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Cover Image

Sandile Goje, *Making Democracy Work*, 1996, linocut on paper, 695 x 535 x 35 mm.

Inspired by the hearings of the Truth and Reconciliation Commission in 1996 and the Constitutional Court's logo unveiled in 1995, the artist depicts televised, court-like proceedings, suggesting that democracy is dependent on public participation. This artwork inspired the architectural design of the Constitutional Court based on the idea of justice under a tree, emphasizing the need for fairness and transparency in the legal process. See ccac.concourtrust.org.za/artists/sandile-goje.

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Tribute to Professor Ran Hirschl
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Exploring Constitutional Geopolitics: Paradigms, Tools, and ‘Rules of Engagement’

Renato Ibrido*

Abstract

For a long time, the relationship between geopolitics and constitutional law has been marked by mutual indifference—if not outright mistrust. Yet constitutions and geopolitical dynamics are not separate spheres; rather, they are intertwined far more deeply than is traditionally acknowledged. In some cases, constitutions shape the behavior of geopolitical actors, for instance by introducing constraints capable of guiding their choices; in others, the interpretation and application of constitutional law are themselves conditioned by the dynamics of power competition, at times even resulting in the open violation of constitutional norms. Against this backdrop, the article identifies a toolbox of four analytical instruments that can foster a dialogue between law and geopolitics in examining the role played by constitutions within mappable power conflicts: conditioning factors, geopolitical representations, geopolitical ranking, and cartography. Through this integrative model—referred to here as ‘constitutional geopolitics’—it becomes possible to identify some initial and promising avenues of research within a broader process of mutual enrichment between constitutional law and geopolitics.

Keywords: geopolitics, constitutional geopolitics, legal cartography, foreign policy, constitutions, international law.

1 Introduction and Framing

For a long time, the relationship between geopolitics and constitutional law was marked by, if not open mistrust, at least mutual indifference.

On the one hand, as the title of a recent book suggests, geopolitical analysts underestimated the role of law (and, especially, of constitutional law) within the context of power competition.¹ The tendency to view legal norms—including constitutional ones—as mere epiphenomena destined to yield to the vital interests of the actors represents an old *cliché*, to which certain strands of thought have sought to lend a veneer of intellectual respectability through a selective reinterpretation of Thucydides’ thought.² Indeed, by isolating the famous dialogue between the Athenians and the Melians from the rest of *The Peloponnesian War*,³ Thucydides has been ‘enlisted,’ despite himself, among the founders of a form of geopolitical fatalism according to which the ‘law of the strongest’ would leave no room for law within the sphere of power competition.⁴

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1. A “neglected link” between geopolitics and law is already referred to in the title of a volume by Paolo Passaglia, *Geopolitica e diritto. Un legame trascurato* (FrancoAngeli, 2026). However, Passaglia does not merely point out how geopolitical analysis has often neglected the legal and constitutional dimension. He also highlights a corresponding error on the part of legal scholars in underestimating the role of geopolitics.

2. By way of example, one may consider the reinterpretation of Thucydides proposed by Donald Kagan, *On the Origins of War and the Preservation of Peace* (Hutchinson, 1995), according to whom peace is not guaranteed by moderation, agreements, or law, but rather by the continuous and visible display of strength.

3. Thucydides, *The Peloponnesian War* (Oxford University Press, 2009).

4. In the Dialogue between the Athenians and the Melians, Thucydides portrays the failure of the negotiations between the hegemonic power of the time (Athens) and the small island of Melos, which had appealed to law in order to defend its autonomy. Through a distortion of Thucydides’ thought, the subsequent military defeat of Melos has been taken as a symbol of the primacy of the ‘law of the strongest’ over the ‘force of law.’ However, it should be borne in mind that the Melian Dialogue constitutes only one part of the events narrated in the History of the Peloponnesian War. As we read on, it becomes clear that, a few years later, Athens was defeated,

On the other hand, significant strands of constitutional scholarship have avoided ‘getting their hands dirty’ with geopolitics, either because of a persistent prejudice that views geopolitics as a “cursed discipline” used to justify dictatorial expansionism during World War II,⁵ or on the basis of an overestimation of the normative force of the constitution,⁶ thereby ignoring the problems of effectiveness it encounters within power competition.⁷

The methodological approach that this contribution will define as ‘constitutional geopolitics’ thus arises from a scientific urgency: to overcome this ‘dialogue of the deaf’ and to highlight that constitutions are not everything, but neither are they irrelevant in the geopolitical sphere. Constitutions are both a ‘conditioned factor’ and a ‘conditioning factor’ of international reality.

From this urgency stems the attempt to develop an integrated interdisciplinary approach—namely, constitutional geopolitics—capable of combining the perspective of the constitutional law scholar with specific analytical tools drawn from geopolitical analysis. Naturally, this does not represent the only possible model for integrating tools drawn from these two fields of knowledge. It is plausible that alternative approaches may be developed in the future, capable of pursuing the same objective with a higher degree of analytical precision or with a better balance between the disciplines involved. There is therefore no claim to offer a definitive model, but rather to encourage the opening of a space for reflection, fostering new forms of dialogue between law and geopolitics. From this perspective, the methodological proposal advanced here should be understood as a first attempt, consciously open to revision and refinement, in the awareness that—even at the methodological level—innovation inevitably proceeds through ‘trial and error.’⁸

Law is not everything. In particular, constitutions may be a ‘conditioned factor.’ Here it is possible to limit oneself to recalling a paradigmatic example of the predominance of international power dynamics over the text of constitutional norms:⁹ the reconstitution of the Japanese Armed Forces, in open circumvention of Article 9 of the 1947 Japanese Constitution.¹⁰ The prohibition on maintaining armed forces was inserted into the draft Constitution by the U.S. occupation authorities, at the request of the Japanese civil leadership itself. However, in the aftermath of the Korean War, it became clear that the United States could not bear the burden of Japan’s security alone—neither financially nor, even less so, militarily. Under pressure from the United States to begin a process of rearmament, Japan established the so-called Self-Defense Forces, which—despite their name—possess all the structural characteristics of a regular army and have even been deployed

its walls destroyed, and a group of Melians returned to the island: an outcome that invites us to question—or at least to qualify—any one-sided interpretation of the relationship between force and law. This is clearly not a misinterpretation of Thucydidean thought, but rather, in all respects, a geopolitical representation (discussed in Part 4)—an operation of historiographical and literary engineering that selects a single episode, arbitrarily isolates it from its context, and transforms it into a fetishized passage through which to mobilize domestic public opinion and generate international consensus around a given geopolitical ‘agenda.’ On this point, see Virgilio Ilari, “Thucydides’ Traps. The Peloponnesian War in American Political Rhetoric and in Senior Military Education,” in *Thucydides in the “Age of Extremes” and Beyond. Academia and Politics*, ed. Luca Iori and Ivan Matijašić (History of Classical Scholarship, 2022), 263–299.

5. After the Second World War, the discredit suffered by geopolitics—accused of having provided the intellectual justification for the expansionism of dictatorial regimes—led to a long period of oblivion for this field of study; see Marco Antonio De Freitas Coutinho, “Geopolitics and Related Sciences: Theoretical Considerations,” *Coleção Meira Mattos* 15, no. 52 (2010): 61–90. Only after the fall of the Berlin Wall did a full rediscovery of the term “geopolitics” take place, after having been banned from public discourse for a long time. However, in some cultural circles, geopolitics still coexists with the prejudice of being a “cursed discipline.” On this prejudice, see Giuseppe De Ruvo, *Storia e filosofia della geopolitica. Un’antologia* (Carocci, 2024).

6. With regard to the issue of the constitution’s normative force, a reference to Konrad Hesse, *Die normative Kraft der Verfassung* (Mohr, 1959) is essential.

7. Hence the invitation of a leading philosopher to the community of constitutional law scholars to overcome their persistent mistrust of geopolitics: Geminello Preterossi, “Per una critica del vincolo esterno assoluto,” *Diritto costituzionale* 1 (2025): 131–152.

8. To paraphrase Karl R. Popper, *Conjectures and Refutations: The Growth of Scientific Knowledge* (Routledge, 1963).

9. For further examples, however, see Renato Ibrido, *Geopolitica costituzionale. Una introduzione* (Il Mulino, 2025).

10. According to Article 9, “the Japanese people forever renounce war as a sovereign right of the nation and the threat or use of force as means of settling international disputes.” Moreover, “land, sea, and air forces, as well as other war potential, will never be maintained. The right of belligerency of the state will not be recognized.”

in overseas military operations.¹¹

However, law is not nothing either. In certain cases, constitutional systems have demonstrated that they possess sufficient ‘antibodies’ to restore constitutional legality that had been violated as a result of pressure from reasons of state and international dynamics. One need only consider some judicial decisions delivered in the aftermath of the September 11 attacks on the United States (U.S.) within the framework of the so-called *global war on terrorism*.¹² In particular, the U. S. Supreme Court’s case law related to the U.S. military prison in Guantánamo Bay, Cuba blocked the executive power’s attempt to evade U.S. jurisdiction by detaining ‘enemy combatants’ in a prison located outside U.S. territory.¹³ In Germany, in the *Luftsicherungsgesetz* (Aviation Security Act) (2006) judgment, the Federal Constitutional Court declared unconstitutional the anti-terrorism measures on aviation security adopted by the government.¹⁴

The range of examples in which *raison d’État* prevails, and conversely those in which the ‘reason of the constitution’ asserts itself, could be extended almost indefinitely. Nor are there lacking intermediate, ambiguous situations that resist clear-cut classification, as is the case with some constitutions’ no-war clauses¹⁵ and provisions concerning permanent neutrality that have given rise to particularly flexible interpretations.¹⁶

But even setting aside this latter issue, it is not entirely clear why in some cases the constitution emerges victorious from this conflict with geopolitical reality, while in others it is defeated. The argument put forward here is that neither the geopolitical analyst nor the constitutional lawyer is capable, on their own, of answering a crucial question: what are the underlying assumptions that either strengthen—or weaken—the normative force of the constitution in the face of the logic of international power competition?

11. See James E. Auer, “Article Nine: Renunciation of War,” in *Japanese Constitutional Law*, ed. Percy R. Luney and Kazuyuki Takahashi (University of Tokyo Press, 1993), 69–86; Toshihiro Yamauchi, “Constitutional Pacifism: Principle, Reality and Perspective,” in *Five Decades of Constitutionalism in Japanese Society*, ed. Yoichi Higuchi (University of Tokyo Press, 2001), 27–30; Josep Maria Castellà Andreu, “Normalizing Japan: The Attempts to Amend the Constitution,” in *Asian Constitutionalism in Transition. A Comparative Perspective*, ed. Tania Groppi, Valeria Piergigli, and Angelo Rinella (Giuffrè, 2008), 179–192.

12. See Arianna Vidaschi and Kim Lane Scheppele, *9/11 and the Rise of Global Anti-Terrorism Law: How the UN Security Council Rules the World*, ed. Arianna Vidaschi and Kim Lane Scheppele (Cambridge University Press, 2021).

13. Enemy combatants captured during the conflict in Afghanistan and in other war zones were transferred to the military base at Guantánamo, in Cuba, where they were subjected to torture and to inhuman or degrading treatment. The attempt to evade U.S. jurisdiction by detaining “enemy combatants” in a prison located outside American territory, however, ultimately collided with the intervention of the Supreme Court, acting to safeguard the constitutional clause of due process of law. See, among many, Muneer I. Ahmad, “Resisting Guantánamo: Rights at the Brink of Dehumanization,” *Northwestern University Law Review* 103, no. 4 (2009): 1683–1764.

14. In 2006, the German Federal Constitutional Court declared the Federal Aviation Security Act unconstitutional, insofar as it authorized the armed forces to shoot down aircraft used for terrorist attacks against targets on the ground. According to the Court, no balancing is permissible between the protection of human lives on the ground and those of the individuals on board, even though the latter may be doomed to certain death as a result of the terrorist act. As stated in the *Luftsicherheitsgesetz* judgment, no individual may be reduced to a mere object. See Oliver Lepsius, “Human Dignity and the Downing of Aircraft: The German Federal Constitutional Court Strikes Down the Aviation Security Act,” *German Law Journal* 7 (2006): 761–776.

15. One may consider, for instance, Italy’s participation in several armed conflicts despite the no-war clause enshrined in the first part of the Article 11 of the Constitution (“Italy rejects war as an instrument of aggression against the freedom of other peoples and as a means for the settlement of international disputes”). While part of the scholarly literature has regarded such participation as unlawful, another line of thought holds that the no-war clause should be interpreted less rigidly, allowing recourse to armed force in cases provided for under international law (e.g., authorization by the United Nations Security Council, intervention on the basis of collective self-defense). This would make it possible to justify Italy’s participation in at least some of these conflicts (e.g., the First Gulf War in 1991, Operation Enduring Freedom in Afghanistan in 2001, and the Libyan crisis of 2011). For an overview of this scholarly debate, see Laura Cappuccio, “Art. 11 of the Italian Constitution between Text and Context,” *Italian Review of International and Comparative Law* 1 (2021): 188–208.

16. As discussed in Section 3.1, permanent neutrality clauses are constitutional provisions that entail a commitment by the State to avoid any involvement in armed conflicts and military alliances. It is a matter of debate whether Austria has complied with this principle in the context of the Russo-Ukrainian war that began in 2022. Indeed, while not directly supplying weapons, Austria has authorized the transit through its territory and airspace of military equipment destined for Ukraine. See Ralph R. A. Janik, “Current Developments: Austrian Neutrality amid Russia’s War on Ukraine,” *Austrian Review of International and European Law* 26 (2023): 1–9.

And yet, it should be a crucial question for both, since it touches on the blind spot of their respective fields of knowledge—that is, the point at which each, taken in isolation, is no longer able to adequately explain reality. For the constitutional law scholar, the issue is decisive because it concerns the normative force of the constitution: understanding when and why it is actually capable of constraining political power—even in matters of foreign policy and security—means questioning its real effectiveness. If the assumptions under which the constitution ‘holds’ against reason of state are not explained, there is a risk of reducing it to a set of formal statements, incapable of having an impact precisely in the most critical moments. For the geopolitical analyst, the question is equally central because it challenges a widespread simplification: the idea that competition among powers is governed exclusively by the ‘law of the strongest.’ If, in some cases, the constitution manages to prevail, then legal and institutional factors must be incorporated into geopolitical models of analysis. Ignoring them means overlooking a significant set of variables that shape state behavior.

In this context, attempting to provide a comprehensive answer to such a vast question would be not only presumptuous, but also beyond the scope of this contribution. More modestly, the aim is to show that, by connecting the perspective of the constitutional law scholar with certain categories of geopolitical analysis, it is possible to arrive at some initial approximations and to identify promising avenues for further research. The expression ‘constitutional geopolitics’ effectively captures the effort to develop this integrated approach that does not seek to replace the paradigms of these two fields of knowledge, but rather to bring them into relation, enhancing their respective explanatory potential. The objective, therefore, is not to establish a new scientific discipline, but rather to outline a methodological pathway capable of restoring a dialogue between two areas that have too often developed in parallel without meaningful interaction. Today, more than ever, we need to build bridges, not new disciplinary boundaries.

In the following pages, after defining geopolitics as a method and a form of interdisciplinary reasoning applicable to the analysis of mappable power conflicts (Part 2), I will seek to identify some ‘rules of engagement’ in the dialogue between constitutional law and geopolitics. In particular, I will identify a toolbox of four analytical instruments that can foster a dialogue between law and geopolitics in examining the role played by constitutions within mappable power conflicts: conditioning factors—the constraints that determine or at least influence the decisions of geopolitical actors (Part 3); geopolitical representations—the historiographical, geographical, and linguistic engineering employed by geopolitical actors (Part 4); cartography—the production, organization, verification, and communication of knowledge through cartographic techniques aimed at the representation of spatially localized phenomena on maps (Part 5); and geopolitical ranking—a classificatory grid that makes it possible to identify cross-cutting interests shared by actors characterized by a similar position within power hierarchies, such as nuclear superpowers, great powers, middle powers, small powers, etc. (Part 6). As further confirmation of the need for an interdisciplinary and integrated methodological approach, in Part 7 I will seek to show how the decline in the constitution’s effective normative force may itself constitute a ‘risk scenario’ in the strictly geopolitical sense of the term.

