

The Italian Contribution to Comparative Studies of Multilevel Governance

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Erika Arban, Giuseppe Martinico, & Francesco Palermo, [Federalism and Constitutional Law: The Italian Contribution to Comparative Regionalism](#) (2021).

Italy is one of the most fascinating case-studies of both modern state-formation and the management of territorial pluralism in the world. Massimo d’Azeglio, Prime Minister of Sardinia from 1849 to 1852, announced after territorial unification in the nineteenth century – “We have made Italy. Now we must make Italians.” This elegant aphorism encapsulates the entire discourse and practice of classical modernist nation-state building that has underpinned the creation of the post-World War II global order. Italy itself established its contemporary constitutional model of territorial pluralism in this period and has since evolved in intriguingly asymmetric, incremental, pragmatic, and imperfect ways. For other democratic countries where territorial pluralism is the foundation of the state and the central fact of politics and public law, the study of almost every dimension of the Italian model pays rich dividends. However, much of the more sophisticated literature on Italian constitutional politics has so far not been in English, the *lingua franca* of comparative constitutional studies. As a result, even though a major proportion of the post-Cold War era’s intensification of transitional constitution-making has concerned the resolution of territorial conflicts, it is fair to say the Italian experience has featured very little as a useful comparator.

The recent collection of essays edited by Erika Arban, Giuseppe Martinico, and Francesco Palermo, [Federalism and Constitutional Law: The Italian Contribution to Comparative Regionalism](#), fills this longstanding lacuna with aplomb. In addition to the three editors, the book brings together a wide range of law and politics expertise to describe, analyse, and critique the historical, cultural, normative, and institutional dimensions of Italian regionalism. The structure allows for comprehensive coverage, and each chapter yields engaging discussions replete with detail and nuance, yet without overwhelming unfamiliar readers with esoterica. The book meets and exceeds the editors’ aims of situating Italy within the field of comparative federalism and regionalism studies, by identifying both exportable strengths as well as cautionary lessons and by bringing law and politics into conversation in expounding the Italian experience.

The opening chapter with its compact yet detailed account of the constitutional history of Italian regionalism will be welcomed by anyone wanting to understand the context before delving into its institutional and normative characteristics. It introduces towering figures like Gaspare Ambrosini, comparable to his great contemporary Sir Ivor Jennings in the English-speaking world as a scholar-practitioner with a decisive influence on the course of history. In the other chapters, the unique institutional and normative features of the Italian model, such as its complex asymmetry, and its conception of subsidiarity and loyal cooperation, are explained extremely well. Individual chapters within the volume consider aspects that are otherwise read in disciplinary silos: for example, discussion of the political party system or inter-governmental relations, often the concern of political scientists only, sits alongside analyses of adjudication and constitutional jurisprudence, traditionally the domain of lawyers.

In all these ways the book succeeds admirably as an introduction to Italian regionalism for researchers,

teachers, and students, as well as the general reader. It will serve as an excellent resource for any university course on comparative federalism, or even a self-standing short course on Italian regionalism. And it will be invaluable to constitution-making practitioners in the field, especially those who grapple with complex cases of asymmetric territorial pluralism which need a federal-type constitutional structure, but where, for various reasons, full or explicit federation might also be resisted.

The final chapter draws out some useful comparative lessons from the Italian model. In addition to these, two interrelated matters might be further pointed out. The first is that the project is located squarely within the terms and frameworks of the existing discourse of comparative federalism, which, from the days of Wheare and Watts, has been primarily concerned with debates about formal institutional classification. Within these terms, the book advances fascinating discussions about how and why the Italian case is a species of regionalism within the federal genus. This exegesis will no doubt interest those to whom the taxonomic debate is important (and there are still sound reasons why it is important).

But it can fairly also be argued that this is something of a *cul-de-sac* for both the practice and the theory of comparative federalism and constitutional law. In the world of practice, both in federal governance and federal constitution-making, formalist debates are often an artificial luxury. More consequentially, in deeply divided societies, meanings of formalist models have a tendency to get over-simplified and over-determined in the heated scrimmage of political claims and counter-claims and then instrumentalised as partisan weapons between antagonistic groups. Perhaps a lesson of Italian regionalism is that avoiding the unitary/federal dichotomy might sometimes be useful, this avoidance in fact aiding the possibilities of discrete formal classification for non-binary models. But the more important paradox thrown up by the experiences in deeply divided societies is that, by highlighting the performative salience of classifications, they also demonstrate the definite limits to the utility of classification.

One way of resolving this otiose problem is to reorient the focus of analysis from the institutional form of federal government to the underpinning constitutional theory of federalism. The problem with the classificatory method is that in fixating so heavily on institutional shapes and forms of federal-type arrangements, it leaves largely unexplored and unchallenged the metaconstitutional principles on which the modern constitutional state itself rests. Those modernist principles are predicated on a unitary logic of centralisation and homogenisation, and are, especially, monistic on the collective identity of the *demos* and essentialist on the question of sovereignty. This is not a satisfactory or even an adequate analytical and normative toolbox with which to approach territorially plural polities or to account for their constitutional praxis. Thus we need to understand federal constitutionalism as a unique process, categorically distinct from non-federal constitutionalism. Constitutionalism is the process by which political power is translated into legal authority. Federal constitutionalism is about how that process takes place in states in which their fundamental internal territorial pluralism is both the foundational political fact and the metaconstitutional normative imperative. Only if we understand the relationship between federalism and constitutionalism in this way can we provide a full account of how federal constitutionalism deals with each core task and subject of constitutional democracy in its own way.

Throughout Arban, Martinico, and Palermo's volume, these tensions crop up with tantalising frequency but without focused attention. Perhaps a separate theoretical chapter might have been dedicated to exploring these issues. But this is less a criticism of the book, and more a suggestion for how we can engage with the stellar introductory work done by the contributors to this volume. They have succeeded in telling an engaging story about Italian regionalism and made a compelling case why it should be on the centre-stage of comparative studies.

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