

**KURUCU İKTİDARA DAİR KURAMSAL BOYUTUYLA
ANAYASA YAPIMINA KATILMA HAKKI**



YETKİN
YAYINLARI

ÖDEMELİ İSTEME VE GENEL DAĞITIM



YETKİN Basım Yayım ve Dağıtım A.Ş.

Strasburg Caddesi No: 31/A 06430 Sıhhiye / ANKARA

Tel : 0 (312) 231 42 34 (35) – 232 03 43 Faks: 229 87 85

Şube: Abide-i Hürriyet Cad. No: 158 34381 Şişli / İSTANBUL

Tel: 0 (212) 234 50 56 (57) Pbx Faks: 0 (212) 234 50 58

e-mail: yetkin@yetkin.com.tr <http://www.yetkin.com.tr>

Yayınevi Sertifika No: 47453

Yayın Kodu: ISBN 978-605-05-1902-0

© Yetkin Yayınları 2024

Dizgi: YETKİN Elektronik Yayımcılık Sistemleri

Baskı: YETKİN BASIMEVİ

Kâzım Karabekir Caddesi No: 95/7-8-10

Tel: 0 (312) 341 00 06 06060 ANKARA

Matbaa Sertifika No: 75879

Dr. Öğr. Üyesi Semih Batur KAYA

Balıkesir Üniversitesi Hukuk Fakültesi
Anayasa Hukuku Anabilim Dalı

KURUCU İKTİDARA DAİR KURAMSAL BOYUTUYLA

**ANAYASA YAPIMINA
KATILMA HAKKI**

ANKARA 2024

İÇİNDEKİLER

ÖNSÖZ.....	5
------------	---

GİRİŞ

I. KONUSU.....	11
II. YÖNTEM: SÜREÇ EKSENLİ ANAYASA YAPIMI.....	12

BİRİNCİ BÖLÜM

ANAYASA YAPIMINA KATILIM HAKKININ TEMELLENDİRİLMESİ: KURUCU İKTİDAR VE KATILIM HAKKI ANTROPOLOJİSİ

I. Ön Mesele: Anayasanın Antikiteliği ve Modern Anlamı	15
A. Anayasanın Antikiteliği: Bir Siyasal Sistem Felsefesi	15
B. Anayasanın Modern Anlamı: Keyfiyetin Önlenmesi.....	19
C. Anayasal Norm ve Değiştirilme Kabiliyeti	21
II. Genel Olarak Antropoloji: Kısa Bir Kavramsal Çerçeve	27
III. Antropoloji ve Hukuk.....	30
A. Etkileşim	30
B. Antropolojinin Konusu Olarak Hukuk.....	31
IV. Hukuki Bir Form Olarak Anayasal Antropoloji	38
A. Antropoloji ve Anayasa.....	38
B. Sosyo-Kültürel Temeller	42
C. Anayasanın Sosyo-Kültürel Anahtar Kavramı: Siyasal İktidar ..	45
V. Anayasanın “Sıfır Noktası”nda Antropolojik İncelemesi: Kurucu İktidar.....	50
VI. Kurucu İktidara Katılım Hakkının Antropolojisi	56
VII. Değerlendirme: Demokratik Kurucu İktidar	60

İKİNCİ BÖLÜM MİKRO VE MEGA POLİTİKA YAPIMI VE KATILIM

I. Temellendirme: Mikro-Politika Yapımında Siyasal Katılım.....	71
A. Ontolojik Yapılandırma: İktidar ve Faili Olarak Kişi	71
B. Demokrasi ve Katılım	79
C. Hak Olarak Katılım ve Meşruluk.....	85
D. Siyasal Katılımın Sözleşmesel Bağlamı.....	88
1. 1948 Öncesi Durum.....	88
2. 1948 Sonrası Durum	91
a. Uluslararası Medeni ve Siyasal Haklar Sözleşmesi	93
b. Avrupa İnsan Hakları Sözleşmesi	98
c. Diğer Bölgesel Şartlar	101
II. Mega-Politika Yapımında Siyasal Katılım: Anayasa Yapımı....	103
A. Anayasa Yapımında Katılımcılığın Rolü	104
B. Anayasa Yapım Aşamaları	114
III. Mikro ve Mega Politika Yapımında Bir İnsan Hakkı Olarak Katılım.....	119
IV. Katılımcı Anayasa Yapımı Örnekleri.....	122
A. Nepal Örneği	123
B. Şili Örneği	133
C. İzlanda Örneği	144
D. Güney Afrika Örneği	153
E. Tunus Örneği	160
F. Uganda Örneği.....	169
V. Türkiye’de 2011-2013 Arası Anayasa Yapma Deneyimi: 24. Dönem TBMM Uzlaşma Komisyonu.....	176
A. Ön Sorun ve Tespitler	176
B. Yeni Anayasa Talebi.....	179
C. Anayasa Uzlaşma Komisyonunun Kuruluşu.....	180
D. Komisyona Gelen Öneriler ve Uzlaşma	183
E. Türkiye’nin Katılımcı Anayasa Yapımı Deneyiminden Çıkan Neticeler	186

F. Değerlendirme: Süreç Neden Başarısızlığa Uğradı?.....	187
VI. Türkiye İçin Katılım Destekli Aşamalı Anayasa Yapım Yöntemi (Incrementalist Approach to Constitution-Making) Önerisi.....	190
DEĞERLENDİRME VE SONUÇ	197
KAYNAKÇA	203

KAYNAKÇA

- Abioye, FT, “Constitution-Making, Legitimacy and Rule of Law: A Comparative Analysis”, CILSA, C. XLIV, 2011, 59-79.
- Acharya, Mohan Lal, “Constitution-Making Process in Nepal: An Assessment and Lessons for the Future”, içinde Participatory Constitution Making in Nepal, Ed. Budhi Karki ve Rohan Edrisinha, United Nations Development Programme, Nepal 2014, 45-88.
- Ackerman, Bruce, “Constitutional Politics/Constitutional Law”, The Yale Law Journal, C. 99, S. 3, 1989, 453-547.
- Ackerman, Bruce, “The Holmes Lectures: The Living Constitution”, Harvard Law Review, C. 120, S. 7, 2007, 1737-1812.
- Açıl, Murat, “Tunus’un Demokratik Dönüşümü ve Anayasa Yapım Süreci”, SÜHFD, C: 25, S. 1, 2017, 165-203.
- Ahmed, Ashraf, “A Theory of Constitutional Norms”, Michigan Law Review, C. 120, S. 7, 2022, 1361-1418.
- Akçaoğlu, Müge Güvenç, “Political Theoretical Reading of Constitution Making and Constitutional Change Processes in Turkey in the Framework of Schmit’s and Habermas’s Theories”, A Thesis Submitted to the Graduate School of Social Sciences of Middle East Technical University, Doctoral Thesis, Ankara June 2016.
- Akıncı, Berat, “Yeni Sistem Önerisi Olarak Başkanlık Sistemi ve Dünyadaki Uygulamaları”, Journal of Social and Humanities Sciences Research, C. 3, S. 6, 2016, 98-118.
- Aktaş, Duygu Şimşek, “Bilişim Teknolojilerindeki Gelişmelerin Anayasal Fonksiyonlar Üzerindeki Dönüştürücü Etkisi”, Anayasa Yargısı Dergisi, C. 36, S: 2, 2019, 253-289.
- Alemparte, Benjamin, “Towards a Theory of Neoliberal Constitutionalism: Addressing Chile’s First Constitution-Making Laboratory”, Global Constitutionalism, 2021, 1-27.

