supreme." *Maryland Law Review*, 77: 181–91.
- Aleinikoff, Alexander. 1987. "Constitutional Law in the Age of Balancing." *Yale Law Journal*, 96: 943–1005.
- Alexander, Gregory. 2003. "Property as a Fundamental Constitutional Right? The German Example." *Cornell Law Review*, 88: 733–78.
- Alexy, Robert. 2005. "Balancing, Constitutional Review and Representation." *International Journal of Constitutional Law*, 3: 572–81.
- Alexy, Robert. 2002. *A Theory of Constitutional Rights*. Trans. J. Rivers. Oxford: Oxford University Press.
- Alter, Karen. 2014. *The New Terrain of International Law: Courts, Politics and Rights*. Princeton: Princeton University Press.
- Alter, Karen. 2012. "The Global Spread of European Style International Courts." *West European Politics*, 35: 135–54.
- Alter, Karen, Laurence Helfer, and Jacqueline McAllister. 2013. "A New International Human Rights Court for West Africa: The ECOWAS Community Court of Justice." *American Journal of International Law*, 107: 737–79.
- Amar, Akhil Reed. 2005. *America's Constitution*. New York: Random House.
- Amnesty International. 2016. Brief of *Amici Curiae*, Suit No: ECW/CCJ/APP/36/15. Online at: <https://freedex.org/wp-content/blogs.dir/2015/files/2017/05/CONSOLIDATED-BRIEF-FINAL-May-18-C1.pdf>.
- Andersen, Christina, and Alec Stone Sweet. *Data Set on Written Constitutions, Rights, and Constitutional Review since 1789* (2010). Unpublished (on file with the authors).
- Anagnostou, Dia, ed. 2013. *The European Court of Human Rights: Implementing Strasbourg's Judgments on Domestic Policy*. Edinburgh: Edinburgh University Press.
- Andenæs, Mads, and Eirik Bjørge, eds. 2015. *A Farewell to Fragmentation. Reassertion and Convergence in International Law*. Cambridge: Cambridge University Press.
- Antaki, Mark. 2014. "The Rationalism of Proportionality's Culture Of Justification." In G. Huscroft, B. Miller, and G. Webber, eds. *Proportionality and the Rule of Law: Rights, Justification, Reasoning*. Cambridge: Cambridge University Press: 284–310.
- Backer, Larry Catá. 2012. "Party, People, Government and State: On Constitutional Values and the Legitimacy of the Chinese State-Party Rule of Law System." *Boston University International Law Journal*, 30: 331–408.
- Barak, Aharon. 2015. *Human Dignity: The Constitutional Value and the Constitutional Right*. Cambridge: Cambridge University Press.
- Barak, Aharon. 2012a. *Proportionality: Constitutional Rights and Their Limitations*. Cambridge: Cambridge University Press.

- Barak, Aharon. 2012b. "Proportionality." In M. Rosenfeld, and A. Sajó, eds. *Oxford Handbook of Comparative Constitutional Law* Oxford: Oxford University Press: 739–53.
- Barak, Aharon. 2010. "Proportionality and Principled Balancing." *Law & Ethics of Human Rights*, 4: 1–16.
- Barak, Aharon. 1994. *Interpretation in the Law: Constitutional Interpretation*. Princeton: Princeton University Press.
- Barak, Aharon. 1992. "A Constitutional Revolution: Israel's Basic Laws." *Forum Constitutionnel*, 1: 83–4.
- Barros, Robert. 2002. *Constitutionalism and Dictatorship: Pinochet, the Junta, and the 1980 Constitution*. Cambridge: Cambridge University Press.
- Beatty, David. 2004. *The Ultimate Rule of Law*. Oxford: Oxford University Press.
- Bertal, Maria. 2017. Review of *El Test de Proporcionalidad en la Jurisprudencia del Tribunal Constitucional Peruano*. *International Journal of Constitutional Law*, 15: 541–5.
- Beyme, Klaus von. 1998. *The Legislator: German Parliament as a Centre of Political Decision-Making*. Brookfield: Routledge.
- Bickel, Alexander. 1962. *The Least Dangerous Branch*. New Haven: Yale University Press.
- Bjorge, Eirik. 2015. *Domestic Application of the ECHR: Courts as Faithful Trustees*. Oxford: Oxford University Press.
- Black, Jr., Charles. 1967. "Foreword: State Action, Equal Protection, and California's Proposition 14." *Harvard Law Review*, 81: 69–109.
- Bogdandy, Armin von. 2003. "Doctrine of Principles." *NYU School of Law Jean Monnet Center Working Paper no. 9/03*. Online at <http://www.jeanmonnetprogram.org/archive/papers/03/030901-01.pdf>
- Blomeyer-Bartenstein, Horst, Heribald Nürger, Günter Olzog, and Ingeborg Ruprecht. 1951. *Der polizeiliche Eingriff in Freiheiten und Rechte*. Frankfurt am Main: Wolfgang Metzner Verlag.
- Bomhoff, Jacco. 2013. *Balancing Constitutional Rights: The Origins and Meanings of Postwar Legal Discourse*. Cambridge: Cambridge University Press.
- Boraine, Alex. 2014. *What's Gone Wrong? South Africa on the Brink of Failed Statehood*. New York: NYU Press.
- Botha, Henk. 2003. "Rights, Limitations and the (Im)possibility of Self-Government." In H. Botha, A. Van der Walt, and J. Van Der Walt, eds. *Rights and Democracy in A Transformative Constitution*. Stellenbosch: African Sun Media: 13–32.
- Brewer-Carias, Allan. 2014. *Constitutional Protection of Human Rights in Latin America: A Comparative Study of Amparo Proceedings*. Cambridge: Cambridge University Press.
- Caldwell, Ernest. 2012. "Horizontal Rights and Chinese Constitutionalism: Judicialization Through Labor Disputes." *Chicago-Kent Law Review*, 88: 63–92.
- Campbell, Jud. 2017. "Natural Rights and The First Amendment." *Yale Law Journal*, 127: 246–321.
- Candia, Gonzalo. 2014. "Comparing Diverse Approaches to the Margin of Appreciation: The Case of the European and the Inter-American Court of Human Rights." *Working Paper No. 1* (2014). Santiago: Pontificia Universidad Católica de Chile.

