

Il costituzionalismo oltre lo Stato

Commenti al volume di Francesca Scamardella *Etsi Constitutio non daretur*

Il costituzionalismo globale non è più globale – e non è in forma

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Global Constitutionalism is not Anymore Global – And It Is not in Good Shape

Abstract: Engaging with Francesca Scamardella's thesis expressed in her volume *Etsi Constitutio non Daretur* is an occasion to reflect on certain topics and relevant issues of contemporary global society. Three concepts are of particular importance in understanding the current evolution of the society and rules governing the globe: alterity, freedom, and sovereignty (often improperly defined as "Nation" *tout court*). The concept of *alterity*, rather than that of similarity, is key to understand the emerging legal landscape of the globe. In this transition, it is important to focus again on the concept of *freedom*, especially of those places and communities where individual rights concretely express themselves, and on the enduring legacy of the concept of *nation*. In conclusion, several factors show that, even Western policy-makers are not operating within a framework in which constitutionalism is still global.

Keywords: Global constitutionalism, International law, Sovereignty, Freedom.

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