- Amselek, Paul, “Norm ve Yasa”, HFSA, 2019, <https://hfsa-sempozyum.com/wp-content/uploads/2019/02/HFSA1-Amselek.pdf>, s. 34-36, Erişim Tarihi: 7.03.2024.
- Antaki, Mark, “Carl Schmitt’s Nomos of the Earth”, C. 42, S. 2, 2004, 317-334.
- Aral, Vecdi, “İnsan ve Norm”, İstanbul Üniversitesi Hukuk Fakültesi Mecmuası, C. 72, S. 1, 2014, 17-42.
- Arendt, Hannah, On Revolution, Penguin Books, London 1990.
- Arsava, Ayşe Füsün, “Uluslararası Medeni ve Siyasi Haklar Sözleşmesi’nin ve Avrupa İnsan Hak ve Özgürlükleri Sözleşmesi’nin Extraterritorial Uygulanması”, Uyuşmazlık Mahkemesi Dergisi, Y. 8, S. 16, 2020, 39-55.
- Atay, Ender Ethem, “Anayasa Kavramının Tanımı, Hazırlanması ve Değiştirilmesi Arasındaki İlişki”, Gazi Üniversitesi Hukuk Fakültesi Dergisi, C. XII, S. 1-2, 2008, 503-549.
- Balkin, Jack M., “The Roots of the Living Constitution”, Boston University Law Review, C. 92, 2012, 1129-1160.
- Balandier, Georges, Siyasal Antropoloji, Çev. Devrim Çetinkasap, Türkiye İş Bankası Yayınları, İstanbul 2007.
- Bannon, Alicia L., “Designing a Constitution-Drafting Process: Lessons from Kenya”, The Yale Law Journal, C. 116, 2007, 1824-1872.
- Barber, B. R., “Participatory Democracy”, içinde The Encyclopedia of Democracy, Routledge, London 1995, 921-924.
- Barnard, Alan ve Jonathan Spencer, Encyclopedia of Social and Cultural Anthropology, Routledge, London ve New York 2002.
- Barnard, Alan, History and Theory in Anthropology, Cambridge University Press, Cambridge 2004.
- Barın, Taylan, Anayasa Uzlaşma Komisyonu Tecrübesi, SETA Analiz, Ankara 2013.
- Beetham, David, “Political Legitimacy”, içinde The Blackwell Companion to Political Sociology, Ed. Kate Nash and Alan Scott, Wiley-Blackwell, Oxford 2004, 107-116.

- Benhabib, Seyla, “Toward a Deliberative Model of Democratic Legitimacy”, içinde *Democracy and Difference*, Ed. Seyla Benhabib, Princeton University Press, Princeton ve New Jersey 1996, 67-94.
- Bermeo, Nancy, *Ordinary People in Extraordinary Times*, Princeton University Press, Princeton and Oxford 2003.
- Bertram, Christopher, *Rousseau and Social Contract*, Routledge, London ve New York 2004.
- Bhandari, Surendra, “Constitution Making and the Failure of Constituent Assembly: The Case of Nepal”, *Ritsumeikan Annual Review of International Studies*, C. 11, 2012, 1-40.
- Bisikletçiler, Melike, *Monarşiden Demokrasiye Doğru: Nepal’de İç Savaş ve Barış İnşası*, DİSA, Diyarbakır 2020.
- Blount, Justin, Zachary Elkins ve Tom Ginsburg, “Does the Process of Constitution-Making Matter?”, içinde *Comparative Constitutional Design*, Ed. Tom Ginsburg, Cambridge University Press, Cambridge ve New York 2012, 31-68.
- Brandt, Michele, Jill Cottrel, Yash Ghai ve Anthony Regan, “Constitution-Making and Reform”, *Interpeace*, Switzerland November 2011.
- Breen, Michael G., “Nepal, Federalism and Participatory Constitution-Making: Deliberative Democracy and Divided Societies”, *Asian Journal of Political Science*, 2018, 1-21.
- Cancino, Adriana Meneses, Pablo Barberan Marshall ve Eduardo Vivanco Marchant, “Disability in the Chilean Constitutional Process”, *Disability and Society*, C. 38, S. 8, 2023, s. 1496-1501.
- Candia, Gonzalo, Tom Gerald Daly, Anna Dzedzic ve Alejandra Ovalle, “A New Path Towards a New Constitution: Chile’s 2023 Constitution-Making Process”, <https://blog-iacl-aicd.org/2023-posts/2023/2/9/a-new-path-towards-a-new-constitution-chiles-2023-constitution-making-process>, (Erişim Tarihi 11.10.2023).
- Cartledge, Paul, *Ancient Greek Political Thought in Practice*, Cambridge University Press, Cambridge 2009.

