## Bibliography

- Van Aaken, Anne, and Iulia Motoc, eds. *The European Convention on Human Rights and General International Law*. Oxford: Oxford University Press, 2018.
- Ackerly, Brooke A. *Universal Human Rights in a World of Difference*. Cambridge: Cambridge University Press, 2008.
- Adamo, Silvia. "Protecting International Civil Rights in a National Context: Danish Law and Its Discontents." *Nordic Journal of International Law* 85 (2016): 119-145.
- Agamben, Giorgio. *Potentialities. Collected Essays in Philosophy*. Translated by Daniel Heller-Roazen. Stanford: Stanford University Press, 2000.
- Ahmed, Sara. Living a Feminist Life. Durham and London: Duke University Press, 2017.
- Ahmed, Sara. *The Promise of Happiness*. Durham and London: Duke University Press, 2010.
- Ahmed, Sara. *Queer Phenomenology*. Durham and London: Duke University Press, 2006.
- Ahmed, Sara. "Uses of Use. Diversity, Utility and the University." 2018. Available at <a href="https://www.youtube.com/watch?v=avKJ2w1mhng">https://www.youtube.com/watch?v=avKJ2w1mhng</a>.
- Alexy, Robert. Theorie der Grundrechte. Frankfurt: Suhrkamp, 1994.
- Alexy, Robert. *Theorie der juristischen Argumentation*. 7th ed. Frankfurt a.M.: Suhrkamp, 2012.
- Allott, Philip. Eutopia. New Philosophy and New Law for a Troubled World. Cheltenham: Edward Elgar, 2016.
- Allott, Philip. "The Will to Know and the Will to Power. Theory and Moral Responsibility." In *The Health of Nations. Society and Law beyond the State*, 3-35. Cambridge: Cambridge University Press, 2002.
- Allott, Philip, and others. "Thinking Another World: 'This Cannot Be How the World Was Meant to Be'." *European Journal of International Law* 16 (2005): 255-297.
- Alter, Karen J. Establishing the Supremacy of European Law. The Making of an International Rule of Law in Europe. Oxford: Oxford University Press, 2001.
- Altwicker, Tilmann, and Oliver Diggelmann. "How is Progress Constructed in International Legal Scholarship?". *European Journal of International Law* 25 (2014): 425-444.
- Ambrus, Mónika. "Comparative Law Method in the Jurisprudence of the European Court of Human Rights in the Light of the Rule of Law." *Erasmus Law Review* 2 (2009): 353-371.

- Amos, Merris. "Can European Consensus Encourage Acceptance of the European Convention on Human Rights in the United Kingdom?". In *Building Consensus on European Consensus: Judicial Interpretation of Human Rights in Europe and Beyond*, edited by Panos Kapotas and Vassilis Tzevelekos, 258-282. Cambridge: Cambridge University Press, 2019.
- Amos, Merris. "The Value of the European Court of Human Rights to the United Kingdom." *European Journal of International Law* 28 (2017): 763-785.
- Anagnostou, Dia, and Alina Mungiu-Pippidi. "Domestic Implementation of Human Rights Judgments in Europe: Legal Infrastructure and Government Effectiveness Matter." European Journal of International Law 25 (2014): 205-227.
- Arai-Takahashi, Yutaka. The Margin of Appreciation Doctrine and the Principle of Proportionality in the Jurisprudence of the ECHR. Antwerp et al.: Intersentia, 2002.
- Arai-Takahashi, Yutaka. "The Margin of Appreciation Doctrine: A Theoretical Analysis of Strasbourg's Variable Geometry." In *Constituting Europe. The European Court of Human Rights in a National, European and Global Context*, edited by Andreas Føllesdal, Birgit Peters and Geir Ulfstein, 62-105. Cambridge: Cambridge University Press, 2013.
- Arnardóttir, Oddný Mjöll. Equality and Non-Discrimination under the European Convention on Human Rights. The Hague: Martinus Nijhoff, 2003.
- Arnardóttir, Oddný Mjöll. "The 'Procedural Turn' under the European Convention on Human Rights and Presumptions of Convention Compliance." *International Journal of Constitutional Law* 15 (2017): 9-35.
- Arnardóttir, Oddný Mjöll. "Rethinking the Two Margins of Appreciation." European Constitutional Law Review 12 (2016): 27-53.
- Von Arnauld, Andreas. "Rechtsangleichung durch allgemeine Rechtsgrundsätze? Europäisches Gemeinschaftsrecht und Völkerrecht im Vergleich." In *Rechtsangleichung: Grundlagen, Methoden und Inhalte*, edited by Karl Riesenhuber and Kanako Takayama, 247-262. Berlin: de Gruyter, 2006.
- Von Arnauld, Andreas. Rechtssicherheit: Perspektivische Annäherungen an eine "idée directrice" des Rechts. Tübingen: Mohr Siebeck, 2006.
- Von Arnauld, Andreas. "Zur Rhetorik der Verhältnismäßigkeit." In *Verhältnismäßigkeit*, edited by Matthias Jestaedt and Oliver Lepsius, 276-292. Tübingen: Mohr Siebeck, 2015.
- Von Arnauld, Andreas, and Jens T. Theilen. "Rhetoric of Rights: A Topical Perspective on the Functions of Claiming a 'Human Right to ...'." In *Cambridge Handbook of New Human Rights. Recognition, Novelty, Rhetoric*, edited by Andreas von Arnauld, Kerstin von der Decken and Mart Susi, 34-49. Cambridge: Cambridge University Press, 2020.
- Arvan, Marcus. "First Steps Toward a Nonideal Theory of Justice." Ethics & Global Politics 7 (2014): 95-117.
- D'Aspremont, Jean. "Martti Koskenniemi, the Mainstream, and Self-Reflectivity." Leiden Journal of International Law 29 (2016): 625-639.

- D'Aspremont, Jean. "Softness in International Law: A Self-Serving Quest for New Legal Materials." *European Journal of International Law* 19, no. 5 (2008): 1075-1093.
- D'Aspremont, Jean. "Three international lawyers in a hall of mirrors." *Leiden Journal of International Law* 32, no. 3 (2019): 367-381.
- Authers, Benjamin, and Hilary Charlesworth. "The Crisis and the Quotidian in International Human Rights Law." *Netherlands Yearbook of International Law* 44 (2013): 19-39.
- Bakircioglu, Onder. "The Application of the Margin of Appreciation Doctrine in Freedom of Expression and Public Morality Cases." *German Law Journal* 8 (2007): 711-734.
- Balkin, Jack M. "A Night in the Topics: The Reason of Legal Rhetoric and the Rhetoric of Legal Reason." In *From Law's Stories: Narrative and Rhetoric in the Law*, edited by Peter Brooks and Paul Gewirtz, 211-224. New Haven: Yale University Press, 1996.
- Barry, Brian. Political Argument. London: Routledge & Kegan Paul, 1965.
- Bassok, Or. "The European Consensus Doctrine and the ECtHR Quest for Public Confidence." In *Building Consensus on European Consensus. Judicial Interpretation of Human Rights in Europe and Beyond*, edited by Panos Kapotas and Vassilis Tzevelekos, 236-257. Cambridge: Cambridge University Press, 2019.
- Bates, Ed. "Activism and Self-Restraint: The Margin of Appreciation's Strasbourg Career... Its 'Coming of Age'?". *Human Rights Law Journal* 36 (2016): 261-276.
- Bates, Ed. "Analysing the Prisoner Voting Saga and the British Challenge to Strasbourg." *Human Rights Law Review* 14 (2014): 503-540.
- Bates, Ed. "Consensus in the Legitimacy-Building Era of the European Court of Human Rights." In *Building Consensus on European Consensus. Judicial Interpretation of Human Rights in Europe and Beyond*, edited by Panos Kapotas and Vassilis Tzevelekos, 42-70. Cambridge: Cambridge University Press, 2019.
- Baxi, Upendra. *The Future of Human Rights*. 3rd ed. New Delhi: Oxford University Press, 2008.
- Beauchamp, Toby. "Artful Concealment and Strategic Visibility: Transgender Bodies and U.S. State Surveillance After 9/11." Surveillance & Society 6, no. 4 (2009): 356-366.
- Beitz, Charles R. The Idea of Human Rights. Oxford: Oxford University Press, 2009.
- Bellamy, Richard. "The Democratic Legitimacy of International Human Rights Conventions: Political Constitutionalism and the European Convention on Human Rights." European Journal of International Law 25 (2014): 1019-1042.
- Bellamy, Richard. "Republicanism, Democracy, and Constitutionalism." In *Republicanism and Political Theory*, edited by Cécile Laborde and John Maynor, 159-189. Malden, Mass.: Blackwell, 2008.
- Ben-Naftali, Orna. "Sentiment, Sense and Sensibility in the Genesis of Utopian Traditions." *European Journal of International Law* 23, no. 4 (2012): 1133-1142.

- Bengoetxea, Joxerramon, Neil MacCormick, and Leonor Moral Soriano. "Integration and Integrity in the Legal Reasoning of the European Court of Justice." In *The European Court of Justice*, edited by Gráinne de Búrca and J.H.H. Weiler, 43-85. Oxford: Oxford University Press, 2001.
- Benhabib, Seyla. "Another Universalism: On the Unity and Diversity of Human Rights." In *Dignity in Adversity: Human Rights in Troubled Times*, 57-76. Cambridge: Polity Press, 2011.
- Benhabib, Seyla. "Introduction: Cosmopolitanism without Illusions." In *Dignity in Adversity: Human Rights in Troubled Times*, 1-19. Cambridge: Polity Press, 2011.
- Benhabib, Seyla. "Is There a Human Right to Democracy? Beyond Interventionism and Indifference." In *Dignity in Adversity: Human Rights in Troubled Times*, 77-93. Cambridge: Polity Press, 2011.
- Bentham, Jeremy. "Nonsense upon Stilts, or Pandora's Box Opened." In *The Collected Works of Jeremy Bentham*, edited by Philip Schofield, Catherine Pease-Watkins and Cyprian Blamires. Oxford: Oxford University Press, 2002.
- Benvenisti, Eyal. "Margin of Appreciation, Consensus, and Universal Standards." New York University Journal of International Law and Politics 31 (1999): 843-854.
- Benvenisti, Eyal. "The Margin of Appreciation, Subsidiarity and Global Challenges to Democracy." *Journal of International Dispute Settlement* 9 (2018): 240-253.
- Besson, Samantha. "The Authority of International Law Lifting the State Veil." Sydney Law Review 31 (2009): 343-380.
- Besson, Samantha. "The 'Erga Omnes' Effect of the European Court of Human Rights." In *The European Court of Human Rights after Protocol 14: Preliminary Assessment and Perspectives*, edited by Samantha Besson, 125-175. Geneva: Schulthess, 2011.
- Besson, Samantha. "European Human Rights, Supranational Judicial Review and Democracy Thinking Outside the Judicial Box." In *Human Rights Protection in the European Legal Orders: Interaction Between European Courts and National Courts*, edited by Patricia Popelier, Catherine Van de Heyning and Piet Van Nuffel, 97-145. Cambridge: Intersentia, 2011.
- Besson, Samantha. "Human Rights Adjudication as Transnational Adjudication: A Peripheral Case of Domestic Courts as International Law Adjudicators." In *International Law and... Select Proceedings of the European Society of International Law, Vol. 5*, edited by August Reinisch, Mary E. Footer and Christina Binder, 43-65. Oxford: Hart, 2016.
- Besson, Samantha. "Human Rights and Democracy in a Global Context: Decoupling and Recoupling." *Ethics & Global Politics* 4 (2011): 19-50.
- Besson, Samantha. "Human Rights: Ethical, Political... or Legal? First Steps in a Legal Theory of Human Rights." In *The Role of Ethics in International Law*, edited by Donald Earl Childress, 211-245. Cambridge: Cambridge University Press, 2012.

- Besson, Samantha. "The Legitimate Authority of International Human Rights. On the Reciprocal Legitimation of Domestic and International Human Rights." In *The Legitimacy of International Human Rights Regimes. Legal, Political and Philosophical Perspectives*, edited by Andreas Føllesdal, Johan Karlsson Schaffer and Geir Ulfstein, 32-83. Cambridge: Cambridge University Press, 2013.
- Besson, Samantha. The Morality of Conflict. Reasonable Disagreement and the Law. Oxford: Hart, 2005.
- Besson, Samantha. "State Consent and Disagreement in International Law-Making. Dissolving the Paradox." *Leiden Journal of International Law* 29 (2016): 289-316.
- Besson, Samantha. "Subsidiarity in International Human Rights Law What is Subsidiary about Human Rights?". *The American Journal of Jurisprudence* 61 (2016): 69-107.
- Besson, Samantha, and Anne-Laurence Graf-Brugère. "Le droit de vote des expatriés, le consensus européen et la marge d'appréciation des États." *Revue Trimestrielle des Droits de l'Homme* 25 (2014): 937-958.
- Besson, Samantha, and José Luis Martí. "Introduction." In *Deliberative Democracy and its Discontents*, edited by Samantha Besson and José Luis Martí, xiii-xxxi. Aldershot: Ashgate, 2006.
- Besson, Samantha, and José Luis Martí. "Law and Republicanism: Mapping the Issues." In *Legal Republicanism: National and International Perspectives*, edited by Samantha Besson and José Luis Martí, 3-36. Oxford: Oxford University Press, 2009.
- Besson, Samantha, and Alain Zysset. "Human Rights Theory and Human Rights History: A Tale of Two Odd Bedfellows." *Ancilla Iuris* (2012): 204-219.
- Bhuta, Nehal. "Two Concepts of Religious Freedom in the European Court of Human Rights." *The South Atlantic Quarterly* 113, no. 1 (2014): 9-35.
- Bickel, Alexander. The Least Dangerous Branch. The Supreme Court at the Bar of Politics. New Haven and London: Yale University Press, 1986.
- Bjorge, Eirik. "Been There, Done That: The Margin of Appreciation and International Law." *Cambridge Journal of International and Comparative Law* 4, no. 1 (2015): 181-190.
- Bjorge, Eirik. Domestic Application of the ECHR: Courts as Faithful Trustees. Oxford: Oxford University Press, 2015.
- Blackburn, Simon. "Can Philosophy Exist?". In *Méta-Philosophie: Reconstructing Philosophy?*, edited by Jocelyne Couture and Kai Nielsen, 83-105. Calgary: University of Calgary Press, 1993.
- Bloch, Ernst. Das Prinzip Hoffnung. 10th ed. Frankfurt a.M.: Suhrkamp, 2016.
- Van Bockel, Bas. "A Court Divided: Discord and Disagreement in Rola v. Slovenia". Strasbourg Observers, 2019. Available at <a href="https://strasbourgobservers.com/2019/07/09/a-court-divided-discord-and-disagreement-in-rola-v-slovenia/#more-4365">https://strasbourgobservers.com/2019/07/09/a-court-divided-discord-and-disagreement-in-rola-v-slovenia/#more-4365</a>.
- Bodansky, Daniel M. "The Legitimacy of International Governance: A Coming Challenge for International Environmental Law?". *American Journal of International Law* 93 (1999): 596-624.

