Bibliography

Ackerman B.A., 'Beyond Carolene Products', (1985) 98 Harvard Law Review 713.

Ackerman Bruce, We The People: Foundations (Harvard University Press 1991).

Alexander Lawrence A., 'Introduction: Motivation and Constitutionality', (1978) 15 San Diego Law Review 925.

Alter Karen J., Laurence R. Helfer, and Jacqueline R. McAllister, 'A New International Human Rights Court for West Africa: The ECOWAS Community Court of Justice', (2013) 107 American Journal of International Law 737.

Alvarez Maria, 'Reasons for Action: Justification, Motivation, Explanation' in Edward N. Zalta (ed.), *The Stanford Encyclopedia of Philosophy* (Winter 2017 edn.), https://plato.stanford.edu/entries/reasons-just-vs-expl/ (last accessed 2 August 2022).

Amyot G. Grant, "A Matter of Philosophical Preference?" Political Philosophy and Judicial Reasoning in the *Sauvé* case', (2011) 29 *National Journal of Constitutional Law* 1. Anderson Elizabeth, 'What is the Point of Equality?', (1991) 109 *Ethics* 287.

Arneson Richard J., 'Neutrality and Utility', (1990) 20 Canadian Journal of Philosophy 215 Audi Robert, 'The Separation of Church and State and the Obligations of Citizenship', (1989) 18 Philosophy & Public Affairs 259.

Baer Judith A., Equality Under the Constitution (Cornell University Press 1983) 139.

Barak Aharon, 'Proportionality and Principled Balancing', (2010) 4 Law & Ethics of Human Rights 1.

Barak Aharon, Proportionality: Constitutional Rights and their Limitations (Cambridge University Press 2012).

Barron Jerome A. and C. Thomas Dienes, First Amendment Law in a Nutshell (West Publishing 1993).

Barry Brian, Political Argument (Routledge & Kegan Paul 1965).

Barry Brian, Culture and Equality (Polity Press 2001).

Baur Michael, 'On Actualizing Public Reason', (2003-04) 72 Fordham Law Review 2153.

Beck Ulrich, Cosmopolitan Vision trans. Ciaran Cronin (Polity Press 2006).

Beitz Charles R., The Idea of Human Rights (Oxford University Press 2009).

Benhabib Seyla, 'Is There a Human Right to Democracy? Beyond Interventionism and Indifference' in Claudio Corradetti (ed.), *Philosophical Dimensions of Human Rights* (Springer 2012).

Benvenisti Eyal, 'Margin of Appreciation, Consensus, and Universal Standards', (1999) 31 NYU Journal of International Law & Politics 843.

Berlin Isaiah, Four Essays on Liberty (Oxford University Press 1969).

Berman Paul Schiff, Global Legal Pluralism (Cambridge University Press 2012).

Beshle Donald L., 'God Bless the Child? The Use of Religion as a Factor in Child Custody and Adoption Proceedings', (1989) 58 Fordham Law Review 383.

Besson Samantha, 'The Authority of International Law—Lifting the State Veil', (2009) 31 Sydney Law Review 343.

Bice Scott H., 'Motivational Analysis as a Complete Explanation of the Justification Process', (1978) 15 San Diego Law Review 1131.

Bickel Alexander M., The Least Dangerous Branch (Bobbs-Merrill 1962).

- Blake Michael, 'Toleration and Reciprocity: Commentary on Martha Nussbaum and Henry Shue', (2002) 1 Politics, Philosophy & Economics 325.
- Bohman James, 'From Demos to Demoi: Democracy across Borders', (2005) 18 Ratio Juris 293.
- Brest Paul, 'Palmer v. Thompson: An Approach to the Problem of Unconstitutional Legislative Motive', (1971) Supreme Court Review 95.
- Brownlie Ian, Principles of Public International Law (2nd edn., Oxford University Press 1973).
- Buchanan Allen, 'Rawls's Law of Peoples: Rules for a Vanished Westphalian World', (2000) 110 Ethics 697.
- Buchanan Allen, 'Human Rights and the Legitimacy of the International Order', (2008) 14 Legal Theory 39.
- Buchanan Allen and Robert O. Keohane, 'The Legitimacy of Global Governance Institutions', (2006) 20 Ethics & International Affairs 405.
- Campbell Tom, 'Unlawful Discrimination' in Wojciech Sadurski (ed.), Ethical Dimensions of Legal Theory (Rodopi 1991) 153.
- Carter Barry E. and Phillip R. Trimble, International Law (2nd edn., Little, Brown 1995).
- Carter Stephen L., 'The Resurrection of Religious Freedom?', (1993) 107 Harvard Law Review 118.
- Cass Deborah, The Constitutionalization of the World Trade Organization: Legitimacy, Democracy and Community in the International Trading System (Oxford University Press 2005).
- Chandrachud Chintan (2016), 'Proportionality, Judicial Reasoning, and the Supreme Court', University of Cambridge Legal Studies Research Paper No. 12/2016, available on SSRN: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2720080.
- Choudhry Sujit, 'So What is the Real Legacy of Oakes? Two Decades of Proportionality Analysis under the Canadian Charter's Section 1', (2006) 34 Supreme Court Law Review 501.
- Christie George C., The Notion of an Ideal Audience in Legal Argument (Kluwer 2000).
- Clark J. Morris, 'Legislative Motivation and Fundamental Rights in Constitutional Law', (1978) 15 San Diego Law Review 953.
- Clérico Laura, 'Limitaciones a los derechos constitucionales y control de razonabilidad (control de proporcionalidad)' in Julio César Rivera et al. (eds.), *Tratado de Derechos Constitucionales. vol I.* (Abeledo Perrot 2014) 507.
- Cohen G.A., 'Where the Action is: On the Site of Distributive Justice', (1997) 26 Philosophy & Public Affairs 3.
- Cohen Joshua, 'Deliberation and Democratic Legitimacy' in David Estlund (ed.), Democracy (Blackwell 2002) 87.
- Cohen Joshua, 'Minimalism about Human Rights: The Most we Can Hope For?', (2004) 12 Journal of Political Philosophy 190.
- Cohen Joshua and Charles F. Sabel, 'Global Democracy?', (2004-5) 37 NYU Journal of International Law & Politics 763.
- Cohen-Eliya Moshe and Iddo Porat, Proportionality and Constitutional Culture (Cambridge University Press 2013).
- Conçado Trindade Antônio Augusto, 'Compliance with judgments and decisions The experience of the Inter-American Court of Human Rights: a reassessment', in *Dialogue between judges*, European Court of Human Rights, Council of Europe, 2014, 10-17 at 13 (available at http://www.echr.coe.int/Documents/Dialogue_2014_ENG.pdf (last accessed 17 June 2020).
- Cunningham Frank, Theories of Democracy (Routledge 2002).
- Curtis Kelsey, 'The Partiality of Neutrality', (2018) 41 Harvard Journal of Law & Public Policy 935.

