## Bibliography

- Ackerman B, 'Beyond Carolene Products' (1984) 98 Harvard Law Review 713
- Ackerman B, We the People: Volume 1 Foundations (Belknap Press 1993)
- Ackerman B, 'The Rise of World Constitutionalism' (1997) 83 Virginia Law Review 771
- Allan TRS, 'Parliamentary Sovereignty: Lord Denning's Dexterous Revolution' (1983) 3 Oxford Journal of Legal Studies 22
- Allan TRS, Constitutional Justice (Oxford University Press 2003)
- Allan TRS, 'Human Rights and Judicial Review: A Critique of "Due Deference" (2006) 65 Cambridge Law Journal 671
- Allan TRS, 'Deference, Defiance, and Doctrine: Defining the Limits of Judicial Review' (2010) 60 The University of Toronto Law Journal 41
- Aristotle, The Politics of Aristotle (Jowett B tr, Clarendon Press, 1885)
- Arter D, Democracy in Scandinavia: Consensual, Majoritarian or Mixed? (Manchester University Press 2006)
- Baer S, 'Equality: The Jurisprudence of the German Constitutional Court' (1999) 5 Columbia Journal of European Law 249
- Banaji MR and Greenwald AG, Blindspot: Hidden Biases of Good People (Delacorte Press 2013)
- Barber SA and Fleming JE, Constitutional Interpretation: The Basic Questions (Oxford University Press 2007)
- 'Behind France's Islamic Veil', *BBC News Channel* (8 April 2010) <a href="http://news.bbc.co.uk/1/hi/world/europe/8607802.stm">http://news.bbc.co.uk/1/hi/world/europe/8607802.stm</a> accessed 1 December 2015
- Bellamy R, Political Constitutionalism: A Republican Defence of the Constitutionality of Democracy (Cambridge University Press 2007)
- Biskupic J, 'Ginsburg: Court Needs Another Woman' USA Today (5 October 2009)
- Boix C, Miller M and Rosato S, 'A Complete Data Set of Political Regimes, 1800–2007' (2013) 46 Comparative Political Studies 1523
- Bork RH, The Tempting of America: The Political Seduction of the Law (Sinclair-Stevenson 1990)
- Borowski M, 'The Beginnings of Germany's Federal Constitutional Court' (2003) 16 Ratio Juris 155

- Bowles S and Gintis H, 'Social Preferences, Homo Economicus, and Zoon Politikon' in Robert E Goodin and Charles Tilly (eds), *The Oxford Handbook of Contextual Political Analysis* (Oxford University Press 2008)
- Brady ADP, Proportionality and Deference under the UK Human Rights Act: An Institutionally Sensitive Approach (Cambridge University Press 2012)
- Brewer-Carías AR, Judicial Review in Comparative Law (Cambridge University Press 1989)
- Brewer-Carías AR, Constitutional Protection of Human Rights in Latin America (Cambridge University Press 2009)
- Brown MB, 'Survey Article: Citizen Panels and the Concept of Representation' (2006) 14 *Journal of Political Philosophy* 203
- Bull T and Cameron I, 'Legislative Review for Human Rights Compatibility: A View from Sweden' in Murray Hunt, Hayley Jane Hooper and Paul Yowell (eds), *Parliaments and Human Rights: Redressing the Democratic Deficit* (Hart Publishing 2015)
- Cahill-O'Callaghan RJ, 'The Influence of Personal Values on Legal Judgments' (2013) 40 Journal of Law and Society 596
- Cameron I, 'Protection of Constitutional Rights in Sweden' [1997] Public Law 488
- Cameron I and Bull T, 'Sweden' in Joseph Fleuren and Janneke H Gerards (eds), Implementation of the European Convention on Human Rights and of the Judgments of the ECtHR in National Case Law: A Comparative Analysis (Intersentia 2014)
- Cappelletti M, The Judicial Process in Comparative Perspective (Clarendon Press 1989)
- Cheibub JA, Gandhi J and Vreeland JR, 'Democracy and Dictatorship Revisited' (2009) 143 *Public Choice* 67
- Choudhry S and Hume N, 'Federalism, Devolution and Secession: From Classical to Post-Conflict Federalism' in Tom Ginsburg and Rosalind Dixon (eds), Comparative Constitutional Law (Edward Elgar Publishing 2011)
- Clark WR, Golder MR and Golder SN, Principles of Comparative Politics (2nd edition, CQ Press 2012)
- Clayton R, 'Judicial Deference and "Democratic Dialogue": The Legitimacy of Judicial Intervention under the Human Rights Act 1998' [2004] *Public Law* 33
- Coan AB, 'Irrelevance of Writtenness in Constitutional Interpretation' (2009) 158 University of Pennsylvania Law Review 1025
- Coan AB, 'Judicial Capacity and the Substance of Constitutional Law' (2012) 122 Yale Law Journal 422