- Castoriadis, Cornelius, “The Greek Polis and the Creation of Democracy”, içinde Castoriadis Reader, Ed. David Ames Curtis, Blackwell Publishers, Oxford 1997, 267-289.
- Chambers, Simone, “Democracy, Populer Sovereignty and Constitutional Legitimacy”, *Constellations*, C. 11, S. 2, 2004, 153-173.
- Chandler, David, “Introduction: Peace without Politics”, *International Peacekeeping*, C. 12, S. 3, 2007, 307-321.
- Colon-Rios, Joel, “The Legitimacy of the Juridical: Constituent Power, Democracy, and the Limits of Constitutional Reform”, *Osgoode Hall Law Journal*, C. 48, S. 2, 2010, 199-245.
- Colon-Rios, Joel I., *Weak Constitutionalism*, Routledge, New York 2012.
- Colon-Rios, Joel I., “Weak Constitutionalism: Democratic Legitimacy and the Question of Constituent Power”, *Victoria University of Wellington Legal Research Papers*, C. 2, S. 8, 2012, 1-13.
- Contreras, Pablo ve Domingo Lovera, “A Constitued Constituent Process? Chile’s Failed Attempt to Replace Pinochet’s Constitution (2013-2019)”, *Revista de Estudos Constitucionais, Hermenêutica e Teoria do Direito*, C. 13, S. 3, 2021, 297-314.
- Corrias, Luigi, “Popülism in a Constitutional Key: Constituent Power, Popular Sovereignty and Constitutional Identity”, *European Constitutional Law Review*, C. 12, 2016, 6-26.
- Couso, Javier, “Chile’s ‘Procedurally Regulated’ Constitution-Making Process”, *Hague Journal of Rule of Law*, C. 13, 2021, 235-251.
- Crum, Ben, *Learning from the EU Constitutional Treaty: Democratic Constitutionalization beyond the Nation-State*, Routledge, New York 2012.
- Çağ, Burak, “Anayasa Yapımı Sürecinde Doğrudan Demokrasi Uygulamaları”, *İstanbul Üniversitesi Sosyal Bilimler Enstitüsü, Kamu Hukuku Anabilim Dalı Yüksek Lisans Tezi*, İstanbul 2012.
- Çağ, Burak, “Katılımcı Anayasa Yapımı ve İzlanda Örneği”, *Yasama Dergisi*, S. 25, 2013, 71-91.
- Çağlar, Bakır, “Anayasa Yargısında Yorum Problemi: Karşılaştırmalı Analizin Katkıları”, *Anayasa Yargısı Dergisi*, C. 2, 1985, 163-195.

- Çağlar, Bakır, “Anayasa Hukuku ve Anayasa’nın Yargıcı Yenilenen Anayasa Kavramı Üzerine Düşünceler”, *Anayasa Yargısı Dergisi*, C. 8, 1991, 13-62.
- Çamur, Elif Gözler, “Civil and Political Rights vs. Social and Economic Rights: A Brief Overview”, *Bitlis Eren Üniversitesi Sosyal Bilimler Enstitüsü Dergisi*, C. 6, S. 1, 2017, 205-214.
- Çamur, Elif Gözler, “Anayasa Yapımında Kadınlar: Katılım, Talepler ve Tamamlanmamış Bir Süreçten Deneyimler”, *Mülkiye Dergisi*, C. 47, S. 1, 2023, 260-287.
- Dahl, Robert A., “The Concept of Power”, *Journal of the Society for General Systems Research*, C. 2, S. 3, 1957, 201-215.
- De Vattel, Emer, *The Law of Nations*, Liberty Fund, Indianapolis 2008.
- Demetriou, Kyriakos N., “Introduction”, içinde *Democracy in Transition*, Ed. Kyriakos N. Demetriou, Springer, Heidelberg 2013, 1-20.
- Dev, Jeetendra, “Nepal’s Constitutional Development and the Challenges of Constitution Making”, içinde *Constitution Makers on Constitution Making: New Cases*, Ed. Tom Ginsburg and Sumit Bisarya, Cambridge University Press, Cambridge ve New York 2022, 194-211.
- Dewey, John, “Antroloji ve Hukuk”, Çev. Muzaffer Dülger, *Hukuk Kuramı*, C. 4, S. 2, Mart-Nisan 2017, 35-40.
- Dhakal, Suresh, “Political Anthropology and Anthropology of Politics: An Overview”, *Dhaulagiri Journal of Sociology and Anthropology*, C. 5, 2011, 217-234.
- Diah, Nurazzura M., Dewan M. Hossain, Sohela Mustari ve Noor S. Ramli, “An Overview of the Anthropological Theories”, *International Journal of Humanities and Social Science*, C. 4, S. 10, 2014, 155-164.
- Doda, Zerihun, *Introduction to Sociocultural Anthropology*, USAID, 2005.
- Doyle, Oran, “Populist Constitutionalism and Constituent Power”, *German Law Journal*, S. 20, 2019, 161-180.
- Doyle, Michael W., “Three Pillars of the Liberal Peace”, *American Political Science Review*, C. 99, S. 3, 2005, 463-466.

- Dworkin, Anthony, “Clear and President Danger: Democracy and the Constitution in Tunisia”, European Council on Foreign Relations, Policy Brief, July 2022, 1-11.
- Ebrahim, Hassen, “Decisions, Deadlocks and Deadlines in Making South Africa’s Constitution”, içinde Constitution Makers on Constitution Making: New Cases, Ed. Tom Ginsburg ve Sumit Bisarya, Cambridge University Press, Cambridge ve New York 2022, 126-150.
- Elkins, Zachary, Tom Ginsburg ve James Melton, The Endurance of National Constitutions, Cambridge University Press, Cambridge 2009.
- Elkins, Zachary, Tom Ginsburg ve James Melton, “A Review of Iceland’s Draft Constitution”, The Comparative Constitutions Project, 14 October 2012, 1-11.
- Ellmann, Stephen, “The New South African Constitution and Ethnic Division”, Columbia Human Rights Law Review, C. 26, 1994-1995, 5-44.
- Erdoğan, Mustafa, “Demokrasi, Anayasa Yargısı ve Türkiye Örneği”, İstanbul Ticaret Üniversitesi Sosyal Bilimler Dergisi, C. 10, S. 20, 2011, 27-45.
- Erdoğan, Mustafa, “Mustafa Erdoğan İle Yeni Anayasa Tartışmaları Bağlamında Sivil Toplum ve Devlet İlişkileri Üzerine Söyleşi”, Eskiye Dergisi, S. 20, 2011, 62-65.
- Eriksen, Thomas H. ve Finn S. Nielsen, A History of Anthropology, Pluto Press, London 2001.
- Fasel, Raffael N., “Natural Rights, Constituent Power, and the Satin of Constitutionalism”, The Modern Law Review, C. 0, S. 0, 2023, 1-30.
- Fedtke, Jörg, “Comparative Analysis Between the Constitutional Processes in Egypt and Tunisia –Lessons Learnet- Overview of the Constitutional Situation in Libya”, Directorate-General For External Policies, Policy Department, European Parliament, April 2014, 1-25.
- Fikenstcher, Wolfgang, Law and Athropology, Bayerische Akademie der Wissenschaften, München 2008.
- Flear, Mark L. ve Anastasia Vakulenko, “A Human Rights Perspective on Citizen Participation in the EU’s Governance of New Technologies”, Human Rights Law Review, C. 10, S. 4, 2010, 662-688.

