Global Constitutional Law – Further Reading

(1) Defining Global Constitutional Law
Global Constitutional Legal scholarship is still nascent and is in the process of defining its scope. At present, Global Constitutionalism acts more as an umbrella term that encompasses a range of research themes.

Christine Schwöbel, ‘Situating the Debate on Global Constitutionalism’ (2010) 8(3) International Journal Constitutional Law 611


1.1 International Constitutional Law and Global Constitutional Law
International Constitutionalism was a trend in the mid-2000s. This trend of constitutional literature focused on norms and concerned itself with international law, such as jus cogens and erga omnes obligations. More recent iterations of global constitutionalism have been understood as a response to the fragmentation of international law as well as the institutionalisation of international law.

Erika de Wet, ‘The Emergence of International and Regional Value Systems as a Manifestation of the Emerging International Constitutional Order’ (2006) 19 LJIL 611 (read here)


Anne Peters, ‘Constitutional Fragments: On the Interaction of Constitutionalization and Fragmentation in International Law’ (Working Paper No. 2) Centre for Global Constitutionalism (read on SSRN)

(2) Global Constitutional Law and International Institutions
International institutions and organisations have often been considered the starting point in global constitutional scholarship. Institutions have been considered to be evidence of constitutionalisation in some cases, as well as sites of governance that could benefit from constitutional processes and principles.

Jan Klabbers, ‘Autonomy, constitutionalism and virtue in international institutional law’ in Richard Collins and Nigel D White (eds) International Organizations and the Idea of Autonomy (Routledge, 2011) 120
Global Constitutional Law and Constitutionalism

One question that global constitutionalist scholarship is faced with is the meaning of constitutionalism. Another recurring question is the relationship between national and global constitutionalism, and specifically the appropriateness of using state models of constitutionalism for global governance.

Aoife O'Donoghue, *Constitutionalism in Global Constitutionalisation* (Cambridge University Press, 2014)


Ming-Sung Kuo, ‘The End of Constitutionalism as We Know It? Boundaries and the State of Global Constitutional (Dis)Ordering’ (2010) 1 Transnational Legal Theory 329 ([read on SSRN](http://ssrn.com/abstract=1437333))


See also other ‘Further Reading’ documents:

The UN Charter as a World Constitution

WTO Constitutionalisation