- Cepeda Espinosa, Manuel José, and David Landau. 2017. *Colombian Constitutional Law: Leading Cases*. New York: Oxford University Press.
- China State Council. 2004. "Notice of the State Council, *Guo Fa* [2004] No. 10. Online at: http://www.gov.cn/ztlz/yfxz/content_374160.htm.
- Choudry, Sujit, ed. 2009. *The Migration of Constitutional Ideas*. Cambridge: Cambridge University Press.
- Cohen-Eliya, Moshe, and Iddo Porat. 2013. *Proportionality and Constitutional Culture*. Cambridge: Cambridge University Press.
- Cohn, Margit. 2013. "Proportionality in Israel and Beyond: Four Aspects." In G. Sapir, D. Barak-Erez, and A. Barak, eds. *Israeli Constitutional Law in the Making*. Oxford: Hart Publishing: 189–203.
- Collier, Jane Fishburne. 1973. *Law and Social Change in Zinacantan*. Stanford: Stanford University Press.
- Comella, Victor Ferreres. 2009. *Constitutional Courts and Democratic Values*. New Haven: Yale University Press.
- Conesa, Luisa. 2008. "The Tropicalization of Proportionality Balancing: The Colombian and Mexican Examples." Cornell Law School Inter-University Graduate Student Conference Papers.
- Craig, Paul. 2017. "Proportionality and Judicial Review: A UK Historical Perspective." In S. Vogenauer, ed., *General Principles of Law: European and Comparative Perspectives*. Oxford: Hart Publishing: 145–66.
- De Jesus, Ligia. 2013. "Abortion in Latin America and the Caribbean: A Comparative Study of Domestic Laws and Relevant Jurisprudence Following the Adoption of the American Convention on Human Rights." *ILSA Journal of International & Comparative Law*, 20: 1–47.
- De Pauw, Marijke. 2015. "The Inter-American Court of Human Rights and the Interpretive Method of External Referencing: Regional Consensus v. Universality." In Y. Haeck, O. Ruiz-Chiriboga, and C. B. Herrera, eds. *The Inter-American Court of Human Rights: Theory and Practice, Present and Future*. Cambridge: Intersentia: 3–24.
- De Wet, Erika. 2012. "The Constitutionalisation of Public International Law." In M. Rosenfeld, and A. Sajó, eds. *Oxford Handbook of Comparative Constitutional Law*. Oxford: Oxford University Press: 1209–29.
- Dicey, Albert. 1982. *Introduction to the Study of the Law of the Constitution*. Carmel, Indiana: Liberty Fund.
- DiMaggio, Paul, and Walter Powell. 1983. "The Iron Cage Revisited: Institutional Isomorphism and Collective Rationality in Organisational Fields." *American Sociology Review*, 48: 147–60.
- Dixon, Rosalind. 2009. "The Supreme Court of Canada, Charter Dialogue, and Deference." *Osgoode Hall Law Journal*, 47: 235–86.
- Dixon, Rosalind, Jeffrey Sigalet, and Gregoire Webber, eds. 2018. *Constitutional Dialogue: Democracy, Rights, Institutions*. Cambridge: Cambridge University Press.
- Dulitzky, Ariel. 2015. "An Inter-American Constitutional Court? The Invention of the Conventionality Control by the Inter-American Court of Human Rights." *Texas International Law Journal*, 50: 46–93.
- Dunoff, Jeffrey L., and Joel P. Trachtman, eds. 2009. *Ruling the World? Constitutionalism, International Law and Global Governance*. Cambridge: Cambridge University Press.

- Dürig, Günter. 1956. "Der Grundrechtssatz von 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*, 81: 117–57.
- Dworkin, Ronald. 2013. *Justice for Hedgehogs*. Cambridge, MA: Belknap Press.
- Dworkin, Ronald. 1984. "Rights as Trumps." In J. Waldron, ed., *Theories of Rights*. Oxford: Oxford University Press: 153–67.
- Dzhehtsiarou, Kanstantsin. 2015. *European Consensus and the Legitimacy of the European Court of Human Rights*. Cambridge: Cambridge University Press.
- Economic Community of West African States 2010. *Uniform Legal Framework on Freedom of Expression and Right to Information in West Africa*. On-line at: <http://www.loc.gov/law/foreign-news/article/economic-community-of-west-african-states-uniform-framework-on-freedom-of-expression-information-considered/>
- Eliadis, Pearl. 2014. *Speaking Out on Human Rights: Debating Canada's Human Rights System*. Kingston: McGill-Queen's University Press.
- Elkins, Zachary, Thomas Ginsburg, and James Melton. 2009. *The Endurance of National Constitutions*. Cambridge: Cambridge University Press.
- Ellickson, Robert. 1991. *Order Without Law: How Neighbors Settle Disputes*. Cambridge, MA: Harvard University Press.
- Ely, James. 1992. *The Guardian of Every Other Right: A Constitutional History of Property Rights*. Oxford: Oxford University Press.
- Ely, John Hart. 1980. *Democracy and Distrust*. Cambridge, MA: Harvard University Press.
- Enabulele, Amos. 2016. "Incompatibility of National Law with the African Charter on Human and Peoples' Rights: Does the African Court on Human and Peoples' Rights Have the Final Say?" *African Human Rights Law Journal*, 16. Online at: <http://www.ahrlj.up.ac.za/enabulele-a-o>.
- Epstein, Richard. 1985. *Takings*. Cambridge, MA: Harvard University Press.
- Eskridge, William, and John Ferejohn. 2010. *A Republic of Statutes*. New Haven: Yale University Press.
- Eyer, Katie R. 2018. "The Canon of Rational Basis Review." *Notre Dame Law Review*, 93, 1317–70.
- Fabbrini, Federico. 2014. *Fundamental Rights in Europe: Challenges and Transformations in Comparative Perspective*. Oxford: Oxford University Press.
- Fallon, Richard. 2011. "Fact and Fiction About Facial Challenges." *California Law Review*, 99: 915–74.
- Fallon, Richard. 2007. "Strict Judicial Scrutiny." *UCLA Law Review*, 54: 1267–339.
- FB Attorneys. 2018. "Legal Update: Court of Appeal Delivers Landmark Decision against DPP Powers." Online at: <https://fbattorneys.co.tz/legal-update-5-february-2018/>
- Ferrer Mac-Gregor, Eduardo, and Rubén Sánchez Gil. 2012. "Foreign Precedents In Mexican Constitutional Adjudication." *Mexican Law Review*, 4: 293–307.
- Figueroa, Dante. 2013. "Constitutional Review in Chile Revisited: A Revolution in the Making." *Duquesne Law Review*, 51: 387–419.
- Fisher, Louis. 1988. *Constitutional Dialogues: Interpretation as Political Process*. Princeton: Princeton University Press.
- Fleiner, Fritz. 1928. *Institutionen des deutschen Verwaltungsrechts*. Tübingen: Mohr.

