

TABLE OF CONTENTS AND ABSTRACTS

Centralism or Secession: The (Misguided) Dilemma of a Legal System in Crisis (p. 3)

Gianluca Gardini

Essays and Articles

Crisis Legislation and Regional Councils: Reducing the Costs of Politics or of Democracy? (p. 29)

Nicola Viceconte

The numerous scandals that have hit the regional councils of some Italian regions pose a serious challenge to the role of regional political representation, for they legitimize the idea that the State should intervene in order to reduce the number of regional councilors and, more in general, the costs of politics. After decree-law no. 138/2011, sanctioned by the Constitutional Court in its judgment no. 198/2012, those aspects were also addressed by decree-law no. 174/2012, with incisive measures on regional autonomy. Policies of cost containment of policy, although appropriate, tend to “identify a guilty party” and appear not to be respectful of constitutional principles, thus entailing the risk of affecting political representation.

“Remettre les Régions a leur place”: From Europe of the Regions to Regions without Europe? (p. 57)

Claudio De Fiores

The global economic crisis has exacerbated secessionist tendencies in Europe (Catalonia, Belgium, Scotland, Italy). This phenomenon has also been fueled by the European Union. Throughout its history, the EU preferred to establish direct relationships with the European Regions, especially with the

most economically relevant ones. But the idea of a Europe without States, without Sovereignty, without Government is an illusion. This text examines the contradictions of the process of building a “Europe of the Regions” and warns that, in order to overcome the crisis of the global economy, the “governance system” is no longer enough: one needs to rediscover the role of the State. The recent constitutional reforms in Italy go in this direction.

Secession of States and European Union Membership: Catalonia at the Crossroads (p. 95)

Alfredo Galán Galán

The essay frames the recent initiatives of the Autonomous Community of Catalonia aiming to obtain a formal recognition of its right to self-determination (a precondition for its conversion into an independent State) within the framework of the initiatives, which have been undertaken by other European sub-state entities, to achieve formal recognition from the European Union as “sovereign” nations. The article examines the possible effects of such unilateral decisions on the incorporation of the potentially new State in the European Union and the extension of its rights to its citizens.

Scotland: Devolution, Quasi-Federalism, Independence? (p. 137)

Alessandro Torre

Scottish devolution has supplied a crucial contribution to the definition, in the north of Britain, of a sub-state governmental level, which is expressed through the three fundamental branches of government powers. Under the aegis of a strong nationalist party currently in power, this special form of self-government has deep links with various components of civil society and has significantly reduced the participatory deficit that has been a source of distress for the British government. The last act of this wide-ranging process of transfer of constitutional functions and identity revival – i.e., for nationalists, independence from the UK – will be the object of a referendum (that will be held in autumn 2014). The article analyzes the various stages of this process and assumes that the vast mobilization of British and Scottish public opinion as regards the link between devolution and independence will involve, as has been observed for quite some time, the irrelevance waning of the traditional flexibility of the English notion of the Constitution.

Belgian Federalism in the Light of the Sixth State Reform (p. 181)

Francesca Angelini, Marco Benvenuti

The article examines the federal evolution of the Belgian constitutional order, with particular reference to the sixth State reform, currently in progress, subsequent to the federal elections of 13th June 2010 and to the complex development of the “Accord institutionnel pour la sixième réforme de l’Etat”. The analysis focuses on the procedural topics, the structure of Brussels and its neighborhood, the Senate, the division of powers between the State and the federated entities and, finally, the financial autonomy of such entities. The overall picture that ensues leads to two wide-ranging considerations. On the one hand, the constant claim in the Belgian public debate of identitarian and linguistic peculiarities stands out as an eminently political objective. On the other, the continuous transformation of the territorial dimension of the Belgian legal order is also a good example of the choice to weigh more on the legal and constitutional expression of the crisis of citizenship than on the predominantly social underlying reasons of such crisis.

The Normative Constitution and the Principle of Budgetary Stability (p. 229)

Gerardo Ruiz-Rico Ruiz

The economic crisis has called into question the funding of minimum standards of social welfare. The constitutional amendment to art. 135 of the Spanish Constitution establishes the principle of a balanced budget that sheds a new light on the welfare State, with consequences for the effectiveness of constitutional rights. The latter is decreasing in proportion to the application of spending cuts that are applied to the public policies that support them.

Notes and Comments**Continuity and Changes in the 2012 Sicilian Regional Election (p. 265)**

Pasquale Colloca, Rinaldo Vignati

The 2012 Sicilian regional election was a significant event in Italian politics, in that it displayed elements of both continuity and discontinuity with

respect to the historical characteristics of elections in Sicily. In particular, the paper focuses on the unprecedented levels of abstention, the end of the center-right coalition's hegemony, and the remarkable success of a new political force, the Movimento 5 Stelle (M5S). The authors apply an ecological inference technique (the "Goodman model") to estimate the extent of voter flows between the 2008 and 2012 regional elections. Findings provide evidence that overall electoral results are the product of complex voter movements; the most important movements estimated by the model flow from the center-left to the M5s and from the center-right toward abstention. The authors also address voters' recourse of candidate preferences.

Regional Observatory

Autonomy and Subsidiarity in the New Statute of the Veneto Region
(p. 303)

Marta Mattiuzzi