

Editorial

Interdisciplinarity: Challenges and opportunities

ANTHONY F. LANG JR., MATTIAS KUMM, ANTJE WIENER,
JAMES TULLY and MIGUEL POIARES MADURO¹

As *Global Constitutionalism* enters its second year of publication, we wish to use this editorial to both reflect on the progress of the journal and explore one issue which has arisen in its conceptualization, execution and production interdisciplinarity. The challenges that have arisen from running an explicitly interdisciplinary journal have forced us as editors to confront our own assumptions and, we hope, revealed the benefits of a truly interdisciplinary approach to global affairs. In this short editorial, we want to make the case that an interdisciplinary approach should *not* be undertaken because of a vague sense of intellectual pluralism; rather, global constitutionalism demands such an approach. That is, this is an interdisciplinary journal not simply because we want to promote interdisciplinarity in this area of studies but because we believe interdisciplinarity is the only way to fully understand the issues involved. In our first editorial for the journal, we made a similar point:

[Cases such as the recent] judgment in the *Kadi case* and the intervention in Libya strongly suggest that more interdisciplinary exchange and serious engagement across a number of disciplinary boundaries is required to address the coming challenges to fundamental norms that are held as central constitutional principles in most contemporary societies around the globe. Constitutionalism as an idea sits precisely at the intersection of law and politics, and it is for this reason that when issues emerge at a global level in the interstices of law and politics, the idea of global constitutionalism becomes relevant. In order to address such issues, we have launched this new interdisciplinary journal, *Global Constitutionalism* (Wiener, *et al.* 2012: 2).

¹ This order reflects the sequence of each submission. The reflections on the issue of interdisciplinarity are shared by all editors.

As we emphasized in that piece, the point of the editorial was not to delimit the field of inquiry but to invite a conversation about what this idea is and could be. We have received queries, both formal and informal, about whether or not submissions to the journal must accept our framing of the concept; in response, we have insisted that contributors need not accept this formulation, although we hope it will provoke them to think critically about the idea and their own assumptions.

As a result, the articles in the first volume have not uncritically accepted any single definition of global constitutionalism. Consider two articles from the first volume: Alec Stone Sweet explores the nature of cosmopolitan constitutionalism, drawing on the moral philosophy of Kant to assess the emerging EU legal order (Stone Sweet 2012). Garrett Wallace Brown's question about the 'constitutionalization of what?' is a direct challenge to many theorizations of constitutionalism, and yet he also employs a Kantian-inspired set of categories (through an engagement with the work of Jürgen Habermas and Seyla Benhabib) to make his analysis (Brown 2012). The fact that two authors both drawing on the same broad set of theories could come to very different conclusions about global constitutionalism is not, in our view, a problem. For the fact of such disagreement demonstrates the inherently contested nature of not only global constitutionalism, but constitutionalism as the intersection of law, politics and ethics. It is this space in between where we believe the journal best sits, providing a home for such informed debate and, at times, disagreement.

A number of articles have also reinterpreted constitutionalism or its elements in light of the global order. For instance, a few contributors have focused on how the global nature of political life forces reconsiderations of a core constitutional concept, that of constituent power (Dyzenhaus 2012; Somek 2012; Thornhill 2012). Some articles have examined how domestic constitution making takes place in a global context shaping and reshaping the idea of a 'community' at the core of a constitution (Arato 2012; Mazmanyán 2012; Brousseau, Sgard and Schemeil 2012). Others have used the journal to argue that methodological and disciplinary assumptions about how to study constitutions in a global context must be revised (Zumbansen 2012; Perju 2012). This suggests that the journal does not intend to be a home only for those interested in the formal practices of international affairs but should be seen as a place where constitutional theory and practice in a wide range of spheres can be explored.

Furthermore, the journal has seen articles that are not directly focused on constitutionalism as such, but explore issues that we believe fall under the purview of the journal's mandate, for they address social practices and processes that are constitutive of emerging constitutional types and forms, or critical of existing constitutional principles. These include

histories of political thought in which the global political and legal order are critically examined (Havercroft 2012; Bellamy 2012); explorations of international security practices that reveal tensions in the international legal and political order (Leander 2012; Heller, Kahl and Pisiou 2012); studies of normative dimensions of the international order (Follesdal 2012; Barnett 2012); and studies of enforcement in the international legal system (Jillions 2012). As such, future authors should realize that they need not be experts on constitutionalism, but should hopefully see global constitutionalism as a theoretical approach that offers a helpful reference frame, or even a 'toolbox' with a view to exploring a range of practices, principles and theories that address constitutionalization in the global realm and its impact on change in the modern international order.

Of course, at a certain point, intellectual boundaries need to be clarified. We have turned down articles prior to review because we did not feel they were within the journal's realm. Importantly, though, those boundaries do *not* result from disciplinary orientations or positions. We believe quite strongly that the journal should be a home for scholars across disciplinary boundaries to publish interesting and informative works in this exciting area of intellectual inquiry. We are well aware that the very identity of the journal will be the subject of inquiry and even contestation. We welcome this. To a certain extent, the journal's ethos is embedded in the permanent debate surrounding its subject.