Darwall Stephen, 'Two Kinds of Respect', (1977) 88 Ethics 88.

Darwall Stephen, 'Authority and Reasons: Exclusionary and Second-Personal', (2010) 120 Ethics 257De Búrca Gráinne, 'Developing Democracy Beyond the State', (2008) 46 Columbia Journal of Transnational Law 221.

Den Otter Ronald C., Judicial Review in an Age of Moral Pluralism (Cambridge University Press 2009).

Den Otter Ronald C., 'The Importance of Constitutional Public Reason' in Silje Langvatn, Mattias Kumm, and Wojciech Sadurski (eds.), *Public Reason and Courts* (Cambridge University Press 2020) 66.

Dershowitz Alan M., Why Terrorism Works (Yale University Press 2002).

Desmedt Axel, 'Proportionality in WTO Law', (2001) 4 Journal of International Economic Law 441.

Diggs B.J., 'The Common Good as Reason for Political Action', (1973) 83 Ethics 283.

Dixon Rosalind and Tom Ginsburg, 'Deciding Not to Decide: Deferral in Constitutional Design', (2011) 9 International Journal of Constitutional Law 636.

Doheny Shannon L., 'Free Exercise Does Not Protect Animal Sacrifice: The Misconception of Church of Lukumi Babalu Aye v. City of Hialeah and Constitutional Solutions for Stopping Animal Sacrifice', (2006) 2 Journal of Animal Law 121.

Dothan Shai, 'How International Courts Enhance Their Legitimacy', (2013) 14 Theoretical Inquiries in Law 455.

Downs Anthony, An Economic Theory of Democracy (Harper and Row 1957).

Dryzek John S., Deliberative Democracy and Beyond (Oxford University Press 2000).

Dunoff Jeffrey L., 'The Politics of International Constitutions: The Curious Case of the World Trade Organization' in Jeffrey L. Dunoff and Joel P. Trachtman (eds.), Ruling the World? Constitutionalism, International Law, and Global Governance (Cambridge University Press 2009) 178.

Dupuy Pierre-Marie, L'unité de l'ordre juridique international: Cours général de droit international public (Martinus Nijhoff 2003).

Dworkin Gerald, 'Paternalism' in Ralf Sartorius (ed.), Paternalism (University of Minnesota Press 1983) 19.

Dworkin Ronald, Taking Rights Seriously (Duckworth 1978).

Dworkin Ronald, A Matter of Principle (Harvard University Press, 1985).

Dworkin Ronald, Law's Empire (Fontana 1986).

Dworkin Ronald, Sovereign Virtue (Harvard University Press 2000).

Dworkin Ronald, 'Hart's Postscript and the Character of Political Philosophy', (2004) 34 Oxford Journal of Legal Studies 1.

Dworkin Ronald, Justice in Robes (Harvard University Press 2005).

Dworkin Ronald, Is Democracy Possible Here? (Princeton University Press 2006).

Dworkin Ronald, Justice for Hedgehogs (Harvard University Press 2011).

Dworkin Ronald, 'A New Philosophy of International Law', (2013) 41 Philosophy & Public Affairs 2. Eberle Christopher J., Religious Conviction in Liberal Politics (Cambridge University Press 2013).

Eisenberg Theodore 'Reflections on a Unified Theory of Motive', (1978) 15 San Diego Law Review 1147.

Elefthariadis Pavlos, Legal Rights (Oxford University Press 2008).

Elster Jon, 'The Market and the Forum: Three Varieties of Political Theory' in Jon Elster and Aanund Hylland (eds.), Foundations of Social Choice Theory (Cambridge University Press 1986) 103.

Elster Jon, 'Deliberation and Constitution Making' in Jon Elster (ed.), Deliberative Democracy (Cambridge University Press 1998) 97.

Ely John Hart, 'The Constitutionality of Reverse Racial Discrimination', (1974) 41 University of Chicago Law Review 723.

Ely John Hart, Democracy and Distrust (Harvard University Press 1980).

Enoch David, 'The Disorder of Public Reason', (2013) 124 Ethics 141.

Enoch David, 'Political Philosophy and Epistemology: The Case of Public Reason' in David Sobel, Peter Vallentyne, and Steven Wall (eds.), *Oxford Studies in Political Philosophy*, vol. 3 (Oxford University Press 2017), Oxford Scholarship Online, doi 10.1093/oso/9780198801221.001.0001.

