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39 results searching for (Gozler AND "Judicial Review of Constitutional Amendments") in All Databases. , sorted by "Volume Date (Oldest First)"

- 1. **Judicial review of constitutional amendments: a comparative study, 2008**
Gözler, K.
Kysela, J.
Právník, 148:1128-1130
2009

- 2. **Book Reviews [reviews]**
Book Reviews
International Journal of Constitutional Law, Vol. 7, Issue 3 (July 2009), pp. 544-552
7 Int'l J. Const. L. 544 (2009)
 Topics: European Union, Legal Positivism, Federalism, Taxation

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Kemal Gözler, **Judicial Review of Constitutional Amendments: A Comparative Study**. Ekin Press, 2008. Pp. 126.

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- 3. **Control of Constitutionality of Constitutional Norms [article]**
Radovi
Croatian Academy of Legal Sciences Yearbook, Vol. 1, pp. 1-28
Omejec, Jasna
1 Croat. Acad. Legal Sci. Y.B. 1 (2010)
 Topics: Constitutions, Inheritance, International Law: History

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Podrobnije GOZLER, K.: **Judicial Review of Constitutional Amendments: A Comparative Study**, Ekin Press, Bursa, 2008.

- All Matching Text Pages (5)

- 4. **Unconstitutional Constitutional Amendments [article]**

Unconstitutional Constitutional Amendments

Israel Law Review, Vol. 44, Issue 3 (2011), pp. 321-342

Barak, Aharon (Cited 346 times)

44 *Isr. L. Rev.* 321 (2011)

Topics: Comparative Law, Constitutional Amendment, Judicial Review, Judiciary, Politics, Separation, Constitutional Courts, South Africa

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Until 1971, the Turkish Constitution did not contain an express provision regarding the **judicial review of constitutional amendments**. ...REV. 417 (2007- 2008). 7 TURKISH CONST., 1982, art. 148. 8 TURKISH CONST., 1982, art. 4: "The provision of Article 1 of the Constitution establishing the form of the state as a Republic, the provisions in Article 2 on the characteristics of the Republic, and the provision of Article 3 shall not be amended, nor shall their amendment be proposed." 9 TURKISH CONST., 1982, art. 1: "The Turkish state is a Republic." 10 TURKISH CONST., 1982, art. 2: "The Republic of Turkey is a democratic, secular and social state governed by the rule of law..." " See **KEMAL GOZLER, JUDICIAL REVIEW OF CONSTITUTIONAL AMENDMENTS: A COMPARATIVE STUDY** 23-24 (2008). 322 [Vol. 44: 321 #12;

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5. **The Origins and Limits of Originalism: A Comparative Study [article]**

Vanderbilt Journal of Transnational Law, Vol. 44, Issue 5 (November 2011), pp. 1239-1298

Varol, Ozan O. (Cited 157 times)

44 *Vand. J. Transnat'l L.* 1239 (2011)

Topics: Constitutional Law, History, Legal History

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; **KEMAL GOZLER, JUDICIAL REVIEW OF CONSTITUTIONAL AMENDMENTS: A COMPARATIVE STUDY** 42-43 (2008). 318.

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6. **When a Constitutional Amendment Violates the Substantive Core: The Czech Constitutional Court's September 2009 Early Elections Decision [article]**

Review of Central and East European Law, Vol. 36, Issue 1 (2011), pp. 33-52

Williams, Kieran (Cited 1 times)

36 *Rev. Cent. & E. Eur. L.* 33 (2011)

Topics: Constitutional Amendment, Constitutional Courts, Elections, Comparative Law, Constitutional Law, Jurisdiction

