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EDITORIAL

Global constitutionalism and/as enlightenment

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Abstract
This editorial considers how scholars interested in issues of global constitutionalism should approach the questions that have concerned those interested in enlightenment. Reflecting on the relocation of the journal's editorial offices to Edinburgh, we foreground discussions from the historiography of the long eighteenth century that should be of interest to scholars of international relations, international law and political theory. Two main contributions are emphasized. First, a contextualist and political approach to enlightenment invites us to see global constitutionalism as a strategic response to crisis, aiming to combat fanaticism. Second, a global approach to enlightenment invites us to continue enlarging the world of global constitutionalism. Taken together, the contributions support the journal's ongoing efforts to decolonize global constitutionalism by enjoining readers and contributors to attend to neglected sides and sites of global constitutional processes.

Keywords: enlightenment; global constitutionalism; intellectual history; political thought

Race and Enlightenment: the Hume controversy

The relocation in January 2025 of the journal's editorial offices to Edinburgh provides a welcome opportunity to reflect on the relationship between global constitutionalism and enlightenment. The city of Edinburgh is widely recognized as the epicentre of the Scottish Enlightenment, with statues of Adam Smith (1723–1790) and David Hume (1711–1776) fixtures of its famous Royal Mile. The University of Edinburgh, too, is remembered as the site of debates among faculty and students that helped to distil and consolidate what Hume came to call 'the science of man'. But *Global Constitutionalism*'s arrival in Edinburgh comes in the wake of controversy that has decidedly lowered the public standing of both Hume and the distinctive blend of natural history, moral philosophy and medicine to which he referred.

In 2020, University students successfully petitioned to have Hume's name removed from the tallest building on campus. The controversy invoked debates that have been

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longstanding in enlightenment historiography, while simultaneously impelling new ones. Bringing together related issues of Hume's philosophical white supremacy and his practical role in the trade of enslaved Africans, it centred on the footnote Hume appended to his essay 'Of National Characters' in 1753. 'I am apt', he wrote,

> … to suspect the negroes and in general all other species of men (for there are four or five different kinds) to be naturally inferior to the whites. There never was a civilized nation of any other complexion than white, nor even any individual eminent either in action or speculation. No ingenious manufactures amongst them, no arts, no sciences. On the other hand, the most rude and barbarous of the whites, such as the ancient German the present Tartars have still something eminent about them, in their valour, form of government, or some other particular. Such a uniform and constant difference could not happen, in so many countries and ages, if nature had not made an original distinction between these breeds of men. Not to mention our colonies, there are Negroe slaves dispersed all over Europe, of whom none ever discovered any symptoms of ingenuity; tho' low people, without education, will start up amongst us, and distinguish themselves in every profession. In Jamaica, indeed, they talk of one negroe as a man of parts and learning; but it is likely he is admired for slender accomplishments, like a parrot, who speaks a few words plainly (Hume 2021: 168n6).

While Hume's footnote was well-known, its significance was largely taken to have been mitigated by his outward opposition to slavery (Popkin 1974; Garrett and Sebastiani 2017). Yet as the petition was being debated, Felix Waldmann highlighted the more recent discovery of a letter in which Hume encouraged his patron to purchase a slave plantation in Grenada (Hume 2014: 65–68). Karin Fierke's critical International Relations enquiry probes this further by 'placing Hume in the historical context of Enlightenment Scotland and problematizing his silence on the transatlantic slave trade… in order to begin to see the unseen or those who have been written out of history' (Fierke 2022: 20). With Hume's minor but tangible participation in the slave trade more widely known, his name was removed, and the former David Hume Tower now stands as, simply, 40 George Square.

