

PUBLICATIONS LIST: MICHAELA HAILBRONNER, LL.M. & J.S.D. (YALE)

I. Books

1. **Traditions and Transformations: The Rise of German Constitutionalism** (Oxford University Press 2015) (doctoral dissertation).
Reviews: Joseph Weiler, Ten Good Reads, European Journal of International Law 27:1 (2016), 1-2, <https://www.ejiltalk.org/ten-good-reads-vol-27-1/>
Florian Meinel, The Constitutional Miracle on the Rhine: Towards a history of West German constitutionalism and the Federal Constitutional Court (Review Essay), International Journal of Constitutional Law 14:1 (2016), 277 ff.

II. Edited Volumes & Symposia

2. (ed., with Sujit Choudhry & Mattias Kumm) **Global Canons in an Age of Contestation: Debating Foundational Texts of Constitutional Democracy and Human Rights** (Oxford University Press, forthcoming).
3. (ed., with Rosalind Dixon) **Symposium: Ely in the World: The Global Legacy of Democracy and Distrust 40 Years On**, International Journal of Constitutional Law 19:2 (2021), forthcoming.

III. Journal articles (with formal peer review procedure)

4. **Malfunction and the rediscovery of process theory: Lessons from Germany**, International Journal of Constitutional Law 19:2 (2021), forthcoming.
5. **Constructing the Global Constitutional Canon: Between Authority and Criticism**, University of Toronto Law Journal 69:2 (2019), 248 ff.
6. **Transformative Constitutionalism: Not only in the Global South**, American Journal of Comparative Law 65:3 (2017), 527 ff.
7. **Laws in Conflict. The Relationship between Human Rights and International Humanitarian Law under the African Charter on Human and Peoples' Rights**, African Human Rights Law Journal 16:2 (2016), 339 ff.
8. **Rethinking the Rise of the German Constitutional Court: From Anti-Nazism to Value Formalism**, International Journal of Constitutional Law 12:3 (2014), 626 ff.
Inaugural Best Paper Prize, International Journal of Constitutional Law, for the best article published in 2014.
9. (with Sara Sanchez Iglesias) **The European Court of Justice and Citizenship of the European Union: New Developments towards a Truly Fundamental Status**, Vienna Journal of International Constitutional Law 5:4 (2011), 498 ff.

IV. Further journal articles and book chapters

10. (with Rosalind Dixon) **Ely in the World: The Global Legacy of Democracy and Distrust 40 Years On (Introduction Symposium)**, *International Journal of Constitutional Law* 19:2 (2021), forthcoming.
11. **Political Process Review: Beyond Distrust**, *International Journal of Constitutional Law (ICON Debate Section)* 18:4 (2021), forthcoming (advance copy at <https://academic.oup.com/icon/advance-article-abstract/doi/10.1093/icon/moaa097/6156764?redirectedFrom=fulltext>).
12. **A view from Western Europe**, in: Hubner-Mendes/Gargarella (eds.), *Oxford Handbook of Constitutional Law in Latin America* (Oxford University Press, forthcoming 2021).
13. (with Naveen Thayyil) **Order in Diversity, Political Parties and Social Movements in the European Union and India**, in: Dann/Thiruvengadam (eds.), *Democracy in Diversity – Democratic Constitutionalism in India and the European Union* (Elgar 2021), 162 ff.
14. **Yes We Can! Mehr Rechtsvergleichung wagen** (Yes We Can! Daring more comparison), in: Bretthauer et al. (eds.), *Wandlungen im Öffentlichen Recht: Festschrift zu 60 Jahren Assistententagung* (Nomos 2020), 409 ff.
15. (with Grainne de Burca und Marcela Prieto Rudolphy) **Editorial: Gender in academic publishing**, *International Journal of Constitutional Law* 17:4 (2019), 1025 ff.
16. **Editorial: Es kommen härtere Tage – Rough days are coming**, *International Journal of Constitutional Law* 17:1 (2019), 1 ff.
17. (with James Fowkes) **Decolonizing Eastern Europe: A global perspective on 1989 and the world it made**, *International Journal of Constitutional Law* 17:2 (2019), 497 ff.
18. **Verfassung als Programm: Das Bundesverfassungsgericht und die Verfassungsgerichtsbarkeit des Globalen Südens** (The Constitution as a Programme: The Federal Constitutional Court and Constitutional Review in the Global South), in: Meinel (ed.), *Verfassungsgerichtsbarkeit in der Bonner Republik (Constitutional Review in the Bonn Republic)* (Mohr Siebeck 2019), 411 ff.
19. **Kanon, Verfassung, Steuerung: Ein Einwurf zur Bedeutung von Martin Drath** (Canon, Constitution, Direction: A note on the importance of Martin Drath), in: Marsch/Münkler/Wischmeyer (eds.), *Apokryphe Schriften. Rezeption und Vergessen in der Wissenschaft vom Öffentlichen Recht (Apocryphal texts: Reception and Remembrance/Forgetting in Public Law Scholarship)* (Mohr Siebeck 2019), 191 ff.
20. **All Same-Sex Marriage is not the Same: Obergefell from a Comparative Perspective**, in: Kaiser/Petersen/Saurer (eds.), *The U.S. Supreme Court and Contemporary Constitutional Law: The Obama Era and Its Legacy* (Nomos 2018), 133 ff.
21. **Beyond Legitimacy: Europe's Crisis of Constitutional Democracy**, in: Graber/Levinson/Tushnet (eds.), *Constitutional Democracy in Crisis* (Oxford University Press 2018), 277 ff.

