



**DANH MỤC TÀI LIỆU VỀ CHỦ NGHĨA HIẾN PHÁP**  
*(Quý 2 năm 2023 – Phần 2)*

**I. SÁCH, LUẬN ÁN**

1. **Chủ nghĩa hiến pháp: Lý luận và thực tiễn ở Việt Nam** / Nguyễn Minh Tâm.-Hà Nội, 2020.-206 tr.

Những vấn đề lý luận của chủ nghĩa Hiến pháp. Sự phát triển của chủ nghĩa Hiến pháp ở Việt Nam. Thuận lợi, thách thức và triển vọng của chủ nghĩa Hiến pháp ở Việt Nam.

2. **Pháp quyền và chủ nghĩa hiến pháp - Một số vấn đề lý luận và thực tiễn: Sách tham khảo** / Vũ Công Giao, Đặng Minh Tuấn (đồng chủ biên).-Hà Nội.: Chính trị Quốc gia, 2019.-432tr

3. **Sự thay đổi của chủ nghĩa hiến pháp ở Việt Nam: Tìm hiểu những yếu tố ảnh hưởng đến quá trình dịch chuyển của hiến pháp Việt Nam sang chủ nghĩa hiến pháp hiện đại** / Nguyễn Thị Hồng // LATS .-Brisbane., 2017

Luận án đánh giá quá trình phát triển của chủ nghĩa hiến pháp ở Việt Nam thông qua việc ban hành, sửa đổi, bổ sung các bản Hiến pháp, cụ thể là Hiến pháp 1992, Hiến pháp 1992 đã được sửa đổi năm 2001 và Hiến pháp 2013; nghiên cứu các yếu tố ảnh hưởng đến sự phát triển của chủ nghĩa hiến pháp ở Việt Nam

**II. TẠP CHÍ**

4. **Chủ nghĩa hiến pháp - Bản chất, các yếu tố cấu thành** / Thái Vĩnh Thắng, Hoàng Văn Nghĩa // Luật học. 2020. - Số 6, tr. 3-15.

5. **Chủ nghĩa hiến pháp và những yếu tố cấu thành** / Nguyễn Đăng Dung // Nghiên cứu lập pháp. Số 2/2009, tr. 67 – 71, 101.

6. **Chúng ta cần Hiến pháp hay Chủ nghĩa hiến pháp/Chủ nghĩa hợp hiến** / Nguyễn Đăng Dung, Nguyễn Duy Đăng // Nghiên cứu lập pháp. Số 13/2013, tr. 3 - 7.

7. **Một số vấn đề lý luận về chủ nghĩa hiến pháp** / Vũ Công Giao, Nguyễn Minh Tâm // Luật học. 2019. - Số 8, tr. 14-28.

8. **Pháp quyền và chủ nghĩa hiến pháp** / Nguyễn Đăng Dung, Vũ Thành Cự // *Nghiên cứu lập pháp*. 2021. - Số 3+4, tr. 5-11.
9. **Từ chủ nghĩa hiến pháp đến Hiến pháp** / Nguyễn Đăng Dung // *Lý luận chính trị*. Số 2/2012, tr. 81 - 84.
10. **Lịch sử lập hiến Trung Quốc từ thời kỳ cộng hoà đến hiện nay** / Nguyễn Minh Tâm // *Luật học (ĐHQG Hà Nội)* - 2021 - no.3 - tr.21-29 - ISSN.0866-8612
11. **Giới hạn quyền con người, quyền công dân tại Việt Nam: Nguyên tắc hiến pháp và vấn đề thực thi** / Đặng Minh Tuấn; Lê Quỳnh Mai // *Khoa học Kiểm sát* - 2020 - no.42 - tr.53-60 - ISSN.2354-063X
12. **Nhà nước pháp quyền ở Việt Nam** / Nguyễn Duy Quý // *Thông tin Khoa học xã hội* - 2015 - no.9 - tr.3-9 - ISSN.0866-8647
13. **Nhìn lại hoạt động giám sát tối cao của Quốc hội trong 70 năm qua** / Trương Thị Hồng Hà // *Nghiên cứu Lập pháp* - 2015 - no.24 - tr.3-10 - ISSN.1859-2953
14. **Tăng cường quan hệ phối hợp giữa tòa án nhân dân với cơ quan điều tra, đẩy mạnh đấu tranh phòng, chống tội phạm, giữ vững an ninh chính trị và trật tự, an toàn xã hội, góp phần đẩy mạnh phát triển kinh tế đất nước** / Trương Hòa Bình // *Tạp chí Cộng sản* - 2016 - no.884 - tr.20-27

### III. TÀI LIỆU NƯỚC NGOÀI

15. **Populism, authoritarianism and constitutionalism** / Halmai, Gábor. *German Law Journal; Toronto* Vol. 20, Iss. 3, (Apr 2019): 296-313.
16. **Constitutionalism and Sovereign Wealth Funds** / Grasso, Giorgio. *Global Jurist; Berlin* Vol. 17, Iss. 2, (2017): 771-797.
17. **Against Bidimensional Supremacy in EU Constitutionalism** / Perju, Vlad. *German Law Journal; Toronto* Vol. 21, Iss. 5, (Jul 2020): 1006-1022.
18. **Societal Constitutionalism, Social Movements, and Constitutionalism from Below** / Anderson, Gavin W. *Indiana Journal of Global Legal Studies; Bloomington* Vol. 20, Iss. 2, (2013): 881-906
19. **Populism and Liberal Constitutionalism: A Proposal to Define the Impact of Populism on the Constitutional Framework** / Szentgáli-Tóth, Boldizsár; Antonio Simonelli Marco. *Public Governance, Administration and Finances Law Review; Budapest* Vol. 7, Iss. 2, (2022): 139-155.