2 A Definition of Geopolitics

The term ‘geopolitics’ has been defined in many—perhaps too many—ways. This plurality of definitions reflects not only the multiplicity of strands within geopolitical thought (French geopolitics, humanistic geopolitics, critical geopolitics, etc.), but also different reconstructions of its ‘epistemological status’: what kind of knowledge it is, what it can legitimately claim, and with what degree of scientific rigor. Before attempting to provide a definition of geopolitics, it may therefore be useful to clarify what geopolitics is not.¹⁷

17. The term “geopolitics” has been defined in many ways: the geographical consciousness of the State; the cartographic representation of relations among the major powers in opposition to one another; the study of different types of power rivalries over territories, etc. For these and many other attempts at definition, as well as for an overview of the various strands of geopolitical thought, see Saul Bernard Cohen, *Geopolitics of the World System* (Rowman and Littlefield, 2003); Yves Lacoste, *Géopolitique: la longue histoire d'aujourd'hui* (Larousse, 2006); Klaus Dodds,

For starters, although the term has become increasingly fashionable, geopolitics is not—and cannot be reduced to—a mere activity of reporting or commenting on current international affairs. To be clear, the point is not simply to distinguish geopolitical thought from the forms of popularized geopolitics that proliferate in television programs and media debates.¹⁸ That is part of the issue, but not the whole of it. The point is that an exclusive focus on recent events is incapable of capturing the deep and sometimes enduring forces that shape the course of history.¹⁹ By contrast, geopolitical reasoning operates at the level of historical analysis that Fernand Braudel defined as the *longue durée*.²⁰ A long-term approach to geopolitics consequently entails rejecting any leader-centric attitude in the analysis of power conflicts: leaders are not the driving force of history, but rather its product. This does not, of course, mean denying any relevance to a change of leadership within a given country. Rather, it means avoiding the attribution of disproportionate weight to the personal preferences of heads of state and government, thereby overlooking the fact that these preferences themselves develop within a broader historical horizon.²¹

Second, although there have been attempts to codify ‘geopolitical procedures’ within verifiable analytical frameworks, geopolitics is not—or not yet—a scientific discipline in the strict sense, for at least two reasons.²²

First, those who routinely engage in geopolitical reasoning do not, as a matter of principle, claim exclusive ownership over an autonomous object of study distinct from those falling within other fields of knowledge. Rather, geopolitics has assumed a bridging function among perspectives drawn from a plurality of disciplines: geography, history, economics, sociology, political science and international relations, strategic and military studies, and so on.²³

Second, rather than a science, geopolitics is a method—namely, a structured set of intellectual procedures aimed at the acquisition and systematization of knowledge within a given field of inquiry. Indeed, unlike comparative law scholars—who have long struggled to secure recognition of an ‘upgrade’ from method to science²⁴—many analysts who routinely practice geopolitical reasoning have not deliberately sought to organize themselves into a scientific community tasked with developing shared standards and practices. Rightly or wrongly, they have considered that

Geopolitics: A Very Short Introduction (Oxford University Press, 2019).

18. On the misuse of the concept of geopolitics by the media, see Manlio Graziano, *Geopolitica. Orientarsi nel grande disordine internazionale* (Il Mulino, 2019), 21–22 who notes that the origins of this phenomenon—leading to the loose use of the concept—can be traced back to the period following the fall of the Berlin Wall.

19. That there can be no geopolitical analysis without integrating space and history is one of the fundamental theses of Yves Lacoste, *La géographie, ça sert, d'abord, à faire la guerre* (Maspero, 1976).

20. The *longue durée* is the interpretive paradigm developed by Fernand Braudel and, more broadly, by the French Annales School; see Fernand Braudel, “Histoire et sciences sociales: la longue durée,” *Annales. Économies, Sociétés, Civilisations* 13 (1958): 725–753. According to this historiographical approach, an analysis of historical processes entirely compressed within the short time of events and the intermediate time of conjunctures risks overlooking the decisive role played by those deep forces that change slowly over centuries and millennia: geographical factors, religious constraints, collective mentalities, basic economic and social structures, and so on. This third level of historical time—the *longue durée*—thus becomes central to understanding the framework of possibilities within which the other temporalities unfold. The case study examined by Fernand Braudel in the work that also serves as his methodological manifesto is that of the Mediterranean in the sixteenth century; see Fernand Braudel, *La Méditerranée et le monde méditerranéen à l'époque de Philippe II* (Armand Colin, 1949). Even in the time of Philip II of Spain, the decisions of the sovereign mattered. Yet even more decisive were the geography of the Mediterranean, the communication routes, and the collective perception of insecurity at sea and of the precariousness of trade, within a mentality that had long regarded land as a source of stability and social legitimacy. Political power thus operated within a temporal framework it did not fully control, and its actions proved effective insofar as they demonstrated an ability to adapt to this structure of constraints.

21. In Italy, this anti-leadership-oriented approach is expressed in particular by the geopolitical journals *Limes* and *Domino*. By way of example, see the issue of *Limes*, “Il fattore umano,” *Limes* 8 (2019).

22. French geopolitics is the strand that has most actively sought to codify genuine ‘geopolitical procedures’: the definition of spatial units, the analysis of geopolitical representations, the examination of the role of actors and agents, the development of geopolitical scenarios, the construction of diatopes, and so on. See Barbara Loyer, *Géopolitique: Méthodes et concepts* (Colin, 2019). However, on the non-scientific nature of geopolitics, see Isaiah Bowman, “Geography vs. Geopolitics,” *Geographical Review* 32, no. 4 (1942): 646–658.

23. On the absence of a specific object domain of geopolitics and the need to consider geopolitics as a form of reasoning, see De Ruvo, *Storia e filosofia della geopolitica*, 47.

24. On the different path followed by comparative law, see Sabrina Ragone and Guido Smorto, *Comparative Law: A Very Short Introduction* (Oxford University Press, 2023).

such a transformation would risk eroding the distinctive features of geopolitical reasoning—often regarded as a form of intellectual “craftsmanship”—and they have not hesitated to criticize academic research for a certain conformist tendency.²⁵

Having clarified what geopolitics is not, I can now attempt to advance a ‘positive’ definition: geopolitics is a method—more precisely, a form of interdisciplinary reasoning—applicable to the analysis of mappable power conflicts.

Geopolitics is, first and foremost, a form of interdisciplinary reasoning insofar as it brings together insights and tools from different disciplines. In particular, geopolitics thinks in terms of ‘scales’: not only geographical (global, regional, national, local, etc.) but also historical (long-term duration, conjunctures, events). Geopolitical reasoning connects these scales through the interplay of different disciplinary perspectives.²⁶

Central to this definition is the reference to the cartographic dimension: only power conflicts that can be represented—at least potentially—on a geographical map properly fall within the scope of geopolitical analysis. By contrast, conflicts in which the spatial dimension does not affect the power relationship, and which therefore cannot be projected onto a map, lie outside the domain of geopolitics. Consider, for instance, personal rivalries among ministers within a cabinet. As has been noted, excessively formalized and rigid analytical protocols are ill-suited to geopolitical inquiry. However, if geopolitics is to avoid complete indeterminacy, it must still express a specific sensibility—and this “can only be a spatial sensibility.”²⁷ If, in the distant past, the prefix geo- in geopolitics referred to a deterministic conception centered on geographical constraints, today it instead points to the centrality of the cartographic moment. It is precisely the mediation of the map that restores to geopolitics its most authentic spatial sensibility, without thereby falling back into any form of geographical determinism. I will have the opportunity to return to this point later (in Part 5).

Geopolitical reasoning can be applied both to international power conflicts and to intra-state ones. In the latter case, one may speak of “local geopolitics.”²⁸ In both instances, the power conflict can be represented on a geographical map. An example of local geopolitics is provided by the recurring conflicts in the Parisian banlieues, that is, urban spaces marked by deep and recurrent tensions between socially marginalized communities and public authorities.

3 Conditioning Factors

3.1 Procedural and Substantive Constitutional Constraints

Let us now turn to the analytical tools of constitutional geopolitics. The first of these tools is the concept of conditioning factors, which represent the key and foundational category of geopolitical thought. Indeed, classical geopolitics emerged between the late nineteenth and early twentieth centuries with the specific aim of identifying the constraints that determine, or at least influence, the strategies and choices of actors within the context of power competition: namely, conditioning

25. This is one of the *leitmotifs* of *Limes*, the most important Italian geopolitical journal. Consider, for example, the interpretive framework proposed by Agnese Rossi, “La crisi dell’università è il suicidio dello Stato,” *Limes* 2 (2024): 57–66, which is used to denounce conformism within the academic world. It draws on the theses of the French sociologist Pierre Bourdieu, *Homo academicus* (Les éditions de minuit, 1984), according to whom academia—far from being a space of critical thinking and intellectual freedom—ultimately responds to the primary imperative of reproducing itself. Hence the tendency to promote a form of knowledge that legitimizes, rather than questions, existing power relations.

26. The interdisciplinary vocation of geopolitics is probably one of the few points on which there is a broadly shared consensus, starting from those minority strands that recognize a scientific character to geopolitics. See Tiberio Graziani, “Geopolitics as the Science of Connection: Toward an Epistemological Foundation between Geography, System, and Relation,” *Heartland* 1 (2026): 43–74.

27. As Edoardo Boria has noted in Edoardo Boria, “La cassetta degli attrezzi della geopolitica,” in *Geopolitica. Dal pensiero all’azione. Spazio e politica in età contemporanea*, ed. Edoardo Boria and Matteo Marconi (Argos, 2022), 738.

28. See Loyer, *Géopolitique*.

factors.²⁹

In this initial phase, classical geopolitics—in line with the geographical determinism then prevailing in geopolitical thought—primarily considered geographical conditioning factors: land area, population, terrain morphology, coastal extension, natural resources, and so on.³⁰

When flipping through any geopolitical journal, it becomes clear that even today, geographical data remains one of the primary factors typically taken into account by geopolitical analysts. This appears natural, given the importance of the geographical factor in understanding the spatial theater in which conflicts (and more generally the interactions among actors) unfold. Suffice it to consider how the configuration of borders and the climate of a given territory may affect the planning of potential military operations: for example, it would be irrational to plan an invasion of Russia in the middle of winter.

The analysis of geographic data is typically supplemented by an examination of a range of quantitative indicators, which help to further clarify the capabilities of geopolitical actors in military terms (e.g., weapons systems, defense budgets, nuclear deterrence), economic terms (e.g., industrial production, GDP, currency value), technological terms (e.g., human capital in research, AI and cyber infrastructure), and so on.

A third group of variables—particularly emphasized by the strand of geopolitics known as “humanistic geopolitics”—is the so-called “human factor”:³¹ a set of cultural, historical, anthropological, and psychosocial parameters that cannot be measured quantitatively, yet prove decisive in understanding how a community conceives of itself in the world and in history. The human factor thus makes it possible to grasp the subjective and symbolic dimension of power competition, which eludes mere numerical data, but nonetheless shapes, upstream, the identity of an actor and, downstream, its choices. Consider the following example of the role played by the human factor: how the distinctive relationship between space and national identity developed by Israelis and Palestinians makes it far more difficult to rely on the traditional tools of territorial diplomacy employed in other crisis scenarios (partitions, land swaps, buffer zones, etc.). In fact, in the specific Israeli-Palestinian context, space is not merely a negotiable territory but is imbued with irreplaceable identity-related, historical, and symbolic meanings. This profoundly alters the premises upon which traditional tools of territorial diplomacy are based.³²

Naturally, each strand of geopolitical analysis develops its own methodological procedures, forms of reasoning, and interpretative framework, assigning different weights to these different groups of variables and factors. This is not the place to explore such methodological differences in detail. What should instead be emphasized is the broader trend that clearly emerges: over time, geopolitics has progressively emancipated itself from a rigid form of geographical determinism, expanding its analytical framework to include extra-geographical factors as well. In fact, this is the defining feature of modern geopolitics, which has expanded the range of conditioning factors to include non-geographical ones as well: economic structures, prevailing political ideologies, religious cleavages, etc.³³

29. See Graziano, *Geopolitica*, 12ff.

30. By way of example, one may consider the grid of geographical conditioning factors developed by Admiral Alfred Mahan, one of the founders of classical geopolitics. See Alfred T. Mahan, *The Influence of Sea Power upon History (1660–1783)* (Little Brown, 1890).

31. On the “human factor” as a privileged perspective of humanistic geopolitics, see the issue of Limes, “Il fattore umano” and De Ruvo, *Storia e filosofia della geopolitica*, 38, 47.

32. Indeed, in Jewish culture, space is not conceived only in physical terms, but as ‘biblical space,’ imbued with memory, promise, right, and hope. Religious rituals sustain a ‘collective memory of return.’ It is no coincidence that every Passover Seder ends with the words ‘Next year in Jerusalem.’ Different in nature, but equally intense, is the relationship that Palestinian identity maintains with space. The latter is conceived not as a divine promise but in relational and material terms: the land is a lived space, reflecting community ties and everyday experiences. After the *Nakba* (mass displacement of Palestinians after the 1948 Arab-Israeli war), that space is transformed into an ‘inhabited absence’ to the point that the keys to abandoned homes are preserved and passed down from generation to generation. It is therefore not surprising that a third-generation Palestinian in a refugee camp in Lebanon is able to describe his village of origin despite never having been there: he knows with exact precision the location of the fig tree, the well, the mosque. This too is—or should be—geopolitics.

33. The transition from the first to the second phase of geopolitical thought coincides with the rediscovery of an author, Nicholas Spykman, who—precisely during the ‘golden age’ of classical geopolitics—sought to expand the grid

In light of this evolution in geopolitical thought, it is worth asking whether constitutional law, too, can be regarded as a conditioning factor shaping the behavior of geopolitical actors. A positive answer to this question, in my view, opens up particularly interesting perspectives for both the geopolitical analyst and the legal scholar. Indeed, this methodological operation allows the geopolitical analyst to enrich their interpretive framework by introducing an additional variable beyond those traditionally considered. Constitutions, in fact, do not merely reflect power relations, but can operate as factors that orient, constrain, or channel the choices of actors. To properly integrate this dimension, however, the contribution of the constitutional law scholar is required, as they are called upon to identify and qualify such factors. In turn, this ‘team effort’ between geopolitics and constitutional law makes it possible to reconstruct the degree of effectiveness of these constitutional constraints—namely, the actual normative force of constitutions, which the legal scholar cannot afford to underestimate.

Once geopolitical analysts—drawing on methodological tools that constitutional scholars do not normally use—have integrated constitutions into their framework of conditioning factors, constitutional law can in turn benefit from the results of this operation. This contribution from geopolitics enables constitutional scholars to gain a deeper understanding of the degree of effectiveness of these constitutional provisions, as well as of the conditions under which they are able to prevail over, or succumb to, the logics of international power competition. In other words, without the contribution of geopolitical analysis, it is difficult to explain why, in some cases, constitutions operate as conditioning factors, whereas in others they become factors conditioned by geopolitical dynamics. More generally, once constitutions are integrated into geopolitical analysis, constitutional scholars will have a richer body of evidence with which to contextualize the circumstances in which constitutional norms are adopted, subsequently adapted through interpretation, and, at times, violated.

As a first overview of the (constitutional) conditioning factors, it is possible to propose a classification of constitutional provisions with a potential impact on the behavior of geopolitical actors, identifying two categories of norms.

A first cluster of constitutional provisions imposes substantive and content-based constraints on political decision making in this area. A few examples include: (i) constitutional provisions that bind the State to align itself with a specific military alliance (e.g., the constitutional reforms adopted between 2017 and 2018 in Georgia and Ukraine);³⁴ (ii) constitutional provisions that establish specific territorial objectives (e.g., the goal of restoring sovereignty over the Falkland-Malvinas Islands in the Argentine Constitution);³⁵ (iii) the no war clauses (albeit with different formulations) found in Italy, Germany, and Japan;³⁶ (iv) the clauses on permanent neutrality

of constraining factors shaping state policy, which could no longer be limited to geographical determinants alone. According to Spykman, among these additional constraints was, notably, the form of government. See Nicholas J. Spykman, “Geography and Foreign Policy,” *The American Political Science Review* 1 (1938): 28–50.

34. Following the constitutional reforms of 2017 and 2018, Article 78 of the Georgian Constitution—now titled “Integration into European and Euro-Atlantic Structures”—places a duty upon constitutional bodies to take all necessary measures “to ensure the full integration of Georgia into the European Union and the North Atlantic Treaty Organization.” This constitutional amendment came roughly a decade after Georgia’s military defeat in the Second South Ossetia War (August 2008). A similar principle is enshrined in the Ukrainian constitutional amendment of February 2019, which affirms the country’s “strategic course toward full membership in the European Union and the North Atlantic Treaty Organization. See Justin Frosini and Viktoriia Lapa, “NATO’s Aspirations in the Constitutional Preamble of Ukraine: Distorting Historical Roots of the Constitution or Reflecting Societal Changes?,” *IACL-IADC Blog*, June 30, 2020, <https://blog-iacl-aidc.org/2020-posts/2020/6/30/natos-aspirations-in-the-constitutional-preamble-of-ukraine-distorting-historical-roots-of-the-constitution-or-reflecting-societal-changes>.

