

Alberto López-Basaguren
Leire Escajedo San Epifanio *Editors*

The Ways of Federalism in Western Countries and the Horizons of Territorial Autonomy in Spain

Volume 2



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Alberto Lopez-Basaguren - Leticia Lopez-Basaguren
San Epifanio
Editors

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Asymmetry as an Element of Federalism: A Theoretical Speculation Fifty Years Later—Readdress the Spanish Case

Esther Seijas Villadangos

Abstract Two essential and complementary parts are integrated in this article: a theoretical reflection about asymmetrical federalism and a pragmatic approach to the situation in Spain.

The former has sought to consolidate the key defining elements of asymmetry. Asymmetry for Constitutional Law is a form of state organization where territorial units with political autonomy enjoy a differentiated constitutional treatment, legitimized for the positive recognition of having different types of singularities (linguistic, juridical, fiscal) with respect to the other units of the State. Linked to asymmetry, we had proposed a neologism, *dissymmetry*, in an attempt to refine the concept. Dissymmetry will be applied to those situations where a proportional or symmetrical situation was broken in an anomalous or faulty way.

The latter has tried to cast some light on the Spanish situation through a series of dilemmas: We have paid attention to the transition from autonomism to federalism and the cohabitation between two types of federalism, a functional federalism and a nationalist federalism, that would result in an asymmetric federalism.

The tension between equality and asymmetry has put on the table the main problem of asymmetric federalism: not considering the differences as grievances. For that, our policies must distinguish what is really essential for citizens.

The last dilemma refers to the risk of emulating asymmetries by other territories, which united with a warning of avoiding a form of autistic federalism could illuminate our future—a future necessarily based on unity and solidarity.

This short essay is mainly speculative. It attempts to highlight a principal weakness in theoretical treatments of the concept of federalism, and to offer modifications of the federal concept. It is not in any sense a complete theoretical statement of federalism. Nor is it meant to survey writings on federalism, although it is generally based on a wide sampling from those writings (Tarlton 1965: 861).

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Approximately 50 years after Tarlton's essay about symmetry and asymmetry, really focused on symmetry, we would try to make a reflection about asymmetry, which for Spain appears as more interesting one for the reasons than we will explain in the following pages.

Introduction

Asymmetry has been introduced in the federal theory since the beginning of its existence, but it was in 1965 when Charles D. Tarlton rediscovered the importance of linking federalism to symmetry and asymmetry. The pragmatic implementation of federalism has required the creation of different ways of adapting flexible federal principles to the complex reality of several states.

This work has two targets: first, to develop a theory about the meaning of introducing asymmetrical elements into a federal system; second, to resolve the main problems that it could create, especially connected to the acceptance of the formula for a State, with special attention to the case of Spain.

The format of what follows can be outlined briefly at the outset. The first section is a general assessment of approaches to asymmetry through the answers to different capital questions: Why, what, how, and how many asymmetries? The second half is a brief discussion about the main issues of the Spanish decentralization, using the concept of asymmetry and the useful methodology of dilemmas or antithesis. A final reflection will conclude this study.

Can a Federal System Be Asymmetrical? A Brief Theory About Asymmetry in a Federal Context

Symmetry in federalism refers to sharing by component units, whereas asymmetry expresses the extent to which component units do not share in these common features. "Weakness" is the key concept, the reference for analyzing asymmetry, according to Tarlton's speculation. This pathology should be treated or should be integrated in the State, in a way of cohabitation. Apart from studying the different types of asymmetries and their consequences, the main discussion must show how important it could be to design a compatible way of federalism that could include several degrees of asymmetry and their limits. Now, we will speculate.

Justification: Why Asymmetry?

The main reason for an asymmetrical performance of a decentralized State is to search for an instrument in order to accommodate the differences for achieving a stable State. States with a variety of cultures, languages and religions could find in

asymmetry a *modus operandi* for managing them. Nonetheless, asymmetry can neither be regarded a priori as useless nor a panacea. With that considered, we will try to justify the asymmetrical resource in these first paragraphs: Why develop a theory about asymmetry? Why asymmetry?