20. **The Age of Dignity, Human Rights and Constitutionalism in Europe** by Catherine Dupré / Knight, Julie C. *Yearbook of European Law; Oxford Vol. 35, Iss. 1, (Dec 2016): 715-719.*
21. **Democracy, rule of law and human rights protection under gradually developed constitutionalism: by the clue of administrative law** / Wang, Zhuojun. *Frontiers of Law in China; Beijing Vol. 2, Iss. 3, (Jul 2007): 335-352.*
22. **Global constitutionalism as agora: Interdisciplinary encounters, cultural recognition and global diversity** / Wiener, Antje; Dunoff, Jeffrey L; Havercroft, Jonathan; Kumm, Mattias; KOVÁCS, KRISZTA. *Global Constitutionalism; Cambridge Vol. 8, Iss. 1, (Mar 2019): 1-11.*
23. **Law, State, and Society in Modern Iran: Constitutionalism, Autocracy, and Legal Reform, 1906-1941** / Chehabi, H E. *Insight Turkey; Ankara Vol. 18, Iss. 1, (Winter 2016): 251-252.*
24. **Global constitutionalism: A practical universal** / Lang, Anthony F, Jr. *Global Constitutionalism; Cambridge Vol. 10, Iss. 2, (Jul 2021): 367-375.*
25. **Introduction: Populist constitutionalism: Varieties, complexities, and contradictions** / Blokker, Paul; Bugarcic, Bojan; Halmai, Gábor. *German Law Journal; Toronto Vol. 20, Iss. 3, (Apr 2019): 291-295.*
26. **Conflicting Conceptions of Constitutionalism: Investment Protection from the European Union and International Perspectives** / Sipiorski, Emily. *Netherlands International Law Review; Dordrecht Vol. 66, Iss. 2, (Jul 2019): 219-236.*
27. **Populist constitutionalism and constituent power** / Doyle, Oran. *German Law Journal; Toronto Vol. 20, Iss. 2, (Apr 2019): 161-180.*
28. **Constitutionalism and Development: A Mismatch or a Dream-Team?** / Harding, Andrew. *Law and Development Review; Berlin Vol. 12, Iss. 3, (2019): 647-668.*
29. **Environmental Constitutionalism: A Comparative Study** / O'Gorman, Roderic. *Transnational Environmental Law; Cambridge Vol. 6, Iss. 3, (Nov 2017): 435-462.*
30. **Global constitutionalism in Taiwan** / Lin, Chien-Chih. *Global Constitutionalism; Cambridge Vol. 10, Iss. 2, (Jul 2021): 275-289.*
31. **Global public-private partnerships and the new constitutionalism of the refugee regime** / MACHACEK, MARK. *Global Constitutionalism; Cambridge Vol. 7, Iss. 2, (Jul 2018): 204-235.*

32. **Constitution transformation** / Saunders, Cheryl. *Global Constitutionalism; Cambridge Vol. 10, Iss. 2, (Jul 2021): 237-255.*
33. **Global informalism and the G20** / Slaughter, Steven. *Journal of International Relations and Development; London Vol. 24, Iss. 3, (Sep 2021): 533-554.*
34. **Constitutionalism and populism: national political integration and global legal integration** / Thornhill, Chris. *International Theory: A Journal of International Politics, Law and Philosophy; Cambridge Vol. 12, Iss. 1, (Mar 2020): 1-32.*
35. **Anticolonial Constitutionalism: The Case of Ho Chi Minh** / BUI, SON NGOC. *Japanese Journal of Political Science; Cambridge Vol. 19, Iss. 2, (Jun 2018): 197-221.*
36. **Economic Constitutionalism in the EU and Germany – The German Constitutional Court, the European Court of Justice and the European Central Bank between Law and Politics** / Bröhmer, Jürgen. *Law and Development Review; Berlin Vol. 12, Iss. 3, (2019): 761-795.*
37. **The internationalization of Law through human rights: Initial thoughts for the future of constitutionalism** / Gustavo Oliveira Vieira; Jose Luis Bolzan de Moraes. *Revista de Estudos Constitucionais, Hermenêutica e Teoria do Direito; São Leopoldo Vol. 4, Iss. 2, (Jul-Dec 2012): 175-184.*
38. **Value Constitutionalism in the European Union** / Schorkopf, Frank. *German Law Journal; Toronto Vol. 21, Iss. 5, (Jul 2020): 956-967.*
39. **Political Constitutionalism under a Culture of Legalism: Case Studies from Ireland** / Casey, Conor; Daly, Eoin. *European Constitutional Law Review; Dordrecht Vol. 17, Iss. 2, (Jun 2021): 202-231*
40. **Critical theory and legal autopoiesis : the case for societal constitutionalism** / Gunther Teubner (Author).-Manchester University Press, Manchester, 2019

This volume collects and revises the key essays of Gunther Teubner, one of the world's leading sociologists of law. Written over the past twenty years, these essays examine the 'dark side' of functional differentiation and the prospects of societal constitutionalism as a possible remedy. Teubner's claim is that critical accounts of law and society require reformulation in the light of the sophisticated diagnoses of late modernity in the writings of Niklas Luhmann, Jacques Derrida and select examples of modernist literature. Autopoiesis, deconstruction and other post-foundational epistemological and political realities compel us to confront the fact that fundamental democratic concepts such

as law and justice can no longer be based on theories of stringent argumentation or analytical philosophy. We must now approach law in terms of contingency and self-subversion rather than in terms of logical consistency and rational coherence

**41. Reclaiming constitutionalism : democracy, power, and the state / Maria Tzanakopoulou (Author).**-Hart Publishing, Oxford, 2018

Reclaiming Constitutionalism articulates an argument for why the constitutional phenomenon remains attached to the state - despite the recent advent of theories of global constitutionalism. Drawing from the idea that constitutionalism historically sought to build social consensus, this book argues that the primary aim of constitutionalism is to create social peace and to shield, rather than to limit, the power of political elites in any given state. Implicit in the effort to preserve social peace is the fundamentally important acknowledgement of social conflict.

