THE JOURNAL OF LEGAL PLURALISM AND UNOFFICIAL LAW
2019, VOL. 51, NO. 2, 141–150
https://doi.org/10.1080/07329113.2019.1596731

Routledge
Taylor & Francis Group

INTRODUCTION

Cities and plural understandings of human rights: agents, actors, arenas

Barbara Oomen and Elif Durmus

Sociology of Human Rights, Utrecht University, Utrecht, Netherlands

ABSTRACT

This introduction sets out key aspects of the relationship between human rights and legal pluralism in cities and towns. Over the years, such localities have come to engage with human rights in many ways that contribute to the pluralization of understandings of human rights. For one, cities and towns are agents, or norm entrepreneurs rather than the passive receivers of human rights as international law and politics. In addition, local governments are actors, bringing into question to what extent they could become subjects rather than mere objects of international law, with their own international competences and obligations, making and enforcing law. Thirdly, localities serve as arenas, far from homogenous entities but rather spaces which bring different local actors and positions together, in which plural understandings of human rights clash and are produced, questioned, contested, and re-negotiated. These forms of urban engagement bring about a rich pluralization of human rights, ranging from the actors involved in its contestation, to the specific rights prioritized by localities; from the ways in which human rights debates can play out in certain spaces, to how human rights norms are transported between the global and the local becoming vernacularized. In setting out this interrelationship between urban activity, human rights and legal pluralism, this introduction also serves as an outline of how the different perspectives in the articles in this Special Issue contribute to a better understanding of the role of local governments in putting forward plural understandings of human rights.

ARTICLE HISTORY
Received 15 February 2019
Accepted 16 March 2019

KEYWORDS
Human rights; legal pluralism; local governments; cities; localization; glocalization

Around one of a dozen circular tables in a hall of Kimdaejung Convention Centre in Gwangju, South Korea, Barcelona's Director of Citizens Rights and Diversity explains the new and comprehensive framework for the Human Rights City of Barcelona to a table of municipal officials from Nepal, South Korea and Indonesia, of researchers, members of civil society organisations, and international civil servants. In a different part of the world the city of Vienna develops integration indicators as well as human rights mainstreaming and impact assessment techniques, as part of the processes and

CONTACT Barbara Oomen B.M.Oomen@uu.nl

practices of the Human Rights City Vienna (Asadi 2018). Moving towards a much smaller place, the municipal council meeting of Tytsjerksteradiel in the Netherlands holds heated discussions on whether the municipality has its own independent obligations under international human rights law, and on whether human rights should be a moral compass or a legal obligation to the municipality (Miellet, in this Issue). All three examples illustrate how the "rise and rise" of human rights globally has recently resulted in the emergence of a new player in the field: cities and towns all over the world (Sellars 2002). Local authorities are claiming the global stage, invoking human rights in pioneering positions on climate change, global poverty and the challenges posed by migration (Nijman 2016). This is coupled to a rise of "human rights cities", cities and towns explicitly engaging with international human rights law in their local policies, be it by reference to human rights in general or to one particular human rights instrument, and by means of a variety of different instruments and procedures (Oomen, Davis, and Grigolo 2016; Oomen and Baumgartel 2012).

The plurality of understandings of human rights that such local engagement with international law leads to, forms the central topic of this special issue. It seeks to move beyond mere descriptions of the rise of human rights cities and the actors and processes involved, to a reflection on how this development contributes to plural understandings of human rights. How does local engagement with international human rights law strengthen its pluralization? A focus on this particular development can not only inform a grounded understanding of the relevance of human rights in everyday life, but also contribute to a deeper insight into the forces that shape legal pluralism and its consequences in this day and age.

This introduction first discusses some of the main insights on the interrelationship between human rights and legal pluralism. It subsequently sets out the rising role of cities and towns - in the administrative and legal sense local authorities - in processes of pluralization of human rights law. Such a role, it will be argued, can be threefold: first, cities and towns can act as agents, as norm entrepreneurs in introducing specific understandings of human rights. Next, local authorities increasingly also claim an independent role as actors, in the sense of duty bearers, in the formal international human rights framework. Finally, and very much in line with classic insights from legal pluralism, cities and towns can also be understood as arenas, in which different actors negotiate different understandings of human rights. The contributions to this special issue all illustrate these different roles and the processes that underlie them.