- Fleck, Robert K. ve F. Andrew Hanssen, “Engineering the Rule of Law in Ancient Athens”, Society for Institutional and Organizational Economics and the Clemson Public Economics Workshop, 2016, 1-40.
- Foucault, Michel, “The Subject and Power”, *Critical Inquiry*, C. 8, S. 4, 1982, 777-795.
- Foucault, Michel, *Society Must Be Defended: Lectures at the College de France 1975-1976*, Çev. David Macey, St. Martin’s Press, New York 1997.
- Foucault, Michel, *Security, Territory, Population: Lectures at the College de France 1977-1978*”, Çev. Gallinard, Graham Burchell, New York 2004.
- Fox, Gregory H., “The Right to Political Participation in International Law”, içinde *Democratic Governance and International Law*, Ed. Gregory H. Fox ve Brad R. Roth, Cambridge University Press, Cambridge 2000, 48-90.
- Fruhstorfer, Anna ve Alezander Hudson, “Majorities for Minorities: Participatory Constitution Making and the Protection of Minority Rights”, *Political Research Quarterly*, C. 75, S. 1, 2022, 103-117.
- Fuchs, Dieter, “Participatory, Liberal and Electronic Democracy”, içinde *Participatory Democracy and Political Participation*, Ed. Thomas Zittel ve Dieter Fuchs, Routledge, New York 2007, 29-54.
- Furley, Oliver ve James Katalikawe, “Constitutional Reform in Uganda: The New Approach”, *African Affairs*, C. 96, 1997, 243-260.
- Garcia, José Francisco, “A Failed but Useful Constitution-Making Process: How Bachelet’s Process Contributed to Constitution-Making in Chile”, *Global Constitutionalism*, 2023, 1-11.
- Gargarella, Roberto, “Rejection of the New Chilean Constitution: Some Reflections”, <https://ohrh.law.ox.ac.uk/rejection-of-the-new-chilean-constitution-some-reflections/>, (Erişim Tarihi 11.10.2023).
- Ghai, Yash, “Ethnicity and Autonomy: A Framework for Analysis”, içinde *Autonomy and Ethnicity*, Ed. Yash Ghai, Cambridge University Press, Cambridge 2000, 1-28.
- Ghai, Yash and Jill Cottrell, “Constitution-Making in Nepal”, *Nepal Special Issue*, S. 5, 2009, 1-3.

- Ghai, Yash ve Guido Galli, “Constitution Building Process and Democratization”, International IDEA, Stockholm 2006, 1-24.
- Gledhill, John, “Power in Political Anthropology”, *Journal of Power*, C. 2, S. 1, 2009, 9-34.
- Gluck, Jason ve Brendon Ballou, “New Technologies in Constitution Making”, United States Institute of Peace, Special Report 343, May 2014, 1-12.
- Gordon, Ruth, “Growing Constitutions”, *Journal of Constitutional Law*, C. 1, S. 3, 1999, 528-582.
- Gönenç, Levent, “Anayasa Yapımı”, TEPAV Anayasa Çalışma Metinleri, 2011.
- Göztepe, Ece, “Bir Klasik Eser Olarak Carl Schmitt’in ‘Anayasa Öğretisi’”, *İÜHFİM*, C. LXXIII, S. 1, 2015, 129-180.
- Green, Leslie, “The Normativity of Law: What is the Problem?”, https://www.uvic.ca/victoria-colloquium/assets/docs/Green_Normativity.pdf, s. 1, Erişim Tarihi: 7.03.2024.
- Guzman, Sebastian G., “Rational Legal Authority”, *Ritzer*, C. 1, 2018, 1-3.
- Gülener, Serdar, “Anayasa Yapımında Yeni Bir Paradigma: Kapsayıcı, Katılımcı, Uzlaşmacı Anayasa Yapım Süreçleri ve Çeşitli Öneriler”, *Gazi Üniversitesi Hukuk Fakültesi Dergisi*, C. XV, S. 3, 2011, 199-224.
- Gylfason, Thorvaldur, ve Anne Meuwese, “Digital Tools and the Derailment of Iceland’s New Constitution”, *Cesifo Working Paper No. 5997*, Munich July 2016, 1-27.
- Gylfason, Thorvaldur, “Chain of Legitimacy: Constitution Making in Iceland”, *Cesifo Working Paper No. 6018*, July 2016, 1-23.
- Gylfason, Thorvaldur, “The Anatomy of Constitution Making”, içinde *Redrafting Constitutions in Democratic Regimes*, Ed. Gabirel L. Negretto, Cambridge University Press, Cambridge 2020, 217-240.
- Habermas, Jürgen, *Between Facts and Normas: Contributions to a Discourse Theory*, Polity Press, Cambridge 1996.
- Hart, Vivien, “Democratic Constitution Making”, United States Institute of Peace Special Report, Washington July 2003, 1-12.

- Hart, Vivien, “Constitution Making and the Right to Take Part in a Public Affair”, 24-25,
https://www.usip.org/sites/default/files/Framing%20the%20State/Chapter2_Framing.pdf, Erişim Tarihi 8.10.2023.
- Hearn, Jonathan, “On the Social Evolution of Power To/Over”, *Journal of Political Power*, C. 7, S. 2, 2014, 175-191.
- Holmes, Stephen ve Cass R. Sunstein, “The Politics of Constitutional Revision in Eastern Europe”, içinde *Responding to Imperfection*, Ed. Sanford Levinson, Princeton University Press, Princeton ve New Jersey 1995, 275-306.
- Horchani, Ferhat, “Güçlü ve Zayıf Yönleriyle 27 Ocak 2014 Tarihli Yeni Tunus Anayasası”, *Anayasa Hukuku Dergisi*, C. 3, S. 6, 2014, s. 11-22.
- Horowitz, Donald L., “Conciliatory Institutions and Constitutional Processes in Post-Conflict States”, *William and Mary Law Review*, C. 49, S. 4, 2008, 1213-1248.
- Horowitz, Donald L., “Ethnic Power Sharing: Three Big Problems”, *Journal of Democracy*, C. 25, S. 2, 2014, 5-20.
- Horowitz, Donald L., *Constitutional Processes and Democratic Commitment*, Yale University Press, New Haven ve London 2021.
- Hudson, Alexander, “When Does Public Participation Make a Difference? Evidence From Iceland’s Crowdsourced Constitution”, *Policy and Internet*, 9999:9999, 2017, 1-33.
- Huntington, Samuel P., *Public Orders in Changing Societies*, Yale University Press, New Haven and London 1968.
- Ihonvbere, Julius O., “Beyond Constitution Making Experiences in Africa: Challenges and Prospects”, *Uganda Human Rights Day: International Conference Center, Kampala 30 September 1999*, 34-46.
- İba, Şeref, “Türkiye’de Yeni Anayasa Arayışları ve Parlamento’nun Rolü”, *Yasama Dergisi*, S. 34, 2018, 47-61.
- İnsel, Ahmet, “Şili’de Yeni Anayasa Macerası”, *Birikim*, 11 Eylül 2022, <https://birikimdergisi.com/haftalik/11120/silide-yeni-anayasa-macerasi>, Erişim Tarihi: 10.06.2024.