35. Pursuant to the First Transitory Provision of the Argentine Constitution, “the Argentine Nation reaffirms its legitimate and inalienable sovereignty” over the Malvinas Islands, South Georgia, and South Sandwich Islands, which—together with the corresponding maritime and insular areas—are considered “an integral part of the national territory.” Accordingly, the recovery of said territories and the exercise of full sovereignty over them—while respecting “the way of life of their inhabitants” and, more broadly, the principles of international law—constitutes “a permanent and non-renounceable objective of the Argentine people.”

36. Among the 31 NATO member States with a rigid, single-document constitution (in the meaning indicated in footnote 42)—i.e., all NATO members except the United Kingdom—the pacifist principle takes the form of an explicit prohibition of offensive war in three cases (France, Germany, and Italy). The prohibition in the French

contained in the Constitutions of Austria (Art. 9a), Cambodia (Arts. 1, 53, 55, and 71), Malta (Art. 1(3)), Switzerland (Arts. 173 and 185), Moldova (Art. 11), and Turkmenistan (Preamble, Arts. 2 and 9);³⁷ and (v) the international cooperation clauses, in the sense that will be examined in Part 3.2.

The second group of constitutional provisions establishes organizational and procedural constraints instead, without affecting the content of foreign and defense policy decisions. These include constitutional provisions concerning the treaty-making process, war powers and procedures for declaring war, and, more generally, the division of powers among constitutional bodies and between the state and sub-state authorities.

In light of these two types of constitutional constraints, I can identify two corresponding groups of constitutions. Some constitutions include both substantive and procedural constitutional constraints. Others stop short of substantive constraints to focus only on procedural constraints.

The majority of the constitutional texts of continental European countries includes procedural and organizational constraints, but also establishes substantive and content-based limitations on foreign policy decisions. By way of mere example, one may refer to the case of the Italian Constitution, which provides for the following substantive constraints: the repudiation of war, except in the case of self-defense (Arts. 11 and 52), the commitment to comply with customary international law (Art. 10) and international treaties (Art. 117), and the promotion of international organizations aimed at ensuring peace and justice among nations (Art. 11).

By contrast, the United States Constitution is an example of a constitutional text that provides only organizational and procedural constraints. To be more precise, the commander in chief clause (Art. II, Sec. 2) grants the president operational command over the armed forces, although this power is limited by certain checks and balances, and in particular by the Congress's power of the purse. Moreover, treaties negotiated and signed by the president require the advice and consent of the Senate, with a two-thirds majority.

Thus, the U.S. Constitution does not impose any substantive constraint on the foreign policy choices of political decision makers—let alone the prohibition of offensive war that is enshrined in numerous other constitutions. To borrow the words of William Shakespeare, one might say that the U.S. Constitution has preferred to be the king of its silence rather than the slave of its words. The only constitutional limits on foreign policy decision making and the exercise of war powers are organizational and procedural in nature. Even with regard to these latter constraints, the U.S. Supreme Court has generally adopted a highly deferential approach toward potential deviations from the constitutional allocation of powers. Such deviations have typically been justified by invoking a combination of the *political question doctrine*³⁸ and the concept of a *foreign policy*

legal system is actually mediated through the reference made by the Preamble of the 1958 Constitution to the Preamble of the 1946 Constitution. According to the Preamble of the Constitution of the Fourth Republic, the French Republic “shall not undertake any war of conquest, and shall never use its forces against the liberty of any people.” In another 18 cases, the pacifist principle is mentioned in more general terms (Albania, Bulgaria, Croatia, Estonia, Finland, Greece, Lithuania, North Macedonia, Montenegro, Norway, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Turkey, and Hungary). In contrast, references to peace are absent from 10 Constitutions (Belgium, Canada, Denmark, Iceland, Latvia, Luxembourg, the Netherlands, Poland, the Czech Republic, and the United States). However, broadly pacifist elements are ‘reintroduced’ in 3 of these 10 systems through constitutional references to the primacy of international law over domestic law (Czech Republic, the Netherlands, and Poland). Indeed, the international legal order also contains pacifist clauses, beginning with the limits on the use of force set out in the United Nations Charter. As a result, a state that accepts to be bound by international law also commits itself to restricting the use of force in accordance with the constraints established by that legal order.

37. Permanent neutrality in peacetime is a legal status under international law that entails a commitment by a given state to avoid future involvement in armed conflicts and military alliances. On this status, see, among many, James Upcher, *Neutrality in Contemporary International Law* (Oxford University Press, 2020); Constantine Antonopoulos, *Non-Participation in Armed Conflict: Continuity and Modern Challenges to the Law of Neutrality* (Cambridge University Press, 2022).

38. The *political question doctrine* is a judicial avoidance technique developed by the Supreme Court of the United States according to which certain issues are non-justiciable, meaning they cannot be decided by courts, because they fall within the political discretion of other branches, primarily the president and Congress; see Erin F. Delaney, “Analyzing Avoidance: Judicial Strategy in Comparative Perspective,” *Duke Law Journal* 66 (2016): 1–67; Jed Odermatt, “Patterns of Avoidance: Political Questions before International Courts,” *International Journal of Law in Context* 14 (2018): 221–236. Starting with the decision in *Ware v. Hylton* (1796), the Court identified foreign

consensus, limiting judicial intervention in areas where political branches have discretion and particularly where they have reached consensus. In other words, the case law has held that judicial review of violations in this area is appropriate only when a conflict arises between the president and Congress over the division of powers.³⁹

3.2 The International Cooperation Clauses

As we have seen in the previous sub-section, the constitutional provisions that act as conditioning factors in the geopolitical sense of the concept may be either procedural-organizational or substantive in nature. Among the substantive constitutional conditioning factors, a particularly prominent role is played by international cooperation clauses, that is, provisions of constitutional rank that provide a legal basis for certain partial limitations of sovereignty deriving from membership in a global interstate society, organized around an autonomous institutional apparatus and its own normative order.

The main example of international cooperation clause is the constitutional introduction of a meta-norm (a “secondary rule,” to use H. L. A. Hart’s terminology)⁴⁰ recognizing general customary international law (e.g., Art. 9 of the Austrian Constitution; Art. 141 of the Croatian Constitution; Art. 3 of the Estonian Constitution; Art. 25 of the German Basic Law; Art. 28 of the Greek Constitution; Art. 29 of the Irish Constitution; Art. 10(1) of the Italian Constitution; Art. 135 of the Lithuanian Constitution; Art. 65 of the Maltese Constitution; Art. 8 of the Constitution of North Macedonia; Art. 9 of the Montenegrin Constitution; Art. 8 of the Portuguese Constitution; Art. 10 of the Romanian Constitution; Art. 1 of the Slovak Constitution; Arts. 8 and 153 of the Slovenian Constitution; Art. Q of the Hungarian Constitution).

A second type of international cooperation clause can be found in constitutional provisions that grant international treaties a status superior to that of ordinary legislation (Art. 116 of the Albanian Constitution; Art. 169 of the Constitution of Cyprus; Art. 141 of the Croatian Constitution; Art. 55 of the French Constitution; Art. 117(1) of the Italian Constitution; Art. 118 of the Constitution of North Macedonia; Art. 94 of the Dutch Constitution; Art. 91 of the Polish Constitution; Art. 154c of the Slovak Constitution; and—with specific reference to certain categories of treaties—Art. 20 of the Romanian Constitution and Art. 90 of the Turkish Constitution).

A variant of this technique consists in introducing into the constitution an obligation to interpret domestic law consistently with international law (e.g., Art. 16(2) of the Portuguese Constitution; Art. 10(2) of the Spanish Constitution).

Some Constitutions have vested state-level institutions with substitute powers in the event of breaches of international obligations by subnational authorities (e.g., Art. 169 of the Belgian Constitution; Art. 120 of the Italian Constitution).

policy as the primary field for the development of the “political question doctrine.” In more recent times, the District Court for the District of Columbia found that the plaintiff lacked standing in a case challenging alleged violations of the Constitution and the war powers resolution by the Obama administration in the political-military management of the Syrian crisis. The District Court further noted that—even if standing had been recognized—it would in any event have been required to apply the political question doctrine; *Smith v. Obama*, 217 F. Supp. 3d 282, United States District Court, District of Columbia (2016). See Louis Fisher, “A Challenge to Presidential Wars: *Smith v. Obama*,” *Congress and the Presidency* 44, no. 2 (2017): 258–292. A further recent example of deference toward the legislature in relation to decisions of high geopolitical significance can be found in the ruling of the Supreme Court of the United States of 17 January 2025 concerning the TikTok case; see Katerina Fernandez, “Gaming the System? How TikTok v. Garland Could Shape the Future of Tencent,” *UC Law Review Blog*, 2025, The U.S. Congress had ordered the operational ban of the Chinese platform on grounds related to national security. In upholding the constitutionality of the law, the Supreme Court argued that it is unlikely that the Chinese government could compel TikTok to hand over user data for intelligence purposes. Indeed, China already possesses more effective means of obtaining relevant information. At the same time, the Court emphasized the need to accord broad deference in this field to the predictive judgments of Congress.

39. On the subject, an older yet still highly relevant work in terms of its conclusions is Michael J. Glennon, *Constitutional Diplomacy* (Princeton University Press, 1991).

40. As is well known, Hart distinguishes between primary and secondary rules: the former impose standards of conduct (obligations, prohibitions, etc.); the latter establish how to introduce, amend, and repeal rules of the former type, monitor compliance with them, determine their scope of application, and define their relationship to other rules. See Herbert L. A. Hart, *The Concept of Law* (Oxford University Press, 1961).

Another example of international cooperation clauses can be found in constitutional provisions that enable the transfer of powers vested in national constitutional bodies to international organizations, according to a specific procedure or legal source (e.g., Art. 34 of the Belgian Constitution; Art. 10a of the Czech Constitution; Art. 20 of the Danish Constitution; Art. 94 of the Finnish Constitution; Art. 28 of the Greek Constitution; Art. 68 of the Latvian Constitution; Art. 136 of the Lithuanian Constitution; Art. 115 of the Norwegian Constitution; Art. 92 of the Dutch Constitution; Art. 90 of the Polish Constitution; Art. 3 of the Slovenian Constitution; Art. 93 of the Spanish Constitution; Art. 7 of the Swedish Constitution). Some constitutions explicitly (e.g., Art. 3 of the Maltese Constitution; Art. 10 of the Swedish Constitution) or implicitly (Art. 11 of the Italian Constitution) provide for constitutional coverage of the United Nations.

Finally, certain constitutional provisions may also be included within the category of international cooperation clauses, insofar as—although framed as broadly formulated principles—they express a clear and unequivocal openness to international cooperation (e.g., Section 1, Chapter 1 of the Finnish Constitution; Art. 10 of the Romanian Constitution; Preamble of the Spanish Constitution). These provisions may also be taken into account by interpreters as part of a systematic reading of the constitution.

As shown by the map in Figure 1, with the exception of the United States, the United Kingdom,⁴¹ and Iceland, all the other 33 states belonging to North Atlantic Treaty Organization (NATO) or the European Union (EU) include some form of constitutional commitment to the development of the law and institutions of a global interstate society.⁴² Moreover, numerous examples confirm that, even outside the NATO/EU area, international cooperation clauses represent a constant feature of middle and small powers.⁴³

International cooperation clauses can be read as the projection, at the constitutional-legal level, of the idea of *international society* developed by Hedley Bull.⁴⁴ For Bull international relations are characterized by the anarchic paradigm: in the absence of a central authority endowed with a monopoly of force, each state would find itself in competition with the others.⁴⁵ However, unlike the realists, Bull maintains that states remain bound by certain common interests that drive them toward cooperation. From Westphalia onward, a new type of international system would thus have progressively emerged, which Bull calls *international society*. The latter is an interstate association in which the constitutive units of the system (states) conceive themselves, in their relations with others, as bound by a set of common rules (international law) and by a commitment to participate in the functioning of shared institutions (for example, the diplomatic system). Naturally, membership in this international society presupposes a certain self-limitation of the sphere of state sovereignty. This apparent step back actually allows states to take two steps forward. Indeed, through the legal and institutional resources of international society, states can pursue a set of common goals that they would not be able to achieve on their own. The most important ones are: maintaining peace, even if this concept is understood in the weak sense of the absence of war among States as the normal condition of their relations; ensuring the stability of mutual expectations, starting with the observance of undertaken commitments; recognizing and guaranteeing the sovereignty

41. The United Kingdom is a country, however, lacking a rigid single-document constitution. For the purposes of this work, a rigid single-document constitution is understood as a constitution contained in a single, formally unitary normative text and characterized by an entrenched amendment procedure, which is distinct from and more complex than that provided for ordinary legislation.

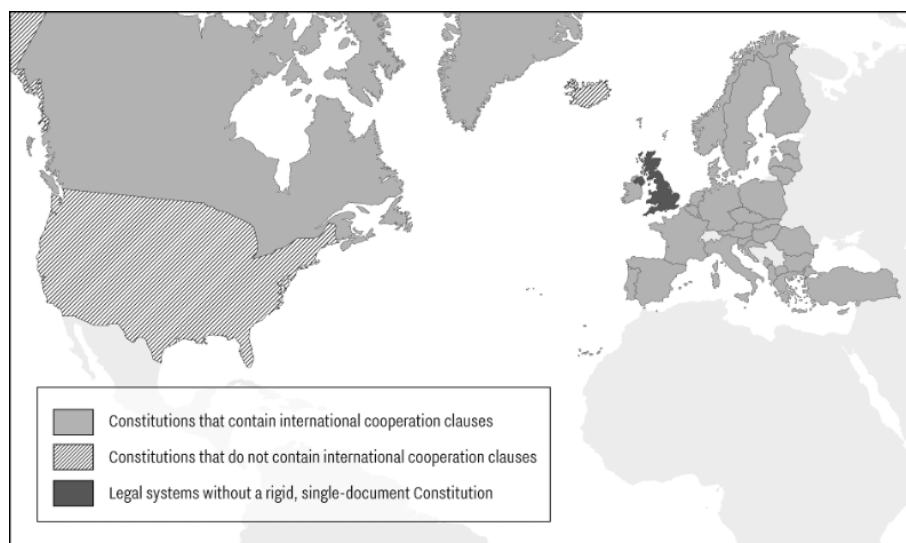
42. A particular case is represented by Canada, which includes in its constitution only sector-specific international cooperation clauses, mostly limited to the field of international criminal law. Nevertheless, the classification adopted here has opted to include Canada among those systems that provide for international cooperation clauses, also in light of the broad openness to international law (especially customary international law) developed in the case law; see Hugh Scott Fairley, "International Law Comes of Age: Hape v. The Queen," *The Canadian Bar Review / La Revue du Barreau canadien* 87 (2008): 229–246. One may consider, for instance, the decision of the Supreme Court in *R v. Hape*, 2 SCR 292, Supreme Court of Canada (2007) [39].

43. Without any claim to exhaustiveness, consider the following examples: Articles 6, 139, 189, 190, 193 and 194 of the Swiss Constitution; Article 8 Constitution of Moldova; preamble and Article 9 of the Japanese Constitution; Art. 89, par. X of the Mexican Constitution; Article 75 of the of the Argentine Constitution.

44. See Hedley Bull, *The Anarchical Society. A Study of Order in World Politics* (Palgrave, 1977).

45. For a realist interpretation of the anarchic paradigm, see Hans Morgenthau, *Politics among Nations: The Struggle for Power and Peace* (Alfred A. Knopf, 1948).

Figure 1: International Cooperation Clauses within the Euro-Atlantic Area



Source: Geo-Const EU Project, University of Florence.

and independence of each member of the system of States; and defending a model of organization of international political space based on States rather than on alternative formats for structuring international relations.

These common goals—and, in particular, the last one just mentioned—offer a compelling line of inquiry for exploring the rationale of international cooperation clauses within the current model of organization of international political space. Indeed, today we tend to take for granted the division of the world into states.⁴⁶ To many of us, this arrangement appears natural, almost inevitable, to the point of being perceived as the neutral background against which international dynamics unfold. In reality, however, it is a relatively recent and, above all, contingent historical construction. The state-based format is neither the only nor the necessary model for organizing political space: it has coexisted, and could once again come to compete, with alternative models such as *imperium*, world government, great spaces (*Großräume*), and so on.

In the pre-Westphalian context, *imperium* denotes a form of political spatial organization characterized by a polycentric structure and a universalistic vocation: polycentric, insofar as authority is distributed between the emperor and a plurality of centers of power (such as communes, guilds, universities, etc.), each endowed with its own legal order; universalistic, insofar as the imperial order is grounded in a claim to superior and potentially unlimited validity, and thus in the absence of fixed and definitively stabilized boundaries.⁴⁷

World government, by contrast, is a model of organizing political space—one that has yet to be realized—advocated by those strands of thought that regard the overcoming of state particularism and the aforementioned anarchic paradigm as the objective of international politics.⁴⁸

46. According to Carl Schmitt's well-known account, the very spread of the state model beyond the European continent—and the resulting creation of a world entirely divided into States—was one of the main factors that led to the collapse of the *jus publicum europaeum*. See Carl Schmitt, *Der Nomos der Erde im Völkerrecht des Jus Publicum Europaeum* (Greven Verlag, 1950).

