

LIST OF PUBLICATIONS

BOOKS:

1. *Poverty and Fundamental Rights: The Justification and Enforcement of Socio-Economic Rights* (Oxford University Press: Oxford, 2007) (provides a justification for socio-economic rights, that recognises their urgency and importance and develops a legal doctrinal approach to give effect to them; consideration is also given to the policy implications of these rights).
2. *Fundamental Rights and the Legal Obligations of Business* (Cambridge University Press: Cambridge, 2021) (develops a legal analytical framework for determining the substantive content of corporate obligations with respect to fundamental rights)

EDITED COLLECTIONS

1. *Is this Seat Taken? Conversations at the Bar, the Bench and the Academy concerning the South African Bill of Rights* (with Stuart Woolman) (Pretoria University Law Press: Pretoria, 2012) (edited volume of essays).
2. *Human Rights Obligations for Business: Beyond the Corporate Responsibility to Respect?* (with Surya Deva) (Cambridge University Press: Cambridge, 2013).
3. *Building a Treaty on Business and Human Rights: Context and Contours* (with Surya Deva) (Cambridge University Press: Cambridge, 2017).
4. *The Evolution of the Separation of Powers: Concepts and Practice* (with David Landau) (Edward Elgar, 2018).

TEXTBOOK

1. *Jurisprudence in an African Context* (with Thad Metz and Anthony Oyowe) (Oxford University Press: Oxford 2017-8).

JOURNAL PUBLICATIONS

1. Law of Evidence Chapter (1998) *Annual Survey* 735-822.
2. Law of Evidence Chapter (1999) *Annual Survey* 662-711.
3. 'Giving Socio-Economic Rights Teeth: The Minimum Core and Its Importance' (2002) 119 *South African Law Journal* 484-501.
4. 'Towards a Reasonable Approach to the Minimum Core: Laying the Foundations For future Socio-Economic Rights Jurisprudence' (2003) 19 *South African Journal of Human Rights* 1-26.

5. 'South Africa: Right to Health and Access to HIV/AIDS Drugs Treatment' (2003) 1(3) *International Journal of Constitutional Law* 524-534.
6. 'For Whom Does the Bell Toll? The Challenges and Possibilities of the Civil Union Act for Family Law in South Africa' (2008) 23 *South African Journal on Human Rights* (co-authored with Melanie Judge, 80 percent contribution by me) 466-499.
7. 'Corporate Law and the Constitution: Towards Binding Human Rights Responsibilities for Corporations' (2008) 124 *South African Law Journal* 754-789.
8. 'Moving Beyond Arbitrariness: The Legal Personhood and Dignity of Non-Human Animals' (2009) 25 *South African Journal on Human Rights* 38-72.
9. 'The Ruggie Framework: An Adequate Rubric for Corporate Human Rights Obligations?' (2010) 12 *SUR International Journal on Human Rights* 199-229.
10. 'Do Corporations Have Positive Human Rights Obligations?' (2010) 125 *Theoria* 1-35.
11. 'Is the Constitutional Court Wasting Away the Rights of the Poor? *Nokotyana v Ekurhuleni Metropolitan Municipality*' (2010) *South African Law Journal* 591-605.
12. 'Does Transformative Constitutionalism Require the Recognition of Animal Rights?' (2010) 125 *Southern African Public Law* 267-300.
13. 'Does Alexy's Analysis of Balancing Adequately Capture the Nature of Rights?' (2010) 125 *Southern African Public Law* 423-444.
14. 'Theory, Pragmatism and the Law' (2010) 125 *Southern African Public Law* 544-566 (co-authored with Alistair Williams).
15. 'Should Religious Associations Be Allowed to Discriminate?' (2011) 27 *South African Journal of Human Rights* 219-248.
16. 'How Should Rights be Limited? *Exploring Road Accident Fund v Mdeyide*' (2011) *Journal of South African Law (Tydskrif vir die Suid-Afrikaanse Reg)* 568-579.
17. 'Citizenship and Community: Exploring the Right to Receive Basic Municipal Services' (2011) 3 *Constitutional Court Review* 45-78.
18. 'Does Sandra Liebenberg's New Book Provide a Viable Approach to Adjudicating Socio-Economic Rights?' (2011) 27 *South African Journal of Human Rights* 546-557.
19. 'Religion and the Public Sphere: Towards a Model that Positively Recognises Diversity' (2012) 28 *South African Journal on Human Rights* 146-175 (co-authored with Alistair Williams).
20. 'Why Courts should not Sanction Unfair Discrimination in the Private Sphere', (2012) 28 *South African Journal on Human Rights* 296-315.
21. 'When is Animal Suffering Necessary?' (2012) 27 *Southern African Public Law* 3-27.
22. 'Human Rights Accountability in Domestic Courts: Does *Kiobel* Increase the Global Governance Gap?' (2013) *Journal of South African Law* 794-805.

