

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

Anne Peters, 'Global Constitutionalism' in Michael T Gibbons (eds) *The Encyclopaedia of Political Thought* (1st edition, John Wiley & Sons, 2015)

K Milewicz, 'Emerging Patterns of Global Constitutionalization: Towards a Conceptual Framework' (2009) 16 *Indiana Journal of Global Legal Studies* 413 ([read here](#))

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](#))

Bardo Fassbender, 'The Meaning of International Constitutional Law' in Ronald St. J. Macdonald, Douglas M. Johnston (eds), *Towards World Constitutionalism: Issues in the Legal Ordering of the World Community* (Nijhoff, 2005)

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

Andreas L Paulus, 'The international legal system as a constitution' in Jeffrey L Dunoff and Trachtmann (eds) *Ruling the World? Constitutionalism, International Law and Global Governance* 69

Jan Klabbers, 'Constitutionalism Lite' (2004) 1 *International Organisations Law Review* 31

Anne Peters, 'Dual Democracy' in Jan Klabbers, Anne Peters, and Geir Ulfstein (eds), *The Constitutionalization of International Law* (Oxford University Press, 2009) 297

(3) 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)

Aoife O'Donoghue, 'The Separation of Powers Beyond the State: The 'inconveniences of [a]bsolute power'' in Napel and Voermans (eds), *The Powers that Be: Rethinking the Separation of Powers: A Leiden Response to Möllers* (Leiden University Press, 2016)

Neil Walker, 'Taking Constitutionalism Beyond the State' (2008) *Political Studies* 519

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](#))

Mattias Kumm, 'The Cosmopolitan Turn in Constitutionalism: On the Relationship between Constitutionalism in and Beyond the State' in Jeffrey Dunoff and Joel Trachtman (eds), *Ruling the World? Constitutionalism, International Law and Global Governance* (Cambridge University Press, 2009) 263

Anne Peters 'Compensatory Constitutionalism: The Function and Potential of Fundamental International Norms and Structures'(2006) 19 *Leiden Journal of International Law* 579 ([read on SSRN](#))

See also other 'Further Reading' documents:

[The UN Charter as a World Constitution](#)

[WTO Constitutionalisation](#)