

THE DOCTRINE OF A STABLE STATE IN THE LIGHT OF CONSTITUTIONAL IMMUNITY: A METHODOLOGICAL PERSPECTIVE

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Abstract. This article is devoted to a comprehensive analysis of the conceptual foundations of the doctrine of resilient statehood and constitutional immunity. It is argued that the effectiveness of the republican form of government is determined not by the formal perfection of the constitutional text, but by the real capacity of the state system for self-regulation, self-restraint, and the reproduction of its institutional identity. The article introduces the concept of the "constitutional republic" as a social immune system, identifies the symptoms of constitutional imbalance — including institutional deformation, the erosion of trust, civic apathy, and the phenomenon of "managed immunodeficiency" - and examines partocracy as a pathological transformation of the republic. Special attention is devoted to the autoimmune effect; whereby protective mechanisms turn against the very foundations of the constitutional order they were designed to safeguard. The article advances a broad, system-functional understanding of constitutional immunity as the capacity of the constitutional order for self-preservation, the restoration of normative equilibrium, and the reproduction of public trust, and demonstrates that the guarantee of constitutional immunity constitutes the necessary and sufficient precondition for ensuring sustainable statehood.

Keywords - *“Constitutional republic”, Constitutional immunity, Resilient statehood, governance system, constitutionalism, constitutional responsibility, social immune system, institutional immunity, Society’s immunodeficiency, Partocracy as a pathological transformation of the republic, deformation of constitutional balance, autoimmune effect.*

1. Introduction

The millennia-long history of nations and peoples shows that, for sustainable development, what is fundamentally important above all is the institutional formation of the state. This idea, in concentrated form, also runs through the study

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by Daron Acemoglu and James Robinson, *Why Nations Fail*, which has received broad international resonance¹.

However significant a country's geographic location, climate, culture, religion, and the personality of a political leader may be, the decisive factor of sustainable development remains precisely the quality of the state's institutional design. What is at issue is the necessary and sufficient inclusiveness of political and economic institutions. A proportionate culture of interaction that excludes arbitrariness and one-man rule. Rule of law, decision-making on the basis of consensus in the presence of an effective system of checks and balances. By contrast, any persistent forms of dictatorial regime, in the long run, predictably lead to institutional failure.

This fundamental approach underlies our doctrinal proposals formulated over decades and oriented toward the institutional formation of resilient statehood within the paradigm of evolutionary development.

A key practical question arises – how can obstacles to the institutional formation of the state be overcome, social life be endowed with resilience, and development be ensured on the basis of the paradigm of evolutionary change?

Our principled conviction is that the way out lies in entrenching the concept of the “constitutional republic,” endowed with a necessary and sufficient constitutional immunity system, with its full value-based and procedural-structural integrity.

From this perspective, constitutional immunity should be understood as a dynamic mechanism that secures the harmony of the constitutional system across all manifestations of social development. It refers to the capacity of the constitutional system, operating in a mode of continuity, to identify, assess, and overcome any deviations from regulation of constitutional law that arise in real social and political practice.

2. Resilient statehood as a new and real form of the existence of republican governance

In contemporary constitutional discourse, the republican form of government is often presented as an institutionally complete and normatively self-sufficient model whose effectiveness is allegedly guaranteed by the existence of principles and structures entrenched in the constitutional text. However, historical and comparative-legal experience shows that the formal establishment of republican governance, by itself, does not yet ensure the viability of statehood and the resilience of the governance system. On the contrary, in many states the classical

¹ Daron Acemoglu and James A. Robinson, *Why Nations Fail*, New York, 2012.

institutions of republican rule have been preserved externally, while their real functioning has undergone substantial deformation.

In this context, it is necessary to distinguish between the normative model of republican governance and its real form of existence. The latter is not reducible to the presence of separation of powers, electoral mechanisms, or representative bodies; rather, it is expressed in the state system's capacity for self-regulation, self-restraint, and the reproduction of its own institutional identity in conditions of crisis. It is precisely this capacity that defines the content of resilient statehood.

Resilient statehood should not be understood as a state free of crises. On the contrary, resilience is characterized not by the absence of shocks, but by institutional resistance to them. A resilient republic is a governance system in which political, social, or security crises do not lead to the deformation of the constitutional order, pathological growth in the concentration of power, or the privatization of public authority. In such a system, constitutional institutions function not as formal attributes, but as real counterweights.

In this sense, resilient statehood functions as the real form of the existence of republican governance, in which legal norms are supplemented by institutional memory, and institutional memory, in turn, by the continuity of values. Without these components, a republic becomes an imitative system in which the constitutional order preserves an external form but loses its self-regulating potential.

An important characteristic of a resilient republic is that subjects of power act not only in conditions of legal coercion, but also within a culture of self-restraint. This presupposes that political power recognizes its limits not only because they are entrenched in the constitution, but also because they are perceived as a necessary condition for preserving public trust and statehood. Such self-restraint is formed through long institutional practice and a developed constitutional culture.

Accordingly, the effectiveness of republican governance cannot be measured exclusively by the "precision" of the legal model or by the quality of the constitutional text. It must be assessed based on how capable a given state is of reproducing the essence of republican governance from generation to generation, resisting the temptation to usurp power, and preventing the transformation of public authority into an instrument of domination by a party or group.

This line of reasoning leads to the conclusion that resilient statehood is not an additional property of the republican form of government, but its real criterion. Without resilient statehood, a republic remains a formal proclamation, and its institutions remain vulnerable to systemic degradation.

Summing up, it can be stated that the proposed approach is scientifically innovative, because it:

- departs from the classical normativism of constitutional law, within which the republican form of government is evaluated primarily through the prism of the constitutional text, the classification of powers, and compliance with the legal model;
- shifts the focus of analysis from formal legal models to functional ontology, posing the question not “how is it written,” but “how does the republic actually function”;
- integrates legal, institutional, value-based, cultural, and socio-anthropological components.