47. On the imperium, see Pier Paolo Portinaro, *Il labirinto delle istituzioni nella storia europea* (Il Mulino, 2007).

48. An example of this approach can be found in the cosmopolitan pacifism of Norberto Bobbio. According to this author, with the establishment of the United Nations, States entered into a genuine *pactum societatis* of non-aggression and of the identification of a set of common rules for the settlement of international disputes. However, this pact was not followed—as Bobbio had hoped—by a corresponding *pactum subjectionis*, whereby states would submit to a common authority endowed with a monopoly over the exercise of coercive power; see Norberto Bobbio, *Il terzo assente. Saggi e discorsi sulla pace e la guerra* (Sonda, 1989). A further version of this research tradition is represented by the so-called global constitutionalism of Richard Falk, who identifies in the emerging “global

Eventually, according to Carl Schmitt's conceptualization, the *Großraum* (greater space) is a specific post-state format of political organization that entails a twofold legal relationship: (i) a prohibition on external powers interfering within the closed space, and (ii) within the *Großraum*, the conditioning power of a supraordinate unit (*Reich*) over subordinate countries, which do not even possess, in legal terms, genuine sovereignty.⁴⁹ In particular, had the Axis Powers won the Second World War, it is highly likely that the world would have been reorganized according to the model of *Großräume*.⁵⁰

Even within an interstate international society, asymmetries of power among states exist: it is evident that states are not all equal in terms of military, economic, political capabilities, etc. However, whereas in the *Großraum* model factual inequalities justified and legitimized further inequalities at the legal-formal level, by contrast in an interstate international society it is formal equality that mitigates substantive inequality. In other words, to paraphrase Article 2(1) of the Charter of the United Nations, the interstate international society is founded on the “principle of the sovereign equality of all its Members.” This implies that every state—regardless of its position in power rankings—possesses full international legal personality, enjoys the same rights (starting with respect for its territorial integrity), and is not legally subordinated to other states. Of course, the state today is no longer the Westphalian one. The state model itself has evolved over time. Nevertheless, despite these transformations, the formal legal equality of states remains the core of the concepts of state and international society.⁵¹

If today's world has not taken pre- or post-statual paths, this is also due to the extraordinary circulation of international cooperation clauses in the comparative landscape.⁵² These provisions operate, in fact, as legal devices through which domestic legal orders express the state's willingness to be bound by common rules and to participate in shared institutional frameworks. Sharing fragments of sovereignty within a global interstate society represents a strategy of adaptation and survival for the state in a geopolitical context in which it would otherwise risk being absorbed by alternative models of organizing international political space.

From this perspective, the widespread diffusion of this type of constitutional provisions can be regarded as a paradigmatic case of the phenomenon highlighted by Peter Häberle: the emergence of a global process of interaction among constitutions in which constitutional ideas and solutions are exchanged, developed, improved, and ultimately integrated into their respective national contexts.⁵³

civil society”—that is, the complex of spontaneous transnational associations and initiatives—the driving force of a process aimed at constructing a pacifist and ecologically sustainable international order. The expansion of democracy at the domestic, international, and transnational levels is likewise regarded by Falk as a vehicle toward the establishment of a centralized world government apparatus; see Richard A. Falk, *A Study of Future Worlds* (Free Press, 1975). The need for a cosmopolitan world government is advocated, among others, by Luigi Ferrajoli, “A Constitution of the Earth, to Save Humanity,” *Buffalo Law Review* 72 (2024): 1861–1946.

49. Carl Schmitt identifies the Monroe Doctrine in the Western Hemisphere as the first and most successful example of a *Großraum*. Indeed, in the first half of the twentieth century, some national constitutions (such as those of Cuba and Haiti) formally recognized a power of intervention by U.S. authorities in their domestic affairs. A second example of a *Großraum* is identified with the Greater East Asia Co-Prosperity Sphere led by Japan. Finally, German military expansionism during World War II was framed by Schmitt as Germany's right to its own *Großraum*. See Carl Schmitt, *Völkerrechtliche Großraumordnung mit Interventionsverbot für raumfremde Mächte* (Deutscher Rechtsverlag, 1939).

50. As Losano recalls, the archives of the German Foreign Ministry contain a draft treaty from 1943 concerning the legal regulation of the coexistence of three Great Spaces (German, Japanese, and Italian). See Mario G. Losano, *La geopolitica del Novecento. Dai Grandi Spazi delle dittature alla decolonizzazione* (Mondadori, 2011), 68.

51. By way of example, consider Article 11 of the Italian Constitution, which allows—“on equal terms with other States”—for partial “limitations of sovereignty” in order to establish “a system that ensures peace and justice among Nations.” The key word to focus on is “states”: the constitution does not allow Italy to be reduced to a province of a *Großraum* or of any other possible legal model for organizing international relations that does not place the state-based format at its core. This does not mean denying the inevitable substantive asymmetries that characterize the position of states within global power hierarchies. The Italian framers—who drafted the constitution in the aftermath of a painful military defeat—were not so naïve as to believe that all states were truly equal. However, recognizing the centrality of the state model implies the need to balance such substantive inequality with the forms of formal equality among states provided for under international law.

52. See Ibrido, *Geopolitica costituzionale*.

53. According to Häberle's account, the *Kooperativer Verfassungsstaat* (cooperative constitutional state) represents

The massive circulation of international cooperation clauses, in turn, produces a further effect: it leads states to internalize—within the meaning indicated by Alexander Wendt—the role of certain principles of peaceful cooperation at the international level. In other words, states’ compliance with these principles does not stem from a case-by-case cost-benefit analysis. Precisely because they are internalized, such principles become part of states’ identities. As such, they shape their expectations and patterns of behavior in a stable manner: states act on the basis of such rules and expect other states to do the same.⁵⁴

4 Geopolitical Representations

A second analytical tool of constitutional geopolitics is geopolitical representations. In general terms, geopolitical representations refer to symbolic and discursive constructions (myths, imaginaries, maps, narratives, etc.) based on operations of historiographical and geographical engineering and, more broadly, on the selective reworking of partial truths. This is one of the fundamental categories of the modern geopolitics, especially within French geopolitics⁵⁵ and critical geopolitics.⁵⁶

In particular, French geopolitics—under the guidance of Yves Lacoste—has examined the role of geopolitical representations as a factor for legitimizing the ideas and claims of actors, as a tool capable of shaping domestic public opinion and generating international consensus.⁵⁷ In the Anglo-

the most advanced stage in the evolution of the constitutional state—one that, by mobilizing its own legal resources, has embraced the commitment to open itself to the world and to promote networks of cooperation at both the international and supranational levels. In particular, the *Kooperativer Verfassungsstaat* has amplified a phenomenon that is not new—the circulation of constitutional solutions—while giving it a novel form. It is important to clarify that this perspective is very different from the one adopted by the traditional doctrine of legal transplants; see Alan Watson, *Legal Transplants: An Approach to Comparative Law* (Scottish Academic Press, 1974). The dynamics of constitutional interaction described by Häberle do not refer to mechanical processes of receiving legal frameworks developed elsewhere. Rather, they point to spontaneous imitative processes that allow certain principles to take root within a circuit of mutual and reciprocal influence, while at the same time adapting—without excessive distortion—to the cultural, social, and political specificities of the receiving context; see Peter Häberle, “Die Entwicklungsstufe des heutigen Verfassungsstaates,” in *Rechtsvergleichung im Kraftfeld des Verfassungsstaates*, ed. Peter Häberle (Duncker & Humblot, 1992), 105–122.

54. To illustrate this point, Alexander Wendt draws on the example of the Bahamas: why would a nuclear superpower such as the United States respect the sovereignty of a largely defenseless state like the Bahamas? An argument based on self-interest would suggest that the reputational damage resulting from an invasion of the Bahamas would outweigh the benefits of conquering them. However, according to Wendt, this argument is not entirely convincing, since it is highly unlikely that U.S. policymakers have ever engaged in such a rational calculation. Wendt’s claim is that the independence of the Bahamas stems from the internalization of international legal norms on sovereignty at such a deep level that even a superpower comes to define its interests accordingly. Ultimately, institutions—among which constructivists also include law—help shape cultural patterns of behavior and promote shared worldviews, thereby structuring not only external incentives but also the fundamental goals and sometimes even the identities of actors. It follows that institutions affect, even before the scope of what actors can or cannot do, what they want to do and, ultimately, who they are. As certain legal-cultural practices become routinized, they take on the character of habits and dispositions, become part of the shared cognitive background and, consequently, are no longer subject to rational calculation but are taken for granted. See Alexander Wendt, *Social Theory of International Politics* (Cambridge University Press, 1999).

55. French geopolitics is the strand which—under the guidance of Yves Lacoste—has contributed to the rehabilitation of the concept of geopolitics by carrying out a pedagogical effort aimed at democratizing geographical knowledge. The key tenets of French geopolitics can be summarized as follows: (i) geopolitics deals not with space in the abstract, but with territories shaped by power rivalries; (ii) in examining such concrete geopolitical situations, geopolitics must always start from geographical reasoning, without, however, falling into any form of determinism; (iii) geographical reasoning must be reconnected with historical reasoning. Indeed, territories are historically stratified constructions, shaped by power relations, politico-administrative practices, and, above all, representations; and (iv) geopolitics is necessarily multi-scalar: it does not focus solely on conflicts between empires and great powers, but also pays close attention to local, urban, and sub-state dynamics. See Lacoste, *La géographie*.

56. Born in the Anglophone context and influenced by postmodern critical theory, critical geopolitics aims to deconstruct the strategies through which political and media power convey spatial narratives and geographically grounded arguments in public debate in order to legitimize themselves and impose their own visions of the world. Particular emphasis is placed on the analysis of language, which produces geopolitical realities: “red lines,” “arc of instability,” “geostrategic crossroads,” and “rogue states” are all examples of how language is not neutral, but rather shapes political decisions and collective perceptions.

57. See Yves Lacoste, “Che cos’è la geopolitica?,” *Limes* 4 (1993); Loyer, *Géopolitique*.

American world, critical geopolitics has instead sought to deconstruct geopolitical representations from within, in order to expose how these discursive strategies are employed by elites.⁵⁸ To make the discussion less abstract, it may be helpful to recall some typical examples of geopolitical representations. These are, of course, merely illustrative cases, but they are united by a clear common thread: the remarkable power of historiographical, geographical, and linguistic engineering in shaping how organized communities imagine and interpret the world.

A first example is the non-neutral use of the concept of the West. Geographically speaking, as Carl Schmitt observed, “we have a North Pole and a South Pole, but not an East Pole and a West Pole.”⁵⁹ To be even more precise, many of the European countries that define themselves as Western are located east of the Greenwich Meridian and therefore technically belong to the Eastern Hemisphere, not the Western Hemisphere covered by the Monroe Doctrine.⁶⁰ Despite this geographical inaccuracy, during the Cold War the use of the concept of the West helped legitimize the idea of a U.S.-led ‘free world’ opposed to the socialist ‘evil empire’ in the East.⁶¹

A second example of geopolitical representation is the concept of *Françafrique*. The emphasis placed on the existence of a special historical, cultural, and linguistic closeness between France and its former colonies served to legitimize the maintenance of a French sphere of influence in this (moreover indeterminate) area of the African continent.⁶²

Another example of geopolitical representation is the loose use of the concept of terrorism to denounce activities carried out by a geopolitical rival, even in the absence of the defining features of that concept. Such misuse of the term often seeks to convey, to domestic public opinion, the argument that “one does not negotiate with terrorists,” and, at the international level, to legitimize the decision to exclude the application of the guarantees provided for in conventional warfare to alleged “terrorists.”⁶³

58. See Gearóid Ó. Tuathail, *Critical Geopolitics. The Politics of Writing Global Space* (Minnesota University Press, 1996); Simon Dalby and Gearóid Ó. Tuathail, *Rethinking Geopolitics* (Routledge, 1998); John Agnew, “The Origins of Critical Geopolitics,” in *The Ashgate Research Companion to Critical Geopolitics*, ed. Klaus Dodds, Merje Kuus, and Joanne Sharp (Routledge, 2013), 19–32.

59. See Schmitt, *Der Nomos der Erde*.

60. The Monroe Doctrine is a principle of foreign policy articulated in 1823 by U.S. President James Monroe, according to which any interference by European powers in the Western Hemisphere would be regarded as a hostile act against the government of the United States.

61. On this point, see Anders Stephanson, *Manifest Destiny. American Expansion and the Empire of Right* (Hill and Wang, 1996).

62. A polysemous and contested concept, the term *Françafrique* first appeared in the pages of *L’Aurore* on August 15, 1945, in an editorial by its editor-in-chief, Jean Piot. The expression was used to emphasize the need for cohesion within French Africa along the model of the British Commonwealth. The concept was later taken up by Ivorian President Félix Houphouët-Boigny in 1955 with a positive connotation, referring to the cooperative continuity between France and its former African colonies. From the 1990s onwards, however, the term *Françafrique* underwent a semantic reversal. In particular, in the works of François-Xavier Verschave it is used to denounce the darker side of French relations in Africa (informal power networks, interference in support of authoritarian regimes in exchange for resources, financial opacity, etc.). Moreover, it is not entirely clear where *Françafrique* begins and ends. It certainly cannot be defined solely on a linguistic basis, as former Belgian colonies fall outside this area. If the term is understood in a relational and dynamic sense, *Françafrique* begins wherever the bilateral relationship with France exceeds ordinary interstate relations and takes the form of a durable system of asymmetric interdependencies. In its more recent phase, French influence has been displaced in many areas of the “old” *Françafrique* by Russian and Chinese influence, especially in the Sahel and Central Africa. If, on the other hand, a historical criterion is adopted, *Françafrique* could be said to include France’s former African colonies: certainly its core, namely Afrique occidentale française (AOF); probably also Afrique équatoriale française (AEF); and possibly those French colonies that did not belong to these two federated groupings (e.g., Madagascar). The status of Algeria is more uncertain, as it was a departmental territory integrated into the French Republic. For further details on the construction of *Françafrique*, see Elisa Bertolini, *La perenne transizione costituzionale della Françafrique tra rottura e continuità* (Wolters Kluwer, 2024), 51ff.

63. In sociological research and in terrorism studies, a method-centered definition of terrorism is widely prevalent. This approach does not tie the concept to specific attributes of the actor—such as its non-state nature—nor to a value judgment regarding the ideological motivations underlying the violent action. Rather, the qualification of an act as terrorist depends exclusively on the type of action carried out, that is, on the method employed. For instance, according to Alex P. Schmid, terrorism is a strategy of political violence that employs acts of violence or the threat of violence, primarily against civilians or non-combatants, outside the framework of a regulated armed conflict, with the main purpose of producing psychological effects disproportionate to the material damage, by influencing third-party audiences through communication and the media. See Alex P. Schmid, *Defining Terrorism* (International

Among all the various forms of geopolitical representation, the most powerful and enduring is the myth. Myths draw upon symbolic, narrative, and identity-based structures deeply rooted in collective memory and national pedagogy. Just think of the role of the myth of Manifest Destiny⁶⁴ (and the Frontier⁶⁵) as the foundation of American exceptionalism. From a geopolitical perspective, this myth matters not so much for whether it is true or false, but for its capacity to produce concrete real effects. It has in fact fostered a specific self-representation of the American nation—as a community invested with a historical mission—which has contributed to legitimizing and guiding policies of territorial expansion.

Why should the concept of geopolitical representation be of interest to the constitutional law scholar? And why should the geopolitical analyst—in a collaborative effort with the legal scholar—apply this concept to constitutions as well? The answer to this question lies in the fact that constitutions are both a vehicle of geopolitical representations and an object of geopolitical representations. From this perspective, it is possible to distinguish between geopolitical representations *in* constitutions and geopolitical representations *of* constitutions.

In the first case, the constitutional text gives voice to a geopolitical representation, possibly one that already exists, but which the constitution—by virtue of its authority—helps to stabilize or reinforce. In the second case, constitutions (and their role in national history and collective memory) are themselves the object of a geopolitical representations.