- Jermanova, Tereza, “From Mistrust to Understanding: Inclusive Constitution-Making Design and Agreement in Tunisia”, *Political Research Quarterly*, C. 1, S. 14, 2020, 1-14.
- Jones, Nicholas F., *Politics and Society in Ancient Greece*, Praeger, U. S. 2008.
- Kabođlu, İbrahim Ö., “Yeni Anayasa: Süre, İçerik ve Düzen”, *Anayasa Hukuku Dergisi*, C. 2, S. 3, 2013, 7-21.
- Kahn, Jeffrey S., “Anthropology, Law, and the Problem of Incommensurability”, *Alabama Law Review*, C. 73, S. 4, 783-801.
- Kantor, Georgy, “Ideas of Law in Hellenistic and Roman Legal Practice”, içinde *Legalism: Anthropology and History*, Ed. Paul Dresch ve Hannah Skoda, Oxford University Press, Oxford 2012, 55-84.
- Kapani, Münci, *Politika Bilimine Giriş*, Bilgi Yayınları, 21. Baskı, Ankara 2007.
- Kaufmann, Rodrigo, “Chile or the Impossibility of a Constitution”, <https://verfassungsblog.de/chile-or-the-impossibility-of-a-constitution/>, (Erişim Tarihi 11.10.2023).
- Kaushal, Asha, “Constituent Power: Political Unity and Constitutional Plurality”, *National Journal of Constitutional Law*, C. 37, S. 2, 2017, 91-117.
- Kaya, Semih Batur, “Anayasayı Deđiştirme İktidarının Sınırları ve MEşru luđu Sorunu: Türkiye Özelinde Bir İnceleme”, *Sakarya Üniversitesi Hukuk Fakültesi Dergisi*, C. 10, S. 1, 2022, 251-281.
- Kayhan, Mehmet Botan, “Demokratik Anayasa Yapım Örneđi Olarak Şili”, *Birikim*, 2021, https://www.academia.edu/48242356/Demokratik_Anayasa_Yap%C4%B1m_%C3%96rne%C4%9Fi_Olarak_%C5%9Eili_Birikim, Erişim Tarihi: 5.06.2024.
- Kelsen, Hans, “Adalet Nedir?”, Çev. Ali Acar, *Türkiye Barolar Birliđi Dergisi*, S. 107, 2013, 431-454.
- Kentel, Ferhat, Levent Köker ve Özge Genç, “Yeni Anayasa Sürecini İzleme Raporu: Ekim 2011-Ocak 2012”, TESEV Demokratikleşme Programı, İstanbul 2012, 1-26.

- Khanal, Krishna, “The Participatory Constitution Making Process in Nepal”, içinde Participatory Constitution Making in Nepal, Ed. Budhi Karki ve Rohan Edrisinha, United Nations Development Programme, Nepal 2014, 1-44.
- Khushalani, Yougindra, “Human Rights in Africa and Asia”, Human Rights Law Journal, C. 4, 1983, s. 403-417.
- Kissane, Bill ve Nick Sitter, “National Identity and Constitutionalism in Europe: Introduction”, Nations and Nationalism, C. 16, S. 1, 2010, 1-5.
- Kontacı, Ersoy, “Demokratik Anayasa Yapımı Teorisinin Krizi: Şili Dene-yimi ve Düşündürdükleri”, AkdHFD, C. 13, S. 1, 2023, 15-44.
- Kumm, Matthias, “Constituent Power, Cosmopolitan Constitutionalism, and Post-Positivist Law”, I-CON, C. 14, 2016, 697-711.
- Küçükbay, Esmâ, “Tunus Anayasasının Anayasal Demokrasi Açısından De-ğerlendirilmesi”, Toplumsal Değişim, C. 3, S. 2, 2021, 62-85.
- Lamichhane, Bimal Prasad, “Models of Constitution Making with Reference to Nepal”, Journal of Political Science, C. XX, 2020, 23-45.
- Landau, David, “The Importance of Constitution-Making”, Denver University Law Review, C. 89, S. 3, 2012, 611-633.
- Landau, David, “Populist Constitutions”, The University of Chicago Law Re-view, C. 85, 2018, 521-543.
- Landemore, Helene, “Inclusive Constitution-Making: The Icelandic Experi-ment”, Journal of Political Philosophy, C. 23, S. 2, 2014, 1-26.
- Lanni, Adriaan ve Adrian Vermeule, “Precautionary Constitutionalism in An-cient Athens”, Harvard Law School Public Law and Legal Theory Wor-king Paper Series Paper No. 12-31, 1-25.
- Larrain, Guillermo, Gabriel Negretto ve Stefan Voigt, “How to Write a Cons-titution: Lessons from Chile”, Public Choice, S. 194, 2023, 233-247.
- Leech, Jessica, “The Normativity of Kant’s Logical Laws”, 2017, [https://kclpure.kcl.ac.uk/ws/portalfiles/portal/67387170/Final_ver-sion_for_HPQ_The_normativity_of_Kants_logical_laws.pdf](https://kclpure.kcl.ac.uk/ws/portalfiles/portal/67387170/Final_version_for_HPQ_The_normativity_of_Kants_logical_laws.pdf), Erişim Tarihi 3.06.2024.

- Lerner, Hanna, “Constitution-Writing in Deeply Divided Societies: The Incrementalist Approach”, *Nations and Nationalism*, C. 16, S. 1, 2010, 68-88.
- Lewellen, Ted C., *Political Anthropology: An Introduction*, Praeger Publishers, London 2003.
- Lijhpart, Arend, *Democracy in Plural Societies: A Comparative Exploration*, Yale University Press, New Haven 1977.
- Lindahl, Hans, “Constituent Power and Reflexive Identity: Towards an Ontology of Collective Selfhood”, içinde *The Paradox of Constitutionalism*, Ed. Martin Loughlin ve Neil Walker, Oxford University Press, New York 2007, 9-26.
- Lippman, Matthew, “Human Rights Revisted: The Protection of Human Rights under the International Covenant on Civil and Political Rights”, *Netherlands International Law Review*, C. 26, S. 3, 1979, 221-277.
- Lorey, Isabell, “Constituent Power of the Multitude”, *Journal of International Political Theory*, C. 15, S. 1, 2019, 119-133.
- Loughlin, Martin, “What is Constitutionalization?”, içinde *The Twilight of Constitutionalism?*, Ed. Petra Dobner ve Martin Loughlin, Oxford University Press, Oxford ve New York 2010, 47-72.
- Loughlin, Martin, “The Concept of Constituent Power”, *Critical Analysis of Law Workshop*, University of Toronto, 15 Jan 2013, 1-24.
- MacCormack, G., “Anthropology and Legal Theory”, *The Juridical Review*, 1978, 216-232.
- MacCormack, G., “Antropoloji ve Hukuk Teorisi”, Çev. Onur Sinan Vatansever, *İÜHFİM*, C. LXVII, S. 1-2, 2009, 255-268.
- Markby, Sir William, *Elements of Law Considered with Reference to Principles of General Jurisprudence*, Clarendon Press, Oxford 1905.
- M’Barek, Mabrouka, “Makers of Our Own History: Uploading the Revolution and Unsettling Coloniality in the Drafting of Tunisia’s 2014 Constitution”, içinde *Constitution Makers on Constitution Making*, Ed. Tom Ginsburg ve Sumit Bisarya, Cambridge University Press, New York 2022, 151-193.