In this sense, the proposed approach is closer not to classical constitutional engineering, but to contemporary interdisciplinary directions devoted to resilient statehood (a stable state) and constitutional culture, while differing from them in its systemic integrity.²

We also consider it necessary to emphasize that, in recent years, ensuring the constitutionality of the social organism has, with good reason, been linked by a number of researchers to the concept of the state’s sustainable development. In particular, a systematized model of protecting democratic order has been proposed, including seven basic pillars – the rule of law, judicial independence, fair and competitive elections, effective anti-corruption mechanisms, freedom and accessibility of information, civic participation, and the institutional accountability of public authority. At the same time, it is emphasized that democracy’s resilience is ensured not only by formal legal constructs, but also by entrenched institutional practices and resilient behavioral models.³

Contemporary research also confirms that state resilience is formed at the intersection of effective institutional constraints on power and the political-legal system’s capacity for adaptation. The weakening of checks and balances

² A systems approach is an approach that views the world as a network of interconnected relationships, where understanding the whole is the key to understanding its parts.

³ Carrier, M.; McKenzie, A.; Carothers, T. **U.S. Democratic Backsliding in Comparative Perspective** // Carnegie Endowment for International Peace. — Washington, D.C., 2025; Garden-Monheit, H.; Joseph, T. **Building a More Effective, Responsive Government: Lessons Learned from the Biden–Harris Administration**. — New York: Roosevelt Institute, 2025; Brookings Institution. **Democracy Playbook 2025: 7 Pillars to Defend Democracy**. — Washington, D.C., 2025 Poyarkov S. Yu. National security in the transformation of modern constitutionalism: from declarative norms to institutionalization // State and Law. - 2025 (in Russian); Bromley-Trujillo R. The State of American Federalism 2024–2025 // *Publius: The Journal of Federalism*. — 2025; Paz H. R. From Educational Analytics to AI Governance: Transferable Lessons from Complex Systems Interventions. — arXiv, 2025.

predictably leads to a pathological concentration of power, whereas a developed constitutional culture and accumulated institutional memory ensure the resilience of the state organism even in conditions of deep systemic turbulence.

Sharing and supporting these approaches, we consider it necessary to emphasize in particular that our proposed doctrinal concept of resilient statehood not only takes these theoretical positions into account, but also constitutes a comprehensive, integral scientific-theoretical and practice-oriented model. This concept brings the problem of resilience to a qualitatively new level of comprehension and regulation both within the framework of domestic processes and in the plane of supranational and inter-system relations.

3. The concept of the “constitutional republic” and the problem of the distortion of constitutionalism

In legal scholarship and international law-enforcement practice, the concepts of “absolute monarchy” and “constitutional monarchy” are used consistently. With respect to republics, such qualifying characteristics are generally not applied. Meanwhile, reality shows that, even under a republican form of government, relations can form that, in their essence, are close to absolute monarchy. Even with the formal presence of a constitution *de jure*, a *de facto* political or person-based one-man rule can arise.

In a certain sense, such a system proves even more reactionary than an absolute monarchy, because key legal relations within it acquire an illegitimate character and are masked by pseudo-legitimization. In such societies, one-man rule, arbitrariness, patronage, insecurity, lies, and institutional falsehood become dominant.

This reality means that, despite the formal presence of a constitution, constitutionalism is in fact absent – basic constitutional values are distorted and do not become the norm of practical life.

The term “constitutional republic” underscores a fundamentally important circumstance – the presence in real social life of a complex of fundamental characteristics of the republican form of public governance:

1. The bearer of power are the people. The people actually exercise power directly and through the bodies of state power and local self-government provided for by the Constitution, as well as through officials.
2. The Constitution clearly establishes and guarantees in practice the order of organizing the highest state power – the procedure for forming state bodies, their interrelationship, the population’s participation in forming power, the principle of electiveness as the basis of legitimization.

3. The procedure and terms for delegating power, as well as accountability mechanisms, are established and actually observed.
4. The rule of law is guaranteed. Public authority is limited by the fundamental rights and freedoms of human beings and citizens as a directly applicable law.
5. State power is exercised on the basis of the Constitution and laws with a separation and balance of the legislative, executive, and judicial branches. The functional, restraining, and counterbalancing powers of state bodies are delimited, procedures for implementation are defined, a dynamic balance of powers is ensured.
6. Clear procedures are provided for constitutional responsibility of the highest bodies of state power and their officials.
7. Political disputes are resolved within the legal field, and not vice versa, i.e. legal disputes are not resolved using political instruments.
8. An effective mechanism exists for identifying, assessing, and restoring every violation of constitutional balance.

The problem lies not only in the constitutional entrenchment of these provisions (i.e., in ensuring a static balance of the relations of constitutional law), but also in ensuring a dynamic balance – through the real guarantee of constitutionalism and the actual functioning of the relevant mechanisms in social practice.

A characteristic feature of the republican form of government is also that it relies to a high degree on the country's political architecture and is sensitive to the influence of political expediency. This often negatively affects the system of separation and dynamic balance of powers, undermining the foundations of the republican order.

The historical experience of many states that chose a republican form of government attests that the objective foundations inherent in this form gradually become blurred, even leading to the establishment of the diktat of a person or of political-economic oligarchic systems.

Accordingly, a form of government cannot qualify as a “constitutional republic” in those cases where the constitutionally entrenched republican system in real life degrades and is transformed into personalist one-man rule, a partocratic state, or a criminal-oligarchic construct. This is possible under presidential, parliamentary, or semi-presidential forms of the republic.

Without overburdening the presentation with particular examples, we note that every reader can compare the indicated criteria with the reality of the country in which they live and see which of the fundamental characteristics are truly present and which manifest in a distorted form. At the same time, it is important to take

their interdependence into account. The absence or mutation of one characteristic is capable of nullifying the existence of the entire system.

In this regard, the primary task becomes identifying the “ABCs” of the existence of the constitutional republic and, in particular, the nature and principal causes of the distortions of constitutionalism, so that – on the basis of diagnostics and the lessons of history – a formula can be proposed for a state capable of dynamic development and possessing a necessary and sufficient immune system.

4. The constitutional republic as a social immune system

Analysis of the contemporary republican form of government increasingly reveals the limits within which classical legal and institutional categories can no longer adequately assess the viability of statehood. Especially in conditions of systemic crises, it becomes evident that the effectiveness of the republic is determined not only by the structural design of governance, but also by its capacity for self-defense, self-regulation, and the preservation of institutional identity. In this sense, the republic can be understood as a social immune system endowed with its own protective mechanisms. A constitutional state is sustainable to the extent that it possesses dynamic equilibrium and a developed social immunity.