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(Footnote omitted from citation.) 58 Kemal **Gozler**, *Judicial Review of Constitutional Amendments: A Comparative Study* (Ekin, Bursa, 2008), 34-37. This book was cited by the Czech Court in the Melik case (at 4629) to support its claim that: 'The development of democratic constitutionalism in democratic countries at present emphasizes the protection of values identifying a constitutional system of freedom and democracy, including alternative forms of **judicial review of constitutional amendments**.' Gbzler's book in fact shows that there is still a very wide range of views on the matter, with several noteworthy states (such as France, the United States, Norway and Turkey under its 1982 Constitution) not authorizing courts to safeguard aspects of their constitutions deemed unalterable, such as republican guaranty clauses. 59 **Gozler**, *op.cit.* note 58, 37-39. ...It thereby duplicates an error in Hollander's 2005 article "Materidlni ohnisko fistavy a diskrcie fistavodirce" (at 323). 60 **Gozler**, *op.cit.* note 58; Richard Stith, "Unconstitutional Constitutional Amendments: The Extraordinary Power of Nepal's Supreme Court", *I(i) Am.*

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7. **The Annulment of the Decision on Amnesty by the Constitutional Law [article]**

Pravny Obzor: Teoreticky Casopis Pre Otazky Statu a Prava, Vol. 95, Issue 4 (2012), pp. 318-340

Balog, Boris

95 *Pravny Obzor* 318 (2012)

Topics: Annulment, Constitutional Law, European Union, Regulation

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. - BALOG, B. dielo cit. v pozn. 6, s. 141. 38 K tomu pozri **GOZLER, K. Judicial Review of Constitutional Amendments**. ...**GOZLER, K.** dielo cit. v pozn. 38, NOORANI, A., G. Behind the „basic structure“ doctrine. In *Frontline*, Volume 18, Issue 09, 2001 a JACOBSON, G., J.

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8. **Some Comments on the Decision 61/2011 (VII. 12) of the Constitutional Court [article]**

Studium

Jura: A Pecsí Tudományegyetem Állam- és Jogtudományi Karának Tudományos Lapja, Vol. 2012, Issue 1 (2012), pp. 37-46

Drinoczi, Tímea (Cited 2 times)

2012 *Jura: A Pecsí Tudományegyetem Állam- és Jogtudományi Karának tudományos lapja* 37 (2012)

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.: Kemal **Gozler: Judicial review of constitutional amendments**. A comparative study. EKIN Press, Bursa 2008. www.anayasa.gen.tr/jrca.htm, Gary Jeffrey Jacobsohn: An unconstitutional constitution?

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9. **Constitutional Protection of the Head of State: The Case of Kosovo [article]**

Vienna Online Journal on International Constitutional Law, Vol. 7, Issue 2 (2013), pp. 128-149

Hasani, Enver (Cited 9 times)

7 *Vienna J. on Int'l Const. L.* 128 (2013)

Topics: State, The, Jurisdiction, Courts

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The idea of a **judicial review of constitutional amendments** sounds paradoxical in the sense that in this case there takes place a judicial review of the constitutionality of constitutional norms that are not as yet in force by comparing them with the other ones found in the existing (original) constitutional text that is already applied. ...Quoted in Kemal **Gozler**, *Judicial Review of Constitutional Amendments*. A Comparative Study (Ekin Press, Bursa 2008) 29. 53 Cf n 19 and the text accompanying it. 54 He used this term in his analysis of the Chapter II of the Weimar Constitution. ...Cf Kemal **Gozler**, *Judicial Review of Constitutional Amendments*. A Comparative Study, 55-56, 84-86; Donald P Kommers, 'German Constitutionalism: A Prolegomenon', 858-859, n 60. 56 Article Five of the United States describes the process whereby the Constitution may be altered. ...Cf more on these issues in Kemal **Gozler**, *Judicial Review of Constitutional Amendments*. A Comparative Study, 10-12, 28-34, 78-80; Lech Garlicki and Zofia A Garlicka, 'Review of Constitutionality of Constitutional Amendments (An Imperfect Response to Imperfections)', 205 at n 46. @ Verlag Osterreich 144 #12;

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10. **Unconstitutional Constitutional Amendments - The Migration and Success of a Constitutional Idea [article]**

American Journal of Comparative Law, Vol. 61, Issue 3 (Summer 2013), pp. 657-720

Roznai, Yaniv (Cited 95 times)

