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LIST OF PUBLICATIONS

BOOKS:

Eine ökonomische Theorie der öffentlichen Meinung (Freiburg i.Ü.: Universitätsverlag, 1992) ("An economic theory of public opinion").

Rational Choice in der Rechtswissenschaft. Zum Stellenwert der ökonomischen Theorie im Recht Dissertation (Baden-Baden: Nomos Verlag, 2003) ("Rational Choice Theory in Law: On the Significance of Economic Theory in Law"). Reprinted 2009

Book Reviews by:

Dr. Jörn Lüdemann. In: *RabelsZ* 69 (2005), pp. 408-411.

Dr. Ekkehard Hofmann. In: *Der Staat* (2005), pp. 328-331.

Ökonomische Analyse des Völker- und Europarechts (textbook) (Tübingen: Siebeck/Mohr), 2019 (together with Armin Steinbach)

Book review: *Frankfurter Allgemeine Zeitung*, March 4th, 2019 by Jochen Zenthöfer

Behavioral Economics and International Law (Oxford: Oxford University Press), forthcoming 2024 (together with Tomer Broude)

EDITORSHIPS:

Anne van Aaken/ Stefanie Schmid-Lübbert (eds.) *Beiträge zur Ökonomischen Theorie im Öffentlichen Recht* (Wiesbaden: Gabler-Verlag, 2003).

Anne van Aaken/ Christian List / Christoph Lütge (eds.) *Deliberation and Decision. Economics, Constitutional Theory and Deliberative Democracy* (Hampshire: Ashgate, 2004).

Book Reviews by:

Alberto Nones. In: *Studiosi Rationales Communicantes*, *International Studies Review* 7 (3), 2005, 493-495.

Shiu-hing Lo. In: *Hongkong Law Journal*, 34 (3), 2004, pp. 673-675.

Cathérine D. Gamper. In: Public Choice, 129, 2006, pp. 243-246.

Annette Schmitt. In: Politische Vierteljahresschrift, 47 (3), 2006, pp. 707-708.

Anne van Aaken/ Gerd Grözing (eds.) *Ungleichheit und Umverteilung* (Marburg: Metropolis-Verlag, 2004).

Book Review in: Frankfurter Allgemeinen Zeitung of 19 September 2005.

Anne van Aaken/ Gerd Grözing (eds.) *Inequality - New Analytical Approaches* (Marburg: Metropolis-Verlag, 2004).

Anne van Aaken/ Tom Ginsburg/ Christoph Engel (eds.) *International Law and Economics*, Symposium Issue, Illinois Law Review (2008) Issue 1.

Available at: <https://illinoislawreview.org/wp-content/ilr-content/articles/2008/1/GinsburgIntro.pdf>

Anne van Aaken/Stephan Kirste/Michael Anderheiden/Pasquale Policastro: *Interdisciplinary Research in Jurisprudence and Constitutionalism*, ARSP Beiheft 127 (Stuttgart, Baden-Baden: Steiner Verlag/Nomos 2012).

Anne van Aaken/Stefan Brem/Isabelle Wildhaber: Risk, Responsibility and Liability in the Protection of Critical Infrastructures, Special Symposium Issue, European Journal of Risk Regulation (EJRR), Vol. 6, Issue 2 (2015).

Anne van Aaken/Janis Antonovic (eds.), Too Big to Handle? Interdisciplinary Perspectives on the Question of Why Societies Ignore Looming Disasters, 7 Global Policy, 2016. Special Supplement 1, May 2016, pp. 1-118.

Available at: <https://onlinelibrary.wiley.com/toc/17585899/2016/7/S1>

Anne van Aaken/Iulia Motoc (eds.), The ECHR and General International Law (Oxford: Oxford University Press, 2018), within ESIL Book Series.

Book review by Antal Berkes, European Convention on Human Rights Law Review (2020), pp. 292–296

Anne van Aaken (ed.), *Unilateral Targeted Sanctions*, 113 AJIL Unbound (April 2019).

Available at: <https://www.cambridge.org/core/journals/american-journal-of-international-law/ajil-unbound-by-symposium/unilateral-targeted-sanctions>

Anne van Aaken/Chad Bown/Andrew Lang (eds.), *Trade Wars*, Special Issue, 22(4) Journal of International Economic Law (2019).

Available at: <https://academic.oup.com/jiel/article-abstract/22/4/529/5680297>

Anne van Aaken/Tomer Broude (eds.), *The Psychology of International Law*, Special Issue, 30(4) European Journal of International Law (2019).

Available at: <http://www.ejil.org/pdfs/30/4/3014.pdf>

Anne van Aaken/Pierre d'Argent/Lauri Mälksoo/Justus Vassel (eds.), *The Oxford Handbook of International Law in Europe* (Oxford: Oxford University Press, forthcoming 2024).

Anne van Aaken and Moshe Hirsch (eds.), *International Legal Theory and the Cognitive Turn* (Oxford: Oxford University Press, forthcoming 2024)

Anne van Aaken (ed.), Digital Trade, 117 AJIL Unbound (May 2023), 94-127.

Available at: <https://www.cambridge.org/core/journals/american-journal-of-international-law/article/introduction-to-the-symposium-on-digital-trade/1C70312035B5C030C10B6986F5652F60>

ARTICLES:

1. *Vom Nutzen der ökonomischen Theorie des Rechts für die Rechtsvergleichung*. In: Brigitta Jud, et al. (eds.), *Prinzipien des Privatrechts und Rechtsvereinheitlichung*. Wiener Tagung 13.–16. September 2000. Jahrbuch Junger Zivilrechtswissenschaftler 2000 (Stuttgart: Boorberg-Verlag, 2001) pp. 125-147. («The utility of economic analysis of law for comparative law»)

2. *Normative Grundlagen der ökonomischen Theorie des Rechts*. In: Anne van Aaken/Stefanie Schmid-Lübbert (eds.), *Beiträge zur Ökonomischen Theorie im Öffentlichen Recht* (Wiesbaden: Gabler-Verlag, 2002) pp. 89-118.

3. *Konsens als Grundnorm? Chancen und Grenzen der Ordnungsökonomik in der normativen Theorie des Rechts*. Archiv für Rechts- und Sozialphilosophie (2002) 88(1) pp. 28-50. (with Horst Hegmann)

Available at: <https://www.jstor.org/stable/2368032>

4. *Deliberative institutional economics, or Does Homo oeconomicus argue? A proposal for combining new institutional economics with discourse theory*. Philosophy & Social Criticism (2002) 28(4), pp. 361-394 (refereed journal).

Available at: https://www.researchgate.net/publication/249625872_Deliberative_institutional_economics_or_DoesHomo_oeconomicus_argue_A_proposal_for_combining_new_institutional_economics_with_discourse_theory

5. *Deliberative Institutionenökonomik oder: Argumentiert der homo oeconomicus? Entwurf zu einer Kombination von Neuer Institutionenökonomik und Diskurstheorie*. In: Walter Ötsch/Stephan Panther (eds.), *Ökonomie als Sozialwissenschaft* (Marburg: Metropolis-Verlag, 2002) pp. 211-251.

6. *Massenklagen im öffentlichen Recht aus institutionenökonomischer Sicht: Eine Art der direkten Volksrechte*. Kritische Vierteljahresschrift für Gesetzgebung und Rechtswissenschaft (2003) 1, pp. 44-75.