Why make a dissertation about asymmetry? In 1965, Charles Dudley Tarlton wrote a brief essay about symmetry and asymmetry, which is the core of our article. Tarlton wrote three interesting studies about federalism and asymmetry: “Symmetry and asymmetry as elements of federalism: a theoretical speculation” (1965); “Federalism, political energy and entropy: implications of an analogy” (1967) and “The study of federalism: a skeptical note” (1971). The Voting Rights Act, a law that consolidated an only-citizenship-in-North-America provision, was his main reference. From this academic point of view, we could differentiate three main stages in the study of asymmetry: the first one, the beginning of the concept, in Tarlton’s works; the second one, the consolidation of asymmetry in the theory about federalism, Agranoff’s (1999) volume; and the last one, with two capital references for any comparative study about asymmetrical federalism, with Watts and Burgess’s works.

Why asymmetry? We will try to solve the beginning and the end of asymmetry, legitimacy and challenges of asymmetry. Looking back to history, we could find special differences in political organizations, maybe the ancestors of asymmetry: *foedera aequa-foedera iniqua*, German hegemony federalism (Seijas 2003: 222–251). These types of differences were justified by the Latin expression *exceptio firmat regulam*, which we adapt to a theory about asymmetry in exceptions to help fulfill rules. We link the legitimacy of asymmetry with the need of searching for an instrument to link the different parts of a State. A pragmatic approach in order to join the different units in a State legitimizes asymmetry. This is very close to the main challenge of asymmetry. The aim of asymmetry is to integrate the different units in search of stability.

Definition: What Is Asymmetry?

The notion of asymmetry refers to the situation where some territorial units should be allowed some scope for reflecting on their specific characteristics and needs.

In an etymological approach to asymmetry, we must refer to the Greek word *ασυμμετρία*, which means disproportion. In other words, asymmetry is a lack of symmetry that implies another element for making a comparison. This is an aseptic meaning. A situation where a heterogeneous element is introduced, breaking the proportionality of the parts, between them and in relation to the whole. A second meaning, in a pejorative sense, what we call dissymmetry—the prefix *dis-* expresses negation or completeness or intensification of an unpleasant or unattractive action—will be applied to those situations where a proportional or symmetrical situation was broken in an anomalous or faulty way (i.e., for political pressures, the threat of secession or self-determination, the confusion between powers—if you

106 have differences in culture, religion, language . . . you could reach more powers in
 107 economy, social services, or foreign policy or more representatives in state
 108 institutions). When a territorial organization is based on *dysymmetries*, we have
 109 to speak about the pathology of federations, meaning the failure of them (Watts
 110 1999: 109–115).

111 Asymmetry for Constitutional Law is a form of state organization where territo-
 112 rial units with political autonomy enjoy a differentiated constitutional treatment,
 113 legitimized for the positive recognition of having different types of singularities
 114 (linguistic, juridical, fiscal) with respect to the other units of the State.

115 The main aftermath of asymmetry is the qualitative intensification of powers of
 116 one unit without reducing the powers of the others, *ad intra*, and the reflection of
 117 these singularities in the state institutions and intergovernmental relations, *ad extra*.
 118 A proper asymmetrical Constitution must include limits to the positive asymmetries
 119 regulated by it. Because asymmetry is not less essential to federalism than symme-
 120 try, it is basic to strengthen the stability of the system from the periphery. The main
 121 limits of asymmetries are equality and solidarity. AU4

122 ***Description: How Is Asymmetry?***

123 We wish to emphasize four features of asymmetry: first, *singularity*. The root of any
 124 asymmetry has to be a differential fact that must not be shared with the rest of the
 125 territorial units. Second, *identity*, a difference is not enough to speak about asym-
 126 metry. It is considered that an asymmetrical element is the channel to express the
 127 demands of citizens and its bond of union; Third is *gradual implementation and*
 128 *flexibility*. We could use asymmetrical arrangements according to the variety of
 129 situations that we could face. In other words, it could simply create more problems
 130 than solutions, and it could be disastrous. In the development of policies or legisla-
 131 tion according to an asymmetrical pattern, it is important to have some degree of
 132 flexibility within the constitutional system. Last feature is the *instrumental nature*
 133 *reflected in the Constitution*. Linked to the essence of asymmetry, we stress its
 134 subsidiary feature, subordinated to fill other values and principles regulated in the
 135 Constitution and the reasons it was adopted basically—unity and stability. AU5

136 The implementation of asymmetrical arrangements implies different measures
 137 concerning legislative powers, functions, distinct administrative status, Civil Law,
 138 Fiscal powers, representation in national parliament, reservations of posts in the
 139 national executive, language, distinct party system, religion, or symbolism (Keating
 140 1998: 196).