61 *Am. J. Comp. L.* 657 (2013)

Topics: Constitutional Amendment, Judicial Review, Jurisprudence, Comparative Law, Constitutional Law

11. **The Theory and Practice of Supra-Constitutional Limits on Constitutional Amendments [article]**

International and Comparative Law Quarterly, Vol. 62, Issue 3 (July 2013), pp. 557-598

Roznai, Yaniv (Cited 95 times)

62 *Int'l & Comp. L.Q.* 557 (2013)

Topics: Constitutional Amendment, Judicial Review, Jurisprudence, European Union

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See *Yeredor v Chairman, Central Election Committee for the Sixth Knesset*, 19(2) PD 365, 390 [1965] (Isr); S Guberman, 'Israel's Supra-Constitution' (1967) 2 IsLR 455, 458. 4 | BverfGE 14, 32 (1951); see K **Gozler**, **Judicial Review of Constitutional Amendments: A Comparative Study** (Ekin Press 2008) 84-6. 564 #12;

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12. **A New Typology of Judicial Review of Legislation [article]**

Global Constitutionalism, Vol. 3, Issue 2 (July 2014), pp. 143-169

Colon-Rios, Joel I. (Cited 38 times)

3 GlobCon 143 (2014)

Topics: Judicial Review, Legislation

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See also R Albert, 'Constitutional Handcuffs' (2010) 42(3) Arizona State Law Journal 663; K **Gozler**, **Judicial Review of Constitutional Amendments: A Comparative Study** (Ekin Press, Bursa, 2008)

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13. **State Constitutions and the Basic Structure Doctrine [article]**

Columbia Human Rights Law Review, Vol. 45, Issue 2 (Winter 2014), pp. 441-498

Mate, Manoj (Cited 49 times)

45 Colum. Hum. Rts. L. Rev. 441 (2013-2014)

Topics: Constitutional Law, Constitutions, Interest, Judges, Courts

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See Kemal **Gozler**, **Judicial Review of Constitutional Amendments: A Comparative Study** 52-53 (2008); Jackson, *supra* note 29; Richard Albert, *Nonconstitutional Amendments*, 22 Can.

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14. **The Structure of Constitutional Amendment Rules [article]**

Wake Forest Law Review, Vol. 49, Issue 4 (2014), pp. 913-976

Albert, Richard (Cited 362 times)

49 Wake Forest L. Rev. 913 (2014)

Topics: Comparative Law, Constitutional Amendment, Constitutional Law, Politics

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Judicial review of constitutional amendments may be procedural or substantive. For a leading analysis on this distinction as well as the difficulty of identifying the line separating procedure from substance, see generally KEMAL **GOZLER**, **JUDICIAL REVIEW OF CONSTITUTIONAL AMENDMENTS: A COMPARATIVE STUDY** (2008) (inquiring into the practice and theory of judicial review of formal amendments around the world). 276.

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15. **The Substantive Validity of Constitutional Amendments in South Africa [article]**

South African Law Journal, Vol. 131, Issue 3 (2014), pp. 656-694

Abebe, Adem Kassie (Cited 4 times)

131 S. African L.J. 656 (2014)

Topics: Constitutional Amendment, Constitutional Courts, South Africa, Legal History, Politics

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See also John Hatchard 'Undermining the constitution by constitutional means: Some thoughts on the new constitutions of Southern Africa' (1995) 28 CILSA 21 at 25. 14 For a comparative discussion of the judicial control of constitutional amendments, see Kemal **Gozler** **Judicial Review of Constitutional Amendments: A Comparative Study** (2008). 15 Bjorn Erik Rasch & Roger D Congleton 'Amendment procedures and constitutional stability' in Roger D Congleton & Birgitta Swedenborg (eds) *Democratic Constitutional Design and Public Policy: Analysis and Evidence* (2006) 319-42, who conclude that the number of veto players affects the number of constitutional amendments that will be enacted.