Available at: <https://www.nomos-elibrary.de/10.5771/2193-7869-2003-1-44/massenklagen-im-oeffentlichen-recht-aus-institutionenoekonomischer-sicht-eine-art-der-direkten-volksrechte-jahrgang-86-2003-heft-1?page=0>

7. *Shareholder Suits as a Technique of Internalization and Control of Management. A Functional and Comparative Analysis*. *RabelsZ* (2004) 68(2), pp. 288-327 (refereed journal).

8. *Diskriminierungsverbote in höchstrichterlicher Rechtsprechung: ein rechtsvergleichender Ansatz vor philosophischem Hintergrund*. In: Anne van Aaken/ Gerd Grözing (eds.), *Ungleichheit und Umverteilung* (Marburg: Metropolis-Verlag, 2004) pp. 47-92.

9. *Verstärkte Kontrolle transnationaler Finanzströme nach dem 11. September 2001*. In: Marc Bungenberg/ Karl Meessen (eds.), *Internationales Wirtschaftsrecht im Schatten des 11. September 2001* (Stuttgart: Boorberg-Verlag, 2004) pp. 133-164.

10. *Criminal Prosecution of Public Figures: Confusion within the Executive Branch*. *Constitutional Political Economy* (2004) 15(3), pp. 261-280 (with Stefan Voigt and Eli Salzberger), (peer-reviewed journal).

Available at: <https://link.springer.com/article/10.1023/B:COPE.0000040432.45537.3f>

11. *Vom Nutzen der ökonomischen Theorie für das öffentliche Recht – Methode und Anwendungsmöglichkeiten*. In: Marc Bungenberg, et al. (eds.), *Recht und Ökonomik. Tagungsband der 44. Assistententagung Öffentliches Recht* (München: Beck, 2004) pp. 1-31.

12. *Independent Administrative Authorities in Germany*. In: Roberto Caranta/ Mads Adenas/ Duncan Fairgrieve (eds.), *Independent Administrative Authorities: The European Way(s)* (London: British Institute of International and Comparative Law, 2005) pp. 65-91.

13. *Deliberative Institutional Economics*. In: Zenon Bankowski (ed.), *Epistemology and Ontology* (Stuttgart: Franz Steiner Verlag, 2005) pp. 11-23 (=ARSP-Beiheft No. 102).

14. *Genügt das deutsche Recht den Anforderungen der VN-Konvention gegen Korruption? Eine rechtsvergleichende Studie zur politischen Korruption unter besonderer Berücksichtigung der Rechtslage in Deutschland*. *Zeitschrift für ausländisches öffentliches Recht und Völkerrecht* (Heidelberg Journal of International Law, *ZaöRV*) (2005) 65 (2), pp. 407-446 (peer-reviewed journal).

Available at: http://www.zaoerv.de/65_2005/65_2005_2_a_407_446.pdf

Cited by the German Constitutional Court, Decision of July 4th, 2007 – 2 BvE 1/06; 2 BvE 2/06; 2 BvE 3/06; 2 BvE 4/06 – Transparency Requirements for Parliamentarians, at paras. 280, 281.

15. *Making International Human Rights Protection More Effective: A Rational Choice Approach to the Effectiveness of Provisions of Ius Standi*. In: Stefan Voigt/ Max Albert/ Dieter Schmidtchen (eds, *Conferences on New Political Economy* (formerly: Jahrbuch für Neue Politische Ökonomie), Vol. 23 International Conflict Resolution (Tübingen: Mohr Siebeck, 2006), pp. 29-58.

16. *To do Away with International Law? Some Limits to the "Limits of International Law"*, European Journal of International Law (2006) 17 (1), pp. 289-308. (Review Essay of: Jack Goldsmith/ Eric Posner *The Limits of International Law*, Oxford University Press, 2005) (peer-reviewed journal).
Available at: https://www.researchgate.net/publication/36398122_To_do_Away_with_International_Law_Some_Limits_to_the_Limits_of_International_Law_Book_Review_Essay_Jack_GoldsmithEric_Posner_The_Limits_of_International_Law_Oxford_University_Press_2005

17. *Die UN-Konvention gegen Korruption: Alter Wein in neuen Schläuchen?* In: Rainer Hofmann/ Christina Pfaff (eds.), *Die Konvention der Vereinten Nationen zur Bekämpfung der Korruption* (Baden-Baden: Nomos Verlag, 2006) pp. 9-39.

18. *Begrenzte Rationalität und Paternalismusgefahr. Das Prinzip des schonendsten Paternalismus*. In: Michael Anderheiden/ Hans M. Heinig/ Stephan Kirste/ Kurt Seelmann (eds.), *Paternalismus und Recht* (Tübingen: Mohr Siebeck, 2006) pp. 109-144. ("Bounded Rationality and the Danger of Paternalism: The Principle of Least Intrusive Paternalism").

19. *Zwischen Scylla und Charybdis: Völkerrechtlicher Staatsnotstand und Internationaler Investitionsschutz. Eine Anmerkung zur ICSID-Entscheidung CMS Gas Transmission Company v. Argentinien*. Zeitschrift für Vergleichende Rechtswissenschaft (ZVglRWiss) Archiv für Internationales Wirtschaftsrecht (2006) 105 (4), pp. 544-569.
Cited by the German Constitutional Court, Decision of 8May 2007 – 2 BvM 1-5/03; 2 BvM 1/06; 2 BvM 2/06 – Argentinian Bonds: State Necessity and Private Creditors. Dissenting Opinion of Judge Lübke-Wolff, at para. 73, 75, 86, 87.

20. *Recht und Realanalyse - welches Modell menschlichen Verhaltens braucht die Rechtswissenschaft?* In: Martin Führ/ Kilian Bizer/ Peter H. Feindt (eds.), *Menschenbilder und Verhaltensmodelle in der wissenschaftlichen Politikberatung - Möglichkeiten und Grenzen interdisziplinärer Verständigung* (Baden-Baden: Nomos Verlag, 2007) pp. 70-95.

21. *Das deliberative Element juristischer Verfahren als Instrument zur Überwindung nachteiliger Verhaltensanomalien - Ein Plädoyer für die Einbeziehung diskursiver Elemente in die Verhaltensökonomik des Rechts*. In: Christoph Engel/ Markus Englerth/ Jörn Lüdemann/ Indra Spiecker genannt Döhmann (eds.), *Recht und Verhalten: Beiträge zu Behavioral Law and Economics* (Tübingen: Mohr Siebeck, 2007) pp. 189-230. („The Deliberative Element of Juridical

Procedures as an Instrument of Debiasing: A Plea for Incorporating Discursive Elements into Behavioral Economics “)

22. *Supremacy and Preemption: A View from Europe*. In: Richard Epstein/Michael Greve (eds.), *Federal Preemption: States' Powers, National Interests* (Washington: American Enterprise Institute for Public Policy Research, 2007) pp. 277-307.