**42. Global constitutionalism and its challenges to Westphalian constitutional law / Martin Belov (Editor).**-Hart Publishing, Portland, Oregon, 2018

This book critically assesses the structural and functional transformations in the Westphalian constitutional tradition produced by the emergence of supranational and global constitutionalism. In so doing, it evaluates the theory of global constitutionalism, its legal and socio-political limits, and important issues concerning the supranational constitutionalism of the EU. This leads to an articulation of the constitutional theory of the emerging post-Westphalian constitutionalism, examining its development during a period of significantly increased access to and sharing of information, increased mobility and more open statehood, as well as the rise of human rights and its encounter with populism and nationalism. This book will be of great interest to scholars of constitutional law and theory, particularly those with an interest in globalisation and supranationalism

**43. Debating legal pluralism and constitutionalism : new trajectories for legal theory in the global age / Guillaume Tusseau (Editor).**-Springer, Cham, Switzerland, 2020

The book gathers the general report and the national reports presented at the XXth General Congress of the IACL, in Fukuoka (Japan), on the topic "Debating legal pluralism and constitutionalism: new trajectories for legal theory in the global age". Discussing the major contemporary changes occurring in and problems faced by domestic legal systems in the global age, the book describes how and to what extent these trends affect domestic

legal orderings and practices, and challenges the traditional theoretical lenses that are offered to tackle them: constitutionalism and pluralism

44. **Global Constitutionalism and Its Challenges to the Westphalian Constitutional Law** / *Martin Belov.-Bloomsbury Publishing PLC, London, 2018*

45. **Global constitutionalism : a socio-legal perspective** / *Aydin Atilgan (Author)/Springer, Berlin, Germany, 2018*

This book provides insights into the viability of the idea of global constitution. Global constitutionalism has emerged as an alternative paradigm for international law. However, in view of the complex and varied structure of contemporary constitutionalism, in reality it is extremely difficult to use constitutional law to provide a new paradigm for international law. The book argues that the cultural paradigm can offer functional tools for the global constitutionalism discourse. In other words, global constitutionalism could be handled in the context of a global "constitutional culture" instead of a global constitution

46. **Constitutionalism and constitution of India** / *Stuti Deka (Author).-EBH Publishers (India), Guwahati, 2018*

47. **There Is No Supreme Constitution A Critique of Statist-Individualist Constitutionalism** / *Koos Malan.-African Sun Media, Stellenbosch, 2019*

None of the articles of faith of the South African Constitution is plausible. The Constitution is not supreme and entrenched. Vulnerable to potent socio-political forces it changes continuously and often profoundly regardless of stringent amendment requirements. The trite threefold separation of powers is more metaphorical than real and therefore unable to secure effective checks and balances. Though institutionally separated with their own personnel and functions, the three powers are ordinarily integrated in a single dominant political leadership, committed to achieving the same ideological goals

48. **Digital constitutionalism : the role of internet bills of rights** / *Edoardo Celeste (Author).-Routledge, Abingdon, Oxon, 2023*

Constitutional law struggles to address all the challenges of the digital environment. In this context, Internet bills of rights, by emerging outside traditional institutional processes, represent a unique response to suggest new constitutional solutions for the digital age. Explaining how constitutional law is reacting to the advent of the digital revolution and analysing the constitutional function of Internet Bills of Rights in this context, this book offers a global comparative investigation of the latest transformations

that digital technology is generating in the constitutional ecosystem and highlights the plural and multilevel process that is contributing to shape constitutional norms for the Internet age"-- Provided by publisher

49. **Canada and the ethics of constitutionalism : identity, destiny, and constitutional faith** / *Samuel V. LaSelva (Author).*-*McGill-Queen's University Press, Montreal, 2018*

A new perspective on the Canadian Constitution that focuses on Canada's distinctive contribution to constitutional ethics

50. **Overcoming necessity : emergency, constraint, and the meanings of American constitutionalism** / *Thomas P. Crocker (Author).*-*Yale University Press, New Haven, 2020*

This book is rooted in the post-9/11 debate over the scope of the president's authority to react to perceived emergency. One side argues for unbounded and unilateral executive authority, and the other a recommitment to rights, subject to circumstantial limits. Almost all sides converge on some variation of the idea that during emergencies the laws must give way (they just disagree over when and how they give way), that the constitution is not a 'suicide pact,' and that executive officials must be given leeway to act against the law, even if subject to post-hoc accountability

51. **Minobe Tatsukichi Interpreter of Constitutionalism in Japan** / *Frank O. Miller.*-*University of California Press, Berkeley, [2020]*

This title is part of UC Press's Voices Revived program, which commemorates University of California Press's mission to seek out and cultivate the brightest minds and give them voice, reach, and impact. Drawing on a backlist dating to 1893, Voices Revived makes high-quality, peer-reviewed scholarship accessible once again using print-on-demand technology. This title was originally published in 1965

52. **Power and liberty : constitutionalism in the American Revolution** / *Gordon S. Wood (Author).*-*Oxford University Press, New York, NY, 2021*

This book deals with important issues of constitutionalism in the American Revolution. It ranges from the imperial debate that led to the Declaration of Independence to the revolutionary state constitution making in 1776 and the creation of the Federal Constitution in 1787. It includes a discussion of slavery and constitutionalism, the emergence of the judiciary as one of the major tripartite institutions of government, and

the demarcation between public and private that was a consequence of the government"--

Provided by publisher

**53. Digital constitutionalism in Europe : reframing rights and powers in the algorithmic society / Giovanni De Gregorio (Author).**-Cambridge University Press, Cambridge, United Kingdom, 2022

This book is about rights and powers in the digital age. It is an attempt to reframe the role of constitutional democracies in the algorithmic society. By focusing on the European constitutional framework as a lodestar, this book examines the rise and consolidation of digital constitutionalism as a reaction to digital capitalism

**54. Antonin Scalia and American constitutionalism : the historical significance of a judicial icon / Edward A. Purcell (Author) .**-Oxford University Press, New York, NY, 2020

Antonin Scalia and American Constitutionalism is a critical study of Justice Antonin Scalia's jurisprudence, his work on the U.S. Supreme Court, and his significance for an understanding of American constitutionalism. After tracing Scalia's emergence as a hero of the political right and his opposition to many of the decisions of the Warren Court, this book examines his general jurisprudential theory of originalism and textualism, arguing that he failed to produce either the objective method he claimed or the "correct" constitutional results he promised.