141 ***Typology: How Many Asymmetries?***

142 “Among the several states in a federal union, cultural, economic, social, and
 143 political factors combine to produce variations in the symbiotic connection between

those states and the system” (Tarlton 1965: 861). Those types of factors would be described as preconditions to asymmetry. We could simplify those types of preconditions of asymmetry in socio-economic and cultural-ideological aspects. If we consider them separately, they only constitute a test of the differences that exist in a plural political organization, especially “federal systems”. We need to add the features that characterize asymmetry (*singularity, identity, gradual implementation, flexibility and instrumental nature reflected in the Constitution*) in order to consider them as asymmetrical.

Focusing only on asymmetries, we could distinguish different types from a conceptual distinction that could be useful for a practical analysis:

The first type is *de iure* and *de facto* asymmetries. The former refers to those asymmetries formally entrenched in constitutional level and in other types of laws, i.e., in the Spanish case, Statutes of Autonomy, so that territorial units are treated differently by the lawmaker. *De facto asymmetries* refer mainly to political practice or intergovernmental relations where asymmetrical preconditions are reflected. One of the most important *de facto asymmetry* is the existence of different territorial units, according to the size or the population of each unit. Those preconditions produce a diversity of factors of power in every State and reflect, in the perception that everyone has of the others, supremacy and, on the other side, fear and distrust of the less powerful units.

Very close to the former category, Watts has distinguished political and constitutional asymmetries. Political symmetry, which is a common feature in all federal systems, refers to relative influence of the various constituent units within a federation that arises from the impact of cultural, economic, social, and political conditions. Constitutional asymmetry implies the constitutional assignment of different powers to different constitutional units, which is not such a common feature in many federal systems (Watts 1999: 63).

Structural and relational asymmetries are the result of considering the scope where they are implemented. Structural asymmetries are the result of a static analysis of a plural State and refer to the differentiated position of the territorial units due to different factors like population, race, culture, religion . . . From those conditions it has determined a singular position of those territorial units in the State that affects decisively the general policy, i.e., elections, fiscal policy . . . Relational asymmetries are the consequence of projecting those structural asymmetries *ad extra*. They determine the special status of a territorial unit, i.e., the bilateralism in the relations between the center and those States or Regions.

The different degree of asymmetrical outcomes has generated quantitative types of asymmetry. For instance, a Constitution could provide an asymmetric assignment of powers to the various territorial units to increase provincial or regional autonomy. On the other hand, a Constitution, a subconstitutional law, or a political decision could establish an increase in national or federal powers over specific territorial units for some specific functions, i.e., very expensive powers like health care or education. This was a claim of several Spanish Autonomous Communities (i.e., Valencia, Madrid, and Murcia), sustained from summer of 2011. The consideration of Autonomous Communities as responsible for the crisis, and not as

189 victims, has forced that situation. Nonetheless, this is not new because in 2009,
 190 Canary Island proposed to give back to the State the autonomous power over
 191 immigrant children. Times of crisis and economic difficulties are times for rolling
 192 back to the State.

193 Finally, the existence of asymmetries, which could be described as transitory or
 194 permanent, is explained according to the circumstances of acceptance or refusal
 195 that generate the integration of differentiated elements inside the State. Time is the
 196 key question in these types of asymmetries. The different ways of reaching auton-
 197 omy in Spain is an excellent example.

198 The permanent asymmetries are entrenched in the Constitution or at a subconsti-
 199 tutional level, and its aftermath is to define the system qualitatively.

200 **Asymmetric Federalization in Spain: Main Challenges**

201 According to the brief theory assessments about asymmetry that we have done in
 202 the first chapter of this article with a dogmatic presentation, we will try to change
 203 the perspective, adopting a practical point of view and paying attention to the
 204 situation of Spanish decentralization. To complete that objective, we have chosen
 205 a dynamic method consisting of expressing the main issues through a series of
 206 dilemmas, according to a dialectic way of thinking. The result of this proposal is
 207 reflected in the last chapter.

208 ***Autonomism Versus Federalism: Spanish Virtual Federalism***

209 The first dilemma that we propose reflects the tension between *status quo* and the
 210 future: preserve the success of the existing autonomous system (more or less
 211 workability) *versus* the desire to adopt a federal system.

