CAMBRIDGE
UNIVERSITY PRESS

RESEARCH ARTICLE

# Passionate humility for global constitutionalism in the aftermath of the Russo-Ukrainian war

Xymena Kurowska (ID)

Central European University, Quellenstraße 51, 1100 Wien, Austria
Email: kurowskax@ceu.edu

## Abstract

This essay proposes the epistemic ethos of passionate humility for knowledge production about global constitutionalism in the aftermath of Russia's full-scale invasion of Ukraine. By employing the conceptual strategy of elucidation, passionate humility can reveal a counter-intuitively counter-hegemonic use of the global constitutionalist triad of human rights, democracy and the rule of law in the Ukrainian resistance against Russia's war. As an approach to knowledge production, passionate humility addresses epistemic ignorance by retrieving situated non-imperial knowledges while also confronting the ambivalent politics of such knowledges. It therefore hints at how we can both decentre and make use of resources associated with global constitutionalism, without valorizing western elitist discourses, reinscribing the inter-imperial mode of knowledge production or sanitizing vernacular knowledges. Passionate humility does so in three moves: it problematizes hegemonic epistemic frames (either west-centred or Russia-centred); it foregrounds complex social agency, which resists a fixed theoretical or ideological language; and it reveals the contextual deployment of the Occidentalist language of global constitutionalism in the Ukrainian public discourse as a practice of negotiated subjecthood. Such practice can be counter-hegemonic without being inherently progressive.

**Keywords:** elucidation; global constitutionalism; Occidentalism; passionate humility; Russia; Russo-Ukrainian war; Ukraine

## I. Inter-imperial epistemic complementarities

Russia's aggressive war against Ukraine has shaken up the global constitutional triad of human rights, democracy and the rule of law as the basic principles of international politics; they did not prevent a shocking breach of a basic norm of international law – the prohibition of aggressive war. This direct failure is the foreground to broader controversies over global constitutionalism. These controversies revolve around at least two types of scepticism: the manifestation of the ephemeral nature of global constitutionalism in subordination to great powers' privileges entrenched in the international system (Simpson 2004); and the hegemonic setup of global constitutionalism hailing from colonial legacies and revealing itself in civilizational progressivism. The vocabulary of 'civilized nations' inscribed in the UN Charter, for example, has served to distinguish

European Christian states from those not deemed to possess similarly worthy legal systems, thus being undeserving of full legal subjecthood. Today, such exclusionary language is anachronistic, an indicator of the racial stratification of international society and highly taboo in liberal societies. The growing recognition of such legacies legitimates objections to the hypocrisies of the 'rules-based international order' embraced by global constitutionalism. Modelled on western liberal democracies, the rules-based international order may reproduce global inequalities despite its claim to advocating democratic global governance. These inadequacies are exploited by a Russian diplomatic strategy that, in a seemingly parodic or disingenuous deployment (Bettiza and Lewis 2020; Burai 2016; Kurowska and Reshetnikov 2021), sees the rules-based international order as an attempt to 'usurp the decision-making process' by replacing 'the universally agreed international legal instruments and mechanisms with narrow formats' and 'non-consensual methods' (Lavrov 2019; cf. Allison 2020).

Meanwhile, strong voices in the Ukrainian elite invoke discourses of civilization to appeal to the international community's sense of humanity in confronting Russia's violation of international law and perpetration of war crimes. Dmytro Kuleba, the Ukrainian foreign affairs minister, expressed this sentiment after a shelling attack on Odesa:

> The only aim of Russian missile strikes on Odesa is terror. Russia must be designated a state sponsor of terrorism and treated accordingly. No business, no contacts, no cultural projects. We need a wall between civilization and barbarians striking peaceful cities with missiles.[1]

The call of Ukraine's deputy prime minister, Iryna Vereshchuk, for the exclusion of the Russian Federation from the United Nations and the Red Cross[2] is hardly a surprising position to be officially taken by a government battling a war of aggression. So is the damning assessment of the United Nations' passivity and confusion in the face of this aggressive war. If Russia, as a permanent member of the UN Security Council, is also a state aggressor that claims the role of the global protector of international law while breaking its first principles, and if it advocates postcolonial claims while pursuing a settler colonialist conquest in its neighbourhood, the normative coordinates of international society must be seriously askew.

Against this complex picture, the academic discourse has been polarized. This polarization is organized around a sometimes explicit, and sometimes less so, symmetry – or complementarity – between a re-valorization of NATO and the west, and Russia-centred interpretations. The latter are not necessary apologiae for Putin's Russia, but are certainly sceptical of 'NATO-imperialism'. In this context, the Ukrainian flag has become a symbol of the western liberal order that, despite itself, also normalizes and perpetuates nationalist ideologies (Militz, Ruppert and Schurr 2022). The entrenchment of such epistemic complementarities – where Ukraine is either part of Russia's legitimate sphere of influence, a place of western expansion and resistance against such expansion, or a naïve Europhile state that suffers from false consciousness about its own subjection to western

---

[1]Tweet by Dmytro Kuleba, 23 April 2022, available at <https://twitter.com/DmytroKuleba/status/1517850557926580224>.