23. Creating the Space 'In Between': Towards a Conception of Equal Exchanges Between the Legal Academia of the Global South and North (2013) 16 *Yale Human Rights and Development Law Journal* 59-88.
24. What was Left Unsaid: The Unconstitutionality of the Performing Animals Protect Act in NSPCA v Minister of Agriculture, Forestry and Fisheries' (2014) 30 *South African Journal on Human Rights* 183-195.
25. 'Socio-Economic Rights, Economic Crisis and Legal Doctrine' (2014) 12 *International Journal of Constitutional Law* 710-739.
26. 'Socio-Economic Rights, Economic Crisis and Legal Doctrine: A Rejoinder to Xenophon Contiades and Alkmene Fotiadou (2014) 12 *International Journal of Constitutional Law* 747-750.
27. 'P.I.E. in the Sky: Where's the constitutional framework in high court eviction proceedings? *Marlboro crisis committee and others v City of Johannesburg*' (2014) 131 *South African Law Journal* 521-537 (co-authored with D Mackintosh)
28. 'Egalitarian Liberalism, Distributive Justice and the New Constitutionalism' (2014) 140 *Theoria* 47-69.
29. Avoidance Remains Avoidance: Is It Desirable in Socio-Economic Rights Cases? Constitutional Court Review (2014) 5 *Constitutional Court Review* 297-308.
30. Are Socio-Economic Rights Political Rights?' (2015) 31 *South African Journal on Human Rights* 86-111.
31. 'Humility, Dissent and Community: Exploring Chief Justice Langa's Political and Legal Philosophy' (2015) *Acta Juridica* 88-119.
32. Privacy, Surveillance and the Duties of Corporations: A South African Approach (2016) *Journal of South African Law* 45-67
33. 'Corporations and the Limits of State-based Models for Protecting Fundamental Rights in International Law' (2016) 23 *Indiana Journal of Global Studies* 143-170.
34. 'Proportionality, Fundamental Rights and the Duties of Directors' (2016) 36 *Oxford Journal of Legal Studies* 828-854 (co-authored with Laura Ausserladscheider Jonas).
35. 'The Necessity for a Business and Human Rights Treaty' (2016) 1 *Business and Human Rights Journal* 203-227.
36. 'Dignity, Fundamental Rights and Legal Capacity: Moving Beyond the Paradigm Set by the General Comment on Article 12 of the Convention on the Rights of Persons with Disabilities' (2016) 32 *South African Journal on Human Rights* 410-437
37. 'Equality, Dignity and Social Harmony: Exploring the Rationales and Models for Recognising Same-Sex Relationships in Law' (2016) 11 *Frontiers of Law Journal* 407-432
38. 'Exploring the Relationship Between the Environmental Right in the South African Constitution and the Protection of Animals' Interests' (2017) *South African Law Journal* 134 740-777.

39. 'Fundamental Rights as Bridging Concepts: Straddling the Boundary Between Ideal Justice and an Imperfect Reality' (2018) 40 *Human Rights Quarterly* 119-143.
40. 'Why Incitement to Harm Against those with Different Political Opinions is Constitutionally Impermissible' (2019) *Journal of South African Law* 364-374.

BOOK CHAPTERS:

1. 'The Right to Health' in Woolman et al, *Constitutional Law of South Africa* (2nd ed 2006) Chapter 56A.
2. "The Jewish Law of Persons and Family Law" in Rautenbach et al (eds), *Legal Pluralism in South Africa* (Butterworths, 2007) Chapter 13.
3. 'The Civil Union Act: A Messy Compromise or Giant Leap Forward?' in S De Waal, M Judge and A Manion (eds), *To Have and To Hold* (with M Judge) (Jacana Press, 2008) 149-163.
4. 'Towards a Theory of Content for Socio-Economic Rights' in J Illiopoulos-Strangas and T Roux (eds), *National and International Perspectives on Social Rights* (2008) 3-28.
5. 'Taking Socio-Economics Rights Seriously: The Substantive and Procedural Implications' in Van Bueren (ed), *Freedom from Poverty as a Human Rights* (UNESCO Publishing, 2010) vol 4 21-50.
6. 'Corporations and Fundamental Rights: what is the Nature of their Obligations, if any?' In C Luetge (ed), *Handbook of the Philosophical Foundations of Business Ethics* (Springer: Dordrecht, 2012) 1053-1076.
7. 'Constitutionalism, the Global South and Economic in D Bonilla Maldonado (ed), *Constitutionalism of the Global South: The Activist Tribunals of India, South Africa, and Colombia* (Cambridge University Press: Cambridge, 2013) 41-94.
8. A Chasm Between 'Is' and 'Ought'? A Critique of the Normative Foundations of the SRSG's Framework and Guiding Principles' in D Bilchitz and S Deva (eds), *Human Rights Obligations for Business: Beyond the Corporate Responsibility to Respect* (Cambridge University Press: Cambridge, 2013) 107-137.
9. The Human Rights Obligations of Business: A Critical Framework for the Future' (co-authored with S Deva) in D Bilchitz and S Deva (eds), *Human Rights Obligations for Business: Beyond the Corporate Responsibility to Respect* (Cambridge University Press: Cambridge, 2013) 1-26.
10. 'Human Rights Beyond the State: Exploring the Challenges' in O Vilhena, Upendra Baxi and Frans Viljoen (eds), *Transformative Constitutionalism: Comparing the Apex Courts of Brazil, India and South Africa* (Pretoria University Law Press: Pretoria, 2013) 580-603.
11. 'Necessity and Proportionality: Towards a Balanced Approach?' in L Lazarus, C McCrudden and N Bowles (eds), *Reasoning Rights* (Hart: Oxford, 2015) 41-62.