**55. Global intellectual property protection and new constitutionalism : hedging exclusive rights / Jonathan Griffiths (Editor), Tuomas Mylly (Editor).**-Oxford University Press, Oxford, 2021

This collection of essays, written by international experts and covering a range of different areas of intellectual property law, draws on constitutional theory, and particularly on ideas of 'new constitutionalism', to engage with the complex array of contemporary legal constraints on intellectual property law-making

**56. Climate constitutionalism momentum adaptive legal systems / Pasquale Viola (Author).**-Springer, Cham, Switzerland, 2022

The book introduces the international efforts in acknowledging the need for concrete measures to achieve ambitious results, addressing the comparative public law debate, merging theoretical appraisals and quantitative insights under a top-down approach and a civil-law methodology. Furthermore, the book combines theoretical and empirical viewpoints in reference to climate justice and litigation. The last part of the argumentative



pattern merges the aforementioned key elements and grounds of investigation, providing an overall account of the current climate constitutionalism momentum

**57. The public uses of coercion and force : from constitutionalism to war** / Ester Herlin-Karnell (Editor), Enzo Rossi (Editor).-Oxford University Press, New York, NY, 2021

This book aims to explore that connection through the lens of the relationship between law and (just) war theory from a Kantian perspective. The various contributions in this book investigate both extremes of the spectrum: national and transnational constitutionalism and acts of war, and their relationship. The key questions considered- directly or indirectly- by all the contributors are the following: what, if any, are the normatively salient differences between states' internal coercion and the external use of force? Is it possible to isolate the constitutional level from other aspects of the state's coercive reach? How could that be done while at the same time guaranteeing a robust conception of human rights and adherence to the rule of law? Likewise, is war an extension of political practice or an alternative to it?

**58. Power to the people : constitutionalism in the age of populism** / Mark Tushnet (Author), Bojan Bugarič (Author.-Oxford University Press, New York, NY, 2021

What is constitutionalism? The only sensible follow-up is, Why do you want to know? Scores of books have been written offering scores of descriptions of constitutionalism: descriptions of the real world of constitutions and prescriptions for the authors' "best" account of constitutionalism as a system of values. Each author has in mind some purpose for which she is providing the description. As should be clear already, our purpose is to provide some leverage on the analysis of contemporary populism. That purpose sets some important guidelines for our answer to the question posed in the Chapter's title. Because we are interested in contemporary populism, we are interested in contemporary constitutionalism. We aren't going to spend time on describing "Athenian" constitutionalism, or "medieval" constitutionalism, although for other purposes examining those and many other forms of constitutionalism would be quite valuable. More important, we aren't going to discuss constitutionalism as what philosophers call a "regulative ideal" - a reasonably comprehensive set of values that we could use as a benchmark against which we could measure actual constitutional performance. Consider a relatively simple question: Are laws against hate speech consistent with constitutionalism as a regulative ideal?

59. **A Theory of African Constitutionalism** / *Berihun Adugna Gebeye (Author)*.-Oxford University Press, Oxford, United Kingdom, 2021

This title offers both a theoretically and comparatively rich, historically and contextually informed, and temporally and spatially extensive account of the nature, travails, and incremental successes of African constitutionalism with detailed case studies from Nigeria, Ethiopia, and South Africa. A Theory of African Constitutionalism provides scholars, policymakers, governments, and constitution builders in Africa and beyond with new insights for reimagining the purpose, substance, and scope of constitutions and constitutionalism.

60. **Eternity clauses in democratic constitutionalism** / *Silvia Suteu (Author)*.-Oxford University Press, Oxford, United Kingdom, 2021

This book analyses unamendability in democratic constitutionalism and engages critically and systematically with its perils, offering a much-needed corrective to existing understandings of this phenomenon. Whether formalized in the constitutional text or developed as part of judicial doctrines of implicit unamendability, eternity clauses raise fundamental questions about the core democratic commitments underpinning any given constitution. The book takes seriously the democratic challenge eternity clauses pose and argues that this goes beyond the old tension between constitutionalism and democracy. Instead, eternity clauses reveal themselves to be a far more ambivalent constitutional mechanism, one with greater and more insidious potential for abuse than has been recognized.

61. **Common good constitutionalism : recovering the classical legal tradition** / *Adrian Vermeule (Author)*.-Polity Press, Cambridge, UK, 2022

The way that Americans understand their Constitution and wider legal tradition has been dominated in recent decades by two exhausted approaches: the originalism of conservatives and the 'living constitutionalism' of progressives. Is it time to look for an alternative? Adrian Vermeule argues that the alternative has been there, buried in the American legal tradition, all along. He shows that US law was, from the founding, subsumed within the broad framework of the classical legal tradition, which conceives law as 'a reasoned ordering to the common good.' In this view, law's purpose is to promote the goods a flourishing political community requires: justice, peace, prosperity, and morality. He shows how this legacy has been lost, despite still being implicit within American public

law, and convincingly argues for its recovery in the form of 'common good constitutionalism

62. **Constitutionalism : old dilemmas, new insights** / *Academic Conference of the Constitutional Court of the Republic of Colombia (Creator), Alejandro Linares Cantillo (Editor).*-Oxford University Press, Oxford, 2021

This compilation of twenty essays gathers some of the most prominent authors in constitutionalism and legal theory to critically examine classical debates, such as the role of judicial review in a democracy, the enforcement of socio-economic rights, the doctrine of unconstitutional amendments, and the theory of transitional justice

63. **Christianity and constitutionalism** / *Nicholas Aroney (Editor), I. Leigh (Editor).*-Oxford University Press, New York, NY, United States of America, 2022

A groundbreaking new collection, 'Christianity and Constitutionalism' offers a variety of interdisciplinary perspectives on the relationship between Christian thought, history, and practice, and constitutional law and its related fields

64. **Constitutionalism justified : Rainer Forst in discourse** / *Ester Herlin-Karnell (Editor), Matthias Klatt (Editor), Hector A. Morales Zúñiga (Editor).*-Oxford University Press, New York, NY, 2019

Rainer Forst is a leading German political philosopher and was named "the most important political philosopher of his generation" upon his 2012 receipt of the Leibniz Prize. This book brings together discussion from political philosophy, constitutional theory, and legal philosophy to examine Forst's theory of justice, paying special attention to the application of his moral theory to legal fields. Forst then responds to his interlocutors in a concluding chapter

65. **Western constitutionalism : history, institutions, comparative law** / *Andrea Buratti (Author).*-Springer, Cham, Switzerland, 2019

This innovative textbook provides an introduction into comparative constitutional law to undergraduate and graduate students. Combining a clear and practical explanation of the topics with scientific knowledge, the textbook analyzes the origins and the development of constitutional law in the Western world, as well as the structure and transformations of constitutional law, up to the present day. It also examines the theoretical roots and the historical premises of constitutionalism, and explores the foundation of

constitutional law in Western countries since the Age of Revolutions and the 19th Century, underlining the different constitutional traditions.