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16. **Legisprudence Limitations on Constitutional Amendments: Reflections on the Czech Constitutional Court's Declaration of Unconstitutional Constitutional Act [article]**
Vienna Journal on International Constitutional Law / ICL Journal, Vol. 8, Issue 1 (2014), pp. 29-57
 Roznai, Yaniv (Cited 95 times)
 8 *Vienna J. on Int'l Const. L.* 29 (2014)
- Topics:** Constitutional Amendment, Constitutional Courts, Elections, Government, Ultra Vires, Constitutions, Human Rights Law

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Authority to Review Constitutional Norms At the outset, it has to be admitted that the court is correct in its observation that the global trend, albeit some exceptions, is moving towards acceptance of the idea of **judicial review of constitutional amendments**.¹² There is also little doubt regarding the limited power of the constitutional legislature under the Czech Constitution. ...Krishna Iyer (Universal Law Publishing Co 2012) 240; For a review of different judicial approaches see also Kemal **Gozler**, **Judicial Review of Constitutional Amendments - A Comparative Study** (Ekin Press 2008); Gary Jeffrey Jacobsohn, 'An Unconstitutional Constitution?'

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17. **In the Name of the Constitution - Substantive Limits of Constitutional Change [article]**
Zbornik Pravnog Fakulteta u Zagrebu, Vol. 65, Issue 3-4 (2015), pp. 481-504
 Vukovic, Ana Horvat
 65 *Zbornik PFZ* 481 (2015)
- Topics:** Constitutional Law, Minorities, European Union

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., str. 241, prema Kostadinov, op. dt. u bilj. 35, str. 307. 77 IKemal **Gozler** jedan je od autora koji supstancijalna ograničenja ustavne promjene dopuštaju samo u sludaju postojanja izridite "ldauzule vjednosti" - op. dt. u bilj. 41, str. 67.

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18. **The Eternal Territory - The Crimean Crisis and Ukraine's Territorial Integrity as an Unamendable Constitutional Principle [article]**
 The Crisis in Ukraine
German Law Journal, Vol. 16, Issue 3 (July 2015), pp. 542-580
 Roznai, Yaniv (Cited 95 times); Suteu, Silvia (Cited 5 times)
 16 *German L.J.* 542 (2015)
- Topics:** United Nations, International Law: History, Annexation

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See generally Roznai, supra note 31; KEMAL **GOZLER**, **JUDICIAL REVIEW OF CONSTITUTIONAL AMENDMENTS-A COMPARATIVE STUDY** 5-7 (2008). 9 UKRAINE CONST. (1996), art. 159; Tykhyi, supra note 96, at 207-08 (2011); GABOR HALMAI, PERSPECTIVES ON GLOBAL CONSTITUTIONALISM 40 (2014); WOJCIECH SADURSKI, RIGHTS BEFORE COURTS: A STUDY or CONSTITUTIONAL COURTS IN POSTCOMMUNIST STATES OF CENTRAL AND EASTERN EUROPE 25, n. 116 (2014); see generally Futey, supra note 78 (discussing the Constitutional Court).

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19. **Judicial Review of Constitutional Amendments and New Constitutions in Comparative Perspective [notes]**
 The Role of Constitutional Courts in Constitutional Design
Wake Forest Law Review, Vol. 50, Issue 4 (2015), pp. 951-984
 Halmai, Gabor (Cited 9 times)
 50 *Wake Forest L. Rev.* 951 (2015)
- Topics:** Constitutions, Courts, Judicial Review, Constitutional Amendment

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See KEMAL **GOZLER**, **JUDICIAL REVIEW OF CONSTITUTIONAL AMENDMENTS: A COMPARATIVE STUDY** 52 (2008). 970 [Vol. 50 #12;

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20. **Amending Constitutional Amendment Rules [article]**

Symposium: The Challenge of Formal Amendment

International Journal of Constitutional Law, Vol. 13, Issue 3 (July 2015), pp. 655-685

Albert, Richard (Cited 362 times)