Eriksen Erik O., The Unfinished Democratization of Europe (Oxford University Press: Oxford 2009).

European Court of Human Rights, 'Seminar Background Paper: Implementation of the Judgments of the European Court of Human Rights: A Shared Judicial Responsibility?' (2014), http://www.echr.coe.int/Documents/Seminar_background_paper_2 014_ENG.pdf. (accessed 7 September 2022)

Falk Richard and Andrew Strauss, 'On the Creation of a Global Peoples Assembly: Legitimacy and the Power of Popular Sovereignty', (2000) 36 Stanford Journal of International Law 191.

Fallon Jr., Richard H., 'The Supreme Court, 1996 Term—Foreword: Implementing the Constitution', (1997) 111 Harvard Law Review 54.

Fallon, Jr., Richard H., 'Constitutionally Forbidden Legislative Intent', (2016) 130 Harvard Law Review 523.

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

Finnis John, Natural Law and Natural Rights (Oxford University Press 1980).

Fitzgerald P.J., Acting and Refraining, (1967) 27 Analysis 133.

Flanders Chad, 'The Mutability of Public Reason', (2012) 25 Ratio Juris 180

Foisneau Luc, 'Gouverner selon la volonté générale: la souveraineté selon Rousseau et les théories de la raison d'État', (2007) 3 Les Études philosophiques 463.

Follesdal Andreas, 'When Common Interests Are Not Common: Why the Global Basic Structure Should be Democratic', (2009) 16 *Indiana Journal of Global Legal Studies* 585.

Forst Rainer, 'The Justification of Human Rights and the Basic Right to Justification: A Reflexive Approach', (2010) 120 Ethics 711.

Forst Rainer, 'Justice, Democracy and the Right for Justification: Reflections on Jürgen Neyer's Normative Theory of the European Union' in Dimitry Kochenov, Gráinne de Búrca, and Andrew Williams (eds.), *Europe's Justice Deficit?* (Hart 2015) 227.

Franck Thomas M., The Power of Legitimacy Among Nations (Oxford University Press 1990).

Franck Thomas M., 'The Emerging Right to Democratic Governance', (1992) 86 American Journal of International Law 46.

Franck Thomas M., Fairness in International Law and Institutions (Oxford University Press 1998).

Frankfurt Harry G., 'Freedom of Will and the Concept of a Person', (1971) 68 Journal of Philosophy 5.

Freeman Samuel, 'Political Liberalism and the Possibility of a Just Democratic Constitution', (1994) 69 Chicago-Kent Law Review 619.

Freeman Samuel (ed.), The Cambridge Companion to Rawls (Cambridge University Press 2003).

Freeman Samuel, 'Introduction: John Rawls—An Overview' in Samuel Freeman (ed.), *The Cambridge Companion to Rawls* (Cambridge University Press 2003) 1.

Freeman Samuel, 'Public Reason and Political Justifications', (2004) 72 Fordham Law Review 2021, 2055.

Freeman Samuel, Justice and the Social Contract (Oxford University Press 2007).

Freeman Samuel, 'Democracy, Religion & Public Reason', (2020) 149(3) Daedalus 37.

Fried Charles, 'Types', (1997) 14 Constitutional Commentary 55.

Friedrich C.J., Constitutional Reason of State (Brown University Press 1957).

Galston William A., Liberal Purposes (Cambridge University Press 2002).

Galston William A., 'Symposium Response', (2007) 1 Journal of Law, Philosophy and Culture 191.

Gardbaum Stephen, 'Limiting Constitutional Rights', (2007) 54 UCLA Law Review 789.

Garrett Brandon L., 'Unconstitutionally Illegitimate Discrimination', (2018) 104 Virginia Law Review 1741.

Gaus Gerald, The Order of Public Reason (Cambridge University Press 2011).

Giudice Michael, 'Global Legal Pluralism: What's Law Got to Do with it?' (Book review of Paul Shiff Berman, *Global Legal Pluralism* (Cambridge University Press 2012)), (2014) 34 Oxford Journal of Legal Studies 589.

Glendon Mary Ann, Rights Talk (The Free Press 1991).

Goodin Robert E., 'Laundering Preferences' in Jon Elster and Aanund Hylland (eds.), Foundations of Social Choice Theory (Cambridge University Press 1986) 75.

Goodin Robert E., 'Institutionalizing the Public Interest: The Defense of Deadlock and Beyond', (1996) 90 *American Political Science Review* 331.

Goodin Robert E., Reflective Democracy (Oxford University Press 2003).

Green Leslie, 'Two Worries about Respect for Persons', (2010) 120 Ethics 212.

Greenawalt Kent, Private Consciences and Public Reasons (Oxford University Press 1995).

Greer Steven, The European Convention on Human Rights: Achievements, Problems and Prospects (Cambridge University Press 2006).

Grimm Dieter, 'Proportionality in Canadian and German Constitutional Jurisprudence', (2007) 57 University of Toronto Law Review 383.

Grossman Nienke, 'Legitimacy and International Adjudicative Bodies', (2009) 41 The George Washington International Law Review 107.

Gunther Gerald, 'The Supreme Court, 1971 Term—Foreword: In Search of Evolving Doctrine on a Changing Court: A Model for a Newer Equal Protection, (1978) 86 Harvard Law Review 1.

Gutmann Amy and Dennis Thompson, Democracy and Disagreement (Harvard University Press 1996).

Habermas Jürgen, The Inclusion of the Other: Studies in Political Theory (MIT Press 1998).

Hardin Russell, 'Public Choice Versus Democracy' in John W. Chapman and Alan Wertheimer (eds.), *Majorities and Minorities: Nomos XXXII* (New York University Press 1990) 184.