212 The long shadow of federalism has been projected over our State with different
 213 degrees of intensity from the same moment of the creation of the Spanish Autono-
 214 mous System. However, we must recognize that the unique substantive reference to
 215 federation in the Spanish Constitution of 1978 is negative—sec. 145.1: “Under no
 216 circumstances shall a federation of Autonomous Communities be allowed”. Never-
 217 theless, it is very common that Spain, especially for foreign academics, was
 218 considered federal (Elazar, Watts 1999, Gagnon). According to Elazar’s description
 219 of federalism, “self-rule and shared rule”, Spain could be considered a federation or
 220 a “federation-in-the making” (Palermo et al. 2010: 12) or a protagonist of an
 221 “unfulfilled federalism” (Beramendi and Máiz 2004).

222 Different substantive features of our system sustain that consideration: (1) We
 223 have a system of shared powers (secs. 148 and 149). (2) The process of preparing
 224 Statutes of Autonomy followed a covenant pattern with a keenly felt federal nature,
 225 especially according to section 151.2. (3) This federal nature is strengthened when

[AU8]

[AU9]

we pay attention to LORAFNA, a Statute of Autonomy especially endorsed for Navarra Foral Autonomous Community. (4) The first final clause for closing the system of shared powers is very close to a federal proposal (sec. 149.3): “Matters not expressly assigned to the State by this Constitution may fall under the jurisdiction of the Autonomous Communities by virtue their Statues of Autonomy”. (5) The prevalence clause (sec. 149.3) “State, whose laws shall prevail”. (6) The system for controlling Autonomous Communities established by the Constitution is based on legal principles of jurisdiction, sec. 153—“Control over the bodies of Autonomous Communities shall be exercised by: (a) The Constitutional Court, in matters pertaining to the constitutionality of their regulatory provisions having the force of law. (b) The Government, after the handing down by the Council of State of its opinion, regarding the exercise of delegated functions referred to in section 150, subsection 2. (c) Jurisdictional bodies of administrative litigation with regard to autonomic administration and its regulations. (d) The Auditing Court, with regard to financial and budgetary matters”. (7) Final substantive feature is the Autonomous Communities’ participation in State decisions through the Senate (sec. 69) and through legislative process (secs. 87.2 and 109) or in the planning of general economic activity (sec. 131.2).

Readdressing these characteristics, we can sustain that Spain is a “virtual federal State”, according to the meaning of virtual, “almost or nearly as described, but not completely or according to strict definition”. So we could dissert about “the federal appearance of the Spanish Autonomous system”. The hitherto backward-looking review of Spanish decentralization leads us to the next step. We will try to draw the main steps to become a fulfilled federation, the federal transition in Spain.

From a formal point of view, we have two options: a constitutional reform or a constitutional implementation in a federal sense, federal reform *versus* federal mutation (according Constitutional Law classic term). The former option will lead us to follow the ruled process fixed in Title X of Spanish Constitution, “too easy” if we pay attention to the last reform of sec. 135 against what scholars have sustained for a long time. It is important to introduce the reform of this title, including the Autonomous Communities participation in future constitutional changes. The latter option would consist of interpreting the Constitution and the States of Autonomy in a federal way (deconstitutionalization). This option has been reinforced in the VIII and IX Legislatures (2004-2008/2008-2011) with the reforms of seven Statutes of Autonomy (Valencia, Aragon, Illes Balears, Catalonia, Andalucia, Castilla and León, and finally, Extremadura) and by the absence of a consensus between the major political forces in Spain.

In a material perspective, the first proposal is to achieve a global consensus, with the same degree of support that the Constitution of 1978 has got. That substantial change would have to include, at least, the following topics: identifying the federal States and reforming the Senate in a symmetrical (USA pattern) or an asymmetrical way but never dissymmetrically. This means to give a qualitative reception of differential facts, but never in a quantitative way. The essence of democracy is to change quantitative items, number of votes into qualitative decisions or policies.

270 A transparent and stable system of intergovernmental relations and the inclusion of
 271 plural symbols in the State (plurinationalism) should be key elements in this reform.