Human rights and legal pluralism – a burgeoning scholarship

The dialogue between human rights scholars and those with an interest in legal pluralism has already led to a wide range of fruitful insights, amongst others in this journal (Sezgin 2010; Provost and Sheppard 2013; Corradi, Brems, and Goodale 2017). As is so often the case in legal pluralism, a first distinction to be made is between normative, legal doctrinal understandings and those that adopt an empirical, socio-legal perspective.

A normative, legal doctrinal perspective would, for instance, set out how different judicial and legislative bodies put forward different substantive interpretations of human rights laid down in international treaties, and how 'constitutional heterarchy',

the interplay between these pluralist understandings, leads to an improvement of the normative content of the right at hand (Maduro 2009: 337; Walker 2002). Such a perspective would also draw attention to the different outcomes in the case of clashes of rights, as is the case with interpretations of how in a single situation the freedom of religion and conscience could clash with the rights of the child (Desmet 2017: 44). An additional strand of normative scholarship, under the heading of "international -" or "global legal pluralism", includes scholars addressing the proliferation of subject-matters and actors in international law and its branch of international human rights law, and challenging the perception of states as the exclusive holders of the privilege of norm-generation (Twining 2010; Berman 2012; Burke-White 2004). This scholarship, keeping its focus on the field of international and transnational law, has uncovered examples and processes illustrating how different actors, public or private, active at different levels, have initiated and negotiated processes of norm-generation regardless of their official capacity to make law. These scholars, such as Levit and Berman, argue that such (often local) contestations have at times managed to influence and change even the dominant understanding of law internationally (Berman 2007; Levit 2007).

In line with the background of this journal, however, we focus on legal pluralism in its empirical, socio-legal sense. Here, the focus is often not so much on the pluralism within a multi-level and multi-actor legal system, but rather on the way in which this plays out in a particular context. Merry's definition of legal pluralism as "a situation in which two or more legal systems coexist in the same social field" (Merry 1988: 470) or von Benda Beckmann's refinement in point at "the coexistence of different normative orders within one socio-political space" (Von Benda Beckmann 1997: 1) are still of key importance here. Social fields, following Falk Moore's classical understanding, are far from bounded but do have the ability to set own norms, filter others and induce compliance (Falk Moore 1978). In such a social field, international human rights law, as an "official or positive legal system" in Tamanaha's classification of normative orders, will be applicable to all persons everywhere due to its premise of universality, but will coexist with many other official and un-official legal systems (Tamanaha 2008: 397–400). The way in which this happens is closely related to the power differentials within a given social field, and between social fields (Oomen 2014: 473).

One key interest of legal anthropologists and socio-legal scholars of legal pluralism over the past decades has been how global norms, such as human rights, travel between the global and the local (Goodale and Merry 2007). For this, Merry introduced the notion of *vernacularization*, as a way in which actors adapt the ideas, forms and mechanisms of human rights to the socio-cultural contexts of different localities, in order to benefit from their social justice function while reducing the alien nature of human rights (Merry 2006). In this process, translators who are familiar with both international norms, discourses and institutions and local realities are of crucial importance (Merry 2006: 211). Over the past years, scholars like Brems and Ouald-Chaib have complemented this work by adopting a "users' perspective" to international human rights law, foregrounding individual actors in researching and theorizing how the fragmented system of human rights plays out (Brems and Ouald-Chaib 2018).

The processes under scrutiny are increasingly understood as the *localization* of human rights. Important questions here were, for instance, why local groups chose to

pursue a human rights claim rather than using another language, whether they were successful in reaching their objectives, whether the language of rights allowed them to shift domestic power balances by pulling support from international or transnational actors, and whether the engagement by these local actors had any repercussions for the global legal system of human rights (De Feyter et al. 2011). The concept of localization is not only understood as the fraught and politicized trajectory of norms from international drafting tables to given contexts but also as a way of renewing internationally the sense of "purpose and commitment" in international human rights law by reconnecting with local struggles and issues (Ulrich 2011: 356). Even if this work is about reconsidering human rights from below, there is a clear recognition of the degree to which local practices and processes are constitutive of global human rights norms (De Feyter 2011). In this sense, the interplay between given social fields, be they particular places or otherwise, and the many actors involved in defining, interpreting and giving meaning on human rights could best be designated with the term *glocalization* (Oomen 2018).