23. *Transnationales Kooperationsrecht nationaler Aufsichtsbehörden als Antwort auf die Herausforderung globalisierter Finanzmärkte*. In: Christoph Möllers/ Andreas Voßkuhle/ Christian Walter (eds.), *Internationalisierung des Verwaltungsrechts* (Tübingen: Mohr Siebeck, 2007) pp. 219-258. („Transnational Cooperation of National Supervisory Authorities as a Response to Globalized Financial Markets“)

24. *Verhaltenspflichten für Parlamentarier und ihre Folgen*. In: Mitteilungen des Instituts für Deutsches und Europäisches Parteienrecht und Parteienforschung (MIP) (2007) Vol. 14, pp. 5-14. (with Stefan Voigt).

Available at: https://www.pruf.de/fileadmin/redaktion/Oeffentliche_Medien/PRuF/MIP/MIP_2007.pdf#page=7

25. *Rechtlicher Schutz Schweizerischer Auslandsinvestitionen* In: Rechtliche Rahmenbedingungen des Wirtschaftsstandortes Schweiz. Festschrift 25 Jahre juristische Abschlüsse an der Universität St.Gallen (HSG), Rechtswissenschaftliche Abteilung der Universität St.Gallen (ed.) (Dike/Zürich, 2007) pp. 53-64.

26. *Funktionale Rechtswissenschaftstheorie für die gesamte Rechtswissenschaft: Eine Skizze*. In: Matthias Jestaedt/ Oliver Lepsius (eds.), *Rechtswissenschaftstheorie* (Tübingen: Mohr Siebeck, 2008) pp. 79-104.

27. *Informationsverwaltungsrechtsökonomik: Eine rechtsökonomische Perspektive auf das Informationsverwaltungsrecht*. In: Peter Collin/ Indra Spiecker (eds.), *Generierung und Transfer staatlichen Wissens im System des Verwaltungsrechts* (Tübingen: Mohr Siebeck, 2008) pp. 318-330.

28. *Towards Behavioral International Law and Economics? Comment on Kenneth Abbott*. Illinois Law Review (Symposium Issue on International Law and Economics) (2008) 1, pp. 47-59. Available at: <https://illinoislawreview.org/wp-content/ilr-content/articles/2008/1/vanAaken.comment.pdf>

29. *Perils of Success? The Case of International Investment Protection*. European Business Organization Law Review (EBOR) (2008) 9(1), pp. 1-27 (refereed journal). Available at: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1020959

30. *Democracy in Times of Transnational Administrative Law: The Case of Financial Markets*. In: Harald Eberhard/ Konrad Lachmayer/ Gregor Ribarov/ Gerhard Thallinger (eds.), *Perspectives*

and Limits of Democracy: Proceedings of the 3rd Vienna Workshop on International Constitutional Law (Wien/Baden-Baden: facultas.wuv/Nomos Verlag, 2008) pp. 41-61.

Book Reviews by: Erich Vranes, *Journal für Rechtspolitik* (2008) 16(2), pp. 147-149.

Reprint in: *Soziale Welt. Zeitschrift für die sozialwissenschaftliche Forschung und Praxis*, Hauke Brunkhorst (ed.), *Special Issue 18: "Demokratie in der Weltgesellschaft"* (Baden-Baden: Nomos Verlag, 2009) pp. 195-212.

31. *How to do Constitutional Law and Economics: A Methodological Proposal*. In: Thomas Eger/ Jochen Bigus/ Claus Ott/ Georg von Wangenheim (eds.), *Internationalization of the Law and its Economic Analysis, Festschrift für Hans-Bernd Schäfer zum 65. Geburtstag* (Wiesbaden: Gabler, 2008) pp. 651-665.

32. *Fragmentation of International Law: The Case of International Investment Protection*. Finnish Yearbook of International Law (2008) Vol. XVII, pp. 91-130.

Available at: https://www.researchgate.net/publication/228232404_Fragmentation_of_International_Law_The_Case_of_International_Investment_Protection

33. *Der „gläserne“ Abgeordnete? Transparenzregeln für Parlamentarier und ihre Folgen*. *Journal für Rechtspolitik* (2008) 16/3, pp. 169-176 (with Stefan Voigt).

Available at: <https://link.springer.com/article/10.1007/s00730-008-0233-4>

34. *Effectuating Public International Law Through Market Mechanisms?* *Journal of Institutional and Theoretical Economics* (JITE) (2009) 165(1), pp. 33-57 (peer-reviewed journal).

Available at: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1262189

35. *International Investment Law Between Commitment and Flexibility: A Contract Theory Analysis*. *Journal of International Economic Law* (2009), 12(2), pp. 507-538 (peer-reviewed journal).

Available at: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1418396

36. *Einwirkungen des Völkerrechts auf das Sozialverfassungsrecht am Beispiel der Daseinsvorsorge*. In: Andreas v. Arnould/ Andreas Musil (eds.), *Strukturfragen des Sozialverfassungsrechts* (Tübingen: Mohr Siebeck, 2009), pp. 47-81.

37. *Defragmentation of International Law through Constitutional Interpretation: A Methodological Proposal*. *Indiana Journal of Global Legal Studies* (2009) 16(2), pp. 483–512 (peer-reviewed journal).

Available at: <https://www.repository.law.indiana.edu/cgi/viewcontent.cgi?article=1399&context=ijgls>

38. *Independent Electoral Management Bodies - Any Impact on the Observed Level of Democracy? A Conceptual Framework*. 20 *Constitutional Political Economy*, Issue 3/4 (2009), pp. 296–322 (peer-reviewed journal).

Available at: https://www.researchgate.net/publication/227451149_Independent_electoral_management_bodies_a

nd_international_election_observer_missions_Any_impact_on_the_observed_level_of_democracy_A_conceptual_framework

39. *Prudence or Discrimination? Emergency Measures, the Global Financial Crisis and International Economic Law*. 12 *Journal of International Economic Law* (2009), Issue 4, pp. 859-894 (with Jürgen Kurtz) (peer-reviewed journal).

Available at: https://www.researchgate.net/publication/46511362_Prudence_or_Discrimination_Emergency_Measures_the_Global_Financial_Crisis_and_International_Economic_Law

40. *Accountability and Independence of International Election Observers*. 6 *International Organizations Law Review* (2009) (with Richard Chambers), pp. 541-580 (peer-reviewed journal).

Available at: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1444249

41. *Can International Economic Law Constrain Protectionism?* In: Simon Evenett/ Bernard Hoekman/ Olivier Cattaneo (eds.), *The Fateful Allure of Protectionism: Taking stock for the G8*, CEPR-World Bank e-book (July 2009) (with Jürgen Kurtz)

Available at: <https://documents1.worldbank.org/curated/en/775391468325812489/pdf/560640PUB0Box31ure1of1Protectionism.pdf>

42. *Can International Economic Law Constrain Protectionism? (long version)* In: Simon Evenett/ Bernard Hoekman/ Olivier Cattaneo (eds.), *Effective Crisis Response and Openness: Implications for the Trading System* (Washington DC: EBRD Publication, 2009), pp. 53-72.

Available at: https://ntmsurvey.intracen.org/media/2987/effective_crisis_response_and_openness.pdf

43. *Balancing of Human Rights - Constitutional Interpretation in International Law*. In: Miodrag Jovanovic (ed.), *Human Rights Today – 60 Years of the Universal Declaration* (Geneva: Eleven International Publishing, 2010), pp. 51-67.