- Fleming, James. 2006. "There is Only One Equal Protection Clause: An Appreciation of Justice Steven's Equal Protection Jurisprudence." *Fordham Law Review*, 74: 2301–11.
- Føllesdal, Andreas. 2017. "Appreciating the Margin of Appreciation." In A. Etinson, ed., *Human Rights: Moral or Political?* Oxford: Oxford University Press: 269–94.
- Føllesdal, Andreas, Birgit Peters, and Geir Ulfstein, eds. 2013. *Constituting Europe: The European Court of Human Rights in a National, European and Global Context*. Cambridge: Cambridge University Press.
- Frantz, Laurent 1962. "The First Amendment in the Balance." *Yale Law Journal*, 71: 1424–50.
- Friedrich, Carl. 1950. *Constitutional Government and Democracy: Theory and Practice in Europe and America*. Boston: Ginn.
- Frumkin, George. 1991. "A Survey of the Sources of Proportionality in German Law." Unpublished thesis, University of Chicago. On file with the authors. 41 pp.
- Gardbaum, Stephen. 2013. *The New Commonwealth Model of Constitutionalism: Theory and Practice*. Oxford: Oxford University Press.
- Gardbaum, Stephen. 2008. "Human Rights as International Constitutional Rights." *European Journal of International Law*, 19: 749–68.
- Gardbaum, Stephen. 2007. "Limiting Constitutional Rights." *UCLA Law Review*, 54: 789–854.
- Garlicki, Lech. 2007. "Constitutional Courts Versus Supreme Courts." *International Journal of Constitutional Law*, 5: 44–68.
- Garoupa, Nuno, and Jud Mathews. 2014. "Strategic Delegation, Discretion, and Deference: Explaining the Comparative Law of Administrative Review." *The American Journal of Comparative Law*, 62: 1–34.
- Ginsburg, Tom, and Alberto Simpser, eds. 2014. *Constitutions in Authoritarian Regimes*. Cambridge: Cambridge University Press.
- Ginsburg, Tom, ed. 2012. *Comparative Constitutional Design*. Cambridge: Cambridge University Press.
- Ginsburg, Tom. 2003. *Judicial Review in New Democracies: Constitutional Courts in Asian Cases*. Cambridge: Cambridge University Press.
- Ginsburg, Tom, and Tamir Moustafa, eds. 2008. *Rule by Law: The Politics of Courts in Authoritarian Regimes*. Cambridge: Cambridge University Press.
- Goldberg, Suzanne. 2004. "Equality Without Tiers." *University of Southern California Law Review*, 77: 481–582.
- Grabitz, Eberhard. 1973. "Der Grundsatz der Verhältnismäßigkeit in der Rechtsprechung der Bundesverfassungsgericht." *Archiv des öffentlichen Rechts*, 98: 568–616.
- Greenberg, Peter. 1973. "The Balance of Interests Theory and the Fourth Amendment: A Selective Analysis of Supreme Court Action Since *Camara* and *See*." *California Law Review*, 61: 1011–47.
- Greene, Jamal. 2018. "Foreword: Rights as Trumps?" *Harvard Law Review*, 132: 28–132.
- Greene, Jamal. 2014. "The Supreme Court as a Constitutional Court." *Harvard Law Review*, 128: 124–53.
- Greene, Jamal. 2011. "The Anticanon." *Harvard Law Review*, 125: 379–475.
- Greene, Jamal. 2009. "Heller High Water: The Future of Originalism." *Harvard Law & Policy Review*, 3: 325–45.

- Greer, Stephen. 2006. *The European Convention on Human Rights*. Cambridge: Cambridge University Press.
- Greer, Steven, and Luzius Wildhaber. 2012. "Revisiting the Debate about 'Constitutionalising' the European Court of Human Rights." *Human Rights Law Review*, 12: 655–87.
- Grimm, Dieter. 2007. "Proportionality in Canadian and German Constitutional Jurisprudence." *University of Toronto Law Journal*, 57: 383–97.
- Günther, Frieder. 2004. *Denken Vom Staat Her: Die Bundesdeutsche Staatsrechtslehre Zwischen Dezision und Integration, 1949–1970*. Munich: Oldenbourg.
- Gunther, Gerald. 1972. "Foreword: In Search of Evolving Doctrine on a Changing court: A Model for Newer Equal Protection." *Harvard Law Review*, 86: 1–48.
- Habermas, Jürgen. 1998. "Reply to Symposium Participants." In M. Rosenfeld, and A. Arato eds. *Habermas on Law and Democracy*. Berkeley: University of California Press: 381–452.
- Habermas, Jürgen. 1996. *Between Facts and Norms*. Trans. William Rehg. Cambridge, MA: MIT Press.
- Harding, Andrew. 2012. *The Constitution of Malaysia: A Contextual Analysis*. Oxford: Hart Publishing.
- Hart, H. L. A. 1994. *The Concept of Law*. Oxford: Clarendon.
- Hathaway, Oona. 2003. "Path Dependence in the Law: The Course and Pattern of Legal Change in a Common Law System." *Iowa Law Review*, 86: 101–65.
- Helfer, Laurence, and Eric Voeten. 2014. "International Courts as Agents of Legal Change: Evidence from LGBT Rights in Europe." *International Organization*, 68: 77–110.
- Hiebert, Janet. 2011. "Governing Like Judges?" In T. Campbell, K. Ewing, and A Tomkins eds. *The Legal Protection of Human Rights*. Oxford: Oxford University Press: 40–65.
- Hiebert, Janet. 2006. "Parliamentary Bills of Rights: An Alternative Model?" *Modern Law Review*, 69: 7–28.
- Hilf, Meinhard, and Goetz Goettsche. 2003. "The Relation of Economic and Non-Economic Principles in International Law." In S. Griller, ed., *International Economic Governance and Non-Economic Concerns: New Challenges for The International Legal Order*. Vienna: Springer: 5–46.
- 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)." *Osgoode Hall Law Journal*, 35: 75–124.
- Hogg, Peter, Allison Bushell Thornton, and Wade Wright. 2007. "Charter Dialogue Revisited—or "Much Ado About Metaphors." *Osgoode Hall Law Journal*, 45: 1–65.
- Huang, Cheng-Yi, and David Law. 2016. "Proportionality Review of Administrative Action in Japan, Korea, Taiwan, and China." In Francesca Bignami, and David Zaring, eds. *Comparative Law and Regulation: Understanding the Global Regulatory Process*. Northampton, MA: Edward Elgar: 305–34.
- Huscroft, Grant. 2014. "Proportionality and the Relevance of Interpretation. In G. Huscroft, B. Miller, and G. Webber, eds. *Proportionality and the Rule of Law: Rights, Justification, Reasoning*. Cambridge: Cambridge University Press, 186–204.