Cities and plural understandings of human rights

One interesting development with regards to the interplay between human rights and legal pluralism is the rise of human rights cities. These cities can be understood as local authorities that explicitly base their policies on international human rights law. City, here, becomes shorthand for local government, which in turn stands for the lowest tier of public administration within a given state (UN 2015). This, of course, includes tiny hamlets and boroughs, but also metropoles with an economy larger than some nations – the common denominator being the fact that it is the level of government closest to citizens, with some degree of formal power pertaining to governmental tasks. The ways in which local authorities engage with human rights are just as varied, and range from signing declarations and treaties to setting up specific human rights offices and boards, to developing full-fledged local human rights policies as described by Roodenburg in this Issue. These engagements lead to a pluralization of human rights, both in cities and towns themselves and in the world at large, in a number of different ways.

First, these developments contribute to a pluralization of understandings of the actual nature of human rights – as law or as moral inspiration. This can be explained by the close connection between international human rights law and natural law and morality at large (Ishay 2004, Moyn 2010). Many local governments who choose to engage with human rights do so because of the moral, discursive appeal of the concept, and shy away from the idea that human rights law also pertains to legal duties, to be upheld vis-à-vis all present in a given locality. Miellet, for instance, describes the contestations around human rights responsibilities in four Dutch municipalities in her contribution to this issue, setting out how in many cases the moral appeal was much more prominent than the legal side of rights. Heirwegh and Van de Graaf, too, indicate how their respondents invoke broad principles like "equality" in considering the freedom of religion and of expression in everyday practices in Belgian swimming pools. Similarly, Roodenburg describes in this volume how the formulation of an

Amsterdam human rights agenda was essentially about the municipality considering human rights as non-binding inspiration, whereas civil society sought to strengthen the understanding of human rights as law.

A second way in which local engagement with human rights leads to its pluralization is via the very different emphasis put by cities on particular sets of rights, or human rights treaties. Chicago is one of the world's many child-friendly cities. New York is amongst those who have translated the Women's Convention into a local ordinance. Nuremberg is a member of ECCAR, a city network dedicated to implementing the Race Convention. Veere is a small municipality in the Netherlands that takes the CRPD, the Disability Convention, as a source of inspiration. The relative freedom that cities and towns have to (not) engage with human rights also enables them to foreground certain rights over others. This also becomes clear in the process of the formulation of a local human rights agenda in Amsterdam, described by Roodenburg in this volume, in which the agenda focused on privacy, human rights education, the rights of the child and physical accessibility, but did not refer to the rights of undocumented migrants. The choices that local governments make in prioritizing certain rights to engage with and how, in turn, creates a growing body of different practices and interpretations concerning the realization of these rights, which pluralize the existing understandings of rights realization stemming from the practices of states or other traditional actors.

Local engagement with human rights can, thirdly, also lead to the wholesale creation of new rights or specific changes in the normative content of existing ones. The right to the city, for instance, was included in the UN Habitat III agenda as a result of persistent urban lobbying. Similarly, in this Volume, Marcenko sets out the key role of local governments in furthering certain interpretations of the normative content of the right to housing, in particular the security of tenure. As he writes in this issue: "these international processes were connected to, and influenced by the development in states and especially cities. From these localities, a plurality of legal sources of security of tenure (conventional, customary, etc), plurality of its interpretations (legal, factual, psychological) and plurality of approaches on how to provide it have been brought to these international processes" (Marcenko in this issue).

Finally, urban engagement leads to a pluralization of the number of actors involved in formulating, negotiating and interpreting human rights. As becomes clear in the article by Heirwegh and Van de Graaf on municipal swimming pools, there is a wide variety of local organizations and companies involved in (lack of) engagement with human rights locally, with the difference often made by individual "street-level bureaucrats" (Lipsky 1980). Whereas decentralization, all over the world, leads to an empowerment of local government, it was often combined with waves of privatization which made private and semi-private organizations responsible for public services like housing, education, refugee reception and social services. Instead of speaking about local government it would thus be more precise to speak about local governance.

In all, local engagement with human rights leads to pluralization of the understandings of the nature of human rights duties, of the specific emphasis put within and the normative content developed as part of the human rights domain and of the number of actors involved in producing these understandings. The following section

will take a closer look at the different roles that cities and towns play in producing these understandings.