Arriving at Edinburgh after the Hume controversy, this editorial asks how those interested in issues of global constitutionalism should approach the questions that have concerned those interested in enlightenment. Intellectual historians and historians of political thought have always had a voice in *Global Constitutionalism*'s interdisciplinary dialogue. In bringing these from accompaniment to main theme, the editorial foregrounds discussions from the historiography of the long eighteenth century, which should be of interest to scholars of international relations, international law and political theory. Two main contributions are emphasized. First, a contextualist and political approach to enlightenment invites us to see global constitutionalism as a strategic response to crisis, aiming to combat fanaticism. Second, a global approach to enlightenment invites us to continue enlarging the 'world of global constitutionalism' (Kumm et al 2014), both geographically and temporally. Taken together, the contributions support the journal's earlier call to 'decolonize global constitutionalism' (Havercroft et al 2020) by enjoining readers and contributors to attend to the 'other side' of global constitutional processes.

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Enlightenment and Global Constitutionalism - Contextual and Political

When *Global Constitutionalism* was first published from its initial editorial home in Hamburg in 2012 (Wiener et al 2012), one of the central debates among intellectual historians was whether to conceive of enlightenment in unitary or pluralist terms. Was there such a thing as 'the Enlightenment', or were there many 'Enlightenments' (or, 'enlightenments')? Scotland, Edinburgh and Hume all figure prominently in these discussions. John Robertson used a comparative study of Scotland and Naples to support his argument that 'there was only one Enlightenment' (Robertson 2005: 9). The core of his 'Enlightenment' is the theory of human nature that, first, emerged from the creative intermingling of Augustinian and Epicurean arguments in European philosophy; and, subsequently, came to undergird the discursive framework of political economy (cp. Holley 2024b). The most forceful articulation of the alternative view had come from John Pocock. He first distinguished a 'conservative Enlightenment' (i.e., Pocock 1989) and continued to argue that 'the specificity of "Enlightenment" is better displayed in its plurality than in its unity; there is more, and richer, Enlightenment if there are many and diverse Enlightenments than if it is reduced to a single process' (Pocock 2008: 94). The choice between these positions continues to structure more recent interventions, with the pluralists seemingly ascendent (cp. Whatmore 2025a; Clark 2024).

The pluralist approach to enlightenment resonates with this journal's contextualist approach to global constitutionalism as a political phenomenon. Pocock's position was grounded in scepticism about reification. While one could write sensibly of a single process of 'Enlightenment', that process played out in different contexts, and the contexts determined its most salient contours. It is therefore misleading in the extreme to employ the definite article in studies of 'the' Enlightenment. Previous *Global Constitutionalism* editorials have advocated a similar approach to the terms of the journal's subtitle. Democracy, human rights and the rule of law should be approached not as 'unit ideas', a sort of transhistorical ideational 'core' of global constitutionalism but, rather, 'as historically contingent and contextual phenomena that should be studied contextually from a plurality of perspectives' (Tully et al 2016: 2). Pocock's worries about reification ran alongside an insistence on seeing enlightenment as an eminently *political* phenomenon – as a range of strategies developed in response to Europe's Wars of Religion and their aftermath, encompassing both concrete practices and those discursive interventions aiming to either legitimate or contest them. In similar ways, a 'constant focus' of this journal has been on historical change through 'contestation of normative hierarchies' (Wiener et al 2019). In this sense, global constitutionalism and enlightenment are methodologically related as contextual and political phenomena most profitably explored by attending not to transhistorical unit ideas but to ideas in action.

Going further, we might even see global constitutionalism itself as a kind of enlightenment. Such a view conceivably follows from combining Pocock's insights with those of his Cambridge colleague Istvan Hont. A mitigated sceptic himself, Hont disliked 'enlightenment' (plural or otherwise) as an historiographical category, seeing it as a barrier to appreciating where the action really was in the political thought of the eighteenth century – and, by extension, the twenty-first century. On his view, 'enlightened' thinkers remained relevant because of their rigorous attention to the politics of *crisis.* As Hume and Smith emphasized, whatever peace could be achieved in the modern world of 'commercial society' would only ever be precarious, for the intermingling dynamics of socio-economic inequality, state centralization, competitive international trade and public debt financing always threatened to unleash civil and international war (Hont 2005, 2015). As Richard

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Whatmore has recently shown, reading Pocock and Hont together yields a suitably sceptical but emphatically political understanding of enlightenment as: (i) any strategic response to crisis, that (ii) aims to harness or limit the twin threats of superstition and enthusiasm, in order (iii) to prevent the greatest danger, fanaticism. Hence, 'enlightenment' can range from Edmund Burke's advocacy of 'arming autocratic states by British funds' against the French Republic to Scottish jurist James Mackintosh's rejection of that strategy as providing 'subsidies to tyranny' (Whatmore 2025b: 1447).