13 Int'l J. Const. L. 655 (2015)

Topics: Constitutional Amendment, Constitutional Law, Comparative Law, Politics

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INST. 17, 3 3-34 (1975). 239 See KEMAL **GOZLER**, **JUDICIAL REVIEW OF CONSTITUTIONAL AMENDMENTS** 93-94 (2008)

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21. **Unconstitutional Constitutional Amendments in Ethiopia: The Practice under Veil and Devoid of a Watch Dog [article]**

Haramaya Law Review, Vol. 4, Issue 1 (2015), pp. 59-80

Degifie, Zelalem Eshetu

4 Haramaya L. Rev. 59 (2015)

Topics: Constitutional Amendment, Judicial Review, Human Rights Law

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On the same vein, Turkish Constitution which was enacted in 1982, under Article 148 expressly authorizes the constitutional court to review constitutional amendments.⁴⁸ The 1980 Chilean Constitution under Article 82(2) also regulates the **judicial review of constitutional amendments** and empowers the constitutional court to review their constitutionality.⁴⁹ Similarly, the South African Constitution under Article 167(4) allows the constitutional court to decide on the constitutionality of amendments.⁵⁰ Therefore, constitutions may specifically recognize **judicial review of constitutional amendments**. However, as the study conducted by Kemal **Gozler** demonstrates, most of the constitutions are silent on the question of **judicial review of constitutional amendments**.⁵¹ The same idea also resonates by R. Yaniv who provides that constitutional silence on the **judicial review of constitutional amendments** is the common trend of current constitutions.⁵² According to Kemal **Gozler**, this constitutional silence on review of amendments has different meanings under the American and European models of judicial reviews. ... This is due to the fact that under the American model, the court does not need to receive special power for exercising judicial review which is part of their day to day activities.⁵³ For this reason, they have the competence to inspect the admissibility of the grounds invoked by the parties in the course of litigation.⁵⁴ Therefore, courts view themselves as competent to scrutinize the constitutionality of amendments, even if the constitution does not expressly vest them with this power.⁵⁵ The Indian, the Brazil and the US Supreme Courts are typical examples which have examined the constitutionality of amendments on a number of occasions. ⁵⁶ Conversely, the US Supreme Court later on departed from this general trend and denies itself, the power to review constitutional amendments based on the political question ⁴⁶ Barak, *Supra* note 15, at .322-332; Roznai, *supra* note 42, at 180-193. ⁴⁷ Id. ⁴⁸ **GOZLER**, *supra* note 15, at 4-5. ⁴⁹ Barak, *supra* note 15, at 331-332. ...J., 135 (2014). ⁵¹ **GOZLER**, *supra* note 15, at 5-10. ⁵² Roznai, *supra* note 42, at 185. ⁵³ JACKSON & TUSHNET, *supra* note 3, at 456-460. ⁵⁴ Id. ⁵⁵ **GOZLER**, *supra* note 15, at 10-11. ⁵⁶ Id.

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22. **The Theory and Doctrine of Unconstitutional Amendment in Canada [article]**

Comparative Perspectives on Canadian Constitutional Change

Queen's Law Journal, Vol. 41, Issue 1 (Fall 2015), pp. 143-206

Albert, Richard (Cited 362 times)

41 Queen's L.J. 143 (2015-2016)

Topics: Comparative Law, Constitutional Law, Constitutions, Constitutional Amendment, Judicial Review, Jurisprudence

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In this Part, I draw from the **judicial review of constitutional amendments** around the world to propose a framework anchored in three major categories of possible unconstitutional constitutional amendment in Canada: procedural, substantive and "procedural- substantive hybridity", the last of which is a more speculative form of unconstitutionality. ...I have learned a great deal from Kemal **Gozler's** study of unamendability, in which he divides **judicial review of constitutional amendments** into procedural and substantive categories. ...See **Gozler**, supra note 53 at 28-97. (2015) 41:1 Queen's LU #12;

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23. **Unconstitutional Constitutional Amendments in European Union Law: Considering the Existence of Substantive Constraints on Treaty Revision [article]**