44. *The International Investment Protection Regime Through the Lens of Economic Theory*. In: Michael Waibel/ Asha Kaushal/ Kyo-Hwa Chung/ Claire Balchin (eds.), *The Backlash Against Investment Arbitration: Perceptions and Reality* (London: Kluwer Law International, 2010), pp. 537–554.

45. *Primary and Secondary Remedies in Investment Arbitration and State Liability: A Functional and Comparative View*. In: Stephan Schill (ed.), *International Investment Law and Comparative Public Law* (Oxford: Oxford University Press 2010), pp. 721-754.

46. *Regulierung durch Transparenz: Verhaltensregeln für Parlamentarier und ihre Realfolgen*. In: *Der Staat* (2010) (49)3, pp. 369-404. (“Regulation Through Transparency: Rules of Conduct for Parliamentarians and their Consequences”).

Available at: https://www.researchgate.net/publication/270155481_Regulierung_durch_Transparenz_Verhaltensregeln_fur_Parlamentarier_und_ihre_Realfolgen

47. *Do Independent Prosecutors Deter Political Corruption? An Empirical Evaluation across 78 Countries*. In: 12 American Law and Economics Review (2010), Issue 1, pp. 204-244 (with Stefan Voigt and Lars Feld), (peer-reviewed journal).

Available at: : https://www.academia.edu/14830556/Do_Independent_Prosecutors_Deter_Political_Corruption_An_Empirical_Evaluation_across_Seventy_eight_Countries

48. *Emergency Measures and International Investment Law: How far can States go?* In: Karl Sauvant (ed.), *Yearbook on International Investment Law & Policy 2008-2009* (Oxford: Oxford University Press, 2010), pp. 505-537 (with Jürgen Kurtz), (peer-reviewed journal).

49. *Opportunities for and Limits to an Economic Analysis of International Economic Law*. In: Transnational Corporations Review (March 2011), online: <http://journal.tnc-online.org/> (peer-reviewed journal), pp. 27-46.

Available at: <https://www.tandfonline.com/doi/abs/10.1080/19186444.2011.11658271?journalCode=rncr20>

50. *Variable Strukturen der kooperativen Aufgabenwahrnehmung in der Architektur der Finanzmarktaufsicht: Die Überformung europäischer Finanzmarktregulierung durch internationale Standards*. In: Stefan Kadelbach (ed.), *60 Jahre Integration in Europa: Variable Geometrien und politische Verflechtung jenseits der EU* (Nomos: Baden-Baden, 2011), pp. 75-115. ("Variable structures of cooperative financial market supervision: The influence of international standards on european financial market regulation")

51. *Better Politics qua stricter Transparency Provisions for Parliamentarians? A Cross Country Assessment*, in: 12 Economics of Governance 4 (2011), pp. 301-324 (with Stefan Voigt) (peer-reviewed journal)

Available at: <https://link.springer.com/article/10.1007/s10101-011-0100-8>

52. *Trust, Verify or Incentivize? Effectuating Public International Law Regulating Public Goods Through Market Mechanisms*, 104th Proceedings of the American Society of International Law, 2011, pp. 153-156.

Available at: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1262189

53. *A Functional Approach to International Constitutionalism: The Value Added of a Social Science Contribution*. In: 127 Archiv für Rechts- und Sozialphilosophie (ARSP) Beiheft (2012), pp. 155-171.

Available at: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1137525

54. *International Law: Rational Choice Theory*, in: Oxford Bibliographies Online (Encyclopedia with extensive annotated sources), Oxford University Press, 2012 (peer-reviewed)

55. *Gefordert und überfordert: Wie viel Fortschritt verträgt der Mensch? Philosophische und verhaltensökonomische Überlegungen*. In: Brigitte Strebel-Aerni (ed.), *Finanzmärkte im Banne von Big Data* (Zürich: Schulthess Verlag, 2012), pp. 319-341.

56. *The Interaction of Remedies between National Judicial Systems and ICSID: An Optimization Problem*, in: N. Jansen Calamita, David Earnest, Markus Burgstaller (eds.), *The Future of ICSID and the Place of Investment Treaties in International Law* (London: British Institute for International and Comparative Law, 2013), pp. 291-324.

57. *Sustainable Development and International Investment Law: An Harmonious View from Economics*, in Roberto Echandi and Pierre Sauvé (eds.), *Prospects in International Investment Law and Policy* (Cambridge: Cambridge University Press 2013), pp. 317-339 (with Tobias Lehmann).

Available at: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1893692

58. *Principles and Structures of European Risk Governance, or: How (not) to Play a Trust Game*. In: *European Journal of Risk Regulation* (2013), Issue 2, pp. 159-174 (peer-reviewed journal).

Available at: <https://www.cambridge.org/core/journals/european-journal-of-risk-regulation/article/abs/principles-and-structures-of-european-risk-governance-or-how-not-to-play-a-trust-game/A315D44EE9805205A8BE7A23A64E8AFD#access-block>

59. *Die vielen Wege zur Effektivierung des Völkerrechts*. In: *Rechtswissenschaft* 2013, Issue 3, pp. 227-262 (peer-reviewed journal) ("The Many Ways to Effectuate International Law").

Available at: https://www.nomos-elibrary.de/10.5771/1868-8098-2013-3-227.pdf?Available_at_full_pdf=1

60. *Die „Definitionsmacht“ über das Gemeinwohl in der Globalisierung: Markt, Staat und Institutionen*. In: Eberhard Kempf/Klaus Lüderssen/Klaus Volk (eds.): *Gemeinwohl im Wirtschaftsstrafrecht* (Berlin: De Gruyter, 2013), pp. 77-100. („Power over the Definition of Welfare: Market, State, Institutions“).

Available at: <https://www.degruyter.com/document/doi/10.1515/9783110315851.77/html?lang=de>

61. *Delegating Interpretative Authority in Investment Treaties: The Case of Joint Commissions*. In: *Transnational Dispute Management*, Vol. 11, Issue 1 (2014), online journal (TDM Special issue on "Reform of Investor-State Dispute Settlement: In Search of a Roadmap")

Available at: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2367191

62. *Delegating Interpretative Authority in Investment Treaties: The Case of Joint Administrative Commissions*. In: Jean Kalicki and Anna Joubin-Bret (eds.), *Reshaping the Investor-State Dispute Settlement System: Journeys for the 21st Century* (Brill/Nijhoff Publishers, 2015 (based on the former article with substantive revisions)), pp. 21-47.