Harsanyi John C., 'On Preferences, Promises, and the Coordination Problem: Reply to Regan', (1985) 96 Ethics 68.

Hart H.L.A., The Concept of Law (Oxford University Press 1961).

Hart H.L.A., Law, Liberty, and Morality (Stanford University Press 1962).

Hart H.L.A., Law, Liberty, and Morality (Stanford University Press 1963).

Hartley Christie and Lori Watson, Equal Citizenship and Public Reason: A Feminist Political Liberalism (Oxford University Press 2018).

Held David, Democracy and the Global Order (Stanford University Press 1995).

Helfer Laurence R., 'Constitutional Analogies in the International Legal System', (2003) 37 Loyola of Los Angeles Law Review 193.

- Helfer Laurence R. and Anne-Marie Slaughter, 'Towards a Theory of Effective Supranational Adjudication', (1997) 107 Yale Law Journal 273.
- Hogg Peter, Constitutional Law of Canada (Thomson/Carswell 2014).
- Holmes Stephen, 'Gag Rules or the Politics of Omission' in Jon Elster and Rune Slagstad (eds.), Constitutionalism and Democracy (Cambridge University Press 1988) 19.
- Howse Robert and Kalypso Nicolaidis, 'Enhancing WTO Legitimacy: Constitutionalization or Global Subsidiarity?', (2003) 16 Governance 73.
- Huq Aziz Z., 'What is Discriminatory Intent?', (2018) 103 Cornell Law Review 1211.
- Idleman Scott C., 'The Role of Religious Values in Judicial Decision Making', (1993) 68 Indiana Law Journal 433.
- Idleman Scott C., 'The Concealment of Religious Values in Judicial Decisionmaking', (2005) 91 Virginia Law Review 515.
- Isiksel Turkuler, 'Global Legal Pluralism as Fact and Norm', (2013) 2 Global Constitutionalism 160.
- Issacharoff Samuel, Pamela S. Karlan, and Richard H. Pildes, *The Law of Democracy: Legal Structure of the Political Process* (4th edn., Foundation Press 2012).
- Jackson Vicki C., Constitutional Engagement in a Transnational Era (Oxford University Press 2010).
- Karst Kenneth L., 'The Costs of Motive-Centered Inquiry', (1978) 15 San Diego Law Review 1163.
- Keohane Robert O., Andrew Moravcsik, and Anne-Marie Slaughter, 'Legalized Dispute Resolution: Interstate and Transnational', (2000) 54 *International Organization* 457.
- Khaitan Tarunabh, 'Reading Swaraj into Article 15: A New Deal for All Minorities', (2009) 2 NUJS Law Review 419.
- Khaitan Tarunabh, '*Koushal* v *Naz*: Judges Vote to Recriminalise Homosexuality', (2015) 78 *Modern Law Review* 672.
- Khaitan Tarunabh, 'Legislative Review Under Article 14' in Sujit Choudry, Madhav Khosla, and Pratap Bhanu Mahta (eds.), *The Oxford Handbook of the Indian Constitution* (Oxford University Press 2016) 699.
- Kleinlein Thomas, 'Judicial Lawmaking by Judicial Restraint? The Potential of Balancing in International Economic Law', (2011) 12 German Law Journal 1141.
- Kogelmann Brian, 'The Supreme Court as the Fountain of Public Reason', (2018) 24 Legal Theory 345.
- Krisch Nico, 'The Open Architecture of European Human Rights Law', (2008) 71 Modern Law Review 183.
- Kugelberg Henrik D., 'Civic Equality as a Democratic Basis for Public Reason', (2021) Critical Review of International Social and Political Philosophy, https://doi.org/10.1080/13698230.2021.1905468, (accessed 7 September 2022).
- Kukathas Chandran and Philip Pettit, Rawls: A Theory of Justice and its Critics (Polity Press 1990).
- Kumm Mattias, 'The Legitimacy of International Law: A Constitutionalist Framework of Analysis', (2004) 15 European Journal of International Law 907.
- Kumm Mattias, 'Institutionalising Socratic Contestation: The Rationalist Human Rights Paradigm, Legitimate Authority and the Point of Judicial Review', (2007) 1(2) European Journal of Legal Studies 1, https://cadmus.eui.eu/bitstream/handle/1814/7708/EJLS_2007_1_2_9_KUM_EN.pdf?sequence=1&isAllowed=y (last accessed 23 June 2020).
- Kumm Mattias, 'The Cosmopolitan Turn in Constitutionalism: An Integrated Conception of Public Law', (2013) 20 *Indiana Journal of Global Legal Studies* 605.

Kumm Mattias, "We Hold These Truths to be Self-Evident": Constitutionalism, Public Reason, and Legitimate Authority in Silje Langvatn, Mattias Kumm, and Wojciech Sadurski (eds.), *Public Reason and Courts* (Cambridge University Press 2020) 143.

Kumm Mattias, 'An Integrative Theory of Global Public Law: Cosmopolitan, Pluralist, Public Reason Oriented' (unpublished draft, no date).

Kymlicka Will, Politics in the Vernacular (Oxford University Press 2001).

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

Langvatn, Silje, Mattias Kumm, and Wojciech Sadurski (eds.), *Public Reason and Courts* (Cambridge University Press 2020).

Larmore Charles, 'Public Reason' in Samuel Freeman (ed.), *The Cambridge Companion to Rawls* (Cambridge University Press 2003) 368.

Larmore Charles, The Autonomy of Morality (Cambridge University Press 2008).

Lasswell Harold, Politics: Who Gets What, When, How? (P. Smith 1950).