The view of global constitutionalism articulated in previous journal editorials plausibly tracks this understanding of enlightenment. Perhaps unsurprisingly, 'crisis' is a consistent theme. The field of global constitutionalism was articulated in the aftermath of the crises of World War II and the Cold War (Tully et al 2016). Contributing authors have been encouraged to respond to the 'hard times' facing global constitutionalism (Dunoff et al 2015). Those crises addressed directly range from the crisis of private law (Law et al 2024) to the climate crisis (Kang et al 2023); Donald Trump (Havercroft et al 2018) to the crisis of the 'post-1945 international order' itself (Wiener et al 2025). The central preoccupation of Hont's work was what he followed Hume in calling 'the jealousy of trade' (Hume 1994), and the ways in which commerce would be drawn into the dynamics of international conflict. Previous editorials have addressed 'global economic crises' (Lang 2021) and 'global economic constitutionalism' (Tully et al 2016: 7–11). Further investigations in this direction would help to develop the field's relationship to enlightenment through sustained attention to the political economy of global constitutionalism (Schwöbel-Patel 2017; cp. Britton-Purdy, Kapczynski and Grewal 2017).

Global Enlightenments and Anti-racist Constitutionalisms

The reorientation from specific doctrines to problems and their solutions in enlightenment studies occurred alongside a wider 'global turn in European intellectual history' (Moyn 2025). Many early pluralists tended to focus on process(es) of enlightenment in different 'national contexts', principally in Europe (i.e., Porter and Teich 1981). However, Pocock was careful to stress that the contexts in which his plural enlightenments took place were geographically varied in both site and scale: some were 'national', others were 'multinational' (2008: 84); and other scholars soon demonstrated that there was no reason why enlightenments could not be 'international' (Dunyach and Thomson 2015), 'transnational' (Burson and Lehner 2014) or 'global'(Statman 2023). Indeed, the founding of *Global Constitutionalism* coincided with Sebastian Conrad's article 'Enlightenment in Global History', which soon became a major touchstone of both enlightenment studies and the consolidation of 'global intellectual history' as a distinctive approach and subfield. As Conrad emphasized, the intellectual debates that occurred in eighteenth-century Europe were not only 'situated in a global context' but were also 'received, appropriated and indeed *made* globally. The history of Enlightenment debates was a history of exchanges and entanglements, of translations and quotations, and of the co-production of knowledge' (Conrad 2012, 1011 my emphasis; cf. Conrad 2016).

Race was of course a central entanglement of global enlightenment debates, with European systems of racial classification a co-production emerging from processes of colonial conquest and slavery. European understandings of 'blackness' were transformed from being a 'variety' to a 'race' precisely as interaction with sub-Saharan Africa intensified across the fifteenth to eighteenth centuries (Curran 2013). The intermingling of racial science and a general commitment to universal human equality is often identified

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as a core tension of enlightenment political thought, perhaps even a paradox (Vartija 2021). It provided the global context in which Hume's footnote was written, and then effectively paraphrased by Immanuel Kant in 1764 (Kant in Eze 1997, 55). As with Hume, so has Kant's philosophical white supremacy been seen to sit uneasily with his eventual criticisms of colonial slavery – yet whether or not Kant is best seen as part of a counter-tradition of 'enlightenment anticolonialism' is questionable (Muthu 2009; Valdez 2019). While these debates have arguably tended to prioritize a narrow understanding of 'context' as ideological or philosophical, the most recent studies of race and enlightenment have sought to attend more closely to social practices of knowledge formation, including at the University of Edinburgh (Burnett and Buchan 2025).