**66. Constitutionalism under extreme conditions : law, emergency, exception /** *Richard Albert (Editor), Yaniv Roznai (Editor).*-Springer, Cham, Switzerland, 2020

This book examines the problem of constitutional change in times of crisis. Divided into five main parts, it both explores and interrogates how public law manages change in periods of extraordinary pressure on the constitution

**67. The principles of constitutionalism /** *N. W. Barber (Author).*-Oxford University Press, Oxford, United Kingdom, 2018

In this follow-up to the Constitutional State, Nick Barber sets out how the principle of societal good should shape constitutions, in particular the composition and relationships of state institutions. Coverage includes sovereignty, the separation of powers, the rule of law, subsidiarity, democracy, and civil society.

**68. Peacebuilding, constitutionalism and the global south the case for cognitive justice plurinationalism /** *Kajit J. Bagu (Author).*-Routledge, Abingdon, Oxon, 2019

This book presents the case that liberal constitutionalism in the global South is a legacy of colonialism and is inappropriate as a means of securing effective peace in regions that have been subject to recurrent conflict. The work demonstrates the failure of liberal constitutionalism in guaranteeing peace in the postcolonial global South. It develops an alternative, more compelling constitutionalism for peacebuilding in conflicted regions. This is based on constitutionalism that recognises plurality as a major feature in the global South

**69. States in American constitutionalism : interpretation, authority, and politics /** *Bradley D. Hays (Author)* .-Routledge, New York, NY, 2019

States in American Constitutionalism: Interpretation, Authority, and Politics examines the often overlooked role that states have played in the development and maintenance of American constitutionalism by examining the purpose and effect of state resolutions on national constitutional meaning. From colonial practices through contemporary politics, subnational governments have made claims about what national constitutional provisions and principles ought to mean, fashioned political coalitions to back them, and asserted their authority to provoke constitutional settlement. Yet, this practice has been far from static

70. **Global constitutionalism from European and East Asian perspectives** / *Takao Suami (Editor), Anne Peters (Editor), Mattias Kumm (Editor), Dimitri Vanoverbeke (Editor)*.-Cambridge University Press, Cambridge, United Kingdom, 2018

Global Constitutionalism argues that parts of international law can be understood as being grounded in the rule of law and human rights, and insists that international law can and should be interpreted and progressively developed in the direction of greater respect for and realization of those principles. Global Constitutionalism has been discussed primarily by European scholars. Yet without the engagement of scholars from other parts of the world, the universalist claims underlying Global Constitutionalism ring hollow.

71. **Postnational constitutionalism : Europe and the time of law** / *Paul Linden-Retek (Author)*.-Oxford University Press, Oxford, United Kingdom, 2023

This title develops a critical theory of postnational constitutionalism at a time when the project of integrating Europe's peoples through the rule of law is faltering. Spanning many bodies of EU jurisprudence, Linden-Retek devotes specific attention to migration and asylum - struggles where questions of solidarity and belonging are most acute

72. **Global gender constitutionalism and women's citizenship** / *Ruth Rubio-Marín (Author)*.- Cambridge University Press, Cambridge, United Kingdom, 2022

A struggle for transformative inclusion/Ruth Rubio-Marín (Author) : Constitutions around the world have overwhelmingly been the creation of men, but this book asks how far constitutions have affirmed the equal citizenship status of women or failed to do so. Using a wealth of examples from around the world, Ruth Rubio-Marín considers constitutionalism from its inception to the present day and places current debates in their vital historical context. Rubio-Marín adopts an inclusive concept of gender and sexuality, and discusses the constitutional gender order as it has been shaped by debates such those around same-sex marriage and the rights of trans persons.

73. **Against constitutionalism** / *Martin Loughlin (Author)*.- Harvard University Press, Cambridge, Massachusetts, 2022

Tracing constitutional thought from the Enlightenment to the present, Martin Loughlin shows how a tool for the protection of self-government has become a means for subverting popular will. Across the globe, constitutions now displace democratic decision-making, as courts interpret values in the law that ultimately trump legislative action"--  
Provided by publisher

**74. Hong Kong constitutionalism : the British legacy and the Chinese future /**  
*Richard Cullen (Author).- Routledge/Taylor & Francis Group, London, 2020*

This book adopts a fresh approach in examining the evolution of Hong Kong's political-legal experience. It establishes that these prominent governance achievements were built on particular British constitutional foundations forged over many centuries. The work shows how the analysis of the British theorist Albert Dicey and, in particular, 'Diceyan Constitutionalism' was fundamental, within the pivotal context of 'Chinese Familism', in shaping the development of governance institutions and operational procedures within the new British Colony

**75. Chinese constitutionalism in a global context /**  
*Chengyi Peng (Author).-Routledge, Taylor & Francis Group, London, 2019*

The study provides a...picture of the current ideological debates in China, while developing a platform for the three schools and their respective constituencies to engage in dialogue, pluralize the conceptions of constitutionalism in academia, and shed light on the political path of China in the 21st century. The consequences of this Chinese contribution to the global constitutionalism debate are significant. Notions of the meaning of democratic organization, of the nature of the division of authority between administrative and political organs, of the nature and role of political citizenship, of the construction of rights are all implicated. It is argued that China's constitutional system, when fully theorized and embedded within the global discourse might serve, as the German basic law did in its time, as a model for states seeking an alternative approach to the legitimate construction of state, political structures and institutions.