The concept of a social immune system makes it possible to understand republican governance not as a mechanical sum of institutions, but as a function of a viable social organism. Like biological systems, the primary goal of immune mechanisms in the republic is the recognition and neutralization of external and internal threats without the system’s self-destruction. Such threats may include external pressure as well as internal processes such as usurpation of power, institutional deformation, or the loss of public trust.

The social immunity of republican governance is formed at several interrelated levels. First and foremost is institutional immunity, expressed in the real functionality of checks and balances. From the moment these mechanisms cease to respond to the concentration of power or to legal deviations, the republic loses its primary protective layer.

The second level consists of normative-cultural immunity, determined by the depth of constitutional culture. If legal norms are perceived as formal requirements and the Constitution as a document subject to political expediency, the republic becomes vulnerable even under the most thoughtfully designed institutional architecture. Constitutional culture in this sense functions as “immune memory,” enabling society to recognize and reject practices that contradict the republican order.

The third level is connected with public consciousness and the sphere of social trust. Society's trust in the state and its institutions is the most important component of social immunity, because it protects the republic not only through legal coercion, but also through internal legitimacy. When trust is undermined, even lawful actions may be perceived as a seizure of power, while institutional resistance may be perceived as political retaliation.

A disruption of the social immune system manifests in the republic's "autoimmune" reactions, when, under the pretext of protecting power, mechanisms are launched that in fact destroy the foundations of the republican order. In such situations, control turns into suppression, security into restrictions on freedoms, and stability into stagnation. This phenomenon is especially characteristic of party-state systems in which the state is identified with the ruling political subject.

Society's immune system is a set of institutions, norms, values, and practices that ensure self-preservation, resilience, and a society's capacity to adapt to internal and external threats. It includes the state under the rule of law, constitutional culture, independent courts, free media, education, civic solidarity, and feedback mechanisms that make it possible to identify, localize, and neutralize destructive processes without destroying the whole.

Society's immunodeficiency is a condition of weakening or loss of these protective mechanisms in which society loses the ability to recognize threats, the causes of disruptions of constitutional balance, and to respond adequately to them. It manifests in the erosion of institutions, the undermining of the rule of law, the degradation of values, distrust, and apathy, which makes the system vulnerable to corruption, authoritarianism, violence, and external pressure.

In living organisms and in nature as a whole, an immune reaction is a natural necessity; the most severe disease is immune failure or immunodeficiency. In the social dimension, society's immune system rests not only on ensuring constitutional equilibrium – education, public health, social protection, effective institutions, and cultural values are also of substantial importance. In other words, a society's "immunity" is a systemic phenomenon that includes normative, institutional, and value-based or cultural components that operate jointly and mutually reinforce one another.

Understanding the republic as a social immune system makes it possible to approach the problem of resilient statehood in a new way. A resilient republic is a system in which immune mechanisms operate in a preventive, rather than reactive, mode. Threats are recognized and neutralized at early stages without resorting to legal emergency measures or institutional deformations. Such a republic does not suppress change, but manages it, preserving its own identity.

Thus, the republic as a social immune system function not only as a theoretical metaphor, but also as a functional analytical model. It makes it possible to reveal the real viability of republican governance, assess the depth of constitutional culture, and understand why some republics withstand systemic shocks while others become formal governance systems that are actually internally decomposed.

5. Partocracy as a pathological transformation of the republic

One of the most dangerous and, at the same time, most concealed deviations of the republican form of government is the formation of partocracy, in which a political party ceases to be an instrument for forming and representing the public will and gradually becomes the real bearer of state power. As a rule, this process does not unfold according to an openly anti-constitutional scenario. On the contrary, it often develops under the formal preservation of the institutions of republican governance, using their external legitimacy as a means of strengthening its own domination.

Partocracy should be understood not as an alternative model of governance, but as a pathological transformation of the republic. It arises at the moment when the source of public power effectively shifts from constitutional institutions to party structures, and the state begins to function not for public interest, but only for party reproduction. Under these conditions, the fundamental principles of the republic – separation of powers, political responsibility, and the rule of law – remain predominantly just declarative.

The key mechanism of a partocracy's formation is the systemic neutralization of institutional counterweights. When parliamentary oversight, judicial independence, or constitutional review are subordinated to the logic of party loyalty, these mechanisms cease to perform their function of limiting public power. As a result, the concentration of power is presented as "governance efficiency," whereas in reality the republican system undergoes functional disintegration.

Characteristically, partocracy can form both in multiparty and in formally competitive political systems. Multiparty politics, by itself, is not a guarantee of the republic's viability if parties do not act in competition, vying for public interests, but with the aim of controlling and reproducing state resources. Under such conditions, political competition turns into a formalized ritual, and electoral processes into a mechanism of legitimization.

In conditions of partocracy, public power loses its impersonal and non-particular character. State institutions begin to be identified with the ruling party, while the transfer of power is perceived not as a natural constitutional process but

as an existential threat to the entire system. Precisely for this reason, in partocratic systems, the transfer of power is often accompanied by deep crises, the deformation of legal institutions, and an intensification of social polarization.

One of the most dangerous consequences of partocracy is the destruction of the republic's capacity for self-defense. Identifying itself with the party, power loses the capacity for self-restraint, as a result of which any criticism, oversight, or institutional resistance is perceived as hostile action. Under such conditions, the republic finds itself in an "autoimmune" state, using its own protective mechanisms against itself.

From this standpoint, partocracy is not only a political but also a deeply constitutional problem. It testifies to the weakening of constitutional culture, a rupture of institutional memory, and the neutralization of the value of public power. Without restoring these components, the republican form of government remains vulnerable regardless of the quality of the constitutional text or the complexity of institutional design.

Accordingly, overcoming partocracy is impossible exclusively by legal or organizational means. It requires a "biological" restoration of republican governance, i.e., the formation of such value-based and institutional conditions under which the party returns to its natural boundaries and the state restores its public and non-particular character. Only in this case is a return of the republic to its genuine form of resilient statehood possible.