63. *Institutionenökonomische Theorie des Völkerrechts: eine Steuerungsperspektive*. In: Wulf Kaal/Matthias Schmidt/Andreas Schwartz (eds.), Festschrift für Christian Kirchner zum 70. Geburtstag: Recht im ökonomischen Kontext (Tübingen: Siebeck/Mohr, 2014), pp. 1097-1114. („Institutional Economics of International Law: A Regulatory Perspective“)
64. *Staatlichkeit und Rechtsstaatlichkeit*. In: Hans-Jürgen Wagener, Wolfgang Merkel, Raj Kollmorgen (eds.), Handbuch der Transformationsforschung (Wiesbaden: VS-Verlag für Sozialwissenschaften, 2014), pp. 715-720. (“Statehood and Rule of Law”) Available at: <https://link.springer.com/content/pdf/10.1007/978-3-658-05348-2.pdf>
65. *Korruption und Entwicklung*. In: Markus Kaltenborn/Stefan Kadelbach/Philipp Dann (eds.), Handbuch Recht und Entwicklung (Baden-Baden: Nomos, 2014), pp. 619-656. (“Corruption and Development”)
66. *Control Mechanisms in International Investment Law*. In: Zacharias Douglas/Joost Pauwelyn/Jorge Vinuales (eds.), The Foundations of International Investment Law: Bringing Theory into Practice (Oxford: Oxford University Press 2014), pp. 409-435.
67. *Smart Flexibility Clauses in International Investment Treaties and Sustainable Development: A Functional View*. In: 15 Journal of World Investment and Trade (2014), pp. 827-861. Available at: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2236772
68. *Behavioral International Law and Economics*. In: 55 Harvard International Law Journal (2014), pp. 421-481 (reviewed journal)
69. *Blurring Boundaries between Sovereign Acts and Commercial Activities. A Functional View on Regulatory Immunity and Immunity from Execution*. In: Anne Peters/Evelyn Lagrange/Stefan Oeter (eds.), Immunities in the Age of Global Constitutionalism (Leiden: Brill, 2015), pp.131-181. Available at: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2236767
70. *Markets as Accountability Mechanisms in International Law*. In: Noemi Gal-Or, Cedric Ryngaert and Math Noortmann (eds.), Responsibilities of the Non-State Actor in Armed Conflict and the Market Place (Leiden: Brill, 2015), pp. 145-176.
71. *Shared Responsibilities in International Law: A Political Economy Analysis*. In: André Nollkaemper and Dov Jacobs (eds.), Distribution of Responsibilities in International Law (Cambridge: Cambridge University Press 2015), pp. 153-191. SHARES Research Paper 46 (2014), available at <http://www.sharesproject.nl/publication/shared-responsibilities-in-international-law-a-political-economy-analysis/>

72. *Judge the Nudge: In Search of the Legal Limits of Paternalistic Nudging in the EU*. In: Alberto Alemanno and Anne Lise Sibony (eds.), *Nudge and the Law. A European Perspective* (Oxford: Hart Publishing, 2015), pp. 83-112.
73. *Interpretational Methods as an Instrument of Control in International Investment Law*. In: 108th Proceedings of the American Society of International Law (Panel 9d: Paradigmatic Changes in the Settlement of International Investment Disputes?), pp. 196-198.
Available at: <https://www.cambridge.org/core/journals/proceedings-of-the-asil-annual-meeting/article/abs/interpretational-methods-as-an-instrument-of-control-in-international-investment-law/B6CC4A57C10FB5D53CE1C0D2113E61C3>
74. *International Arbitration: Demographics, Precision and Justice*, ICCA Congress Series No. 18, Legitimacy: Myths, Realities, Challenges (Kluwer 2015), pp. 33-122 (together with Susan D. Franck, James Freda, Kellen Lavin, Tobias Lehmann)
Available at: https://digitalcommons.wcl.american.edu/cgi/viewcontent.cgi?article=1392&context=facsch_bk_contributions
75. *The Diversity Challenge: Exploring the “Invisible College” of International Arbitration*. In: 53 Columbia Journal of Transnational Law (2015), pp. 429-506 (together with Susan D. Franck, James Freda, Kellen Lavin, Tobias Lehmann)
Reprint in: Transnational Dispute Management (TDM) special issue on "Dealing with Diversity in International Arbitration."
Available at: https://www.researchgate.net/publication/283132316_The_Diversity_Challenge_Exploring_the_Invisible_College_of_International_Arbitration
76. *Opening Editorial, Symposium on Critical Infrastructures: Risk, Responsibilities and Liability*. In: 6 European Journal of Risk Regulation (2015), pp. 171 – 175 (together with Isabelle Wildhaber).
77. *State Liability and Critical Infrastructure: A Comparative and Functional Analysis*. In: 6 European Journal of Risk Regulation (2015), pp. 244 - 254 (together with Isabelle Wildhaber).
Available at: <https://www.cambridge.org/core/journals/european-journal-of-risk-regulation/article/abs/state-liability-and-critical-infrastructure-a-comparative-and-functional-analysis/AB7E9DA4441C3C4725D50ADE5486E72D>
78. *On the Necessity of Necessity Measures: A Response to Alan O. Sykes* (Comment on Alan O. Sykes, Economic “Necessity” in International Law. In: 109 American Journal of International Law, Vol. 109, No. 2 (April 2015), pp. 296-323) (peer-reviewed journal)
AJIL Unbound: <https://www.asil.org/blogs/ajil-unbound>
Available at: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2708583
79. *Behavioral Economics and International Law*. In: Eugene Kontorovich and Francesco Parisi (eds.), *Economic Analysis of International Law* (Cheltenham: Edward Elgar, 2016), pp. 249-276 (together with Tomer Broude).

80. *Is International Law Conducive to Prevent Looming Disasters?* In: Anne van Aaken/Janis Antonovic (eds.), *Too Big to Handle? Interdisciplinary Perspectives on the Question of Why Societies Ignore Looming Disasters*, 7 Global Policy, 2016. Special Supplement 1, May 2016, pp. 1-118
Available at: <http://onlinelibrary.wiley.com/doi/10.1111/gpol.2016.7.issue-S1/issuetoc>
81. *Too Big to Handle? Interdisciplinary Perspectives on Why Societies Ignore Looming Disasters. Introduction.* In: Anne van Aaken/Janis Antonovic (eds.), *Too Big to Handle? Interdisciplinary Perspectives on the Question of Why Societies Ignore Looming Disasters*, 7 Global Policy, 2016. Special Supplement 1, May 2016, pp. 1-3(with Janis Antonovics)
Available at: <http://onlinelibrary.wiley.com/doi/10.1111/gpol.2016.7.issue-S1/issuetoc>
82. *Towards a Psychological Concept of Law.* In: Stephan Kirste and Michael Anderheiden (eds.), *Interdisziplinariät der Rechtswissenschaften* (Berlin: Duncker&Humblot, 2016), pp. 187-204.
83. *Political Economy of International Law: Towards a Holistic Model of State Behavior.* In: Alberta Fabricotti (ed.), *Political Economy of International Law: A European Perspective* (Cheltenham: Edward Elgar, 2016) (together with Joel Trachtman), pp. 9-43.
84. *What to Do if Economic Insights are Disputed: On the Challenge to Deal with Competing and Evolving Theories or Empirics in International Trade Disputes.* In: Theresa Carpenter, Marion Jansen and Joost Pauwelyn (eds.), *The Use of Economics in International Trade and Investment Disputes* (Cambridge, Cambridge University Press 2016), pp. 141-163.
Available at: <https://www.cambridge.org/core/books/abs/use-of-economics-in-international-trade-and-investment-disputes/what-to-do-if-economic-insights-are-disputed-on-the-challenge-to-deal-with-competing-and-evolving-theories-or-empirics-in-international-trade-disputes/OC08872BEB5809E7B4D50C08704F1E65>
85. *Constitutional Limits to Nudging: A Proportionality Assessment.* In: Alexandra Kemmerer, Christoph Möllers, Maximilian Steinbeis, Gerhard Wagner (eds.), *Choice Architecture in Democracies: Exploring the Legitimacy of Nudging* (Oxford/Baden-Baden: Hart and Nomos, 2017), pp. 199-235.
86. *Direct Expropriation: The Legal Landscape in Europe.* In: Hojun Lee, Ilya Somin and Iljoong Kim (eds.), *Shifting the Paradigm for Sustainable Development: Eminent Domain and Property Rights* (Cambridge, Cambridge University Press, 2017), pp. 67-92.
87. *Inside the Arbitrator's Mind.* In: 66 Emory Law Journal (2017), pp. 1115-1173 (together with Susan D. Franck, James Freda, Jeffrey J. Rachlinski, and Chris Guthrie).
Available at: <https://scholarlycommons.law.emory.edu/elj/vol66/iss5/2/>

