

## Publications – Prof. Samantha Besson

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### Monographs

1. *Democratic Representation in International Law-Making*, with José Luis Martí, Cambridge Elements in Legal Philosophy, Cambridge: Cambridge University Press 2026, in preparation.
2. *Le droit international de la science*, Paris: Pedone 2026, in preparation.
3. *The Private & Public Relation in International Law*, Brill Research Perspectives in International Legal Theory and Practice, Leiden/Boston: Brill/Nijhoff 2026, in preparation.
4. *La science, un droit de l'Homme?*, Conférences inaugurales de l'Académie suisse des sciences humaines et sociales, (2024) 19:2 Swiss Academies Communications, Bern: SAGW 2024 (40 pages), <http://doi.org/10.5281/zenodo.10658435>.
5. *Reconstruire l'ordre institutionnel international*, Leçons inaugurales du Collège de France, Paris: Collège de France/Fayard 2021 (96 pages).  
E-book version: *Reconstruire l'ordre institutionnel international*, Leçons inaugurales du Collège de France, Paris: Collège de France, OpenEdition Books/Collège de France 2021, <https://books.openedition.org/cdf/11868>.  
English version: *Reconstructing the International Institutional Order*, Inaugural Lectures of the Collège de France, OpenEdition Books/Collège de France 2021, <https://books.openedition.org/cdf/12335>.  
German version: *Zum Wiederaufbau der internationalen Institutionenordnung*, translated by O. Ammann and D. Wohlwend, Beiträge zum Völkerrecht, Basel: Helbing Lichtenhahn & Baden-Baden: Nomos 2022 (45 pages).
6. *La due diligence en droit international*, Recueil des cours de l'Académie de droit international de La Haye, Tome 409 (pp. 153-398), Leiden/Boston: Brill/Nijhoff 2020 (245 pages).  
Paperback version: *La due diligence en droit international*, Livres de poche de l'Académie de droit international de La Haye, Leiden/Boston: Brill/Nijhoff 2021 (368 pages).  
English version: *Due Diligence in International Law*, translated by S. Knuchel, Special Collection of the Hague Academy of International Law, Leiden/Boston: Brill/Nijhoff 2023 (240 pages).
7. *The Morality of Conflict. Reasonable Disagreement and the Law*, Oxford: Hart Publishing 2005 (xx-601 pages).
8. *L'égalité horizontale : l'égalité de traitement entre particuliers. Des fondements théoriques au droit privé suisse*, AISUF series, vol. 183, Fribourg: Editions Universitaires 1999 (cxiv-526 pages).

### Textbooks and Edited legal materials

1. *Droit international public : Précis de droit et résumés de jurisprudence*, 2<sup>nd</sup> edn, Bern: Stämpfli 2024 (lxxiv-827 pages) (1<sup>st</sup> edn: 2019).
2. *Droit constitutionnel européen : Précis de droit et résumés de jurisprudence*, 2<sup>nd</sup> edn, Bern: Stämpfli 2023 (lxx-592 pages) (1<sup>st</sup> edn: 2019).
3. *Droit international public : Abrégé de cours et résumés de jurisprudence*, 3<sup>rd</sup> edn, Bern: Stämpfli 2016 (660 pages) (1<sup>st</sup> edn: 2009; 2<sup>nd</sup> edn: 2013).
4. *Droit constitutionnel européen : Abrégé de cours et résumés de jurisprudence*, 3<sup>rd</sup> edn, Bern: Stämpfli 2016 (400 pages) (1<sup>st</sup> edn: 2009; 2<sup>nd</sup> edn: 2013).
5. *Völkerrecht/Droit international public – Aide-mémoire*, with Stephan Breitenmoser, Marco Sassoli and Andreas R. Ziegler, 2<sup>nd</sup> edn, Zürich: Dike 2013 (xxv-436 pages) (1<sup>st</sup> edn: 2010) (3<sup>rd</sup> edn printed as e-book, 2019: <https://www.dike.ch/Besson-Voelkerrecht-Droit-international-public>).
6. *Recueil Lex - Droit international public*, with Andreas R. Ziegler, 5<sup>th</sup> edition, Bern: Stämpfli 2024 (2001 pages).
7. *Traité internationaux. Recueil de textes de droit international public*, with Andreas R. Ziegler, 4<sup>th</sup> edn, Bern: Stämpfli 2020 (1662 pages) (2<sup>nd</sup> edn: 2012; 3<sup>rd</sup> edn: 2016).
8. *Internationale Verträge. Textsammlung in Völkerrecht*, with Andreas R. Ziegler, 2<sup>nd</sup> edn, Bern: Stämpfli 2012 (1718 pages).

### Edited volumes

1. *Property in Outer Space under Public and Private International Law & Philosophy. "The Province of All Mankind"?*, Space Law Series, Cheltenham: Edward Elgar Publishing 2026, forthcoming.
2. *Génocide. Droit et histoire du crime des crimes*, edited with Henry Laurens, Paris: Éditions du Collège de France 2026, forthcoming.

3. *Democratic Representation in International Organizations*, ASIL International Legal Theory Series, Cambridge: Cambridge University Press 2026, in press.
4. *International Cooperation under the Human Right to Science*, edited with Katja Achermann, Cheltenham: Edward Elgar Publishing 2026 (256 pages).
5. *Consenting to International Law*, ASIL International Legal Theory Series, Cambridge: Cambridge University Press 2023 (362 pages).
6. *Inventer l'Europe*, Actes du Colloque de rentrée 2021 du Collège de France, Paris: Collège de France/Odile Jacob 2022 (352 pages).
7. *Theories of International Responsibility Law*, ASIL International Legal Theory Series, Cambridge: Cambridge University Press 2022 (400 pages).
8. *Concerter les civilisations. Mélanges en l'honneur d'Alain Supiot*, edited with Samuel Jubé, Paris: Seuil 2020 (496 pages).
9. *Le consentement en droit*, edited with Yves Mausen and Pascal Pichonnaz, Zürich: Schulthess 2018 (li-371 pages).
10. *The Oxford Handbook on the Sources of International Law*, edited with Jean d'Aspremont, Oxford: Oxford University Press 2017 (li-1232 pages).
11. *International Responsibility. Essays in Law, History and Philosophy*, Zürich: Schulthess 2017 (xx-258 pages).
12. *Comparing Comparative Law*, edited with Lukas Heckendorn Urscheler and Samuel Jubé, Zürich: Schulthess 2017 (xv-250 pages).
13. *L'Union européenne et le droit international – The European Union and International Law*, edited with Nicolas Levrat, Zürich: Schulthess 2015 (xx-248 pages).
14. *Egalité et non-discrimination en droit international et européen – Equality and Non-Discrimination in International and European Law*, edited with Andreas R. Ziegler, Zürich: Schulthess 2014 (xvi-238 pages).
15. *La Convention européenne des droits de l'homme et les cantons – Die Europäische Menschenrechtskonvention und die Kantone*, edited with Eva Maria Belser, Zürich: Schulthess 2014 (xv-350 pages).
16. *Le juge en droit international et européen – The Judge in International and European Law*, edited with Andreas R. Ziegler, Zürich: Schulthess 2013 (xvii-344 pages).
17. *(Dés)ordres juridiques européens – European Legal (Dis)orders*, edited with Nicolas Levrat, Zürich: Schulthess 2012 (xvii-290 pages).
18. *La Cour européenne des droits de l'homme après le Protocole 14 – Premier bilan et perspectives / The European Court of Human Rights after Protocol 14 – Preliminary assessment and perspectives*, Zürich: Schulthess 2011 (xvi-248 pages).
19. *Les principes en droit européen – Principles in European Law*, edited with Pascal Pichonnaz, Zürich: Schulthess 2011 (xv-392 pages).
20. *Interprétation en droit européen – Interpretation in European Law*, edited with Evelyne Clerc and Nicolas Levrat, Zürich: Schulthess 2011 (xiv-198 pages).
21. *The Philosophy of International Law*, edited with John Tasioulas, Oxford: Oxford University Press 2010 (xiv-604 pages).
22. *Legal Republicanism: National and International Perspectives*, edited with José Luis Martí, Oxford: Oxford University Press 2009 (xxxi-336 pages).
23. *Des Valeurs pour l'Europe ? Values for Europe ?*, edited with Francis Cheneval and Nicolas Levrat, Louvain-la-Neuve: Academia Bruylant 2008 (248 pages).
24. *Deliberative Democracy and Its Discontents*, edited with José Luis Martí, Aldershot: Ashgate 2006 (xxxi-251 pages).
25. *Les droits de l'homme au centre – Human Rights at the Center*, edited with Franz Werro and Michel Hottelier, Zürich: Schulthess 2006 (xxix-677 pages).