6. Key qualities of "resilient statehood"

On the indicated foundation of constitutional law, resilient statehood possesses the following key qualities:

1. **Effective governance and institutional capacity.** Public authorities are functional, transparent, accountable, and capable of withstanding crises without systemic collapse.
2. **Social cohesion.** Mutual respect, trust, and cooperation are maintained in society, both as a form of everyday solidarity and as a resource of public resilience.
3. **Economic resilience.** Sustainable growth, manageable inflation, and low unemployment are ensured, infrastructure and mechanisms of effective fiscal and monetary policy are developed; resilience to external shocks is present. Long-term planning for the rational use of natural resources is entrenched; proactive measures against environmental degradation are prioritized.
4. **Security and crisis-response capacity.** The necessary internal and external security and a sufficient capacity to respond to threats are ensured.

5. **A stable political environment.** Politics is predictable. There are no violent forms of struggle for power, mechanisms operate for the peaceful resolution of disputes within the legal field (an independent judiciary, effective mediation procedures, etc.). There is active civic involvement in political processes (elections, public discourse, community initiatives) . There are guarantees for freedom of speech, freedom of the press, and freedom of assembly, all considered conditions of accountability and constructive correction of government action.
6. **Cultural continuity and inclusiveness.** Respect for national identity, spiritual values, and cultural traditions is combined with acceptance of diversity and openness to innovations that do not destroy the value foundation of society.

7. Refinement of the conceptual framework

The constitutional order of resilient statehood presupposes clarification of the conceptual apparatus, among which of primary importance is a correct substantive understanding of the Constitution itself.

In legal scholarship, the view is widespread that the meaning of the verb “to constitute” (that is, to found, institute, establish) historically was not reducible either to limiting political power in the name of individual rights, or to imposing upon government the duty to follow general moral norms.⁴ “To constitute,” in its original sense, means first and foremost “to found,” “to order,” “to institute.”

⁴ Holmes S., “Constitutions and Constitutionalism” // *Comparative Constitutional Review*, 2012, No. 3(88), p. 61. (In the United States, numerous valuable works have been published on contemporary constitutionalism, in which the question of constitutionalism is considered primarily from the standpoint of the actual limitation of power). Holmes S. “Constitutions and Constitutionalism” // *The Oxford Handbook of Comparative Constitutional Law* / Ed. by M. Rosenfeld, A. Sajó. Oxford University Press, 2012; Michel Rosenfeld, *Comparative Constitutionalism: Cases and Materials* (2d ed., West 2010) (with Baer, Dorsen, and Sajó); *American Constitutionalism: From Theory to Politics*. Book by Stephen M. Griffin. Princeton University Press, 1996; *Constitutional Revolutions: Pragmatism and the Role of Judicial Review in American Constitutionalism*. Book by Robert Justin Lipkin. Duke University Press, 2000; *The Supreme Court and American Constitutionalism*. Edited by Bradford P. Wilson and Ken Masugi. The Ashbrook Series on Constitutional Politics. Rowman & Littlefield, 1997 (softcover); *Progressive Constitutionalism*. Book by Robin West. Duke University Press, 1994; *Constitutionalism: The Philosophical Dimension*. Book by Alan S. Rosenbaum. Greenwood Press, 1988; *Liberalism, Constitutionalism and Democracy*. Book by Russell Hardin. Oxford University Press, 1999; *American Constitutionalism Abroad: Selected Essays in Comparative Constitutional History*. Book by George Athan Billias. Greenwood Press, 1990; “Progressive and Conservative Constitutionalism.” Journal article by Robin West, M. Tushnet, R. Epstein, Raoul Berger, Robert Bork. *Michigan Law Review*, Vol. 88, 1990; *American Constitutionalism: From Theory to Politics*. Stephen M. Griffin. One of *Choice’s* Outstanding Academic Books of 1997; *The*

Thus, in McIlwain, Cicero's words *haec constitutio* ("they establish") are treated as one of the early uses of the concept of "constitution" as applied to a form of government.⁵ Stephen Holmes, synthesizing historical material, concludes that the primary function of the earliest constitutions was not to limit already existing power, but to create power out of a condition of powerlessness.⁶

Proceeding from this logic of origin, the concept of "constitution" (*constitutio* – to establish, to order, to found) is traditionally characterized as the Fundamental Law of the state, possessing the highest legal force, in which the following are established:

- a. the foundations of the state system;
- b. guarantees for ensuring and protecting human and civil rights and fundamental freedoms;
- c. the system of state power, its functions, principles, and the procedure for its organization;
- d. the legal limits of exercising political power and realizing the individual's political, economic, and social freedoms.

At the same time, in academic literature and at international forums, the relevance persists of problematic aspects regarding the axiology of constitutions, the political foundations of constitutionality, trends in liberal constitutionalism, the interrelationship between the constitution and constitutional culture, patterns of supranational (suprastate) constitutionality, and others.⁷

Paradox of Constitutionalism: Constituent Power and Constitutional Form. Edited by Martin Loughlin and Neil Walker. Oxford University Press, 2008; etc.).

⁵ McIlwain C.H. *Constitutionalism Ancient and Modern*. Ithaca, NY: Cornell University Press, 1947, P. 25.

⁶ The cited article, p. 62.

⁷ Stephen Holmes, "Constitutions and Constitutionalism" // *Comparative Constitutional Review*, 2012, No. 3(88), pp. 56–84; O. E. Kutafin, *Russian Constitutionalism*. Moscow, 2008; N. S. Bondar, *Russian Judicial Constitutionalism: An Introduction to the Methodology of Research*. Moscow, 2012; E. Tanchev, "Emerging Supranational Constitutionalism and Contemporary Systems of Constitutional Review" // *Comparative Constitutional Review*, 2007, No. 4, pp. 78–94; M. Rosenfeld and A. Sajó, "The Spread of Liberal Constitutionalism: A Study of the Development of Free Speech Rights in New Democracies" // *Comparative Constitutional Review*, 2007, No. 1, pp. 102–120; "Contemporary Constitutionalism and the State of Israel" // *Contemporary Constitutionalism*, 2006, No. 2, pp. 50–54; "The Theory of Constitutionalism and the Philosophy of the State in the Federal Republic of Germany" // *Law and Right*, 2001, No. 5, pp. 39–47 (in Russian). *The Twilight of Constitutionalism?* Series Editors: Martin Loughlin, John P. McCormick, and Neil Walker. Oxford University Press, 2010; *The Constitution in 2020*. Edited by Jack M. Balkin, Reva B. Siegel. Oxford University Press, 2009; *Constitutional Cultures*. Ed. by M. Myrzykowski. Warsaw, ISP, 2000; *Constitutional Cultures: The Mentality and Consequences of Judicial Review*. Robert F. Nagel. University of California Press, 1993; *Collection Science and technique of democracy*, N 37; *European and US constitutionalism*. G. Nolte (Editor). European Commission for Democracy through Law. Council of Europe Publishing, 2005.