88. *Behavioral Aspects of the International Law of Global Public Goods and Common Pool Resources*. In: 112 (1) American Journal of International Law (2018) pp. 67-79. (peer-reviewed journal)

Available at: <https://www.cambridge.org/core/journals/american-journal-of-international-law/article/abs/behavioral-aspects-of-the-international-law-of-global-public-goods-and-common-pool-resources/3CAC8110079E9CD914C504D71722AE2A>

89. *Role of Empirical Research*. In: Thomas Cottier and Krista Nadakavukaren Schefer (eds.), Elgar Encyclopedia of International Economic Law (Cheltenham, UK and Northampton, MA, USA: Edward Elgar Publishing 2018), pp. 52-54.

90. *Punitive Damages in Strassbourg*. In: Anne van Aaken and Iulia Motoc (eds.), The ECHR and General International Law (Oxford: Oxford University Press, 2018), pp. 230-250 (together with Judge Paulo Pinto de Albuquerque).

91. *Constitutional Limits to Regulation-by-Nudging*. In: Holger Strassheim, Silke Beck (eds.), Handbook of Behavioral Change and Public Policy, (Handbooks of Research on Public Policy Series), (Cheltenham: Edward Elgar Publishing, 2019), pp. 304-318.

92. *Statehood and the Rule of Law*. In: Wolfgang Merkel, Raj Kollmorgen, Hans-Jürgen Wagener (eds.), Handbook of Political, Social, and Economic Transformation (Oxford: Oxford University Press, 2019), pp. 637-641.

93. *Die Befolgung des Völkerrechts zwischen Realismus, Konstruktivismus und Verhaltensökonomik*. In: Patrick Hilbert/Jochen Rauber (eds.), Warum befolgen wir Recht? Rechtsverbindlichkeit und Rechtsbefolgung in interdisziplinärer Perspektive (Tübingen, Siebeck/Mohr, 2019), pp. 135-160.

94. *Introduction to the Symposium on Unilateral Targeted Sanctions*. In: 113 AJIL UNBOUND (April 2019), pp. 130-134. (peer-reviewed journal)

Available at: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3380213

95. *Demultilateralization: A Cognitive Psychological Perspective*. In: The Postnational Constellation Revisited, 25 European Law Journal, Special Issue Celebrating Jürgen Habermas' 90th Birthday (edited by Alexander Somek), 2019, pp. 487-493 (together with Johann Justus Vassel). (peer-reviewed journal)

Available at: <https://onlinelibrary.wiley.com/doi/full/10.1111/eulj.12337>

96. *Beyond Rational Choice: International Trade Law and the Behavioral Political Economy of Protectionism*. In: 22 (4) Journal of International Economic Law (2019), pp. 601–628 (with Jürgen Kurtz). (peer-reviewed journal)

Available at: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3466717

97. *Experimental Insights for International Legal Theory*. In: 30(4) European Journal of International Law (2019), pp. 1237–1262. (peer-reviewed journal)
Available at: <http://www.ejil.org/pdfs/30/4/3015.pdf>
98. *Introduction to Special Issue 'The Psychology of International Law'*. In: 30 (4) European Journal of International Law (2019), pp. 1225–1236 (together with Tomer Broude). (peer-reviewed journal)
Available at: <http://www.ejil.org/pdfs/30/4/3014.pdf>
99. *Arbitration from a Law and Economics Perspective*. In: Thomas Schultz and Frederico Ortino (eds.), *The Oxford Handbook of International Arbitration* (Oxford: Oxford University Press 2020), pp. 874-894 (together with Tomer Broude).
100. *The Concept of Law Revisited: A Psychological Approach to Legal Theory*. In: Christoph Bezemek, Michael Potacs, Alexander Somek (eds.), *Vienna Lectures on Legal Philosophy, Volume 2*, (Oxford: Hart Publishing 2020), pp. 185-205.
101. *Die Bedeutung der ökonomischen Analyse für das Öffentliche Recht*. In: Sebastian Bretthauer/Christina Henrich/Berit Völzmann/Leonard Wolckenhaar/Sören Zimmermann (eds.), *Wandlungen im Öffentlichen Recht. Festschrift zu 60 Jahren Assistententagung*, (Baden-Baden: Nomos 2020), pp. 417-434 (with Armin Steinbach).
102. *Ökonomische Analyse und Rechtsanwendung*. In: Michael Lang et al. (eds.), *Wirtschaftliche Betrachtungsweise im Recht* (Wien: Linde-Verlag, 2020), pp. 1-21.
103. *Economic Analysis of International Adjudication*. In: Max Planck Encyclopedia of Procedural International Law (Oxford: Oxford University Press 2020) (together with Tomer Broude).
Available at: <https://opil.ouplaw.com/view/10.1093/law-mpeipro/e3337.013.3337/law-mpeipro-e3337>
104. *Behavioural Approaches to International Adjudication*. In: Max Planck Encyclopedia of Procedural International Law (Oxford: Oxford University Press 2021), (together with Tomer Broude).
Available at: <https://opil.ouplaw.com/view/10.1093/law-mpeipro/e3542.013.3542/law-mpeipro-e3542>
105. *Entwicklung, Wirtschaft(swachstum) und internationale Korruptionsbekämpfung*. In: *Aus Politik und Zeitgeschichte (APuZ)*, Nr. 19-20/2021, 2021.
Available at: https://www.bpb.de/system/files/dokument_pdf/APuZ_2021-19-20_online.pdf