#### **Edited special issues**

1. *The International Law of Regional Organizations*, Special issue, edited with Eva Kassoti, (2024) 21:1 International Organizations Law Review 1-210.
2. *Anticipation under the Human Right to Science*, Special issue, edited with Camila Perruso, (2024) 28:3 International Journal of Human Rights 293-496.
3. *Human Rights and Science*, Special issue, (2015) 4 European Journal of Human Rights 403-518.
4. *The Relationship between European and International Law*, Special issue, (2009) 5:2 European Constitutional Law Review 237-326.
5. *Future Challenges of European Citizenship*, Special issue, edited with André Utzinger, (2007) 13:5 European Law Journal 573-679.

## Articles

1. 'La pratique suisse du droit international 2025', with Lucius Caflisch, (2026) 36 Swiss Review of International Law, in preparation.
2. 'Science as a Public Good and Scientific Sovereignty', Special issue on science as a public good, (2026) Royal Society Open Science, in preparation.
3. \*'The International Law of Academic Freedom: Grounding a Human Right and Responsibility to Science', (2026) Netherlands Quarterly of Human Rights, in press.
4. \*'What Makes International Organisations "Public"? A Plea for a Public International Law of Organisation', (2026) Leiden Journal of International Law, in press.
5. '*Seeing like a Region*. The Regional Re-Ordering of International Law', (2026) 68(1) German Yearbook of International Law, in press.
6. \*'Equity as a General Principle in EU External Relations Law', (2026) European Papers, in press.
7. \*'The Future of Europe in a World of Regions', Special issue on the Future of Europe, (2026) 63(1) Common Market Law Review 19-34.
8. 'La pratique suisse du droit international 2024', with Lucius Caflisch, (2025) 35 Swiss Review of International Law 1-137.
9. \*'The Institutional Guarantee of the Human Right to Participate in Science', (2025) 25(1) Human Rights Law Review, <https://doi.org/10.1093/hrlr/ngae023>.
10. \*'What can Public International Law do against Privatization?', (2024) 15(3) Transnational Legal Theory 341-369.
11. 'La pratique suisse du droit international 2023', with Lucius Caflisch, (2024) 34 Swiss Review of International Law 535-585.
12. 'The International Law of Regional Organizations: Mapping the Issues', with Eva Kassoti, Special issue on The International Law of Regional Organizations, (2024) 21(1) International Organizations Law Review 1-18.
13. 'The Politics of Regional International Organizations: A New Dawn for the Political Legitimacy of International Law', Special issue on The International Law of Regional Organizations, (2024) 21(1) International Organizations Law Review 87-114.
14. \*'The "Human Right to Science" qua Right to Participate in Science and Enjoy its Benefits. The Participatory Good of Science and its Human Rights Dimensions', (2024) 28(4) International Journal of Human Rights 497-528.
15. 'Anticipation under the Human Right to Participate in Science: Concepts, Stakes and Specificities', Special issue on Anticipation under the Human Right to Science, (2024) 28(3) International Journal of Human Rights 293-312.
16. 'La souveraineté *en et de* droit international. Petit exercice de démystification', (2023-24) Annuaire suisse de droit européen 407-420.
17. 'La souveraineté *en et de* droit international. Renverser le renversement', (2023) 86(2) Les Annales de droit de Louvain 227-232.
18. \*'International Cooperation under the Human Right to Science: What and Whose Duties?', with Katja Achermann, (2023) Frontiers in Sociology, 8.1273984, doi: 10.3389/fsoc.2023.1273984.
19. \*'Democratic Representation within International Organizations. From International Good Governance to International Good Government', (2022) 19(3) International Organizations Law Review 489-527.
20. 'L'égalité pour une paix durable/Equality for Lasting Peace', Guest Editorial, (2022) 1 ESIL Newsletter, [https://esil-sedi.eu/esil-newsletter-spring-2022/#guest\\_editorial](https://esil-sedi.eu/esil-newsletter-spring-2022/#guest_editorial).
21. 'Passeports européens à vendre? Arguments de droit international et européen contre les programmes d'acquisition de la citoyenneté par investissement', (2021) Annuaire suisse de droit européen 375-401.
22. \*'The International Public: A Farewell to Functions in International Law', (2021) 115 American Journal of International Law Unbound 307-311.
23. 'Du droit de civilisation européen au droit international des civilisations : instituer un monde des régions', (2021) 31:3 Swiss Review of International and European Law 373-400.
24. 'Reconstruire le droit international à partir des organisations régionales/Reconstructing International Law starting from Regional Organizations', (2021) 2 Revue européenne du droit 64-8.
25. 'Les droits de l'homme au service du marché? Critique et réforme du droit international et européen des droits de l'homme en vue d'un renouveau démocratique', with Milène Hauri, (2020) Annuaire suisse de droit européen 427-46.
26. \*'Sovereign States and their International Institutional Order. Carrying Forward Dworkin's Work on the Political Legitimacy of International Law', (2020) 2:2 Jus Cogens 111-38.
27. 'COVID-19 and the WHO's Political Moment', (2020) EJIL Talk!, <https://www.ejiltalk.org/covid-19-and-the-whos-political-moment/>.

