

## **“The Constitutionalization of International Law”**

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The book examines the relevance of constitutional questions at the international level. It investigates what should be characterised as constitutional features of the current international order, in what way the challenges differ from those at the national level, what could be a proper interaction between different international arrangements as well as between the international and national constitutional level, and, finally, sketches the outlines of what a constitutionalized world order could and should imply.

The book is a critical appraisal of constitutionalist ideas. We do not assume that we are necessarily moving towards a constitutionalized world, but that it is possible to identify features that may properly be characterized as a process of constitutionalization.

We acknowledge that competing theories and objections to that of constitutionalization may be advanced. Our working thesis is, however, that the reconstruction of the current evolution of international law as a process of constitutionalization (against a background of, and partly in competition with, the verticalization of substantive law and the deformalization and fragmentation of international law) has some explanatory power, permits new insights and allows for new arguments.

We do not undertake extensive empirical studies of the degree of constitutionalization in international cooperation. We rather use our current knowledge of international principles, actors, and institutions to identify constitutional trends and challenges in establishing international organisational structures, and designing procedures for standard-setting, implementation and judicial functions. In short, we apply a constitutional mindset to classical problems of international law.

The basic idea is not to reinvent the international legal order, but to build as far as possible on existing institutions. So while our work is to some extent speculative, it still claims to extrapolate real trends. We provide a modest blueprint: if, e.g., there will be judicial review in international law, then what form might it take, and which are relevant factors to consider? Therewith, the project also becomes prescriptive: we tend to think that as a political matter, our proposals might well be worth reflecting on.