**76. Courts and judicial activism under crisis conditions : policy making in a time of illiberalism and emergency constitutionalism /**  
*Martin Belov (Editor).- Routledge, Abingdon, Oxon, 2022*

The book may be considered as a contribution to the debates on judicial activism, including the discussion of the impact of courts on certainty, proportionality and balancing of rights, as well as on revolutionary courts challenging authoritarian context and generally over the role of courts in the context of illiberalism and democratic backsliding. The volume thus offers an explanation of the concept of judicial activism, its impact on both the legal system and the political order and the role of courts in shaping the structures of the legal order. These issues are explored in theoretical and comparative constitutional

perspective. The book will be a valuable resource for academics and researchers working in the areas of courts, constitutional law and constitutional politics

**77. Illiberal constitutionalism in Poland and Hungary : the deterioration of democracy, misuse of human rights and abuse of the rule of law / Tímea Drinóczi (Author), Agnieszka Bień-Kacala (Author).**- Routledge, Abingdon, Oxon, 2021

This book theorizes illiberal constitutionalism by interrogation of the Rule of Law, democratic deterioration, and the misuse of the language and relativization of human rights protection, and its widespread emotional and value-oriented effect on the population

**78. Postliberal constitutionalism : the challenge of right wing populism in Central and Eastern Europe / Adam Sulikowski (Author).**-Routledge, Abingdon, Oxon, 2023

This book addresses recent changes in Central and Eastern Europe in order to critically consider the impact of illiberal conservatism on constitutionalism. Right-wing populism and the illiberal constitutionalism of Central and Eastern Europe has challenged both the dominant views of legal scholars and those elements of the legal mainstream that appeared to be firmly entrenched and resistant to change

**79. Rule of law in crisis : constitutionalism in a state of flux / Martin Belov (Editor).**- Routledge, Abingdon, Oxon, 2023

This book explores how constitutional crisis, emergency constitutionalism and constitutional polycrisis assert pressures for the transformation of rule of law and thus produce a state of flux. It examines the rule of law from the viewpoint of constitutional imaginaries, memory politics and identity politics. It critically assesses the responses given by the EU and its member states to the current crisis.

**80. Democracy, the courts, and the liberal state : a comparative analysis of American and German constitutionalism / David J. Miles (Author).**-Routledge, New York, NY, 2021

Utilising the works of Böckenförde, Arendt, and Tocqueville, constitutionalism is conceived in the book as part of a broader system of communal norms which sustains representative democracy and liberalism. Through an analysis of judicial interventions in the electoral processes of the United States and Germany, Miles explores the role of civil society actors in transforming constitutionalism through legal challenges to oligarchical or exclusionary practices. He assesses how, in adjudicating these cases, the U.S. Supreme Court and the German Constitutional Court have mediated the tension between threats to

stability and the imperative of democratic renewal. Democracy, the Courts, and the Liberal State will be of interest to scholars, students, and practitioners interested in comparative politics, political theory, and constitutional law and history

**81. The rule of law in Central Europe : the reconstruction of legality, constitutionalism and civil society in the post-Communist countries / Jiří Přibáň (Editor), James Young (Editor).**-Routledge, London, 2018

First published in 1999, this volume is a series of essays on the countries of Central Europe. The essays explore the post-1989 establishment of the rule of law and civil society. It brings together analysis and perceptions from social scientists, political scientists and lawyers, seeking through particular issues to explore the similarities and differences between different countries. While other books have explored the changes in former Soviet Block countries since 1989, the book's distinctiveness lies in three qualities: its concentration on Central Europe a concept explored in the book; giving fuller attention to the Czech Republic and Slovakia than other post-communist studies often do; providing perceptions of scholars from different disciplines

**82. Constitutional imaginaries : a theory of European societal constitutionalism / Jiří Přibáň (Author).**-Routledge, London, 2022

This book discusses the sociology of imagined communities and the philosophy of modern social imaginaries in the context of transnational European constitutionalism and its recent theories, most notably the theory of societal constitutions. It offers a new approach to the legal constitutions as societal power formations evolving at national, European and global levels

**83. Constitutionalism in the Americas / Colin Crawford (Editor), Daniel Bonilla Maldonado (Editor).**-Edward Elgar Publishing Limited, Cheltenham, UK, 2018

Constitutionalism in the Americas unites the work of leading scholars of constitutional law, comparative law and Latin American and U.S. constitutional law to provide a critical and provocative look at the state of constitutional law across the Americas today. The diverse chapters employ a variety of methodologies - empirical, historical, philosophical and textual analysis - in the effort to provide a comprehensive look at a generation of constitutional change across two continents."



**84. Hybrid constitutionalism : the politics of constitutional review in the Chinese special administrative regions / Eric Chi Yeung Ip (Author).**-Cambridge University Press, Cambridge, United Kingdom, 2019

This is the first book that focuses on the entrenched, fundamental divergence between the Hong Kong Court of Final Appeal and Macau's Tribunal de Ultima Instancia over their constitutional jurisprudence, with the former repeatedly invalidating unconstitutional legislation with finality and the latter having never challenged the constitutionality of legislation at all. This divergence is all the more remarkable when considered in the light of the fact that the two Regions, commonly subject to oversight by China's authoritarian Party-state, possess constitutional frameworks that are nearly identical; feature similar hybrid regimes; and share a lot in history, ethnicity, culture, and language. Informed by political science and economics, this book breaks new ground by locating the cause of this anomaly, studied within the universe of authoritarian constitutionalism, not in the common law- civil law differences between these two former European dependencies, but the disparate levels of political transaction costs therein

**85. Constitutionalism and a right to effective government? / Vicki C. Jackson (Editor), Yasmin Dawood (Editor).**-Cambridge University Press, Cambridge, United Kingdom, 2022

Comparative constitutional law is an intellectually vibrant field that encompasses an increasingly broad array of approaches and methodologies. This series collects analytically innovative and empirically grounded work from scholars of comparative constitutionalism across academic disciplines. Books in the series include theoretically informed studies of single constitutional jurisdictions, comparative studies of constitutional law and institutions, and edited collections of original essays that respond to challenging theoretical and empirical questions in the field

**86. Democratic constitutionalism in India and the European Union : comparing the law of democracy in continental polities / Philipp Dann (Editor), Arun K. Thiruvengadam (Editor).**-Edward Elgar Publishing Limited, Cheltenham, UK, 2021

Comparing the structures and challenges of democratic constitutionalism in India and the European Union, this book explores how democracy is possible within vastly diverse societies of continental scale, and why a constitutional framework is best able to secure the ideals of collective autonomy and individual dignity. It contributes to an emerging

comparative discussion on structures of power, separation of powers and a comparative law of democracy, which has long been neglected in comparative constitutional studies."

