

## 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 2025, in preparation.
2. *Le droit international de la science*, 2025, in preparation.
3. *La bonne représentation en droit international*, Paris: Pedone 2025, in preparation.
4. *The Private & Public Relation in International Law*, Brill Research Perspectives in International Legal Theory and Practice, Leiden/Boston: Brill/Nijhoff 2024, in preparation.  
French version: *La république internationale. De la relation public-privé en droit international*, Paris: Pedone 2025, in preparation.
5. *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>.
6. *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).
7. *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 (242 pages).
8. *The Morality of Conflict. Reasonable Disagreement and the Law*, Oxford: Hart Publishing 2005 (xx-601 pages).
9. *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 Sassolì 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. *"The Province of All Mankind"? Public and Private International Law & Philosophy Perspectives on Property in Outer Space*, 2027, in preparation.
2. *Génocide. Droit et histoire du crime des crimes*, edited with Henry Laurens, 2026, in preparation.
3. *International Cooperation under the Human Right to Science*, edited with Katja Achermann, 2025, in preparation.
4. *Democratic Representation in and by International Organizations*, 2025, forthcoming.
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. *Concorder 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 Mauten 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. *L'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. *The Human Right to 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. \*‘The Institutional Guarantee of the Human Right to Participate in Science’, (2025) under review.
2. \*‘What can Public International Law do against Privatization?’, (2025) *Transnational Legal Theory*, forthcoming.
3. ‘La pratique suisse du droit international 2023’, with Lucius Caflisch, (2024) *Swiss Review of International Law*, forthcoming.
4. ‘La souveraineté *en et de* droit international. Renverser le renversement’, (2024) *Les Annales de droit de Louvain*, forthcoming.
5. ‘La souveraineté *en et de* droit international. Petit exercice de démystification’, (2023-24) *Annuaire suisse de droit européen*, in press.
6. ‘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.
7. ‘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.
8. \*‘The “Human Right to Science” qua Right to Participate in Science and Enjoy its Benefits. The Participatory Good of Science and its Human Rights Implications’, (2024) 28(4) *International Journal of Human Rights* 497-528.
9. ‘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.
10. \*‘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.
11. \*‘Democratic Representation within International Organizations. From International Good Governance to International Good Government’, (2022) 19(3) *International Organizations Law Review* 489-527.
12. ‘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).
13. ‘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.
14. \*‘The International Public: A Farewell to Functions in International Law’, (2021) 115 *American Journal of International Law Unbound* 307-311.
15. ‘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.
16. ‘Reconstruire le droit international à partir des organisations régionales/Reconstructing International Law starting from Regional Organizations’, (2021) 2 *Revue européenne du droit* 64-8.
17. ‘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.
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19. ‘COVID-19 and the WHO’s Political Moment’, (2020) *EJIL Talk!*, <https://www.ejiltalk.org/covid-19-and-the-whos-political-moment/>.
20. \*‘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>.
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23. \*‘International Courts and the Jurisprudence of Statehood’, (2019) 9:3-4 *Transnational Legal Theory* 30-64.
24. \*‘International Human Rights Law and Mirrors’, (2018) 7:2 *ESIL Reflections*, <https://esil-sedi.eu/wp-content/uploads/2018/04/ESIL-Reflection-Besson.pdf>.
25. \*‘Legitimate Actors of International Law-Making – Towards a Theory of International Democratic Representation’, with José Luis Martí, (2018) 9:3 *Jurisprudence* 504-40.
26. ‘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.

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28. \*'Law Beyond the State: A Reply to Liam Murphy', (2017) 28:1 European Journal of International Law 233-40.
29. 'L'Etat, cet angle mort du droit international', (2017) *Quid* – Fribourg Law Review 1-3.
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31. \*'State Consent and Disagreement in International Law-Making – Dissolving the Paradox', (2016) 29:2 Leiden Journal of International Law 289-316.
32. \*'The Bearers of Human Rights' Duties and Responsibilities for Human Rights – A Quiet (R)Evolution', (2015) 32:1 Social Philosophy & Policy 244-68.
33. \*'Science without Borders and the Boundaries of Human Rights – Who Owes the Human Right to Science?', Special issue on the Human Right to Science, (2015) 4 European Journal of Human Rights 462-85.
34. \*'Introduction/Mapping the Issues', Special issue on the Human Right to Science, (2015) 4 European Journal of Human Rights 403-10.
35. '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 423-45.
36. '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.
37. '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.
38. \*'The Law in Human Rights Theory', (2013) 7:1 Zeitschrift für Menschenrechte – Journal for Human Rights 120-50.
39. \*'The Egalitarian Dimension of Human Rights', (2013) Archiv für Sozial- und Rechtsphilosophie Beiheft 136, *Law, Science, Technology* 19-52.
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41. \*'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.
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43. '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.
44. \*'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.
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48. \*'Human Rights and Democracy in a Global Context – Decoupling and Recoupling', (2011) 4:1 Ethics and Global Politics 19-50.
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53. \*'How International is the European Legal Order?', (2008) 8 No Foundations, <https://nofoundations.com/issues/NoFo5Besson.pdf>.

54. \*'Towards European Citizenship', with André Utzinger, (2008) 39:2 *Journal of Social Philosophy* 185-208.
55. '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].
56. \*'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.
57. \*'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.
58. \*'Europe as a Demoi-cratic Polity', (2007) 30:1/116 *Retfaerd - Nordisk Juridisk Tidsskrift* 3-21.
59. \*'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/nof/NoFo3Besson.pdf>.
60. '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].
61. \*'The European Union and Human Rights: Towards a Post-National Human Rights Institution?', (2006) 6:2 *Human Rights Law Review* 323-60.
62. 'Die Tugend des Konflikts', (2006) 1 *Rechtsphilosophie* 33-58 [The virtue of conflict].
63. '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.
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65. '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].
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68. \*'Sovereignty in conflict', (2004) 8:15 *European Integration online Papers*, <http://ciop.or.at/ciop/texte/2004-015a.htm>.
69. \*'From European Integration to European Integrity. Should European Law Speak with Just One Voice?', (2004) 10:3 *European Law Journal* 257-81.
70. \*'Four Arguments Against Compromising Justice Internally', (2003) 23:2 *Oxford Journal of Legal Studies* 211-41.
71. '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].
72. '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 ?].
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74. '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].
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[\* = peer-reviewed]



## Chapters

1. 'La fin du "décalque des institutions européennes": vers un droit international comparé et transrégional de l'État', in Barroche, J. and Bligh, G. (eds), *Le concept d'Etat à travers les civilisations*, 2025, forthcoming.
2. 'Les espaces du droit international en voie d'appropriation. Réinstituer les communs pour éviter l'enclosure', in *L'Histoire du droit commun à venir*, Toulouse: Anacharsis 2025, forthcoming.
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4. '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 and by International Organizations*, 2025, forthcoming.
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## Reviews

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### Legal opinions

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