- Von Bogdandy, Armin, and Ingo Venzke. "In Whose Name? An Investigation of International Courts' Public Authority and Its Democratic Justification." European Journal of International Law 23 (2012): 7-41.
- Bothe, Michael. "Die Bedeutung der Rechtsvergleichung in der Praxis internationaler Gerichte." Zeitschrift für ausländisches öffentliches Recht und Völkerrecht 36 (1976): 280-299.
- Bourdieu, Pierre. *Pascalian Meditations*. Translated by Richard Nice. Stanford: Stanford University Press, 2000.
- Bouwhuis, Stephen. "Revisiting Philip Alston's Human Rights and Quality Control." European Human Rights Law Review, no. 5 (2016): 475-483.
- Bowring, Bill. "Does Russia Have a Human Rights Future in the Council of Europe and OSCE?". In *Shifting Power and Human Rights Diplomacy: Russia*, edited by Doutje Lettinga and Lars van Troost: Amnesty International Netherlands, 2017.
- Bowring, Bill. "Russia and the European Convention (or Court) of Human Rights: The End?". *Revue québécoise de droit international* hors-série (2020): 201-218.
- Boylan, Michael. Natural Human Rights. A Theory. Cambridge: Cambridge University Press, 2014.
- Bratza, Nicolas. "The Relationship between the UK Courts and Strasbourg." European Human Rights Law Review (2011): 505-512.
- Brauch, Jeffrey A. "The Dangerous Search for an Elusive Consensus: What the Supreme Court Should Learn from the European Court of Human Rights." *Howard Law Journal* 52 (2009): 277-318.
- Brauch, Jeffrey A. "The Margin of Appreciation and the Jurisprudence of the European Court of Human Rights: Threat to the Rule of Law." *Columbia Journal of European Law* 11 (2004-2005): 113-150.
- Brems, Eva. "Enemies or Allies? Feminism and Cultural Relativism as Dissident Voices in Human Rights Discourse." *Human Rights Quarterly* 19 (1997): 136-164.
- Brems, Eva. "Human Rights: Minimum and Maximum Perspectives." *Human Rights Law Review 9* (2009): 349-372.
- Brems, Eva. *Human Rights: Universality and Diversity*. The Hague et al.: Martinus Nijhoff, 2001.
- Brems, Eva. "The Margin of Appreciation Doctrine in the Case-Law of the European Court of Human Rights." Zeitschrift für ausländisches öffentliches Recht und Völkerrecht 56 (1996): 240-314.
- Brems, Eva. "Procedural Protection. An Examination of Procedural Safeguards Read into Substantive Convention Rights." In *Shaping Rights in the ECHR. The Role of the European Court of Human Rights in Determining the Scope of Human Rights*, edited by Eva Brems and Janneke Gerards, 137-161. Cambridge: Cambridge University Press, 2013.
- Brems, Eva, and Laurens Lavrysen. "Procedural Justice in Human Rights Adjudication: The European Court of Human Rights." *Human Rights Quarterly* 35 (2013): 176-200.
- Brest, Paul. "The Substance of Process." Ohio State Law Journal 42 (1981): 131-142.

- Breuer, Marten. "Establishing Common Standards and Securing the Rule of Law." In *The Council of Europe. Its Laws and Policies*, edited by Stefanie Schmahl and Marten Breuer, 639-670. Oxford: Oxford University Press, 2017.
- Breuer, Marten. "Impact of the Council of Europe on National Legal Systems." In *The Council of Europe. Its Laws and Policies*, edited by Stefanie Schmahl and Marten Breuer, 801-873. Oxford: Oxford University Press, 2017.
- Bribosia, Emmanuelle, Isabelle Rorive, and Laura Van den Eynde. "Same-Sex Marriage: Building an Argument before the European Court of Human Rights in Light of the US Experience." *Berkeley Journal of International Law* 32 (2014): 1-43.
- Brown, Wendy. "The Most We Can Hope For...': Human Rights and the Politics of Fatalism." *The South Atlantic Quarterly* 103 (2004): 451-463.
- Buchanan, Allen. The Heart of Human Rights. Oxford: Oxford University Press, 2013.
- De Búrca, Gráinne. "The Language of Rights and European Integration." In *New Legal Dynamics of European Union*, edited by Josephine Shaw and Gillian More. Oxford: Clarendon Press, 1995.
- Van der Burg, Wibren, and Theo van Willigenburg. "Introduction." In *Reflective Equilibrium: Essays in Honour of Robert Heeger*, edited by Wibren van der Burg and Theo van Willigenburg, 1-25. Dordrecht: Springer, 1998.
- Burke, Karen C. "Secret Surveillance and the European Convention on Human Rights." *Stanford Law Review 33* (1980-1981): 1113-1140.
- Burstein, Mike. "The Will to Enforce: An Examination of the Political Constraints upon a Regional Court of Human Rights." *Berkeley Journal of International Law* 24 (2006): 423-443.
- Butler, Judith. "Beside Oneself: On the Limits of Sexual Autonomy." In *Undoing Gender*, 17-39. New York and London: Routledge, 2004.
- Butler, Judith. "Gender Regulations." In *Undoing Gender*, 40-56. New York and London: Routledge, 2004.
- Butler, Judith. Gender Trouble. Feminism and the Subversion of Identity. New York and London: Routledge, 1999.
- Butler, Judith, and William Connolly. "Politics, Power and Ethics: A Discussion Between Judith Butler and William Connolly." *Theory & Event* 4, no. 2 (2000).
- Çalı, Başak. "Specialized Rules of Treaty Interpretation: Human Rights." In *The Oxford Guide to Treaties*, edited by Duncan B. Hollis, 525-548. Oxford: Oxford University Press, 2012.
- Çalı, Başak, Anne Koch, and Nicola Bruch. "The Legitimacy of the European Court of Human Rights: The View from the Ground." Strasbourg, 2011.
- Çalı, Başak, and Saladin Meckled-García. "Human Rights Legalized Defining, Interpreting, and Implementing an Ideal." In *The Legalization of Human Rights.* Multidisciplinary Perspectives on Human Rights and Human Rights Law, edited by Saladin Meckled-García and Başak Çalı, 1-8. London and New York: Routledge, 2006.

- Carothers, Thomas. "Empirical Perspectives on the Emerging Norm of Democracy in International Law." *Proceedings of the American Society of International Law* (1992): 261-267.
- Carozza, Paolo G. "Subsidiarity as a Structural Principle of International Human Rights Law." *American Journal of International Law* 97 (2003): 38-79.
- Carozza, Paolo G. "Uses and Misuses of Comparative Law in International Human Rights: Some Reflections on the Jurisprudence of the European Court of Human Rights." *Notre Dame Law Review* 73 (1998): 1217-1237.
- Carrubba, Clifford James, and Matthew Joseph Gabel. "Courts, Compliance, and the Quest for Legitimacy in International Law." *Theoretical Inquiries in Law* 14 (2013): 505-541.
- Cebada Romero, Alicia. "The European Court of Human Rights and Religion: Between Christian Neutrality and the Fear of Islam." *New Zealand Journal of Public and International Law* 11 (2013): 75-101.
- Charlesworth, Hilary, Christine Chinkin, and Shelley Wright. "Feminist Approaches to International Law." *American Journal of International Law* 85, no. 4 (1991): 613-645.
- Charlesworth, Hilary, Gina Heathcote, and Emily Jones. "Feminist Scholarship on International Law in the 1990s and Today: An Inter-Generational Conversation." *Feminist Legal Studies* 27 (2019): 79-93.
- Cheah, Pheng. *Inhuman Conditions. On Cosmopolitanism and Human Rights*. Cambridge, Mass.: Harvard University Press, 2006.
- Chimni, B.S. "Third World Approaches to International Law: A Manifesto." *International Community Law Review* 8 (2006): 3-27.
- Clément, Dominique. "Human Rights or Social Justice? The Problem of Rights Inflation." *International Journal of Human Rights* 22, no. 2 (2018): 155-169.
- Cohen, Joshua. "An Epistemic Conception of Democracy." Ethics 97 (1986): 26-38.
- Condorcet, Marquis de. "On the Emancipation of Women. On giving Women the Right of Citizenship." In *Condorcet: Political Writings*, edited by Steven Lukes and Nadia Urbinati, 156-162. Cambridge: Cambridge University Press, 2012.
- Conway, Gerard. "Levels of Generality in the Legal Reasoning of the European Court of Justice." *European Law Journal* 14 (2008): 787-805.
- Cooper, Davina. Everyday Utopias. The Conceptual Life of Promising Spaces. Durham and London: Duke University Press, 2014.
- Cooper, Sarah Lucy. "Marriage, Family, Discrimination & Contradiction: An Evaluation of the Legacy and Future of the European Court of Human Rights' Jurisprudence on LGBT Rights." *German Law Journal* 12 (2011): 1746-1763.
- Costa, Jean-Paul. "On the Legitimacy of the European Court of Human Rights' Judgments." European Constitutional Law Review 7 (2011): 173-182.
- Costa, Jean-Paul. "The Relationship between the European Court of Human Rights and the National Courts." *European Human Rights Law Review* (2013): 264-274.

- Cover, Robert M. "The Supreme Court 1982 Term. Foreword: Nomos and Narrative." *Harvard Law Review 97* (1983): 4-68.
- Cover, Robert M. "Violence and the Word." Yale Law Journal 95 (1986): 1601-1629.
- Cowan, Sharon. "The Scottish Feminist Judgments Project: A New Frontier." In *Oñati Socio-legal Series, v. 8, n. 9 Feminist Judgments: Comparative Socio-Legal Perspectives on Judicial Decision Making and Gender Justice*, 2018. Available at <a href="https://papers.ssrn.com/sol3/papers.cfm?abstract">https://papers.ssrn.com/sol3/papers.cfm?abstract</a> id=3249609>.
- Cox, Robert W. "Social Forces, States and World Orders: Beyond International Relations Theory." *Millennium: Journal of International Studies* 10, no. 2 (1981): 126-155.
- Cram, Ian. "Protocol 15 and Articles 10 and 11 ECHR The Partial Triumph of Political Incumbency Post-Brighton?". *International and Comparative Law Quarterly* 67 (2018): 477-503.
- Craven, Matthew. "Legal Differentiation and the Concept of the Human Rights Treaty in International Law." *European Journal of International Law* 11, no. 3 (2000): 489-519.
- Craven, Matthew, Gerry Simpson, Susan Marks, and Ralph Wilde. "We Are Teachers of International Law." *Leiden Journal of International Law* 17, no. 2 (2004): 363-374.
- Crenshaw, Kimberle. "Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics." *University of Chicago Legal Forum*, no. 1 (1989): 139-167.
- Crenshaw, Kimberle. "Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color." *Stanford Law Review* 43, no. 6 (1991): 1241-1299.
- Dahlberg, Maija. "The Lack of Such a Common Approach' Comparative Argumentation by the European Court of Human Rights." *Finnish Yearbook of International Law* 23 (2012-2013): 73-111.
- Danius, Sara, Stefan Jonsson, and Gayatri Chakravorty Spivak. "An Interview with Gayatri Chakravorty Spivak." *boundary* 2 20 (1993): 24-50.
- Dann, Philipp, Maxim Bönnemann, and Tanja Herklotz. "Of Apples and Mangoes. Comparing the European Union and India." *Indian Yearbook of Comparative Law* (2016): 3-20.
- Davis, Angela Y. Women, Race & Class. New York: Random House, 1983.
- Dembour, Marie-Benedicte. Who Believes in Human Rights? Reflections on the European Convention. Cambridge: Cambridge University Press, 2006.
- Devlin, Patrick. "Democracy and Morality." In *The Enforcement of Morals*, 86. Indianapolis: Liberty Fund, 2009.
- Devlin, Patrick. "Morals and the Criminal Law." In *The Enforcement of Morals*, 1-25. Indianapolis: Liberty Fund, 2009.
- Dietz, Chris. "Governing Legal Embodiment: On the Limits of Self-Declaration." *Feminist Legal Studies* 26, no. 2 (2018): 185-204.
- Dijn, Annelien de. "Rousseau and Republicanism." Political Theory (2015): 1-22.