The understanding of enlightenment as a political and global phenomenon is apparent in the great Black abolitionist Frederick Douglass' racially inclusive and egalitarian reading of the US Constitution as 'an anti-slavery document'. He advanced that reading in an 1860 speech before the Scottish Anti-Slavery Society in Glasgow, just 45 miles west of Edinburgh. His argument was grounded in a universalist interpretation of the Constitution's rights provisions, such as those included in the fifth Amendment's declaration that 'no person shall be … deprived of life, liberty or property, without due process of law' (in Rana 2024: 68). Simply attending literally to 'what it says', Douglass claimed, showed that the Constitution did not support slavery, for 'any one of these provisions in the hands of the abolition statesman, and backed up by a right moral sentiment, would put an end to slavery in America' (Douglass 2000: 388).

A little over a century after Hume's footnote, then, Douglass was articulating a constitutionalism that was simultaneously enlightened and anti-racist. He saw himself as a 'child of the Enlightenment', understanding his own brand of universalist and egalitarian humanism to stem from a natural law tradition that justified faith in America's 'tendency to progress, enlightenment and to the universal' (Martin 1984: 8, 256). Crucially, his argument was also 'enlightened' in the political or strategic sense outlined above, for it intervened in abolitionist debates about how to respond to the crisis of American white supremacy. His view contrasted with that of abolitionists like Wendell Philips, who saw the constitution as a 'pro-slavery compact' because of the slave society it had historically produced and upheld (Phillips et al 1856). The appropriate abolitionist strategy was therefore to pursue its repeal. For Douglass, the effect of repeal would be to remove what limited protections existed for enslaved persons, subjecting them to even more extreme forms of violence as a subordinated minority (see Rana 2024: 67–78). His redemptive reading of the constitution as an anti-slavery pamphlet supported the alternative strategy of abolition without repeal instead.

While Douglass made the argument famous, he was giving voice to positions that were widespread in his context. The relationship between global constitutionalism and enlightenment could be further developed through investigation of what Dorothy Roberts identifies as a Black antebellum 'abolitionist constitutionalism'. Studies of contemporary America's 'carceral regime' (Garland 2025) are supplemented by Roberts' historical finding that the United States' criminal justice systems 'still function to maintain forms of racial subordination that originated in the institution of slavery – despite the dominant constitutional narrative that those forms of subordination were abolished' (Roberts 2019: 4). The relationship to enlightenment could also be further investigated through Douglass' and other contributions to 'Black constitutionalism'. By interpreting the US Constitution as advocating for natural rights and political equality, Black constitutionalists contributed to the creation of the Fourteenth Amendment, to promote civil rights, challenge injustices and advocate for greater inclusion (Huebner 2020a, 2020b).

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Either historiographical category could, in turn, be situated as a local episode of the 'global liberal constitutional moment' that intellectual historians have identified in the mid-nineteenth century, with an initial focus on India. How does abolitionist constitutionalism relate to the anticolonial constitutionalism of Rammohan Roy (1772–1833), who advanced his own 'version of enlightenment' (Bayly 2007); or Dadabhai Naoroji (1825–1917), who drew on Hume and Smith to develop his famous 'drain theory' of economic imperialism (Visana 2022)? Could Black constitutionalism undergo its own hemispheric (Hooker 2019) or global turn through juxtaposition with constitutionalists in Haiti? Edmond Paul (1837–1897) drew on French enlightenment thinkers like Henri de Saint-Simon (1760–1825) in founding the Haitian liberal party, which Anténor Firmin (1850–1911) joined to advocate for the restoration of Haitian liberalism and the undoing of colour-prejudice in the constitutional debates of the 1860s (Holley 2024a). Indeed, Douglass and Firmin met in 1891, representing their respective governments in negotiations over the lease of Haitian territory for an American naval base: the negotiation failed; the Americans invaded in 1915 and Haiti was an occupied protectorate of the American empire until 1934 (Hudson 2021). These and other points of inter-imperial connection and comparison are potential sites for further investigating the relationship between enlightenment and global constitutionalism.

