



Global Constitutionalism

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The range of interests of the World Academy of Art and Science is vast, but the Academy has yet to adequately engage with the fundamental idea of global constitutionalism.

Constitutionalism is one of the foundational principles for human peace and world public order. Yet, the work of our Academy has tended to avoid a deeper understanding of constitutionalism at both the national and the global levels and, correspondingly, has contributed little to the nature of constitutionalism as an essential foundation of the rule of law at every level.

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Some of the most significant work on the nature of constitutionalism was pioneered by a former president of the World Academy, Harold Lasswell, and his longtime associate, Myers McDougal, a fellow of the World Academy. They provided insight into the nature of constitutionalism, its importance for public order, and its importance for world peace and security.

Today, a central weakness of the global system of public order is that it is underscored by a weak form of constitutionalism. States with democratic orders tend to have relatively strong forms of constitutionalism. The interdependence of peace, constitutionalism, and human rights, and democracy is in fact based on a deeper understanding of what constitutionalism is, how it functions, and its capacity for peace and security.

What is not well understood is the social process context of constitutionalism. This is a matter that needs to be more carefully expressed because the foundation of constitutionalism depends on the contextual understanding of the power process behind the community, be it on the state or international level. Constitutions are an outcome of the way in which the power process expresses itself. The power process comprises participators with perspectives of identity, demands, and expectations. These participators have to manage base values

that permit the institutionalization of power arrangements, and these power arrangements, if adequately managed, will express the allocation of powers and competencies within the body politic.

The constitution provides this kind of framework so that the competences between the political players can be revised and modified peacefully. The allocation of competences reflects the evolution of civil, political and human rights, and the promise of constitutionalism that these rights will be stabilized and that they will endure. This means that the dynamism of the system depends on the expectation of constitutionalized power arrangements, and of evolution in the public interest. The evolution of constitutionalism requires the management of strategic modalities of action, which includes negotiation, diplomacy, adjudication, and other methods of dispute management, including the possibility of managed forms of coercion.

The outcomes of the constitutional process, if managed optimally, reproduce human rights, peace, and security. But these issues must be viewed not only from a state-wide perspective, but also from a global perspective. From a global perspective, we need a deeper understanding of the global process of effective power, and how it may be managed to reproduce constitutionalism as a global mandate.

Naturally, this concept becomes even more vital as the world rapidly globalizes and becomes increasingly interconnected. The global interdependence of nations demonstrates the need for an authoritative set of expectations for the global community so that human rights, peace and security may be optimized.

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