- Djeffal, Christian. "Consensus, Stasis, Evolution: Reconstructing Argumentative Patterns in Evolutive ECHR Jurisprudence." In Building Consensus on European Consensus. Judicial Interpretation of Human Rights in Europe and Beyond, edited by Panos Kapotas and Vassilis Tzevelekos, 71-95. Cambridge: Cambridge University Press, 2019.
- Donnelly, Jack. *Universal Human Rights*. 3rd ed. Ithaca and London: Cornell University Press, 2013.
- Donoho, Douglas Lee. "Autonomy, Self-Governance, and the Margin of Appreciation: Developing a Jurisprudence of Diversity Within Universal Human Rights." *Emory International Law Review* 15 (2001): 391-466.
- Dörr, Oliver. "Article 31." In *Vienna Convention on the Law of Treaties. A Commentary*, edited by Oliver Dörr and Kirsten Schmalenbach, 559-616. Berlin: Springer, 2018.
- Dothan, Shai. "Comparative Views on the Right to Vote in International Law: The Case of Prisoners' Disenfranchisement." In *Comparative International Law*, edited by Anthea Roberts, Paul B. Stephan, Pierre-Hugues Verdier and Mila Versteeg, 379-395. Oxford: Oxford University Press, 2018.
- Dothan, Shai. "How International Courts Enhance Their Legitimacy." *Theoretical Inquiries in Law* 14 (2013): 455-478.
- Dothan, Shai. "In Defence of Expansive Interpretation in the European Court of Human Rights." Cambridge Journal of International and Comparative Law 3 (2014): 508-531.
- Dothan, Shai. "Judicial Deference Allows European Consensus to Emerge." *Chicago Journal of International Law* (2017): 393-419.
- Dothan, Shai. "Judicial Tactics in the European Court of Human Rights." *Chicago Journal of International Law* 12 (2011-2012): 115-142.
- Dothan, Shai. "Margin of Appreciation and Democracy: Human Rights and Deference to Political Bodies." *Journal of International Dispute Settlement* 9 (2018): 145-153.
- Dothan, Shai. "The Optimal Use of Comparative Law." Denver Journal of International Law and Policy 43 (2014): 21-44.
- Dothan, Shai. "Three Interpretive Constraints on the European Court of Human Rights." In *The Rule of Law at the National and International Levels. Contestations and Deference*, edited by Machiko Kanetake and André Nollkaemper, 227-245. Oxford and Portland: Hart, 2016.
- Douglas-Scott, Sionaidh. "Borges' Pierre Menard, Author of the Quixote and the Idea of a European Consensus." In Building Consensus on European Consensus. Judicial Interpretation of Human Rights in Europe and Beyond, edited by Panos Kapotas and Vassilis Tzevelekos, 167-186. Cambridge: Cambridge University Press, 2019.
- Douglas-Scott, Sionaidh. "A Tale of Two Courts: Luxembourg, Strasbourg and the Growing European Human Rights Acquis." *Common Market Law Review* 43 (2006): 629-665.

- Douzinas, Costas. "Adikia: On Communism and Rights." Critical Legal Thinking, 2010. Available at <a href="http://criticallegalthinking.com/2010/11/30/adikia-on-communism-and-rights/">http://criticallegalthinking.com/2010/11/30/adikia-on-communism-and-rights/</a>>.
- Douzinas, Costas. The End of Human Rights. Oxford: Hart, 2000.
- Draghici, Carmen. "The Strasbourg Court between European and Local Consensus: Anti-democratic or Guardian of Democratic Process?". *Public Law* (2017): 11-29.
- Dworkin, Ronald. "Can Rights be Controversial?". In *Taking Rights Seriously*, 335-348. London: Bloomsbury, 2013.
- Dworkin, Ronald. "Constitutional Cases." In *Taking Rights Seriously*, 163-184. London: Bloomsbury, 2013.
- Dworkin, Ronald. "The Forum of Principle." New York University Law Review 56 (1981): 469.
- Dworkin, Ronald. "Hard Cases." In *Taking Rights Seriously*, 105-162. London: Bloomsbury, 2013.
- Dworkin, Ronald. "Justice and Rights." In *Taking Rights Seriously*, 185-222. London: Bloomsbury, 2013.
- Dworkin, Ronald. *Justice for Hedgehogs*. Cambridge, Mass.: Belknap Press of Harvard University Press, 2011.
- Dworkin, Ronald. Law's Empire. Oxford: Hart, 1986.
- Dworkin, Ronald. "Liberty and Moralism." In *Taking Rights Seriously*, 289-310. London: Bloomsbury, 2013.
- Dworkin, Ronald. "The Model of Rules II." In *Taking Rights Seriously*, 65-103. London: Bloomsbury, 2013.
- Dworkin, Ronald. "A New Philosophy for International Law." *Philosophy & Public Affairs* 41 (2013): 2-30.
- Dworkin, Ronald. "Objectivity and Truth: You'd Better Believe It." *Philosophy & Public Affairs* 25 (1996): 87-139.
- Dworkin, Ronald. "Reverse Discrimination." In *Taking Rights Seriously*, 269-288. London: Bloomsbury, 2013.
- Dworkin, Ronald. "Rights as Trumps." In *Theories of Rights*, edited by Jeremy Waldron, 153-167. Oxford: Oxford University Press, 1984.
- Dworkin, Ronald. "Taking Rights Seriously." In *Taking Rights Seriously*, 223-247. London: Bloomsbury, 2013.
- Dzehtsiarou, Kanstantsin. "Book Review of Shai Dothan, Reputation and Judicial Tactics. A Theory of National and International Courts." *Human Rights Law Review* 15 (2015): 391-406.
- Dzehtsiarou, Kanstantsin. "Does Consensus Matter? Legitimacy of European Consensus in the Case Law of the European Court of Human Rights." *Public Law* (2011): 534-553.
- Dzehtsiarou, Kanstantsin. "European Consensus and the Evolutive Interpretation of the European Convention on Human Rights." *German Law Journal* 12 (2011): 1730-1745.

- Dzehtsiarou, Kanstantsin. European Consensus and the Legitimacy of the European Court of Human Rights. Cambridge: Cambridge University Press, 2015.
- Dzehtsiarou, Kanstantsin. "European Consensus: New Horizons." In *Building Consensus on European Consensus. Judicial Interpretation of Human Rights in Europe and Beyond*, edited by Panos Kapotas and Vassilis Tzevelekos, 29-41. Cambridge: Cambridge University Press, 2019.
- Dzehtsiarou, Kanstantsin. "What Is Law for the European Court of Human Rights?". *Georgetown Journal of International Law* 49 (2017): 89-134.
- Dzehtsiarou, Kanstantsin, and Alan Greene. "Legitimacy and the Future of the European Court of Human Rights: Critical Perspectives from Academia and Practitioners." *German Law Journal* 12 (2011): 1707-1715.
- Dzehtsiarou, Kanstantsin, and Vasily Lukashevich. "Informed Decision-Making: The Comparative Endeavours of the Strasbourg Court." *Netherlands Quarterly of Human Rights* 30 (2012): 272-298.
- Dzehtsiarou, Kanstantsin, and Pavel Repyeuski. "European Consensus and the EU Accession to the ECHR." In *The EU Accession to the ECHR*, edited by Vasiliki Kosta, Nikos Skoutaris and Vassilis P. Tzevelekos, 309-323. Oxford and Portland: Hart, 2014.
- Easton, David. A Systems Analysis of Political Life. New York: Wiley, 1965.
- Eisenberg, Avigail. Reasons of Identity. A Normative Guide to the Political & Legal Assessment of Identity Claims. Oxford: Oxford University Press, 2009.
- Ely, John Hart. Democracy and Distrust. A Theory of Judicial Review. Cambridge, Mass.: Harvard University Press, 1980.
- Ely, John Hart. "Professor Dworkin's External/Personal Preference Distinction." Duke Law Journal (1983): 959-986.
- Engle, Karen. "Anti-Impunity and the Turn to Criminal Law in Human Rights." Cornell Law Review 100 (2015): 1069-1127.
- Engle, Karen. "International Human Rights and Feminism: When Discourses Meet." *Michigan Journal of International Law* 13 (1992): 517-610.
- Enright, Máiréad. "Symphysiotomies and an Overlooked Violation of Article 3 ECHR" *Irish Centre for Human Rights*, 2021. Available at <a href="https://ichrgalway.wordpress.com/2020/12/21/symphysiotomies-and-an-overlooked-violation-of-article-3-echr/">https://ichrgalway.wordpress.com/2020/12/21/symphysiotomies-and-an-overlooked-violation-of-article-3-echr/</a>
- Epstein, Lee, and Jack Knight. "Toward a Strategic Revolution in Judicial Politics: A Look Back, A Look Ahead." *Political Research Quarterly* 53 (2000): 625-661.
- Erdman, Joanna N. "The Deficiency of Consensus in Human Rights Protection: A Case Study of Goodwin v. United Kingdom and I. v. United Kingdom." *Journal* of Law and Equality 2 (2003): 318-347.
- Estlund, David M. "Democratic Theory and the Public Interest: Condorcet and Rousseau Revisited." *The American Political Science Review* 83 (1989): 1317-1322.

- Eynde, Laura Van den. "The Consensus Argument in NGOs' Amicus Curiae Briefs: Defending Minorities through a Creatively Used Majoritarian Argument." In Building Consensus on European Consensus. Judicial Interpretation of Human Rights in Europe and Beyond, edited by Panos Kapotas and Vassilis Tzevelekos, 96-119. Cambridge: Cambridge University Press, 2019.
- Fallon, Richard H., Jr. "Legitimacy and the Constitution." *Harvard Law Review* 118 (2005): 1789-1853.
- Fenwick, Helen. "Same-sex Unions at the Strasbourg Court in a Divided Europe: Driving Forward Reform or Protecting the Court's Authority via Consensus Analysis?". European Human Rights Law Review (2016): 248-272.
- Fenwick, Helen, and Daniel Fenwick. "Finding 'East'/'West' Divisions in Council of Europe States on Treatment of Sexual Minorities: The Response of the Strasbourg Court and the Role of Consensus Analysis." European Human Rights Law Review, no. 3 (2019): 247-273.
- Féron, Henri. "Human Rights and Faith: A 'World-wide Secular Religion'?". *Ethics & Global Politics* 7, no. 4 (2014): 181-200.
- Finnemore, Martha, and Kathryn Sikkink. "International Norm Dynamics and Political Change." *International Organization* 52 (1998): 887-917.
- Finnis, John. Natural Law & Natural Rights. 2nd ed. Oxford: Oxford University Press, 2011.
- Fischl, Richard Michael. "The Question that Killed Critical Legal Studies." *Law and Social Inquiry* 17 (1992): 779-820.
- Fleig-Goldstein, Rachel M. "The Russian Constitutional Court versus the European Court of Human Rights: How the Strasbourg Court Should Respond to Russia's Refusal to Execute ECtHR Judgments." *Columbia Journal of Transnational Law* 56 (2017): 172-218.
- Føllesdal, Andreas. "A Better Signpost, Not a Better Walking Stick: How to Evaluate the European Consensus Doctrine." In *Building Consensus on European Consensus. Judicial Interpretation of Human Rights in Europe and Beyond*, edited by Panos Kapotas and Vassilis Tzevelekos, 189-209. Cambridge: Cambridge University Press, 2019.
- Føllesdal, Andreas. "The Legitimacy Deficits of the Human Rights Judiciary: Elements and Implications of a Normative Theory." *Theoretical Inquiries in Law* 14 (2013): 339-360.
- Forowicz, Magdalena. The Reception of International Law in the European Court of Human Rights. Oxford: Oxford University Press, 2010.
- Franck, Thomas M. "Legitimacy in the International System." American Journal of International Law 82 (1988): 705-759.
- Frankenberg, Günter. "Critical Comparisons: Re-thinking Comparative Law." *Harvard International Law Journal* 26, no. 2 (1985): 411-455.
- Frankenberg, Günter. "Tocqueville's Question. The Role of a Constitution in the Process of Integration." *Ratio Juris* 13, no. 1 (2000): 1-30.

- Fredman, Sandra. "Foreign Fads or Fashions? The Role of Comparativism in Human Rights Law." *International and Comparative Law Quarterly* 64 (2015): 631-660.
- Fredman, Sandra. "From Dialogue to Deliberation: Human Rights Adjudication and Prisoners' Rights to Vote." *Public Law* (2013): 292-311.
- French, Duncan. "Treaty Interpretation and the Incorporation of Extraneous Legal Rules." *International and Comparative Law Quarterly* 55 (2006): 281-314.
- Ganshof Van der Meersch, W.J. "La référence au droit interne des Etats contractants dans la jurisprudence de la Cour européenne des droits de l'homme." *Revue internationale de droit comparé* 32 (1980): 317-335.
- Gearty, Conor. "Building Consensus on European Consensus." In *Building Consensus on European Consensus. Judicial Interpretation of Human Rights in Europe and Beyond*, edited by Panos Kapotas and Vassilis Tzevelekos, 448-467. Cambridge: Cambridge University Press, 2019.
- Gerards, Janneke. "Diverging Fundamental Rights Standards and the Role of the European Court of Human Rights." In *Constructing European Constitutional Law*, edited by M. Claes and M. De Visser. Oxford: Hart. Available at <a href="https://papers.srn.com/sol3/papers.cfm?abstract\_id=2344626">https://papers.srn.com/sol3/papers.cfm?abstract\_id=2344626</a>.
- Gerards, Janneke. "The European Court of Human Rights and the National Courts: Giving Shape to the Notion of 'Shared Responsibility'." In *Implementation of the European Convention on Human Rights and of the Judgments of the ECtHR in National Case-Law. A Comparative Analysis*, edited by Janneke Gerards and Joseph Fleuren, 13-93. Cambridge et al.: Intersentia, 2014.
- Gerards, Janneke. *General Principles of the European Convention on Human Rights*. Cambridge: Cambridge University Press, 2019.
- Gerards, Janneke. "Judicial Deliberations in the European Court of Human Rights." In *The Legitimacy of Highest Courts' Rulings*, edited by Nick Huls, Maurice Adams and Jacco Bomhoff, 407-436. The Hague: T.M.C. Asser Press, 2009.
- Gerards, Janneke. "Margin of Appreciation and Incrementalism in the Case Law of the European Court of Human Rights." *Human Rights Law Review* (2018): 495-515.
- Gerards, Janneke. "Pluralism, Deference and the Margin of Appreciation Doctrine." *European Law Journal* 17 (2011): 80-120.
- Gerards, Janneke, and Sarah Lambrecht. "The Final Copenhagen Declaration: Fundamentally Improved With a Few Remaining Caveats". Strasbourg Observers, 2018. Available at <a href="https://strasbourgobservers.com/2018/04/18/the-final-copenhagen-declaration-fundamentally-improved-with-a-few-remaining-caveats/">https://strasbourgobservers.com/2018/04/18/the-final-copenhagen-declaration-fundamentally-improved-with-a-few-remaining-caveats/</a>>.
- Gilabert, Pablo, and Holly Lawford-Smith. "Political Feasibility: A Conceptual Exploration." *Political Studies* 60 (2012): 809-825.
- Glas, Lize R. "The European Court of Human Rights' Use of Non-Binding and Standard-Setting Council of Europe Documents." *Human Rights Law Review* 17 (2017): 97-125.
- Glendon, Mary Ann. Rights Talk. The Impoverishment of Political Discourse. New York: The Free Press, 1991.