- McCarthy, Thomas, “Legitimacy and Diversity: Dialectical Reflections on Analytic Distinctions”, içinde Habermas on Law and Democracy, Ed. Michel Rosenfeld ve Andrew Arato, University of California Press, California 1998, 115-156.
- Merry, Sally E. ve Matthew C. Canfield, “Law: anthropological Aspects”, içinde International Encyclopedia of the Social and Behavioral Sciences, New York 2015, 535-541.
- Messer, Ellen, “Anthropology and Human Rights”, Annu. Rev. Anthropology, C. 22, 1993, 221-249.
- Meuwese, Anne, “Popular Constitution-Making: The Case of Iceland”, içinde The Social and Political Foundations of Constitutions, Ed. D. Galligan ve M. Versteeg, Cambridge University Press, New York 2013, 469-496.
- Meyerhoffer, Sheri, “Nepal’s Constitution Building Process: 2006-2015”, International Institute for Democracy and Electoral Assistance 2015-IDEA, Stockholm 2015.
- Michelman, Frank I., “Legitimacy, The Social Turn, and Constitutional Review: What Political Liberalism Suggests”, Harvard Public Law Working Paper No. 16-28, 25 May 2016, 1-27.
- Mills, C. Wright, The Sociological Imagination, Oxford University Press, New York 2000.
- Moeckli, Silvano, “Direct Democracy and Political Participation from a Cross-National Perspective”, içinde Participatory Democracy and Political Participation, Ed. Thomas Poguntke, Routledge, New York 2007, 107-124.
- Moehler, Devra C., “Participation and Support for the Constitution in Uganda”, Journal of Modern African Studies, C. 44, S. 2, 2006, 275-308.
- Moehler, Devra, “Participatory Constitution Making in Uganda”, içinde Accountability Through Public Opinion, Ed. Sina Odugbemi ve Taeku Lee, The World Bank, Washington 2011, 235-254.
- Moore, Margaret, “Normative Justifications for Liberal Nationalism: Justice, Democracy and National Identity”, Nations and Nationalism, C: 7, S. 1, 2001, 1-20.

- Msekwa, Pius, “The Doctrine of the One-Party State in relation to Human Rights and the Rule of Law”, içinde Human Rights in a One-Party State: International Commission of Jurists, Search Press, London 1976, 21-37.
- Mumcu, Özge, “Anayasa Uzlaşma Komisyonu: Kısa Bir Değerlendirme Notu”, <https://www.tepav.org.tr/tr/blog/s/3717>, (Erişim Tarihi: 8.12.2023).
- Nader, Laura, “The Anthropological Study of Law”, Winner-Gren Conference on Law, April 1964, 3-32.
- Negri, Antonio, *Insurgencies: Constituent Power and the Modern State*, University of Minnesota Press, Minneapolis ve London 1999.
- Ndulo, Muna, “The Democratic State in Africa: The Challenges for Institutional Building”, *National Black Law Journal*, C. 70, 1998-2000, 70-101.
- Nedumaran, Moganapriya ve Ramya Suresh, “Anthropology: An Overview”, *Int. J. Orofac Bol*, C. 6, S. 1, 2022, 4-8.
- Nordlinger, Eric A., *Conflict Regulation in Divided Societies*, Harvard University Press, USA 1972.
- Odoki, B. J., “The On-going Constitution-Making Process in Uganda”, https://constitutionnet.org/sites/default/files/THE%20ON-GOING%20CONSTITUTION-MAKING%20PROCESS%20IN%20UGANDA%20BY%20THE%20HON.%20MR.%20JUSTICE%20B.%20J.%20ODOKIocr.en_.pdf, s. 1-2, (Erişim Tarihi 16.10.2023).
- Olson, Kevin, “Deliberative Democracy”, içinde Jürgen Habermas: Key Concepts, Ed. Barbara Fultner, Routledge, New York 2011, 140-155.
- Omri, Mohamed-Salah, “The Tunisian Constitution: The Process and the Outcomes”, https://www.academia.edu/6166557/The_Tunisian_Constitution_The_process_and_the_outcomes, (Erişim Tarihi 15.10.2023).
- Özpek, Burak Bilgehan, “Constitution-Making in Turkey After the 2011 Elections”, *Turkish Studies*, C. 13, S. 2, 2012, 153-167.
- Paine, Thomas, *İnsan Hakları*, Çev. Mehmet Osman Dostel, İletişim Yayınları, İstanbul 2017.

- Partlett, William, “The Dangers of Popular Constitution-Making”, *Brook J. Int’l L.*, C. 38, S. 1, 2012, 193-238.
- Peter, Fabienne, “The Human Right to Political Participation”, *Journal of Ethics and Social Philosophy*, C. 7, S. 1, 2013, 1-16.
- Petersen, Felix ve Zeynep Yanaşmayan, “Explaining the Failure of Popular Constitution Making in Turkey (2011-2013)”, içinde *The Failure of Popular Constitution Making in Turkey*, Ed. Felix Petersen ve Zeynep Yanaşmayan, Cambridge University Press, Cambridge 2020, 21-56.
- Pham, Lein and Ance Kaleja, *Political Participation and Democratic Capability in Authoritarian States*, Routledge, London ve New York 2021.
- Pickard, Duncan, “Tunisia’s Constitutional Process: Hurdless and Prospects”, *Opinions on the Mediterranean*, Washington December 2013, 1-4.
- Pirie, Fernanda, *The Anthropology of Law*, Clarendon Law Series, Oxford 2013.
- Postema, Gerald J., “Constitutional Norms, Their Necessity and Fragility”, <https://pos.direito.ufmg.br/wp-content/uploads/2020/10/Constitutional-Norms-Necessity-and-Fragility-2.pdf>, s. 7-8, Erişim Tarihi: 6.03.2024.
- Preuss, Ulrich K., “Feature: Constitution-Making and Nation-Building: Reflections on Political Transformations in East and Western Europe”, *European Journal Philosophy*, C. 1, S. 1, 1993, 81-92.
- Przeworski, Adam, “Deliberation and Ideological Domination”, içinde *Deliberative Democracy*, Ed. Jon Elster, Cambridge University Press, Cambridge 1998, 140-160.
- Rapport, Nigel ve Joanna Overing, *Social and Cultural Anthropology: The Key Concepts*, Routledge, London ve New York 2000.
- Ratnapala, Suri ve Jonathan Crowe, *Australian Constitutional Law: Foundations and Theory*, Oxford University Press, Third Edition, Melbourne 2012.
- Raz, Joseph, *Practical Reasons and Norms*, Oxford University Press, 2. Baskı, Oxford 1999.
- Raz, Joseph, “Human Rights in the Emerging World Order”, *Transnational Legal Theory*, S. 1, 2010, 31-47.