Lawrence Jessica C., 'Contesting Constitutionalism: Constitutional Discourse at the WTO', (2013) 2 Global Constitutionalism 63.

Letsas George, A Theory of Interpretation of the European Convention on Human Rights (Oxford University Press 2007).

Lister Andrew, 'Public Justification and the Limits of State Action', (2010) 9 Politics, Philosophy, and Economics 151.

Loewy Arnold H., 'Morals Legislation and the Establishment Clause', (2003) 55 Alabama Law Review 159.

MacCormick Neil, Rhetoric and the Rule of Law (Oxford University Press 2010).

MacDonald Euan, International Law and Ethics After the Critical Change (Martinus Nijhoff 2011).

Maduro Miguel Poiares, 'Courts and Pluralism: Essay on a Theory of Judicial Adjudication in the Context of Legal and Constitutional Pluralism' in Jeffrey L. Dunoff and Joel P. Trachtman (eds.), Ruling the World? Constitutionalism, International Law, and Global Governance (Cambridge University Press 2009) 356.

Majone Giandomenico, 'Europe's 'Democratic Deficit': The Question of Standards', (1998) 14 European Law Journal 5.

Mansfield Andrew S., 'Religious Arguments and the United States Supreme Court: A Review of Amicus Curiae Briefs Filed by Religious Organizations' (2008), available at http://works.bepress.com/andrew_mansfield/5 (last accessed 1 June 2020).

Marks Susan, 'The European Convention on Human Rights and Its "Democratic Society", (1995) 66 British Yearbook of International Law 209.

Marmor Andrei, 'Authority, Equality and Democracy', (2005) 18 Ratio Juris 315.

Massey Calvin, 'The Role of Governmental Purpose in Constitutional Judicial Review', (2007) 59 South Carolina Law Review 1.

Mayo Henry B., An Introduction to Democratic Theory (Oxford University Press 1960).

McCrudden Christopher and Brendan O'Leary, Courts and Consociations: Human Rights versus Power-Sharing (Oxford University Press 2013).

Merton R.K., 'Insiders and Outsiders: A Chapter in the Sociology of Knowledge', (1972) 78 American Journal of Sociology 9.

Meydani Assaf, The Anatomy of Human Rights in Israel (Cambridge University Press 2014).

Meyerson Denise, Rights Limited: Freedom of Expression, Religion and the South African Constitution (Juta 1997).

Michelman Frank I., 'The Supreme Court, 1968 Term—Foreword: On Protecting the Poor Through the Fourteenth Amendment', (1969) 83 Harvard Law Review 7.

Mill John Stuart, 'On Liberty' (1859) in John Stuart Mill, On Liberty and Other Writings, ed. Stefan Collini (Cambridge University Press 1989).

Moon J. Donald, 'Rawls and Habermas on Public Reason: Human Rights and Global Justice', (2003) 6 Annual Review of Political Science 257.

Möller Kai, The Global Model of Constitutional Rights (Oxford University Press 2012).

Murphy Liam, What Makes Law (Cambridge University Press 2014).

Nagel Thomas, 'Moral Conflict and Political Legitimacy', (1987) 16 Philosophy & Public Affairs 215.

Nagel Thomas, Equality and Partiality (Oxford University Press 1991).

Nelson Caleb, 'Judicial Review of Legislative Purpose', (2008) 83 New York University Law Review 1784.

Neuman Gerald L., 'Human Rights and Constitutional Rights: Harmony and Dissonance', (2003) 55 Stanford Law Review 863.

Neyer Jürgen, 'Justice, Not Democracy: Legitimacy in the European Union', (2010) 48 Journal of Common Market Studies 903.

Neyer Jürgen, 'Justice and the Right to Justification: Conceptual Reflections' in Dimitry Kochenov, Gráinne de Búrca, and Andrew Williams (eds.), *Europe's Justice Deficit?* (Hart 2015) 211.

Nowak Manfred, UN Covenant on Civil and Political Rights: CCPR: Commentary (2nd rev. edn, .Engel 2005).

Nowlin Christopher, 'The Protection of Morals under the European Convention for the Protection of Human Rights and Fundamental Freedoms', (2002) 24 Human Rights Quarterly 264.

Offe Claus, "Homogeneity" and Constitutional Democracy: Coping with Identity Conflicts through Group Rights', (1988) 6 Journal of Political Philosophy 113.

O'Neill Onora, Toward Justice and Virtue (Cambridge University Press 1996).

Note, 'Legislative Purpose and Federal Constitutional Adjudication', (1970) 83 Harvard Law Review 1887.

Note, 'Developments in the Law—Chapter Four: Animus and Sexual Regulation', (2014) 127 Harvard Law Review 1767.

Note, 'The Supreme Court—Leading Cases', (2018) 132 Harvard Law Review 132.

Nussbaum Martha C., Frontiers of Justice (Harvard University Press 2006).

Nussbaum Martha C., Liberty of Conscience (Basic Books 2008).

Pariente Rubén Marciel, 'Why not Extend Rawls' Public Reason Beyond Fundamental Issues?', (2020) 39 *Teorema* 105.

Patten Alan, 'Liberal Neutrality: A Reinterpretation and Defense', (2012) 20 Journal of Political Philosophy 249.

Paulus Andreas L., 'The International Legal System as a Constitution' in Jeffrey L. Dunoff and Joel P. Trachtman (eds.), Ruling the World? Constitutionalism, International Law, and Global Governance (Cambridge University Press 2009) 69.

Peñalver Eduardo Moisés, 'The Persistent Problem of Obligation in International Law', (2000) 36 Stanford Journal of International Law 271.