- Gless, Sabine, and Jeannine Martin. "The Comparative Method in European Courts: A Comparison Between the CJEU and ECtHR?". Bergen Journal of Criminal Law and Criminal Justice 1 (2013): 36-52.
- Golder, Ben. "Beyond Redemption? Problematising the Critique of Human Rights in Contemporary International Legal Thought." *London Review of International Law* 2, no. 1 (2014): 77-114.
- Golder, Ben. "On the Varieties of Universalism in Human Rights Discourse." In *Human Rights Between Law and Politics: The Margin of Appreciation in Post-National Contexts*, edited by Petr Agha, 37-54. London: Hart, 2017.
- Goldston, James A. "The Struggle for Roma Rights: Arguments that Have Worked." *Human Rights Quarterly* 32 (2010): 311-325.
- Goldston, James A., and Shirley Pouget. "The Copenhagen Declaration: How Not to "Reform" the European Court of Human Rights." *European Human Rights Law Review*, no. 3 (2018): 208-210.
- Gonzalez-Salzberg, Damian A. "The Accepted Transsexual and the Absent Transgender: A Queer Reading of the Regulation of Sex/Gender by the European Court of Human Rights." American University International Law Review 29 (2014): 797-829.
- Gonzalez-Salzberg, Damian A. "Confirming (the Illusion of) Heterosexual Marriage: *Hämäläinen v Finland*." *Journal of International and Comparative Law* 2, no. 1 (2015): 173-186.
- Gonzalez-Salzberg, Damian A. "An Improved Protection for the (Mentally III) Trans Parent: A Queer Reading of AP, Garçon and Nicot v France." *Modern Law Review* 81, no. 3 (2018): 526-538.
- Grabenwarter, Christoph, and Katharina Pabel. Europäische Menschenrechtskonvention. 6th ed. München: Beck, 2016.
- Gragl, Paul. The Accession of the European Union to the European Convention on Human Rights. Oxford: Hart, 2013.
- Grear, Anna. "Challenging Corporate 'Humanity': Legal Disembodiment, Embodiment and Human Rights." *Human Rights Law Review 7*, no. 3 (2007): 511-543.
- Green, Jeffrey Edward. "On the Co-originality of Liberalism and Democracy: Rationalist vs. Paradoxicalist Perspectives." *Law, Culture and the Humanities* 11 (2015): 198-217.
- Greenhouse, Carol J. A Moment's Notice. Time Politics across Cultures. Ithaca: Cornell University Press, 1996.
- Greer, Steven. The Margin of Appreciation: Interpretation and Discretion under the European Convention on Human Rights. Strasbourg: Council of Europe Publishing, 2000.
- Griffin, James. On Human Rights. Oxford: Oxford University Press, 2008.
- Grofman, Bernard, and Scott L. Feld. "Rousseau's General Will: A Condorcetian Perspective." *The American Political Science Review* 82 (1988): 567-576.
- Grofman, Bernard, Guillermo Owen, and Scott L. Feld. "Thirteen Theorems in Search of the Truth." *Theory and Decision* 15 (1983): 261-278.

- Gross, Aeyal. "Sex, Love, and Marriage: Questioning Gender and Sexuality Rights in International Law." *Leiden Journal of International Law* 21 (2008): 235-253.
- Grossman, Nienke. "Legitimacy and International Adjudicative Bodies." *George Washington International Law Review* 41 (2009): 107-180.
- Gutmann, Amy. "Introduction." In *Michael Ignatieff, Human Rights as Politics and Idolatry*, edited by Amy Gutmann, vii-xxviii. Princeton and Oxford: Princeton University Press, 2001.
- Habermas, Jürgen. *Between Facts and Norms*. Translated by William Rehg. Cambridge: Polity Press, 1996.
- Habermas, Jürgen. "Der europäische Nationalstaat Zu Vergangenheit und Zukunft von Souveränität und Staatsbürgerschaft." In *Die Einbeziehung des Anderen. Studien zur politischen Theorie*, 128-153. Frankfurt a.M.: Suhrkamp, 1999.
- Habermas, Jürgen. "Inklusion Einbeziehen oder Einschließen? Zum Verhältnis von Nation, Rechtsstaat und Demokratie." In *Die Einbeziehung des Anderen. Studien zur politischen Theorie*, 154-184. Frankfurt a.M.: Suhrkamp, 1999.
- Habermas, Jürgen. "On Law and Disagreement. Some Comments on 'Interpretative Pluralism'." *Ratio Juris* 16 (2003): 187-194.
- Habermas, Jürgen. "Über den internen Zusammenhang von Rechtsstaat und Demokratie." In *Die Einbeziehung des Anderen. Studien zur politischen Theorie*, 293-308. Frankfurt a.M.: Suhrkamp, 1999.
- Habermas, Jürgen. "Versöhnung durch öffentlichen Vernunftgebrauch." In *Die Einbeziehung des Anderen. Studien zur politischen Theorie*, 65-94. Frankfurt a.M.: Suhrkamp, 1999.
- Habermas, Jürgen. "Volkssouveränität als Verfahren." In Faktizität und Geltung. Beiträge zur Diskurstheorie des Rechts und des demokratischen Rechtsstaats, 600-631. Frankfurt a.M.: Suhrkamp, 2014.
- Hallström, Pär. "Balance or Clash of Legal Orders Some Notes on Margin of Appreciation." In *Human Rights in Contemporary European Law*, edited by Joakim Nergelius and Eleonor Kristoffersson, 59-73. Oxford: Hart, 2015.
- Hamilton, Frances. "Same-Sex Marriage, Consensus, Certainty and the European Court of Human Rights." *European Human Rights Law Review* (2018): 33-45.
- Harasym, Sarah, ed. *Gayatri Chakravorty Spivak: The Post-Colonial Critic. Interviews, Strategies, Dialogues*. New York and London: Routledge, 1990.
- Hare, R.M. "Rawls' Theory of Justice." In Reading Rawls: Critical Studies on Rawls' 'A Theory of Justice', edited by Norman Daniels, 81-107. Stanford: Stanford University Press, 1989.
- Hart, H.L.A. "Between Utility and Rights." Columbia Law Review 79 (1979): 828-846.
- Hart, H.L.A. "Immorality and Treason." In *Morality and the Law*, edited by Richard A. Wasserstrom. Belmont: Wadsworth Publishing, 1971.
- Hart, H.L.A. Law, Liberty, and Morality. Stanford: Stanford University Press, 1963.

- Hartmann, Jacques. "A Danish Crusade for the Reform of the European Court of Human Rights". EJIL:Talk!, 2017. Available at <a href="https://www.ejiltalk.org/a-danish-crusade-for-the-reform-of-the-european-court-of-human-rights/">https://www.ejiltalk.org/a-danish-crusade-for-the-reform-of-the-european-court-of-human-rights/</a>.
- Haslett, D.W. "What Is Wrong with Reflective Equilibria?". *The Philosophical Quarterly* 37 (1987): 305-311.
- Hathaway, Oona A. "Treaties' End: The Past, Present, and Future of International Lawmaking in the United States." *Yale Law Journal* 117 (2008): 1236-1372.
- Hauser, Gerard A. "The Moral Vernacular of Human Rights Discourse." *Philosophy & Rhetoric* 41 (2008): 440-466.
- Helfer, Laurence R. "The Burdens and Benefits of Brighton". ESIL Reflections Vol. 1, issue 1 (2012). Available at <a href="http://esil-sedi.eu/node/138">http://esil-sedi.eu/node/138</a>>.
- Helfer, Laurence R. "Consensus, Coherence and the European Convention on Human Rights." *Cornell International Law Journal* 26 (1993): 133-165.
- Helfer, Laurence R. "Populism and International Human Rights Institutions: A Survival Guide." In *iCourts Working Paper Series*, *No. 133*, 2018. Available at <a href="https://papers.ssrn.com/sol3/papers.cfm?abstract\_id=3202633">https://papers.ssrn.com/sol3/papers.cfm?abstract\_id=3202633</a>.
- Helfer, Laurence R. "Redesigning the European Court of Human Rights: Embeddedness as a Deep Structural Principle of the European Human Rights Regime." European Journal of International Law 19 (2008): 125-159.
- Helfer, Laurence R., and Karen J. Alter. "Legitimacy and Lawmaking: A Tale of Three International Courts." *Theoretical Inquiries in Law* 14 (2013): 479-503.
- Helfer, Laurence R., and Anne-Marie Slaughter. "Toward a Theory of Effective Supranational Adjudication." *Yale Law Journal* 107 (1997): 273-391.
- Helfer, Laurence R., and Anne-Marie Slaughter. "Why States Create International Tribunals: A Response to Professors Posner and Yoo." *California Law Review* 93 (2005): 899-956.
- Helfer, Laurence R., and Erik Voeten. "International Courts as Agents of Legal Change: Evidence from LGBT Rights in Europe." *International Organization* 68 (2014): 1-34.
- Henrard, Kristin. "How the ECtHR's Use of European Consensus Considerations Allows Legitimacy Concerns to Delimit Its Mandate." In *Building Consensus on European Consensus. Judicial Interpretation of Human Rights in Europe and Beyond*, edited by Panos Kapotas and Vassilis Tzevelekos, 141-166. Cambridge: Cambridge University Press, 2019.
- Henrard, Kristin. "How the European Court of Human Rights' Concern Regarding European Consensus Tempers the Effective Protection of Freedom of Religion." Oxford Journal of Law and Religion 4 (2015): 398-420.
- Heringa, Aalt Willem. "The 'Consensus Principle': The Role of 'Common Law' in the ECHR Case Law." *Maastricht Journal of European and Comparative Law 3* (1996): 108-145.
- Hodson, Loveday. "A Marriage by Any Other Name? Schalk and Kopf v Austria." Human Rights Law Review 11 (2011): 170-179.
- Hoffmann, Leonard. "The Universality of Human Rights." Law Quarterly Review 125 (2009): 416-432.

- Hollinger, David A. "Debates with the PTA and Others." In *Michael Ignatieff: Human Rights as Politics and Idolatry*, edited by Amy Gutmann, 117-126. Princeton: Princeton University Press, 2001.
- Hume, David. "A Treatise of Human Nature." In *Hume. The Essential Philosophical Works*. Ware: Wordsworth, 2011.
- Hurd, Ian. "Torture and the Politics of Legitimation in International Law." In *The Legitimacy of International Human Rights Regimes. Legal, Political and Philosophical Perspectives*, edited by Andreas Føllesdal, Johan Karlsson Schaffer and Geir Ulfstein, 165-189. Cambridge: Cambridge University Press, 2013.
- Hutchinson, Michael R. "The Margin of Appreciation Doctrine in the European Court of Human Rights." *International and Comparative Law Quarterly* 48 (1999): 638-650.
- Hwang, Shu-Perng. "Grundrechtsschutz unter der Voraussetzung des europäischen Grundkonsenses?". *Europarecht* (2013): 307-322.
- Iglesias Vila, Marisa. "Subsidiarity, Margin of Appreciation and International Adjudication within a Cooperative Conception of Human Rights." *International Journal of Constitutional Law* 15 (2017): 393-413.
- Ignatieff, Michael. *Human Rights as Politics and Idolatry*. Princeton: Princeton University Press, 2001.
- Janik, Ralph. "How Many Divisions Does the European Court of Human Rights Have? Compliance and Legitimacy in Times of Crisis." Austrian Review of International and European Law 20 (2015): 125-144.
- Johns, Fleur. "Critical International Legal Theory." In *International Legal Theory: Foundations and Frontiers*, edited by Jeffrey L. Dunoff and Mark A. Pollack. Cambridge: Cambridge University Press, forthcoming. Available at <a href="https://papers.ssrn.com/sol3/papers.cfm?abstract\_id=3224013">https://papers.ssrn.com/sol3/papers.cfm?abstract\_id=3224013</a>>.
- Johnson, Paul. Homosexuality and the European Court of Human Rights. Abingdon: Routledge, 2013.
- Kagiaros, Dimitrios. "When to Use European Consensus: Assessing the Differential Treatment of Minority Groups by the European Court of Human Rights." In Building Consensus on European Consensus. Judicial Interpretation of Human Rights in Europe and Beyond, edited by Panos Kapotas and Vassilis Tzevelekos, 283-310. Cambridge: Cambridge University Press, 2019.
- Kakouris, C.N. "Use of the Comparative Method by the Court of Justice of the European Communities." *Pace International Law Review* 6 (1994): 267-283.
- Kant, Immanuel. "Grundlegung zur Metaphysik der Sitten." In *Die Kritiken*, 641-705. Frankfurt a.M.: Zweitausendeins, 2008.
- Kapotas, Panos, and Vassilis Tzevelekos. "How (Difficult Is It) to Build Consensus on (European) Consensus?". In *Building Consensus on European Consensus. Judicial Interpretation of Human Rights in Europe and Beyond*, edited by Panos Kapotas and Vassilis Tzevelekos, 1-26. Cambridge: Cambridge University Press, 2019.
- Kapur, Ratna. Gender, Alterity and Human Rights. Cheltenham: Edward Elgar, 2018.