- Huscroft, Grant, Bradley Miller, and Gregoire Webber, eds. 2014. *Proportionality and the Rule of Law: Rights, Justification, Reasoning*. Cambridge: Cambridge University Press.
- IDEA (Institute for Democracy and Electoral Assistance). 2017. "Threats from Within: Democracy's Resilience to Backsliding." *The Global State of Democracy*. Online at: <https://www.idea.int/gsod/files/IDEA-GSOD-2017-CHAPTER-3-EN.pdf>
- Inter-American Commission of Human Rights. 2009a. *The Inter-American Legal Framework Regarding the Right to Freedom of Expression*. OEA/Ser.L/V/II, CIDH/RELE/INF. 2/09, December 30, 2009.
- Inter-American Commission of Human Rights. 2009b. *Annual Report of the Inter-American Commission on Human Rights, Report of the Special Rapporteur for Freedom of Expression—2009*. OEA/Ser.L/V/II. Doc. 51 corr. 1, December 30, 2009.
- Issacharoff, Samuel. 2015. *Fragile Democracies: Contested Power in the Era of Constitutional Courts*. Cambridge: Cambridge University Press.
- Jackson, Vicki. 2015. "Constitutional Law in an Age of Proportionality." *Yale Law Journal*, 124: 3094–196.
- Jakubowski, Andrzej, and Karolina Wierczyńska, eds. 2016. *Fragmentation vs the Constitutionalisation of International Law: A Practical Inquiry*. London: Routledge.
- Jarass, Hans, and Bodo Pieroth. 2012. *Grundgesetz Für Die Bundesrepublik Deutschland*. Munich: Beck.
- Jepperson, Ronald. 1991. "Institutions, Institutional Effects, and Institutionalism." In W. W. Powell, and P. DiMaggio eds. *The New Institutionalism in Organizational Analysis*. Chicago: University of Chicago Press: 143–63.
- Ji, Hailong. 2016. "Proportionality Theory's Applicability in Private Party Disputes and Examples." *Tribune of Political Science and Law*, 34: 95–103.
- Kalyvas, Andreas. 2006. "The Basic Norm and Democracy in Hans Kelsen's Legal and Political Theory." *Philosophy and Social Criticism*, 32: 573–99.
- Kelemen, R. Daniel. 2017. "The Assault on Poland's Judiciary: The Danger Is Not Gone, and the EU Must Step Up." *Foreign Affairs*. Online at <https://www.foreignaffairs.com/articles/poland/2017-07-26/assault-polands-judiciary>.
- Keller, Helen, and Alec Stone Sweet, eds. 2008. *A Europe of Rights: The Impact of the ECHR on National Legal Systems*. Oxford: Oxford University Press.
- Kelsen, Hans. 1928. "La garantie juridictionnelle de la constitution." *Revue du Droit Public*, 44: 197–257.
- Kibet, Eric, and Charles Fombad. 2017. "Transformative Constitutionalism and the Adjudication of Constitutional Rights in Africa." *African Human Rights Law Journal*, 17: 340–66.
- Klabbers, Jan, Anne Peters, and Geir Ulfstein. 2009. *The Constitutionalisation of International Law*. Oxford: Oxford University Press.
- Klatt, Mattias, and Moritz Meister. 2012. *The Constitutional Structure of Proportionality*. Oxford: Oxford University Press.
- Klug, Heinz. 2010. *The Constitution of South Africa: A Contextual Analysis (Constitutional Systems of the World)*. Oxford: Hart Publishing.
- Klug, Heinz. 2000. *Constituting Democracy: Law, Globalism, and South Africa's Political Reconstruction*. New York: Cambridge University Press.

- Kokott, Juliane, and Christoph Sobotta. 2017. "The Evolution of the Principle of Proportionality in EU Law: Towards an Anticipative Understanding?" In S. Vogenauer, and S. Weatherill, eds. *General Principles of Law: European and Comparative Perspectives*. Oxford: Hart Publishing: 167–78.
- Kommers, Donald. 1994. "The Federal Constitutional Court in the German Political System." *Comparative Political Studies*, 26: 470–91.
- Kommers, Donald. 1976. *Judicial Politics in West Germany*. Beverly Hills: Sage.
- Kramer, Larry. 2004. *The People Themselves: Popular Constitutionalism and Judicial Review*. Oxford: Oxford University Press.
- Krauss, Rupprecht von. 1955. *Der Grundsatz der Verhältnismässigkeit in seiner Bedeutung für die Notwendigkeit des Mittels im Verwaltungsrecht*. Hamburg: Appel.
- Krüger, Herbert. 1950. "Die Einschränkung von Grundrechten nach dem Grundgesetz." 1950, *Deutsches Verwaltungsblatt* 625–9.
- Kumm, Mattias. 2013. "The Cosmopolitan Turn in Constitutionalism: An Integrative Conception of Public Law." *Indiana Journal of Global Legal Studies*, 20: 605–28.
- Kumm, Mattias. 2010. "The Idea of Socratic Contestation and the Right to Justification: The Point of Rights-Based Proportionality Review." *Law & Ethics of Human Rights*, 4: 141–77.
- Kumm, Mattias. 2009. "The Cosmopolitan Turn in Constitutionalism: On the Relationship Between Constitutionalism in and Beyond the State." In J. Dunoff, and J. Trachtman, eds. *Ruling the World? International Law, Global Governance, Constitutionalism*. Cambridge: Cambridge University Press: 258–326.
- Kumm, Mattias. 2006. "Who is Afraid of the Total Constitution? Rights as Principles and the Constitutionalisation of Private Law." *German Law Journal*, 7: 341–70.
- Kumm, Mattias, and Victor Ferreres Comella. 2005. "What Is So Special about Constitutional Rights in Private Litigation? A Comparative Analysis of the Function of State Action Requirements and Indirect Horizontal Effect." In A. Sajó, and R. Uitz, *The Constitution in Private Relations: Expanding Constitutional Relations*. Utrecht: Eleven International Publishing: 241–86.
- Kumm, Mattias, and Alec Walen. 2014. "Human Dignity and Proportionality: Deontic Pluralism in Balancing." In G. Huscroft, B. Miller, and G. Webber, eds. *Proportionality and the Rule of Law: Rights, Justification, Reasoning*. Oxford University Press: 67–89.
- Landfried, Christine. 1992. "Judicial Policymaking in Germany: The Federal Constitutional Court." *Western European Politics*, 15: 50–67.
- Landfried, Christine, ed. 1989. *Constitutional Review and Legislation: An International Comparison*. Baden-Baden: Nomos.
- Landfried, Christine. 1984. *Bundesverfassungsgericht and Gesetzgeber* [The Federal Constitutional Court and the legislature]. Baden-Baden: Nomos.
- Langford, Malcom, ed. 2009. *Social Rights Jurisprudence: Emerging Trends in International and Comparative Law*. Cambridge: Cambridge University Press.
- Lash, Kurt T. 2014. *The Fourteenth Amendment and the Privileges and Immunities of American Citizenship*. Cambridge: Cambridge University Press.
- Law, David. 2011. "Why has Judicial Review Failed in Japan?" *Washington University Law Review*, 88: 1425–66.
- Law, David, and Mila Versteeg. 2013. "Sham Constitutions." *California Law Review*, 101: 863–952.