272 Three basics steps in that transition would be:

273 First, *to create a federal culture*. The main target is to prepare civil society to
 274 assume the values of federalism connected to stability and unity. Political forces
 275 must communicate these ideas to the citizens in order to build a leadership culture
 276 linked to federal ideas. It would be basic that federal proposal, federal culture would
 277 be able to gain the same support that, currently, nationalist culture enjoys;

278 Second, *to specify the main characters and the main sceneries of the federal*
 279 *evolution in Spain*. An advanced Spanish federal map would be focused on asym-
 280 metry, the union of a functional federalism, and a nationalist federalism, in a
 281 redefinition of the current autonomous system where the differences would be
 282 minimized and linked only to real differential facts. With the slogan of “rolling
 283 back the States”, we would try to underline the advantages of recovering the
 284 common features of the central autonomous communities with a protagonist of
 285 national territories. We are at the moment when welfare of citizens must prevail. It
 286 would have to fight with the strong desires of self-determination that we find in
 287 some autonomous communities and the lack of confidence in federalism from the
 288 central autonomous communities. The main challenge is making asymmetry work-
 289 able and fair, so we have to know the limits of asymmetry;

290 Third, *to translate that proposal to a legal challenge, especially at the constitu-*
 291 *tional level*. The last point in this journey towards a Federal Spain is to consolidate
 292 it at constitutional level and, from the point of view of its legitimacy, with the same
 293 high degree of support that the present Constitution has enjoyed since its approval
 294 in 1978.

295 To federalize Spain does not mean to weaken it, neither does it mean to open the
 296 door to disintegration or secession. Federalism means to stress union in a
 297 noncentralized way. The resource of asymmetry is a tool for achieving
 298 harmonization, for managing the conflict; asymmetry is not an end in itself.

299 The following dilemmas should illustrate more details of our proposal. First, the
 300 map of federal implementation could be a mixture of two types of federalism
 301 (functional federalism and nationalist federalism); the result would be an asymmet-
 302 rical federalism. Second, the major problem in Spanish decentralization is the
 303 combination between equality and asymmetry. Third, here is a warning about the
 304 main risk of the process: the proliferation of elements of divergence.

305 ***National Federalism Versus Functional Federalism***

306 In an attempt of sketching the map of a future scene of a federal Spain, with the only
 307 purpose of stimulating a debate on this issue, we will not advocate a particular
 308 model. Our line of reasoning is to propose a global idea that reflects our aim of
 309 searching for a workable proposal. The limit is not to perpetuate and exacerbate old
 310 problems and, at the same time, not create new ones.

The fundamental issue is to link those parts of Spain with a strong nationalist feeling with the rest of Spain (ROS) that lacks this feeling, but at the same time they do not want to lose the advantages of living in a decentralized system in terms of democracy and social rights.

With the aim of accommodating linguistic, civil law, and fiscal powers, we could demand a federal pattern for the peripheries that support demands for autonomy, a nationalist federalism.

The rest of Spain could enjoy a functional federalism whose core elements were an efficient policymaking. They look for a basic equal status for citizens. These introduce the topic of equality and asymmetry. A functional federalism, especially in times of crisis, means a reduction of bureaucracy and institutions. At the same time, the cooperation between territories must increase in order to avoid superfluous duplication. Of course, intermediate administrative levels between citizens and states must be reduced or disappear.

Asymmetry Versus Equality

Diversity is inherent to each process of decentralization, and it is not necessarily negative, but it can cause the risk of unequal treatments among Spanish citizens. The risk of inequality can be easily understood by testing different policies, i.e., health policy, education, or civil servants' salaries.

One of the most important issues in a federal State is to clarify what equality means. Can we talk about the same equality in a unitary State or in a federal State? What happens with equality in asymmetric federations?

There are two references for comparing, constituent units and citizens, and two conceptualizations of equality, arithmetic equality and geometric equality.

On the one hand, arithmetic equality postulates absolutely equal treatment under the law. On the other hand, geometric equality requires differentiation of treatment according to real differences. This was Plato's main theory. If we apply this theory to constituent units, under an arithmetic equality all these units would be considered absolutely equal under the law. If we differentiate the legal status between them according to real differences, such as territorial size, population, tradition, language, religion, we should apply a geometric concept of equality. The justice of this application depends on the reality of these differences and on the limits to the consequences of the assignment of that singular status.

In the case of individuals, we have to reinforce the jurisprudential concept of "fundamental juridical positions" (STC 37/1987, FJ.10). That cryptic expression refers to the heart of equality, its essence. This is the only way for making that concept compatible with asymmetry. In that case, there is enough room for differences but not for discriminations among citizens.