Listening to the Other Side

If understanding enlightenment as a political and contextual phenomenon can facilitate a generative dialogue with work on global constitutionalism in such a wide variety of productive ways, the sceptical orientation of the historians also provides a salutary caution on which to conclude. As Whatmore emphasizes, while enlightenment figures responding to crises often saw themselves as advocates of peace, they were likely to be seen by their opponents as fanatics – and indeed, they 'might end up *being* fanatic in practice' as they identified others as responsible for 'the failure of their political visions' (Whatmore 2025b: 1447). Contextualism mitigates the potential for enthusiasm to turn fanatic because it prioritizes the circumstances of real politics over moralizing judgments of praise and blame. Global constitutionalism can harness enthusiasm for human rights, democracy and the rule of law to combat the kinds of fanaticism increasingly seen in the rise of anti-(im)migrant and ethno-nationalist responses to contemporary crisis. Yet studies of global constitutionalism must also avoid approaching its subject through the 'superstitious' framings of liberal political thought – the vision of politics as a field of free and equal independent states in international law and free and equal independent individuals within states that, while still-dominant, is false in the sense of disavowing 'the global system of imperialism and the colour line', 'the racial social system of de facto segregation' (Tully 2023: 145–47) and the political economy of capitalism. Indeed, although Douglass' constitutionalism was anti-racist, his commitment to conventional nineteenth-century notions of historical development likely explains his relative silence about those supposedly 'backward' indigenous peoples not *excluded from* but *subjected to* (Mills 2018) America's settler constitution. This raises further questions about how Black or abolition constitutionalism might be related to indigenous constitutionalisms globally (Borrows 2016; McKerracher 2023; Ramaciotti and Shaw 2024). Without a certain degree of mitigated scepticism, enthusiasm for democracy, human rights and the rule of law can easily turn into the fanaticisms that accompany procedural and deliberative liberalism, Rawls and Habermas alike (cp. Geuss 2008; Holley 2025).

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Last year's editorial suggested that scholars of global constitutionalism could respond to the 'crisis' of international order by 'establishing the *quod omnes tangit* maxim (what touches all must be approved by all) as an organizing principle'. Doing so would support 'sustainable normativity' in international relations because it 'would imply the normative goal of establishing access to contestation for all affected stakeholders'. It would also support *Global Constitutionalism*'s founding aim of facilitating 'responsible academic intervention' (Wiener et al 2025: 8–9). One of the oldest political norms in the western philosophical and legal tradition, *quod omnes tangit* is a notoriously 'malleable' maxim (Nederman 2024) – it can be applied broadly or narrowly. But as James Tully notes, it 'plays the same role' as another classical humanist maxim – *audi alteram partem* (always listen to the other side) (Tully 2023: 32 n. 71). Making this connection between the two maxims explicit is crucial, for 'listening to the other side' is one way to avoid an overly restrictive application of 'all affected'.

This year's editorial has surveyed a range of insights and approaches from the political thought and intellectual history of enlightenment. While scholars of global constitutionalism could take these insights forward in substantive terms – through sustained focus on, say, political economy, race and their mutual imbrication in both colonial ideologies of international law (Tzouvala 2020) and such 'anticolonial enlightenments' as those of CLR James (Vázquez-Arroyo 2025) or Frantz Fanon (Etherington 2016) – a more productive way forward might be to see them as examples of precisely the kind of listening that can helpfully accompany the concern with all affected. One of Istvan Hont's 'highest compliments' of a piece of historical writing was to say that 'its author was beginning to hear the music' (Sonenscher 2013). By this, he seems to have meant that a historical and contextualist approach can clarify normative claims in much the same way that musical accompaniment can enhance a melody. As historians have come to understand enlightenments as strategic responses to crisis, they have increasingly situated both the crises and their responses in contexts of interconnected local and global processes. In doing so, they have learned by necessity to listen carefully to many more and manifold voices. Scholars of global constitutionalism concerned with all those affected by the politics of democracy, human rights and the rule of law would do well to follow their example. For this would facilitate academic interventions that are responsible to those who have historically been on the other side of both enlightenment and global constitutionalism.

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