- Law, David, and Mila Versteeg. 2011. "The Evolution and Ideology of Global Constitutionalism." *California Law Review*, 99: 1163–257.
- Lawson, Gary, Geoffrey Miller, Robert Natelson, and Guy Seidman. 2010. *The Origins of the Necessary and Proper Clause*. Cambridge: Cambridge University Press.
- Legg, Andrew. 2012. *The Margin of Appreciation in International Human Rights Law*. Oxford: Oxford University Press.
- Leib, Ethan, David Ponet, and Michael Serota. 2013. "A Fiduciary Theory of Judging." *California Law Review*, 101: 699–753.
- Lenaerts, Koen. 1990. "Constitutionalism and the Many Faces of Federalism." *American Journal of Comparative Law*, 38: 205–63.
- Lerche, Peter. 1961. *Übermaß und Verfassungsrecht: Zur Bindung des Gesetzgebers an die Grundsätze der Verhältnismäßigkeit und der Erforderlichkeit*. Cologne: Heymann.
- Letsas, George. 2013. "The ECHR as a Living Instrument: its Meaning and Legitimacy." In Føllesdal, Andreas, Birgit Peters, and Geir Ulfstein, eds. *Constituting Europe: The European Court of Human Rights in a National, European and Global Context*. Cambridge: Cambridge University Press: 106–41.
- Letsas, George. 2006. "Two Concepts of the Margin of Appreciation." *Oxford Journal of Legal Studies*, 26: 705–32.
- Lin, Chien-Chih. 2017. "Autocracy, Democracy, and Juristocracy: The Wax and Wane of Judicial Power in the Four Asian Tigers." *Georgetown Journal of International Law*, 48: 1063–144.
- Lorenzetti, Ricardo. 2010. *President of the Supreme Court of Argentina, Presentation at the International Summit of High Courts: Global Governance: Dialogue Between Courts*. Online at: <http://www.summitofhighcourts.com/docs/papers/argentina.pdf>.
- MacCormick, Neil. 1978. *Legal Reasoning and Legal Theory*. Oxford: Clarendon.
- McGinnis, John O. 2016. "Reforming Constitutional Review of State Economic Legislation." *Georgetown Journal of Law and Public Policy*, 14: 517–35.
- Maduro, Miguel Poiares. 2009. "Courts and Pluralism: Essay on a Theory of Judicial Adjudication in the Context of Legal and Constitutional Pluralism." In J. Dunhoff and J. Trachtman, eds. *Ruling the World? Constitutionalism, International Law and Global Governance*. Cambridge: Cambridge University Press: 356–79.
- Maduro, Miguel Poiares. 1998. *We the Court: The European Court of Justice and the European Economic Constitution*. Oxford: Hart Publishing.
- Malinowski, Bronislaw (1932). *Crime and Custom in Savage Society*. London: Paul, Trench, and Trubner.
- Manfredi, Christopher. 2007. "The Day the Dialogue Died: A Comment on *Sauvé v. Canada*." *Osgoode Hall Law Journal*, 45: 105–23.
- Manning, John. 2014. Foreword: "The Means of Constitutional Power." *Harvard Law Review*, 128, 1–84.
- Marsch, Nikolaus, and Vanessa Tünsmeier. 2016. "The Principle of Proportionality in German Administrative Law." In S. Ranchordás, and B. de Waard, eds. *The Judge and the Proportionate Use of Discretion: A Comparative Study*. Abingdon: Routledge: 13–42.
- Mathews, Jud. 2019. "Rights in the Balance." *Review of Constitutional Studies/Revue d'études constitutionnelles*, 22, 225–34.

- Mathews, Jud. 2018. *Extending Rights' Reach: Constitutions, Private Law, and Judicial Power*. Oxford: Oxford University Press.
- Mathews, Jud. 2017. "Proportionality Review in Administrative Law." In S. Rose-Ackerman, P. Lindseth, and B. Emerson, eds. *Comparative Administrative Law: Second Edition (Research Handbooks in Comparative Law series)*. Northampton, MA: Edward Elgar: 405–19.
- Mathews, Jud. 2016. "Searching for Proportionality in American Administrative Law." In S. Ranchordás, and B. de Waard, eds. *The Judge and the Proportionate Use of Discretion: A Comparative Study*. Abington: Routledge: 160–90.
- Mathews, Jud, and Alec Stone Sweet. 2011. "All Things in Proportion? American Rights Review and the Problem of Balancing." *Emory Law Journal*, 60: 101–80.
- Mavčič, Arne. 2013. *Constitutional Review Systems around the World*. Lake Mary, FL: Vandeplas.
- Mazzuoli, Valerio de Oliveira, and Dilton Ribeiro. 2016. "The *Pro Homine* Principle as an Enshrined Feature of International Human Rights Law." *Indonesian Journal of International and Comparative Law*, 3: 77.
- McGoldrick, Dominic. 2016. "A Defence of the Margin of Appreciation and an Argument For Its Application by the Human Rights Committee." *International and Comparative Law Quarterly*, 65: 21–60.
- Mehde, Veith. 2014. "Die Prüfung der Verhältnismäßigkeit bei gebundenen Entscheidungen." *Die Öffentliche Verwaltung*, 67: 541–8.
- Meiklejohn, Alexander. 1961. "The First Amendment is an Absolute." *Supreme Court Law Review*, 1961: 245–66.
- Mendes, Gilmar, and Paulo Branco. 2012 (7th ed.). *Curso de Direito Constitucional*. São Paulo: Saraiva.
- Gillian E. Metzger. 2009. "Facial and As-Applied Challenges Under the Roberts Court." *Fordham Urban Law Journal*, 36: 773–801.
- Meyer, John, John Boli, George Thomas, and Francisco Ramirez. 1997. "World Society and the Nation-State." *American Journal of Sociology*, 103: 144–81.
- Milej, Tomasz. 2018. "Human Rights Protection by International Courts – What Role for the East African Court of Justice?" *African Journal of International and Comparative Law*, 26: 108–29.
- Milgrom, Paul, and John Roberts. 1992. *Economics, Organization, and Management*. Englewood Cliffs: Prentice Hall-International.
- Möller, Kai. 2017. "US Constitutional Law, Proportionality, and the Global Model." In V. Jackson, and M. Tushnet, eds. *Proportionality: New Frontiers, New Challenges*. Cambridge: Cambridge University Press: 130–47.
- Möller, Kai. 2012. *The Global Model of Constitutional Rights*. Oxford: Oxford University Press.
- Moore, Marcus. 2018. "*R. v. KRJ*: Shifting the Balance of the *Oakes* Test from Minimal Impairment to Proportionality of Effects." *Supreme Court Law Review*, 82: 143–77.
- Moustafa, Tamir. 2007. *The Struggle for Constitutional Power: Law, Politics, and Economic Development in Egypt*. Cambridge: Cambridge University Press.
- Negishi, Yota. 2017. "The *Pro Homine* Principle's Role in Regulating the Relationship between Conventionality Control and Constitutionality Control." *The European Journal of International Law*, 28: 457–81.