[2]Interview for Ukrainian TV channel Факти ICTV, 'Росію потрібно НЕГАЙНО вигнати із ООН та Червоного Хреста' [in Ukrainian, own translation], dated 27 September 2022. Available at <https://www.youtube.com/watch?v=Xfa9cTNiz5Y>.

imperialism – has resulted in 'monochromatic views of Ukraine' (Vorbrugg and Bluwstein 2022). While such representations rightly condemn the media narratives that depict Ukraine as 'civilized' and white in comparison to other war settings as racist, their charges of Eurocentrism fail to acknowledge the ambiguous place of Ukraine in European or western imaginaries (Vorbrugg and Bluwstein 2022). The question, 'Where is Ukraine?' (Khromeychuk 2022) cracks open epistemic ignorance about the mutual reinforcement of Russia/west-centric frames, and thus of 'inter-imperial epistemic complementarity' in the production of knowledge about Ukraine. Inter-imperial epistemic complementarity predictably squeezes out Ukrainian subjecthood in global constitutionalism, even in calls to 'give voice' – ultimately you can only give voice to someone who does not already have it. Inter-imperial epistemic complementarity is an effect of stratification in international society. It reveals a certain collusion among those who create dominant modes of knowledge, even if those modes are opposite in ideological substance. At the level of analysis, inter-imperial epistemic complementarity bolsters certainty and lacks interpretive modesty regarding the complexities of both the war's causes and its reality as experienced by those affected.

This brief essay proposes the epistemic ethos of passionate humility, supported by the conceptual strategy of elucidation. Such proposition breaks through the episteme of inter-imperial complementarity in global constitutionalism, integrates the politics of vernacular knowledges and, more broadly, contributes to the de-imperialization of knowledge production (cf. Khromeychuk 2022). '[A] conviction tempered by willingness to be proven wrong through inquiries in critical proximity with socially and politically mediated facts' (Cheesman 2018: 168), passionate humility was introduced by Dvora Yanow (2009) to debates on reflective policy practice and developed by Nick Cheesman (2018) for interpretive inquiry of the rule of law. Passionate humility shifts from the language of certainty to a language of reflective inquiry and opens up to meaning-in-use (Wiener 2009; Wittgenstein 1953). Elucidation grounds concepts in their local use, historicizes such use and embeds it in broader epistemic power relations (Schaffer 2016).

Mattias Kumm (2018) already constructs an affirmative genealogy of global constitutionalism to bring out the way internal contestations, in accordance with the liberal democratic tradition, have often been a source of progressive development and reform, with the caveat that they may also be appropriated by national elites to perpetuate their domination. The decolonization agenda for global constitutionalism has also been proposed (Havercroft et al. 2020), although it is not yet fully developed. Passionate humility takes a different route to decentring global constitutionalism: it allows the perspective of a marginally situated actor who struggles with and reappropriates dominant vocabularies for counter-intuitively counter-hegemonic purposes to be heard. By doing so, it may render counter-hegemonic that which, in abstract terms or through a fixed theoretical and ideological lens, appears to be dependent on the hegemonic. Its modus operandi is to focus less on the mutually animating inter-imperial antagonism, and thus complementarity, and more upon the interpretive ambiguities encountered through appreciation for local experience and local politics of knowledge. Passionate humility thus challenges epistemological and normative responses that 'effac[e] the voices of Ukrainians who … are the paradigmatic case of a subaltern people responding to imperialist aggression, including through the emancipatory language of international law' (Labuda 2022).

The focus on local struggles may retrieve the counter-hegemonic potential of the global constitutionalist triad if they are approached with a concern for how knowledge is historically constructed and entangled in power relations. Such reappraisals are complex, as they need to confront their own politics and the politics of their actors; therefore, they

are best attempted with polysemic sensibility. This is not to excuse the imaginary of civilizationism and its anti-emancipatory categories;[3] I situate them instead as a historically embedded labour against imperial pressures – a differentiation from the Russian empire by condemning its crime of aggression and a promotion of civilizational affinity with western hegemony in order to negotiate subjecthood within it.[4]

My brief discussion here is not a full-fledged analysis. It is a proposition that tentatively maps out the incongruencies and granularities that passionate humility brings to bear, allowing us to recognize and work towards communicating them with greater nuance. That includes appreciating local struggles as polychronic, contextually counter-hegemonic and potentially de-imperializing, even as they may take on a conservative and at times exclusionary form. The conclusion acknowledges the problem of how passionate humility can be exercised against the polarized and polarizing background of war, where moral stances take charge and where asserting certainty is the default manner in which to manifest expertise.