- Kapur, Ratna. "Human Rights in the 21st Century: Take a Walk on the Dark Side." *Sydney Law Review* 28 (2006): 665-687.
- Kelsen, Hans. Allgemeine Staatslehre. Berlin: Julius Springer, 1925.
- Kelsen, Hans. *General Theory of Law and State*. Translated by Anders Wedberg. Cambridge, Mass.: Harvard University Press, 1945.
- Kelsen, Hans. "Natural Law Doctrine and Legal Positivism." Translated by Wolfgang Herbert Kraus. In *General Theory of Law and State*, 389-446. Cambridge, Mass.: Harvard University Press, 1945.
- Kelsen, Hans. Reine Rechtslehre. 2nd ed. Vienna: Deuticke, 1960.
- Kennedy, David. *The Dark Sides of Virtue. Reassessing International Humanitarianism*. Princeton and Oxford: Princeton University Press, 2004.
- Kennedy, David. "The International Human Rights Regime: Still Part of the Problem." In *Examining Critical Perspectives on Human Rights*, edited by Rob Dickinson, Elena Katselli, Colin Murray and Ole W. Pedersen, 19-34. Cambridge: Cambridge University Press, 2013.
- Kennedy, David. "New Approaches to Comparative Law: Comparativism and International Governance." *Utah Law Review* (1997): 545-637.
- Kennedy, David. "A New World Order: Yesterday, Today, and Tomorrow." Transnational Law and Contemporary Problems 4 (1994): 329-375.
- Kennedy, David. "Turning to Market Democracy: A Tale of Two Architectures." Harvard International Law Journal 32, no. 2 (1991): 373-396.
- Kennedy, David, and Chris Tennant. "New Approaches to International Law: A Bibliography." *Harvard International Law Journal* 35, no. 2 (1994): 417-460.
- Kennedy, Duncan. A Critique of Adjudication (fin de siècle). Cambridge, Mass.: Harvard University Press, 1997.
- Kennedy, Duncan. "A Semiotics of Critique." Cardozo Law Review 22 (2001): 1147-1189.
- Klabbers, Jan. *The Concept of Treaty in International Law*. The Hague et al.: Kluwer, 1996.
- Klabbers, Jan. "Towards a Culture of Formalism? Martti Koskenniemi and the Virtues." *Temple International and Comparative Law Journal* 27, no. 2 (2013): 417-435.
- Kleinlein, Thomas. "Consensus and Contestability: The ECtHR and the Combined Potential of European Consensus and Procedural Rationality Control." *European Journal of International Law* 28 (2017): 871-893.
- Klocke, Daniel Matthias. "Die dynamische Auslegung der EMRK im Lichte der Dokumente des Europarats." *Europarecht* (2015): 148-169.
- Knox, Robert. "Strategy and Tactics." Finnish Yearbook of International Law 21 (2010): 193-229.
- Koch, Ida Elisabeth, and Jens Vedsted-Hansen. "International Human Rights and National Legislatures Conflict or Balance?". *Nordic Journal of International Law* 75 (2006): 3-28.

- Korhonen, Outi. "New International Law: Silence, Defence or Deliverance?". European Journal of International Law 7, no. 1 (1996): 1-28.
- Koskenniemi, Martti. "Constitutionalism as Mindset: Reflections on Kantian Themes About International Law and Globalization." *Theoretical Inquiries in Law* 8 (2006): 9-36.
- Koskenniemi, Martti. "The Effect of Rights on Political Culture." In *The Politics of International Law*, 133-152. Oxford: Hart, 2011.
- Koskenniemi, Martti. "Epilogue. To Enable and Enchant on the Power of Law." In *The Law of International Lawyers. Reading Martti Koskenniemi*, edited by Wouter Werner, Marieke de Hoon and Alexis Galán, 393-412. Cambridge: Cambridge University Press, 2017.
- Koskenniemi, Martti. From Apology to Utopia: The Structure of International Legal Argument. Cambridge: Cambridge University Press, 2005.
- Koskenniemi, Martti. "Human Rights Mainstreaming as a Strategy for Institutional Power." *Humanity* 1 (2010): 47-58.
- Koskenniemi, Martti. "Human Rights, Politics and Love." In *The Politics of International Law*, 153-167. Oxford: Hart, 2011.
- Koskenniemi, Martti. "International Law and Hegemony: A Reconfiguration." Cambridge Review of International Affairs 17 (2004): 197-218.
- Koskenniemi, Martti. "International Law as Therapy: Reading The Health of Nations." European Journal of International Law 16 (2005): 329-341.
- Koskenniemi, Martti. "Intolerant Democracies': A Reaction." *Harvard International Law Journal* 37 (1996): 231-234.
- Koskenniemi, Martti. "Law, Teleology and International Relations: An Essay in Counterdisciplinarity." *International Relations* 26 (2011): 3-34.
- Koskenniemi, Martti. "Legitimacy, Rights and Ideology: Notes Towards a Critique of the New Moral Internationalism." *Associations* 7 (2003): 349-373.
- Koskenniemi, Martti. "Letter to the Editors of the Symposium." *American Journal of International Law* 93 (1999): 351-361.
- Koskenniemi, Martti. "The Pull of the Mainstream." *Michigan Law Review* 88 (1989-1990): 1946-1962.
- Koskenniemi, Martti. "What is Critical Research in International Law? Celebrating Structuralism." *Leiden Journal of International Law* 29 (2016): 727-735.
- Kotiaho, Paavo. "A Return to Koskenniemi, or the Disconcerting Co-optation of Rupture." *German Law Journal* 13, no. 5 (2012): 483-496.
- Kovler, Anatoly, Vladimiro Zagrebelsky, Lech Garlicki, Dean Spielmann, Renate Jaeger, and Roderick Liddell. "The Role of Consensus in the System of the European Court of Human Rights." In *Dialogue between judges, European Court of Human Rights*, 11-19, 2008.
- Kratochvíl, Jan. "The Inflation of the Margin of Appreciation by the European Court of Human Rights." *Netherlands Quarterly of Human Rights* 29 (2011): 324-357.

- Krisch, Nico. Beyond Constitutionalism: The Pluralist Structure of Postnational Law. Oxford: Oxford University Press, 2010.
- Kukavica, Jaka. "National Consensus and the Eigth Amendment: Is There Something to Be Learned from the United States Supreme Court?". In *Building Consensus on European Consensus. Judicial Interpretation of Human Rights in Europe and Beyond*, edited by Panos Kapotas and Vassilis Tzevelekos, 364-391. Cambridge: Cambridge University Press, 2019.
- Künkler, Mirjam, and Tine Stein. "State, Law, and Constitution. Ernst-Wolfgang Böckenförde's Political and Legal Thought in Context." In *Ernst-Wolfgang Böckenförde: Constitutional and Political Theory. Selected Writings*, edited by Mirjam Künkler and Tine Stein, 1-35. Oxford: Oxford University Press, 2017.
- Laborde, Cécile, and John Maynor. "The Republican Contribution to Contemporary Political Theory." In *Republicanism and Political Theory*, edited by Cécile Laborde and John Maynor, 1-28. Malden, Mass.: Blackwell, 2008.
- Lafont, Cristina. "Is the Ideal of a Deliberative Democracy Coherent?". In *Deliberative Democracy and its Discontents*, edited by Samantha Besson and José Luis Martí, 3-25. Aldershot: Ashgate, 2006.
- Lalor, Kay. "Making Different Differences: Representation and Rights in Sexuality Activism." *Feminist Legal Studies* 23 (2015): 7-25.
- Lambert Abdelgawad, Elisabeth. "The Execution of the Judgments of the European Court of Human Rights: Towards a Non-coercive and Participatory Model of Accountability." Zeitschrift für ausländisches öffentliches Recht und Völkerrecht 69 (2009): 471-506.
- Landemore, Hélène. *Democratic Reason. Politics, Collective Intelligence, and the Rule of the Many.* Princeton and Oxford: Princeton University Press, 2013.
- Lau, Holning. "Rewriting Schalk and Kopf: Shifting the Locus of Deference." In Diversity and European Human Rights. Rewriting Judgments of the ECHR, edited by Eva Brems, 243-264. Cambridge: Cambridge University Press, 2012.
- Legg, Andrew. The Margin of Appreciation in International Human Rights Law: Deference and Proportionality. Oxford: Oxford University Press, 2012.
- Leijten, Ingrid. Core Socio-Economic Rights and the European Court of Human Rights. Cambridge: Cambridge University Press, 2018.
- Lenaerts, Koen. "Interlocking Legal Orders in the European Union and Comparative Law." *International and Comparative Law Quarterly* 52 (2003): 873-906.
- Lenaerts, Koen, and José A. Gutiérrez-Fons. "The Constitutional Allocation of Powers and General Principles of EU Law." Common Market Law Review 47 (2010): 1629-1669.
- Letsas, George. "The ECHR as a Living Instrument: Its Meaning and Legitimacy." In Constituting Europe. The European Court of Human Rights in a National, European and Global Context, edited by Andreas Føllesdal, Birgit Peters and Geir Ulfstein, 106-141. Cambridge: Cambridge University Press, 2013.
- Letsas, George. "No Human Right to Adopt?". UCL Human Rights Review 1 (2008): 135-154.

- Letsas, George. "Strasbourg's Interpretive Ethic: Lessons for the International Lawyer." *European Journal of International Law* 21 (2010): 509-541.
- Letsas, George. A Theory of Interpretation of the European Convention on Human Rights. Oxford: Oxford University Press, 2007.
- Letsas, George. "The Truth in Autonomous Concepts: How To Interpret the ECHR." European Journal of International Law 15 (2004): 279-305.
- Letsas, George. "Two Concepts of the Margin of Appreciation." Oxford Journal of Legal Studies 26 (2006): 705-732.
- Lewis, Tom. "Animal Defenders International v United Kingdom: Sensible Dialogue or a Bad Case of Strasbourg Jitters?". Modern Law Review 77 (2014): 460-492.
- Lewis, Tom. "What not to Wear: Religious Rights, the European Court, and the Margin of Appreciation." *International and Comparative Law Quarterly* 56 (2007): 395-414.
- Linderfalk, Ulf. "Who Are 'the Parties'? Article 31, Paragraph 3(C) of the 1969 Vienna Convention and the 'Principle of Systemic Integration' Revisited." *Netherlands International Law Review* 55 (2008): 343-364.
- List, Christian, and Robert E. Goodin. "Epistemic Democracy: Generalizing the Condorcet Jury Theorem." *The Journal of Political Philosophy* 9 (2001): 277-306.
- Little, Daniel. "Reflective Equilibrium and Justification." The Southern Journal of Philosophy 22, no. 3 (1984): 373-387.
- Lixinski, Lucas. "The Inter-American Court of Human Rights' Tentative Search for Latin American Consensus." In *Building Consensus on European Consensus. Judicial Interpretation of Human Rights in Europe and Beyond*, edited by Panos Kapotas and Vassilis Tzevelekos, 337-363. Cambridge: Cambridge University Press, 2019.
- Lock, Tobias. "The Influence of EU Law on Strasbourg Doctrines." *European Law Review* 41 (2016): 804-825.
- De Londras, Fiona. "When the European Court of Human Rights Decides Not to Decide: The Cautionary Tale of A, B & C v. Ireland and Referendum-Emergent Constitutional Provisions." In Building Consensus on European Consensus. Judicial Interpretation of Human Rights in Europe and Beyond, edited by Panos Kapotas and Vassilis Tzevelekos, 311-333. Cambridge: Cambridge University Press, 2019.
- De Londras, Fiona, and Kanstantsin Dzehtsiarou. "Grand Chamber of the European Court of Human Rights: A, B & C v Ireland, Decision of 17 December 2010." *International and Comparative Law Quarterly* 62 (2013): 250-262.
- De Londras, Fiona, and Kanstantsin Dzehtsiarou. "Managing Judicial Innovation in the European Court of Human Rights." *Human Rights Law Review* 15 (2015): 523-547.
- Lovett, Frank. "Can Justice Be Based on Consent?". The Journal of Political Philosophy 12 (2004): 79-101.
- Luban, David. "Human Rights Pragmatism and Human Dignity." In *Philosophical Foundations of Human Rights*, edited by Rowan Cruft, S. Matthew Liao and Massimo Renzo, 263-278. Oxford: Oxford University Press, 2015.

- Lübbe-Wolff, Gertrude. "Homogenes Volk Über Homogenitätspostulate und Integration." Zeitschrift für Ausländerrecht und Ausländerpolitik 27 (2007): 121-127.
- Luca, Zoé. "Case of Lautsi v Italy. Religious Symbols in Public Schools and the (Lack of) Margin of Appreciation." *Maastricht Journal of European and Comparative Law* 17 (2010): 98-104.
- Lugato, Monica. "The 'Margin of Appreciation' and Freedom of Religion: Between Treaty Interpretation and Subsidiarity." *Journal of Catholic Legal Studies* 52 (2013): 49-70.
- Luhmann, Niklas. Recht und Automation in der öffentlichen Verwaltung. Eine verwaltungswissenschaftliche Untersuchung. Berlin: Duncker & Humblot, 1966.
- Lupu, Yonatan. "International Judicial Legitimacy: Lessons from National Courts." Theoretical Inquiries in Law 14 (2013): 437-454.
- Lyon, Arabella. *Deliberative Acts. Democracy, Rhetoric, and Rights.* University Park, PA: Pennsylvania State University Press, 2013.
- Lyons, David. "Nature and Soundness of the Contract and Coherence Arguments." In *Reading Rawls: Critical Studies on Rawls' 'A Theory of Justice'*, edited by Norman Daniels, 141-167. Stanford: Stanford University Press, 1989.
- MacCormick, Neil. Legal Reasoning and Legal Theory. Oxford: Clarendon Press, 1978.
- MacCormick, Neil. Rhetoric and the Rule of Law. A Theory of Legal Reasoning. Oxford: Oxford University Press, 2005.
- Macdonald, R. St. J. "The Margin of Appreciation." In *The European System for the Protection of Human Rights*, edited by R. St. J. Macdonald, Franz Matscher and Herbert Petzold, 83-124. Dordrecht: Nijhoff, 1993.
- Maciejewski, Tim, and Jens T. Theilen. "Temporal Aspects of the Interaction between National Law and European Union Law: Reintroducing the Protection of Legitimate Expectations." *European Law Review* (2017): 706-721.
- Madsen, Mikael Rask. "The Protracted Institutionalization of the Strasbourg Court: From Legal Diplomacy to Integrationist Jurisprudence." In *The European Court of Human Rights between Law and Politics*, edited by Jonas Christoffersen and Mikael Rask Madsen, 43-60. Oxford: Oxford University Press, 2011.
- Madsen, Mikael Rask. "Rebalancing European Human Rights: Has the Brighton Declaration Engendered a New Deal on Human Rights in Europe?". *Journal of International Dispute Settlement* 9 (2018): 199-222.
- Madsen, Mikael Rask, Pola Cebulak, and Micha Wiebusch. "Backlash Against International Courts: Explaining the Forms and Patterns of Resistance to International Courts." *International Journal of Law in Context* 14 (2018): 197-220.
- Madsen, Mikael Rask, Pola Cebulak, and Micha Wiebusch. "Resistance to International Courts. Introduction and Conclusion." *International Journal of Law in Context* 14 (2018): 193-196.
- Maduro, Miguel Poiares. We The Court: The European Court of Justice and The European Economic Constitution. A Critical Reading of Article 30 of the EC Treaty. Oxford: Hart, 1998.