- Nicol, Danny. 2005. "Original Intent and the European Convention on Human Rights." *Public Law*, Spring: 152–72.
- Oloka-Onyango, J. 2015. "Human Rights and Public Interest Litigation in East Africa." Kampala: Makerere University Institutional Repository. Online at: <http://hdl.handle.net/10570/4517>
- Ossenbühl, Fritz. 1997. "Der Grundsatz der Verhältnismäßigkeit (Übermaßverbot) in der Rechtsprechung der Verwaltungsgerichte." *Juristische Ausbildung (Jura)*, 19: 617–21.
- Panama National Report. 2010. Organization of American States Report on Universalism. Online at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G10/165/43/PDF/G1016543.pdf?OpenElement>
- Peller, Gary, and Mark Tushnet. 2003. "State Action and a New Birth of Freedom." *Georgetown Law Journal*, 92: 779–817.
- Peluso Neder Meyer, Emilio. 2017. *Decisão e jurisdição constitucional: Crítica às sentenças intermediárias, técnicas e efeitos do controle constitucionalidade em perspectiva comparada*. Rio de Janeiro: Lumen Juris.
- Perju, Vlad. 2012. "Constitutional Transplants, Borrowing and Migrations." In M. Rosenfeld, and A. Sajó, eds, *Oxford Handbook of Comparative Constitutional Law*. Oxford: Oxford University Press: 1304–26.
- Peters, Anne. 2017. "The Refinement of International Law: From Fragmentation to Regime Interaction and Politicization." *ICON's Current Issue*, 15: 671–704.
- Petersen, Niels. 2017. *Proportionality and Judicial Activism: Fundamental Rights Adjudication in Canada, Germany and South Africa*. Cambridge: Cambridge University Press.
- Petersmann, Ernst-Ulrich. 2008. "Multilevel Judicial Governance as Guardian of the Constitutional Unity of International Economic Law." *Loyola International and Comparative Law Review*, 30: 101–52.
- Pickerill, J. Mitchell. 2004. *Constitutional Deliberation in Congress: The Impact of Judicial Review in a Separated System*. Durham: Duke University Press.
- Pildes, Richard. 1994. "Avoiding Balancing: The Role of Exclusionary Reasons in Constitutional Law." *Hastings Law Journal*, 45: 711–53.
- Quint, Peter. 1989. "Free Speech and Private Law in German Constitutional Theory." *Maryland Law Review*, 48: 247–347.
- Raz, Joseph. 1998. "On the Authority and Interpretation of Constitutions: Preliminaries." In L. Alexander, ed. *Constitutionalism: Philosophical Foundations*. Cambridge: Cambridge University Press: 152–93.
- Reif, Linda. 2011. "Transplantation and Adaptation: The Evolution of the Human Rights Ombudsman." *Boston College Third World Law Journal*, 31: 269–311.
- Roach, Kent. 2008. "Sharpening the Dialogue Debate: The Next Decade of Scholarship." *Osgoode Hall Law Journal*, 45:169–91.
- Roach, Kent. 2001. *The Supreme Court on Trial: Judicial Activism or Democratic Dialogue*. Toronto: Irwin Law.
- Robbers, Gerhard. 1990. "Die historische Entwicklung der Verfassungsgerichtsbarkeit." *Juristische Schulung*, 1990: 257–63.
- Roesler, Shannon. 2007. "Permutations of Judicial Power: The New Constitutionalism and the Expansion of Judicial Authority." *Law and Social Inquiry*, 32: 545–79.

- Rose-Ackerman, Susan, Stefanie Egidy, and James Fowkes. 2018. *Due Process of Lawmaking: The United States, South Africa, Germany, and the European Union*. Cambridge: Cambridge University Press.
- Rosenfeld, Michael. 2010. *The Identity of the Constitutional Subject*. London: Routledge.
- Rosenfeld, Michael. 1994. "Modern Constitutionalism as Interplay Between Identity and Diversity." In M. Rosenfeld, ed. *Constitutionalism, Identity, Difference, and Legitimacy: Theoretical Perspectives*. Durham, NC: Duke University Press: 3–38.
- Rubinfeld, Jed. 1997. "Affirmative Action." *Yale Law Journal*, 107: 427–72.
- Rubio Correa, Marcial Antonio. 2011. *El Test de Proporcionalidad en la Jurisprudencia del Tribunal Constitucional Peruano*. Lima: Fondo Editorial de la Pontificia Universidad Católica del Perú.
- Rubin, Peter. 2000. "Reconnecting Doctrine and Purpose: A Comprehensive Approach to Strict Scrutiny After *Adarand* and *Shaw*." *University of Pennsylvania Law Review*, 149: 5–170.
- Ruffert, Matthias. 2001. *Vorrang der Verfassung und Eigenständigkeit des Privatrechts: eine verfassungsrechtliche Untersuchung zur Privatrechtswirkung des Grundgesetzes*. Tübingen: Mohr (Siebeck).
- Sachs, Albie. 2011. *The Strange Alchemy of Life and Law*. Oxford: Oxford University Press.
- Sachs, Albie. 2003. "The Challenges of Post-Apartheid South Africa." *Green Bag*, 7: 63–7.
- Sadurski, Wojciech. 2018. "How Democracy Dies (in Poland): A Case Study of Anti-Constitutional Populist Backsliding." *Sydney Law School Legal Studies Research*, Paper No. 18/01. Online at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3103491##. 71 pp.
- Sadurski, Wojciech. 2016. "European Court of Human Rights in Pursuit of Public Reason? A Study of Lost Opportunities." *Workshop on "Courts and Public Reason in Global Public Law*. Berlin, 11–12 July 2016. Unpublished, on file with the authors. 14 pp.
- Sadurski, Wojciech. 2008. *Rights Before Courts: A Study of Constitutional Courts in Postcommunist States of Central and Eastern Europe*. Dordrecht: Kluwer.
- Sadurski, Wojciech, ed. 2002. *Constitutional Justice, East and West: Democratic Legitimacy and Constitutional Courts in Post-Communist Europe in a Comparative Perspective*. The Hague: Kluwer Academic Publishers.
- Aruna Sathanapally. 2012. *Beyond Disagreement: Open Remedies in Human Rights Adjudication*. Oxford: Oxford University Press.
- Sandholtz, Wayne. 2016. "A New Age of International Courts." *Tulsa Law Review*, 51: 471–85.
- Sapir, Gideon, Daphne Barak-Erez, and Aharon Barak, eds. 2014. *Israeli Constitutional Law in the Making*. Oxford: Hart Publishing.
- Scheppele, Kim Lane. 2009. "Constitutional Interpretation after Regimes of Horror." In S. Karstedt, ed. *Legal Institutions and Collective Memories*. Oxford: Hart Publishing: 233–58.
- Segal, Zeev. 1990. "The Grounds for Disproportionality in Administrative Law." *HaPraklit*, 39: 501.