- Colón-Ríos J, 'A New Typology of Judicial Review of Legislation' (2014) 3 Global Constitutionalism 143
- Comparative Constitutions Project, 'Constitutional Rankings' <a href="http://comparativeconstitutionsproject.org/ccp-rankings">http://comparativeconstitutionsproject.org/ccp-rankings</a> accessed 1 December 2015
- Congleton RD, Perfecting Parliament: Constitutional Reform, Liberalism, and the Rise of Western Democracy (Cambridge University Press 2010)
- Craig PP, 'Formal and Substantive Conceptions of the Rule of Law: An Analytical Framework' (1997) *Public Law* 467
- Dahl RA, 'Decision-Making in a Democracy: The Supreme Court as a National Policy-Maker' (1957) 6 Journal of Public Law 279
- Dahl RA, Democracy and Its Critics (Yale University Press 1991)
- Dahl RA, 'Procedural Democracy' in Gerald F Gaus and Chandran Kukathas (eds), *Handbook of Political Theory* (Sage 2004)
- Diamond LJ, 'Thinking about Hybrid Regimes' (2002) 13 Journal of Democracy 21
- Dicey AV, Introduction to the Study of the Law of the Constitution (Liberty Classics 1982)
- Draper H, Karl Marx's Theory of Revolution, Volume I: The State and Bureaucracy, vol 2 (Monthly Review Press 1977)
- Dworkin R, Taking Rights Seriously (Duckworth 1977)
- Dworkin R, 'The Forum of Principle' (1981) 56 New York University Law Review 469
- Dworkin R, A Matter of Principle (Harvard University Press 1985)
- Dworkin R, Law's Empire (Fontana Press 1986)
- Dworkin R, 'Equality, Democracy, and Constitution: We the People in Court' (1990) 28 Alberta Law Review 324
- Dworkin R, Freedom's Law: The Moral Reading of the American Constitution (Oxford University Press 1996)
- Dworkin R, 'The Partnership Conception of Democracy' (1998) 86 California Law Review 453
- Dworkin R, Sovereign Virtue (Harvard University Press 2000)
- Easterbrook FH, 'Presidential Review' (1989) 40 Case Western Reserve Law Review 905
- Eberle EJ, 'Human Dignity, Privacy, and Personality in German and American Constitutional Law' (1997) 1997 *Utah Law Review* 963
- Eberle EJ, Dignity and Liberty: Constitutional Visions in Germany and the United States (Praeger 2002)
- Edwards RA, 'Judicial Deference under the Human Rights Act' (2002) 65 The Modern Law Review 859
- Elster J, 'Forces and Mechanisms in the Constitution-Making Process' (1995) 45 Duke Law Journal 364

Elster J, Securities against Misrule: Juries, Assemblies, Elections (Cambridge University Press 2013)

Ely JH, Democracy and Distrust: A Theory of Judicial Review (Harvard

University Press 1980)

Epstein L and Knight J, The Choices Justices Make (CQ Press 1998)

Epstein L, Segal JA and Spaeth HJ, The Supreme Court Compendium: Data, Decisions & Developments (5th edition, Sage - CQ Press 2012)

Estlund DM, Democratic Authority: A Philosophical Framework (Princeton University Press 2009)

Follesdal A and Wind M, 'Introduction – Nordic Reluctance towards Judicial Review under Siege' (2009) 27 Nordic Journal of Human Rights 131

Freedom House, 'Freedom in the World 2015' (2015) <a href="https://freedom.noise.org/report/freedom-world/freedom-world-2015">https://freedom.noise.org/report/freedom-world/freedom-world-2015</a> accessed 1
December 2015