Cities as agents, actors and arenas

In seeking to understand the way in which local authorities contribute to the pluralization of human rights it is useful to distinguish three different roles. Viewed through a political science lens, cities and towns often act as *agents* in furthering certain interpretations of human rights. Viewed through a legal lens, they are increasingly positioning as *actors* claiming subjecthood under international law. Viewed, finally, from a more sociological perspective, localities become *arenas* with a wide variety of organizations, institutions and individuals contributing to the pluralization described here.

Cities as political agents

Articles like those by Marcenko and Baumgärtel and Oomen in this issue make clear that local authorities are far from passive recipients of norms formulated and negotiated elsewhere. Instead, they are claiming a place at a variety of international, regional and national negotiating tables, inserting their understandings of human rights into the debates. As norm entrepreneurs, they actively shape human rights law – individually or in the context of a burgeoning amount of city networks. Marcenko uses assemblage theory, which pertains to the mode of ordering "heterogenous entities so that they work together for a certain time", to set out the different mechanisms by which local authorities contribute to the shaping of, for instance, the right to adequate housing (Müller and Carolin 2016: 28 as quoted in Marcenko).

One important domain in which local authorities often differ from national governments in their interpretation of the degree to which they are bound by human rights law is that of undocumented migrants. Such migrants do not have a formal claim to the civil, political, social and economic rights that come with a regular status, and thus only have human rights law to refer to. Human rights, after all, are deemed to be universal, inalienable and indivisible. The articles by Baumgärtel and Oomen, by Miellet and by Roodenburg in this Volume all describe the degree to which local actors actually invoke international human rights obligations in order to 'decouple' local policies from those of the national government, thus also adding meaning to international human rights treaties for this particular group. In describing the case of Utrecht, Baumgärtel and Oomen also show how cities call on the help of international human rights monitoring bodies to give meaning to notions like 'shelter', thus rendering human rights law more concrete.

Cities as actors

In legal terms, this active engagement of cities and towns raises the question to what extent local authorities are becoming subjects instead of mere objects of international human rights law (Aust 2017; Oomen and Baumgartel 2018). Legal subjecthood, after all, is the capacity to have rights and obligations under international law, and

arguably also to make and enforce that law. Miellet's article makes clear how even small Dutch towns are actively considering their autonomous role as duty bearers under international law, irrespective of the position of national governments. The same applies to the municipalities of Utrecht and Amsterdam in establishing their position towards undocumented migrants. The city diplomacy, well described in Marcenko's article, shows how local authorities engage directly, together with a wide variety of others, with and within UN fora with the objectives of both to enter into legal agreements and to stimulate the formulation of such agreements. This trend has been recognized, and furthered, by the United Nations Human Rights Council, UNESCO and the Congress of Local and Regional Authorities of the Council of Europe all adopting policies and resolutions on local authorities and human rights in the past years (Congress of Local and Regional Authorities 2018; Human Rights Council 2015; UNESCO 2016). The fact that the International Law Association has put in place a study group on the role of cities in international law forms another indication of the rising role of cities in international legal understandings.

Cities as arenas

Whereas legal positivist scholars might one day consider the question of local governments becoming subjects rather than just mere objects of international law, the articles in this Volume make it overtly clear that – from a sociological point of view – local authorities are far from homogeneous entities. Their presence on the international stage might contribute to a pluralization of international law, they also face a plurality of forces, interests and interpretations of human rights within the confines of their locality. Roodenburg, in her case study of discussions on the provisions of shelter to undocumented migrants in Amsterdam describes how the city government considers human rights to be mainly a moral discourse, whereas the NGOs involved underline the legal nature of international human rights law and the obligations that it bestows upon the city government. The articles by Miellet and by Heirwegh and Van de Graaf also show how, in the local arena, different actors thus hold very different understandings of what human rights are, and of what their function in processes of local policy-making is.

Outline

The articles in this Special Issue thus describe, theorize and illustrate examples of local engagement with human rights and its consequences for human rights pluralization within a multiscalar context. With an explicit focus on global debates and their connection to the local, Marcenko first describes the global assemblages that align in furthering the right to adequate housing, in particular the security of tenure. Turning towards another specific human-rights related theme, Baumgärtel and Oomen describe the different ways in which local authorities like Utrecht and San Francisco "pull human rights back in" in seeking to offer support to undocumented migrants. Two case studies from the Netherlands, by Roodenburg and by Miellet, unpack the politics of these processes for a large city (Amsterdam) and for four smaller towns.

