

Sul ‘soggetto costituente’. Autorità *de facto*, identità costituente e contesto internazionale

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On the Constituent Subject. De facto Authority, Constituent Identity, and International Context

Abstract: In this brief commentary on Jorge Baquerizo’s *El concepto de “poder constituyente”*, I will make three observations on some aspects and related issues of his definition of the ‘constituent subject’ (§2). The first two concern some problematic aspects of his relation to ‘de facto authority’ and ‘de facto power’, especially the noncomplete consideration of their ambiguity and its consequences (§3). The third concerns the possibility that the definition under analysis is insufficient, and how it could be overcome with a definition of the ‘constituent identity’ based on the analysis of the ‘constituent triad’ and consideration of the international context (§4).

Keywords: Constituent power, Constituent subject, Authority, Constituent triad, Constitutive rules, International law.

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