I. Long Articles

Cambridge Journal of International and Comparative Law, Vol. 5, Issue 2 (2016), pp. 337-362

Passchier, Reijer (Cited 2 times); **Stremmer, Maarten** (Cited 1 times)

5 *Cambridge J. Int'l & Comp. L.* 337 (2016)

Topics: European Union, Comparative Law, Constitutional Law, Constitutional Amendment

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nts in European Union L 2.3 **Judicial review of constitutional amendments** The recognition of substantive requirements of amendability in a particular constitutional order does not necessarily imply that this order also subjects constitutional amendments to substantive judicial review.⁴⁶ 'Understanding that constitutional change may produce an unconstitutional result does not in itself prescribe a particular remedy', as Jacobsohn explains.⁴⁷ Indeed, only a very small number of constitutional documents in the world expressly grant the judiciary the power to review constitutional amendments substantively.⁴⁸ Far more commonly, is a doctrine or actual practice according to which the judiciary has the right to declare a constitutional amendment 'unconstitutional' on substantive grounds.⁴⁹ The two most prominent examples of the latter judicial power are found in Germany and India. ...After the Indian Supreme Court introduced the practice of **judicial review of constitutional amendments** and the basic structure⁴⁶ Although Roznai believes that, ultimately, the two ideas are inseparable. ...lang=en> accessed 14 June 2016. 49 cf **Gozler** (n 6); Halmai (n 27). 50 See Maurer (n 29) 745. 51 See The Article 117 Case (1953) 3 BVerfGE 225; See also The Eavesdropping Case (1970) 30 BVerfGE 1. *bridge journal of International and Comparative Law* 2016) Vol 5 Issue #12;

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24. **I-Con Editors' Choice of Books 2015 [notes]**

I-Con Editors' Choice of Books 2015

International Journal of Constitutional Law, Vol. 14, Issue 1 (January 2016), pp. 294-306

14 *Int'l J. Const. L.* 294 (2016)

Topics: Law Enforcement, Sanctions, Economics, Organizations

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., **KEMAL GOZLER, JUDICIAL REVIEW OF CONSTITUTIONAL AMENDMENTS: A COMPARATIVE STUDY** (2008); Gary Jeffrey Jacobsohn, An Unconstitutional Constitution?

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25. **The Potentially Unamendable State Constitutional Core [article]**

State Constitutional Change: Traditions, Trends, and Theory: Contributions

Arkansas Law Review, Vol. 69, Issue 2 (2016), pp. 317-334

Friedman, Lawrence (Cited 338 times)

69 *Ark. L. Rev.* 317 (2016-2017)

Topics: Constitutional Law, States, Constitutional Amendment

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See **KEMAL GOZLER, JUDICIAL REVIEW OF CONSTITUTIONAL AMENDMENTS: A COMPARATIVE STUDY** (2008) (discussing courts' ability to review constitutional amendments). 7.

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26. **The Scope and Limitation of the Amending Power in Ethiopia: Thinking beyond Literalism [article]**

Mekelle University Law Journal, Vol. 4, pp. 1-33

Eshetu, Zelalem

4 *Mekelle U. L.J.* 1 (2016)

Topics: Constitutional Amendment, Constitutional Law, Judicial Review

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XXII, No. 1 (January 2009), pp. 13-14 10 Kemal **Gozler**, **Judicial Review of Constitutional Amendments**; A Comparative Study (2008), pp. 27-28 1 Albert, *supra* note 9 12 Art. 79 of the German Basic Law 13 Art.

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27. **Entrenchment Illusion: The Curious Case of Egypt's Constitutional Entrenchment Clause [article]**

Chicago-Kent Journal of International and Comparative Law, Vol. 16, Issue 2 (2016), pp. 1-45

Abdelaal, Mohamed (Cited 7 times)

16 *Chi.-Kent J. Int'l & Comp. L.* 1 (2016)

Topics: History, Constitutional Amendment, Constitutional Law

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KEMAL GOZLER, **JUDICIAL REVIEW OF CONSTITUTIONAL AMENDMENTS: A COMPARATIVE STUDY** 38-39 (2008). 190 "The Constitutional Court has the following functions: (a) to pronounce on the constitutionality of laws before their promulgation upon request of the President of Romania, one of the presidents of the two Chambers, the Government, the High Court of Cassation and Justice, the People's Attorney, at least 50 deputies or 25 senators, as well as on its own initiative [ex officio] on proposals for the amendment of the Constitution."