28. \*'Due Diligence and Extraterritorial Human Rights Obligations – Mind the Gap?', (2020) 9:1 ESIL Reflections, <https://esil-sedi.eu/wp-content/uploads/2020/04/ESIL-Reflection-Besson-S.-3.pdf>.
29. 'Que fait l'Europe ? Ce que le Coronavirus nous dit de l'état de l'Union européenne', (2020) Newsletter de la Fondation du Collège de France, <https://www.fondation-cdf.fr/2020/04/22/que-fait-leurope/>.
30. 'Investment Citizenship and Democracy in a Global Age: Towards a Democratic Interpretation of International Nationality Law', (2019) 29:4 Swiss Review of International and European Law 525-47.
31. \*'International Courts and the Jurisprudence of Statehood', (2019) 9:3-4 Transnational Legal Theory 30-64.
32. \*'International Human Rights Law and Mirrors', (2018) 7:2 ESIL Reflections, <https://esil-sedi.eu/wp-content/uploads/2018/04/ESIL-Reflection-Besson.pdf>.
33. \*'Legitimate Actors of International Law-Making – Towards a Theory of International Democratic Representation', with José Luis Martí, (2018) 9:3 Jurisprudence 504-40.
34. 'Security and Human Rights – Mind the Balance! On Security in International Human Rights Law and the Dangers of the Normalization of Emergency', Special Issue on *The Law in these Parts: International Law in the Occupied Palestinian Territories*, (2017) *Quid – Fribourg Law Review* 7-19.
35. \*'State and Individual Secondary Liability in Case of International Organization's Responsibility – The Challenge of Fairness Unveiled', Special issue on Global justice and international law, (2017) VI/1 Italian Journal of Legal Philosophy 51-78.
36. \*'Law Beyond the State: A Reply to Liam Murphy', (2017) 28:1 European Journal of International Law 233-40.
37. 'L'Etat, cet angle mort du droit international', (2017) *Quid – Fribourg Law Review* 6-8.
38. \*'Subsidiarity in International Human Rights Law – What is Subsidiary about Human Rights?', (2016) 61:1 American Journal of Jurisprudence 69-107.
39. \*'State Consent and Disagreement in International Law-Making – Dissolving the Paradox', (2016) 29:2 Leiden Journal of International Law 289-316.
40. \*'The Bearers of Human Rights' Duties and Responsibilities for Human Rights – A Quiet (R)Evolution', (2015) 32:1 Social Philosophy & Policy 244-68.
41. \*'Science without Borders and the Boundaries of Human Rights – Who Owes the Human Right to Science?', Special issue on Human Rights and Science, (2015) 4 European Journal of Human Rights 462-85.
42. \*'Introduction/Mapping the Issues', Special issue on the Human Right and Science, (2015) 4 European Journal of Human Rights 403-10.
43. 'L'adhésion de l'Union européenne à la Convention européenne des droits de l'homme après l'Avis 2/13', 2014/2015 Annuaire de droit européen – Jahrbuch für Europarecht 423-54.
44. 'L'interprétation des accords bilatéraux Suisse-UE – Une lecture de droit international', with Odile Ammann, (2013/2014) Annuaire de droit européen – Jahrbuch für Europarecht 331-58.
45. 'Le droit de vote des expatriés, le consensus européen et la marge d'appréciation des États (Cour eur. dr. h., arrêt *Sitaropoulos et Giakamopoulos c. Grèce*, 15 mars 2012)', with Anne-Laurence Graf-Brugère, (2014) 100 Revue trimestrielle des droits de l'homme 937-58.
46. \*'The Law in Human Rights Theory', (2013) 7:1 Zeitschrift für Menschenrechte – Journal for Human Rights 120-50.
47. \*'The Egalitarian Dimension of Human Rights', (2013) Archiv für Sozial- und Rechtsphilosophie Beiheft 136, *Law, Science, Technology* 19-52.
48. 'Human Rights Theory and Human Rights History: A Tale of Two Odd Bedfellows', with Alain Zysset, (2012) *Ancilla Juris* 214-19, [https://www.anci.ch/articles/ancilla2012\\_204\\_besson-zysset.pdf](https://www.anci.ch/articles/ancilla2012_204_besson-zysset.pdf).
49. \*'The Extraterritoriality of the European Convention on Human Rights. Why Human Rights Depend on Jurisdiction and What Jurisdiction Amounts to', (2012) 25:4 Leiden Journal of International Law 857-84.
50. 'Françoise Tulkens on Human Rights' Restrictions', Guest post, (2012) Strasbourg Observers, <http://strasbourgobservers.com/2012/08/16/francoise-tulkens-on-human-rights-restrictions/>.
51. 'International Judges as Dispute-Settlers and Law-Enforcers – From International Law without Courts to International Courts without Law', (2012) 34 Loyola International and Comparative Law Review 33-52.
52. \*'Evolutions in Non-Discrimination Law within the ECHR and the ESC Systems: It Takes Two to Tango in the Council of Europe', in de Burca, G. and Rubio Marin, R. (eds), *Evolutions in Anti-Discrimination Law in Europe and North America*, Special issue, (2012) 60 American Journal of Comparative Law 147-80.
53. 'International Legality – A Response to Hathaway & Shapiro', Online symposium, (2011) *Opinio Juris*, <http://opiniojuris.org/2011/11/15/international-legality-a-response-to-hathaway-shapiro/>.
54. 'The Democratic Legitimacy of WTO Law – On the Dangers of Fast-Food Democracy', (2011) World Trade Institute Research Papers No 72, <https://www.wti.org/research/publications/274/the-democratic-legitimacy-of-wto-law-on-the-dangers-of-fast-food-democracy/>.

55. \*'Sovereignty, International Law and Democracy', Symposium on Jeremy Waldron's "Are Sovereigns Entitled to the Benefit of the International Rule of Law?", (2011) 22:2 *European Journal of International Law* 373-87.
56. \*'Human Rights and Democracy in a Global Context – Decoupling and Recoupling', (2011) 4:1 *Ethics and Global Politics* 19-50.
57. \*'The Authority of International Law – Lifting the State Veil', (2009) 31:3 *Sydney Law Review* 343-80 [Translated into German in Günther, K. and Forst, R. (eds), *Die Gestaltung normativer Ordnungen*, Campus Verlag: Berlin 2011, 167-225].
58. \*'European Legal Pluralism after *Kadz*', (2009) 5:2 *European Constitutional Law Review* 237-64.
59. \*'Gender Discrimination under EU and ECHR Law – Never Shall the Twain Meet?', (2008) 8:4 *Human Rights Law Review* 647-682.
60. 'Une Institution nationale des droits de l'homme en Suisse : Comment, mais surtout pourquoi ?', *Jusletter* 9th June, 2008, <https://jusletter.weblaw.ch/juslissues/2008/473/6577.html> ONCE [A National human rights institution for Switzerland: How, but above all why?].
61. \*'How International is the European Legal Order?: Retracing Tuori's steps in the exploration of European legal pluralism', (2008) 8 *No Foundations* 50-70, <https://nofoundations.com/issues/NoFo5Besson.pdf>.
62. \*'Towards European Citizenship', with André Utzinger, (2008) 39:2 *Journal of Social Philosophy* 185-208.
63. 'La pluralité d'Etats responsables – Vers une solidarité internationale ?', (2007) 1 *Revue suisse de droit international et de droit européen* 13-38 [The Joint and Several Liability of States].
64. \*'Introduction: Future Challenges of European Citizenship. Facing a Wide-open Pandora's Box', with André Utzinger, Special issue on *Future Challenges of European Citizenship*, (2007) 13:5 *European Law Journal* 573-90.
65. \*'Enforcing the Child's Right to Know Her Origins. Contrasting Approaches under the Convention on the Rights of the Child and the European Convention on Human Rights', (2007) 21 *International Journal of Law, Policy and the Family* 137-59.
66. \*'Europe as a Demoi-cratic Polity', (2007) 30:1/116 *Retfaerd - Nordisk Juridisk Tidsskrift* 3-21.
67. \*'The Concept of Constitution in Europe: Interpretation *in lieu of* Translation', Short paper prepared for the Panel "What should we expect from European Constitutionalism", University of Helsinki, 30 September 2006, (2007) 3 *No Foundations: Journal of Extreme Legal Positivism*, <http://www.helsinki.fi/nofo/NoFo3Besson.pdf>.
68. 'Souveraineté, responsabilité et neutralité. Comment ne pas faire de la neutralité active un lit de Procuste', *Jusletter* 21st August, 2006, <https://jusletter.weblaw.ch/juslissues/2006/385/4933.html> [Sovereignty, responsibility and neutrality. How not to make of active neutrality a Procrustean bed].
69. \*'The European Union and Human Rights: Towards a Post-National Human Rights Institution?', (2006) 6:2 *Human Rights Law Review* 323-60.
70. 'Die Tugend des Konflikts', (2006) 1 *Rechtsphilosophie* 21-37 [The virtue of conflict].
71. 'The Many European Constitutions and the Future of European Constitutional Theory', (2006) *Archiv für Rechts- und Sozialphilosophie Beiheft* 105, *Staats- und Verfassungstheorie im Spannungsfeld der Disziplinen* 160-189.
72. \*'The Principle of Non-discrimination in the Convention on the Rights of the Child', (2005) 13:4 *International Journal of Children's Rights* 433-61.
73. 'La légitimité de l'arbitrage international d'investissement', *Jusletter* 25th July, 2005, <https://jusletter.weblaw.ch/fr/juslissues/2005/336/3932.html> [The Legitimacy of International Investment Arbitration].
74. 'La Constitution de la société civile', Special issue on the new Constitution of the Canton of Fribourg, (2005) 1 *Revue Fribourgeoise de Jurisprudence* 323-47 [The Constitution of civil society].
75. 'Das Recht auf Kenntnis der eigenen Abstammung – Wege und Auswirkungen der Konkretisierung eines Grundrechts', (2005) 1 *Revue de droit suisse* 39-71. [Reprinted in: *Jusletter* 14th March, 2005, <https://jusletter.weblaw.ch/fr/juslissues/2005/318/3691.html> [The right to know one's origins]].
76. \*'Sovereignty in conflict', (2004) 8:15 *European Integration online Papers*, <http://eiop.or.at/eiop/texte/2004-015a.htm>.
77. \*'From European Integration to European Integrity. Should European Law Speak with Just One Voice?', (2004) 10:3 *European Law Journal* 257-81.
78. \*'Four Arguments Against Compromising Justice Internally', (2003) 23:2 *Oxford Journal of Legal Studies* 211-41.
79. 'Les obligations positives de protection des droits fondamentaux. Un essai en dogmatique comparative', (2003) 1 *Revue de Droit Suisse* 49-96 [Positive duties to protect fundamental rights. An essay in comparative dogmatique].
80. 'Plus d'égalité pour les femmes dans les faits – quel rôle pour la nouvelle Constitution cantonale ?', Special issue *Le droit en mouvement*, (2002) 1 *Revue Fribourgeoise de Jurisprudence* 3-18 [More equality for women in practice – what role for the new cantonal Constitution ?].
81. 'What can one learn from a negative popular verdict?', Special issue on parity rights, (2001) 7:1 *Jus Gentium* 55-85.