Roodenburg focuses on the formulation of an Amsterdam human rights agenda, the very different forms of engagement held by public authorities and civil society, and its consequences. Miellet concentrates on human rights encounters, investigating how the presence of and encounters with irregular migrants in local institutional spaces contribute to a local contestation of human rights responsibilities which differs per place. Focusing on another human rights issue, that of freedom of expression and religious pluralism, Heirwegh and Van de Graaf subsequently show how the 'burkini' debate plays out in different Belgian swimming pools and what the role is of street-level bureaucrats in this process. The normative implications of all this are, finally, drawn out by Davis, who sets out the scope of the "New Urban Human Rights Agenda" and some of its more pertinent issues. Put together, the articles illustrate not only the pluralization of human rights in 'small places' but also the potential at play in the underlying processes.

Disclosure statement

No potential conflict of interest was reported by the authors.

Funding

Nederlandse Organisatie voor Wetenschappelijk Onderzoek.

References

Asadi, S. 2018. "Vienna, City of Human Rights." Presentation at the Plenary Session of the 6th Annual World Human Rights Cities Forum, Gwangju, South Korea.

Aust, H. P. 2017. *Das Recht Der Globalen Stadt: Grenzüberschreitende Dimensionen Kommunaler Selbstverwaltung*. Vol. 262. Tübingen: Mohr Siebeck.

Berman, P. S. 2007. "A Pluralist Approach to International Law." *Yale Journal of International Law* 32: 301.

Berman, P. S. 2012. *Global Legal Pluralism: A Jurisprudence of Law beyond Borders*. Cambridge: Cambridge University Press.

Burke-White, W. W. 2004. "International Legal Pluralism" University of Pennsylvania, Faculty Scholarship. Paper 961. http://scholarship.law.upenn.edu/faculty_scholarship/961

Brems, E., and S. Ouald-Chaib. 2018. *Fragmentation and Integration in Human Rights Law: Users' Perspectives*. Cheltenham: Edward Elgar Publishing.

Congress of Local and Regional Authorities. 2018. *Promoting Human Rights at Local and Regional Level*. Strasbourg: Congress of Local and Regional Authorities.

Corradi, G., E. Brems, and M. Goodale. 2017. *Human Rights Encounter Legal Pluralism: Normative and Empirical Approaches, Oñati International Series in Law and Society*. Oregon: Hart Publishing.

Desmet, E. 2017. "Legal Pluralism and International Human Rights Law: A Multifaceted Relationship." In Human Rights Encounter Legal Pluralism: Normative and Empirical Approaches, edited by Giselle Corradi, Eva Brems and Mark Goodale 41–54. Oxford, UK; Portland, Oregon: Hart Publishing.

De Feyter, K. 2011. "Sites of rights resistance." In *The Local Relevance of Human Rights*, edited by Koen De Feyter, Stephan Parmentier, Christiane Timmerman and George Ulrich, 11–39. Cambridge: Cambridge University Press.

De Feyter, K., S. Parmentier, C. Timmerman, and G. Ulrich. 2011. *The Local Relevance of Human Rights, EUIC Studies in Human Rights and Democratisation*. Cambridge: Cambridge University Press.

Falk Moore, S. F. 1978. "Politics, procedures and norms in changing Chagga law." In *Law as Process: An Anthropological Approach*, edited by S. F. Falk Moore, 181–213. London: Routledge & Kegan Paul.

Goodale, M., and S. E. Merry. 2007. *The Practice of Human Rights: Tracking Law between the Global and the Local, Cambridge Studies in Law and Society*. Cambridge: Cambridge University Press.

Human Rights Council. 2015. Progress report of the Advisory Committee on the role of local government in the promotion and protection of human rights, including human rights mainstreaming in local administration and public services. UN General Assembly.

Ishay, M. R. 2004. "The History of Human Rights: from Ancient Times to the Globalization Era." Berkeley & Los Angeles: University of California Press.

Lewitt, J. K. 2007. "Bottom-up International Lawmaking: Reflections on the New Haven School of International Law" *Yale Journal of International Law* 32: 393.

Lipsky, M. 1980. *Street-Level Bureaucracy: Dilemma's of the Individual in Public Services*. New York: Russell Sage Foundation.