This brings us to the substantive point of our editorial. Interdisciplinary work is often touted by university administrators and funding bodies as preferable, while scholarly outputs such as journals rarely provide a home for such work. We believe that our journal may serve as a small corrective to this problem. But we also do not believe that interdisciplinarity means creating a new field of study or making disciplinary work less rigorous. Indeed, our view is that the disciplines of law, political science, political theory and moral philosophy have standards, methods and substantive concerns that are valuable in their own right and should be developed and sustained. We also recognize that disciplines need the humility to appreciate that they cannot capture all of reality through their lens. So, for instance, a legal scholar recognizes that her work on international law can capture the function of rules in global politics, while acknowledging the work of her colleague in political science who may look to the function of power in the same sphere. Similarly, a moral philosopher who deploys a Rawlsian framework by which to assess the practice of global human rights should appreciate the historian of political thought's genealogical study of how the United Nations Declaration on Human Rights arose from a long historical process which cannot be simply understood as the triumph of liberalism. This is all to say that interdisciplinary work is not about creating

a single lens that will capture all of reality. Instead, it is about utilizing a range of lenses to understand the interacting and overlapping dimensions of reality.

Both ‘global’ and ‘constitutionalism’ require these lenses. The global is a contested space, for it can include the local, national, regional and international interacting in multiple and, at times, confusing ways. In cosmopolitan formulations, it may mean focusing on the liberal individual, while international formulations may focus on the interactions of powerful state and non-state actors. Constitutionalism is similarly contested. For some, it means a written text around which judicial and interpretative practices circulate, while for others it means a historical process in which law and institutional balance are constructed through slowly evolving social and political practices. Putting these two concepts together requires overlapping lenses.

A further interdisciplinary requirement concerns method. For normatively oriented disciplines – moral philosophy, political theory and sometimes legal theory – the point of examining global constitutionalism is to make a judgment about it. This can be on the basis of a standard developed internally to constitutionalism or perhaps on the basis of some outside standard, ranging from utility to a notion of the ‘good’. For positivist disciplines – political science, sociology, some versions of international law – the point of exploring global constitutionalism is to explain how it functions, impacts and creates particular kinds of international orders. Such works are less interested in judgments and more interested in explanations. The journal welcomes both kinds of analysis.

Finally, there are areas of work which we welcome but have not been seen as of yet in our submissions. Postcolonial assessments of the international legal order in which the heritage of the past or the practices of the present reveal power relations that rely on race are welcome. Feminist analyses of how constitutionalism might disempower women or re-enact gender distinctions or assumptions about sexual orientation would provide new insights on global constitutionalism. Studies of religious traditions and their constitutional formulations both internally and globally may be worth exploring. In all these cases, of course, the journal will demand the highest standards of rigour and conceptual clarity. But, it is our hope that the nature of our subject will lead to multiple approaches and scholars from around the world (and around the university) to contribute to our endeavour.

References

- Arato, Andrew. 2012. “Conventions, Constituent Assemblies, and Round Tables: Models, principles and elements of democratic constitution-making.” *Global Constitutionalism* 1(1):173–200.

- Barnett, Michael N. 2012. "International paternalism and humanitarian governance." *Global Constitutionalism* 1(3):485–521.
- Bellamy, Richard. 2012. "The liberty of the moderns: Market freedom and democracy within the EU." *Global Constitutionalism* 1(1):141–72.
- Brousseau, Eric, Sgard, Jerome and Schemeil, Yves. 2012. "Delegation without borders: On individual rights, constitutions and the global order." *Global Constitutionalism* 1(3):455–84.
- Brown, Garrett W. 2012. "The constitutionalization of what?" *Global Constitutionalism* 1(2):201–28.
- Dyzenhaus, David. 2012. "Constitutionalism in an old key: Legality and constituent power." *Global Constitutionalism* 1(2):229–60.
- Follesdal, Andres. 2012. "Global distributive justice? State boundaries as a normative problem." *Global Constitutionalism* 1(2):261–77.
- Havercroft, Jonathan. 2012. "Was Westphalia 'all that'? Hobbes, Bellarmine, and the norm of non-intervention." *Global Constitutionalism* 1(1):120–40.
- Heller, Regina, Kahl, Martin and Pisiou, Daniela. 2012. "The 'dark' side of normative argumentation – The case of counterterrorism policy." *Global Constitutionalism* 1(2):278–312.
- Jillions, Andrew. 2012. "Commanding the commons: Constitutional enforcement and the law of the sea." *Global Constitutionalism* 1(3):429–54.
- Leander, Anna. 2012. "What do codes of conduct do? Hybrid constitutionalization and militarization in military markets." *Global Constitutionalism* 1(1):91–119.
- Mazmanyan, Armen. 2012. "Failing constitutionalism: From political legalism to defective empowerment." *Global Constitutionalism* 1(2):313–33.
- Perju, Vlad. 2012. "Proportionality and freedom – An essay on method in constitutional law." *Global Constitutionalism* 1(2):334–67.
- Somek, Alexander. 2012. "On cosmopolitan self-determination." *Global Constitutionalism* 1(2):405–28.
- Stone Sweet, Alec. 2012. "A cosmopolitan legal order: Constitutional pluralism and rights adjudication in Europe." *Global Constitutionalism* 1(1):53–90.
- Thornhill, Chris. 2012. "Contemporary constitutionalism and the dialectic of constituent power." *Global Constitutionalism* 1(3):369–404.
- Zumbansen, Peer. 2012. "Comparative, global and transnational constitutionalism: The emergence of a transnational legal-pluralist order." *Global Constitutionalism* 1(1):16–52.
- Wiener, Antje, Lang, Anthony F. Jr., Tully, James, Miguel Maduro, Poyares and Kumm, Matthias. 2012. "Why a new journal on global constitutionalism?" *Global Constitutionalism* 1(1):1–15.