Fuller LL, *The Morality of Law* (Revised edition, Yale University Press 1977)

Gardbaum S, 'The New Commonwealth Model of Constitutionalism' (2001) 49 American Journal of Comparative Law 707

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

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

Gaus GF, Justificatory Liberalism: An Essay on Epistemology and Political Theory (Oxford University Press 1996)

Gaus GF, Political Concepts and Political Theories (Westview Press 2000)

Gaus GF, Contemporary Theories of Liberalism: Public Reason as a Post-Enlightenment Project (Sage 2003)

Gaus GF, On Philosophy, Politics, and Economics (Thomson Wadsworth 2008)

Ginsburg T, Judicial Review in New Democracies: Constitutional Courts in Asian Cases (Cambridge University Press 2003)

Ginsburg T and Versteeg M, 'Why Do Countries Adopt Constitutional Review?' (2014) 30 Journal of Law, Economics, and Organization 587 'Ginsburg Wants Court to Add Second Woman' The Columbus Dispatch (11 April 2009)

Go J, 'A Globalizing Constitutionalism? Views from the Postcolony, 1945–2000' (2003) 18 International Sociology 71

Goldsworthy J, 'Conclusions' in Jeffrey Goldsworthy (ed), Interpreting Constitutions: A Comparative Study (Oxford University Press 2006)

Goldsworthy J, Parliamentary Sovereignty: Contemporary Debates (Cambridge University Press 2010)

- Green L, 'Law, Legitimacy, and Consent' (1989) 62 Southern California Law Review 795
- Grimm D, 'Types of Constitutions' in Michel Rosenfeld and András Sajó (eds), The Oxford Handbook of Comparative Constitutional Law (Oxford University Press 2012)
- Gyorfi T, Az Alkotmánybíráskodás Politikai Karaktere: Értekezés a Magyar Alkotmánybíróság Első Tíz Évéről (Indok 2001)
- Gyorfi T, 'From Equal Treatment to the Prohibition of Arbitrariness: An Analysis of the General Right to Equality' (2012) 6 Vienna Journal on International Constitutional Law 65
- Gyorfi T, 'The Supreme Court (House of Lords) of the United Kingdom' in András Jakab, Arthur Dyevre and Giulio Itzcovich (eds), Comparative Constitutional Reasoning (Cambridge University Press forthcoming)
- Habermas J, Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy (Polity Press 1997)
- Haidt J, The Righteous Mind: Why Good People Are Divided by Politics and Religion (Allen Lane 2012)
- Hamilton A, Jay J and Madison J, The Federalist Papers (Oxford University Press 2014)
- Hanretty C, 'The Decisions and Ideal Points of British Law Lords' (2013) 43 British Journal of Political Science 703
- Haris IB, 'Judicial Review of Constitutional Amendments: Pakistan's Uneasy Subscription to the Basic Structure Doctrine' (24 September 2015) <a href="http://ukconstitutionallaw.org/2015/09/24/isaam-bin-haris-judicial-review-of-constitutional-amendments-pakistans-uneasy-subscription-to-the-basic-structure-doctrine/">http://ukconstitutionallaw.org/2015/09/24/isaam-bin-haris-judicial-review-of-constitutional-amendments-pakistans-uneasy-subscription-to-the-basic-structure-doctrine/</a> accessed 1 December 2015
- Hautamäki V-P, 'The Question of Constitutional Court: On Its Relevance in the Nordic Context' in Jaakko Husa, Kimmo Nuotio and Heikki Pihlajamäki (eds), Nordic Law: Between Tradition and Dynamism (Intersentia; METRO 2007)
- Hickman T, Public Law after the Human Rights Act (Hart Publishing 2010)
- Hirschl R, 'Constitutional Courts vs. Religious Fundamentalism: Three Middle Eastern Tales' (2004) 82 Texas Law Review 1819
- Hirschl R, 'The Political Origins of the New Constitutionalism' (2004) 11 Indiana Journal of Global Legal Studies 71
- Hirschl R, Towards Juristocracy: The Origins and Consequences of the New Constitutionalism (Harvard University Press 2004)
- Hobbes T and Minogue KR, Leviathan (JM Dent 1987)