- Mahoney, Paul. "Judicial Activism and Judicial Self-Restraint in the European Court of Human Rights: Two Sides of the Same Coin." Human Rights Law Journal 11 (1990): 57-88.
- Mahoney, Paul. "Marvellous Richness of Diversity or Invidious Cultural Relativism?". *Human Rights Law Journal* 19 (1998): 1-6.
- Mahoney, Paul, and Rachael Kondak. "Common Ground. A Starting Point or Destination for Comparative-Law Analysis by the European Court of Human Rights?". In *Courts and Comparative Law*, edited by Mads Andenas and Duncan Fairgrieve, 119-140. Oxford: Oxford University Press, 2015.
- Makaza, Dorothy. "Towards Afrotopia: The AU Withdrawal Strategy Document, the ICC, and the Possibility of Pluralistic Utopias." *German Yearbook of International Law* 60 (2017): 485-517.
- Mälksoo, Lauri. "Concluding Observations. Russia and European Human-Rights Law: Margins of the Margin of Appreciation." In *Russia and European Human-Rights Law: The Rise of the Civilizational Argument*, edited by Lauri Mälksoo, 217-227. Leiden: Brill, 2014.
- Mälksoo, Lauri. "Russia's Constitutional Court Defies the European Court of Human Rights." European Constitutional Law Review 12 (2016): 377-395.
- Mann, Roni. "Non-ideal Theory of Constitutional Adjudication." *Global Constitutionalism* 7 (2018): 14-53.
- Marks, Susan. "False Contingency." Current Legal Problems 62 (2009): 1-21.
- Marks, Susan. "International Judicial Activism and the Commodity-Form Theory of International Law." *European Journal of International Law* 18, no. 1 (2007): 199-211.
- Marks, Susan. The Riddle of All Constitutions. International Law, Democracy, and the Critique of Ideology. Oxford: Oxford University Press, 2000.
- Marochkin, Sergei Yu. "A Russian Approach to International Law in the Domestic Legal Order: Basics, Development and Perspectives." *Italian Yearbook of International Law* XXVI (2016): 15-40.
- Martens, Paul. "Perplexity of the National Judge Faced with the Vagaries of European Consensus." In *Dialogue between judges, European Court of Human Rights*, 53-65, 2008.
- Martí, José Luis. "The Epistemic Conception of Deliberative Democracy Defended: Reasons, Rightness and Equal Political Autonomy." In *Deliberative Democracy and its Discontents*, edited by Samantha Besson and José Luis Martí, 27-56. Aldershot: Ashgate, 2006.
- Martini, Stefan. Vergleichende Verfassungsrechtsprechung. Praxis, Viabilität und Begründung rechtsvergleichender Argumentation durch Verfassungsgerichte. Berlin: Duncker & Humblot, 2018.
- Marx, Karl. "Thesen über Feuerbach." In *Karl Marx: Thesen über Feuerbach*, edited by Georges Labica. Hamburg and Berlin: Argument-Verlag, 1998.
- Maus, Ingeborg. Menschenrechte, Demokratie und Frieden. Perspektiven globaler Organisation. Frankfurt a.M.: Suhrkamp, 2015.

- Mavronicola, Natasa. "Taking Life and Liberty Seriously: Reconsidering Criminal Liability Under Article 2 of the ECHR." *Modern Law Review* 80, no. 6 (2017): 1026-1051.
- Mayer, Franz C. "Constitutional Comparativism in Action. The Example of General Principles of EU Law and How They Are Made A German Perspective." *International Journal of Constitutional Law* 11 (2013): 1003-1020.
- McCrudden, Christopher. "Using Comparative Reasoning in Human Rights Adjudication: The Court of Justice of the European Union and the European Court of Human Rights Compared." *Cambridge Yearbook of European Legal Studies* 15 (2012-2013): 383-.
- McGinnis, John O., and Michael Rappaport. "The Condorcet Case for Supermajority Rules." Supreme Court Economic Review 16, no. 1 (2008): 67-115.
- McGoldrick, Dominic. "A Defence of the Margin of Appreciation and an Argument for its Application by the Human Rights Committee." *International and Comparative Law Quarterly* 65 (2016): 21-60.
- McHarg, Aileen. "Reconciling Human Rights and the Public Interest: Conceptual Problems and Doctrinal Uncertainty in the Jurisprudence of the European Court of Human Rights." *Modern Law Review* 62 (1999): 671-696.
- McLachlan, Campbell. "The Principle of Systemic Integration and Article 31(3)(C) of the Vienna Convention." *International and Comparative Law Quarterly* 54 (2005): 279-320.
- McNeilly, Kathryn. "After the Critique of Rights: For a Radical Democratic Theory and Practice of Human Rights." *Law and Critique* 27 (2016): 269-288.
- McNeilly, Kathryn. *Human Rights and Radical Social Transformation: Futurity, Alterity, Power.* London and New York: Routledge, 2018.
- Meckled-García, Saladin. "Specifying Human Rights." In *Philosophical Foundations of Human Rights*, edited by Rowan Cruft, S. Matthew Liao and Massimo Renzo, 300-315. Oxford: Oxford University Press, 2015.
- Meckled-García, Saladin, and Başak Çalı. "Lost in Translation. The Human Rights Ideal and International Human Rights Law." In *The Legalization of Human Rights. Multidisciplinary Perspectives on Human Rights and Human Rights Law*, edited by Saladin Meckled-García and Başak Çalı, 11-31. London and New York: Routledge, 2006.
- Medda-Windischer, Roberta. "Dismantling Segregating Education and the European Court of Human Rights. D.H. and Others vs. Czech Republic: Towards an Inclusive Education?". European Yearbook of Minority Issues 7 (2007/8): 19-55.
- Mégret, Frédéric. "The Apology of Utopia: Some Thoughts on Koskenniemian Themes, with Particular Emphasis on Massively Institutionalized International Human Rights Law." *Temple International and Comparative Law Journal* 27 (2013): 455-497.
- Mégret, Frédéric. "Where Does the Critique of International Human Rights Stand? An Exploration in 18 Vignettes." In *New Approaches to International Law: The European and American Experiences*, edited by José María Beneyto and David Kennedy, 3-40. The Hague: T.M.C. Asser Press, 2012.

- Meier, Severin. "The Influence of Utopian Projects on the Interpretation of International Law and the Healthy Myth of Objectivity." German Yearbook of International Law 60 (2017): 519-542.
- Mena Parras, Francisco Javier. "Democracy, Diversity and the Margin of Appreciation: A Theoretical Analysis from the Perspective of the International and Constitutional Functions of the European Court of Human Rights." Revista Electrónica de Estudios Internacionales 29 (2015): 1-18.
- Merkouris, Panos. Article 31(3)(c) VCLT and the Principle of Systemic Integration. Leiden and Boston: Brill, 2015.
- Merrills, J.G. The Development of International Law by the European Court of Human Rights. Manchester: Manchester University Press, 1988.
- Milanovic, Marko. "On Realistic Utopias and Other Oxymorons: An Essay on Antonio Cassese's Last Book." *European Journal of International Law* 23 (2012): 1033-1048.
- Miles, Cameron A. "Indeterminacy." In *Concepts for International Law. Contributions to Disciplinary Thought*, edited by Jean d'Aspremont and Sahib Singh, 447-458. Cheltenham: Edward Elgar, 2019.
- Mill, John Stuart. "De Tocqueville on Democracy in America [II]." In *The Collected Works of John Stuart Mill, Volume XVIII Essays on Politics and Society*, edited by John M. Robson, 153-204. Toronto: University of Toronto Press, 1977.
- Mill, John Stuart. "On Liberty." In On Liberty and Other Essays, 1-128. Oxford: Oxford University Press, 1991.
- Miller, David. "Republicanism, National Identity, and Europe." In *Republicanism and Political Theory*, edited by Cécile Laborde and John Maynor, 133-158. Malden, Mass.: Blackwell, 2008.
- Momirov, Aleksandar, and Andria Naudé Fourie. "Vertical Comparative Law Methods: Tools for Conceptualising the International Rule of Law." *Erasmus Law Review* 2, no. 3 (2009): 291-309.
- Moravcsik, Andrew. "The Origins of Human Rights Regimes: Democratic Delegation in Postwar Europe." *International Organization* 54, no. 2 (2000): 217-252.
- Morawa, Alexander. "The 'Common European Approach', 'International Trends', and the Evolution of Human Rights Law. A Comment on Goodwin and I v. the United Kingdom." *German Law Journal* 3 (2002).
- Mouffe, Chantal. The Democratic Paradox. London and New York: Verso, 2005.
- Mouffe, Chantal. "The Limits of John Rawls's Pluralism." *Politics, Philosophy & Economics* 4 (2005): 221-231.
- Mowbray, Alastair. "The Creativity of the European Court of Human Rights." *Human Rights Law Review 5*, no. 1 (2005): 57-79.
- Moyn, Samuel. *The Last Utopia. Human Rights in History*. Cambridge, Mass.: Belknap Press of Harvard University Press, 2012.
- Moyn, Samuel. *Not Enough. Human rights in an Unequal World*. Cambridge, Mass.: Belknap Press of Harvard University Press, 2018.

- Murray, John L. "Consensus: Concordance, or Hegemony of the Majority?" In *Dialogue between judges, European Court of Human Rights*, 25-48, 2008.
- Mutua, Makau. "Savages, Victims, and Saviors: The Metaphor of Human Rights." Harvard International Law Journal 42, no. 1 (2001): 201-245.
- Myjer, Egbert. "The Succes[s] Story of the European Court: The Times They Are A-Changin'?". *Netherlands Quarterly of Human Rights* 30, no. 3 (2012): 264-271.
- Neuman, Gerald L. "Import, Export, and Regional Consent in the Inter-American Court of Human Rights." *European Journal of International Law* 19 (2008): 101-123.
- Nic Shuibhne, Niamh. "Consensus as Challenge and Retraction of Rights: Can Lessons Be Drawns from and for EU Citizenship Law?". In *Building Consensus on European Consensus. Judicial Interpretation of Human Rights in Europe and Beyond*, edited by Panos Kapotas and Vassilis Tzevelekos, 421-447. Cambridge: Cambridge University Press, 2019.
- Nickel, James W. Making Sense of Human Rights. Malden: Blackwell, 2007.
- Nicola, Fernanda G. "National Legal Traditions at Work in the Jurisprudence of the Court of Justice of the European Union." *American Journal of Comparative Law* 64 (2016): 865-889.
- Nielsen, Kai. "Grounding Rights and a Method of Reflective Equilibrium." *Inquiry* 25, no. 3 (1982): 277-306.
- Nollkaemper, André. "International Adjudication of Global Public Goods: The Intersection of Substance and Procedure." *European Journal of International Law* 23 (2012): 769-791.
- Nolte, Georg. "Jurisprudence under Special Regimes Relating to Subsequent Agreements and Subsequent Practice." In *Treaties and Subsequent Practice*, edited by Georg Nolte, 210-306. Oxford: Oxford University Press, 2013.
- Nowlin, Christopher. "The Protection of Morals Under the European Convention for the Protection of Human Rights and Fundamental Freedoms." *Human Rights Quarterly* 24 (2002): 264-286.
- Nozawa, Junko. "Drawing the Line: Same-sex adoption and the jurisprudence of the ECtHR on the application of the "European consensus" standard under Article 14." *Merkourios* 29 (2013): 66-75.
- Nussbaum, Martha C. From Disgust to Humanity. Sexual Orientation & Constitutional Law. Oxford: Oxford University Press, 2010.
- Nussbaum, Martha C. Frontiers of Justice. Disability, Nationality, Species Membership. Cambridge, Mass.: Belknap Press of Harvard University Press, 2006.
- Nußberger, Angelika. "Auf der Suche nach einem europäischen Konsens zur Rechtsprechung des Europäischen Gerichtshofs für Menschenrechte." *Zeitschrift für rechtswissenschaftliche Forschung* 3 (2012): 197-211.
- Nußberger, Angelika. "Hard Law or Soft Law Does it Matter? Distinction Between Different Sources of International Law in the Jurisprudence of the ECtHR." In *The European Convention on Human Rights and General International Law*, edited by Anne van Aaken and Iulia Motoc, 41-58. Oxford: Oxford University Press, 2018.

