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Territorial Checking and Balance: The Change of the Spanish State Territorial Organization by Subconstitutional Rules

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Author(s)

Antoni Abati Ninet

ABSTRACT

We are in the midst of a strong revival of interest in the Subnational units (Autonomous Communities) within the Autonomous Spanish State. Recent reforms of the Statute of Autonomy by certain autonomous regions have revealed new mechanisms and new ways of interaction and communication between policy-statutory subnational units—within the scope of the reforms of the Statute of Autonomy. This interaction is the assumption of a phenomenon called “horizontal autonomism”. This concrete phenomenon has not only reopened, with still more force, the theoretical and practical debate about the nature of the territorial organization of the Spanish State, but also demonstrates that the notion of autonomy and the relations between national and sub-national units in Spain are permanently evolving. In addition, the recent statutory amends have initiated a new evolutive stage of the hybrid state model without reforming the Constitution. The article focuses primarily on two elements of study. First, starting from a constitutional perspective the phenomenon of what is called “horizontal autonomism” as the basis of the recent reforms of the Statutes of Autonomy (subconstitutional rules). The second aspect is to analyze one of the main consequences and effects of this “horizontal autonomism” in relation to the development of the territorial nature of the Spanish state. Concretely, we focus on how the autonomous rules, are real sources of law for other autonomies, and, potentially, for the state.

KEYWORDS

Territorial Checking and Balance; Constitutional Theoretical Constructions; Horizontal Autonomism

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References

- [1] L. Moreno, "Ethnoterritorial Concurrence and Imperfect Federalism in Spain, in Bertus de Villiers," Juta & Company, Cape Town, 1994.
- [2] L. Moreno, "La Federalización de España: Poder Político y Territorio," Siglo XXI de España Editores, Madrid, 1997.
- [3] M. A. Aparicio Pérez, "L' Adequació de l' Estructura de l' Estat a la Constitució (Reforma Constitucional vs. Reforma dels Estatuts)," *Revista Catalana de Dret Public*, Vol. 31, No. 2, 2005, pp. 57-83.
- [4] J. M. Colomer, "The Spanish 'State of Autonomies': Non-Institutional Federalism," *West European Politics*, Vol. 21, No. 4, 1999, pp. 40-52.
- [5] J. L. Walker, "Diffusion of Innovations among the American States," *American Political Science Review*, Vol. 63, No. 3, 1969, pp. 880-899. doi: [10.2307/1954434](https://doi.org/10.2307/1954434)
- [6] M. C. Aldis Porter and G. Alan Tarr, "State Supreme Courts in State and Nation," Yale University Press, New Haven, 1988.
- [7] J. J. Hesse and V. Wright, "Federalising Europe? The Costs, Benefits and Preconditions of Federal

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- [8] M. Guibernau, " Spain: A Federation in the Making?" In: S. Graham, Ed., *Federalism, The Multi Ethnic Challenge*, Prentice Hall, Upper Saddle River, 1995.
- [9] R. Giancarlo, " Evolución del Regionalismo en Europa: Características de la Experiencia Italiana y Española," 2007. <http://www.crdc.unige.it/docs/articles/Evolucion%20del%20Regionalismo%20en%20Europa.pdf>
- [10] I. D. Duchacek, " *Comparative Federalism*," Holt, Rinehart & Winston Incorporated, New York, 1970.
- [11] C. Erk and A.-G. Gagnon, " Constitutional Ambiguity and Federal Trust: The Codification of Federalism in Canada, Spain and Belgium," *Regional and Federal Studies*, Vol. 10, No. 1, 2000, pp. 92-111.
- [12] L. López-Guerra, " Algunas Propuestas Sobre los Conflictos Positivos de Competencia, la Jurisdicción Constitucional en España," Centro de Estudios Constitucionales, Madrid, 1995.
- [13] M. Burgess, " *Comparative Federalism Theory and Practice*," Routledge, New York, 2006.
- [14] D. Elazar, " *Exploring Federalism*," University of Alabama Press, Tuscaloosa, 1987.