Examples of geopolitical representations *in* constitutions can be found in constitutional preambles,⁶⁶ that is, narrative micro-structures at the beginning of the constitutional text that convey ‘spaces of experience’ and ‘horizons of expectation’⁶⁷ in various ways: (i) by projecting these experiences and expectations into the future (e.g., the goal of the German reunification in the Basic Law of 1949); (ii) by marking a break with the past (e.g., anti-colonial references in the Bolivian Constitution); (iii) by constructing a collective memory (e.g., the heroic portrayal of Atatürk in the Turkish Constitution); (iv) by conferring the greatest possible depth to a country’s history (e.g., the “millennial roots” invoked in the Croatian Constitution), sometimes backdating its origins beyond what is actually supported by the historical record; (v) by recalling ties of solidarity with specific regions (e.g., with African countries in the Moroccan Constitution); and (vi) by fostering forms of emotional engagement (e.g., the “We the People” in the U.S. Constitution).

Geopolitical representations of constitutions, on the other hand, concern the role that a given constitutional text occupies in national history. For example, the 1978 Spanish Constitution has become part of the collective memory in part thanks to a series of public rituals that have reinforced its symbolic and identity-defining character: (i) commemorative celebrations in the calendar of civil holidays (such as Constitution Day), (ii) its material presence in public spaces (e.g., monuments, street names), and (iii) its prominence in institutional rhetoric and public discourse. With regard

Centre for Counter-Terrorism, 2023).

64. The myth of Manifest Destiny expresses the idea of the United States’ predestination to expand into a Promised Land granted by Providence—a “right to space” that appeared both obvious (“manifest”) and inevitable (“destiny”). This myth has Puritan origins. In 1630, upon landing in America, John Winthrop urged the future Massachusetts colony to be a “city upon a hill” (Matthew 5:13–16), a new Israel called to thrive and serve as an example for the world. The concept, however, would be explicitly formulated only in 1845, when John O’Sullivan justified the annexation of Texas by invoking the United States’ Manifest Destiny to expand across the entire continent. See Stephanson, *Manifest Destiny*.

65. According to Turner’s famous Frontier Thesis, the conquest of the vast and untamed spaces of the West allowed pioneers to develop an awareness of the distinctive traits of the American spirit—equality, self-government, individualism, and economic initiative—thus breaking free from their European roots. See Frederick Jackson Turner, “The Significance of the Frontier in American History,” in *The Frontier in American History* (Holt and Co., 1920), 1–38. In 1960, with Kennedy’s New Frontier program, this myth was transposed to the modern challenges of space exploration, science, civil rights, poverty, and global leadership.

66. See Peter Häberle, “Präambeln im Text und Kontext von Verfassungen,” in *Demokratie in Anfechtung und Bewahrung: Festschrift für Johannes Broermann*, ed. Joseph Listl and Herbert Schambeck (Duncker & Humblot, 1982), 211–249; Justin Frosini, *Constitutional Preambles. At a Crossroads between Politics and Law* (Maggioli, 2012); Wim Voermans, Maarten Stremler, and Paul Cliteur, *Constitutional Preambles: A Comparative Analysis* (Elgar, 2017).

67. To use the famous meta-historical dichotomy proposed by Reinhart Koselleck, “«Erfahrungsraum» und «Erwartungshorizont» zwei historische Kategorien,” in *Vergangene Zukunft: Zur Semantik geschichtlicher Zeiten* (Suhrkamp Verlag, 2010), 349–375.

to this latter aspect, one may recall—by way of example—the speech delivered in 1981 by one of the leaders of the Socialist Party during the parliamentary debate on Spain’s accession to NATO, Javier Solana: “If necessary, we will send a copy of the Constitution to Washington, so that they know what a sovereign country is.”⁶⁸

Ultimately, the application of the category of geopolitical representations to the constitutional field can foster a dialogue between the two fields of knowledge: on the one hand, engaging with geopolitical representations *in* and *of* constitutions provides the geopolitical analyst with a privileged lens through which to grasp the degree of institutionalization and stabilization of certain narratives and imaginaries. On the other hand, this methodological operation enables the legal scholar to trace back to the ratio of constitutional norms and to reconstruct more precisely the symbolic and political-strategic context in which they operate.

Moreover, the line of inquiry offered by geopolitical representations sheds light on how some of the concepts commonly used in constitutional law can be instrumentalized and deployed in the service of specific geopolitical agendas. Consider, for example, the Bush Doctrine, which among its goals included the ‘export of democracy’ during the Second Gulf War.⁶⁹ Or think of the strategic use of the so-called ‘democratic argument’ by the state of Israel, which has sought to strengthen its claims by portraying itself as the only democracy in the region.⁷⁰

The issue of geopolitical representations also provides a point of convergence with several strands already present within constitutional theory, including for example, scholarship on constitutional provisions that enshrine symbols.⁷¹ The merit of Rudolf Smend’s theory of integration (*Integrationslehre*) lies in having highlighted how, following the advent of mass democracy, attempts to achieve unity in diversity within increasingly heterogeneous societies came to rely, at least in part, on symbols. According to this theory, political unity is an ongoing process of integration that must be continually nurtured, including through the constitutionalization of symbolically charged contents capable of strengthening the spiritual and patriotic cohesion of a political community. A comparative glance confirms the widespread presence of such symbols in constitutional texts: flags (e.g., Art. 3 of the Weimar Constitution, Art. 12 of the Italian Constitution, Art. 22 of the German Basic Law), national anthems (e.g., Art. 2 of the French Constitution, Art. 136 of the Chinese Constitution, Art. 2 of the Cuban Constitution, Art. 8 of the Venezuelan Constitution), and mottos (e.g., Art. 2 of the French Constitution). In a broader sense, even the constitutionalization of an official language may carry a symbolic dimension. Constitutional geopolitics may contribute to this debate by providing additional analytical tools and arguments in support of a context-sensitive reading of constitutions, rather than one focused exclusively on constitutional texts.

However, such an endeavor becomes even more fruitful when pursued in synergy with geopolitical analysis. After all, this is precisely one of the geopolitical analyst’s principal tasks: to move

68. By a curious twist of fate, Javier Solana—who had once opposed Spain’s accession to the Atlantic Alliance—would go on to become Secretary General of NATO fourteen years later.

69. The Bush Doctrine is the set of foreign policy principles developed by the administration of George W. Bush after September 11, 2001, based on the idea that the United States may intervene even preventively against security threats, even without full international consensus, and actively promote the spread of democracy. From this perspective, democracy becomes not only a domestic value but also a strategic tool for legitimizing geopolitical action. It is not a single, systematic document, but rather a strategic line that emerges from official speeches, such as the 2002 State of the Union Address. See George W. Bush, “State of the Union Address,” 2002, <https://georgewbush-whitehouse.archives.gov/news/releases/2002/01/20020129-11.html>.

70. The characterization of Israel as the only democracy in the region constitutes a topos of Israeli public discourse, as well as of a significant strand of Western political discourse. By way of illustration, one may consider the speech delivered by Prime Minister Benjamin Netanyahu at the United Nations General Assembly in October 2015; see Benjamin Netanyahu, “Speech at the United Nations General Assembly,” 2015, www.gov.il/en/pages/speechun011015. The strength of this formula lies not only in its descriptive content, but above all in its argumentative function. Indeed, it does not merely qualify the nature of the Israeli political regime, but tends to position Israel within a distinct symbolic and value-based space, set apart from the Middle Eastern context, which is instead portrayed as uniformly authoritarian, unstable, or hostile. Notably, in more recent times, the State of Israel has been marked by a no-holds-barred conflict between the political and judicial branches, raising concerns about the risk of democratic backsliding; see, among many, Osnat Akirav, “Democratic Backsliding and the Constitutional Blitz,” *European Politics and Society* 26, no. 1 (2025): 95–115.

71. See Rudolf Smend, “Verfassung und Verfassungsrecht,” in *Staatsrechtliche Abhandlungen und andere Aufsätze* (Duncker & Humblot, 1955).

from a mere “snapshot” of geopolitical conflicts to the identification—and, where possible, the deconstruction—of the symbols, imaginaries, myths, and narratives that have shaped, and continue to shape, competition among organized political communities.

Perhaps precisely because representations constitute the ‘daily bread’ of the geopolitical method, constitutional law scholars may have something to learn from engaging with those who practice it on a regular basis. Conversely, geopolitical analysts may discover in constitutional theory surprising points of convergence in the study of symbols and representations. Such a process of mutual learning may begin with a less obvious observation than it might initially appear: the tools of the various disciplines—including law—are undoubtedly powerful. Yet many of the challenges of our time are probably even more powerful, and it is difficult for any single discipline to assume that it can address them on its own.

5 Maps

Cartography is not an instrument exclusive to geography; rather, it has increasingly become an epistemic device used across a wide range of fields of knowledge. In historical disciplines, for instance, maps primarily constitute a historical source, a document that sheds light, among other things, on how past societies perceived and organized space. In strategic studies and international relations, it would be difficult to represent balances of power, power rivalries, military capabilities, and communication routes without adequate cartographic support. Further applications of cartographic tools can also be found in electoral studies, economics, sociology, and numerous other fields within the social sciences.⁷²

However, it is above all geopolitics that reveals the enormous potential of cartography beyond geography. A comparison among the different schools, journals, and strands of geopolitical thought makes it possible to identify at least three distinct roles that geopolitics assigns to maps.

First and foremost, maps constitute a precondition of geopolitics, insofar as only power conflicts that are potentially mappable properly and fully fall within its scope of analysis. By contrast, those conflicts in which the spatial dimension does not affect the power relationship are excluded, as they cannot be represented on a geographical map. Therefore, whereas in the past the prefix *geo* in the term geopolitics referred to a deterministic conception centered on the constraining role of geography, today it instead points to the centrality of the cartographic moment within geopolitical analysis. It is through the mediation of the map that geopolitics recovers its most authentic spatial sensibility, without, however, lapsing into any form of geographical determinism.⁷³

Secondly, maps are a tool of geopolitics. They make it possible to translate into spatially legible forms fault lines of conflict, balances, power rivalries, and geographical constraints. Indeed, the map performs a visual synthesis that allows one to grasp relationships, proximities, discontinuities, and asymmetries that are difficult to perceive through textual discourse alone. At the same time, the map does not merely ‘reproduce’ a pre-existing reality, but selects and orders it, emphasizing certain elements while marginalizing others. In this sense, it performs an eminently heuristic function: it guides the analyst’s gaze, suggests interpretive hypotheses, and contributes to structuring the very field of geopolitical inquiry.

The most refined product of the use of cartography in the field of geopolitics is probably represented by the method of the *diatope*, developed within the framework of French geopolitics. The *diatope* consists in analyzing and representing a phenomenon through the superimposition of maps

72. Good starting points for exploring the role of cartography beyond geography include Anne Kelly Knowles, *Placing History: How Maps, Spatial Data, and GIS Are Changing Historical Scholarship* (ESRI Press, 2008); Jerry Brotton, *A History of the World in Twelve Maps* (Penguin Books, 2013).

73. In the first historical phase of geopolitical thought—spanning from the late nineteenth century to the Second World War—geopolitics adopted a strongly deterministic approach. Geographic determinism is the theory according to which the physical characteristics of a territory—climate, morphology, natural resources, and geographical location—directly determine (or strongly constrain) the development of human societies: their economy, political institutions, culture, and even the character of their peoples. An example of the determinism that characterized classical geopolitics can be found in the thought of Halford Mackinder, “The Geographical Pivot of History,” *Geographical Journal* 4 (1904): 421–437.

operating at different scales.⁷⁴ For instance, the migration crisis that has affected Lampedusa in southern Italy can be analyzed across different orders of magnitude: from a very limited spatial scale of a few kilometers—encompassing the landing port, the hotspot, the first reception centers, and the island’s infrastructure—to progressively larger scales, such as those provided by cartographic representations of the main migration routes in the central Mediterranean, and ultimately to maps identifying the regions of the world that, due to wars, environmental emergencies, or political and economic instability, generate migratory pressures.

Thirdly, maps are themselves one of the objects of study in geopolitical analysis. And thus they become a source of information and documentation. Indeed, to recall the title of a volume by Edoardo Boria, power makes use of “maps as weapons.” Not by chance, some political regimes have used maps as instruments of propaganda.⁷⁵ Moreover, through school education, media dissemination, and their institutional use, maps convey particular narratives and representations of national identity, external threats, and geopolitical hierarchies.⁷⁶

And in law? What role has cartography played, and what role can it play, especially in light of the insights offered by geopolitical cartography?

A tradition of legal cartography is not entirely absent, especially within the field of legal geography⁷⁷ and certain specific branches of comparative law focused on the study of legal traditions or families. An example of legal cartography is the map of legal families proposed by the American comparative legal scholar John Wigmore published in 1929.⁷⁸ In recent years, several atlases of comparative private law⁷⁹ and comparative public law⁸⁰ have been published. A further experiment in using maps as a tool for analyzing (and teaching) the geopolitical role of constitutions was conducted within the Geo-Const EU project at the University of Florence.⁸¹

Without in any way underestimating the relevance of these and other experiments,⁸² the fact remains that the systematic use of cartography as a methodological tool is not as widespread in the legal field compared to other areas of knowledge, and especially in comparison with geopolitics. Studies employing cartographic tools still represent a relatively niche strand within the broader community of constitutional law scholars. One need only consider how many constitutional law

74. On the diatope, see Loyer, *Géopolitique*; Passaglia, *Geopolitica e diritto*, 35ff.

75. See Edoardo Boria, *Carte come armi. Geopolitica, cartografia, comunicazione* (Edizioni Nuova Cultura, 2012).

76. For example, in Chinese schools it is common to encounter maps that place China near the center of the world. Drawing on a cartographic tradition that dates back to the first Chinese world map (*Huangyu Quanlan* or *Kunyu Wanguo Quantu*) of 1602, such maps reflect a view of China as the fulcrum of human civilization. This view is also reflected in the very name of the country (*Zhongguo*, literally “Middle Kingdom”).

77. On the status of legal geography and its relationship with comparative law, see Matteo Nicolini, *Legal Geography: Comparative Law and the Production of Space* (Springer, 2022).

78. See John Wigmore, “A Map of the World’s Laws,” *Geographical Review* 19, no. 1 (1929): 114–120.

79. See Francesco Galgano, *Atlante di diritto privato comparato* (Zanichelli, 2011).

80. See Giuseppe Franco Ferrari, *Atlante di diritto pubblico comparato* (Utet, 2023).

81. In particular, one of the main objectives of the Jean Monnet Module Geo-Const EU (www.geoconst.unifi.it) is to develop a plan for the design of constitutional maps, structured in the following steps: i) a reasoned selection of constitutional provisions that impact mappable international power conflicts; ii) the classification of those provisions; iii) the projection of these taxonomies onto constitutional maps, which can also be used for teaching purposes. A selection of these maps is now available in the volume by Ibrido, *Geopolitica costituzionale*.

82. There are also some online platforms which allow users to navigate datasets containing information on constitutions by using an interactive map as an interface (Constitutional Map, “Constitutional Map,” <https://constitutionalmmap.ai>; Constitute Project, “Constitute Project,” <https://constituteproject.org>). Rather than constituting experiments in constitutional cartography in the strict sense, these are examples of what is technically known as a Map-Based User Interface (MUI), that is, a map that enables users to navigate a database, apply filters, and query its contents. Another interesting project is the portal World Policy Center, “World Policy Center,” www.worldpolicycenter.org. This is a comparative research platform that analyzes and compares public policies at the global level. Here, the interface of interactive maps allows users to access datasets by selecting countries and makes data immediately visible at a glance—data that would otherwise remain confined to tables. These three projects are extremely interesting and demonstrate the potential of cartographic interfaces in comparative research. However, the difference between these platforms and legal cartography appears to lie in the fact that the central focus remains the data collected in the database—often constructed primarily through the analysis of legal texts and, in particular, constitutional texts—while the map performs a function of access, organization, and visualization of information. In legal cartography in the strict sense, by contrast, the spatial dimension assumes a central role: space is not merely the surface onto which pre-existing legal data are projected, but becomes itself an interpretive key to understanding legal phenomena and an essential variable in the production of knowledge.

textbooks or journals make use of maps as a regular analytical device or as a standard means of presenting research findings.

Yet cartography could make a significant contribution to the production, organization, verification, and communication of knowledge in the field of constitutional law. Consider, for instance, one of the classic subjects of comparative constitutional scholarship: the circulation of constitutional ideas and solutions across legal systems. A map would first make it possible to represent the routes along which a given constitutional idea or solution travels. Even this initial visual overview would render immediately visible patterns that might otherwise require lengthy descriptive reconstructions. Furthermore, through the use of different forms of visual coding—arrows, proportional symbols, or color gradients—it would be possible to distinguish among the various channels through which circulation takes place. For example, one set of symbols could be used to represent constitutional transplants and borrowings formally incorporated into constitutional texts; another could indicate judicial references to foreign precedents; yet another could capture processes of diffusion mediated by legal scholarship, academic networks, or international organizations. In this way, the map would not merely show that a particular idea circulates, but would also help identify the vectors through which it spreads and the actors that play a particularly significant role in the process.