Within the framework of the present study, the task is to approach these problematic aspects predominantly through identifying the axiological character and the interrelationship of such concepts as “constitution,” “constitutional culture,” “constitutionalism,” and “constitutional monitoring,” reflecting on them in the context of the main trends of contemporary constitutional development.⁸

A sustainable state is a state-legal formation endowed with the institutional, normative, and value-based capacity to preserve constitutional equilibrium, ensure the rule of law, and reproduce public trust under conditions of crisis, uncertainty, and external or internal turbulence, without resorting to the concentration of power or the dismantling of the system of checks and balances.

The structural features of a sustainable state include:

- e. **Normative stability** (the supremacy of the Constitution and the predictability of legal regulation)
- f. **Institutional distribution of immunity** (the absence of concentration of control functions within a single center of power)
- g. **Adaptability without deviation** (the capacity to respond to crisis without transitioning into a regime of permanent emergency)
- h. **Institutional memory** (the consolidation of positive practices and the prevention of the reproduction of destructive models)
- i. **Reproduction of trust** (legitimacy as a result of procedural transparency and constitutional accountability)

8. Symptomatology of immunodeficiency: deformation of balance, apathy, corrosion of trust

The fact is that the human community as a whole today often does not have a sufficient and effective immune system capable of confronting contemporary social challenges. The immune failure of social life becomes one of the key causes of social catastrophes. Accordingly, only a strong and viable immune system in society can be regarded as a basic guarantee of sustainable development.

Contemporary immunodeficiency manifests first and foremost as the system’s inability to recognize violations of constitutional equilibrium in a timely manner, to adequately evaluate them, and to neutralize them without destroying the whole. The accumulation of negative social energy leads to the formation of a critical mass, upon reaching which an explosion becomes practically inevitable. This

⁸ G. G. Harutyunyan, “The Axiological Nature of Constitutionalism in the Context of the Historical Evolution of Constitutional Culture,” in *The Philosophy of Law of the Pentateuch* (ed. by A. A. Guseynov and E. B. Rashkovsky). Moscow, 2012, pp. 70–82 (in Russian).

means that violations of constitutional equilibrium in social life are not identified, evaluated, and overcome in a timely manner; effective mechanisms of constitutional law for their diagnosis and neutralization have not been formed. This circumstance has fundamental significance for systemic resilience.

All elements of the social organism are mutually connected and functionally balanced. The problem lies in how to preserve this balance dynamically – throughout the entire process of the system’s existence and development. This is possible only when any disruption of this balance – for the most varied of reasons – is immediately identified, evaluated, and eliminated. This is precisely the functional meaning of society’s immune system.

The symptoms of societal immunodeficiency usually manifest in the following persistent ways:

1. **Deformation of constitutional balance.** This concerns the shifting and/or rupture of the balance among branches of government, weakening of checks and balances, decline in the real effectiveness of guarantees of rights and freedoms, as well as transformation of constitutional norms into declarative constructs in the absence of effective mechanisms of implementation and protection.
2. **Corrosion of trust.** Trust is not merely a psychological state, but a fundamental institutional precondition for reproducing the legal order. Its corrosion means a loss of the legitimacy of procedures, a decline in willingness to comply with rules, and the growth of “shadow” practices, from everyday legal nihilism to systemic corruption.
3. **Growth of apathy and alienation.** Apathy is a symptom of the degradation of feedback mechanisms – society ceases to perceive law and institutions as meaningful instruments of protection and self-regulation. As a result, the public sphere loses the capacity for rational discussion and decision-making, while citizens’ participation in public life is replaced by passive observation or reactive outbursts.
4. **The “normalization” of injustice.** Under a long-term accumulation of dysfunctions, injustice is gradually perceived as a habitual “given,” which lowers the threshold of sensitivity to rights violations and undermines society’s value filters.

These manifestations are especially dangerous because they form a vicious circle – institutional defects generate distrust and apathy, while distrust and apathy, in turn, facilitate further degradation of institutions and norms. Under these conditions, society loses the capacity for soft adaptation and shifts into a mode of “crisis reactivity”.

9. “Managed immunodeficiency”: selective rationality and manipulation

One must also consider the risk of disrupted equilibrium due to exogenous factors or under subjective influence. In this case, the phenomenon of “managed immunodeficiency” arises, which in the contemporary era is often treated as one of the characteristic mechanisms of destabilization. Its essence lies in the fact that the weakening of society’s protective mechanisms is not exclusively the “natural” consequence of internal errors and dysfunctions, but can be the result of targeted influence – through undermining institutions, blurring value orientations, manipulating public expectations, and the selective rationality of public policy.

Selective rationality in this context should be understood as a configuration of governance decisions and public discourses in which rationality is applied selectively: it serves short-term political or corporate goals, but blocks the system’s rational mechanisms of self-correction (accountability, independent oversight, legal guarantees, public criticism). As a result, society outwardly retains signs of “manageability”, but in fact loses the capacity for resilient development, because mechanisms of early warning and the neutralization of dysfunctions are suppressed or devalued.

It is precisely within this thinking that, in a number of interpretations, “managed immunodeficiency” is associated, in particular, with the technology of “color revolutions,” where destabilization is treated as the outcome of a combination of internal dysfunctions and externally supported mobilization scenarios. When approaching this academically, it is fundamentally important not to substitute clichés for analysis – the mere existence of protests or changes in political configurations does not yet prove that a process is “managed.” However, the reverse is also true – ignoring the technological aspects of contemporary forms of destabilization impoverishes diagnostics and weakens the toolkit of prevention.

A similar understanding is also used to analyze the situation of Armenia. In the national context, on the one hand, the insolvency of the political and state system, and, on the other hand, “managed immunodeficiency” have placed the state in an extremely difficult position, because the potential for restoring the disrupted equilibrium and returning social relations to a normative channel proves insufficient when it comes to overcoming the accumulated immunodeficiency.

