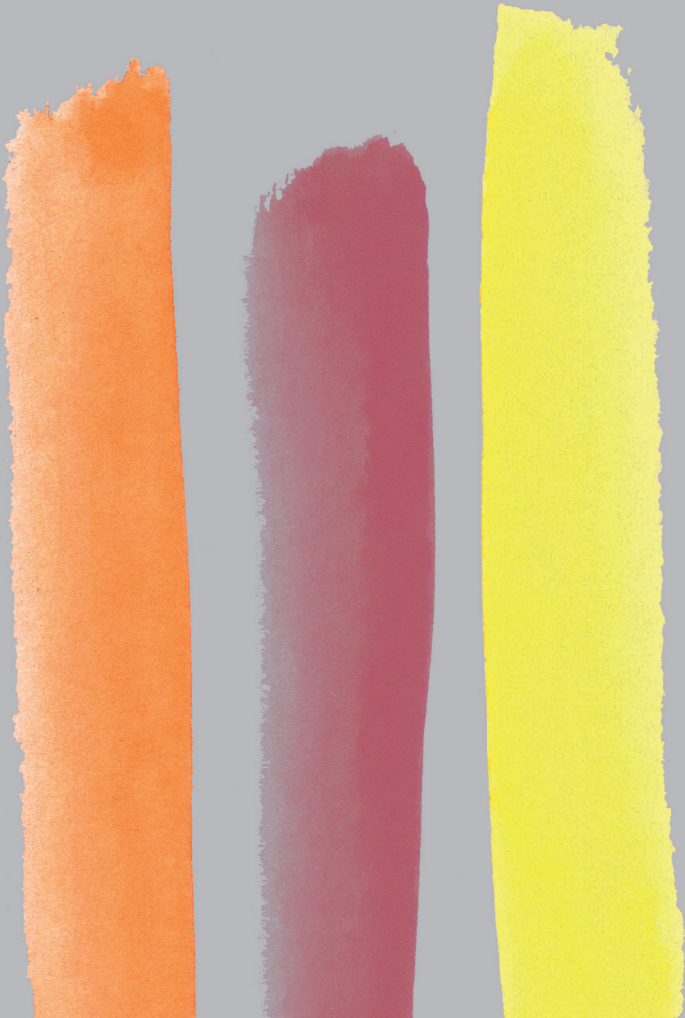


Volume 5 | Issue 3 | November 2016

ISSN: 2045-3817

# Global Constitutionalism

■ Human Rights ■ Democracy ■ Rule of Law



**CAMBRIDGE**  
UNIVERSITY PRESS

<https://doi.org/10.1017/S2045381716000290> Published online by Cambridge University Press

# Global Constitutionalism

HUMAN RIGHTS, DEMOCRACY AND THE RULE OF LAW  
journals.cambridge.org/GlobCon

## EDITORS

Jeffrey L. Dunoff, *Temple University*  
Mattias Kumm, *WZB Berlin and New York University*  
Anthony F. Lang Jr., *University of St Andrews*  
Antje Wiener, *University of Hamburg*  
James Tully, *University of Victoria* (consulting editor)

## MANAGING EDITOR

Sassan Gholiagha, *University of Hamburg*

## EDITORIAL BOARD

Mathias Albert, <i>University of Bielefeld</i>	Friedrich Kratochwil, <i>European University Institute</i>
Duncan Bell, <i>University of Cambridge</i>	Jürgen Neyer, <i>University of Frankfurt/Oder</i>
Richard Bellamy, <i>University College London</i>	Konrad Ng, <i>University of Hawaii</i>
Seyla Benhabib, <i>Yale University</i>	Nicholas G. Onuf, <i>Florida International University</i>
Armin v. Bogdandy, <i>Max Planck Institute for Comparative Public and International Law</i>	Robert Post, <i>Yale University</i>
John Borrows, <i>University of Victoria</i>	Susan Rose-Ackerman, <i>Yale University</i>
Jutta Brunnée, <i>University of Toronto</i>	Kim Rubenstein, <i>Australian National University</i>
Michael Byers, <i>University of British Columbia</i>	Rainer Schmalz-Bruns, <i>University of Hannover</i>
Damian Chalmers, <i>London School of Economics</i>	Joanne Scott, <i>University College London</i>
Gordon Christie, <i>University of British Columbia</i>	Jo Shaw, <i>University of Edinburgh</i>
Carlos Closa, <i>Center for Public Goods and Policies</i>	Quentin Skinner, <i>Queen Mary, University of London</i>
Jean L. Cohen, <i>Columbia University</i>	Boaventura de Sousa Santos, <i>Coimbra, Wisconsin-Madison</i>
Gráinne de Búrca, <i>New York University</i>	Stephen Toope, <i>University of British Columbia</i>
Avigail Eisenberg, <i>University of Victoria</i>	Neil Walker, <i>University of Edinburgh</i>
Michelle Everson, <i>Birkbeck College, University of London</i>	Jeremy Webber, <i>University of Victoria</i>
Ezzedine Choukri Fishere, <i>American University of Cairo</i>	Michael Zürn, <i>WZB Berlin &amp; Hertie School of Governance</i>
Rainer Forst, <i>JWG University Frankfurt/Main</i>	
Daniel Halberstam, <i>University of Michigan Law School</i>	

## STATEMENT OF AIMS

*Global Constitutionalism - Human Rights, Democracy and the Rule of Law* (GlobCon) seeks to promote a deeper understanding on the foundations, limitations and principles of political order and their dynamics over time on a global scale. The journal is interested in work that refers to constitutionalism as a template for empirical, conceptual or normative research on past, present and future political and legal practices, within and beyond the state.

All articles are subject to anonymous interdisciplinary peer-review.

*With thanks to the Chair of Political Science, especially Global Governance, University of Hamburg and the Centre for Globalisation and Governance, for institutional support.*

Cover design by Emma Keet.

# GLOBAL CONSTITUTIONALISM

Volume 5, Issue 3, November 2016

## CONTENTS

### Special Articles

295 **Agora: Contested multilateralism and global constitutionalism**

297 **Implications of contested multilateralism for global constitutionalism**

ANDREAS FOLLESDAL

309 **Postnational constitutionalism and the challenge of contested multilateralism**

NEIL WALKER

320 **Contested or competitive multilateralism? A reply to Julia C. Morse and Robert O. Keohane**

GRÁINNE DE BÚRCA

327 **Varieties of contested multilateralism: Positive and negative consequences for the constitutionalisation of multilateral institutions**

CHRISTIAN KREUDER-SONNEN AND BERNHARD ZANGL

344 **Contribution to *Global Constitutionalism* Symposium**

ROBERT O. KEOHANE AND JULIA C. MORSE

### Articles

351 **Freedom from community: Individual rights, group life, state authority and religious freedom under the Indian Constitution**

GAUTAM BHATIA

383 **Zooming in on norm research: Towards a suitable scale for the Shanghai Mixed Court**

STEFAN KROLL

405 **The global legal system and the procedural construction of constituent power**

CHRIS THORNHILL

443 **Reviewers 2016**