Through the use of diatopes, the analysis could then be developed across different spatial scales. At the global level, the representation could reveal whether constitutional circulation assumes a polycentric configuration or instead revolves around a limited number of particularly influential poles. At the regional level, the map might highlight the existence of denser circuits of diffusion, possibly corresponding to specific geopolitical, linguistic, or cultural areas. At the state and sub-state levels, cartographic representation could account for the uneven circulation of a given idea or solution, particularly within federal systems or in states characterized by the protection of linguistic minorities.

Moreover, the spatial distribution of these flows could immediately reveal whether processes of constitutional circulation develop primarily within areas sharing a common legal background or whether they regularly cross the boundaries separating the major legal traditions. Once reconstructed through the tools of comparative law, these processes could be translated into cartographic form, making the degree of mutual permeability among civil law, common law, mixed systems, and other legal traditions readily perceptible.

Even more interesting is the possibility of relating such dynamics to geopolitical variables. Cartography could reveal whether constitutional circulation follows patterns of geographical proximity, ties deriving from shared colonial experiences, regional affiliations, political alliances, or broader power relationships. From this perspective, maps and diatopes would make it possible to visualize not only the geography of constitutional circulation but also the underlying structures of influence that sustain it. One might thus identify particularly influential centers of diffusion, legal systems acting as bridges between different legal areas, or peripheral jurisdictions that receive numerous external influences while exercising little capacity to project their own constitutional models abroad.

The added value of maps and diatopes would therefore lie in their ability to transform a phenomenon that is normally reconstructed through linear narratives into an observable spatial configuration. The circulation of constitutional ideas would cease to appear as a mere sequence of influences and borrowings and would instead emerge as a complex network of relationships distributed across space, within which paths, intensities, directions, concentrations, and discontinuities become immediately visible in a way that would be difficult to achieve through an exclusively textual representation.

Many other topics are potentially amenable to representation through maps and diatopes. In addition to the themes examined in this article (constitutional conditioning factors, geopolitical representations, the effectiveness of constitutional norms, and so forth), one might mention, by way of example, the relationships between national, supranational, and international legal orders; the distribution of competences in federal and regional states; and the legal production of landscapes exploring how landscapes are not purely natural or geographical phenomena but also the product

of legal, institutional, and political choices.

Maps and diatopes enhance the representational and heuristic capacities of comparative analysis, enabling scholars to formulate new questions and to identify relational patterns that might otherwise remain less apparent. More generally, unlike law, which reasons primarily through texts, geopolitics interprets reality through space and the power relations that traverse it. *Thinking through maps* is therefore a lesson that legal scholars can learn from engaging with geopolitical analysis.

The further development of legal cartography may also generate benefits for geopolitics. As noted above, geopolitics does not limit itself to producing its own cartographic representations; it frequently relies on existing maps as sources, including those produced by other fields of knowledge (such as military, geographical, and other forms of specialized cartography). From this perspective, the development of legal cartography can help expand the body of knowledge upon which geopolitical analysts may draw.

Naturally, the development of legal cartography is not confined to a dialogue with geopolitics. It can and should draw upon all fields of knowledge that use the map as a heuristic device, including geography, history, international relations, electoral studies, and many others. Nevertheless, there is little doubt that geopolitics represents a particularly important interlocutor for law, both because of the specific cartographic techniques it has developed (such as diatopes) and because of the broader lessons that the geopolitical map can offer.

Upon closer reflection, the geopolitical map trains us to regard the plurality of the world as an inescapable reality, one that cannot be reduced to a single global and cosmopolitan culture. The arrows, nodes, color gradients, scales, and cartographic projections employed in geopolitical maps constantly remind us that global space is traversed by a multiplicity of actors, interests, identities, historical traditions, geographical constraints, and worldviews that coexist, overlap, and sometimes come into conflict with one another. The geopolitical map thus conveys an image of the world characterized by difference, fragmentation, and the coexistence of multiple perspectives. This insight is particularly important for a discipline such as comparative law, whose history has been shaped by the constant tension between the universal and the particular, and by the search for a balance between similarities and differences.⁸³

6 The ‘Geopolitical Ranking’

Geopolitics shares with the science of international relations (IR) the tendency to categorize states according to their rank: nuclear superpowers, great powers, middle powers, small powers, and so on. At times, geopolitical analyses merely employ such ‘labels’—largely organized and systematized by IR—as operational categories, thereby conveying highly complex information through a shared linguistic framework.⁸⁴ In other cases, however, geopolitics has helped to reveal that the assignment of a given status to a particular actor does not derive from purely objective data. The ‘reputation’ of actors may instead be the product of discursive and recognition practices, and thus of genuine geopolitical representations. As one of the founders of critical geopolitics, John A. Agnew has observed that geopolitics is first and foremost ‘story telling’: actors perform roles that correspond to the parts assigned by geopolitical narratives that they themselves have helped to construct.⁸⁵

Naturally, there is a wide-ranging debate over the criteria to be used in constructing such rankings, as well as over how many and which taxonomic categories should be employed to organize

83. On this and others ‘elective affinities’ between geopolitics and legal comparison, see Ibrido, *Geopolitica costituzionale*, 48ff, 411.

84. An example of the use of these ‘labels’ as operational categories is provided by the article by Yerkin Tukumov, “How Middle Powers Can Shape the Future of Global Cooperation,” *The Geopolitics*, October 2, 2024, <https://thegeopolitics.com/how-middle-powers-can-shape-the-future-of-global-cooperation>, according to which, in an international system that is fragmented and marked by rivalry among great powers, middle powers can emerge as the main operational architects of global cooperation.

85. See Agnew, “The Origins of Critical Geopolitics,” 19–34.

the power hierarchies.⁸⁶ This is clearly not the place to resolve such issues of classification. What is of interest from the perspective of this article is not so much the correctness or scope of these ‘labels’ as the underlying idea behind them.

Indeed, rank introduces a line of fracture that does not run along the axis of friend/enemy or ally/rival, but rather along the structural position that a state occupies within power hierarchies. Actors of the same rank—even if located in different politico-military coalitions—tend to share certain common systemic interests, linked to the preservation of the conditions that make their status sustainable.

To give a few examples, nuclear superpowers share a common interest in preventing new states from acquiring nuclear weapons. In doing so, they preserve a comparative advantage over non-nuclear states. Moreover, maintaining the nuclear status quo reduces the unpredictability associated with the use of such weapons by other actors—especially non-state actors—often considered less rational and reliable.⁸⁷

For their part, small powers share a structural interest in strengthening those arenas within international organizations characterized by equal representation and the principle of ‘one state, one vote’ (such as the United Nations General Assembly). Indeed, within such forums, smaller actors are overrepresented relative to their demographic, political, and military weight, thereby partially compensating for power asymmetries with other states.⁸⁸

The result is that the international system appears to be traversed by horizontal lines of solidarity among actors of the same rank, which overlap with traditional bloc-based divisions.

Why should these geopolitical rankings be of interest to constitutional law scholars? And why might applying this heuristic tool to the role played by constitutions within mappable power conflicts also yield insights of interest to geopolitical analysts? One possibility may be that there is a relationship between the status actors occupy in geopolitical rankings and the ‘weight’ they assign to constitutional or international legal norms.⁸⁹ To be even more precise, an actor’s rank generates a structure of incentives and disincentives that shapes how the geopolitical actor positions itself vis-à-vis legal norms: it may lead the actor to incorporate such norms into the domestic legal order, to actively promote their diffusion at the international level, or, conversely, to reject them and in some cases even to violate them when they are incompatible with the maintenance or improvement of its position within the system.

In particular, middle powers (and even more so small powers) have a structural interest in consolidating the role of an (interstate) legal order as a regulator of international relations. In the current technological and military context, middle powers cannot resort to violence to assert their claims against established powers. In the past, coalitions of middle powers defeated actors with hegemonic ambitions and reshaped power hierarchies. One need only think of the battles of Salamis and Lepanto. Today, in the nuclear era, this is no longer possible. To put it bluntly, in an existential conflict, a single nuclear weapon state cannot be militarily defeated by a coalition of one hundred non-nuclear weapon states if the former is willing to use its nuclear capabilities.⁹⁰

86. While some scholars adopt quantitative criteria to measure an actor’s level of power (for example, the GDP-to-population ratio), others prefer to rely on qualitative criteria. An excellent reconstruction of the debate is provided in Marco Valigi, *Le medie potenze. Teoria e prassi in politica estera* (Vita & Pensiero, 2018). On power rankings, a classic work is that of Michael David Wallace, *War and Rank Among Nations* (Lexington Books, 1973), according to whom the international system assumes a hierarchical configuration in which States occupy differentiated positions (great powers, middle powers, and small powers). For Wallace, rank is not merely descriptive but has behavioral effects, influencing an actor’s propensity for war and the choice of whom to fight.

87. On the “grand bargain” between Nuclear Weapon States (NWS) and Non-nuclear Weapon States (NNWS), whereby the former committed to progressive disarmament in exchange for the latter’s renunciation of nuclear weapons, see Jana Baldus, Harald Müller, and Carmen Wunderlich, “The Global Nuclear Order and the Crisis of the Nuclear Non-Proliferation Regime: Taking Stock and Moving Forward,” *ZeFKo* 10 (2021): 195–218.

88. See Diana Panke, “Is Bigger Better? Activity and Success in Negotiations in the United Nations General Assembly,” *Negotiation Journal* 30, no. 3 (2014): 273–296.

89. As we have seen in the preceding pages, some legal systems incorporate international law into the domestic legal order or otherwise ensure the primacy of international law over national law. For the purposes of this article, the distinction between constitutional norms and international norms may, in some cases, appear rather blurred, insofar as the latter find in the former their vehicle within national legal systems.

90. On the fact that the nuclear weapons possessed by nuclear superpowers reach a level of destructive potential

A potential objection may be anticipated: middle powers can still successfully use force against smaller actors. This is true in the abstract. However, once violence is ‘legitimized’ downward, it would also end up being legitimized from above against middle powers, thereby exposing them to the overwhelming superiority of nuclear superpowers. From a perspective of strategic rationality—and unless these countries are able in the future to develop their own nuclear deterrence—middle powers have an interest in strengthening an interstate order based on rules that, among other things, generally limit the use of force.

This thesis finds precise empirical support:⁹¹ on the one hand, the three main nuclear superpowers (the United States,⁹² China,⁹³ and Russia following the 2020 constitutional reform⁹⁴) deliberately avoid constitutionally binding themselves to compliance with international law. In other words, a decision by political authorities to violate international law does not automatically entail a violation of a rule of domestic law. On the other hand, as shown by the map in Figure 1, clauses of self-limitation of domestic law vis-à-vis the normative and institutional framework of international society are concentrated in the constitutions of middle and small powers.⁹⁵

This does not mean that superpowers are necessarily hostile to recognizing a role for law in international competition. The cliché that reduces international relations to the mere ‘law of the strongest’ is so analytically untenable that not even an orthodox realist like Hans Morgenthau⁹⁶ ever considered endorsing such a thesis.⁹⁷ Indeed, human societies—as well as ‘societies

that no conventional capabilities of non-nuclear weapon states can match or compensate for, see Fred Kaplan, *The Wizards of Armageddon* (Simon and Schuster, 1983).

91. A more detailed discussion of this research hypothesis can be found in Ibrido, *Geopolitica costituzionale*.

92. In the United States, customary international law is subordinate to federal statutes, while obligations undertaken by treaty may be overridden by a subsequent act of Congress. On the status of international law within the U.S. legal system, see for example, John Harrison, “The Constitution and the Law of Nations,” *Georgetown Law Journal* 6 (2018): 1659–1698. On the evolution of the use of international law by the Supreme Court, in the vast literature, see at least David L. Sloss, Michael D. Ramsey, and William S. Dodge, *International Law in the U.S. Supreme Court: Continuity and Change*, ed. David L. Sloss, Michael D. Ramsey, and William S. Dodge (Cambridge University Press, 2011), who emphasize how U.S. jurisprudence has shifted from an original attitude of integration of international law into the domestic legal order to an approach of increasing separation between the two systems. Also Vicky Jackson, *Constitutional Engagement in a Transnational Era* (Oxford University Press, 2010) highlights an attitude of “resistance” of the United States legal order toward international law.

93. The Chinese Constitution does not contain provisions providing for the incorporation of international law into the domestic legal order or for the automatic primacy of the former over the latter. See Zou Keyuan, “International Law in the Chinese Domestic Context,” *Valparaiso University Law Review* 44 (2010): 935–956.

94. Originally, the Russian Constitution contained some ambitious openings toward international law. However, after overcoming the identity crisis of the 1990s and regaining a prominent status on the international stage, Russia appears to have undertaken a step back with respect to the role accorded to international law. Following the 2020 constitutional reform, the new Article 791 authorized the Russian Federation to adopt measures aimed at preventing interference in the internal affairs of the State. Moreover, the reform added a further sentence to Article 79, providing that decisions of international organizations which, “as interpreted, contradict the Constitution” of Russia shall not be subject to execution within the territory of the Federation. Confirming the increasingly conflictual nature of the relationship between the Russian legal order and the international legal order, it should be recalled that in 2023 the International Criminal Court issued an arrest warrant against President Vladimir Putin for alleged war crimes committed in the context of the Russo-Ukrainian conflict. In response, the Russian Federation initiated criminal proceedings and adopted preventive coercive measures against the Prosecutor and the judges of the International Criminal Court. See William Partlett, “Russia’s 2020 Constitutional Amendments: A Comparative Analysis,” *Cambridge Yearbook of European Legal Studies* 23 (2021): 311–342.

95. Taking as a reference the 36 countries that are members of NATO and/or the European Union, 33 constitutions provide for clauses of international cooperation (the only exceptions being the United States, Iceland, and the United Kingdom—the latter, however, lacking a rigid constitution). Of these 33 countries, the only State that possesses a nuclear deterrent and that, for this reason, might arguably aspire to be recognized as holding a status above that of a middle power is France. Leaving aside how to classify France, the fact remains that the overwhelming majority of medium and small powers in this area of the world provide for forms of self-limitation of their domestic legal order in favor of international law.

96. The realist framework—by emphasizing the anarchic configuration of the international system—appears less inclined than other strands of International Relations (liberalism, the English School, constructivism, etc.) to recognize a central role for law (and, more generally, for institutions) in international dynamics. A good starting point for navigating the plurality of schools, methodological perspectives, and approaches into which International Relations are fragmented is the traditional classification proposed by Martin Wight, *Power Politics* (Holmes & Meier Publishers, 1978).

97. According to Morgenthau, *Politics among Nations*, the situation of international law is less gloomy than one

of states'—have always needed predictability. Without rules, every practice would have to be renegotiated on a case-by-case basis, under the constant threat of arbitrariness and force, and, among other things, the entire structure of international exchanges would collapse. Such a scenario would be entirely uneconomical even for the 'strongest,' because the costs required to make each interaction minimally secure would systematically exceed the expected benefits of cooperation itself.⁹⁸

Rather, what is required is an effort to understand the structure of incentives that geopolitical rank generates in the relationship between the actor and legal norms. A first approximation to this problem—obviously open to further refinements and corrections—leads to a distinction between two different types of interactions in which nuclear superpowers engage: (i) relations among rival superpowers belonging to opposing blocs, and (ii) relations between the leading state of a politico-international bloc and its smaller allies.

With regard to the first group of interactions, nuclear superpowers share certain common interests that set them apart from their own allies and, more generally, from smaller actors. This is the case, for example, of the aforementioned nuclear non-proliferation regime. Moreover, even when superpowers do not share substantive interests, they still have a structural incentive to juridify certain aspects of their rivalry, in order to make the behavior of the adversary more predictable and to prevent unintended escalation. One may think, for instance, of the 1972 Agreement between the United States and the Soviet Union on the Prevention of Incidents on and over the High Seas (INCSEA), which introduced specific communication protocols aimed at reducing the ambiguity of potentially hostile signals.

As for the second group of interaction, the creation of normative, institutional, and procedural infrastructures is the object of specific "bargains" between the leading State and its secondary allied States. This point has been particularly emphasized by Ikenberry, according to whom the leading state—by accepting such infrastructures—renounces part of the 'dividends' deriving from its primacy, choosing instead to exercise its power within a legal-institutional framework rather than in a coercive and unlimited manner. In return, the leading State economizes on its military coercive power, which—although superior—would in any case be exposed to costs and uncertainties. The superpower thus achieves a stabilization of its primacy, which becomes more legitimate, routinized, and above all more durable.

