

Editorial

Who owns constitutionalism? Is it a Western invention that will forever be tainted by that origin and its colonial imposition - or is it a universal format that has taken roots in all regions of the world, South, North, East and West? What does it take to move beyond the colonial imprints of constitution-making in many countries of the South?

Theunis Roux, a South African scholar of constitutional law and one of the foremost thinkers of comparative constitutionalism today, addresses this question by turning to the constitutional histories of India and South Africa and their implications for today. He describes the constitutional developments of both countries through the lens of two ‘grand narratives’ that project two fundamentally different conceptions of who owns and how to narrate these histories. While one narrative argues that ‘liberal constitutionalism was adapted to the circumstances of the South’, as ‘constitution-making in both countries was driven by a broadly representative liberation movement’, the other narrative building on decolonial and older culturalist critiques claims that ‘the animating principles of these constitutions only reflect the Westernised political elite’ and ‘perpetuate the suppression of indigenous life-ways’. Roux disentangles these narratives and brings them into a dialogue ultimately to unearth the contours of their shared ideal, namely ‘a distinctly Southern conception of constitutionalism that gives the post-colonial state a central role in overcoming past injustices and creating conditions for active citizenship’.

In doing so, Roux poses one of the fundamental and also hotly debated questions of comparative constitutionalism today. In times of a global contestation of liberal constitutionalism, these debates in academic as well as political circles are not only vital for the future of constitutionalism in the South but also bear implications for the future of constitutionalism world-wide. Given the fundamental and innovative nature of Theunis Roux’s article and theme, we invited four eminent scholars from both countries to comment on it, two from each country: *Kate O’Regan* and *Joel Modiri* from South Africa, *Anuj Bhuwania* and *Aparnda Chandra* from India. Their comments provide a broad spectrum of positions and voices that engage with Roux’s text and the general theme in critical ways.

With Roux’s extensive article, VRU-WCL is beginning a new section. We call it ‘World View’. World Views published here provide a scholar with more space than usual in law journals to develop a foundational question of public law or their agenda of studies – and invite others to comment and contextualize those views from various positions. In a journal that aims to be a forum of debate for voices and positions from all over the world that are mindful of the entangled nature of it, World Views shall be an elevated space for such debates.

But this issue has even more to offer. It also features a book symposium on a fascinating and rich volume edited by Melissa Crouch on ‘Constitutional Democracy in Indonesia’. Given the size and complexity of Indonesia, it is one of the huge omissions of our field to have relatively little English-language scholarship on the country and its constitutional

developments. The edited volume, published by Oxford University Press in 2023, will help to fill this gap. Appreciating the importance, we asked three scholars to comment – and are happy that Maartje De Visser, Rehan Abeyratne and Dian A H Shah followed the call. The editor herself, Melissa Crouch, further contextualizes the book and provides thoughts on the state of affair of Indonesian constitutional democracy and its reflection in comparative constitutional law scholarship.

October 2024
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