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28. **Judicial Supremacy in Comparative Constitutional Law [article]**

Tulane Law Review, Vol. 92, Issue 2 (December 2017), pp. 393-468

Mate, Manoj (Cited 49 times)

92 *Tul. L. Rev.* 393 (2017-2018)

Topics: Constitutional Law, Jurisprudence, Supreme Court of the United States, Judges, Jurisdiction

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)); see KEMAL GOZLER, **JUDICIAL REVIEW OF CONSTITUTIONAL AMENDMENTS: A COMPARATIVE STUDY** 84-87 (2008) (comparing basic structure doctrines in different polities). 342. See GOZLER, *supra* note 341, at 86-87 (citing BVerfG Dec. 18, 1953, Gleichberechtigung [Equal Rights], 3 BVERFGE 225, 1953 (Ger.)). 343.

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29. **Negotiating the Eternal: The Paradox of Entrenching Secularism in Constitutions [article]**

Symposium: Is Secularism a Non-Negotiable Aspect of Liberal Constitutionalism

Michigan State Law Review, Vol. 2017, Issue 2 (2017), pp. 253-332

Roznai, Yaniv (Cited 95 times)

2017 *Mich. St. L. Rev.* 253 (2017)

Topics: Constitutions, Comparative Law, Constitutional Law, European Union

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., KEMAL GOZLER, **JUDICIAL REVIEW OF CONSTITUTIONAL AMENDMENTS: A COMPARATIVE STUDY** (2008); Aharon Barak, Unconstitutional Constitutional Amendments, 44 *ISR. ...L.* 339 (2013); Gabor Halmai, **Judicial Review of Constitutional Amendments** and New Constitutions in Comparative Perspective, 50 *WAKE FOREST L.*

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Judicial Review of Constitutional Amendments in Colombia: A Political and Historical Perspective, 1955-2016 [article]

Special Issue: The Theory and Practice of Legislation - South America

Theory and Practice of Legislation, Vol. 5, Issue 3 (September 2017), pp. 245-275

Cajas-Sarria, Mario Alberto

5 *Theory & Prac. Legis.* 245 (2017)

Topics: Judicial Review, Courts, Sovereignty

Full Text Not Currently Available in HeinOnline

31. How a Court Becomes Supreme: Defending the Constitution from Unconstitutional Amendments [article]

Symposium - The 2017 Maryland Constitutional Law Schmooze

Maryland Law Review, Vol. 77, Issue 1 (2017), pp. 181-191

Albert, Richard (Cited 362 times)

77 *Md. L. Rev.* 181 (2017-2018)

Topics: Constitutional Law, States, Comparative Law, Constitutional Amendment

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KEMAL GOZLER, **JUDICIAL REVIEW OF CONSTITUTIONAL AMENDMENTS: A COMPARATIVE STUDY** 85 (2008) (quoting **COMPARATIVE CONSTITUTIONAL LAW: CASES AND COMMENTARIES** 659-65 (Walter F.

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32. Eternity Clauses in Post-Conflict and Post-Authoritarian Constitution-Making: Promise and Limits [article]

Special Issue: Constitution-Making and Political Settlements in Times of Transition

Global Constitutionalism, Vol. 6, Issue 1 (March 2017), pp. 63-100

Suteu, Silvia (Cited 5 times)

6 *GlobCon* 63 (2017)