Maduro, M. P. 2009. "Courts and Pluralism: Essay on a Theory of Judicial Adjudication in the Context of Legal and Constitutional Pluralism." In *Ruling the World? Constitutionalism, International Law and Global Governance*, edited by Jeffrey L. Dunoff and Joel P. Trachtman, 356–380. Cambridge: Cambridge University Press.

Merry, S. E. 1988. "Legal Pluralism." *Law and Society Review* 22 (5): 869–896. doi:10.2307/3053638.

Merry, S. E. 2006. "Transnational Human Rights and Local Activism: Mapping the Middle." *American Anthropologist* 108 (1): 38–51. doi:10.1525/aa.2006.108.1.38.

Moyn, S. 2010. *The Last Utopia: Human Rights in History*. Boston: Harvard University Press.

Müller, M., and S. Carolin. 2016. "Assemblage Thinking and Actor- Network Theory: Conjunctions, Disjunctions, Cross-Fertilisations" *Transactions of the Institute of British Geographers* 41 (3): 217–229.

Nijman, J. 2016. "Renaissance of the City as Global Actor. The Role of Foreign Policy and International Law Practices in the Construction of Cities as Global Actors." In *The Transformation of Foreign Policy: Drawing and Managing Boundaries from Antiquity to the Present*, edited by Andreas Fahrmeir, Gunther Hellmann and Miloš Vec, 209–242. Oxford: Oxford University Press.

Oomen, B., and M. Baumgartel. 2012. "Human Rights Cities." In *The Sage Handbook of Human Rights*, edited by Anja Mihr and Mark Gibney, 709–729. London: Sage.

Oomen, B. 2014. "The Application of Socio-Legal Theories of Legal Pluralism to Understanding the Implementation and Integration of Human Rights Law." *European Journal of Human Rights* 4: 471–495.

Oomen, B, M. Davis, and M. Grigolo. 2016. *Global Urban Justice: The Rise of Human Rights Cities*. Cambridge: Cambridge University Press.

Oomen, B. 2018. "Human Rights Cities: the Politics of Bringing Human Rights Home to the Local Level." In *Mobilising International Law for 'Global Justice*, edited by Jeff Handmaker and Karin Arts, 208–232. Cambridge: Cambridge University Press.

Oomen, Barbara and Moritz Baumgaertel. 2018. "Frontier Cities: The Rise of Local Authorities as an Opportunity for International Human Rights Law." *European Journal of International Law* 29(2): 339.

Provost, R., and C. Sheppard. 2013. *"Dialogues on Human Rights and Legal Pluralism."* Netherlands: Springer.

Sellars, K. 2002. *The Rise and Rise of Human Rights: Human Rights and Modern War*. Stroud, UK: Sutton Pub Limited.

Sezgin, Y. 2010. *Human Rights and Legal Pluralism, Special Issue of the Journal of Legal Pluralism*. Hamburg: Lit Verlag.

Twining, William. 2010. "Normative and Legal Pluralism: A Global Perspective." *Duke Journal of Comparative and International Law* 20: 473.

Tamanaha, B. 2008. "Understanding Legal Pluralism: Past to Present, Local to Global?" *Sydney Law Review* 30: 375–410.

Ulrich, G. 2011. "Epilogue." In *The Local Relevance of Human Rights*, edited by Koen De Feyter, Stephan Parmentier, Christiane Timmerman and George Ulrich, 337–360. Cambridge: Cambridge University Press.

UN. 2015. Role of local government in the promotion and protection of human rights – Final report of the Human Rights Council Advisory Committee. Geneva: Human Rights Council.

UNESCO. 2016. *Cities Welcoming Refugees and Migrants: Enhancing Effective Urban Governance in an Age of Migration*. Paris: Inclusive and Sustainable Cities Series.

Von Benda-Beckmann, F. 1997. "Citizens, Strangers and Indigenous Peoples: Multiple Constructions and Consequences of Rights, Resources and People." *Law & Anthropology (International Yearbook for Legal Anthropology) Special Edition: Natural Resources, Environment and Legal Pluralism*, 9: 1–42.

Walker, N. 2002. "The Idea of Constitutional Pluralism." *Modern Law Review* 65 (3): 317–359. doi:10.1111/1468-2230.00383.