- Shaffer, Gregory, Tom Ginsburg, and Terry Halliday, eds. 2019. *Constitution-Making and Transnational Legal Order*. Cambridge: Cambridge University Press.
- Shaman, Jeffrey. 1984. "Cracks in the Structure: The Coming Breakdown of the Levels of Scrutiny." *Ohio State Law Journal*, 45: 161–85.
- Shapiro, Martin, and Alec Stone Sweet. 2002. *On Law, Politics, and Judicialization*. Oxford: Oxford University Press.
- Shapiro, Martin, and Alec Stone Sweet, eds. 1994. *The New Constitutional Politics of Europe*. Special Issue of *Comparative Political Studies*, 26 (4).
- Shapiro, Martin. 1981. *Courts: A Comparative and Political Analysis*. Chicago: University of Chicago Press.
- Shapiro, Martin. 1966. *Freedom of Speech: The Supreme Court and Judicial Review*. Englewood Cliffs: Prentice-Hall.
- Shapiro, Scott. 2013. *Legality*. Cambridge, MA: Harvard University Press.
- Sheehan, Reginald, Rebecca Gill, and Kirk Randazzo. 2012. *Judicialisation of Politics: The Interplay of Institutional Structure, Legal Doctrine and Politics on the High Court of Australia*. Durham, NC: Carolina Academic Press.
- Shelton, Dinah. 2014. *Advanced Introduction to International Human Rights Law*. Cheltenham: Edward Elgar.
- Sieder, Rachel, Line Schjolden, and Alan Angell, eds. 2005. *The Judicialization of Politics in Latin America*. New York: Palgrave Macmillan.
- Siegel, Stephen. 2006. "The Origin of the Compelling State Interest Test and Strict Scrutiny." *American Journal of Legal History*, 48: 355–407.
- Simmons, Beth. 2009. *Mobilizing Human Rights: International Law in Domestic Politics*. Cambridge: Cambridge University Press.
- Stern, Klaus. 1993. "Zur Entstehung und Ableitung des Übermaßverbots." In P. Badura, and R. Scholz, eds. *Wege und Verfahren des Verfassungslebens: Festschrift für Peter Lerche zum 65 Geburtstag*. Munich: C. H. Beck, 165–75.
- Stolleis, Michael. 2003. "Judicial Review, Administrative Review, and Constitutional Review in the Weimar Republic." *Ratio Juris*, 16: 266–80.
- Stone, Adrienne. 2018. "I-CONnect Symposium on "Constitutional Boundaries" – Proportionality and the Boundaries of Borrowing." *International Journal of Constitutional Law, Blog*, April 24, 2018. Online at: <http://www.iconnectblog.com/2018/04/i-connect-symposium-on-constitutional-boundaries-proportionality-and-the-boundaries-of-borrowing/>
- Stone, Alec. 1994. "Judging Socialist Reform: The Politics of Coordinate Construction in France and Germany." *Comparative Political Studies*, 26: 443–69.
- Stone, Alec. 1992. *The Birth of Judicial Politics in France*. Oxford: Oxford University Press.
- Stone, Alec. 1990. "The Birth and Development of Abstract Review: Constitutional Courts and Policy-Making in Western Europe." *Policy Studies Journal* 19, 81–95.
- Stone, Alec. 1989. "In the Shadow of the Constitutional Council: The "Juridicisation" of the Legislative Process in France." *West European Politics*, 12: 12–34.
- Stone Sweet, Alec. 2017 (4th ed.). "Constitutions, Rights, and Judicial Power." In D. Caramani, ed., *Comparative Politics*. Oxford: Oxford University Press.
- Stone Sweet, Alec. 2013. "The Structure of Constitutional Pluralism." *International Journal of Constitutional Law*, 11: 491–500.

- Stone Sweet, Alec. 2012a. "Constitutional Courts." In M. Rosenfeld and A. Sajó, eds. *Handbook of Comparative Constitutional Law*. Oxford: Oxford University Press: 816–30.
- Stone Sweet, Alec. 2012b. "A Cosmopolitan Legal Order: Constitutional Pluralism and Rights Adjudication in Europe." *Journal of Global Constitutionalism*, 1: 53–90.
- Stone Sweet, Alec. 2010. "The Juridical Coup d'Etat and the Problem of Authority." *The German Law Journal*, 8: 915–28.
- Stone Sweet, Alec. 2009. "Constitutionalism, Legal Pluralism, and International Regimes." *Indiana Journal of Global Legal Studies*, 16: 621–45.
- Stone Sweet, Alec. 2004. *The Judicial Construction of Europe*. Oxford, UK: Oxford University Press.
- Stone Sweet, Alec. 2002. "Constitutional Courts and Parliamentary Democracy." *West European Politics*, 25: 77–100.
- Stone Sweet, Alec. 2000. *Governing with Judges: Constitutional Politics in Europe*. Oxford: Oxford University Press.
- Stone Sweet, Alec. 1999. "Judicialization and the Construction of Governance." *Comparative Political Studies*, 32: 147–84.
- Stone Sweet, Alec. 1998. "Rules, Dispute Resolution, and Strategic Behavior." *Journal of Theoretical Politics*, 10: 327–38.
- Stone Sweet, Alec, and Thomas Brunell. 2013. "Trustee Courts and the Judicialization of International Regimes: The Politics of Majoritarian Activism in the ECHR, the EU, and the WTO." *Journal of Law and Courts*, 1: 61–88.
- Stone Sweet, Alec, and Thomas Brunell. 2012. "The European Court of Justice, State Non-Compliance, and the Politics of Override." *American Political Science Review*, 106: 204–13.
- Stone Sweet, Alec, and Giacinto Della Cananea. 2013. "Proportionality, General Principles of Law, and Investor-State Arbitration: A Response to Jose Alvarez." *NYU Journal of International Law and Politics*, 46: 911–54.
- Stone Sweet, Alec, and Florian Grisel. 2017. *The Evolution of International Arbitration: Judicialization, Governance, Legitimacy*. Oxford: Oxford University Press.
- Stone Sweet, Alec, and Jud Mathews. 2008. "Proportionality Balancing and Global Constitutionalism." *Columbia Journal of Transnational Law*, 47: 74–165.
- Stone Sweet, Alec, and Eric Palmer. 2017. "A Kantian System of Constitutional Justice: Rights, Trusteeship, Balancing." *Journal of Global Constitutionalism*, 6: 377–41.
- Stone Sweet, Alec, and Clare Ryan. 2018. *A Cosmopolitan Legal Order: Kant, Constitutional Justice, and the ECHR*. Oxford: Oxford University Press.
- Stone Sweet, Alec, and Kathleen Stranz. 2012. "Rights Adjudication and Constitutional Pluralism in Germany and Europe." *Journal of European Public Policy*, 19: 92–108.
- Strayer, Barry. 2013. *Canada's Constitutional Revolution*. Edmonton: The University of Alberta Press.
- Strayer, Barry. 1992. "Post-Liberal Judging: The Roles of Categorisation and Balancing." *University of Colorado Law Review*, 63: 293–19.
- Sullivan, Kathleen. 1993. "Categorisation, Balancing and Government Interests." In S. Gottlieb, ed., *Public Values in Constitutional Law*. Ann Arbor: University of Michigan Press: 241–68.