- Rawls, John, “The Idea of Public Reason Revisited”, *The University of Chicago Law Review*, C. 64, S. 3, 1997, 765-807.
- Rawls, John, *The Law of People*, Harvard University Press, Cambridge ve London 1999.
- Reus-Smit, Christian, “Power, Legitimacy, and Order”, *The Chinese Journal of International Politics*, C. 7, S. 3, 2014, 341-359.
- Rubio, Pamela Figueroa, “The Failed Case of a Perfect Design? The Case of Chile’s Constitution Making Process (2016-2022)”, *MPIL Research Paper Series*, No. 2023-16, July 2023, 1-32.
- Rubinelli, Lucia, “Critical Exchange: Constituent Power and Its Institutions”, *Contemporary Political Theory*, C. 20, S. 4, 2021, 926-956.
- Rubongoya, Josuha B., “Reconstructing the State: Challenges of Legitimacy and Power Consolidation”, *Regime Hegemony in Museveni’s Uganda*, Ed. Josuha B. Rubongoya, Palgrave Macmillan, New York 2007, 59-93.
- Saati, Abrak, “Diffrent Types of Participation in Constitution Making Process: Towards a Conceptualisation”, *Southern African Journal of Policy and Development*, C. 2, S. 2, 2016, 18-28.
- Saati, Abrak, “Participatory Constitution-Building in Nepal – A Comparison of the 2008-2012 and the 2013-2015 Process”, *Journal of Politics and Law*, C. 10, S. 4, 2017, 29-39.
- Saati, Abrak, “Negotiating the Post-Revolution Constitution for Tunisia – Members of the National Constituent Assembly Share Their Experiences”, *International Law Research*, C. 7, S. 1, 2018, 235-246.
- Sak, Güven ve Özgün Özçer, “Güney Afrika Anayasası: ‘Bir Ülkenin Ruhü’”, *TEPAV*, s. 1-3, https://www.tepav.org.tr/upload/files/1271250920r3257.Anayasa_Calisma_Metinleri____1.pdf, Erişim Tarihi: 1.05.2024.
- Samuels, Kırısti, “Constitution Building Process and Democratization: A Discussion of Twelve Case Studies”, *International IDEA*, Stockholm, 1-48.

- Samuels, Kristi ve Vanessa Hawkins Wyeth, “State-Building and Constitutional Design after Conflict”, International Peace Academy, New York 2006, 1-13.
- Schepple, Kim Lane, “Constitutional Ethnography: An Introduction”, Law and Society Review, C. 38, S. 3, 2004, 389-406.
- Shokri, Mehdi, “What is Political Power?”, Arts and Social Sciences Journal, C. 8, S. 3, 2017, 1-8.
- Sundahl, Mark J., “The Living Constitution of Ancient Athens: A Comparative Perspective on the Originalism Debate”, John Marshall Law Review, C. 42, 2009, 463-504.
- Sangroula, Yubarai, “Non-Extension of Non-Amendment? The Supreme Court’s Originalist Approach to Interpreting the Tenure of the Constituent Assembly”, içinde Participatory Constitution Making in Nepal, Ed. Budhi Karki ve Rohan Edrisinha, United Nations Development Programme, Nepal 2014, 107-144.
- Schabas, William A., The Customary International Law of Human Rights, Oxford University Press, Oxford 2021.
- Scheuerman, William E., “Critical Theory Beyond Habermas”, içinde The Oxford Handbook of Political Theory, Ed. John S. Dryzek, Bonnie Honig ve Anne Phillips, Oxford University Press, Oxford ve New York 2006, 85-105.
- Sen, Amartya, “Agency and Freedom: The Dewey Lectures 1984”, The Journal of Philosophy, C. 82, S. 4, 1985, 169-221.
- Sen, Amartya, Development as Freedom, Oxford University Press, New York 2000.
- Sevinç, Murat, “Yeni Anayasa ve Kuruculuk Tartışması: Bizim Sorunumuz Ne?”, s. 7, 2017, https://www.kamuhukukculari.org/upload/dosyalar/Murat_Sevinc.pdf, Erişim Tarihi 5.06.2024.
- Sezer, Abdullah, “Normlar Hiyerarşisi ve Cumhurbaşkanlığı Kararnameleri [Çok Boyutlu Normlar Piramidi Yaklaşımı]”, Anayasa Yargısı Dergisi, C. 36, 2019, 353-412.

- Shakya, Purna Man, “Review of the Past Constitution-Making Process and Lessons for the Future”, içinde *Participatory Constitution Making in Nepal*, Ed. Budhi Karki ve Rohan Edrisinha, United Nations Development Programme, Nepal 2014, 89-106.
- Shaqoura Mazen, ve Annali Kristiansen, “Islam and Human Rights: The Constitutional Debate in Tunisia”, *The Danish Institute For Human Rights*, No. 2015/9, 1-25.
- Sickinger, James, “The Laws of Athens: Publication, Preservation, Consultation”, içinde *The Law and the Courts in Ancient Greece*, Ed. Edward Harris ve Lene Rubinstein, Gerald Duckworth, 2004, 93-109.
- Simmons, A. John, *Justification and Legitimacy*, Cambridge University Press, Cambridge 2001.
- Spencer, Jonathan, *Anthropology, Politics and the State*, Cambridge University Press, Cambridge ve New York 2007.
- Steinberger, Helmut, “Sovereignty”, içinde *Encyclopedia of Public International Law*, Ed. Rudolf Bernhardt, North-Holland Publishing Company, New York 1981, s. 397-404.
- Steiner, Henry J., “Two Sides of the Same Coin?: Democracy and International Human Rights”, *Isr. L. Rev.*, C. 41, S. 3, 2008, s. 445-475.
- Stillman, Peter G., “The Concept of Legitimacy”, *Polity*, C. 7, S. 1, 1974, 32-56.
- Strand, Per, “Finalizing the South African Constitution: The Politics of the Constitutional Assembly”, *Politikon*, C. 28, S. 1, 2001, 47-63.
- Strauss, David A., *The Living Constitution*, Oxford University Press, Oxford ve New York 2010.
- Sunstein, Cass R., *Designing Democracy: What Constitutions Do*, Oxford University Press, Oxford ve New York 2001.
- Suteu, Silvia ve Christine Bell, “Women, Constitution-Making and peace Processes”, *UN Women*, New York October 2018, 1-24.
- Tasioulas, John, “Are Human Rights Essentially Triggers for Intervention?”, *Philosophy Compass*, C. 4, S. 6, 2009, 938-950.

