

TABLE OF CONTENTS AND ABSTRACTS

Essays and Articles

The Localism Act 2011: Local Government Encounters the “Big Society” (p. 767)

Peter Leyland

The Localism Act 2011 is intended to pave the way for radical reforms of local government in England by refining ideas associated with the so called ‘big society’ into a major new initiative for local government. This article will concentrate on the likely impact on the core organisation and functioning of local government. The measures threaten to undermine the institutional autonomy of local government. After an historical overview of central local government relations, there follows an analysis of the extent to which the big society idea has been employed to frame the new Act. Despite the concern to devolve power downwards, the underlying economic background foresees deep cuts in public expenditure and increased demand for public services. The final section concerns the likely impact on local democracy of extending the mayor and executive model to the main English cities.

Developments and Trends of Federalism in Germany: Territorial Difference and Financial Equalization (p. 789)

Alexander Grasse

In the early nineties there has emerged an increasingly insistent criticism about the federal system in Germany. The main topics under discussion concerned: the lack of power to innovate, the lack of legislative autonomy of the Länder, and the democratic deficit due to the shift of decision-making powers from the Länder parliaments to the Bundesrat; excessive cen-

tralization and bureaucratization; insufficient accountability, due to a too large network of skills and incorrect allocations ensuing from strong financial equalization between regions. With the reforms of the equalization system in 2001 and 2005 and the constitutional reforms of 2006 and 2009 an attempt was made to take account of these critiques. The background of all reform proposals was the (more or less explicit) idea of competitive federalism with greater territorial autonomy and differentiation. The author analyzes the financial and economic disparities between the Länder and the (re)distributive effects of the equalization system. On this basis it is shown how much competition is actually present in German federalism and how much inequality it is able to withstand. The author draws the conclusion that competition and territorial difference have increased and will rise even further. Yet the German federal system has not abandoned its general development policy: cooperation and solidarity.

Federalism, Regionalism, and Decentralization in View of the Comparison between the Systems of Local Government (p. 829)

Mauro Mazza

The article examines empirical models of decentralized organization of the State, in both a diachronic and a synchronic perspective. The exploration commences with the historical experience of France, and then analyzes the systems of the countries that belong to the civil law tradition of French-Napoleonic legal origin. Then, the analysis proceeds with the systems of countries that follow the common law tradition, with particular reference to specific examples of Great Britain and the United States. The experiences of civil law countries of Germanic legal tradition, as well as the legal systems of the countries of Eastern Europe during the (long) phase of the post-socialist transition, are also addressed, along with the particular case of Baltic countries, located (also from the so-called geolegal viewpoint) on the border of Eastern Europe and Scandinavia. The latter, i.e., the countries of Northwestern Europe, are also the subject of a specific focus. Finally, the trends of political decentralization are investigated in light of the financial issues initially raised in 2009 by the ongoing global economic crisis.

Notes and Comments

The Regulation of Local Public Services of Economic Importance in the Light of Judgment 199/2012 of the Constitutional Court and the Recent Regulatory Changes (p. 857)

Antonella Azzariti

The (Extended) Suppression of Optimal Territorial Area Authorities in the Field of Environmental Public Services (p. 881)

Elena Maria Palli

The Attribution of External Professional Job Assignments by Local Authorities (p. 907)

Riccardo Patumi

Regional Observatory

Focus on Constitutional Jurisprudence Concerning Public Contracts (p. 933)

Elena Bastianin

Focus on Constitutional Jurisprudence Concerning Amnesty for Unauthorized Building (p. 953)

Davide Baldazzi

Readings and Highlights

Regulation, Planning and Public Announcement of Economic Activities (a debate concerning the book *Il contingentamento dell'iniziativa economica privata. Il caso non unico delle farmacie aperte al pubblico*, by Monica Delsignore) (p. 977)

Francesco Manganaro

Cities and territories in the age of crisis (about the book *Le grandi città italiane. Società e territori da ricomporre*, by Giuseppe De-matteis) (p. 987)

Luigi Benvenuti