Hogg PW and Bushell AA, 'The Charter Dialogue between Courts and Legislatures (Or Perhaps the Charter of Rights Isn't Such a Bad Thing after All)' (1997) 35 Osgoode Hall Law Journal 75

Hönnige C, 'The Electoral Connection: How the Pivotal Judge Affects Oppositional Success at European Constitutional Courts' (2009) 32

West European Politics 963

Hunt M, 'Sovereignty's Blight: Why Contemporary Public Law Needs the Concept of "Due Deference" in Nicholas Bamforth and Peter Leyland (eds), *Public Law in a Multi-Layered Constitution* (Hart Publishing 2003)

Hunt M, Hooper HJ and Yowell P, Parliaments and Human Rights: Redressing the Democratic Deficit (Hart Publishing 2015)

Hunter R, McGlynn C and Rackley E (eds), Feminist Judgments: From Theory to Practice (Hart Publishing 2010)

Huntington SP, 'Democracy's Third Wave' (1991) 2 Journal of Democracy 12

Huntington SP, The Third Wave: Democratization in the Late Twentieth Century (University of Oklahoma Press 1991)

Husa J, Nordic Reflections on Constitutional Law: A Comparative Nordic Perspective (P Lang 2002)

Husa J, The Constitution of Finland: A Contextual Analysis (Hart Publishing 2011)

Jakab A, Dyevre A and Itzcovich G (eds), Comparative Constitutional Reasoning (Cambridge University Press forthcoming)

Jakobsen U, 'The Conception of "Nordic Democracy" and European Judicial Integration' (2009) 27 Nordic Journal of Human Rights 221

Jennings WI, The Law and the Constitution (5th edition, University of London Press 1960)

Jowell J, 'Judicial Deference and Human Rights: A Question of Competence' in Paul Craig and Richard Rawlings (eds), Law and Administration in Europe: Essays in Honour of Carol Harlow (Oxford University Press 2003)

Jowell J, 'Judicial Deference: Servility, Civility or Institutional Capacity?' (2003) Public Law 592

Kavanagh A, 'The Elusive Divide between Interpretation and Legislation under the Human Rights Act 1998' (2004) 24 Oxford Journal of Legal Studies 259

Kavanagh A, Constitutional Review under the UK Human Rights Act (Cambridge University Press 2009)

Kavanagh A, 'Defending Deference in Public Law and Constitutional Theory' (2010) 126 Law Quarterly Review 222

Kelsen H, Vom Wesen Und Wert Der Demokratie (Mohr 1929)

- King JA, 'Institutional Approaches to Judicial Restraint' (2008) 28 Oxford Journal of Legal Studies 409
- Klein C and Sajó A, 'Constitution-Making: Process and Substance' in Michel Rosenfeld and András Sajó (eds), *The Oxford Handbook of Comparative Constitutional Law* (Oxford University Press 2012)
- Klug F, 'A Bill of Rights: Do We Need One or Do We Already Have One?' (2007) Public Law 619
- Klug HJ, The Constitution of South Africa: A Contextual Analysis (Hart Publishing 2010)
- Komesar NK, 'A Job for the Judges: The Judiciary and the Constitution in a Massive and Complex Society' (1987) 86 Michigan Law Review 657
- Komesar NK, Imperfect Alternatives: Choosing Institutions in Law, Economics and Public Policy (University of Chicago Press 1997)
- Komesar NK, 'The Logic of the Law and the Essence of Economics: Reflections on Forty Years in the Wilderness' (2013) 2013 Wisconsin Law Review 265
- Kommers DP, Constitutional Jurisprudence of the Federal Republic of Germany (Duke University Press 1990)
- Koncewicz TT, 'Polish Constitutional Drama: Of Courts, Democracy, Constitutional Shenanigans and Constitutional Self-Defense' (2015) <a href="http://www.iconnectblog.com/2015/12/polish-constitutional-drama-of-courts-democracy-constitutional-shenanigans-and-constitutional-self-defense/">http://www.iconnectblog.com/2015/12/polish-constitutional-drama-of-courts-democracy-constitutional-shenanigans-and-constitutional-self-defense/</a> accessed 6 December 2015
- Kovács Á, 'Fényevők? A Hazai Alkotmányelmélet Esete a Politikai Konstitucionalizmussal' (2015) 19 Fundamentum 2–3
- Kurunmäki J and Strang J, Rhetorics of Nordic Democracy (Finnish Literature Society 2010)
- Landemore H, Democratic Reason: Politics, Collective Intelligence, and the Rule of the Many (Princeton University Press 2013)
- Landfried C, 'The Judicialization of Politics in Germany' (1994) 15
  International Political Science Review 113
- Lavapuro J, 'Constitutional Review in Finland' in Kimmo Nuotio, Sakari Sakari Melander and Merita Huomo-Kettunen (eds), *Introduction to Finnish Law and Legal Culture* (Faculty of Law, University of Helsinki 2012)
- Lavapuro J, Ojanen T and Scheinin M, 'Rights-Based Constitutionalism in Finland and the Development of Pluralist Constitutional Review' (2011) 9 International Journal of Constitutional Law 505
- Law DS and Versteeg M, 'The Evolution and Ideology of Global Constitutionalism' (2011) 99 California Law Review 1163
- Law DS and Versteeg M, 'Sham Constitutions' (2013) 101 California Law Review 863