- Thomashausen, Andre, “Güney Afrika’nın Siyasi Evriminde Anayasal İktidar ve Meşruluk”, içinde Anayasa Yapımı ve Anayasal Değişim, Ed. Ozan Ergül, Türkiye Barolar Birliği Yayınları, Ankara 19-20 Mart 2010, 109-135.
- Thornhill, Chris, “Contemporary Constitutionalism and the Dialectic of Constituent Power”, *Global Constitutionalism*, C.1 S. 3, 2012, 369-404.
- Thornhill, Chris, “The Sociology of Constitutions”, *Annual Review of Law and Social Science*, C. 13, 2017, 493-513.
- Tridimas, Georgie, “Constitutional Evolution in Ancient Athens”, *Encyclopedia of Law and Economics*, Ed. Alain Marciano ve Giovanni Battista Ramello, Springer, New York 2019, s. 330-338.
- Tripp, Aili Mari, “The Politics of Constitution Making in Uganda”, https://www.usip.org/sites/default/files/Framing%20the%20State/Chapter6_Framing.pdf, s. 164, (Erişim Tarihi 16.10.2023).
- Tschider, Charlotte A., “DEus Ex Machina: Regulating Cybersecurity and Artificial Intelligence for Patients if the Future”, *Savannah Law Review*, C. 5, S. 1, 2018, 177-210.
- Tully, James, “The Unfreedom of the Moderns in Comparison to Their Ideals of Constitutional Democracy”, *The Modern Law Review*, C. 65, S. 2, 2002, 204-228.
- Tural, Nazım, Güney Afrika’da Neler Olmuştu- I”, <https://t24.com.tr/haber/guney-afrikada-neler-olmustu-1,219930>, Erişim Tarihi: 6.06.2024.
- Tural, Nazım, “Güney Afrika’da Geçici Anayasa’ya Giden Müzakare Süreci”, <https://t24.com.tr/haber/guney-afrikada-gecici-anayasaya-giden-muzakere-sureci,229385>, Erişim Tarihi: 1.05.2024.
- Verdugo, Sergio ve Marcela Prieto, “The Dual Aversion of Chile’s Constitution-Making Process”, *I-CON*, C. 19, 2021, 149-168.
- Versteeg, Mila, “Popüler Olmayan Anayasacılık”, Çev. Şafak Evran Topuzkanamış, *Dokuz Eylül Üniversitesi Hukuk Fakültesi Dergisi*, C. 20, S. 1, 2018, 125-197.
- Victoria, Jose Luis Escalona, “Anthropology of Power: Beyond State-Centric Politics”, *Anthropological Theory*, C. 16, S. 2-3, 2016, 249-262.

- Vidmar, Jure, "Multiparty Democracy: International and European Human Rights Law Perspectives", *LEiden Journal of International Law*, C. 23, 2010, 209-240.
- Yack, Bernard, "Popular Sovereignty and Nationalism", *Political Theory*, C. 29, S. 4, 2001, 517-536.
- Yargıç, Sinem, "Ekonomik Kriz Sonrası Anayasa Yapımı: İzlanda'nın Yeni Anayasa Yayımlı Süreci", *İstanbul Kültür Üniversitesi Hukuk Fakültesi Dergisi*, C. 13, S: 1, 2014, 47-72.
- Yeatman, Anna, "The Idea of the Constitutional State and Global Society", *Law Text Culture*, C. 8, 2004, 1-25.
- Yeğen, Oya, "Şili'de Yeni Anayasa Sözü: 1980 Anayasası ve Temel Sorunları", *Anayasa Gündemi*, <https://anayasagundemi.com/2019/11/19/forum-dr-oya-yegen-silide-yeni-anayasa-sozu-1980-anayasasi-ve-temel-sorunlari/>, Erişim Tarihi: 5.06.2024.
- Yokuş, Sevtap, "Bölünmüş Toplumlarda Anayasa Yapımı: Güney Afrika Deneyimi", *C. 7, S. 1, 2022, 13-27.*
- Yıldırım, Yavuz, "Krizden Demokratik Çıkış: İzlanda Siyasetinde 2008-2017 Arası Gelişmeler", *Sosyoekonomi Dergisi*, C. 27, S. 39, 2019, 187-203.
- Young, Iris Marion, "Communication and the Other: Beyond Deliberative Democracy", içinde *Democracy and Difference*, Ed. Seyla Benhabib, Princeton University Press, Princeton 1996, 120-136.
- Zilla, Claudia ve Franziska F. N. Schreiber, "The Constitutional Process in Chile", *SWPComment*, No. 17 April 2020, 1-4.
- Zittel, Thomas, "Participatory Democracy and Political Participation", içinde *Participatory Democracy and Political Participation*, Ed. Thomas Zittel ve Dieter Fuchs, Routledge, New York 2007, 9-28.
- Wahiu, Winluck, *A Practical Guide to Constitution Building: An Introduction*, IDEA, Stockholm 2011.
- Wallis, Joanne, "How Important is Participatory Constitution-Making? Lessons from Timor-Leste and Bougainville", *Commonwealth and Comparative Politics*, C. 54, S: 3, 2016, 362-386.

- Waltz, Susan, “Reclaiming and Rebuilding the History of the Universal Declaration of Human Rights”, *Third World Quarterly*, C. 23, S. 3, 2002, 437-448.
- Weale, Albert, *Democracy*, Macmillian, 2. Baskı, New York 1999.
- Wedgwood, Ralph, “The Unity of Normativity”, https://web.archive.org/web/20170628074502id_/http://www-bcf.usc.edu/~wedgwood/Unity_of_Normativity.pdf, 1-3, Erişim Tarihi: 7.03.2024.
- Wheaton, Henry, *Elements of International Law*, Little Brown, 2. Baskı, Boston 1863.
- Wilson, Richard Ashby, “Afterword to ‘Anthropology and Human Rights in a New Key’: The Social Life of Human Rights”, *American Anthropologist*, C: 108, S. 1, 2006, 77-83.
- Wolf, Eric R., *Pathways of Power*, University of California Press, Berkeley ve London 2001.
- Wolkenstein, Fabio, “Transnational Partisanship and Networked Constituent Power in the EU”, *LEQS Paper No. 138/2018*, October 2018, 1-39.