Perju Vlad, 'International Constitutionalism and the State: A Reply to Aoife O'Donoghue', (2013) 11 International Journal of Constitutional Law 1045.

Perrone Roberto, 'Public Morals and the ECHR' (20 January 2014). University of Leicester School of Law Research Paper No. 14-02, available at SSRN: http://ssrn.com/abstract= 2382086 (last accessed 23 June 2020).

Perry Michael J., 'Substantive Due Process Revisited: Reflections on (and beyond) Recent Cases', (1976) 71 Northwestern University Law Review 417.

Perry Michael J., Human Rights in the Constitutional Law of the United States (Cambridge University Press 2013).

Peters Anne, 'The Merits of Global Constitutionalism', (2009) 16 Indiana Journal of Global Legal Studies 397.

Peters Anne, 'The Constitutionalisation of International Organisations' in Neil Walker, Jo Shaw, and Stephen Tierney (eds.), Europe's Constitutional Mosaic (Hart 2011) 253.

Peters Michael A., 'Information, Globalization and Democracy: The Utopian Moment?' Global-e: A Global Studies Journal (2 May 2008), https://www.21global.ucsb.edu/global-e/may-2008/information-globalization-and-democracy-utopian-moment (accessed 7 September 2022).

Petersen Niels, 'Legislative Inconsistency and the 'Smoking Out' of Illicit Motives', (2016) 64 American Journal of Comparative Law 121.

Petersen Niels, Proportionality and Judicial Activism (Cambridge University Press 2017).

Pettit Philip, 'The Common Good' in Keith Dowding, Robert E. Goodin, and Carole Pateman (eds.), *Justice and Democracy: Essays for Brian Barry* (Cambridge University Press 2004) 150.

Pettit Philip, On the People's Terms (Cambridge University Press 2012).

Pettit Philip, Just Freedom (Norton 2014).

Pildes Richard H., 'Avoiding Balancing: The Role of Exclusionary Reasons in Constitutional Law', (1994) 45 Hastings Law Journal 711.

Poggi Gianfranco, The State: Its Nature, Development and Prospects (Stanford University Press 1990).

Post Robert C., 'Cultural Heterogeneity and Law: Pornography, Blasphemy, and the First Amendment', (1988) 76 California Law Review 297.

Powell Jr., Lewis F., 'Carolene Products Revisited', (1982) 82 Columbia Law Review 1087.

Pozen David E. and Adam M. Samaha, 'Anti-Modalities', (2021) 119 Michigan Law Review 729.

Preuss Ulrich K., 'Perspectives on Post-Conflict Constitutionalism: Reflections on Regime Change Through External Constitutionalization', (2006–07) 51 New York Law School Law Review 467.

Pringle Helen, 'Regulating Offence to the Godly: Blasphemy and the Future of Religious Vilification Laws', (2011) 34 UNSW Law Journal 316.

Quong Jonathan, Liberalism without Perfection (Oxford University Press 2011).

Raveson Louis S., 'Unmasking the Motives of Government Decisionmakers: A Subpoena for Your Thoughts?', (1985) 63 North Carolina Law Review 879.

Rawls John, A Theory of Justice (Harvard University Press 1971).

Rawls John, 'Justice as Fairness: Political not Metaphysical', (1985) 14 Philosophy & Public Affairs 225.

Rawls John, 'The Idea of an Overlapping Consensus', (1987) 7 Oxford Journal of Legal Studies 1.

Rawls John, Political Liberalism (Columbia University Press 1993).

Rawls John, 'The Idea of Public Reason Revisited' in *The Law of Peoples* (Harvard University Press 1999).

Rawls John, The Law of Peoples (Harvard University Press 1999).

Raz Joseph, The Morality of Freedom (Oxford University Press 1986).

Raz Joseph, 'Facing Diversity: The Case of Epistemic Abstinence', (1990) 19 Philosophy & Public Affairs 3.

Raz Joseph, Ethics in the Public Domain (Oxford University Press 1994).

Raz Joseph, 'Disagreement in Politics', (1998) 43 American Journal of Jurisprudence 25.

Raz Joseph, Practical Reason and Norms (2nd edn., Oxford University Press 1999).

Raz Joseph, Value, Respect, and Attachment (Cambridge University Press 2001).

Raz Joseph, 'On Respect, Authority, and Neutrality: A Response', (2010) 120 Ethics 120.

Regan Donald, 'On Preferences and Promises: A Response to Harsanyi', (1985) 96 Ethics 56.

Reisman Michael, 'Designing and Managing the Future of the State', (1997) 3 European Journal of International Law 409.

Ripstein Arthur, Equality, Responsibility, and the Law (Cambridge University Press 1999).

Rivers Julian, 'Proportionality and Variable Intensity of Review', (2006) 65 *The Cambridge Law Journal* 174.

Robertson David, The Judge as Political Theorist (Princeton University Press 2010).

Rosenfeld Michel, 'Rethinking Constitutional Ordering in an Era of Legal and Constitutional Pluralism', (2008) 6 International Journal of Constitutional Law 415.

Rosenfeld Michel, The Identity of the Constitutional Subject (Routledge 2010).

Rousseau Jean-Jacques, 'The Social Contract' 274 (trans. Gerard Hopkins) in *Social Contract: Essays by Locke, Hume and Rousseau*, with an Introduction by Sir Ernest Barker (Oxford University Press 1948).

Sadurski Wojciech, Giving Desert its Due (D. Reidel 1985).

Sadurski Wojciech, Moral Pluralism and Legal Neutrality (Kluwer 1990).

Sadurski Wojciech, Equality and Legitimacy (Oxford University Press 2009).