## II. Passionate humility and elucidation

Passionate humility prioritizes the right to knowledge about one's own context, as well as limits to such knowledge, by shifting from a language of certainty to a language of reflective inquiry. An analytical practice informed by passionate humility assumes 'the social reality of multiple ways of seeing and *their potential incommensurability* [emphasis mine]'. It starts by asking:

> What, and whose, meanings – other than mine – are at play in this situation, in actuality or in potential? How are they being conveyed? How are they being 'read'? And it turns reflective: How shall I treat my interpretation of events, especially when it is contradicted or denied by others? (Yanow 2009: 593)

Passionate humility thus supports a dialogical inquiry, which engages others as persons rather than as objects, retains a certain analytical indeterminacy to avoid the 'rush to diagnosis' and 'accord[s] legitimacy to others' local knowledge, whether of situations or of themselves' (Yanow 2009: 588; 91). Their 'backtalk' is welcome (cf. Schön 1983).

Passionate humility is not the posture of a zealot, ideologue, evangelist or, I would add, a self-assured judge; nor is it that of an unremitting opponent who sees the idea as a neo-imperial cover-up (Cheesman 2018: 179). While global constitutionalism can be portrayed as a hegemonic Eurocentric ideal that is also a fantasy – and part of my argument is that we must confront that fantasy – there is always more going on than any such a priori frame allows. Passionate humility would instead stay close to conflicting and sometimes contradictory visions of the triad of global constitutionalism in particular lifeworlds, and elucidate what and how something is claimed in its name – 'not to make the idea look foolish', but to denaturalize and situate it (Cheesman 2018: 167–70). Passionate humility

---

[3]I do not examine the racialized dimension of these arguments; for a legal review of the racialized character of humanitarian solidarity in this case, see Jackson Sow (2022).

[4]For a genealogy of how post-World War II political leaders in Germany and the United States promoted the concept of 'Western civilization' to facilitate and legitimate the incorporation of Germany into the American sphere of influence, see Jackson (2006).

can therefore recognize a local counter-hegemonic practice and its situated politics without essentializing and dismissing it as a function of a structural position to which actors are blind. Such interpretive inquiry does not work from authoritative definitions that classify and box in social practice. It instead tries to work out what is happening with reference to the meanings that participants themselves attach to what they and others do, and how this may shape their imagined futures – always also acknowledging limits to such knowledge, of the participants and of the analyst. Polysemy, and contradictions that emerge, are not to be squashed; they can serve instead to question assertions of singular conceptions and to make hybridity more visible – also understanding that a vernacular practice, even if counter-hegemonic, does not need to be progressive as proscribed in either liberal or Marxian orthodoxy. This is because the task is 'neither to reconcile false dichotomies nor to bridge fissures … through which the research traverses, but to traverse them more adroitly, to communicate about them more skilfully' (Cheesman 2018: 177).

Elucidation is a conceptual strategy that aligns with passionate humility. It understands concepts as shared terms of reference that are 'situated, intersubjective understandings that shed light on how people construct, navigate, and challenge their social worlds' (Schaffer 2016: 16). Guided by curiosity and attentiveness to 'how people shape and wield existing concepts, and occasionally create new ones, to advance their varied goals' (2016: 9), elucidation can disturb the taken-for-grantedness of established definitions and show how things can be otherwise. Schaffer develops a threefold analytical framework towards this purpose. Drawing on Wittgenstein's insights into language, he first suggests the elucidative practice of grounding concepts to investigate their actual use – 'in gear', as he puts it – and to stay anchored in the lifeworlds of those who researchers seek to understand. Locating the second elucidative practice involves studying the linguistic and historical particularities of concepts. This mediates the epistemological projection of the researcher and corrects for their parochial and presentist knowledge claims. Third, the elucidative practice of exposing brings to light how both everyday ideas and social science concepts are embedded in webs of power along two dimensions: as instruments of power in pursuit of actors' goals and as shaped by the legacy of such battles that mark both social and scholarly practice. Analysis committed to elucidation preserves agency at the level of methodology and empirical engagement. In this respect, the analytical task encompasses delineating resources upon which actors draw in their struggles, recovering the specific histories of these resources and how they affect the actors' practical efficacy, as well as tracing the concrete ways in which such resources are deployed in concrete instances (Jackson 2014: 267). Elucidation thus embeds the history of the concept under scrutiny 'in the politics [it] commonly serve[s] to analyze' (Oren 2014: 319). In Schaffer's (2016: 81) words, this is 'to examine whether and how the meaning of an ostensibly objective analytic concept at a given point in history was shaped by the contestation-in-the-world that the concept was crafted to describe'.