87. **Authoritarian constitutionalism : comparative analysis and critique** / *Helena Alviar García (Editor), Günter Frankenberg (Editor).*-Edward Elgar Publishing Limited, Cheltenham, UK, 2019

The contributions to this book analyse and submit to critique authoritarian constitutionalism as an important phenomenon in its own right, not merely as a deviant of liberal constitutionalism. Accordingly, the fourteen studies cover a variety of authoritarian regimes from Hungary to Apartheid South Africa, from China to Venezuela; from Syria to Argentina, and discuss the renaissance of authoritarian agendas and movements, such as populism, Trumpism, nationalism and xenophobia. From different theoretical perspectives the authors elucidate how authoritarian power is constituted, exercised and transferred in the different configurations of popular participation, economic imperatives, and imaginary community.

88. **American citizenship and constitutionalism in principle and practice** / *Joseph Postell (Editor), Steven F. Pittz (Editor).*-University of Oklahoma Press, Norman, 2022

By articulating notions of citizenship and constitutionalism that are both achievable and capable of fostering solidarity and a common sense of purpose, this timely volume drafts a blueprint for the building of a genuinely shared political future

89. **Citizenship in the European Union : constitutionalism, rights and norms** / *Anne Wesemann (Author).*- Edward Elgar Publishing Limited, Cheltenham, UK, 2020

The book proposes a new approach to constitutional analysis of the EU and its legal framework, arguing that the existence of constitutional rights norms within EU law enables this particular legal order to respond effectively to societal and political challenges within the rigidity of constitutionalism. Providing new perspectives on constitutionalism in the EU, this book considers the way the Court of Justice of the European Union (CJEU) discusses and applies the EU citizenship Treaty norms by analysing the courts approach to decision making, which resembles the balancing and weighing of conflicting principles."

90. **Perspectives on global constitutionalism : the use of foreign and international law** / *Gábor Halmai (Author).*-Eleven International Publishing, The Hague, Netherlands, 2014

While global constitutional ideas migrate across countries, continents, agencies, and institutions, internationally accepted principles of constitutionalism and human rights influence national governments that have been able to keep their sovereignty. This book looks into the fascinating question of convergence and sovereignty by approaching the issue from various angles: the use of foreign and international law in national constitution-making and constitutional interpretation on the one hand, and the use of international human rights by domestic courts on the other

91. **The Future of EU Constitutionalism** / *Matej Avbelj (Editor)*.-Hart Publishing, Oxford, 2023

Is there a real and meaningful future for EU constitutionalism? This collection explores this question in light of recent challenges to EU constitutional law; namely the pandemic and the political schisms emerging across the European Union. The contributors explore the question through the prism of the five main pillars of EU constitutionalism: the constitutional values, the EU formal constitutional framework, its substance consisting of the EU political and economic constitution, and conclude by looking at the foundational concept of sovereignty (national and European) in a global realm. Drawing on expertise from both 'old' and 'new' Europe, it gives voice to the most fundamental question facing the Union in its second half century.

92. **Revolutionary constitutionalism : law, legitimacy, power** / *Revolutionary Constitutionalism Conference, Richard Albert (Editor)*.-Hart, Oxford, 2020.- viii, 424 pages : illustration ;

Bruce Ackerman's path-breaking book on Revolutionary Constitutions: Charismatic Leadership and the Rule of Law puts him at the centre of the major subjects in public law today. From the promise and perils of populism to the causes and consequences of democratic backsliding, from the optimal models of constitutional design to the forms and limits of constitutional amendment, and from the role of courts in constitutional democracy to how we identify when the mythical "people" have spoken.

93. **Constitutionalism 2030** / *Christoph Bezemek (Editor)*.-Hart, Oxford, 2022

This volume remedies that, by giving nine eminent scholars in law and political science the opportunity to make their predictions, where the constitutionalist project will stand ten years from now, it creates a forum of deliberation that will not only aim at

anticipating the developments in question but at the same time shape academic discourse on constitutionalism alongside it

94. **Economic constitutionalism in a turbulent world** / A. Skordas (Editor), Gábor Halmai (Editor), Lisa Mardikian (Editor).-Edward Elgar Publishing Limited, Cheltenham, UK, 2023

This insightful and timely book explores the complexity and resilience of the discourse on economic constitutionalism over a period of heightened economic and political turbulence since the economic crisis of 2008 and Brexit, and its continuous relevance despite the Covid-19 public health crisis and the Russian invasion of Ukraine. Providing a sustained and comprehensive analysis of the concept of economic constitutionalism in European and global governance, this book evaluates the origins, functions, and normative elements of economic constitutionalism and places the discussion within contemporary theoretical frameworks."

95. **Governance and constitutionalism : law, politics and institutional neutrality** / Bogdan Iancu (Editor), Simina Elena Tănăsescu (Editor).-Routledge, Abingdon, Oxon, 2019

The book is divided into theoretical-historical and empirical parts. Part I approaches the phenomenon through the rigorous normative conceptual lens of constitutionalism and constitutional law, questioning the implications of political neutrality on inherited normative categories, both at national and supranational level. Part II comprises case-studies reflecting the full spectrum of theoretical frameworks and concerns developed and explored by the theory-oriented chapters in the first part. The work explores a wide range of issues including the balance between autonomy, legitimacy and accountability, the taxonomy of agencies, the role and limits of expertise as a paramount justification for independence, 'agentification' as a result of internationalisation, and 'agentification' as a reflex and consequence of transnational polity-building within the EU.- ix, 206 pages : illustrations ; 26 cm.