On the other side, secondary allied states benefit from a credible and institutionalized self-limitation of the leading state's exercise of power, with which they are evidently unable to compete militarily. In a win-win logic, both parties ultimately obtain more than they would have gained within an order based on the constant threat of arbitrary and indiscriminate use of force. According to G. John Ikenberry, the complex normative-institutional apparatus of NATO represents the paradigmatic case of these exchanges, giving rise to an intermediate model between the two traditional paradigms, namely the balance of power and hegemony.⁹⁹ It is particularly significant for our purposes that, deliberately drawing an analogy with domestic legal orders, Ikenberry has defined this 'third way,' that is this form of tempered hegemony, with the term constitutionalism.¹⁰⁰

Thus, both superpowers and other international actors need law. As we have seen, a return to a sort of 'state of nature' in international relations would open up catastrophic scenarios even for the strongest actors. However, not all forms of international law are the same, and not every

might think: international law is normally respected voluntarily, despite the weakness of its enforcement mechanisms. Serious problems arise, however, in relation to a few important cases that are vital to national interests, in which it is the power factor that determines the success or failure of the international norm. The argument of Morgenthau has been taken up by a leading scholar of international law. As Louis Henkin observed in Louis Henkin, *How Nations Behave: Law and Foreign Policy* (Columbia University Press, 1979), 47: "almost all nations observe almost all principles of international law and almost all of their obligations almost all of the time."

98. On this point, see Lon L. Fuller, *The Principles of Social Order* (Hart Publishing, 2001), who in particular emphasizes that the first and most important rationale of law lies in the need to remove human affairs from uncertainty and insecurity.

99. In international relations, the balance of power is a model of systemic self-regulation aimed at preventing an excessive concentration of power in a single actor and, consequently, the emergence of a hegemonic power.

100. See G. John Ikenberry, *After Victory. Institutions, Strategic Restraint and the Rebuilding of Order after Major Wars* (Princeton University Press, 2001).

legal paradigm for organizing international relations necessarily serves the structural interests of middle and small powers. The already mentioned international law *of and between Großräume* (great spaces), invoked by Carl Schmitt at the outbreak of the Second World War, also represented a possible legal framework for international relations. Yet it would be unacceptable to the vast majority of States, which would risk losing their sovereignty. A common interest thus emerges among middle and small powers, regardless of their alignment within possible political-military coalitions: the defense of the current legal order of an interstate international society. Despite the crisis scenarios that the international order is currently facing,¹⁰¹ if at the time this contribution is published, the world is still divided into states, some credit must evidently be given to the international cooperation clauses contained in the constitutions of middle and small powers.

7 Constitutions and Geopolitical Risk Scenarios

Against the backdrop of these reflections remains what is clearly the ‘problem of problems’ of constitutional geopolitics: the varying degree of effectiveness of constitutional norms that aspire to shape the behavior of political actors within mappable power conflicts. As seen in Part 1, in some cases constitutions have succeeded in orienting or even determining the actions of actors: if, for instance, the world is still divided into states, a far from negligible contribution has been made by international cooperation clauses. In other cases, however, constitutional norms have proven to be recessive in the face of the dynamics of power competition: this was seen in a paradigmatic example in the evasion, if not outright violation, of Article 9 of the Japanese Constitution.

A problem as vast as the effectiveness of constitutional norms in the geopolitical dimension cannot be exhaustively addressed in this context. One point, however, can be brought into focus by applying a further concept typical of geopolitical analysis (the so-called ‘risk scenario’) to the issue of the effectiveness of constitutions.

As Barbara Loyer has noted, one of the possible operational objectives of geopolitics is the development of risk scenarios, that is, scenarios involving a worsening of an actor’s position relative to the status quo.¹⁰² Well, from an interdisciplinary constitutional geopolitics perspective, the stability of constitutions—which presupposes the effectiveness of their provisions—can represent for actors a genuine ‘geopolitical rent,’ that is, a structural advantage that they can leverage in international competition. If constitutional norms are perceived as credible by citizens and international interlocutors, the State tends to present itself as a more cohesive actor also in its external action. Thus, in geopolitical terms, the stability of constitutions prevents a deterioration of the status quo scenario and may even contribute to its improvement. Conversely, violations of the constitution may give rise to a risk scenario. When constitutional norms are disregarded, public opinion and political forces tend to appear more divided, and, as a consequence, the State’s international action tends to be less cohesive. Suffice it to recall the public protests against Italy’s participation in the Kosovo War in 1999, which were considered by part of the scholarly literature and public opinion to be contrary to the no-war clause enshrined in Article 11 of the Italian Constitution.¹⁰³

To be clear, no attempt is made here to formulate a universal law (‘effective constitution = cohesive foreign policy’). Rather, the examples discussed in Sections 1 and 7 are intended to introduce an additional line of inquiry into the research agenda of constitutional geopolitics, one whose demonstration will necessarily require collaboration between constitutional scholars and

101. These crisis scenarios were at the center of the seminar organized by Quaderni Costituzionali and Il Mulino on 27 February 2026 in Bologna, which opened with introductory lectures by three scholars from as many disciplines: Cesare Pinelli (constitutional law), Alessandro Colombo (international relations), and Pasquale De Sena (international law). Despite their different nuances, all three contributions share a common underlying assumption: the rejection of an apocalyptic narrative of the death of international law. Pending the publication of the special issue containing the proceedings of the seminar, a recording of the event is available via streaming at: Quaderni Costituzionali and Il Mulino, “La crisi delle istituzioni del multilateralismo,” www.radioradicale.it/scheda/782973/la-crisi-delle-istituzioni-del-multilateralismo.

102. About this concept, see Loyer, *Géopolitique*.

103. See Cappuccio, “Art. 11 of the Italian Constitution,” 188–208.

geopolitical analysts: all else being equal, can constitutions that are perceived as credible by their addressees contribute to reducing those forms of political fragmentation that undermine a State's external action? Conversely, can the violation of constitutional norms governing the State's geopolitical conduct ultimately prove, in the medium to long term, to be a strategic miscalculation?

While this line of inquiry undoubtedly requires further investigation, these preliminary observations suggest, in my view, the usefulness of applying the concept of the risk scenario: a geopolitical analyst who presents a range of policy options to decision-makers must be aware that solutions which have, as a side effect, the erosion of the credibility of the constitution may, in the short term, arguably pursue the national interest.¹⁰⁴ However, in the medium to long term, such options threaten the stability of the fundamental modes of social coexistence and may lead to the disintegration of political unity, at least in democratic societies. Over time, this apparent habituation to constitutional violations can only provoke a backlash from 'rule followers,' leading part of the citizenry to question the very nature and justification of the obligation to obey political authority, as well as the usefulness of law itself as a cooperative method for managing disagreement. This too is—or should be—a geopolitical approach to risk.¹⁰⁵

8 Conclusions

The preceding pages have explored a toolbox of four instruments designed to foster a dialogue between law and geopolitics in the analysis of the role played by constitutions within mappable power conflicts: conditioning factors, geopolitical representations, geopolitical ranking, and cartography. Naturally, this approach—which I have termed constitutional geopolitics—is only one of the possible models for integrating the perspective of the constitutional law scholar with that of the geopolitical analyst. Yet, it appears promising in many respects, particularly insofar as the results it yields are capable of enriching the body of knowledge of both fields through a process of mutual cross-fertilization. On the one hand, the jurist acquires a set of analytical elements that make it possible to reconstruct the geopolitical context in which constitutional norms are formed, interpreted, transformed, applied, and sometimes violated. On the other hand, the geopolitical analyst is placed in a position to incorporate into their interpretive framework of mappable power conflicts an additional variable that has long been neglected: constitutional texts.

The preceding pages identify some initial lines of inquiry that emerge from this constitutional geopolitics approach. First, the analysis of conditioning factors has shown that constitutions do not remain indifferent to the geopolitical dimension; rather, they introduce a web of constraints that concretely affect the decision-making processes of geopolitical actors. In some cases, these are merely procedural limits, as in the case of the U.S. Constitution; in others, they take the form of substantive constraints, as exemplified by constitutions that incorporate specific no-war clauses.

However, an analysis of these constitutional conditioning factors conducted solely through the lens of law risks being incomplete, insofar as it is based on still 'raw' data. Indeed, constitutional scholars can certainly identify, on their own, the constitutional provisions that constrain a geopolitical actor. They may even reconstruct the degree of effectiveness or ineffectiveness of such provisions within the context of power competition. What they cannot do using only the tools of law is answer the following questions: Why do these norms prove effective in some geopolitical contexts while remaining ineffective in others? What 'risk scenarios,' in the geopolitical sense may arise from a decline in the effective normative force of these constitutional provisions?

From this perspective, constitutional geopolitics envisages a circular process. First, the constitutional law scholar identifies the constitutional conditioning factors. Second, with the assistance of the geopolitical analyst, their degree of effectiveness and any reasons underlying their deactivation are assessed. This step is particularly valuable for the geopolitical analyst as well, since it enables them to enrich their own framework of conditioning factors. Third, this no-longer 'raw' information

104. On the ambiguous nature of the concept of national interest, see Serena Giusti, *The Fall and Rise of National Interest: A Contemporary Approach* (Cham, 2022).

105. This is one of the arguments put forward in the volume by Ibrido, *Geopolitica costituzionale*.

is fed back into constitutional reasoning, making the legal scholar more aware of the context within which constitutional norms operate, evolve, and produce their effects.

Among the conditioning factors examined, particular attention was devoted here to international cooperation clauses, namely provisions of constitutional rank that provide a legal basis for partial limitations of sovereignty arising from membership in a global, interstate society with its own normative order. As the analysis demonstrated, such clauses are particularly widespread in the constitutions of small and middle powers, whereas they tend to be absent from the constitutional texts of nuclear superpowers.

This is where a second category of constitutional geopolitics—geopolitical ranking—comes into play, helping to explain why certain constitutional texts do, or do not, incorporate international cooperation clauses. According to the logic of geopolitical ranking, actors of a similar rank tend to share certain common interests regardless of the alliances to which they belong. As discussed above, all actors—large and small alike—require at least a minimum degree of predictability in international relations, secured by some form of law. However, while an international law *of* and *among Großräume* (greater spaces), in the Schmittian sense, might in the abstract be acceptable to nuclear superpowers, such a legal order would entail the end of sovereignty for many small and middle powers. It is also for this reason that the constitution makers of these countries—acting, though not necessarily consciously, as rational actors—have sought to strengthen an alternative legal model for the organization of international political space. In this sense, constitutional international cooperation clauses are intended to support and preserve the normative and institutional framework of an interstate international society in the Bullian sense.

Thus, both the *Großräume* model and that of international society envisage a legal regulation of international relations. While, in the greater spaces model, factual asymmetries of power among actors generate and justify further legal asymmetries,¹⁰⁶ the constitutions of middle and small powers seek to defend a model of international regulation in which the inevitable substantive inequalities among states are counterbalanced, albeit only partially, by formal “conditions of equality” among them (Art. 11 of the Italian Constitution).

One might object that the evidence invoked in support of this conclusion—namely, the comparison between the constitutions of nuclear superpowers and those of middle-small powers—demonstrates nothing more than a simple regularity or trend. Yet this is precisely the point. Constitutional geopolitics, eschewing any form of determinism, does not seek to formulate universal laws that apply mechanically across all times and places (‘given geopolitical context X, then constitutional arrangement Y,’ or vice versa). Rather, its aim is to assess whether the choices made by constitutional framers may reflect an underlying geopolitical rationality, even where such rationality was not consciously or explicitly pursued. From this perspective, regularities do not constitute proof of necessary causal relationships; instead, they serve as clues that invite inquiry into the strategic logics that may have shaped particular constitutional choices.

It would nevertheless be a mistake to regard constitutions solely as (self-)constraints. For geopolitical actors, constitutions are also instruments. As this analysis showed, constitutions give voice to geopolitical representations, thereby contributing to their stabilization. Moreover, in some cases, constitutions themselves become objects of geopolitical representation, performing a function of unifying the social fabric. This third line of inquiry emerging from these reflections confirms

106. As discussed in Part 6, according to Schmitt, the post-state model of the *Großraum* entails not only a legal prohibition on interference by external powers within the greater space, but also a (likewise legal) power of influence exercised by the hegemonic unit (*Reich*) over the subordinate political units. It is interesting to note that the model outlined by Schmitt was not merely an abstract construct; rather, it found concrete legal manifestations within the framework of the Monroe Doctrine. As Schmitt himself observes, the powers of influence that the United States could exercise over the countries belonging to the Western Hemisphere were not merely factual in nature; see Schmitt, *Der Nomos der Erde*. First, some constitutions (such as those of Cuba and Haiti) explicitly recognized special powers of intervention on the part of the United States, a highly unusual feature from the perspective of comparative constitutional law. Second, the constitutions of a further group of territories (including the Philippines and Puerto Rico) were authorized—and could potentially be revoked—by a legislative Act of the United States Congress. In other cases still (for example, Panama and the Dominican Republic), the powers of intervention exercised by the United States had been codified through specific international agreements. For a cartographic representation of this classification, see Ibrido, *Geopolitica costituzionale*, 270–281.

that constitutions—before being legal materials (indeed, the highest-ranking source of law)—are first and foremost historical and geopolitical documents. In particular, the linguistic code and the historical-symbolic imaginary embedded in a constitution highlight the relevance of what humanistic geopolitics has termed the ‘human factor.’ In other words, mappable power conflicts cannot be analyzed solely on the basis of military indices and other quantitative indicators of power. The choices of geopolitical actors are also influenced by human factors that reflect the way in which an organized community understands itself in the world and in history. From this perspective, constitutions provide an excellent starting point for investigating such human factors.

The results that can be achieved by applying this set of geopolitical heuristic tools to constitutions can then be effectively represented through maps and diatopes. Cartography, in fact, produces a visual synthesis that allows us to grasp connections between legal data and geopolitical context that would be more difficult to convey through textual discourse alone. First, cartography structures the field of inquiry of constitutional geopolitics from the outset: as noted, the dialogue between constitutional law and geopolitics does not extend to any object, but focuses specifically on the role of constitutions within mappable power conflicts. Moreover, cartographic representation makes connections immediately perceptible that would remain implicit or difficult to grasp in textual discourse. Maps thus orient the gaze of constitutional geopolitics, suggesting new interpretive hypotheses and testing the extent to which those already formulated correspond to reality.

Naturally, this toolbox of analytical instruments that I have grouped under the label of ‘constitutional geopolitics’ may find a wide range of applications, both in the study of specific regional or global areas of conflict and in the analysis of particular issues that have long attracted the attention of both geopolitics and law (e.g., artificial intelligence, ecological transition, international terrorism, economic governance, and so forth). At this point, however, the reader may wonder what constitutional geopolitics—beyond the results achieved in relation to specific case studies or research topics—can actually teach us. The term ‘teach’ is certainly too ambitious, as it would sit uneasily with what has been described as one of the virtues of comparative law: epistemological humbleness.¹⁰⁷ Yet, if the term is used in a very modest sense, I believe that constitutional geopolitics can offer some useful insights and stimuli.

A first lesson that may be drawn from constitutional geopolitics concerns the ability to ‘think through maps’ (or, if one prefers, through potentially mappable spaces). Thinking through maps is a much broader and deeper concept than the mere production of maps. Within the legal tradition, reasoning is developed primarily through texts: norms, judicial decisions, and doctrinal reconstructions are generally organized in a linear and discursive form. Geopolitics, by contrast, while certainly not abandoning textual analysis, treats mappable space as the starting point of any inquiry.

From the specific perspective of constitutional geopolitics, this insight is particularly valuable. Space is not the only factor that explains the role of constitutions within geopolitical conflicts (that is, mappable power conflicts), but neither is it a variable that can be ignored. In some cases, constitutions themselves organize and qualify space. This is true, for example, of the constitutional clauses discussed above that define as part of the national territory areas which the state does not in fact control. In other cases, the characteristics of space influence the similarities and differences among constitutions; one need only consider how vast territorial extension tends to favor federal arrangements.¹⁰⁸ To think through maps, therefore, means to reason from the awareness that constitutions and space are engaged in a continuous interaction, without implying any form of either geographical or constitutional determinism.

Secondly, constitutional geopolitics may teach us the importance of context. To be sure, many constitutional scholars already perform invaluable work in taking contexts seriously and moving beyond the mere textual formulation of constitutional provisions. However, as the previous discussion of the constitutions of nuclear and non-nuclear powers has shown, constitutional geopolitics can broaden our perspective by drawing attention to contextual variables that are not usually

107. On the concept of humbleness of comparative law, see Ragone and Smorto, *Comparative Law*.

108. On the role of this geographical factor in the formation and evolution of federal systems, see Ronald L. Watts, “Federalism, Federal Political Systems, and Federations,” *Annual Review of Political Science* 1 (1998): 117–137.

considered by constitutional scholars, or at least by offering a different vantage point from which to examine them.