106. *Economic Analysis of International Law*. In: Rossana Deplano and Nicholas Tsagourias (eds.), *Research Methods in International Law: A Handbook* (Cheltenham, Edward Elgar, 2021), pp. 367-385 (with Ivana Stradner).
107. *Rewarding in International Law*, 115 *American Journal of International Law*, Issue 2 (2021), pp. 195-241 (with Betül Simsek). (peer-reviewed journal)
115 AJIL Unbound 207 et seqq, June 2021 on the article, edited and with an introduction by Jeffrey Dunoff with contributions of Kal Raustiala & Andrew Guzman, Cosette Creamer, Siobhan McNerney-Lankford, Rachel Brewster, and Ian Johnstone
Völkerrechtsblog online webinar on the article, organized by Veronika Fikfak: <https://voelkerrechtsblog.org/from-sticks-to-carrots/>
Available at: <https://www.cambridge.org/core/journals/american-journal-of-international-law/article/rewarding-in-international-law/C0869441AAD92ED773E762F98AF46C8E>
108. *The Cognitive Psychology of Rules of Interpretation in International Law*, 115 *American Journal of International Law Unbound* (2021), pp. 258–262. (peer-reviewed journal)
Available at: <https://www.cambridge.org/core/journals/american-journal-of-international-law/article/cognitive-psychology-of-rules-of-interpretation-in-international-law/07C298A6A5E1D7864F4A10EC4F09CAFE>
109. *Framing in and through International Law*. In: Andrea Bianchi/Moshe Hirsch (eds.), *International law's invisible frames – Social cognition and knowledge production in international legal processes'* (Oxford: Oxford University Press 2021) (with Jan Philip Elm), pp. 35-54.
110. *Land grabbing, Trade and Investment*. In: Panagiotis Delimatsis and Leonie Reins, *Elgar Encyclopedia of Environmental Law. Volume X (Trade and Environmental Law* (Cheltenham, Edward Elgar 2021), pp. 649-656.
111. *International Pandemic Lawmaking: Some Perspectives from Behavioural Economics*, in: Alicia Ely Yamin, Joelle Grogan and Pedro Villarreal (eds.), *International Pandemic Lawmaking: Conceptual and Practical Issues Report* (Petrie-Flom Center and Max Planck Institute, November 2021), (with Tomer Broude)
Health as a Global Public Good needs International Pandemic Lawmaking: Some Perspectives from Behavioural Economics (based on the former blog), available at the HLAB website
112. *Rationalist and Behavioralist Approaches to International Law*. In: Jeff Dunoff and Mark Pollack (eds.), *International Legal Theory* (Cambridge: Cambridge University Press, 2022), pp. 261-281.
Available at: <https://www.cambridge.org/core/books/abs/international-legal-theory/rationalist-and-behavioralist-approaches-to-international-law/F9386A73A6870C74FB81CDE2E64C756F>

113. *Investment Protection, Human Rights, and International Arbitration: Cross- Fertilization or Regime-Collision?* In: Julian Scheu, Rainer Hoffmann, Stephan Schill, Christian Tams, Investment Protection, Human Rights, and International Arbitration (Baden-Baden: Nomos 2022), pp. 39-64.
114. *Mediation in Future Investor-State Dispute Settlement*, 13 Journal of International Dispute Settlement (2022) (with Catherine Kessedjian, Loukas Mistelis, Runar Hilleren Lie, José Maria Reis) (peer-reviewed journal), <https://doi.org/10.1093/jnlids/idad015>
Available at: <https://academic.oup.com/jids/advance-article/doi/10.1093/jnlids/idad015/6640309>
115. *Rechtsdogmatik als Sozialwissenschaft? Interne und externe Perspektiven*, forthcoming in Rechtsdogmatik: Stand und Perspektiven (Christoph Bezemek, ed.)
116. *Die Sinnhaftigkeit eines weiten Verständnisses von locus standi im Menschenrechtsschutz*. In: Christine M. Graebisch, Paulo Pinto de Albuquerque, Sarah Teweleit (eds.), Die Rechtsprechung des Europäischen Gerichtshofs für Menschenrechte anhand der Sondervoten des Richters Pinto de Albuquerque (Springer: forthcoming 2023).
117. *Investment Law in the 21st Century: Things will have to change in order to remain the same*, 26/1 Journal of International Economic Law (2023).
Available at: <https://academic.oup.com/jiel/advance-article-abstract/doi/10.1093/jiel/jgac054/6972607>
118. *Mission Impossible? International Investment Law Between Property Protection and Climate Action*. In: Philipp B. Donath, Alexander Heger, Moritz Malkmus, Orhan Bayrak (eds.), Der Schutz des Individuums durch das Recht, Festschrift für Rainer Hoffmann (Springer: 2023), 781-790
Available at: https://link.springer.com/chapter/10.1007/978-3-662-66978-5_50
119. *Introduction to the Symposium on Digital Trade*. In: 117 AJIL UNBOUND (May 2023), 94-98
Available at: https://www.researchgate.net/publication/370623908_Introduction_to_the_Symposium_on_Digital_Trade
120. *The Individual in (International) Law and Economics*. In: Anne Peters/Tom Sparks (eds.), The Individual in International Law. History and Theory, Oxford University Press, forthcoming 2023.
121. *The Rule of Law in Europe: A multi-layered Network*. In: Anne van Aaken/Pierre d'Argent/Lauri Mälksoo/Justus Vassel, The Oxford Handbook of International Law in Europe (Oxford: Oxford University Press, forthcoming 2024).

122. *Making Trade Agreements Contribute to Sustainability: The Potential of Behavioural Science*. In: Geraldo Vidigal/Kathleen Claussen (eds). *The Sustainability Revolution in International Trade Agreements*, Oxford University Press, forthcoming 2024.

BOOK REVIEWS/COMMENTS/SHORT ARTICLES/BLOGS/VIDEOS:

Book Review: Martin Held/ Hans G. Nutzinger (eds.) *Institutionen prägen Menschen: Bausteine zu einer allgemeinen Institutionenökonomik* (Frankfurt/New York: Campus, 1999). In: *Kyklos* (2000) Nr. 53, pp. 404-406.

Comment on Ulrich Körtner: Zieldefinitionen im Gesundheitswesen. In: Detlef Aufderheide/ Martin Dabrowski (eds.) *Gesundheit - Ethik - Ökonomik. Wirtschaftsethische und moralökonomische Perspektiven des Gesundheitswesens* (Berlin: Duncker&Humblot, 2001) pp. 77-87.

Comment on Dieter Grimm: Constitutionalism beyond the Nation-State? In: Stefan Voigt/ Hans-Jürgen Wagener (eds.) *Constitutions, Markets, and Law: Recent Experiences in Transition Economics* (Cheltenham: Edward Elgar, 2002) pp. 321-329.

Zusammenfassung der Diskussion der TKG-Konferenz: TKMR-Tagungsband "Das neue TKG", 5 December 2002, Humboldt-Universität zu Berlin. In: *TKMR* (2003) 1.

Report of 43. Assistierendentagung Öffentliches Recht „Recht und Integration“ (Luzern, 19. bis 23. März 2003). *JZ* 2003, pp. 785.

Book Review: Rainer Pitschas (ed.) *Integrierte Finanzdienstleistungsaufsicht. Bankensystem und Bankenaufsicht vor den Herausforderungen der Europäischen Wirtschafts- und Währungsunion* (Berlin: Duncker&Humblot, 2002) 363 pp. In: *Frankfurter Allgemeine Zeitung (FAZ)* of 17th November 2003.

Book Review: Steven Shavell/ Louis Kaplow *Fairness versus Welfare* (Harvard: Harvard University Press, 2002). In: *European Business Organization Law Review* (2004) 2, pp. 419-427.

Book Review: Legal Department IMF *Suppressing the Financing of Terrorism. A Handbook for Legislative Drafting* (Washington: International Monetary Fund, 2003). In: *ZaöRV* (2004) 64(2), pp. 513-514.

Available at: https://www.zaoerv.de/64_2004/64_2004_2_s_503_514.pdf

Comment on Andrea Maurer. Rationalwahlbasierte Herrschaftstheorie: Über den Nutzen für die Staats- und Verfassungstheorie. In: *Erwägen, Wissen, Ethik* (2006) 17(1), pp. 104-106.

Comment on Nils Goldschmid: Rationale Sozialpolitik: Effizienz und das Verfassungsprinzip des Sozialstaates. In: Detlef Aufderheide/ Martin Dabrowski (eds.) *Markt und Wettbewerb in der Sozialwirtschaft* (Berlin: Duncker&Humblot, 2007) pp. 83-92.