- Sullivan, E. Thomas, and Richard S. Frase. 2008. *Proportionality Principles in American Law: Controlling Excessive Government Actions*. Oxford: Oxford University Press.
- Svarež, Carl Gottlieb. 1960. *Vorträge Über Recht Und Staat*. H. Conrad, and G. Kleinheyer, eds. Cologne: Westdeutscher Verlag.
- Syma Czapanskiy, Karen, and Rashida Manjoo. 2008. "The Right of Public Participation in the Law-making Process and the Role of Legislature in the Promotion of this Right." *Duke Journal of Comparative & International Law*, 19: 1–40.
- Taggart, Michael. 2008. "Proportionality, Deference, Wednesbury." *New Zealand Law Review*, 2008: 423–81.
- Tang, Dezong. 2002. "Constitutional Structure and Constitutional Review—Commentary to Interpretation No. 520." In K. Liu, and X. Chen, eds. *Constitutional Interpretation and Theoretical Practice*. City: Research Center for Humanities and Social Sciences: 98.
- Tarnopolsky, Walter. 1983. "The Constitution and Human Rights." In K. Banting, and R. Simeon, eds. *And No One Cheered: Federalism, Democracy, and the Constitution Act*. New York: Methuen: 261–77.
- Thatcher, Mark, and Alec Stone Sweet. 2002. "Theory and Practice of Delegation to Non-Majoritarian Institutions." *West European Politics*, 25: 1–22.
- Thayer, James B. 1893. "The Origin And Scope Of The American Doctrine Of Constitutional Law." *Harvard Law Review*, 7: 129–56.
- Tischbirek, Alexander. 2017. *Die Verhältnismäßigkeitsprüfung: Methodenmigration zwischen öffentlichem Recht und Privatrecht*. Tübingen: Mohr Siebeck.
- Trochev, Alexei. 2008. *Judging Russia: Constitutional Court in Russian Politics, 1990–2006*. Cambridge: Cambridge University Press.
- Tsakyrakis, Stavros. 2009. "Proportionality: An Assault on Human Rights?" *International Journal of Constitutional Law*, 7: 468–93.
- Tsereteli, Nino. 2016. "Emerging Doctrine of Deference of the Inter-American Court of Human Rights?" *International Journal of Human Rights*, 20: 1097–112.
- Tushnet, Mark. 2008. "Constitutional Workarounds." *Texas Law Review* 87: 1499–515.
- Tussman, Joseph, and Jacobus tenBroek. 1949. "The Equal Protection of the Laws." *California Law Review* 37: 341–81.
- Urbina, Francisco. 2017. *A Critique of Proportionality and Balancing*. Cambridge: Cambridge University Press.
- Vanberg, Georg. 2009. *The Politics of Constitutional Review in Germany*. Cambridge: Cambridge University Press.
- Vanberg, Georg. 1998. "Abstract Judicial Review, Legislative Bargaining, and Policy Compromise." *Journal of Theoretical Politics*, 3: 299–326.
- Varju, Márton, and Nóra Chronowski. 2015. "Constitutional Backsliding in Hungary." *Tijdschrift voor Constitutional Law*, 3: 296–310.
- Vermeule, Adrian. 1997. "Saving Constructions." *Georgetown Law Journal*, 85: 1945–78.
- Volcansek, Mary. 2000. *Constitutional Politics in Italy: The Constitutional Court*. New York: St Martin's Press, 2000.
- Volcansek, Mary. 1992. Special Issue: Judicial Politics and Policymaking in Western Europe. *West European Politics*, 15(3).
- Volokh, Eugene. 1996. "Freedom of Speech, Permissible Tailoring and Transcending Strict Scrutiny." *University of Pennsylvania Law Review*, 144: 2417–61.

- Waldron, Jeremy. 2004. "Some Models of Dialogues Between Judges and Legislators." *Supreme Court Law Review*, 23: 7–46.
- Walker, Neil. 2008. "Taking Constitutionalism beyond the State." *Political Studies*, 56: 519–43.
- Walker, Neil. 2002. "The Idea of Constitutional Pluralism." *Modern Law Review*, 65: 317–59.
- Walker, Neil. 1996. "European Constitutionalism and European Integration." *Public Law* (Summer): 266–90.
- Walters, Mark. 2015. "Respecting Deference as Respect: Rights, Reasonableness and Proportionality in Canadian Administrative Law." In H. Wilberg, and M. Elliott, eds. *The Scope and Intensity of Substantive Review: Traversing Taggart's Rainbow*. Oxford: Hart Publishing: 395–422.
- Webber, Gregoire. 2009. *The Negotiable Constitution: On the Limitation of Rights*. Cambridge: Cambridge University Press.
- Weinrib, Jacob. 2017. "When Trumps Clash: Dworkin and the Doctrine of Proportionality." *Ratio Juris*, 30: 341–52.
- Weinrib, Jacob. 2016. *Dimensions of Dignity: The Theory and Practice of Modern Constitutional Law*. Cambridge: Cambridge University Press.
- Weinrib, Jacob. 2014. "The Modern Constitutional State: A Defense." *Queen's Law Journal*, 40: 165–211.
- White, Edward. 1996. "The First Amendment Comes of Age: The Emergence of Free Speech in Twentieth Century America." *Michigan Law Review*, 95: 299–392.
- Wilberg, Hanna, and Mark Elliott, eds. 2015. *The Scope and Intensity of Substantive Review: Traversing Taggart's Rainbow*. Oxford: Hart Publishing.
- Winkler, Adam. 2006a. "Fatal in Theory and Strict in Fact: An Empirical Analysis of Strict Scrutiny in the Federal Courts." *Vanderbilt Law Review*, 59: 793–871.
- Winkler, Adam. 2006b. "Fundamentally Wrong About Fundamental Rights." *Constitutional Commentary* 23: 227–39.
- Würtenberger, Thomas. 1999. "Der Schutz von Eigentum und Freiheit im ausgehenden 18. Jahrhundert." In W. Gose, and T. Würtenberger, eds. *Zur Ideen- und Rezeptionsgeschichte Des Preussisches Allgemeinen Landrechts*. Stuttgart-Bad Cannstatt: Frommann-Holzboog: 55–73.
- Yap, Po Jen. 2017. *Courts and Democracies in Asia*. Cambridge: Cambridge University Press.
- Zamir, Itzhak. 1994. "Israeli Administrative Law Compared to German Administrative Law." *Mishpat U'Mimshal. [Law and Government in Israel]*, 2: 109–47.
- Zhan, Zhongle. 2003. "Proportionality in Administrative Law and Its Judicial Practice – Legal Analysis of *Huifeng Development Industry Co. Ltd. v. Harbin City Planning Bureau*." *Administrative Law Review*, 1: 69–76.
- Zheng, Xiaojian. 2016. "Applying Proportionality Theory in Civil Law Litigation." *China Law Jurisprudence*. 2: 143–65.