Elucidation so conceived disrupts 'epistemic superimposition' that overlays abstract theories onto unique historical and political contexts, despite arguments to the contrary made by local actors (Dutkiewicz and Smoleński, 2022). Instead of, for example, projecting liberal democratic/cosmopolitan notions as a manifestation of dependency on Western ideologies and neoliberal exploitation (cf. Ishchenko 2022), elucidation allows for contextualism that situates the triad of global constitutionalism by provincializing it (cf. Cheesman 2018). Elucidation sees local actors as political beings with experiences that are not determined – although they are affected – by the combined structural effects of the western-centric and Russia-centric complementary frames that indeed denigrate other visions of world-making. Such non-imperial actors are not products of one ideology or

another, or derivative of inter-imperial enmity that excludes the possibility of their subjecthood. Rather, they borrow purposefully from the imaginaries that are both embedded in the dominant discourses of their times and marked by the legacies of past and present contestations. Their politics needs to be seen in the context of its making, as a possible move towards a 'de-imperialization' of the dominant epistemic frames (Zayarnyuk 2022: 209), or at least as exposing such domination. In the case at hand, the local actors reappropriate the global constitutionalist triad to craft a counter-hegemonic practice that denounces Russian imperialism and seeks to affect the contours of western imperialism. Even as a language of defensive war, coming from a party struggling against an aggression that seeks to obliterate its subjecthood, such politics and their implications trouble the orthodoxies of both liberal and Marxian sensibilities.

When exercising the posture of passionate humility in the elucidative analysis of Russia's full-scale invasion of Ukraine, the priority is therefore to look at how concepts associated with global constitutionalism are made sense of and how they are used locally, to historicize that use and embed the analysis of such use in the global and local stratification of knowledge production. Preliminary analysis that foregrounds local interpretations increasingly articulates such concerns. It appeals to integrating Ukrainian subjecthood and regional legal expertise (Busol 2022; Wittke 2022), rather than falling on the western/Russia-centred epistemic complementarity of great power pathology and capital expansion, wherein Ukraine remains an exploited 'buffer zone'. While gratifying for the assertion of expertise, including in the name of peace and shared understanding despite the abyss that now divides Russia and Ukraine (Wittke 2022), such frames are fuelled by paternalism over local politics. From within such paternalistic commitments, the NATO enlargement into Eastern Europe amounts to a strategic mistake, of permitting subordinate groups to affect the relationship between those with greater rights and privileges in world politics, which disrupts the (imagined) global balance of power.[5] In such an interpretation, the local counter-hegemonic position, in which 'NATO stands not for imperialism but the exact opposite: anti-imperialism', and in which its expansion denotes a struggle for self-determination (Labuda 2022), is understood as Eastern European 'false consciousness'.

## III. The use of global constitutionalism and civilizational tropes

The argument about the predominance of constitutionalist jurisprudence as 'the most plausible interpretation of the transformation of international law in the twentieth century' that would also make commitments to the rule of law, democracy and human rights as central to international law (Kumm 2018: 173), hardly reflects the politics of international law in practice. Such politics are shaped in two idealizations of an international rule of law – functional and procedural (Collins 2019: 196; cf. Koskenniemi 2006). The former, based on sharing the same values and geared towards realizing agreed-upon objectives, is associated with liberal democratic cosmopolitanism and thus global constitutionalism. Yet it also reveals a major tension between constitutionalism and pluralism, where 'constitutionalism operates in a pluralistic political environment … but it does so in accordance with an internal normative logic that appears to run against the pluralist grain' (Walker 2017: 433). The procedural approach is organized around the

---

[5]On the balance of power in Russia's conception of international law, see Mälksoo (2019). For an empirical example of this claim, see Sushentsov (2020).

principle of formal legal association, where normative divergence is assumed. It is based on treaty-making as the paradigmatic form of international law and as derivative of the requirement of consensus.