Our many years of research make it possible to substantiate the conclusion that overcoming societal immunodeficiency within a state is impossible without constitutionalizing social life on the basis of ensuring the rule of law in the individual’s social and legal behavior, in the political behavior of the state’s political institutions, and in the public conduct of public authorities, as well as

through the introduction of a proportionate system of constitutional monitoring which, in turn, can become a most important guarantee of sustainable development.

10. Constitutional immunity as an indicator of the maturity of the state

In its final analytical dimension, constitutional immunity functions as an integral indicator of the maturity of constitutional culture and the institutional capacity of the state. It is revealed not through the rigidity of restrictions or the intensity of coercive measures, but through the ability of the legal system to:

- preserve the supremacy of the Constitution as a genuinely operative normative and value-based reference point,
- prevent the concentration of power and ensure the functional effectiveness of checks and balances,
- sustain public trust as a foundational resource of constitutional stability,
- secure the continuity of constitutional values and institutional memory amid political and social transformation.

Constitutional immunity does not arise spontaneously, nor is it formed solely as a reaction to isolated crises. Its resilience depends on a set of underlying preconditions, including a developed constitutional culture, the capacity of institutions for self-correction, the existence of mechanisms for early diagnosis of systemic risks, and an entrenched practice of public accountability.

A mature state is characterized not by the maximization of exceptional powers, but by a culture of self-restraint, the institutionalization of the temporariness of emergency measures, and a sustained ability to return to the normal constitutional order. In this sense, constitutional immunity does not perform a protective or repressive function, but rather a stabilizing and restorative one, preventing both external destabilizing pressures and auto-immune distortions generated within the constitutional system itself.

Accordingly, a resilient state is the product not of the force of exception, but of constitutional consciousness, developed institutional memory, and respect for the Constitution as a living legal organism capable of adaptation without erosion of its normative core.⁹

11. Constitutional immunity: concept and methodological boundaries

The concept of constitutional immunity has traditionally been understood as an autonomous institution of constitutional law, comprising a body of norms that

⁹ On constitutional immunity as an indicator of the maturity of the state, **Tushnet M.** - *Weak Courts, Strong Rights: Judicial Review and Social Welfare Rights in Comparative Constitutional Law*, Princeton University Press, 2008.

exempt high-ranking public officials, members of parliament, and judges from certain obligations and forms of legal liability in order to safeguard their independence and ensure the proper exercise of public functions. This understanding reflects a narrow, classical, institutionally personalized interpretation of immunity, primarily focused on status-based guarantees afforded to specific holders of public authority.

In a broader, system-functional dimension, however, the notion of “constitutional immunity” transcends the status of individual officeholders and acquires the quality of a structural characteristic of the constitutional order itself. From this perspective, constitutional immunity should be understood as a dynamic mechanism that secures the harmony of the constitutional system across all manifestations of social development. It refers to the capacity of the constitutional system, operating in a mode of continuity, to identify, assess, and overcome any deviations from regulation of constitutional law that arise in real social and political practice.

Within this conceptualization, constitutional immunity may be defined as follows. Constitutional immunity is the systemic capacity of the constitutional order for legal self-control and self-preservation through guarantees, checks, and procedures that maintain the balance of powers and ensure the rule of law, while preserving the vitality of, and public trust in, the legal system. Immunity thus appears not as an exception to the general regime of responsibility, but as a distributed institutional mechanism ensuring the resilience and normative integrity of the constitutional order.

The use of the term “immunity” in the analysis of constitutional law requires strict conceptual discipline.¹⁰ Immunity cannot be understood as the absolute right of the state to exclude, suspend, or arbitrarily restrict the operation of constitutional guarantees. In the constitutional dimension, it represents an embedded mechanism of legal self-regulation aimed at preventing the destructive consequences of both external threats and the public authorities’ own managerial decisions. Within the theory of constitutional immunity, rule of law is viewed not merely as a value but as a functioning system of protection encompassing standards, measurements, and institutional memory, thereby ensuring the stability of the legal order even under conditions of systemic turbulence.

The immunological paradigm, which underwent systematic development in social theory at the turn of the twentieth and twenty-first centuries, provides a

¹⁰ On the methodological use of the category of “immunity” in law, **Esposito R.** *Immunitas: The Protection and Negation of Life*. Cambridge: Polity Press, 2011, pp. 1–19.

productive theoretical foundation for rethinking the nature of the constitutional order. Within systems theory, law is described as a specific immune mechanism of the social system. In *Social Systems*, Niklas Luhmann characterizes law as a functional subsystem that stabilizes normative expectations through the binary code of lawful/unlawful, thereby contributing to the continuation of society's autopoiesis.¹¹ The legal system processes conflicts and deviations not by eliminating them but by transforming them normatively, thus maintaining operational closure and systemic reproducibility.

From this perspective, the immune function of law consists of the selective processing of environmental irritations, enabling the social system to preserve structural stability. Luhmann explicitly employs immunological metaphors, noting that the legal system functions as a mechanism for processing conflicts that prevents their destructive impact on the integrity of society.¹² Yet, in Luhmann's model, immunity remains predominantly functional; it explains how the system preserves itself but does not provide a normative criterion for assessing the legitimacy of the immune response.

A different, though complementary, perspective is offered by Roberto Esposito. In *Immunitas: The Protection and Negation of Life*, he derives the category of immunity from Roman legal tradition, interpreting *immunitas* as exemption from *munus* – the common duty or obligation of participation in communal life.¹³ Immunity thus appears as a form of protection through exclusion. The protective mechanism proves structurally ambivalent. It simultaneously preserves life and restricts community. In its radicalized form, immune logic may transform into the negation of life – a thanatopolitical configuration in which protection turns into its opposite.¹⁴

It is precisely here that the central problem of autoimmunity in contemporary political-legal theory emerges. The protective reaction may undermine the very foundations of the order it is intended to safeguard. Unlike Luhmann, Esposito situates immunity within a normative-political dimension, raising the question of the permissible limits of protection and the risk of self-destruction.

Transposing these theoretical premises into the plane of constitutional law allows for the formulation of the concept of constitutional immunity as the

¹¹ Niklas Luhmann, *Social Systems*, trans. John Bednarz Jr. and Dirk Baecker (Stanford: Stanford University Press, 1995), 142–147, 285–294.