- Lerner H, Making Constitutions in Deeply Divided Societies (Cambridge University Press 2011)
- Lijphart A, Patterns of Democracy: Government Forms and Performance in Thirty-Six Countries (2nd Revised edition, Yale University Press 2012)
- Loughlin M, 'Constituent Power Subverted: From English Constitutional Argument to British Constitutional Practice' in Martin Loughlin and Neil Walker (eds), *The Paradox of Constitutionalism: Constituent Power and Constitutional Form* (Oxford University Press 2007)
- Lundström M, 'Value Relativism, Procedural Democracy and Opinion Representation: Reflections on Three Conceptual Underpinnings of Swedish Anti-Constitutionalism' (2009) 27 Nordic Journal of Human Rights 242
- Malleson K, 'Rethinking the Merit Principle in Judicial Selection' (2006) 33 Journal of Law and Society 126
- Malleson K, 'Appointments to the House of Lords: Who Goes Upstairs' in Louis Blom-Cooper, Brice Dickson and Gavin Drewry (eds), *The Judicial House of Lords:* 1876–2009 (Oxford University Press 2009)
- Manin B, The Principles of Representative Government (Cambridge University Press 1997)
- Martin AD and Quinn KM, 'Dynamic Ideal Point Estimation via Markov Chain Monte Carlo for the U.S. Supreme Court, 1953–1999' (2002) 10 *Political Analysis* 134
- Masterman R, 'Aspiration or Foundation? The Status of the Strasbourg Jurisprudence and the "Convention Rights" in Domestic Law' in Helen Fenwick, Gavin Phillipson and Roger Masterman (eds), *Judicial Reasoning under the UK Human Rights Act* (Cambridge University Press 2011)
- Mazmanyan A, 'Majoritarian Countermajoritarian Courts: Introduction' in Patricia Popelier, Armen Mazmanyan and Werner Vandenbruwaene (eds), *The Role of Constitutional Courts in Multilevel Governance* (Intersentia 2013)
- McCrudden C, 'Human Dignity and Judicial Interpretation of Human Rights' (2008) 19 European Journal of International Law 655
- Mercier H and Sperber D, 'Why Do Humans Reason? Arguments for an Argumentative Theory' (2011) 34 Behavioral and Brain Sciences 57
- Mill JS, On Liberty. With an Introduction by WL Courtney (The Walter Scott Publishing Co., Ltd 1901)
- Möller K, The Global Model of Constitutional Rights (Oxford University Press 2012)
- Möllers C, 'We Are (Afraid of) the People: Constituent Power in German Constitutionalism' in Martin Loughlin and Neil Walker (eds), *The*