22. (with Stefan Martini) **German Federal Constitutional Court**, in: Jakab/Dyevre/Itzcovich (eds.), *Comparative Constitutional Reasoning* (Cambridge University Press 2017), 323 ff.
23. **Constitutional Legitimacy and the Separation of Powers in Africa: Looking forward**, in: Fombad (ed.), *Stellenbosch Handbooks in African Constitutional Law, Volume 1: The Separation of Powers* (Oxford University Press 2016), 385 ff.
24. **Overcoming Obstacles to North-South dialogue: Transformative constitutionalism and the Fight against Poverty and Institutional Failure**, *Verfassung und Recht in Übersee/World Comparative Law* 3 (2016), 253 ff.
25. **We the Experts. Die geschlossene Gesellschaft der Verfassungsinterpreten** (We the experts. The closed society of constitutional interpreters), *Der Staat* 53:3 (2014), 425 ff.
26. **Zuviel Vertrauen, zu wenig Kritik? Das Bundesverfassungsgericht im parlamentarischen Diskurs** (Too much trust, not enough criticism? The German Constitutional Court in parliamentary debates), in: Jochum/Fritzemeyer/Kau (eds.), *Crossing Frontiers. Festschrift for Kay Hailbronner* (Nomos 2013), 713 ff.
27. **Wer hat Angst vorm Kollektiv? Deutsche Erscheinungen von Kollektivität im internationalen Vergleich** (Who's afraid of the collective? German forms of collectivity in international comparison) in: *Junge Wissenschaft im öffentlichen Recht* e. V. (ed.), *Kollektivität – Öffentliches Recht zwischen Gruppeninteressen und Gemeinwohl* (Collectivity – public law between group interests and public good) (Nomos 2012), 51 ff.
28. (with James Fowkes) **Courts as the Nation's Conscience: Empirically testing the intuitions behind the ethicalization of law**, in: Vöneky et al. (ed.), *Ethics and Law – The Ethicalization of Law, Beiträge zum ausländischen öffentlichen Recht und Völkerrecht*, Vol. 240 (Springer 2013), 395 ff.
29. **Die Justiziabilität des Subsidiaritätsprinzips im Lichte der Subsidiaritätsprotokolle** (The justiciability of the principle of subsidiarity in light of the subsidiarity protocol), in: Pernice (ed.), *Der Vertrag von Lissabon, Reform der EU ohne Verfassung? (The Treaty of Lisbon, Constitutional reform without constitution?)* (Nomos 2008), 135 ff.

V. Blogposts, book reviews etc.

30. (with James Fowkes), **Zum Glück der Vereinigten Staaten** (Why the United States got lucky), *Verfassungsblog* 21.01.2021, (<https://verfassungsblog.de/zum-glueck-der-vereinigten-staaten/>).
31. (with Ruth Rubio Marin) **Parity laws in Germany – Caving in to Gender Backlash or Consolidating Women's Citizenship Status?**, *Verfassungsblog*, 18.07.2020, (<https://verfassungsblog.de/parity-laws-in-germany-caving-in-to-gender-backlash-or-consolidating-womens-citizenship-status/>), see also introduction to the Symposium on the same subject.
32. **How Can a Democratic Constitution Survive an Autocratic Majority? A Report on the Presentations on the Judiciary**, *Verfassungsblog*, 08.12.2018, (<https://verfassungsblog.de/how-can-a-democratic-constitution-survive-an-autocratic-majority-a-report-on-the-presentations-on-the-judiciary/>).

33. **Fake News, Backlash and the Rise of the German Populist Right – An Update on German Developments**, International Journal of Constitutional Law Blog (ICONnect), 14.10.2018 (<https://www.iconnectblog.com/2018/10/fake-news-backlash-and-the-rise-of-the-german-populist-right-an-update-on-german-developments>).
34. **Caviar, Corruption and Compliance – New Challenges for the Council of Europe**, Verfassungsblog, 23.05.2018 (<https://verfassungsblog.de/caviar-corruption-and-compliance-new-challenges-for-the-council-of-europe/>).
35. **On Book Reviews: Why, when and how to write them**, Voelkerrechtsblog, 09.08.2017, <https://voelkerrechtsblog.org/de/on-book-reviews-why-when-and-how-to-write-them/>.
36. (with David Landau) **Introduction to the Symposium: Constitutional Courts and Populism**, Verfassungsblog, 22.04.2017, (<https://verfassungsblog.de/introduction-constitutional-courts-and-populism/>).
37. **On the courage to be wrong**, Verfassungsblog, 22.02.2014, (<https://verfassungsblog.de/on-the-courage-to-be-wrong/>).
38. (with Michael Riegner) **Das letzte Wort im Vergleich. Rechtsvergleichende Reflexionen zur 53. Assistententagung Öffentliches Recht im Lichte des Wissenschaftsrat-Berichts zur Rechtswissenschaft in Deutschland** (The last word in comparison: Reflections on the 53rd annual young public lawyers conference from a comparative law perspective), Rechtswissenschaften 1 (2013), 102 ff.
39. **Book Review: Werner Heun, The Constitution of Germany: A contextual analysis**, Hart 2011, Vienna Journal of International Constitutional Law 7 (2013), 267 ff.
40. **Rescue package for fundamental rights**, Verfassungsblog, 17.04.2012 (<https://verfassungsblog.de/rescue-package-fundamental-rights-comments-michaela-hailbronner/>).