The procedural approach is officially adopted by the Russian Federation and portrayed as a form of resistance against western 'attacks on international law' (Kommersant 2019), as well as against western double standards in the application of international law (Lavrov 2016) – a strategy that seeks to tap into genuine anti-imperial grievances in international society. Such use of international law has featured consistently in the official positions that the Russian Federation has taken in all major recent global debates – from responsibility to protect, where it insists on the primary responsibility of the state in delivering protection (Kurowska 2014), to the promulgation of the illiberal traditionalist human rights agenda, which 'presents itself as conservative, but as equally "universal" as the liberal position promoted by Western states' (Stoeckl and Medvedeva 2018: 407). The logic of the procedural approach pertains to international law as a body of rules that govern relations between the major powers, a 'powerful elite of states' that manage to entrench their hegemony in law and thus grant themselves 'certain constitutional privileges' that are greater than those of 'normal' states (Simpson 2004: 68). As such, it is cultivated as a resource in an inter-imperial rivalry (cf. Kotova and Tzouvala 2022; cf. Knox 2013). While it challenges the universalist claim of global constitutionalism, this conception of international law reinscribes hegemony over what is asserted as a sphere of interests – in that sphere, international law turns into an empty shell. The apparently less tangible setup of global constitutionalism based on normative allegiance becomes a recourse for claims against domination in this context – against the immediate imperial power grab, on the one hand and, given the discursive means available within the liberal doctrine, an opening for negotiating the universalizing impositions of western imperialism, on the other. It is certainly well taken that such efforts are 'constrained by hegemonies past and present' – in this case, the semi-peripheral condition of Ukraine, which shapes its alignments (Kotova and Tzouvala 2022: 719). Yet the attempt to negotiate interimperial power relations shows purposeful subjecthood, exhibiting the craft of a counterintuitive, counter-hegemonic practice. The hegemonic western core of global constitutionalism is at the same time exposed and productively employed while, however, imbricating itself in and reinscribing civilizational tropes.

The deployment of civilizational tropes in the rhetoric against Russia's war on Ukraine is ubiquitous. Many Ukrainian actors rely on the discourse of European values, belonging to European civilization and on the civilizational othering of Russia as a state aggressor. The Occidentalism of this use is undeniable, and it is likely that it will re-consolidate western imperial imaginaries. For example, Oleksiy Arestovych, a Ukrainian public figure and a former adviser to the Office of the President of Ukraine, has formulated a broader proposition of re-capturing the imagery of the medieval state of the Kyivan Rus' to sharpen the distinction between the Kyiv and Muscovy-led civilizational projects, in order to shape the historical subjectivity of Ukrainian statehood.[6] He penned a mini-manifesto re-appropriating civilizational stances, which is worth quoting – even though he does not, of course, represent the whole spectrum of the Ukrainian discourse:

---

[6]See, for example, Арестович: 100 лет СССР. Киевский проект против московского, 31 December 2022. Available at <https://www.youtube.com/watch?v=HN4yfRa-BSw>; Арестович, Дацюк, Романенко: Украинцы изобрели цивилизацию нового типа, 6 November 2022. Available at <https://www.youtube.com/watch?v=ATZy15B_fsY>.

Ukraine has awakened Europe, although it seems that expecting its active participation in world politics seemed, uh … in vain.

Old Europe, which Putin considered to have finally exchanged values for comfort, is waking up.

During the war, everyone becomes themselves. No more, no less. Cannibals – cannibals, knights – knights.

Russia was an outpost of Europe, protecting it from barbarians from the East. But the only barbarian in the East is Putin's Russia itself, which is the world's biggest threat.

Now Ukraine has assumed the role of the defender of Europe from the barbarian regime.

We have always been a part of European culture and do not just share the values of freedom, democracy and law, but we shed blood for them.

Many Ukrainians gave their lives for freedom and the right to choose their future for present and future generations.

Military and financial assistance to Ukraine today is an investment in the security and prosperity of Europe.[7]

Does the use of such tropes bestow recognition and embolden Ukrainian political actors to strategically court the European Union as a 'civilizational state'[8] while striving for glimpses of subjecthood in the interstices of Russian and western hegemonic pressures? What tensions are therefore exposed in the global liberal public sphere, especially with regard to actors who claim to have liberated themselves from civilizational imaginaries? Is the rhetoric creatively perceptive and entrepreneurial in the appeal to invigorate and re-institutionalize global moral commitments? Or is it out of sync with contemporary progressive sensibilities and neoliberal realities and thus an enactment of 'hysteresis' – a condition when an actor's disposition 'lags behind' the structural conditions of possibility that circumscribe their practice, marking a mismatch between expectations and their prospects? If so, the reappropriation of civilizational tropes not only challenges global anti-imperial solidarities, bolstering the conservative pushback against the symbolic capital accumulated by the postcolonial and decolonial constituencies in global politics and academia in recent decades. If it proves incompatible in politically pragmatic terms, it will also show local crafters of the counter-hegemonic practice as misguided in their handling of the dominant discourse and its public, despite the common claim that Ukraine has won the global battle for the hearts and minds of the (western) world.