- Paradox of Constitutionalism: Constituent Power and Constitutional Form (Oxford University Press 2007)
- Moore MS, 'Law as a Functional Kind' in Robert P George (ed), Natural Law Theory: Contemporary Essays (Oxford University Press 1992)
- Moran L, 'Britain's Highest Female Judge Blasts Secretive Men-Only Garrick Club for "Holding Women Back" *Daily Mail* (15 October 2011)
- Navot S, Constitution of Israel: A Contextual Analysis (Hart Publishing 2014)
- Navot S, 'The Israeli Supreme Court' in András Jakab, Arthur Dyevre and Giulio Itzcovich (eds), *Comparative Constitutional Reasoning* (Cambridge University Press forthcoming)
- Nergelius J, 'Judicial Review in Swedish Law: A Critical Analysis' (2009) 27 Nordic Journal of Human Rights 142
- Nicol D, 'Law and Politics after the Human Rights Act' (2006) Public Law 722
- Ojanen T, 'From Constitutional Periphery toward the Center: Transformations of Judicial Review in Finland' (2009) 27 Nordic Journal of Human Rights 194
- Page SE, The Difference: How the Power of Diversity Creates Better Groups, Firms, Schools, and Societies (Princeton University Press 2008)
- Paterson A, Final Judgment: The Last Law Lords and the Supreme Court (Hart Publishing 2013)
- Paulsen MS, 'The Most Dangerous Branch: Executive Power to Say What the Law Is' (1994) 83 Georgetown Law Journal 217
- Paulsen MS, 'The Irrepressible Myth of Marbury' (2003) 101 Michigan Law Review 2706
- Pekka L, 'The Constitutional Committee of Parliament: The Finnish Model of Norm Control' in Maija Sakslin (ed), *The Finnish Constitution in Transition* (Hermes-Myynti Oy; Finnish Society of Constitutional Law 1991)
- Perry MJ, 'Protecting Human Rights in a Democracy: What Role for the Courts' (2003) 38 Wake Forest Law Review 635
- Perry SR, 'Second-Order Reasons, Uncertainty and Legal Theory' (1989) 62 Southern California Law Review 913
- Pitkin HF, *The Concept of Representation* (University of California Press 1967)
- Plato, The Republic (Infomotions, Inc. 2001)
- Polity IV, 'Polity IV Project: Political Regime Characteristics and Transitions, 1800–2013' (2014) <a href="http://www.systemicpeace.org/polity/polity4.htm">http://www.systemicpeace.org/polity/polity4.htm</a> accessed 1 December 2015

Poole T, 'Dogmatic Liberalism: T.R.S. Allan and the Common Law Constitution' (2002) 65 Modern Law Review 463

Posner RA, How Judges Think (Reprint edition, Harvard University Press 2010)

Prempeh HK, 'Africa's "Constitutionalism Revival": False Start or New Dawn?' (2007) 5 International Journal of Constitutional Law 469

Primus RA, 'When Should Original Meanings Matter?' (2008) 107

Michigan Law Review 165

Rackley E, Women, Judging and the Judiciary: From Difference to Diversity (Routledge 2013)

Radbruch G, 'Statutory Lawlessness and Supra-Statutory Law (1946)' (2006) 26 Oxford Journal of Legal Studies 1

Rao N, 'Three Concepts of Dignity in Constitutional Law' (2011) 86

Notre Dame Law Review 183

Rawls J, A Theory of Justice (Oxford University Press 1973)

Rawls J, Political Liberalism (Columbia University Press 1993)

Raz J, The Authority of Law: Essays on Law and Morality (Clarendon 1983)

Raz J, The Morality of Freedom (Clarendon Press 1988)

Raz J, Practical Reason and Norms (Princeton University Press 1990)

Reid Lord, 'The Judge as Law Maker' (1972) 12 Journal of the Society of Public Teachers of Law 22

Robertson D, Judicial Discretion in the House of Lords (Clarendon Press 1998)

Robertson D, The Judge as Political Theorist: Contemporary Constitutional Review (Princeton University Press 2010)

Rytter JE and Wind M, 'In Need of Juristocracy? The Silence of Denmark in the Development of European Legal Norms' (2011) 9 International Journal of Constitutional Law 470

Sadurski W, 'Judicial Review and the Protection of Constitutional Rights' (2002) 22 Oxford Journal of Legal Studies 275

Sadurski W, Rights before Courts: A Study of Constitutional Courts in Postcommunist States of Central and Eastern Europe (Springer 2007)

Sadurski W, 'Rights and Moral Reasoning: An Unstated Assumption – A Comment on Jeremy Waldron's "Judges as Moral Reasoners" (2009) 7 International Journal of Constitutional Law 25

Sand I-J, 'Judicial Review in Norway under Recent Conditions of European Law and International Human Rights Law: A Comment' (2009) 27 Nordic Journal of Human Rights 160