Sadurski Wojciech, 'Partnering with Strasbourg: Constitutionalisation of the European Court of Human Rights, the Accession of Central and East European States to the Council of Europe, and the Idea of Pilot Judgments', (2009) 9 *Human Rights Law Review* 397.

Sadurski Wojciech, 'Reasonableness and Value Pluralism in Law and Politics' in Giorgio Bongiovanni, Giovanni Sartor, and Chiara Valentini (eds.), *Reasonableness and Law* (Springer 2009) 129.

Sadurski Wojciech, Constitutionalism and the Enlargement of Europe (Oxford University Press 2012).

Sadurski Wojciech, 'Democratic Legitimacy of the European Union: A Diagnosis and Some Modest Proposals', (2012) 32 Polish Yearbook of International Law 9.

Sadurski Wojciech, "It All Depends': The Universal and the Contingent in Human Rights' in Claudio Corradetti (ed.), *Philosophical Dimensions of Human Rights* (Springer 2012).

Sandel Michael J., Book Review (John Rawls, Political Liberalism), (1994) 107 Harvard Law Review 1765.

Scanlon T.M., 'Rawls's Theory of Justice' in Norman Daniels (ed.), Reading Rawls: Critical Studies of A Theory of Justice (Basil Blackwell 1975) 169.

Scanlon T.M., What We Owe To Each Other (Harvard University Press 1998).

Scanlon T.M., 'Rawls on Justification' in Samuel Freeman (ed.), *The Cambridge Companion to Rawls* (Cambridge University Press 2003) 139.

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

Schauer Frederick, Playing by the Rules (Oxford University Press 1991).

Scheffler Samuel, 'Choice, Circumstance, and the Value of Equality', (2005) 4 Politics, Philosophy and Economics 5.

Scheuerman William E., 'Cosmopolitanism and the World State', (2014) 40 Review of International Studies 419.

Schwartzman Micah, 'The Completeness of Public Reason', (2004) 3 Politics, Philosophy & Economics 191.

Schwartzman Micah, 'The Sincerity of Public Reason', (2011) 19 Journal of Political Philosophy 375.

Schwartzman Micah, 'Must Laws Be Motivated by Public Reason?' in Silje Langvatn, Mattias Kumm and Wojciech Sadurski (eds.), *Public Reason and Courts* (Cambridge University Press 2020) 45.

Sen Amartya, The Idea of Justice (Harvard University Press 2009).

Shaw Malcolm, International Law (4th edn., Cambridge University Press 1997).

Shlomo-Agon Sivan, 'Clearing the Smoke: The Legitimation of Judicial Power at the WTO', (2015) 49 Journal of World Trade 539.

Shue Henry, 'Rawls and the Outlaws', (2002) 1 Politics, Philosophy & Economics 307.

Smith Nicholas, 'Freedom of Religion in the Constitutional Court', (2001) 118 South African Law Journal 1.

Solum Lawrence B., 'Constructing an Ideal of Public Reason', (1993) 30 San Diego Law Review 729.

Solum Lawrence B., 'Public Legal Reason', (2006) 92 Virginia Law Review 1449.

Spruyt Hendrik, The Sovereign State and Its Competitors (Princeton University Press 1994).

Stellios James, Zines's the High Court and the Constitution (The Federation Press 2015).

Stone Julius, Social Dimensions of Law and Justice (Maitland 1966).

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

Stone Sweet A. and H. Keller, 'The Reception of the ECHR in National Legal Orders' in Helen Keller and Alec Stone Sweet (eds.), *A Europe of Rights: The Impact of the ECHR on National Legal Systems* (Oxford University Press 2008) 3.

Stone Sweet Alec and Jud Mathews, 'Proportionality Balancing and Global Constitutionalism', (2008) 47 Columbia Journal of Transnational Law 74.

Stone Sweet Alec and Clare Ryan, A Cosmopolitan Legal Order: Kant, Constitutional Justice, and the European Convention on Human Rights (Oxford University Press 2018).

Straut Charles B., 'Due Process Disestablishment: Why Lawrence v. Texas Is a First Amendment Case', (2016) 91 New York University Law Review 1794.

Sunstein Cass R., 'Disrupting Voluntary Transactions' in J.W. Chapman and J.R. Pennock (eds.), *Markets and Justice: Nomos XXXI* (New York University Press 1989) 279.

Sunstein Cass R., The Partial Constitution (Harvard University Press 1994).

Tasioulas John, 'The Legitimacy of International Law' in Samantha Besson and John Tasioulas (eds.), *The Philosophy of International Law* (Oxford University Press 2010) 97.

Thomas C.A., 'Of Facts and Phantoms: Economics, Epistemic Legitimacy, and WTO Dispute Settlement', (2011) 14 *Journal of International Economic Law* 295.

Thomas C.A., 'The Concept of Legitimacy and International Law', LSE Law, Society and Economy Working Papers 12/2013, http://ssrn.com/abstract=2265503(accessed 23 August 2022).

Thompson Dennis F., 'Public Reason and Precluded Reasons', (2004) 72 Fordham Law Review 2073.

Thompson Mark R., 'Whatever Happened to 'Asian Values'?', (2001) 12 Journal of Democracy 154.

Tondini Matteo, 'Beyond the Law of the Enemy: Recovering from the Failures of the Global War on Terrorism Through Law', (2007) 3 Jura Gentium: Rivista di filosofia del diritto internazionale e della politica globale 1.

Trachtman Joel P., 'Constitutional Economics of the World Trade Organization' in Jeffrey L. Dunoff and Joel P. Trachtman (eds.), Ruling the World? Constitutionalism, International Law, and Global Governance (Cambridge University Press 2009) 206.

