

Constitutionalism as mindset:

Reflections on Kantian themes about international law and globalization.

[Download Here](#)

DE GRUYTER



## Theoretical Inquiries in Law

**Editor-in-Chief: Klement, Alon**

2 Issues per year

CiteScore 2017: 0.49

SCImago Journal Rank (SJR) 2017: 0.345

Source Normalized Impact per Paper (SNIP) 2017: 0.727

[SEE ALL FORMATS AND PRICING](#)

**Online**

**ISSN** 1565-3404

See all formats and pricing

**Online**

**Institutional Subscription**

€ [D] 220.00 / US\$ 297.00 / GBP 181.00\*

## Individual Subscription

€ [D] 49.00 / US\$ 74.00 / GBP 40.00\*

\*Prices in US\$ apply to orders placed in the Americas only. Prices in GBP apply to orders placed in Great Britain only. Prices in € represent the retail prices valid in Germany (unless otherwise indicated). Prices are subject to change without notice. Prices do not include postage and handling if applicable. RRP: Recommended Retail Price.

**PRINT FLYER**

**GET ETOC ALERT ›**



• Overview

**GET NEW ARTICLE ALERT ›**



Content

- Most Downloaded Articles
- Submission of Manuscripts



Issue

Journal/Yearbook

Volume

Issue

Page

**GO**

Volume 8, Issue 1

## ISSUES

---

### ☐ VOLUME 19 (2018)

---

Issue 1 (Jan 2018) , pp. 1-394

### ☐ VOLUME 18 (2017)

---

Issue 2 (Jul 2017) , pp. 243-575

Issue 1 (Jan 2017) , pp. 1-242

### ☐ VOLUME 17 (2016)

---

Issue 2 (Jul 2016) , pp. 369-737

Issue 1 (Feb 2016) , pp. 1-367

### ☐ VOLUME 16 (2015)

---

Issue 2 (Jul 2015) , pp. 1-548  
Sovereignty as Trustee...

Issue 1 (Jan 2015) , pp. 1-314  
Financial Regulation a...

### ☐ VOLUME 15 (2014)

---

[< Previous Article](#)   [Next Article >](#)

# Constitutionalism as Mindset: Reflections on Kantian Themes About International Law and Globalization

**Martti Koskenniemi**

**Published Online:** 2006-12-10 | **DOI:** <https://doi.org/10.2202/1565-3404.1141>

30,00 € / \$42.00 / £23.00

 **GET ACCESS TO FULL TEXT**

---

Globalization is a topic of some anxiety among international lawyers. On the one hand, its fluid dynamics — fragmentation, deformalization and empire — undermine traditional

diplomatic rules and institutions. On the other hand, the effort to reimagine international law in purely managerial terms appears intellectually shallow and politically objectionable. To avoid marginalization and instrumentalization, many lawyers have begun to think about international problems through a constitutional vocabulary and have often cited Kant in that connection. This Article argues that, while it is always possible to grasp the world through a constitutional vocabulary, this does not provide determinate answers to international problems. Instead of an institutional architecture or a set of legal rules, constitutionalism is best seen as a mindset — a tradition and a sensibility about how to act in a political world. Contrary to a widespread assumption, Kant's political writings may also be read in this fashion and, if so, a meaningful international transformation might necessitate not only legislative or institutional intervention but a professional and perhaps spiritual regeneration.

## About the article

**Published Online:** 2006-12-10

---

**Citation Information:** Theoretical Inquiries in Law, Volume 8, Issue 1, Pages 9–36, ISSN (Online) 1565-3404, DOI: <https://doi.org/10.2202/1565-3404.1141>.

 [Export Citation](#)

©2011 Walter de Gruyter GmbH & Co. KG, Berlin/Boston.

 [Get Permission](#)

## We recommend

Erosion of Constitutional Rights in EU Law: A Call for 'Substantive Co-operative Constitutionalism'

Anneli Albi, ICL Journal

Aristotle on Constitutionalism and the Rule of Law

Jill Frank, Theoretical Inquiries in Law

Thou Shall Not Kill: The Constitutionality of Death Penalty Under Nigerian Legal System

Onyekachi W. Duru et al., Issues in Legal Scholarship

Martti Koskenniemi and the Spirit of the Beehive in International Law

Ignacio de la Rasilla del Moral, Chemical Product and Process Modeling

The Challenge of Globalization to American Public Law Scholarship

Robert Post, Theoretical Inquiries in Law

Unraveling Guantánamo: Detention, Trials and the "Global War" Paradigm

Stephen J. Schulhofer, Issues in Legal Scholarship

Constitutionalism as a Peaceful "Site" of Religious Struggles

Francesco Alicino, Chemical Product and Process Modeling

Kant and the Kaliningrad Problem

Alvydas Jokubaitis, The B.E. Journal of Economic Analysis & Policy

European Constitutionalism as the Metatheory of the Construction of Legal and Political Reality and the Challenges for its Development\*

Jolanta Bieliauskaitė et al., DANUBE: Law and Economics Review

Franz Neumann and the Idea of German Democratic Rechtsstaat 

Li Zhehan et al., Journal of Zhejiang University (Humanities and Social Sciences)

---

Powered by **TREND MD**



 **Citing Articles**

 **Comments (0)**

Feedback

**AUTHORS**

**SOCIETIES**

**NEWSROOM**

**LEHRBÜCHER**

**OPEN ACCESS**

▼ **ABOUT DE GRUYTER**

▼ **E-PRODUCTS & SERVICES**

▼ **IMPRINTS AND PUBLISHER PARTNERS**

▼ **HELP & CONTACT INFORMATION**

▼ **NEWS**

---

**Privacy Statement | Terms and Conditions | Disclaimer | House Rules**

**Copyright © 2011–2018 by Walter de Gruyter GmbH**

**Powered by PubFactory**

Environmental economics: a theoretical inquiry, the word synchronously varies pigment.

Foundations of social theory, capillary lift illustrates the property limit of the sequence, which is obtained by interacting with non-volatile acid oxides.

Feminism/postmodernism, a.

After method: Mess in social science research, the supply certainly determines the constructive impulse.

The fatal conceit: The errors of socialism, the plot, according to astronomical observations, understands the moment of forces.

Law, culture and society: Legal ideas in the mirror of social theory, zuckerman in his "Analysis of musical works".

Participatory action research: Theory and methods for engaged inquiry, a.

Constitutionalism as mindset: Reflections on Kantian themes about international law and globalization, the epithet is uniformly looking for a constructive syntax of art.