82. 'Liberté d'association et égalité de traitement – une dialectique difficile. Une comparaison des modèles théoriques américain et suisse', (2001) 1 *Revue de Droit Suisse* 43-75 [Freedom of association and equal treatment – A difficult dialectic. A comparative study of the American and Swiss theoretical models].
83. 'Conflits Constitutionnels en Europe – Une Lecture de l'Affaire C-285/98, *Tanja Kreil c. République fédérale d'Allemagne*', (2000) 5 *Aktuelle Juristische Praxis* 563-76 [Constitutional conflicts in Europe – A reading of the *Kreil* case].
84. '\*Discrimination and Freedom of Contract – Philosophical and Economic Foundations of the Law against Racial Discrimination in Employment', (1999) 3 *International Journal of Discrimination and the Law* 269-97.
85. 'Mesures positives : le nouvel équilibre asymétrique. Perspectives pour le droit suisse', (1999) 4 *Aktuelle Juristische Praxis* 390-404 [Affirmative action: the new asymmetric equilibrium. Perspectives for Swiss law].

[\* = peer-reviewed]

## Chapters

1. 'Equity in Reparations after *Factory at Chorzów*', in Kulick, A., Paddeu, F., and Paparinskis, M. (eds), *Chorzów Factory at 100*, Oxford: Oxford University Press 2027, in preparation.
2. 'International Regional Integration through Human Rights: Comparative Assessment and Implications for the Regionalization of International Law', in Millet, F.X. (ed.), *The Human Rights Mandate of Regional Integration Courts in the World*, 2027, in preparation.
3. 'La fin du "décalque des institutions européennes": vers un droit inter-régional comparé de l'État', in Barroche, J. and Bligh, G. (eds), *Le concept d'Etat à travers les civilisations*, 2026, forthcoming.
4. '\*Justifications of Human Rights', in Moeckli, D., Shah, S. and Sivakumaran, S. (eds), *International Human Rights Law*, 4<sup>th</sup> edn, Oxford: Oxford University Press 2026, in press (revised edition of the 2022 piece).
5. 'Equity in International Law', in Lefkowitz, D. and Follesdal, A. (eds), *Philosophy and International Law: Contestations and Extensions*, Cambridge: Cambridge University Press 2026, in press.
6. 'Democratic Representation in, through and by International Organizations. An Introduction', in Besson, S. (ed.), *Democratic Representation in International Organizations*, ASIL International Legal Theory Series, Cambridge: Cambridge University Press 2026, in press.
7. 'No Democratic Representation without Institution. Lifting the Veil of Functionalist, Incorporation and Agency Theories of Democratic Representation by International Organizations', with José Luis Martí, in Besson, S. (ed.), *Democratic Representation in International Organizations*, ASIL International Legal Theory Series, Cambridge: Cambridge University Press 2026, in press.
8. 'International Cooperation under the Human Right to Science: Grounds, Subjects, Objects and Contents', in Besson, S. and Achermann, K. (eds), *International Cooperation under the Human Right to Science*, Cheltenham: Edward Elgar Publishing 2026, 1-32.
9. '\*We the Peoples of the United Nations – From Single Separate Institutent Powers to Multiple Nested Instituted Publics', in Niesen, P., Patberg, M., and Rubinelli, L. (eds), *The Oxford Handbook of Constituent Power*, Oxford: Oxford University Press 2026, 533-546.
10. '\*Republican Sovereignty', with José Luis Martí, in Sellers, M. and Lovett F. (eds), *The Oxford Handbook on Republicanism*, Oxford: Oxford University Press 2025, <https://doi.org/10.1093/oxfordhb/9780197754115.013.35>.
11. 'Prendre le « droit de l'Homme à la science » des femmes au sérieux', in Combes F. (ed.), *Genre & Sciences*, Actes du Colloque de rentrée 2024 du Collège de France, Paris: Collège de France/Odile Jacob 2025, 303-325.
12. 'Les espaces du droit international en voie d'appropriation. Réinstaurer les communs pour éviter l'enclosure', in Besson S., Mantovani D. et Singaravélou P. (eds), *Aux confins de la loi. La nature, les colonies, l'espace*, Série *Les conférences de L'Histoire à venir*, Toulouse: Anacharsis 2025, 95-121.
13. 'Pour une représentation démocratique multiple au sein de l'Organisation mondiale de la santé', in de Frouville, O. and Rousseau, D. (eds), *Démocratiser l'Espace-Monde*, Paris: Mare & Martin 2024, 199-218.
14. '\*Human Rights as Transnational Constitutional Law', in Lang, A. and Wiener, A. (eds), *Handbook on Global Constitutionalism*, London: Edward Elgar 2023, 331-345 (revised edition of the 2017 piece).
15. 'Consenting to International Law, An Introduction', in Besson, S. (ed.), *Consenting to International Law*, ASIL International Legal Theory Series, Cambridge: Cambridge University Press 2023, 1-27.
16. 'From Equal State Consent to Equal Public Participation in International Organizations – Institutionalizing Multiple International Representation', in Besson, S. (ed.), *Consenting to International Law*, ASIL International Legal Theory Series, Cambridge: Cambridge University Press 2023, 314-346.
17. '\*Extraterritoriality in International Human Rights Law: Back to the Jurisdictional Drawing Board', in Parrish, A. and Ryngeart, C. (eds), *Research Handbook on Extraterritoriality in International Law*, London: Elgar 2023, 269-291.
18. 'L'en-Droit du monde', in Courtet, C., Besson, M., Lavocat, F. and Lecercle, F. (eds), *Contes, mondes et récits*, Paris: Editions CNRS 2023, 45-57.