12. 'Is the Right to Food Really Necessary?' in V Taylor and S Fukuda Parr (eds), *The Right to Food in South Africa: New Directions in Economic and Social Policies* (University of Cape Town Press: Cape Town, 2015) 53-72.
13. 'Equality, Liberty and Modern Constitutionalism', in G Hull (ed), *The Equal Society* (Lexington Press: Lanhan MA, 2015) 229-246.
14. 'Animal Interests and South African Law: the Elephant in the Room?' in D Cao and S White (eds), *Animal Law and Welfare – International Perspectives* (Springer: Heidelberg, 2016) 131-156.
15. 'The Right to Privacy, Surveillance and the Global Obligations of Corporations' in D Cole, F Fabbrini and S Schulhofer (eds), *Surveillance, Privacy and Transatlantic Relations* (Hart: Oxford, 2017) 113-138.
16. 'Public Participation and Reasonableness: Exploring the case law and jurisprudential philosophy of the South African Constitutional Court' in C Hugo and T Mollers (eds), *Transnational Impacts on law: Perspectives from South Africa and Germany* (Nomos/Juta, 2017) 381-416.
17. 'Corporate Obligations and a Business and Human Rights Treaty: a Constitutional Law Model?' in D Bilchitz and S Deva (eds), *Building a Treaty on Business and Human Rights: Context and Contours* (Cambridge University Press: Cambridge, 2017) 185-215.
18. 'Putting Flesh on the Bone: What Should a Business and Human Rights Treaty Look Like?' in S Deva and D Bilchitz (eds), *Building a Treaty on Business and Human Rights: Context and Contours* (Cambridge University Press: Cambridge, 2017) 1-24.
19. 'Towards a Defensible Relationship between the Content of Socio-Economic Rights and the Separation of Powers: Conflation or Separation?' in D Bilchitz and D Landau (eds), *The Evolution of the Separation of Powers: Concepts and Practice* (Edward Elgar: Cheltenham, 2018) 57-84
20. 'The Evolution of the Separation of Powers in the Global South and the Global North' (co-authored with David Landau) in D Bilchitz and D Landau (eds), *The Evolution of the Separation of Powers: Concepts and Practice* (Edward Elgar: Cheltenham, 2018) 1- 30.
21. 'The Performance of Socio-Economic Rights in the South African Constitution' in T Roux and R Dixon (eds), *Constitutional Triumphs, Constitutional Disappointments* (Cambridge University Press: Cambridge, 2018) 45-87.
22. 'What is the Relationship between Minimum Thresholds and Distributive Justice?' in T Kootkas, I Leijten and F Pennings (eds), *Specifying and Securing a Social Minimum in the Battle Against Poverty* (Hart: Oxford, 2019) 15-30.
23. Bilchitz, D 'Why Conservation and Sustainability Require Protection for the Interests of Animals' in W. Scholtz (ed). *Animal Welfare and International Environmental Law: From Conservation to Compassion* (Edward Elgar: Cheltenham, 2019).
24. 'Socio-Economic Rights and Expanding Access to Justice in South Africa: What Can Be Done?' in P. Dann, M.Riegner and M. Bönemann *The Global South and Comparative Constitutional Law* (Oxford University Press: Oxford, 2020) 210-234.

25. 'How can Rights be Individuated?' in A. Linares-Cantillo, C.Valdivieso-León and S. Garcia-Jaramillo *The Colombian Constitution in Comparative Context* (Oxford University Press: Oxford, 2020) 237-257.