Such questions exceed the scope of a brief essay; nevertheless, passionate humility allows us to upset the inter-imperial epistemic complementarity as a default principle of knowledge production. It shows the Ukrainian rhetoric as a situated choice, both reactive of historical conditions and an attempt to shape them against the realities of aggressive war and global epistemic ignorance about local traumas. The dramatic appeal to the western Left in response to their relativization of Ukrainian choices – 'Niemand im Westen kann verstehen, was es heisst, im russischen Machtbereich leben zu müssen' (No one in the West can understand what it means to have to live in the Russian sphere of

---

power) (Twardoch 2022) – should be read in this light. While Russian imperialism seeks to erase de facto Ukrainian statehood – which, if successful, would denote an explicit vasal status – the western imperial imaginary, including that of the global constitutionalist triad, opens cracks for limited negotiation of power relations and a counter to Russia's own 'civilizational turn' (on the latter, see Linde 2016; Mälksoo 2015). This particular deployment of civilizational tropes is thus a form of contestation and endowment with local meaning that carves out a form of subjecthood against domination. As such, it acquires contextually meaningful counter-hegemonic qualities, while remaining imbricated in its own exclusions and stratifications. It has consequently been associated with re-entrenching global racism and 'reconfiguring' Whiteness – as poignantly put by one observer:

> How, I wonder, do East European Ukrainians, who are usually associated with being backward, lazy and irrational in Western Europe, suddenly acquire such Whiteness so as to be deserving of the rapid political and military response that we have witnessed? We should not forget the previous categorizations of East Europeans as 'dirty Whites' and their legacy of being subject to the historical west-centric 'inferiorization'. (Ege 2022)

The universalist frame of whiteness that becomes a rallying flag in humanitarian responses needs localization to appreciate, as argued by Labuda (2022), the historical trauma of Russian imperialism in the region and the workings of intra-European racialization with its own hierarchy of 'civilized' and 'less-civilized' peoples (cf. Kalmar 2022). Although EU and NATO enlargement are often experienced locally as liberation from Russian imperial reach, they are also underpinned by an Orientalist discourse that assumes an essential distinction between Europe and Eastern Europe, framing difference from Western Europe as a distance from, and a lack of, Europeanness (Kuus 2004). Such old-new Orientalist undertones emerge in the aftermath of Russia's full-scale invasion. They materialize in charges about the failure of Eastern Europeans – here, mainly the people in Poland and the Baltic states[9] – to absorb European/cosmopolitan human rights values, instead falling back upon ethnic hatred towards Russians.

## IV. Conclusion

Yanow (2009: 594–95) suggests less paternalistic and less narcissistic (inter-)social relations to create conditions of possibility for passionate humility in knowledge production and in policy practice. Such conditions are hardly attainable within the self-assurance of the inter-imperial rivalry and thus inter-imperial epistemic complementarity. Anxiety over global constitutionalism in the post-24 February global reality can be a productive rather than a paralysing sentiment in this context, provided it helps to confront the self-indulgence of certitudes. It should be appreciated as opening reflexive potentialities. To be anxious about the principles and workings of global

---

[9]See, for example, the response to the termination of the TV licence of the oppositional Russian channel Dozd' in Latvia by a liberal Russian commentator based in London, Vladimir Pastukhov: 'Russophobia in the direct and natural sense of the word, that is, the fear of everything Russian, is rapidly capturing at least part of Eastern Europe' <in Russian, own translation). Available at <https://novaya-media.cdn.ampproject.org/c/s/novaya.media/amp/articles/2022/12/17/tochka-erenburga>.

constitutionalism is therefore necessary, albeit not sufficient, for exercising passionate humility in its practice.

This essay has offered a few interrelated stipulations regarding how to cultivate a space for passionate humility. The first is to better integrate, at the level of global constitutionalist practice, what Aristodemou (2014: 40) argued with reference to international law, namely that 'the politics we fly away from (into the supposedly safe haven of rules and regulations) are … imaginary fantasies and misrecognitions'. Renouncing the false comfort of constitutionalism as an allegedly coherent framework for judgement and action (Kratochwil 2014; Kurowska 2021) helps direct us towards less paternalistic attitudes, including towards anti-imperial struggles. Second, without denying the structural effects of hegemonies, it is key to stay close to their vernacular negotiations, as well as to the possible discomfort of contextually, and sometimes counter-intuitively crafted counter-hegemonic practice. Such practice does not comply with the prescriptions yielded by the a priori frames of inter-imperial epistemic complementarity. This does not, however, mean that the reappropriations and exclusions enacted by such practice are beyond criticism. Passionate humility, together with the strategy of elucidation, allows us to ground, localize and embed them. Third, the ability to recognize agency and make meaningful sense of its politics facilitate decentring global constitutionalism. Such ability will depend on the integration of regional expertise into the dominant geography of knowledge production, while also confronting the limits of local knowledges.

## References

Allison, Roy. 2020. 'Russian Revisionism, Legal Discourse and the "Rules-Based" International Order'. *Europe-Asia Studies* 72(6):976–95.