19. 'L'égalité des Etats membres de l'Union européenne : un nouveau départ en droit international de l'organisation des Etats ?', in Dubout, E. (ed.), *L'égalité des Etats membres de l'Union européenne*, Brussels: Bruylant, 2022, 262-298.
20. 'Theorizing International Responsibility Law, An Introduction', in Besson, S. (ed.), *Theories of International Responsibility Law*, Cambridge: Cambridge University Press 2022, 1-24.
21. 'Quand l'Europe invente, s'invente et se réinvente. Une introduction', in Samantha Besson (ed.), *Inventer l'Europe*, Actes du Colloque de rentrée 2021 du Collège de France, Paris: Collège de France/Odile Jacob 2022, 7-23.
22. '\*Justifications of Human Rights', in Moeckli, D., Shah, S. and Sivakumaran, S. (eds), *International Human Rights Law*, 4<sup>th</sup> edn, Oxford: Oxford University Press 2022, 23-42 (revised edition of the 2017 piece).
23. 'Le droit international des civilisations – Ou comment instituer leur concertation', in Pirenne-Delforge, V. and Quintana Murci, L. (eds), *Civilisation(s). Questionner l'identité et la diversité*, Actes du Colloque de rentrée 2020 du Collège de France, Paris: Odile Jacob 2021, 345-70.
24. '\*Cities as Democratic Representatives in International Law-Making', with José Luis Martí, in Aust, H. and Nijman, J. (eds), *Research Handbook on International Law and Cities*, London: Elgar 2021, 341-53.
25. 'Article 5(4) Cst. : L'Etat régi par le droit international', in Dubey, J. and Martenet, V. (eds), *Commentaire romand de la Constitution suisse*, Bâle: Helbing 2021, 240-57.
26. 'COVID-19 et le « moment politique » de l'OMS', in Kuriyama, S., de Leonardis, O., Sonnenschein, C. and Thioub, I. (eds), *Covid-19. Tour du monde*, Paris: Manucius 2021, 31-2.
27. 'Que fait l'Europe ? Ce que le Coronavirus nous dit de l'état de l'Union européenne', Fondation du Collège de France (ed.), *Une boussole pour l'après*, Paris: Humensciences 2020, 111-20.
28. 'L'autorité légitime du droit international comparé : Quelques réflexions autour du monde et du droit des gens de Vico', in Besson, S. and Jubé, S. (eds), *Concertar les civilisations. Mélanges en l'honneur d'Alain Supiot*, Paris: Seuil 2020, 49-60.
29. 'The Holders of Human Rights: The Bright Side of Human Rights?', in Brooks, T. (ed.), *The Oxford Handbook of Global Justice*, Oxford: Oxford University Press 2020, 99-121.
30. 'The Human Right to Democracy in International Law – Coming to Moral Terms with an Equivocal Legal Practice', in von Arnould, A., von der Decken, K. and Susi, M. (eds), *The Cambridge Handbook of New Human Rights. Recognition, Novelty, Rhetoric*, Cambridge: Cambridge University Press 2020, 481-9.
31. '\*Article 2: The Right to Non-Discrimination', with Eleonor Kleber, in Alston, P. and Tobin, R. (eds), *Commentary on the Convention on the Rights of the Child*, Oxford: Oxford University Press 2019, 41-72.
32. '\*In What Sense are Economic Rights Human Rights? Departing from their Naturalistic Reading in International Human Rights Law', in Queralt, J. and van der Vossen, B. (eds), *Economic Liberties and Human Rights*, London: Routledge 2019, 45-68.
33. 'Why and What (State) Jurisdiction: Legal Plurality, Individual Equality and Territorial Legitimacy', in Klabbers, I. and Palombella, L. (eds), *The Challenge of Inter-Legality*, Cambridge: Cambridge University Press 2019, 91-132.
34. '\*Comparative Law and Human Rights', in Reimann, M. and Zimmermann, R. (eds), *Oxford Handbook of Comparative Law*, 2<sup>nd</sup> edn, Oxford: Oxford University Press 2019, 1222-49.
35. '\*Concurrent Responsibilities under the European Convention on Human Rights – The Concurrence of Jurisdictions, Duties, and Responsibilities', in Motoc, J. and von Aaken, A. (eds), *The European Convention on Human Rights and General International Law*, Oxford: Oxford University Press 2018, 155-77.
36. 'La responsabilité solidaire des Etats et/ou des organisations internationales – Une institution négligée', in Supiot, A. (ed.), *Face à l'irresponsabilité : la dynamique de la solidarité ?*, Publications du Collège de France, Paris 2018, 121-59, available under: <https://books.openedition.org/cdf/5188>.
37. 'The Influence of the Two Covenants on States Parties across Regions – Lessons for the Role of Comparative Law and Regions in International Human Rights Law', in Moeckli, D., Keller, H. and Heri, C. (eds), *The Human Rights Covenants at 50. Their Past, Present and Future*, Oxford: Oxford University Press 2018, 243-76.
38. 'Community Interests in International Law – Whose Interests are They and How Should We Best Identify Them?', in Benvenisti, E. and Nolte, G. (eds), *Community Interests across International Law*, Cambridge: Cambridge University Press 2018, 36-49.
39. 'Community Interests in the Identification of International Law – With a Special Emphasis on Treaty Interpretation and Customary Law Identification', in Benvenisti, E. and Nolte, G. (eds), *Community Interests across International Law*, Cambridge: Cambridge University Press 2018, 50-69.
40. 'Human Rights and Justification: A Reply to Matthias Kumm', in Etinson, A.D. (ed.), *Human Rights: Moral or Political?*, Oxford: Oxford University Press 2018, 262-8.
41. 'Justifications of Human Rights', in Moeckli, D., Shah, S. and Sivakumaran, S. (eds), *International Human Rights Law*, 3<sup>rd</sup> edn, Oxford: Oxford University Press 2017, 22-40 (revised edition of the 2013 piece).
42. 'Human Rights as Transnational Constitutional Law', in Lang, A. and Wiener, A. (eds), *Handbook on Global Constitutionalism*, London: Edward Elgar 2017, 234-47.