Scalia A, 'Originalism: The Lesser Evil' (1988) 57 University of Cincinnati Law Review 849

Schaumburg-Müller S, 'Parliamentary Precedence in Denmark: A Jurisprudential Assessment' (2009) 27 Nordic Journal of Human Rights 170

- Scheppele KL, 'Aspirational and Aversive Constitutionalism: The Case for Studying Cross-Constitutional Influence through Negative Models' (2003) 1 International Journal of Constitutional Law 296
- Schmitt C, The Crisis of Parliamentary Democracy (MIT Press 1985)
- Schmitt C, Constitutional Theory (Duke University Press 2008)
- Segal JA, Epstein L, Cameron CM and Spaeth HJ, 'Ideological Values and the Votes of U.S. Supreme Court Justices Revisited' (1995) 57 The Journal of Politics 812
- Segal JA and Spaeth HJ, The Supreme Court and the Attitudinal Model Revisited (Cambridge University Press 2002)
- Sieder R, Schjolden L and Angell A, The Judicialization of Politics in Latin America (Palgrave Macmillan 2011)
- Simmons JA, Moral Principles and Political Obligations (Princeton University Press 1981)
- Skach C, Borrowing Constitutional Designs: Constitutional Law in Weimar Germany and the French Fifth Republic (Princeton University Press 2009)
- Slaughter A-M, 'A Global Community of Courts' (2003) 44 Harvard International Law Journal 191
- Sólyom L, 'Az Alkotmánybíróság önértelmezése' (1996) *Jogtudományi Közlöny*, 6
- Sólyom L, 'The Role of Constitutional Courts in the Transition to Democracy with Special Reference to Hungary' (2003) 18 International Sociology 133
- Sólyom L and Brunner G, Constitutional Judiciary in a New Democracy: The Hungarian Constitutional Court (The University of Michigan Press 2000)
- Spaeth HJ, Epstein L, Martin AD, Segal JA, Ruger TJ and Benesh SC, 'Supreme Court Database, Version 2015 Release 01' (2015) <a href="http://Supremecourtdatabase.org">http://Supremecourtdatabase.org</a> accessed 1 December 2015
- Steyn, Lord, 'Deference: A Tangled Story' (2005) Public Law 346
- Stone Sweet A, Governing with Judges: Constitutional Politics in Europe (Oxford University Press 2000)
- Stone Sweet A, 'Why Europe Rejected American Judicial Review: And Why It May Not Matter' (2003) 101 Michigan Law Review 2744
- Stone Sweet A, 'Constitutional Courts' in Michel Rosenfeld and András Sajó (eds), *The Oxford Handbook of Comparative Constitutional Law* (Oxford University Press 2012)
- Strauss DA, 'Common Law Constitutional Interpretation' (1996) 63

  University of Chicago Law Review 877
- Sunstein CR, 'Naked Preferences and the Constitution' (1984) 84 Columbia Law Review 1689

- Sunstein CR, 'Foreword: Leaving Things Undecided' (1996) 110 Harvard Law Review 4
- Sunstein CR, 'Burkean Minimalism' (2006) 105 Michigan Law Review 353
- Sunstein CR and Vermeule A, 'Interpretation and Institutions' (2003) 101 Michigan Law Review 885
- Surowiecki J, The Wisdom of Crowds: Why the Many Are Smarter Than the Few (Abacus 2005)
- Thayer JB, 'The Origin and Scope of the American Doctrine of Constitutional Law' (1893) 7 Harvard Law Review 129
- The Economist Intelligence Unit, 'Democracy Index 2014, Democracy and Its Discontents' (2015) <a href="http://www.eiu.com">http://www.eiu.com</a> accessed 1 December 2015
- Tierney S, Constitutional Referendums: The Theory and Practice of Republican Deliberation (Reprint edition, Oxford University Press 2014)
- Tomkins A, Our Republican Constitution (Hart Publishing 2005)
- Tribe LH, 'The Puzzling Persistence of Process-Based Constitutional Theories' (1979) 89 Yale Law Journal 1063
- Triepel H, Kelsen H, Layer M and von Hippel E, 'Wesen Und Entwicklung Der Staatsgerichtsbarkeit. Uberprüfung von Verwaltungsakten Durch Die Ordentlichen Gerichte. Verhandlungen Der Tagung Der Deutschen Staatsrechtslehrer Zu Wien Am 23. Und 24. April 1928: Mit Einem Auszug Aus Der Aussprache' (de Gruyter 1929)
- Tuori K, 'Landesbericht Finland' in Armin von Bogdandy, Christopher Grabenwarter and Peter M Huber (eds), Handbuch Ius Publicum Europaeum. Volume VI-VII. Verfassungsgerichtsbarkeit im europäischen Rechtsraum (CF Müller forthcoming)
- Tushnet M, 'Policy Distortion and Democratic Debilitation: Comparative Illumination of the Countermajoritarian Difficulty' (1995) 94 *Michigan Law Review* 246
- Tushnet M, 'Alternative Forms of Judicial Review' (2003) 101 Michigan Law Review 2781
- Tushnet M, 'New Forms of Judicial Review and the Persistence of Rights and Democracy-Based Worries' (2003) 38 Wake Forest Law Review 813
- Tushnet M, 'Weak-Form Judicial Review: Its Implications for Legislatures' (2004) 2 New Zealand Journal of Public and International Law 7