¹² *Ibid.*, 371–376.

¹³ Roberto Esposito, *Immunitas: The Protection and Negation of Life*, trans. Zakiya Hanafi (Cambridge: Polity Press, 2011), 5–12.

¹⁴ *Ibid.*, 5–12.

systemic capacity of the constitutional order for self-preservation through the procedural processing of deviations. In this sense, constitutional immunity represents a normative-operational stage in the development of the immunological paradigm. It retains from Luhmann the functional logic of social immunity and the idea of law as a mechanism for processing conflicts, and from Esposito the normative problematic of protection, exclusion, and autoimmune self-subversion. Yet it translates these insights into the level of constitutional architecture, where immune reactions are institutionalized through procedures, guarantees, and mechanisms of checks and balances.

Constitutional immunity may thus be defined as the systemic capacity of the constitutional order:

1. to detect deviations from constitutional norms (diagnostic level),
2. to process them within institutionalized procedures (operational level),
3. to restore normative equilibrium through mechanisms of responsibility and control (restorative level),
4. to consolidate the acquired experience in institutional memory, thereby preventing the repetition of destructive scenarios (reproductive level).

Immunity thereby ceases to function as a mere metaphor and acquires the status of a normative-operational model. In contrast to Luhmann's system-functional descriptiveness and Esposito's philosophical ambivalence, constitutional immunity introduces criteria for the legitimacy of the immune response – proportionality, procedural limitation, institutional distribution, and the reproducibility of trust.

Under conditions of multi-level constitutionalism, this capacity manifests itself not only at the national but also at the supranational level, through rule-of-law standards, monitoring procedures, and mechanisms of legal evaluation designed to prevent the autoimmune erosion of the axiological foundations of the international legal order. In this context, constitutional immunity becomes an element of a broader system of resilience, in which the prevention of self-destructive tendencies within the legal system acquires decisive importance for the preservation of its legitimacy and functional capacity.

Accordingly, the concept of constitutional immunity may be regarded as the next stage in the development of the immunological paradigm in the theory of political law. It integrates system-functional analysis with normative diagnostics, translating them into the instruments of constitutional monitoring and responsibility. Immunity, in this understanding, ensures not merely protection, but the reproducibility of the constitutional order under conditions of structural turbulence, minimizing the risk that protective mechanisms may undergo autoimmune transformation into factors of disintegration.

Constitutional immunity operates as a system of safeguards that ensures the proportionality, transience, and reversibility of restrictive measures. Its task is not to maximize the force of a response, but to preserve the viability of the legal system and trust in it. This is precisely why immunity is not set in opposition to rights and freedoms, but serves as an instrument of their long-term protection.

The philosophical and legal analysis of immunity reveals its fundamental duality – it is a protective reaction, but when it goes beyond necessity, it is capable of negating the very foundation it is intended to defend. In constitutional law, this means that excessive, indeterminate, or discriminatory measures may transform into an autoimmune effect that undermines trust in law, institutions, and the Constitution itself.¹⁵

Within the doctrine of constitutional immunity, particular analytical significance is attributed to the phenomenon of the autoimmune effect, which reflects pathological forms of self-defense within a constitutional order. Although the concept originates as a metaphor borrowed from biology, in constitutional and legal theory it acquires an independent and substantive explanatory function.

The autoimmune effect may be defined as a condition in which legal, political, or institutional mechanisms designed to protect the constitutional order begin to operate against its own normative and value-based foundations. In such circumstances, the system loses the capacity to distinguish between genuine external or internal threats and its own constitutional principles, as a result of which protective reactions are transformed into factors of internal erosion and self-destruction.

It is crucial to emphasize that the autoimmune effect does not arise from external coercion or from an explicit rejection of constitutional norms. On the contrary, it develops from within the system itself, in conditions of formal continuity of constitutional institutions, legal procedures, and normative frameworks. This feature makes the autoimmune effect particularly dangerous. The constitutional order is undermined not through the abolition of law, but through its functional deformation, instrumentalization, and selective application.

The typical logic of the autoimmune effect unfolds through several interrelated stages. The initial point is usually a legitimate objective, such as the protection of sovereignty, national security, public order, or institutional stability. However, in conditions of escalating risks and systemic stress, this objective becomes accompanied by excessive or distorted responses – the expansion of exceptional

¹⁵ On the risk of protective measures transforming into autoimmune effects, **Esposito R.** *Bíos: Biopolitics and Philosophy*. Minneapolis: University of Minnesota Press, 2008;

powers, the weakening of accountability and oversight mechanisms, the restriction of fundamental rights, and the erosion of the separation of powers. Gradually, a shift in regulatory criteria occurs, whereby constitutional values and normative constraints yield to considerations of political expediency, while temporary emergency measures become normalized and permanent.

The outcome of this process unfolds as a self-destructive process – public trust in law diminishes, institutional legitimacy erodes, and the resilience of the constitutional order is compromised. Protective mechanisms that were intended to ensure systemic viability begin to reproduce risks comparable in nature to those they were meant to prevent.

A society in which autoimmune processes have penetrated all layers of constitutional-legal relations does not merely find itself in a state of social immunodeficiency. The situation is more alarming: mutated values begin to reproduce and assume the character of systemic metastases. From the autoimmune phenomenon there emerges a kind of “social cancer”, with its destructive consequences¹⁶.

Unlike ordinary abuses of power, the autoimmune effect is characterized by its normative camouflage. It operates under the appearance of legality and constitutional protection. Law, in such contexts, ceases to function as a limitation on public power and instead becomes an instrument of institutional self-preservation at any cost. This creates an illusion of normative stability while concealing a profound degradation of constitutional substance.

From the perspective of the doctrine of constitutional immunity, the autoimmune effect signifies a failure of legal self-monitoring and self-correction mechanisms. Constitutional immunity loses its selective, proportional, and value-oriented character, thereby forfeiting its regulatory and stabilizing function. Instead of reinforcing sustainable statehood, the system enters a mode of latent institutional destabilization, in which defensive logic itself becomes a source of constitutional risk.

An auto-immune situation arises not as the result of a single factor, but from the convergence of value degradation, institutional vulnerability, and the motivation of the preservation of power. These factors manifest themselves across several interrelated levels:

¹⁶ For an adequate diagnosis of the condition of the constitutional order, it is of fundamental importance to draw a clear distinction between the concepts of “social immunity,” “immunodeficiency,” and “autoimmune effect” as distinct phases of the functioning and potential deformation of the constitutional immune system.