Aristodemou, Maria. 2014. 'A Constant Craving for Fresh Brains and a Taste for Decaffeinated Neighbours'. *European Journal of International Law* 25(1):35–58.

Bettiza, Gregorio and David Lewis. 2020. 'Authoritarian Powers and Norm Contestation in the Liberal International Order: Theorizing the Power Politics of Ideas and Identity'. *Journal of Global Security Studies* 5(4):559–77.

Burai, Erna. 2016. 'Parody as Norm Contestation: Russian Normative Justifications in Georgia and Ukraine and Their Implications for Global Norms'. *Global Society* 30(1):67–77.

Busol, Kateryna. 2022. 'If Ukraine's Fate Is not a Menu à La Carte, Then Ukrainian Voices Must Be Heard'. *EJIL:Talk!*, 20 June. <https://www.ejiltalk.org/if-ukraines-fate-is-not-a-menu-a-la-carte-then-ukrainian-voices-must-be-heard>.

Cheesman, Nick. 2018. 'Rule-of-Law Ethnography'. *Annual Review of Law and Social Science* 14(1):167–184.

Collins, Richard. 2019. 'Two Idea(l)s of the International Rule of Law'. *Global Constitutionalism* 8(2): 191–226.

Dutkiewicz, Jan and Jan Smoleński. 2022. 'The American Pundits Who Can't Resist 'Westsplaining' Ukraine.' *The New Republic*. March 4.

Ege, Sabri. 2022. 'Media, Ideology and the War in Ukraine'. TRT World Research Centre. Available at <https://researchcentre.trtworld.com/perspectives/media-ideology-and-the-war-in-ukraine>.

Glencross, Andrew. 2021. 'The EU and the Temptation to Become a Civilizational State'. *European Foreign Affairs Review* 26(2):331–50.

Havercroft, Jonathan, Jacob Eisler, JO Shaw, Antje Wiener and VAL Napoleon. 2020. 'Decolonising Global Constitutionalism'. *Global Constitutionalism* 9(1):1–6.

Ishchenko, Volodymyr. 2022. 'Ukrainian Voices?' *New Left Review* 138. Available at <https://newleftreview.org/issues/ii138/articles/volodymyr-ishchenko-ukrainian-voices>.

Jackson, Patrick Thaddeus. 2006. *Civilizing the Enemy: German Reconstruction and the Invention of the West*. Ann Arbor, MI: University of Michigan Press.

Jackson, Patrick Thaddeus. 2014. 'Making Sense of Making Sense: Configurational Analysis and the Double Hermeneutic'. In *Interpretation and Method: Empirical Research Methods and the Interpretive Turn*, edited by Dvora Yanow and Peregrine Schwartz-Shea, 267–83. Armonk, NY: ME Sharpe.

Jackson Sow, Marissa. 2022. 'Ukrainian Refugees, Race, and International Law's Choice Between Order and Justice'. *American Journal of International Law* 116(4):698–709.

Kalmar, Ivan. 2022. *White But Not Quite: Central Europe's Illiberal Revolt*. Bristol: Bristol University Press.

Khromeychuk, Olesya. 2022. 'Where is Ukraine? How a Western Outlook Perpetuates Myths About Europe's Largest Country'. *RSA Journal* 168(2):26–31.

Knox, Robert. 2013. 'Civilizing Interventions? Race, War and International Law'. *Cambridge Review of International Affairs* 26(1):111–32.

*Kommersant*. 2019. 'Ataki na mezhdunarodnoye pravo priobretayut opasnyye masshtaby' [Attacks on international law are becoming dangerous]. Available at <https://www.kommersant.ru/doc/4109238>.

Koskenniemi, Martti. 2006. *From Apology to Utopia: The Structure of International Legal Argument*. Cambridge: Cambridge University Press.

Kotova, Anastasiya and Ntina Tzouvala. 2022. 'In Defense of Comparisons: Russia and the Transmutations of Imperialism in International Law'. *American Journal of International Law* 116(4):710–19.

Kratochwil, Friedrich. 2014. *The Status of Law in World Society: Meditations on the Role and Rule of Law*. Cambridge: Cambridge University Press.

Kumm, Mattias. 2018. 'On the History and Theory of Global Constitutionalism'. In *Global Constitutionalism from European and East Asian Perspectives*, edited by Takao Suami, Anne Peters, Dimitri Vanoverbeke and Mattias Kumm, 168–99. Cambridge: Cambridge University Press.

Kurowska, Xymena. 2014. 'Multipolarity as Resistance to Liberal Norms: Russia's Position on Responsibility to Protect'. *Conflict, Security & Development* 14(4):489–508.

Kurowska, Xymena. 2021. 'Politics as Realitätsprinzip in the Debate on Constitutions and Fragmented Orders: Remarks'. *International Theory* 13(3):538–45.