  Urbinati N. Democracy Disfigured: Opinion Truth and the People
- Urbinati N, Democracy Disfigured: Opinion, Truth, and the People (Harvard University Press 2014)
- Van de Heyning C, 'Constitutional Courts as Guardians of Fundamental Rights: The Constitutionalisation of the Convention through Domestic Constitutional Adjudication' in Patricia Popelier, Armen Mazmanyan

and Wouter Vandenbruwaene (eds), The Role of Constitutional Courts in Multilevel Governance (Intersentia 2013)

Vermeule A, Judging under Uncertainty: An Institutional Theory of Legal Interpretation (Harvard University Press 2006)

Vermeule A, Law and the Limits of Reason (Oxford University Press 2009)

Vermeule A, 'Collective Wisdom and Institutional Design' in Hélène Landemore and Jon Elster (eds), Collective Wisdom: Principles and Mechanisms (Cambridge University Press 2012)

Wade HWR, 'Sovereignty: Revolution or Evolution?' (1996) 112 Law Quarterly Review 568

Waldron J, Law and Disagreement (Clarendon Press 1999)

Waldron J, 'The Core of the Case against Judicial Review' (2006) 115 Yale Law Journal 1346

Waldron J, 'Judges as Moral Reasoners' (2009) 7 International Journal of Constitutional Law 2

Way L and Levitsky S, 'The Rise of Competitive Authoritarianism' (2002) 13 Journal of Democracy 51

West JM and Yoon D-K, 'The Constitutional Court of the Republic of Korea: Transforming the Jurisprudence of the Vortex?' (1992) 40 The American Journal of Comparative Law 73

Whittington KE, 'The New Originalism' (2004) 2 Georgetown Journal of Law & Public Policy 599

Wicks E, The Evolution of a Constitution: Eight Key Moments in British Constitutional History (Hart 2006)

Wilson BM, 'Changing Dynamics: The Political Impact of Costa Rica's Constitutional Court' in Rachel Sieder, Line Schjolden and Alan Angell (eds), *The Judicialization of Politics in Latin America* (Palgrave Macmillan 2011)

Wind M, 'When Parliament Comes First: The Danish Concept of Democracy Meets the European Union' (2009) 27 Nordic Journal of Human Rights 272

Wislon J, Sleepovers (Doubleday 2001)

Wollheim R, 'A Paradox in the Theory of Democracy' in Peter Laslett and WG Runciman (eds), *Philosophy, Politics and Society (2nd series):* A Collection (Reprint edition, Basil Blackwell 1979)

Woolf, Lord, 'Droit Public: English Style' (1995) Public Law 57

World Justice Project, 'Rule of Law Index 2015' (2015) http://worldjusticeproject.org/rule-of-law-index> accessed 1 December 2015

Young AL, 'In Defence of Due Deference' (2009) 72 The Modern Law Review 554

Young AL, Parliamentary Sovereignty and the Human Rights Act (Hart Publishing 2009)

Young AL, 'Deference, Dialogue and the Search for Legitimacy' (2010) 30 Oxford Journal of Legal Studies 815