Book Review: Lars Klöhn *Kapitalmarkt, Spekulation und Behavioral Finance. Eine interdisziplinäre und vergleichende Analyse zum Fluch und Segen der Spekulation und ihrer Regulierung durch Recht und Markt* (Berlin: Duncker&Humblot, 2006) pp. 333. In: *FAZ* of 16th October 2006.

Book Review: Gerrit Fey *Banken zwischen Wettbewerb, Selbstkontrolle und staatlicher Regulierung: Eine ordnungsökonomische Analyse.* In *FAZ* of 7th of May 2007.

The European Union and Bilateral Investment Treaties. In: Final Report of the Committee on International Law of Foreign Investment (International Law Association), pp. 6-7.

Ordnungsökonomik and Multi-Level Governance: Comment on Razeen Sally. In: Alfred Schüller/Stefan Voigt (eds.) *Von der Ordnungstheorie zur Institutionenökonomik: Rückblick und Entwicklungsoptionen eines Marburger Forschungsprogramms – aus Anlaß des 50jährigen Bestehens der Forschungsstelle zum Vergleich wirtschaftlicher Lenkungssysteme* (Stuttgart: Lucius&Lucius, 2008), pp. 139-141.

Available at: <https://www.degruyter.com/document/doi/10.1515/9783110511048/pdf>

The Global Financial Crisis: Will State Emergency Measures Trigger International Investment Disputes? Columbia FDI Perspectives No. 3 (2009), Vale Columbia Center on Sustainable International Investment, Columbia University. (with Jürgen Kurtz).

Reprint in: 5 *Transnational Corporations Review* 2009, Issue 2, pp. 13-17.

Law as a Byproduct: A View from Constitutional Law, Comment on Larry Ribstein and Bruce Kobayashi. In: Horst Eidenmüller (ed.) *Regulatory Competition in Contract Law and Dispute Resolution* (Oxford et al: Hart, Beck, Nomos, 2013), pp. 68-72

Smart Flexibility Clauses in International Investment Agreements, in: *Investment Treaty News*, Issue 4, Volume 3, June 2013

Manche sind gleicher: Zur politischen Korruption in Deutschland. In: *HSG-Focus* 3/2013

Behavioral International Law and Economics, *ESIL Reflection* Volume 2, Issue 10 (2013)

Available at: https://esil-sedi.eu/post_name-360/

Introductory Remarks, Panel on Regulatory Impact Assessment, Annual Conference of the European Association of Law and Economics 2013, Polish Yearbook of Law & Economics (München: C.H. Beck, 2015).

Conceptualizing the Role of Public Opinion in Compliance with International Law: A Psychological Approach: Comment, Journal of Institutional and Theoretical Economics (JITE), 171(1), pp. 208-213.

Available at: <https://www.jstor.org/stable/24549096>

Editor's Book Choices: Emerging from our Frames and Narratives: Understanding the World through Altered Eyes, 23th December 2014, EJIL TALK!

Available at: <http://www.ejiltalk.org/editors-book-choices-emerging-from-our-frames-and-narratives-understanding-the-world-through-altered-eyes/>

International Investment Law and Decentralized Targeted Sanctions: An Uneasy Relationship, Columbia FDI Perspectives No. 164

Available at: <https://academiccommons.columbia.edu/doi/10.7916/D8ZG6SF5>

International Investment Law and Smart Sanctions: An Uneasy Relationship, in The Dufour Street Journal (student-edited), 2015 (adapted to Swiss Sanctions)

International Investment Law and Smart Sanctions: An Uneasy Relationship, in Bucerius Law Journal (student-edited), Volume 2015, Issue 1

Available at: <http://law-journal.de/archiv/jahrgang-2015/heft-1/international-investment-law-and-targeted-sanctions-an-uneasy-relationship/> (adapted to EU Sanctions and Germany)

Schöne neue Regulierungswelt des Nudging? In: politik&kommunikation, April 2015

Available at: <https://www.politik-kommunikation.de/politik/nudging-schoene-neue-regierungswelt/>

The Hague Rules on Business and Human Rights, Columbia FDI Perspectives, No. 304 May 3, 2021 (with Diane Desierto)

Available at: <https://ccsi.columbia.edu/sites/default/files/content/docs/fdi%20perspectives/No%20304%20-%20van%20Aken%20and%20Desierto%20-%20FINAL.pdf>

Der Nutzen der ökonomischen Theorie für die Rechtsanwendung, in AWW-Informationen, Heft 1-2021 (Arbeitsgemeinschaft für wirtschaftliche Verwaltung e.V.)

The Hague Rules on Business and Human Rights Arbitration, Entry H (2021), American Bar Association, A Lawyer's Guide to Key Business and Human Rights Documents (with Diane Desierto)

Available at: https://www.americanbar.org/groups/human_rights/business-human-rights-initiative/key-business-and-human-rights-documents/

Behavioral Approaches to International Corruption Fighting, Verfassungsblog, December 2021,
Available at: <https://verfassungsblog.de/behavioral-approaches-to-international-corruption-fighting/>

Editor's Book Choices: Narratives in International Human Rights Law or seeing the world through victims' eyes, 16th December 2021, EJIL TALK!

Available at: <https://www.ejiltalk.org/favourite-readings-2021-narratives-in-international-human-rights-law-or-seeing-the-world-through-victims-eyes/>

AJIL Bookmarked Video on the 1950ies; Reflection on the article "The Swing of the Pendulum: From Overestimation to Underestimation of International Law" by Josef L. Kunz in 44 AJIL (1950).

Available at: <https://www.cambridge.org/core/journals/american-journal-of-international-law/ajil-bookmarked> (March 2022)

Interests, Strategies and Veto Players: The Political Economy of Interpreting Customary International Law, ESIL Reflections 11:2 (2022).

Available at: <https://esil-sedi.eu/esil-reflection-interests-strategies-and-veto-players-the-political-economy-of-interpreting-customary-international-law/>

Making International Investment Agreements Compatible with Climate Change Obligations (invited submission to the OECD Public Consultation on Investment Treaties and Climate Change (2022) (together with Tomer Broude)

Available at: <https://www.oecd.org/investment/investment-policy/OECD-investment-treaties-climate-change-consultation-responses.pdf>.

The Choice Architecture of International Law-Making for Global Public Goods: Behavioural Insights (invited Think Piece for expert workshop for the UN High Level Advisory Board on Global Public Goods (within the Our Common Future Project of the United Nations) (with Tomer Broude), 2022

MULTI-MEDIA TEACHING MATERIAL:

Module 1: Gesetzesfolgenabschätzung (Regulatory Impact Assessment, together with Dr. Dominik Böllhoff, German Chancellery (Kanzleramt), 2005

Module 2: Internationale Vertragsgestaltung am Beispiel des Internationalen Investitionsschutzrechtes (International Treaty Drafting: Example: International Investment Law), 2005

WORKING PAPERS

Framing Effects in Proportionality Analysis: Experimental Evidence (together with Roe Sarel)

Framing Trade Preferences (R&R) (together with José Reis)

Effectuating International Law against Corruption: Behavioral Insights (R&R)

(as of July 2023)