- Nussberger, Angelika. *The European Court of Human Rights*. Oxford: Oxford University Press, 2020.
- O'Boyle, Michael. "The Future of the European Court of Human Rights." *German Law Journal* 12 (2011): 1862-1877.
- O'Cinneide, Colm. "Rights under Pressure." European Human Rights Law Review (2017): 43-48.
- O'Connell, Paul. "Human Rights: Contesting the Displacement Thesis." *Northern Ireland Legal Quarterly* 69, no. 1 (2018): 19-35.
- O'Connell, Paul. "On the Human Rights Question." Human Rights Quarterly 40, no. 4 (2018): 962-988.
- Odermatt, Jed. "Patterns of Avoidance: Political Questions Before International Courts." *International Journal of Law in Context* 14 (2018): 221-236.
- O'Hara, Claerwen. "Consensus, Difference and Sexuality: Que(e)rying the European Court of Human Rights' Concept of 'European Consensus'." *Law and Critique* (2020).
- Oomen, B.M. "A Serious Case of Strasbourg-Bashing? An Evaluation of the Debates on the Legitimacy of the European Court of Human Rights in the Netherlands." *International Journal of Human Rights* 20 (2016): 407-425.
- Orakhelashvili, Alexander. *The Interpretation of Acts and Rules in Public International Law*. Oxford: Oxford University Press, 2008.
- Orford, Anne. "Embodying Internationalism: The Making of International Lawyers." *Australian Yearbook of International Law* 19 (1998): 1-34.
- Örücü, Esin. "Whither Comparativism in Human Rights Cases?". In *Judicial Comparativism in Human Rights Cases*, edited by Esin Örücü, 229-242. London: UKNCCL, 2003.
- Ost, François. "The Original Canons of Interpretation of the European Court of Human Rights." In *The European Convention for the Protection of Human Rights. International Protection versus National Restrictions*, edited by Mireille Delmas-Marty, 283-318. Dordrecht et al.: Kluwer, 1992.
- Ostrovsky, Aaron A. "What's So Funny About Peace, Love, and Understanding? How the Margin of Appreciation Doctrine Preserves Core Human Rights within Cultural Diversity and Legitimises International Human Rights Tribunals." *Hanse Law Review* 1 (2005): 47-64.
- Otto, Dianne. "Lost in Translation: Re-scripting the Sexed Subjects of International Human Rights Law." In *International Law and its Others*, edited by Anne Orford, 318-356. Cambridge: Cambridge University Press, 2006.
- Otto, Dianne. "Queering Gender [Identity] in International Law." *Nordic Journal of Human Rights* 33 (2015): 299-318.
- Paczolay, Péter. "Consensus and Discretion: Evolution or Erosion of Human Rights Protection?" In *Dialogue between judges, European Court of Human Rights*, 69-79, 2008.
- Pascual-Vives, Francisco. Consensus-Based Interpretation of Regional Human Rights Treaties. Leiden and Boston: Brill, 2019.

- Peat, Daniel. Comparative Reasoning in International Courts and Tribunals. Cambridge: Cambridge University Press, 2019.
- Peroni, Lourdes. "Challenging Culturally Dominant Conceptions in Human Rights Law: The Cases of Property and Family." *Human Rights and International Legal Discourse* 4, no. 2 (2010): 241-264.
- Peroni, Lourdes. "Religion and Culture in the Discourse of the European Court of Human Rights: The Risks of Stereotyping and Naturalising." *International Journal of Law in Context* 10, no. 2 (2014): 195-221.
- Peroni, Lourdes, and Alexandra Timmer. "Vulnerable Groups: The Promise of an Emerging Concept in European Human Rights Convention Law." *International Journal of Constitutional Law* 11, no. 4 (2013): 1056-1085.
- Perrone, Roberto. "Public Morals and the European Convention on Human Rights." *Israel Law Review 47* (2014): 361-378.
- Peters, Birgit. "The Rule of Law Dimensions of Dialogues Between National Courts and Strasbourg." In *The Rule of Law at the National and International Levels. Contestations and Deference*, edited by Machiko Kanetake and André Nollkaemper, 201-225. Oxford and Portland: Hart, 2016.
- Petkova, Bilyana. "The Notion of Consensus as a Route to Democratic Adjudication." Cambridge Yearbook of European Legal Studies 14 (2011-2012): 663-695.
- Pildes, Richard H. "Supranational Courts and The Law of Democracy: The European Court of Human Rights." *Journal of International Dispute Settlement* 9 (2018): 154-179.
- Pinto de Albuquerque, Paulo. "Plaidoyer for the European Court of Human Rights." European Human Rights Law Review, no. 2 (2018): 119-133.
- Pitea, Cesare. "Interpretation and Application of the European Convention on Human Right[s] in the Broader Context of International Law: Myth or Reality?". In *Human Rights and Civil Liberties in the 21st Century*, edited by Yves Haeck and Eva Brems, 1-14. Dordrecht: Springer, 2014.
- Polakiewicz, Jörg. "Alternatives to Treaty-Making and Law-Making by Treaty and Expert Bodies in the Council of Europe." In *Developments of International Law in Treaty Making*, edited by Rüdiger Wolfrum and Volker Röben, 245-290. Heidelberg et al.: Springer, 2005.
- Polakiewicz, Jörg, and Irene Suominen-Picht. "Aktuelle Herausforderungen für Europarat und EMRK: Die Erklärung von Kopenhagen (April 2018), das Spannungsverhältnis zwischen EMRK und nationalen Verfassungen und die Beteiligung der EU an dem europäischen Menschenrechtskontrollmechanismus." *Europäische Grundrechte-Zeitschrift* (2018): 383-390.
- Popelier, Patricia. "Legitimate Expectations and the Law Maker in the Case Law of the European Court of Human Rights." *European Human Rights Law Review*, no. 1 (2006): 10-24.
- Popelier, Patricia, and Catherine Van de Heyning. "Procedural Rationality: Giving Teeth to the Proportionality Analysis." *European Constitutional Law Review* 9 (2013): 230-262.

- Posner, Eric A., and Cass R. Sunstein. "The Law of Other States." Stanford Law Review 59 (2006): 131-179.
- Posner, Eric A., and John C. Yoo. "Judicial Independence in International Tribunals." *California Law Review* 93 (2005): 1-74.
- Posner, Richard A. "The Supreme Court 2004 Term. Foreword: A Political Court." Harvard Law Review 119 (2005): 32-102.
- Rachovitsa, Adamantia. "Fragmentation of International Law Revisited: Insights, Good Practices, and Lessons to be Learned from the Case Law of the European Court of Human Rights." *Leiden Journal of International Law* 28 (2015): 863-885.
- Rachovitsa, Adamantia. "The Principle of Systemic Integration in Human Rights Law." *International and Comparative Law Quarterly* 66 (2017): 557-588.
- Radačić, Ivana. "The Margin of Appreciation, Consensus, Morality and the Rights of the Vulnerable Groups." *Zb. Prav. fak. Rij.* 31 (2010): 599-616.
- Rajagopal, Balakrishnan. "International Law and Social Movements: Challenges of Theorizing Resistance." Columbia Journal of Transnational Law 41 (2003): 397-433.
- Rajagopal, Balakrishnan. International Law from Below. Development, Social Movements and Third World Resistance. Cambridge: Cambridge University Press, 2003.
- De la Rasilla del Moral, Ignacio. "The Increasingly Marginal Appreciation of the Margin-of-Appreciation Doctrine." *German Law Journal* 7 (2006): 611-624.
- Rawls, John. "The Independence of Moral Theory." In John Rawls: Collected Papers, edited by Samuel Freeman, 286-302. Cambridge, Mass.: Harvard University Press, 1999.
- Rawls, John. *Justice as Fairness: A Restatement*. Cambridge, MA: Harvard University Press, 2001.
- Rawls, John. The Law of Peoples. Cambridge, Mass.: Harvard University Press, 1999.
- Rawls, John. "Outline of a Decision Procedure for Ethics." In *John Rawls: Collected Papers*, edited by Samuel Freeman, 1-19. Cambridge, Mass.: Harvard University Press, 1999.
- Rawls, John. *Political Liberalism: Expanded Edition*. New York: Columbia University Press, 2005.
- Rawls, John. *A Theory of Justice: Revised Edition*. Cambridge, Mass.: Belknap Press of Harvard University Press, 1999. 1971.
- Raz, Joseph. "The Claims of Reflective Equilibrium." Inquiry 25 (1982): 307-330.
- Raz, Joseph. "On the Authority and Interpretation of Cosntitutions: Some Preliminaries." In *Constitutionalism: Philosophical Foundations*, edited by Larry Alexander. Cambridge: Cambridge University Press, 1998.
- Rees, Madeleine, and Christine Chinkin. "Exposing the Gendered Myth of Post Conflict Transition: The Transformative Power of Economic and Social Rights." New York University Journal of International Law and Politics 48 (2016): 1211-1226.
- Regan, Daniel. "European Consensus": A Worthy Endeavour for the European Court of Human Rights?". *Trinity College Law Review* 14 (2011): 51-76.

- Rietiker, Daniel. "The Principle of 'Effectiveness' in the Recent Jurisprudence of the European Court of Human Rights: Its Different Dimensions and Its Consistency with Public International Law No Need for the Concept of Treaty Sui Generis." *Nordic Journal of International Law* 79 (2010): 245-277.
- Roberts, Anthea, Paul B. Stephan, Pierre-Hugues Verdier, and Mila Versteeg. "Comparative International Law: Framing the Field." *American Journal of International Law* 109 (2015): 467-474.
- Robinson, William I. *Promoting Polyarchy: Globalization, US Intervention and Hegemony*. Cambridge: Cambridge University Press, 1996.
- Rousseau, Jean-Jacques. *The Social Contract*. Translated by G.D.H. Cole. Milton Keynes: Jiahu Books, 2013.
- Rozakis, Christos L. "The Accession of the EU to the ECHR and the Charter of Fundamental Rights: Enlarging the Field of Protection of Human Rights in Europe." In *The EU Accession to the ECHR*, edited by Vasiliki Kosta, Nikos Skoutaris and Vassilis P. Tzevelekos, 327-331. Oxford and Portland: Hart, 2014.
- Rozakis, Christos L. "The European Judge as Comparatist." *Tulane Law Review* 80 (2005): 257-279.
- Rozakis, Christos L. "Through the Looking Glass: An "Insider"'s View of the Margin of Appreciation." In *La conscience des droits: Mélanges en l'honneur de Jean-Paul Costa*, 527-537. Paris: Dalloz, 2011.
- Rudolf, Beate. "European Court of Human Rights: Legal status of postoperative transsexuals." *International Journal of Constitutional Law* 1 (2003): 716-721.
- Ryan, Clare. "Europe's Moral Margin: Parental Aspirations and the European Court of Human Rights." *Columbia Journal of Transnational Law 56* (2018): 467-529.
- Sadurski, Wojciech. Constitutionalism and the Enlargement of Europe. Oxford: Oxford University Press, 2012.
- Said, Edward W. Orientalism. London: Penguin Books, 2003.
- Sandholtz, Wayne. "Expanding Rights: Norm Innovation in the European and Inter-American Courts." In Expanding Human Rights. 21st Century Norms and Governance, edited by Alison Brysk and Michael Stohl, 156-176. Cheltenham: Edward Elgar, 2017.
- Sandland, Ralph. "Crossing and Not Crossing: Gender, Sexuality and Melancholy in the European Court of Human Rights." *Feminist Legal Studies* 11 (2003): 191-209.
- Saul, Matthew. "The European Court of Human Rights' Margin of Appreciation and the Processes of National Parliaments." *Human Rights Law Review* 15 (2015): 745-774.
- Scalia, Antonin. "Keynote Address: Foreign Legal Authority in the Federal Courts." Proceedings of the American Society of International Law 98 (2004): 305-310.
- Scanlon, T.M. "Rawls on Justification." In *The Cambridge Companion to Rawls*, edited by Samuel Freeman, 139-167. Cambridge: Cambridge University Press, 2003.
- Scanlon, T.M. What We Owe to Each Other. Cambridge, Mass.: Belknap Press of Harvard University Press, 1998.

- Schaffer, Johan Karlsson, Andreas Føllesdal, and Geir Ulfstein. "International Human Rights and the Challenge of Legitimacy." In *The Legitimacy of International Human Rights Regimes*, edited by Andreas Føllesdal, Johan Karlsson Schaffer and Geir Ulfstein, 1-31. Cambridge: Cambridge University Press, 2014.
- Schlag, Pierre. "Le hors de texte, c'est moi' The Politics of Form and the Domestication of Deconstruction." *Cardozo Law Review* 11 (1990): 1631-1674.
- Schliesky, Utz. Souveränität und Legitimität von Herrschaftsgewalt. Die Weiterentwicklung von Begriffen der Staatslehre und des Staatsrechts im europäischen Mehrebenensystem. Tübingen: Mohr Siebeck, 2004.
- Schlüter, Alix. "Beweisrechtliche Implikationen der margin of appreciation-Doktrin." *Archiv des Völkerrechts* 54 (2016): 41-66.
- Schmitt, Carl. Der Begriff des Politischen. Berlin: Duncker & Humblot, 2009.
- Schwöbel-Patel, Christine. "Populism, International Law and the End of Keep Calm and Carry on Lawyering." *Netherlands Yearbook of International Law* (2018): 97-121.
- Sedgwick, Eve Kosofsky. "Paranoid Reading and Reparative Reading, or, You're So Paranoid, You Probably Think This Essay Is About You." In *Touching Feeling: Affect, Pedagogy, Performativity*, 123-151. Durham: Duke University Press, 2002.
- Seibert-Fohr, Anja. "The Effect of Subsequent Practice on the European Convention on Human Rights: Considerations from a General International Law Perspective." In *The European Convention on Human Rights and General International Law*, edited by Anne van Aaken and Iulia Motoc, 61-82. Oxford: Oxford University Press, 2018.
- Sen, Amartya. "Elements of a Theory of Human Rights." *Philosophy & Public Affairs* 32 (2004): 315-356.
- Sen, Amartya. The Idea of Justice. London: Penguin Books, 2010.
- Senden, Hanneke. *Interpretation of Fundamental Rights in a Multilevel Legal System*. Cambridge: Intersentia, 2011.
- Seyr, Sibylle. "Verfassungsgerichte und Verfassungsvergleichung. Der EuGH." *Journal für Rechtspolitik* 18 (2010): 230-239.
- Shahid, Masuma. "The Right to Same-Sex Marriage: Assessing the European Court of Human Rights' Consensus-Based Analysis in Recent Judgments Concerning Equal Marriage Rights." *Erasmus Law Review*, no. 3 (2017): 184-198.
- Shany, Yuval. "All Roads Lead to Strasbourg?: Application of the Margin of Appreciation Doctrine by the European Court of Human Rights and the UN Human Rights Committee." *Journal of International Dispute Settlement* 9 (2018): 180-198.
- Shany, Yuval. "Assessing the Effectiveness of International Courts: A Goal-Based Approach." *American Journal of International Law* 106 (2012): 225-270.
- Shany, Yuval. "Toward a General Margin of Appreciation Doctrine in International Law?". *European Journal of International Law* 16 (2006): 907-940.
- Shelton, Dinah. "The Boundaries of Human Rights Jurisdiction in Europe." *Duke Journal of Comparative and International Law* 13 (2003): 95-153.