Kurowska, Xymena and Anatoly Reshetnikov. 2021. 'Trickstery: Pluralising Stigma in International Society'. *European Journal of International Relations* 27(1):232–57.

Kuus, Merje. 2004. 'Europe's Eastern Expansion and the Reinscription of Otherness in East-Central Europe'. *Progress in Human Geography* 28(4):472–89.

Labuda, Patryk L. 2022. 'On Eastern Europe, "Whataboutism" and "West(s)plaining": Some Thoughts on International Lawyers' Responses to Ukraine'. *EJIL:Talk!* Available at <https://www.ejiltalk.org/on-eastern-europe-whataboutism-and-westsplaining-some-thoughts-on-international-lawyers-responses-to-ukraine>.

Lavrov, Sergey. 2016. 'Russia's Foreign Policy in a Historical Perspective'. *Russia in Global Affairs.* Available at <https://eng.globalaffairs.ru/articles/russias-foreign-policy-in-a-historical-perspective>.

Lavrov, Sergey. 2019. 'World at a Crossroads and a System of International Relations for the Future'. *Russia in Global Affairs.* Available at <https://eng.globalaffairs.ru/articles/world-at-a-crossroads-and-a-system-of-international-relations-for-the-future>.

Linde, Fabian. 2016. 'The Civilizational Turn in Russian Political Discourse: From Pan-Europeanism to Civilizational Distinctiveness'. *The Russian Review* 75(4):604–25.

Mälksoo, Lauri. 2015. 'Patterns of Post-Soviet Russian State Practice in International Law'. In *Russian Approaches to International Law*, 147–96. Oxford: Oxford University Press.

Mälksoo, Lauri. 2019. 'The Annexation of Crimea and Balance of Power in International Law'. *European Journal of International Law* 30(1):303–19.

Militz, Elisabeth, Linda Ruppert and Carolin Schurr. 2022. 'Solidarity, the National Flag, and Embodied Differences'. *Political Geography* 99:102738.

Oren, Ido. 2014. 'Political Science as History: A Reflexive Approach.' In *Interpretation and Method: Empirical Research Methods and the Interpretive Turn*, edited by Dvora Yanow and Peregrine Schwartz-Shea, 309–21. Armonk, NY: ME Sharpe.

Schaffer, Frederic Charles. 2016. *Elucidating Social Science Concepts: An Interpretivist Guide*. London: Routledge.

Schön, Donald A. 1983. *The Reflective Practitioner: How Professionals Think in Action*. New York: Basic Books.

Simpson, Gerry. 2004. *Great Powers and Outlaw States: Unequal Sovereigns in the International Legal Order*. Cambridge: Cambridge University Press.

Stoeckl, Kristina and Kseniya Medvedeva. 2018. 'Double Bind at the UN: Western Actors, Russia, and the Traditionalist Agenda'. *Global Constitutionalism* 7(3):383–421.

Sushentsov, Andrey A. 2020. 'The "Difficult Age" of Eastern Europe and the Case of Belarus'. Valdai Club. Available at <https://valdaiclub. com/a/highlights/the-difficult-age-of-eastern-europe>.

Twardoch, Szczepan. 2022. 'Liebe westeuropäische Intellektuelle: Ihr habt keine Ahnung von Russland'. *Neue Zürcher Zeitung*, 6 April.

Vorbrugg, Alexander and Jevgeniy Bluwstein. 2022. 'Making Sense of (the Russian War in) Ukraine: On the Politics of Knowledge and Expertise'. *Political Geography* 98:102700.

Walker, Neil. 2017. 'Constitutionalism and Pluralism'. In *Handbook on Global Constitutionalism*, edited by Anthony F Lang and Antje Wiener, 433–44. Edward Elgar.

Wiener, Antje. 2009. 'Enacting Meaning-in-Use: Qualitative Research on Norms and International Relations'. *Review of International Studies* 35(1):175–93.

Wittgenstein, Ludwig. 1953. *Philosophical Investigations*. Oxford: Blackwell.

Wittke, Cindy. 2022. 'Peace and Security for Ukraine and Europe are Not Created on the Drawing Board of the West'. *Verfassungsblog on Matters Constitutional*. Available at <https://verfassungsblog.de/peace-and-security-for-ukraine-and-europe-are-not-created-on-the-drawing-board-of-the-west>.

Yanow, Dvora. 2009. 'Ways of Knowing: Passionate Humility and Reflective Practice in Research and Management'. *The American Review of Public Administration* 39(6):579–601.

Zayarnyuk, Andriy. 2022. 'Historians as Enablers? Historiography, Imperialism, and the Legitimization of Russian Aggression'. *East/West: Journal of Ukrainian Studies* 9(2):191–212.