1. Primary (value-based and cultural) level

- a low level of constitutional culture
- the perception of the rule of law as a formal norm rather than a behavioral standard
- the weakening of civic responsibility and constitutional self-awareness
- passivity of public oversight
- legal nihilism and the degradation of electoral participation
- the devaluation of constitutional norms resulting from the disjunction between political rhetoric and law-enforcement practice.

2. Constitutional and institutional design level

- deficient constitutional arrangements
- an insufficient level of parliamentarism
- inadequate checks and balances constraining executive power
- insufficient definition of the temporality and oversight of emergency powers
- the weakening of constitutional accountability mechanisms at the highest levels of government.

3. Insufficient level of constitutional justice

- political dependence of the judiciary
- delayed or selective application of constitutional review
- the predominance of constitutional court self-restraint at the expense of the protection of fundamental rights.

4. Political system and the actual practice of power

- structural deficiencies of the political system
- the simulation of competitive politics
- the marginalization or criminalization of political opposition
- the substitution of democratic legitimacy with a narrative of “stability”
- the justification of political decisions through a discourse of “inevitability.”

5. Pathological factors (auto-immune accelerators)

- corruption
- patronage (the replacement of merit with personal loyalty and the erosion of institutional accountability).

6. Politicization of law enforcement and security institutions

- selective enforcement of the law
- the institutionalization of coercive instruments
- the formation of a perception of impunity among holders of power.

7. External negative influences (*which may activate or deepen internal autoimmune vulnerabilities*)

- security-related pressures
- the prolongation of emergency regimes justified by external threats
- the practice of selective application of international norms.

The cumulative effect of these factors results in an inversion of the self-protective mechanisms of the constitutional order, whereby instruments originally introduced to ensure constitutional security are gradually transformed into means of power concentration and the erosion of legal constraints.

Accordingly, overcoming these autoimmune disorders does not require further intensification of exceptional or repressive measures. Rather, it necessitates the restoration of a constitutional balance between security and freedom, sovereignty and the rule of law, political effectiveness and constitutional responsibility. In this sense, constitutional immunity should be understood not as a license for self-defense at any cost, but as a system of legal guarantees designed to prevent the self-destruction of the constitutional order under the guise of its protection.

On the conceptual basis presented, the guarantee of constitutional immunity is the necessary and sufficient condition for creating real prerequisites for sustainable development.

12. Conclusion

The contemporary crisis of constitutionalism demonstrates that the viability of the republican form of government cannot be reduced to the formal existence of constitutional institutions or to the textual perfection of constitutional arrangements. The central problem of modern statehood lies elsewhere: in the capacity of the constitutional order to preserve its normative identity, institutional equilibrium, and public legitimacy under conditions of systemic turbulence, political fragmentation, technological transformation, and the growing instability of the global environment.

In this context, the present study proposes a shift from the classical paradigm of constitutional analysis toward a systemic-functional understanding of constitutional resilience. Classical constitutionalism was historically constructed primarily around the logic of limiting power. While this principle remains foundational, contemporary constitutional development increasingly requires another dimension of analysis — the study of the constitutional order as a living, adaptive, and self-preserving system capable not only of restricting power, but also of preventing its own internal degradation.

It is precisely within this framework that the concept of constitutional immunity acquires methodological significance. Constitutional immunity should not be

understood narrowly as a body of exceptional guarantees granted to particular officeholders. In its broader constitutional meaning, immunity represents the systemic capacity of the constitutional order for self-preservation through mechanisms of constitutional diagnostics, institutional self-correction, proportional limitation, accountability, and the reproduction of public trust. Immunity thus functions as a distributed constitutional mechanism that enables the state to preserve constitutional equilibrium without transforming crisis management into permanent exception.

From this perspective, resilient statehood emerges not as an abstract political ideal, but as the real form of existence of a constitutional republic. A republic becomes resilient only when constitutional institutions operate not as formal legal constructions, but as elements of an integrated social immune system capable of recognizing and neutralizing destructive tendencies before they evolve into systemic crises. The effectiveness of republican governance is therefore determined not by the concentration of power, but by the degree of institutional self-restraint, constitutional culture, functional balance, and the continuity of constitutional values across generations.

The study further demonstrates that one of the principal dangers confronting contemporary constitutional systems is the autoimmune deformation of the constitutional order itself. The greatest threat to constitutionalism often arises not from the direct destruction of constitutional institutions, but from their gradual instrumentalization under the guise of legality, security, stability, or political necessity. In autoimmune conditions, mechanisms originally designed to protect the constitutional order begin to undermine the very normative foundations they were intended to preserve. Constitutional degradation therefore unfolds not through the abolition of law, but through its selective application, procedural distortion, and transformation into an instrument of institutional self-preservation.

For this reason, sustainable statehood cannot be ensured through the indefinite expansion of exceptional powers or through the intensification of coercive mechanisms. A resilient constitutional order is formed only where constitutional responsibility, proportionality, institutional accountability, constitutional justice, and public trust function as interconnected elements of a unified constitutional organism. The preservation of constitutional equilibrium requires not the absolutization of security, but the continuous balancing of security and freedom, sovereignty and the rule of law, institutional effectiveness and constitutional restraint.

Accordingly, the doctrine of constitutional immunity proposed in this study may be regarded as an attempt to formulate a new methodological framework for understanding the contemporary constitutional state. This framework integrates the principles of constitutionalism, constitutional culture, institutional resilience, constitutional monitoring, and social self-regulation into a unified theoretical model oriented not merely toward the formal organization of public power, but

toward the long-term preservation of the constitutional order as a viable and self-correcting legal civilization.

Ultimately, the resilience of the constitutional republic depends not on the force of emergency measures, but on the maturity of constitutional consciousness, the depth of institutional memory, and the capacity of society to preserve the supremacy of constitutional values even under conditions of profound uncertainty and systemic stress. A sustainable state is therefore not a state that is free from crises, but a state capable of overcoming crises without losing its constitutional identity.

Conflict of Interests

The author declares no ethical issues or conflicts of interest in this research.

Ethical Standards

The author affirms this research did not involve human subjects.

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