- Siedentop, Larry. Inventing the Individual. The Origins of Western Liberalism. London: Penguin, 2015.
- Simmons, A. John. "Ideal and Nonideal Theory." *Philosophy & Public Affairs* 38 (2010): 5-36.
- Simmons, Beth A. Mobilizing for Human Rights. International Law in Domestic Politics. Cambridge: Cambridge University Press, 2009.
- Simpson, Gerry. "Imagination." In *Concepts for International Law. Contributions to Disciplinary Thought*, edited by Jean d'Aspremont and Sahib Singh, 413-421. Cheltenham: Edward Elgar, 2019.
- Singer, Peter. "Sidgwick and Reflective Equilibrium." *The Monist* 58 (1974): 490-517.
- Singh, Sahib. "Koskenniemi's Images of the International Lawyer." *Leiden Journal of International Law* 29 (2016): 699-726.
- Skouteris, Thomas. "Fin de NAIL: New Approaches to International Law and its Impact on Contemporary International Legal Scholarship." *Leiden Journal of International Law* 10, no. 3 (1997): 415-420.
- Slaughter, Anne-Marie. "A Typology of Transnational Communication." *University of Richmond Law Review* 29 (1994): 99-137.
- Soley, Ximena, and Silvia Steininger. "Parting Ways or Lashing Back? Withdrawals, Backlash and the Inter-American Court of Human Rights." *International Journal of Law in Context* 14 (2018): 237-257.
- Spade, Dean. "Documenting Gender." Hastings Law Journal 59 (2008): 731-842.
- Spano, Robert. "Universality or Diversity of Human Rights? Strasbourg in the Age of Subsidiarity." *Human Rights Law Review* 14 (2014): 487-502.
- Spiekermann, Kai, and Robert E. Goodin. "Courts of Many Minds." *British Journal of Political Science* 42 (2011): 555-571.
- Spielmann, Dean. "Allowing the Right Margin: The European Court of Human Rights and the National Margin of Appreciation Doctrine. Waiver or Subsidiarity of European Review?". *Cambridge Yearbook of European Legal Studies* 14 (2012): 381-418.
- Spielmann, Dean. "The European Court of Human Rights: Master of the Law but not of the Facts?" In Speech to the British Institute of International and Comparative Law, 2014.
- Spielmann, Dean. "Whither the Margin of Appreciation?". Current Legal Problems 67 (2014): 49-65.
- Spivak, Gayatri Chakravorty. *In Other Worlds. Essays in Cultural Politics*. Abingdon: Routledge, 1998.
- Steiner, Henry, and Philip Alston. *International Human Rights in Context: Law, Politics, and Morals.* 1st ed. Oxford: Oxford University Press, 1996.
- Stone Sweet, Alec, and Thomas L. Brunell. "Trustee Courts and the Judicialization of International Regimes: The Politics of Majoritarian Activism in the European Convention on Human Rights, the European Union, and the World Trade Organization." *Journal of Law and Courts* 1 (2013): 61-88.

- Sweeney, James A. "A 'Margin of Appreciation' in the Internal Market: Lessons from the European Court of Human Rights." *Legal Issues of Economic Integration* 34 (2007): 27-52.
- Tedeschini, Michele. "The Politics of International Lawyers: Whose Legacy Is at Stake? Reflections on Martti Koskenniemi's Series on 'The Politics of International Law'." *Critical Legal Thinking*, 2019. Available at <a href="http://criticallegalthinking.com/2019/07/15/politics-of-international-lawyers-whose-legacy-is-at-stake-martti-koskenniemi/">http://criticallegalthinking.com/2019/07/15/politics-of-international-lawyers-whose-legacy-is-at-stake-martti-koskenniemi/</a>.
- Theilen, Jens T. "Beyond the Gender Binary: Rethinking the Right to Legal Gender Recognition." *European Human Rights Law Review*, no. 3 (2018): 249-257.
- Theilen, Jens T. "Depathologisation of Transgenderism and International Human Rights Law." *Human Rights Law Review* 14 (2014): 327-342.
- Theilen, Jens T. "The Inflation of Human Rights: A Deconstruction." *Leiden Journal of International Law* 34 (2021): forthcoming.
- Theilen, Jens T. "Levels of Generality in the Comparative Reasoning of the European Court of Human Rights and the European Court of Justice: Towards Judicial Reflective Equilibrium." In *Building Consensus on European Consensus: Judicial Interpretation of Human Rights in Europe and Beyond*, edited by Panos Kapotas and Vassilis Tzevelekos, 392-420. Cambridge: Cambridge University Press, 2019.
- Theilen, Jens T. "The Long Road to Recognition: Transgender Rights and Transgender Reality in Europe." In *Transsexualität in Theologie und Neurowissenschaften. Ergebnisse, Kontroversen, Perspektiven*, edited by Gerhard Schreiber, 373-390. Berlin, Boston: de Gruyter, 2016.
- Theilen, Jens T. "Of Wonder and Changing the World: Philip Allott's Legal Utopianism." *German Yearbook of International Law* 60 (2017): 337-367.
- Theilen, Jens T. "Pre-existing Rights and Future Articulations: Temporal Rhetoric in the Struggle for Trans Rights." In *Cambridge Handbook of New Human Rights. Recognition, Novelty, Rhetoric*, edited by Andreas von Arnauld, Kerstin von der Decken and Mart Susi, 207-214. Cambridge: Cambridge University Press, 2020.
- Theilen, Jens T. "Towards Acceptance of Religious Pluralism: The Federal Constitutional Court's Second Judgment on Muslim Teachers Wearing Headscarves." *German Yearbook of International Law* 58 (2015): 503-520.
- Theilen, Jens T., Isabelle Hassfurther, and Wiebke Staff. "Towards Utopia Rethinking International Law." *German Yearbook of International Law* 60 (2017): 315-335.
- Thienel, Tobias. "The Burden and Standard of Proof in the European Court of Human Rights." *German Yearbook of International Law* 50 (2007): 543-588.
- Timmer, Alexandra. "Toward an Anti-Stereotyping Approach for the European Court of Human Rights." *Human Rights Law Review* 11, no. 4 (2011): 707-738.
- De Tocqueville, Alexis. *Democracy in America: Historical-Critical Edition of De la démocratie en Amérique*. Translated by James T. Schleifer. Indianapolis: Liberty Fund, 2010.

- Tulkens, Françoise. "Execution and Effects of the Judgments of the European Court of Human Rights. The Role of the Judiciary." In *Dialogue between judges, European Court of Human Rights*, 8-14, 2006.
- Tushnet, Mark. Taking the Constitution Away from the Courts. Princeton, N.J.: Princeton University Press, 1999.
- Tzevelekos, Vassilis. "The Use of Article 31(3)(C) of the VCLT in the Case Law of the ECtHR: An Effective Anti-Fragmentation Tool or a Selective Loophole for the Reinforcement of Human Rights Teleology?". *Michigan Journal of International Law* 31 (2010): 621-690.
- Tzevelekos, Vassilis, and Kanstantsin Dzehtsiarou. "International Custom Making and the ECtHR's European Consensus Method of Interpretation." *European Yearbook on Human Rights* (2016): 313-343.
- Tzevelekos, Vassilis, and Panos Kapotas. "Book review of Dzehtsiarou, 'European Consensus'." Common Market Law Review 53 (2016): 1145-1148.
- Tzouvala, Ntina. Capitalism as Civilisation. A History of International Law. Cambridge: Cambridge University Press, 2020.
- Tzouvala, Ntina. "New Approaches to International Law: The History of a Project." European Journal of International Law 27, no. 1 (2016): 215-233.
- Ulfstein, Geir. "Evolutive Interpretation in the Light of Other International Instruments: Law and Legitimacy." In *The European Convention on Human Rights and General International Law*, edited by Anne van Aaken and Iulia Motoc, 83-94. Oxford: Oxford University Press, 2018.
- Von Ungern-Sternberg, Antje. "Anmerkung zu S.A.S. ./. Frankreich Burkaverbot." MenschenrechtsMagazin (2015): 61-63.
- Von Ungern-Sternberg, Antje. "Die Konsensmethode des EGMR. Eine kritische Bewertung mit Blick auf das völkerrechtliche Konsens- und das innerstaatliche Demokratieprinzip." *Archiv des Völkerrechts* 51 (2013): 312-338.
- Valentine, David. *Imagining Transgender. An Ethnography of a Category*. Durham and London: Duke University Press, 2007.
- Van Drooghenbroeck, Sébastien. La Proportionnalité dans le Droit de la Convention Européenne des Droits de l'Homme. Bruxelles: Bruylant, 2001.
- Větrovský, Jaroslav. "Determining the Content of the European Consenus Concept: The Hidden Role of Language." In *Building Consensus on European Consensus. Judicial Interpretation of Human Rights in Europe and Beyond*, edited by Panos Kapotas and Vassilis Tzevelekos, 120-140. Cambridge: Cambridge University Press, 2019.
- Vogiatzis, Nikos. "The Relationship Between European Consensus, the Margin of Appreciation and the Legitimacy of the Strasbourg Court." *European Public Law* 25, no. 3 (2019): 445-480.
- Waldron, Jeremy. "The Core of the Case Against Judicial Review." *Yale Law Journal* 115 (2005-2006): 1346-1406.
- Waldron, Jeremy. "Democratic Theory and the Public Interest: Condorcet and Rousseau Revisited." *The American Political Science Review* 83 (1989): 1322-1328.

- Waldron, Jeremy. "Foreign Law and the Modern Ius Gentium." Harvard Law Review 119 (2005): 129-147.
- Waldron, Jeremy. Law and Disagreement. Oxford: Oxford University Press, 1999.
- Waldron, Jeremy. "Rights and Majorities: Rousseau Revisited." *Nomos* 32 (1990): 44-75.
- Wasserstrom, Richard A. *The Judicial Decision. Toward a Theory of Legal Justification*. Stanford: Stanford University Press, 1961.
- Weber, Cynthia. Queer International Relations. Sovereignty, Sexuality and the Will to Knowledge. Oxford: Oxford University Press, 2016.
- Weber, Max. Wirtschaft und Gesellschaft. Grundriss der verstehenden Soziologie. 5th ed. Tübingen: Mohr Siebeck, 1972.
- Weil, Prosper. "Towards Relative Normativity in International Law?". American Journal of International Law 77 (1983): 413-442.
- Weiler, J.H.H. "Does Europe Need a Constitution? Demos, Telos and the German Maastricht Decision." *European Law Journal* 1 (1995): 219-258.
- Wheatley, Steven. "Minorities under the ECHR and the Construction of a 'Democratic Society'." *Public Law* (2007): 770-792.
- Wheatley, Steven. "On the Legitimate Authority of International Human Rights Bodies." In *The Legitimacy of International Human Rights Regimes. Legal, Political and Philosophical Perspectives*, edited by Andreas Føllesdal, Johan Karlsson Schaffer and Geir Ulfstein, 84-116. Cambridge: Cambridge University Press, 2013.
- Wildhaber, Luzius, Arnaldur Hjartarson, and Stephen Donnelly. "No Consensus on Consensus? The Practice of the European Court of Human Rights." *Human Rights Law Journal* 33 (2013): 248-263.
- Wintemute, Robert. "Consensus Is the Right Approach for the European Court of Human Rights." *The Guardian*, 12 August 2010.
- Wittinger, Michaela. Der Europarat: Die Entwicklung seines Rechts und der "europäischen Verfassungswerte". Baden-Baden: Nomos, 2005.
- Yildiz, Ezgi. "A Court with Many Faces: Judicial Characters and Modes of Norm Development in the European Court of Human Rights." *European Journal of International Law* 31 (2020): 73-99.
- Yoshino, Kenji. "Of Stranger Spaces." In *Law and the Stranger*, edited by Austin Sarat, Lawrence Douglas and Martha Merrill Umphrey, 211-234. Palo Alto: Stanford University Press, 2010.
- Yourow, Howard Charles. The Margin of Appreciation Doctrine in the Dynamics of the European Human Rights Jurisprudence. The Hague: Martinus Nijhoff Publishers, 1996.
- Zemanek, Karl. "Court Generated State Practice?". Austrian Review of International and European Law 20 (2015): 3-14.
- Ziemele, Ineta. "Customary International Law in the Case Law of the European Court of Human Rights The Method." *The Law and Practice of International Courts and Tribunals* 12 (2013): 243-252.

- Ziemele, Ineta. "European Consensus and International Law." In *The European Convention on Human Rights and General International Law*, edited by Anne van Aaken and Iulia Motoc, 23-40. Oxford: Oxford University Press, 2018.
- Ziyadov, Nazim. "From Justice to Injustice: Lowering the Threshold of European Consensus in Oliari and Others versus Italy." *Indiana Journal of Global Legal Studies* 26, no. 2 (2019): 631-672.
- Zoethout, Carla M. "The Dilemma of Constitutional Comparativism." Zeitschrift für ausländisches öffentliches Recht und Völkerrecht 71 (2011): 787-806.
- Zürn, Michael. "Perspektiven des demokratischen Regierens und die Rolle der Politikwissenschaft im 21. Jahrhundert." *Politische Vierteljahresschrift* 52 (2011): 603-635.
- 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 *The European Court of Human Rights and Its Discontents: Turning Criticism Into Strength*, edited by Spyridon Flogaitis, Tom Zwart and Julie Fraser, 71-95. Cheltenham: Edward Elgar, 2013.
- Zysset, Alain. The ECHR and Human Rights Theory: Reconciling the Moral and Political Conceptions. Abington: Routledge, 2017.