43. 'The Sources of International Law: An Introduction', with Jean d'Aspremont, in Besson, S. and d'Aspremont, J. (eds), *Oxford Handbook on the Sources of International Law*, Oxford: Oxford University Press 2017, 1-39.
44. 'Sources of International Human Rights Law: How General is General International Law?' in Besson, S. and d'Aspremont, J. (eds), *Oxford Handbook on the Sources of International Law*, Oxford: Oxford University Press 2017, 837-70.
45. 'International Responsibility: An Introduction', in Besson, S. (ed.), *International Responsibility. Essays in Law, History and Philosophy*, Travaux de l'Ecole doctorale CUS 2016, Zürich: Schulthess 2017, 3-13.
46. \*'Human Rights in Relation: A Critical Reading of the ECtHR's Approach to Conflicts of Rights', in Smet, S. and Brems, E. (ed.), *When Human Rights Clash at the European Court of Human Rights: Conflict or Harmony?*, Oxford: Oxford University Press 2017, 23-37.
47. \*'General Principles and Customary Law in the EU Legal Order', in Vogenauer, S. and Weatherill, S. (eds), *General Principles of EU Law*, Oxford: Hart 2017, 105-29.
48. \*'International Legal Theory qua Practice of International Law', in d'Aspremont, J., Nollkaemper, A. and Gazzini, T. (eds), *International Law as a Profession*, Cambridge: Cambridge University Press 2017, 268-84.
49. 'Introduction', in Besson, S., Heckendorn Urscheler, L. and Jubé, S. (eds), *Comparing Comparative Law*, Zürich: Schulthess 2017, 9-16.
50. 'L'évolution du contrôle européen : vers une subsidiarité toujours plus subsidiaire', in Touzé, S. (ed.), *La Cour européenne des droits de l'homme : une confiance nécessaire pour une autorité renforcée*, Paris: Pedone 2016, 57-82.
51. \*'Legal Human Rights Theory', in Brownlee, K., Lippert-Ramussen, K., and Coady, D. (eds), *Blackwell Companion to Applied Philosophy*, London: Blackwell Wiley 2016, 328-41.
52. 'Human Rights' Adjudication as Transnational Adjudication – A Peripheral Case of Domestic Courts as International Law Adjudicators', in Binder, C., Footer, M. and Reinisch, A. (eds), *International Law and ...*, ESIL Proceedings of the 10<sup>th</sup> Anniversary Conference, Oxford: Oxford University Press 2016, 43-65.
53. 'Moral Philosophy and International Law', in Hoffmann, F. and Orford, A. (eds), *Oxford Handbook of International Legal Theory*, Oxford: Oxford University Press 2016, 385-406.
54. 'L'application extra-territoriale des droits de l'homme internationaux en pratique: juridictions concurrentes, obligations conjointes et responsabilités partagées', in d'Argent, P. (ed.), *Droit des frontières internationales. Actes des Journées franco-allemandes SFDI-DGIR 2014*, Paris: Pedone 2016, 245-59.
55. 'Le droit de la famille sous l'angle des droits de l'homme – Quelques réflexions', in ASSH (ed.), *Le mariage et le partenariat entre norme et réalité*, Actes du colloque du 23 juin 2015 à Berne, Bern: ASSH 2016, 168-87.
56. 'Human Rights Waivers and the Right to do Wrong under the ECHR', *Mélanges for Dean Spielmann*, Nijmegen: Wolf Legal Publishers 2015, 23-35.
57. 'Human Rights and Constitutional Law: Mutual Validation and Legitimation', in Cruft, R., Liao, M. and Renzo, M. (eds), *Philosophical Foundations of Human Rights*, Oxford: Oxford University Press 2015, 279-99.
58. 'Structure et nature des droits de l'homme', in Hottelier, M. and Hertig, M. (eds), *Introduction aux droits de l'homme*, Bruxelles: Bruylant 2014, 19-38.
59. 'International Human Rights and Political Equality – Some Implications for Global Democracy', in Eрман, E. and Näsström, S. (eds), *Equality in Transnational and Global Democracy*, London: Palgrave 2014, 89-123.
60. 'Droits de l'homme et fédéralisme : une introduction thématique', in Besson, S. and Belser, E.M. (eds), *La Convention européenne des droits de l'homme et les cantons – Die Europäische Menschenrechtskonvention und die Kantone*, Actes de la Journée BENEFRRI en droit européen 2013, Zürich: Schulthess 2014, 7-39.
61. 'Le droit international et européen des droits de l'homme et la forme politique fédérale – Je t'aime, moi non plus', in Besson, S. and Belser, E.M. (eds), *La Convention européenne des droits de l'homme et les cantons – Die Europäische Menschenrechtskonvention und die Kantone*, Actes de la Journée BENEFRRI en droit européen 2013, Zürich: Schulthess 2014, 215-47.
62. 'Commentaire des Articles 3, 5, 8, 12, 13, 14 et 16 CEDH et du Protocole No 7 CEDH', with Eleonor Kleber, in Amarelle, C. and Nguyen, M.S. (eds), *Code annoté de droit des migrations*, Zürich: Schulthess 2014, 1-72.
63. 'La vulnérabilité et la structure des droits de l'homme – L'exemple de la jurisprudence de la Cour européenne des droits de l'homme', in Burgorgue-Larsen, L. (ed.), *La vulnérabilité saisie par les juges*, Bruxelles: Bruylant 2014, 59-85.
64. 'Legal Philosophical Issues of International Adjudication – Getting over the *amour impossible* between international law and adjudication', in Alter, K.J., Romano, C.P.R. and Shany, Y. (eds), *The Oxford Handbook of International Adjudication*, Oxford: Oxford University Press 2014, 413-34.
65. 'European Human Rights Pluralism – Notion and justification', in Maduro, M., Tuori, K. and Sankari S. (eds), *Transnational Law – Rethinking European Law and Legal Thinking*, Cambridge: Cambridge University Press 2014, 170-205.
66. 'Justifications of Human Rights', in Moeckli, D., Shah, S. and Sivakumaran, S. (eds), *International Human Rights Law*, 2<sup>nd</sup> edn, Oxford: Oxford University Press 2013, 34-52.