Thirdly, constitutional geopolitics learns from geopolitics *tout court* and, in turn, seeks to convey to legal scholars an awareness of the importance of engaging in the trench work of interdisciplinarity. Interdisciplinarity is not merely an attribute—albeit a fundamental one—of geopolitical reasoning. It is a constitutive feature of its very identity. Geopolitics either draws upon different fields of knowledge or it ceases to be geopolitics. There is no doubt that constitutional and comparative law today display a much stronger interdisciplinary orientation than in the past.¹⁰⁹ Yet, in several cultural and geographical contexts, significant resistance to interdisciplinarity among constitutional scholars still persists. This tendency towards the fragmentation of knowledge and the compartmentalization of disciplinary expertise is also the product of what Edgar Morin called “simplifying thought”: a form of knowledge that tends to separate what is connected, isolate what interacts, and reduce the complexity of phenomena to individual variables analyzed in isolation.¹¹⁰ Constitutional geopolitics, by contrast, encourages a holistic attitude towards knowledge: complex problems require equally integrated interpretative tools.

In short, constitutional geopolitics invites us to adopt a different way of looking at the world: the ability to think through maps, to take contexts seriously, and to get one’s hands dirty with interdisciplinarity—even when this involves engaging with a “cursed discipline”¹¹¹ such as geopolitics. This means reasoning in terms of space, scales, networks, flows, and the plurality of the world; using maps as instruments of both knowledge and representation; recognizing that the meaning and effectiveness of legal phenomena often depend upon the contexts in which they operate, and that understanding those contexts requires cooperation among different fields of knowledge. Put differently, constitutional geopolitics encourages legal scholars to move from a predominantly linear and compartmentalized reading of constitutional phenomena towards a relational, spatial, and contextual one, more attentive to the interactions among different factors. Certainly, this is not enough. Yet perhaps it is not so little either.

References

- Agnew, John. “The Origins of Critical Geopolitics.” In *The Ashgate Research Companion to Critical Geopolitics*, edited by Klaus Dodds, Merje Kuus, and Joanne Sharp, 19–32. Routledge, 2013.
- Ahmad, Muneer I. “Resisting Guantánamo: Rights at the Brink of Dehumanization.” *Northwestern University Law Review* 103, no. 4 (2009): 1683–1764.
- Akirav, Osnat. “Democratic Backsliding and the Constitutional Blitz.” *European Politics and Society* 26, no. 1 (2025): 95–115.
- Andreu, Josep Maria Castellà. “Normalizing Japan: The Attempts to Amend the Constitution.” In *Asian Constitutionalism in Transition. A Comparative Perspective*, edited by Tania Groppi, Valeria Piergigli, and Angelo Rinella, 179–192. Giuffrè, 2008.
- Antonopoulos, Constantine. *Non-Participation in Armed Conflict: Continuity and Modern Challenges to the Law of Neutrality*. Cambridge University Press, 2022.
- Auer, James E. “Article Nine: Renunciation of War.” In *Japanese Constitutional Law*, edited by Percy R. Luney and Kazuyuki Takahashi, 69–86. University of Tokyo Press, 1993.
- Baldus, Jana, Harald Müller, and Carmen Wunderlich. “The Global Nuclear Order and the Crisis of the Nuclear Non-Proliferation Regime: Taking Stock and Moving Forward.” *ZeFKo* 10 (2021): 195–218.

109. On the progressive strengthening of interdisciplinarity in comparative law, see Ragone and Smorto, *Comparative Law*.

110. Edgar Morin, *Introduction à la pensée complexe* (Éditions du Seuil, 1990).

111. De Ruvo, *Storia e filosofia della geopolitica*.

- Bertolini, Elisa. *La perenne transizione costituzionale della Françafrique tra rottura e continuità*. Wolters Kluwer, 2024.
- Bobbio, Norberto. *Il terzo assente. Saggi e discorsi sulla pace e la guerra*. Sonda, 1989.
- Boria, Edoardo. *Carte come armi. Geopolitica, cartografia, comunicazione*. Edizioni Nuova Cultura, 2012.
- . “La cassetta degli attrezzi della geopolitica.” In *Geopolitica. Dal pensiero all’azione. Spazio e politica in età contemporanea*, edited by Edoardo Boria and Matteo Marconi. Argos, 2022.
- Bourdieu, Pierre. *Homo academicus*. Les éditions de minuit, 1984.
- Bowman, Isaiah. “Geography vs. Geopolitics.” *Geographical Review* 32, no. 4 (1942): 646–658.
- Braudel, Fernand. “Histoire et sciences sociales: la longue durée.” *Annales. Économies, Sociétés, Civilisations* 13 (1958): 725–753.
- . *La Méditerranée et le monde méditerranéen à l’époque de Philippe II*. Armand Colin, 1949.
- Brotton, Jerry. *A History of the World in Twelve Maps*. Penguin Books, 2013.
- Bull, Hedley. *The Anarchical Society. A Study of Order in World Politics*. Palgrave, 1977.
- Bush, George W. “State of the Union Address,” 2002. <https://georgewbush-whitehouse.archives.gov/news/releases/2002/01/20020129-11.html>.
- Cappuccio, Laura. “Art. 11 of the Italian Constitution between Text and Context.” *Italian Review of International and Comparative Law* 1 (2021): 188–208.
- Cohen, Saul Bernard. *Geopolitics of the World System*. Rowman and Littlefield, 2003.
- Constitute Project. “Constitute Project.” <https://constituteproject.org>.
- Constitutional Map. “Constitutional Map.” <https://constitutionalmmap.ai>.
- Dalby, Simon, and Gearóid Ó. Tuathail. *Rethinking Geopolitics*. Routledge, 1998.
- De Freitas Coutinho, Marco Antonio. “Geopolitics and Related Sciences: Theoretical Considerations.” *Coleção Meira Mattos* 15, no. 52 (2010): 61–90.
- De Ruvo, Giuseppe. *Storia e filosofia della geopolitica. Un’antologia*. Carocci, 2024.
- Delaney, Erin F. “Analyzing Avoidance: Judicial Strategy in Comparative Perspective.” *Duke Law Journal* 66 (2016): 1–67.
- Dodds, Klaus. *Geopolitics: A Very Short Introduction*. Oxford University Press, 2019.
- Fairley, Hugh Scott. “International Law Comes of Age: Hape v. The Queen.” *The Canadian Bar Review / La Revue du Barreau canadien* 87 (2008): 229–246.
- Falk, Richard A. *A Study of Future Worlds*. Free Press, 1975.
- Fernandez, Katerina. “Gaming the System? How TikTok v. Garland Could Shape the Future of Tencent.” *UC Law Review Blog*, 2025.
- Ferrajoli, Luigi. “A Constitution of the Earth, to Save Humanity.” *Buffalo Law Review* 72 (2024): 1861–1946.
- Ferrari, Giuseppe Franco. *Atlante di diritto pubblico comparato*. Utet, 2023.
- Fisher, Louis. “A Challenge to Presidential Wars: Smith v. Obama.” *Congress and the Presidency* 44, no. 2 (2017): 258–292.
- Frosini, Justin. *Constitutional Preambles. At a Crossroads between Politics and Law*. Maggioli, 2012.

- Frosini, Justin, and Viktoriia Lapa. "NATO's Aspirations in the Constitutional Preamble of Ukraine: Distorting Historical Roots of the Constitution or Reflecting Societal Changes?" *IACL-IADC Blog*, June 30, 2020. <https://blog-iacl-aidc.org/2020-posts/2020/6/30/natos-aspirations-in-the-constitutional-preamble-of-ukraine-distorting-historical-roots-of-the-constitution-or-reflecting-societal-changes>.
- Fuller, Lon L. *The Principles of Social Order*. Hart Publishing, 2001.
- Galgano, Francesco. *Atlante di diritto privato comparato*. Zanichelli, 2011.
- Giusti, Serena. *The Fall and Rise of National Interest: A Contemporary Approach*. Cham, 2022.
- Glennon, Michael J. *Constitutional Diplomacy*. Princeton University Press, 1991.
- Graziani, Tiberio. "Geopolitics as the Science of Connection: Toward an Epistemological Foundation between Geography, System, and Relation." *Heartland* 1 (2026): 43–74.
- Graziano, Manlio. *Geopolitica. Orientarsi nel grande disordine internazionale*. Il Mulino, 2019.
- Häberle, Peter. "Die Entwicklungsstufe des heutigen Verfassungsstaates." In *Rechtsvergleichung im Kraftfeld des Verfassungsstaates*, edited by Peter Häberle, 105–122. Duncker & Humblot, 1992.
- . "Präambeln im Text und Kontext von Verfassungen." In *Demokratie in Anfechtung und Bewahrung: Festschrift für Johannes Broermann*, edited by Joseph Listl and Herbert Schambeck, 211–249. Duncker & Humblot, 1982.
- Harrison, John. "The Constitution and the Law of Nations." *Georgetown Law Journal* 6 (2018): 1659–1698.
- Hart, Herbert L. A. *The Concept of Law*. Oxford University Press, 1961.
- Henkin, Louis. *How Nations Behave: Law and Foreign Policy*. Columbia University Press, 1979.
- Hesse, Konrad. *Die normative Kraft der Verfassung*. Mohr, 1959.
- Ibrido, Renato. *Geopolitica costituzionale. Una introduzione*. Il Mulino, 2025.
- Ikenberry, G. John. *After Victory. Institutions, Strategic Restraint and the Rebuilding of Order after Major Wars*. Princeton University Press, 2001.
- Ilari, Virgilio. "Thucydides' Traps. The Peloponnesian War in American Political Rhetoric and in Senior Military Education." In *Thucydides in the "Age of Extremes" and Beyond. Academia and Politics*, edited by Luca Iori and Ivan Matijašić, 263–299. History of Classical Scholarship, 2022.
- Jackson, Vicky. *Constitutional Engagement in a Transnational Era*. Oxford University Press, 2010.
- Janik, Ralph R. A. "Current Developments: Austrian Neutrality amid Russia's War on Ukraine." *Austrian Review of International and European Law* 26 (2023): 1–9.
- Kagan, Donald. *On the Origins of War and the Preservation of Peace*. Hutchinson, 1995.
- Kaplan, Fred. *The Wizards of Armageddon*. Simon and Schuster, 1983.
- Keyuan, Zou. "International Law in the Chinese Domestic Context." *Valparaiso University Law Review* 44 (2010): 935–956.
- Knowles, Anne Kelly. *Placing History: How Maps, Spatial Data, and GIS Are Changing Historical Scholarship*. ESRI Press, 2008.
- Koselleck, Reinhart. "«Erfahrungsraum» und «Erwartungshorizont» zwei historische Kategorien." In *Vergangene Zukunft: Zur Semantik geschichtlicher Zeiten*, 349–375. Suhrkamp Verlag, 2010.
- Lacoste, Yves. "Che cos'è la geopolitica?" *Limes* 4 (1993).

- Lacoste, Yves. *Géopolitique: la longue histoire d'aujourd'hui*. Larousse, 2006.
- . *La géographie, ça sert, d'abord, à faire la guerre*. Maspero, 1976.
- Lepsius, Oliver. "Human Dignity and the Downing of Aircraft: The German Federal Constitutional Court Strikes Down the Aviation Security Act." *German Law Journal* 7 (2006): 761–776.
- Limes. "Il fattore umano." *Limes* 8 (2019).
- Losano, Mario G. *La geopolitica del Novecento. Dai Grandi Spazi delle dittature alla decolonizzazione*. Mondadori, 2011.
- Loyer, Barbara. *Géopolitique: Méthodes et concepts*. Colin, 2019.
- Mackinder, Halford. "The Geographical Pivot of History." *Geographical Journal* 4 (1904): 421–437.
- Mahan, Alfred T. *The Influence of Sea Power upon History (1660–1783)*. Little Brown, 1890.
- Morgenthau, Hans. *Politics among Nations: The Struggle for Power and Peace*. Alfred A. Knopf, 1948.
- Morin, Edgar. *Introduction à la pensée complexe*. Éditions du Seuil, 1990.
- Netanyahu, Benjamin. "Speech at the United Nations General Assembly," 2015. www.gov.il/en/pages/speechun011015.
- Nicolini, Matteo. *Legal Geography: Comparative Law and the Production of Space*. Springer, 2022.
- Odermatt, Jed. "Patterns of Avoidance: Political Questions before International Courts." *International Journal of Law in Context* 14 (2018): 221–236.
- Panke, Diana. "Is Bigger Better? Activity and Success in Negotiations in the United Nations General Assembly." *Negotiation Journal* 30, no. 3 (2014): 273–296.
- Partlett, William. "Russia's 2020 Constitutional Amendments: A Comparative Analysis." *Cambridge Yearbook of European Legal Studies* 23 (2021): 311–342.
- Passaglia, Paolo. *Geopolitica e diritto. Un legame trascurato*. FrancoAngeli, 2026.
- Popper, Karl R. *Conjectures and Refutations: The Growth of Scientific Knowledge*. Routledge, 1963.
- Portinaro, Pier Paolo. *Il labirinto delle istituzioni nella storia europea*. Il Mulino, 2007.
- Preterossi, Geminello. "Per una critica del vincolo esterno assoluto." *Diritto costituzionale* 1 (2025): 131–152.
- Quaderni Costituzionali and Il Mulino. "La crisi delle istituzioni del multilateralismo." www.radioradicale.it/scheda/782973/la-crisi-delle-istituzioni-del-multilateralismo.
- Ragone, Sabrina, and Guido Smorto. *Comparative Law: A Very Short Introduction*. Oxford University Press, 2023.
- Rossi, Agnese. "La crisi dell'università è il suicidio dello Stato." *Limes* 2 (2024): 57–66.
- Schmid, Alex P. *Defining Terrorism*. International Centre for Counter-Terrorism, 2023.
- Schmitt, Carl. *Der Nomos der Erde im Völkerrecht des Jus Publicum Europaeum*. Greven Verlag, 1950.
- . *Völkerrechtliche Großraumordnung mit Interventionsverbot für raumfremde Mächte*. Deutscher Rechtsverlag, 1939.

- Sloss, David L., Michael D. Ramsey, and William S. Dodge. *International Law in the U.S. Supreme Court: Continuity and Change*. Edited by David L. Sloss, Michael D. Ramsey, and William S. Dodge. Cambridge University Press, 2011.
- Smend, Rudolf. "Verfassung und Verfassungsrecht." In *Staatsrechtliche Abhandlungen und andere Aufsätze*. Duncker & Humblot, 1955.
- Spykman, Nicholas J. "Geography and Foreign Policy." *The American Political Science Review* 1 (1938): 28–50.
- Stephanson, Anders. *Manifest Destiny. American Expansion and the Empire of Right*. Hill and Wang, 1996.
- Thucydides. *The Peloponnesian War*. Oxford University Press, 2009.
- Tuathail, Gearóid Ó. *Critical Geopolitics. The Politics of Writing Global Space*. Minnesota University Press, 1996.
- Tukumov, Yerkin. "How Middle Powers Can Shape the Future of Global Cooperation." *The Geopolitics*, October 2, 2024. <https://thegeopolitics.com/how-middle-powers-can-shape-the-future-of-global-cooperation>.
- Turner, Frederick Jackson. "The Significance of the Frontier in American History." In *The Frontier in American History*, 1–38. Holt and Co., 1920.
- Upcher, James. *Neutrality in Contemporary International Law*. Oxford University Press, 2020.
- Valigi, Marco. *Le medie potenze. Teoria e prassi in politica estera*. Vita & Pensiero, 2018.
- Vedaschi, Arianna, and Kim Lane Scheppele. *9/11 and the Rise of Global Anti-Terrorism Law: How the UN Security Council Rules the World*. Edited by Arianna Vedaschi and Kim Lane Scheppele. Cambridge University Press, 2021.
- Voermans, Wim, Maarten Stremmer, and Paul Cliteur. *Constitutional Preambles: A Comparative Analysis*. Elgar, 2017.
- Wallace, Michael David. *War and Rank Among Nations*. Lexington Books, 1973.
- Watson, Alan. *Legal Transplants: An Approach to Comparative Law*. Scottish Academic Press, 1974.
- Watts, Ronald L. "Federalism, Federal Political Systems, and Federations." *Annual Review of Political Science* 1 (1998): 117–137.
- Wendt, Alexander. *Social Theory of International Politics*. Cambridge University Press, 1999.
- Wight, Martin. *Power Politics*. Holmes & Meier Publishers, 1978.
- Wigmore, John. "A Map of the World's Laws." *Geographical Review* 19, no. 1 (1929): 114–120.
- World Policy Center. "World Policy Center." www.worldpolicycenter.org.
- Yamauchi, Toshihiro. "Constitutional Pacifism: Principle, Reality and Perspective." In *Five Decades of Constitutionalism in Japanese Society*, edited by Yoichi Higuchi, 27–30. University of Tokyo Press, 2001.