96. **Constitutional Identity in a Europe of Multilevel Constitutionalism** / Christian Calliess, Gerhard Van der Schyff.-Cambridge University Press, Cambridge, 2019

The book presents a critical outline and comparison of selected EU Member State constitutional identities in the context of EU multilevel constitutionalism

97. **Conflict, power, and the landscape of constitutionalism** / Gilles Tarabout, Raṇabīra Samāddāra.-ROUTLEDGE, ABINGDON, 2020

The book seeks to critically examine the implication of a constitution of law for a political society. It presents a collection of essays that seek to investigate how power acts on power, how limits produce excess, how separation of powers produces the union of powers (sanctified by the very constitution that had guaranteed the division in the first place), and how the theory of separation is, at the same time, a myth and a reality. At the backdrop of the book, of course, is the theory that every good constitution rigorously separates the legislature, the executive, and the judiciary from one another to guarantee the independence of each of these powers, such that this separation results in life, liberty, and security. If a constitution, however, symbolises and produces power, precisely because it separates one site of power from another, it follows that it is power itself that is the limit of power.

98. **The IT revolution and its impact on state, constitutionalism, and public law** / Martin Belov (Editor).-Hart Publishing, an imprint of Bloomsbury Publishing, Oxford, UK, 2020

What is the future of constitutionalism, state and law in the new technological age? This edited collection explores the different aspects of the impact of information and technology revolution on state, constitutionalism and public law. Leading European scholars in the fields of constitutional, administrative, financial and EU law provide answers to fascinating conceptual questions including

99. **Key developments in constitutionalism and constitutional law** / Lidija R. Basta Fleiner (Editor), Tanasije Marinković (Editor).-Eleven International Publishing, The Hague, 2014

This book brings together the papers presented at a round table, held in Belgrade in May 2012, to commemorate the 30th anniversary of the International Association of Constitutional Law (IACL). The essays explore the key developments of constitutionalism and constitutional law since the foundation of the IACL in Belgrade, then Yugoslavia, in 1981. Leading scholars in the field analyze a wide range of issues making obvious that a modern statist constitutionalism is going beyond its foundational principles: constitutional democracy challenged by globalization and multiculturalism \* constitutiona

100. **Unstable constitutionalism : law and politics in South Asia** / *Mark Tushnet (Author), Madhav Khosla (Author).*-Cambridge University Press, New York, 2016

101. **Federal Constitutionalism : State Legislatures in Constitutional Politics** / *Bradley D. Hays.*-Routledge, Florence, 2019

102. **Constitutionalism in global constitutionalisation** / *Aoife O'Donoghue (Author).*-Cambridge University Press, Cambridge, United Kingdom, 2014

This book considers the manner in which the global constitutionalisation debate has neglected constitutionalism within its proposals. It examines the role normative constitutionalism plays within a constitutionalisation process, and considers the use of community at both the domestic and global governance levels to identify the holders of constituent and constituted power within a constitutional order. In doing so this analysis offers an alternative narrative for global constitutionalisation based within normative constitutionalism

103. **The constitution of freedom : an introduction to legal constitutionalism** / *András Sajó (Author), Renáta Uitz (Author).*-Oxford University Press, Oxford, 2017

Informed by a life lived under the oppressions of communism, ECtHR Judge András Sajó examines the fundamentals of constitutional systems of government, protection from tyranny, and promotion of freedom in this timely and important book

104. **Constitutionalism in Asia in the early twenty-first century** / *Hongyi Chen (Author).*-Cambridge University Press, Cambridge, 2014

A systematic and up-to-date account of constitutional developments in sixteen Asian countries, including analysis from a comparative perspective

105. **Constitutionalism in Asia : cases and materials** / *Wenzhen Zhang (Author), Li-ann Thio (Author), Kevin Tan (Author), Junrong Ye (Author).*-Hart Publishing, Oxford, 2014

This book of text, cases and materials from Asia is designed for scholars and students of constitutional law and comparative constitutional law. This book is divided into 11 chapters, arranged thematically around key ideas and controversies, enabling the reader to work through the major facets of constitutionalism in the region

106. **Constitutionalism beyond liberalism** / *Michael W. Dowdle (Editor), Michael Wilkinson (Editor).*-Cambridge University Press, Cambridge, United Kingdom, 2017

This book bridges the gap between comparative constitutional law and constitutional theory. The volume uses the constitutional experience of countries in the global South to

transcend the liberal conceptions of constitutionalism that currently dominate contemporary comparative constitutional discourse. The alternative conceptions examined include political constitutionalism, societal constitutionalism, state-based (Rousseau-ian) conceptions of constitutionalism, and geopolitical conceptions of constitutionalism. Through these examinations, the volume seeks to expand our appreciation of the human possibilities of constitutionalism, exploring constitutionalism not merely as a restriction on the powers of government, but also as a creating collective political and social possibilities in diverse geographical and historical settings

**107. Constitutionalism and the rule of law : bridging idealism and realism / Maurice Adams (Editor), Anne Meuwese (Editor), E. M. H. Hirsch Ballin (Editor).**-Cambridge University Press, Cambridge, United Kingdom, 2017

Rule of law and constitutionalist ideals are understood by many, if not most, as necessary to create a just political order. Defying the traditional division between normative and positive theoretical approaches, this book explores how political reality on the one hand, and constitutional ideals on the other, mutually inform and influence each other. Seventeen chapters from leading international scholars cover a diverse range of topics and case studies to test the hypothesis that the best normative theories, including those regarding the role of constitutions, constitutionalism and the rule of law, conceive of the ideal and the real as mutually regulating

**108. Constitutionalism, democracy, and religious freedom : to be fully human / H.-M. T. D. ten Napel (Author).**-Routledge, Abingdon, Oxon [UK], 2017:

The book shows how, in a postsecular and multicultural context, modern sources of constitutionalism and democracy, supplemented by premodern, transcendental legitimation, continue to provide the best means of legitimating Western constitutional and political orders

**109. Law's Religion : Religious Difference and the Claims of Constitutionalism / Benjamin L. Berger (Author),** University of Toronto Press.-University of Toronto Press, Toronto, 2018