Topics: Constitutional Law, Democracy, Israel, Sovereignty, Constitutions

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(2012) 19(2) *Constellations* 182; Y Roznai and S Yolcu, 'An Unconstitutional Constitutional Amendment-The Turkish Perspective: A Comment on the Turkish Constitutional Court's Headscarf Decision' (2012) 10(1) *International Journal of Constitutional Law* 175; MF Mohallem, 'Immutable Clauses and Judicial Review in India, Brazil and South Africa: Expanding Constitutional Courts' Authority' (2011) 15(5) *The International Journal of Human Rights* 765; R Albert, 'Constitutional Handcuffs' (2010) 42(3) *Arizona State Law Journal* 663; R Albert, 'Nonconstitutional Amendments' (2009) 22(1) *The Canadian Journal of Law and Jurisprudence* 5; and K Gozler, **Judicial Review of Constitutional Amendments: A Comparative Study** (Ekin Press, Bursa, 2008). 4 See, inter alia, S Krishnaswamy, *Democracy and Constitutionalism in India: A Study on the Basic Structure Doctrine* (Oxford University Press, New Delhi, 2009); and K Williams, 'When a Constitutional Amendment Violates the "Substantive Core": The Czech Constitutional Court's September 2009 Early Elections Decision' (2011) 36 *Review of Central and Eastern European Law* 33

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33. The Role of the Constitutional Court in the Development of the Rule of Law in Kosovo [article]

Special Issue Dedicated to the Workshop Kosovo as a Member of the International Community: Accession to International Organizations at the University of Graz, Graz, Austria, 2014

Review of Central and East European Law, Vol. 43, Issue 3 (2018), pp. 274-313

Hasani, Enver (Cited 9 times)

43 *Rev. Cent. & E. Eur. L.* 274 (2018)

Topics: Rule of Law, Democracy, International Law: History, Courts

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 34.**Unconstitutional Constitutional Amendments [reviews]**

Mini Symposium: Yaniv Roznai, Unconstitutional Constitutional Amendments

Vienna Journal on International Constitutional Law / ICL Journal, Vol. 12, Issue 3 (November 2018), pp. 307-317**Garlicki, Lech** (Cited 25 times); **Garlicka-Sowers, Zofia A.**12 *Vienna J. on Int'l Const. L.* 307 (2018) **Topics:** Separation, Separation of Powers, Constitutional Amendment, Judicial Review, Jurisprudence

Full Text Not Currently Available in HeinOnline

 35.**Conventionality Control and Amendment 95/2016: A Brazilian Case of Unconstitutional Constitutional Amendment [article]***Revista de Investigações Constitucionais*, Vol. 5, Issue 2 (May-August 2018), pp. 35-56**Roznai, Yaniv** (Cited 95 times); **Kreuz, Leticia Regina Camargo**5 *Revista de Investigações Constitucionais* 35 (2018) **Topics:** Constitutional Amendment, Research**Turn to page**

And in Brazil, like in several other countries, the unamendable provision is enforced through substantive **judicial review of constitutional amendments**, aimed to ensure that the constitutional amendment power does not exceed its limits.^{2°} True, while the Constitution does not entrench an 1 On the constitutional amendment procedure in Brazil, see MAIA, Luciano. ...Oxford: Oxford University Press, 2017. p. 129. " On **judicial review of constitutional amendments** in Brazil, see MENDES, Conrado H-ibner, **Judicial Review of Constitutional Amendments** in the Brazilian Supreme Court.

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Ustavno sodike je s tem jasno zaýrtalo mejo med politiko in pravom: spreminjanje ustave ostaja »v polju politike«, predstavniýki organ pa ima tako vsaj eno ustavno dopustno pot, da preseee odlofitev ustavnega sodika, s katero se ne strinja: spremembo ustave.⁹² Vsak od dejavnikov v tem razmerju tako ohranja prostor svoje suverenosti: ustavno sodiýýe v vsakodnevnem delovanju dr2ave, kjer mora predstavniýki organ spoytovati zahteve ustave, predstavniýki organ pa v tistih izjemnih okolikinah, ko demokratiýno Kakovosten pregled takih pristojnosti ponuja Kemal **Gozler: Judicial Review of Constitutional Amendments - A Comparative Study.**

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