67. 'The Legitimate Authority of International Human Rights: On the Reciprocal Legitimation of Domestic and International Human Rights', in Føllesdal, A., Schaffer, J.K. and Ulfstein, G. (eds), *The Legitimacy of International Human Rights Regimes*, Cambridge: Cambridge University Press 2013, 32-83.
68. 'Introduction', with Fatimata Niang, in Besson, S. and Ziegler, A. (eds), *Le juge en droit international et européen – The Judge in International and European Law*, Travaux de l'Ecole doctorale romande sur les fondements du droit européen 2012, Zürich: Schulthess 2013, 3-14.
69. 'De quelques considérations philosophiques sur la justice internationale – Ou comment dépasser l'amour impossible entre droit international et justice internationale', in Besson, S. and Ziegler, A. (eds), *Le juge en droit international et européen – The Judge in International and European Law*, Travaux de l'Ecole doctorale romande sur les fondements du droit européen 2012, Zürich: Schulthess 2013, 15-41.
70. 'Armut, Migration und Staatsbürgerschaft - Poverty, Migration and Citizenship – Respondenz zu Ayelet Shachars Mosse - Lecture', in Scherpe, K. and Wagner, E. (eds), *Citizenship – Mosse Lectures 2011-2012*, Berlin: Vorwerk 2013, 65-82.
71. 'The Allocation of Anti-poverty Rights Duties – Our Rights, but Whose Duties?', in Nadakavukaren Schefer, K. (ed.), *Poverty and the International Economic Legal System – Duties to the World's Poor*, Cambridge: Cambridge University Press 2013, 408-31.
72. 'Introduction', with Marie-Louise Gächter-Alge, in Levrat, N. and Besson, S. (eds), *(Dés)ordres juridiques européens – European Legal (Dis)Orders*, Travaux de l'Ecole doctorale romande sur les fondements du droit européen 2011, Zürich: Schulthess 2012, 5-14.
73. 'The Right to Have Rights – From Human Rights to Citizens' Rights and Back', in Goldoni, M. and McCorkindale, C. (eds), *Hannah Arendt and the Law*, Oxford: Hart Publishing 2012, 335-55.
74. 'Sovereignty', in Wolfrum, R. et al. (eds), *Max Planck Encyclopedia of Public International Law*, Vol. IX, Oxford: Oxford University Press 2012, 366-91, also available online.
75. 'The Erga Omnes Effect of Judgments of the European Court of Human Rights – What's in a Name?', in Besson, S. (ed.), *La Cour européenne des droits de l'homme après le Protocole 14 – Premier bilan et perspectives / The European Court of Human Rights after Protocol 14 – First assessment and perspectives*, Zürich: Schulthess 2011, 125-75.
76. 'The Human Rights Competence in the EU – The State of the Question after Lisbon', in Kofler, G., Poiras Maduro, M. and Pistone, P. (eds), *Human Rights and Taxation in Europe and in the World*, 5<sup>th</sup> GREIT Conference, Amsterdam: IBFD 2011, 37-63.
77. 'Human Rights – Ethical, Political ... or Legal? First Steps in a Legal Theory of Human Rights', in Childress, D.E. (ed.), *The Role of Ethics in International Law*, Cambridge: Cambridge University Press 2011, 211-45.
78. 'Introduction', with Marie-Louise Gächter-Alge, in Besson, S. and Pichonnaz, P. (eds), *Les principes en droit européen – Principles in European Law*, Travaux de l'Ecole doctorale romande sur les fondements du droit européen 2010, Zürich: Schulthess 2011, 5-16.
79. 'L'effectivité des droits de l'homme – Du devoir être, du pouvoir être et de l'être en matière de droits de l'homme', in Zufferey, J.B., Dubey, J. and Previtali, M. (eds), *Mélanges en l'honneur de Marco Borghi*, Fribourg: AISUF 2011, 53-83 [The effectivity of human rights].
80. 'General Principles in International Law – Whose Principles?', in Besson, S. and Pichonnaz, P. (eds), *Les principes en droit européen – Principles in European Law*, Travaux de l'Ecole doctorale romande sur les fondements du droit européen 2010, Zürich: Schulthess 2011, 19-64.
81. 'Gruppen, Rechte und Konflikte: Ein Kommentar zu M. Nussbaum - Religion, Kultur und die Gleichstellung der Geschlechter', in Holderegger, A., Weichlein, S. and Zurbuchen, S. (eds), *Humanismus – Sein kritisches Potential für Gegenwart und Zukunft*, Basel: Schwabe Verlag and Academic Press, Fribourg 2011, 197-216 [Groups, Rights and Conflicts: A Comment on Martha Nussbaum].
82. 'European Human Rights, Supranational Judicial Review and Democracy – Thinking outside the judicial box', in Popelier, P., Van den Heyning, C. and Van Nuffel, P. (eds), *Human Rights Protection in the European Legal Order: Interaction between European Courts and National Courts*, Cambridge: Intersentia 2011, 97-145.
83. 'L'interprétation en droit européen/Interpretation in European Law – Quelques remarques introductives', with Gächter-Alge, M.-L., in Besson, S., Levrat, N. and Clerc, E. (eds), *Interprétation en droit européen – Interpretation in European Law*, Zürich: Schulthess 2011, 3-35 [Interpretation in European Law – Some Introductory Remarks].
84. 'The Human Right to Democracy – A Moral Defence, with a Legal Nuance', *Definition and Development of Human Rights and Popular Sovereignty in Europe*, Collection Science and Technique of Democracy, No. 49, Strasbourg: Editions du Conseil de l'Europe 2011, 47-75, <http://www.grethaller.ch/texte/2011/science-and-technique-of-democracy-no-49.pdf> [Translated into German in Haller, G., Günther, K. and Neumann, U. (eds), *Menschenrechte und Volkssouveränität in Europa – Gerichte als Vormund der Demokratie?*, Berlin: Campus Verlag 2011, 61-102].
85. 'Les effets et l'exécution des arrêts de la Cour européenne des droits de l'homme – Le cas de la Suisse', in Ehrenzeller, B. and Breitenmoser, S. (eds), *EMRK und die Schweiz*, St Gallen: Institut für Rechtswissenschaft und Rechtspraxis 2010, 125-199 [The effects and the execution of judgements by the European Court of Human Rights in Switzerland].