Trakman Leon E, William Cole-Hamilton, and Sean Gatien, 'R v Oakes 1986-1977: Back to the Drawing Board', (1998) 36 Osgoode Hall Law Journal 83.

Tribe Laurence H., American Constitutional Law (2nd edn., Foundation Press 1988).

Tribe Laurence H., 'The Mystery of Motive, Private and Public: Some Thoughts Inspired by the Problems of Hate Crime and Animal Sacrifice', (1994) Supreme Court Review 1.

Tushnet Mark, Taking the Constitution Away from the Courts (Princeton University Press 1999).

Tussman Joseph and Jacobus tenBroek, 'The Equal Protection of the Laws', (1949) 37 California Law Review 341.

Tyndal Jason, 'Public Reason, Non-Public Reasons, and the Accessibility Requirement', (2019) 49 Canadian Journal of Philosophy 1062.

Vallier Kevin, 'In Defense of Idealization in Public Reason', (2020) 85 Erkenntnis 1109.

van Dijk P. and G.J.H. van Hoof, *Theory and Practice of the European Convention on Human Rights* (3rd edn., .Kluwer Law International 1998).

Vatter Miguel, 'The Idea of Public Reason and the Reason of State: Schmitt and Rawls on the Vauchez Political', (2008) 36 *Political Theory* 239.

Vauchez Antoine, Démocratiser l'Europe (Seuil 2014).

Venzke Ingo, 'Making General Exceptions: The Spell of Precedents in Developing Article XX GATT into Standards for Domestic Regulatory Policy', (2011) 12 German Law Journal 1111.

Villa Dana, 'Political Violence and Terror: Arendtian Reflections', (2008) 1 Ethics & Global Politics 97.

von Bogdandy Armin, 'Globalization and Europe: How to Square Democracy, Globalization, and International Law', (2000) 15 European Journal of International Law 885.

von Bogdandy Armin and Ingo Venzke, 'On the Democratic Legitimation of International Judicial Lawmaking', (2011) 12 German Law Journal 1341.

Waldron Jeremy, 'Rights and Majorities: Rousseau Revisited' in John W. Chapman and Alan Wertheimer (eds.), *Majorities and Minorities: Nomos XXXII* (New York University Press 1990) 44.

Waldron Jeremy, Liberal Rights (Cambridge University Press 1993).

Waldron Jeremy, Law and Disagreement (Oxford University Press 1999).

Waldron Jeremy, 'What Can Christian Teaching Add to the Debate about Torture?', (2006) 63 Theology Today 330.

Waldron Jeremy, 'Public Reason and "Justification" in the Courtroom', (2007) 1 Journal of Law, Philosophy and Culture 107.

Waldron Jeremy, Torture, Terror, and Trade-offs: Philosophy for the White House (Oxford University Press 2010).

Waldron Jeremy, 'Response: The Perils of Exaggeration', (2011) 22 European Journal of International Law 389.

Waldron Jeremy, 'Isolating Public Reasons' in Thom Brooks and Martha C. Nussbaum (eds.), Rawls's Political Liberalism (Columbia University Press 2015) 113.

Walker Neil, 'Beyond Boundary Disputes and Basic Grids: Mapping the Global Disorder of Normative Orders', (2008) 6 International Journal of Constitutional Law 373.

Walker Neil, 'Justice in and of the European Union' in Dimitry Kochenov, Gráinne de Búrca, and Andrew Williams (eds.), *Europe's Justice Deficit?* (Hart 2015) 247.

Walzer Michael, Spheres of Justice (Basil Blackwell 1983).

Wiener Antje, 'Contested Meanings of Norms: A Research Framework', (2007) 5

Comparative European Politics 1.

Wiener Antje et al., 'Global Constitutionalism: Human Rights, Democracy and the Rule of Law', (2012) 1 Global Constitutionalism 1.

Williams Bernard, 'Internal and External Reasons' in *Moral Luck* (Cambridge University Press 1981) 101.

Williams Bernard, 'Internal Reasons and the Obscurity of Blame' in Making Sense of Humanity (Cambridge University Press 1995) 35.

- Williams Bernard, *In the Beginning Was the Deed*, ed., Geoffrey Hawthorn (Princeton University Press 2005).
- Wolgast Elizabeth H., 'The Demands of Public Reason', (1994) 94 Columbia Law Review 1936.
- Woolman Stu and H. Botha, 'Limitations' in Stu Woolman and Michael Bishop (eds.), Constitutional Law of South Africa, (2nd. edn., Juta 2014).
- Worden Blair, 'Two Letters on Treason' *The New York Review of Books*, 9 January 2014, 20. Wright J. Skelly, 'Color-Blind Theories and Color Conscious Remedies', (1980) 47 *University of Chicago Law Review* 213.
- Zurn Christopher F., Deliberative Democracy and the Institutions of Judicial Review (Cambridge University Press 2007).
- Zurn Christopher F., 'Constitutional Interpretation and Public Reason: Seductive Disanalogies' in Silje Langvatn, Mattias Kumm, and Wojciech Sadurski (eds.), *Public Reason and Courts* (Cambridge University Press 2020) 323.
- Zürn Michael, 'Democratic Governance Beyond the Nation-State: The EU and Other International Institutions', (2000) 6 European Journal of International Relations 183.
- Zwart Tom, 'More Human Rights than Court: Why the Legitimacy of the European Court of Human Rights is in Need of Repair and How it Can Be Done' in Spyridon Flogaitis, Tom Zwart, and Julie Fraser (eds.), *The European Court of Human Rights and Its Discontents* (Edward Elgar 2013) 71.