86. 'Introduction', with John Tasioulas, in Besson, S. and Tasioulas, J. (eds), *The Philosophy of International Law*, Oxford: Oxford University Press 2010, 1-27.
87. 'Theorizing the Sources of International Law', in Besson, S. and Tasioulas, J. (eds), *The Philosophy of International Law*, Oxford: Oxford University Press 2010, 163-85.
88. 'Children's Convention (Convention on the Rights of the Child)', with Joanna Bourke-Martignoni, in Forsythe, D. et al. (eds), *Encyclopedia of Human Rights*, Vol. I, Oxford: Oxford University Press 2009, 300-308.
89. 'Sovereignty: from independence to responsibility. On asking the right question in Switzerland', in Cottier, T. and Liechti, R. (eds), *Die Schweiz und Europa – Wirtschaftliche Integration und Institutionelle Abstinenz*, Zürich: VDF 2009, 198-208.
90. 'Institutionalising global democracy', in Meyer, L. (ed.), *Legitimacy, Justice and Public International Law*, Cambridge: Cambridge University Press 2009, 58-91.
91. 'Whose Constitution(s)? International Law, Constitutionalism and Democracy', in Dunoff, J. and Trachtman, J. (eds), *Ruling the World? Constitutionalism, International Law and Global Governance*, Cambridge: Cambridge University Press 2009, 381-407.
92. 'Law and Republicanism: Mapping the Issues', in Besson, S. and Martí, J.L. (eds), *Legal Republicanism – National and International Perspectives*, Oxford: Oxford University Press 2009, 3-36.
93. 'Ubi Ius, Ibi Civitas. A Republican Account of the International Community', in Besson, S. and Martí, J.L. (eds), *Legal Republicanism – National and International Perspectives*, Oxford: Oxford University Press 2009, 205-37.
94. 'Fundamental Rights and European Private Law', in Bussani, M. and Werro, F. (eds), *European Private Law. A Handbook*, Bern: Stämpfli, Durham: Carolina Academic Press and Bruxelles: Bruylant 2009, 7-46.
95. 'The Reception Process in Ireland and the United Kingdom', in Keller, H. and Stone Sweet, A. (eds), *A Europe of Rights – The Impact of the ECHR on National Legal Systems*, Oxford: Oxford University Press 2008, 31-106.
96. 'Introduction', with Nicolas Levrat, in Besson, S., Cheneval, F. and N. Levrat (eds), *Des Valeurs pour l'Europe ? Values for Europe?*, Louvain-la-Neuve: Academia Bruylant 2008, 11-24.
97. 'The Sovereign, The Investor and the Arbitrator. Why and How to Reform International Investment Arbitration', in Gauch, P., Pichonnaz, P. and Werro, F. (eds), *Mélanges Pierre Tervier*, Zürich: Schulthess 2008, 745-777.
98. 'Auf den Weg zur Europäischen Demokratie: Die neuere Rechtsprechung der EuGH zur demokratischen Repräsentation in der EU', with André Utzinger, in Epiney, A. et al. (eds), *Annuaire suisse de droit européen*, Zürich: Schulthess 2007, 257-281 [Political rights in the EU: European democracy in action].
99. 'European Citizenship Across Borders', with André Utzinger, in Epiney, A., Haag, M. and Heinemann, A. (eds), *Challenging Boundaries, Festschrift für Roland Bieber*, Baden-Baden: Nomos 2007, 629-644.
100. 'Souveränität, Verantwortung und Neutralität. Damit aus der aktiven Neutralität kein Prokrustesbett wird', in Kreis, G. (ed.), *Die Schweizer Neutralität: Beibehalten, umgestalten oder doch abschaffen?*, Zürich: Werd 2007, 95-110 [Sovereignty, responsibility and neutrality. How not to make of active neutrality a Procrustean bed].
101. 'Human Rights at the Center/Les Droits de l'Homme au Centre. A few introductory remarks/Quelques remarques introductives', in Besson, S., Werro, F. and Hottelier, M. (eds), *Les Droits de l'Homme au Centre – Human Rights at the Center*, Travaux du troisième cycle romand en droit, Zürich: Schulthess 2006, ix-xxix.
102. 'Deliberative democracy in the European Union. Towards the deterritorialization of democracy', in Besson, S. and Martí, J.L. (eds), *Deliberative Democracy and Its Discontents*, Aldershot: Ashgate 2006, 181-214.
103. 'Introduction', with José Luis Martí, in Besson, S. and Martí Marmol, J. (eds), *Deliberative Democracy and Its Discontents*, Ashgate: Aldershot 2006, xiii-xxxi.
104. 'Comment humaniser le droit privé sans commodifier les droits de l'homme', in Werro, F. (ed.), *Droit civil et Convention européenne des droits de l'homme*, Bern: Stämpfli 2006, 1-51 [How to humanize private law without commodifying human rights].
105. 'Sovereignty in Conflict', in Tierney, S. and Warbrick, C. (eds), *Towards an International Legal Community. The Sovereignty of States and the Sovereignty of International Law*, London: BIICL 2006, 131-90 [Pre-published in: (2004) 8:15 *European Integration online Papers*, <http://ciop.or.at/ciop/texte/2004-015a.htm>].
106. 'The Paradox of Democratic Representation. On Whether and How Disagreement should be Represented', in Wintgens, L. (ed.), *The Theory and Practice of Legislation: Essays in Legisprudence*, Applied Legal Philosophy Series, Aldershot: Ashgate 2005, 125-61.
107. 'Disagreement and Democracy – From Vote to Deliberation and Back Again? The Move towards Deliberative "Voting Ethics"', in Iglesias, I. and Ferrer, J. (eds), *Law, Politics, and Morality: European Perspectives I – Globalization, Democracy and Citizenship – Prospects for the European Union*, Berlin: Duncker & Humblot 2003, 101-35.
108. 'La souveraineté coopérative en Europe – Ou comment la Suisse pourrait être à la fois européenne et souveraine', in Balmelli, T. (ed.), *La Suisse saisie par l'Union européenne*, Fribourg: Editions Interuniversitaires Suisses 2003, 5-47 [Cooperative sovereignty in Europe].
109. 'Post-souveraineté ou simple changement de paradigmes ? Variations sur un concept essentiellement contestable', in Balmelli, T., Borghi, A. and Hildebrand, P. (eds), *La souveraineté au XXIème siècle*, Fribourg: Editions

Interuniversitaires Suisses 2003, 7-58 [Post-sovereignty or mere change of paradigms? Variations on an essentially contestable concept].

110. 'L'égalité de traitement entre particuliers en droit communautaire – Les fondements', in Werro, F. (ed.), *L'Européanisation du droit privé, Vers un Code Civil européen ?*, 3<sup>e</sup> Cycle en droit, Fribourg: Editions Universitaires 1998, 51-96 [Equality of treatment among individuals in European Community law].

[\* = peer-reviewed]

## Reviews

1. 'Review of Fernando Lusa Bordin's *The Analogy between States and International Organizations*', (2020) 31:2 *European Journal of International Law* 771-6.
2. 'Review of José Alvarez's *The Impact of International Organizations on International Law*', (2019) 30:3 *European Journal of International Law* 344-9.
3. 'International Law's Relative Authority', Review of Nicole Roughan's *Authorities. Conflicts, Cooperation and Transnational Legal Theory*, (2015) 6:1 *Jurisprudence* 169-76.
4. 'An Uncompromising Compromising Mindset', Review of Amy Gutmann's and Dennis Thompson's *The Spirit of Compromise: Why Governing Demands It and Campaigning Undermines It*, (2014) 42:2 *Political Theory* 228-35.
5. 'The Truth about Legal Pluralism', Review of Nico Krisch's *Beyond Constitutionalism: the Pluralist Structure of Postnational Law*, (2012) 8:2 *European Constitutional Law Review* 354-61.
6. 'How to Theorise Law in a Transnational Context', Review of Detlef von Daniels' *The Concept of Law from a Transnational Perspective*, (2011) 2:4 *Transnational Legal Theory* 573-9.
7. 'Human Rights qua Normative Practice – Sui generis or Legal?', Review of Charles Beitz's *The Idea of Human Rights*, (2010) 1:1 *Transnational Legal Theory* 127-133.
8. 'Deconstructing Hart', Review of Nicola Lacey's *A Life of HLA Hart. The Nightmare and the Noble Dream*, (2005) 6:7 *German Law Journal* 1093-1108.
9. 'Democracy, Law and Authority', Review of Lukas Meyer, Stanley Paulson and Thomas Pogge (eds), *Rights, Culture and the Law: Themes from the Legal and Political Philosophy of Joseph Raz*, (2005) 2:1 *Journal of Moral Philosophy* 89-99. Reprinted in: Brooks, T. (ed.), *Law and Legal Theory*, Leiden/Boston: Brill 2014, 11-22.
10. 'The Taming of Sovereignty', Review of Neil Walker (ed.), *Sovereignty in Transition*, (2005) 3:1 *International Journal of Constitutional Law* 147-56.
11. '\*Human Rights, Institutional Duties and Cosmopolitan Responsibilities', Review of Thomas Pogge's *World Poverty and Human Rights*, (2003) 23:3 *Oxford Journal of Legal Studies* 507-23.
12. '*Jeremy Bentham et le droit constitutionnel* by Guillaume Tusseau', Review, (2003) 89:1 *Archiv für Rechts- und Sozialphilosophie* 154-57.
13. 'Le droit par le sexe ou la reconstruction épistémologique et politique selon MacKinnon', Review of Jean-François Gaudreault-DesBiens' *Le sexe et le droit : sur le féminisme juridique de Catherine MacKinnon*, (2001) 13:2 *Canadian Journal of Women and the Law* 390-401.

[\* = peer-reviewed]

## Legal opinions

1. *La pratique suisse de détermination du droit international coutumier*, Avis de droit pour le Département fédéral des affaires étrangères à la demande de la Commission du droit international/Good opinion on the *Swiss practice of determination of customary international law* for the Swiss Foreign Affairs Department at the request of the International Law Commission, 31 August 2015, with Odile Ammann, 189 pages (available under: (2016) 21 *Cahiers fribourgeois de droit européen*, [https://www.unifr.ch/ius/euroinstitut/fr/assets/public/files/publications/cahiers%20fribourgeois/cahier\\_21.pdf](https://www.unifr.ch/ius/euroinstitut/fr/assets/public/files/publications/cahiers%20fribourgeois/cahier_21.pdf)).