Connected to the study of equality, we have to take a look at the interesting question of its perception. First of all, asymmetry can cause grievances among citizens. A demand for symmetry would be necessary for counterbalancing the

situation. It is quite common that a phenomenon of policy contagion happens. It means that policy choices made in one territorial unit may be copied in the rest. This could lead to a surrealistic situation, like we will see in the next paragraph, when the goal of copying other Autonomous Communities is only *per se* an asymmetric element (if you have a proper language, me too).

Another very important issue linked to equality and asymmetry is that there is a dilemma with respect to the distribution of resources and the way the territorial units are financed. The richest units perceive that they subsidized decentralization. This is the case of Catalonia that has been clearly reflected in the amendments to section 135 of the Constitution in its recent reform. Amendment 12 signed by the Catalan Group: “The State will ensure that under no circumstances will alter previous positions per capita contribution to gross domestic product by each Autonomous Community over the final positions in disposable income per capita adjusted for prices” (Official Bulletin of the Congress of Deputies, 05/09/2011).

Catalonia, Western Australia, and a long list of federal States feel exploited as a cash cow. Their usual answer is to propose to secede from Spain, Australia . . . because of the high burden they had carried in financing poorer units. In Spain, we have on the table for the new Legislature the proposal of “Catalan Fiscal Covenant”, similar to “Basque Country Concierto” and “Navarra Convenio”. This is a proposal that can be included in a type of federalism that Watts called “fend-for-yourself” (Watts 1999: 45); this is a clear root of a pathology of federalism. We have to remember again the two clear limits to asymmetric federalism: unity and solidarity.

375 *Asymmetry for Every One Versus Designed Asymmetries*

The formula of “Coffee for everyone” has been one of the most democratic elements of Spanish decentralization, also one of the most criticized. Current preoccupation is the adaptation of this famous slogan to an asymmetrical context, “asymmetries for everyone.”

If someone checks one of the recent reformed Statutes of Autonomy, i.e., Castilla and León, LO 14/2007, 30th November, it will be evident that there are plenty of asymmetrical references, even in the traditional center of Spain. So we could find singular historical reasons of the Autonomous Community; different proper languages, “leonés”, “gallego” (sec. 5); a Charter of Rights for the Castilian and León citizens (Title I); new territorial organizations inside the Autonomous Community, with a differential fact (El Bierzo sec. 46.3); and the legal recognition of internal plurality that determines the need for phasing out economic and demographic imbalances between the provinces and territories of the Autonomous Community (D.A. 2.º).

This is not the proper way to get to federalism but an option for a failed formula. A federation is not a mechanism for manufacturing asymmetries; this path will lead to a disaster; it will start to crumble.

Nevertheless, what can we do when political forces, especially those from periphery, are tightening rope and when the rest of Spain (ROS), in an effort not to be outdone, triggers further demands (i.e., Camps clause)? The strengthening of the integrative function of the state and horizontal cooperation are the main solutions.

We have to add another challenge, the dilemma between an executive federalism and a participatory federalism. The recent Statutory reform process and the constitutional reform have shown the absence of popular participation, e.g., referendum on the Catalan Statute of Autonomy held on 18th June 2006, with a 49 % participation. Federalism without the counterbalance of the people would be an autistic federalism.

Proposals and Final Reflection

Following this reasoning and applying it to a brief discussion of the quality of asymmetrical federalism in Spain, certain interesting conclusions are reached:

Firstly, we could develop the asymmetrical federalism theory, adding the category of *dissymmetry*. *Dissymmetry* will be applied to those situations where a proportional or symmetrical situation was broken in an anomalous or faulty way (i.e., for political pressures, the threat of secession or self-determination, the confusion between powers—because you have different culture, religion, language ... you could reach more powers in economy, social services, or foreign policy or more representatives in State institutions). The risk of falling into a pathological federalism, founded in *dissymmetries*, is too high. All deceived federations could corroborate this premise.

Secondly, we could suggest a list of stages for what we have called “the Spanish transition to federalism”: First is *to create a federal culture*. The main target is to prepare civil society to assume the values of federalism connected to stability and unity. Political forces must communicate these ideas to the citizen in order to build a leadership culture linked to federal ideas. It would be basic for that federal proposal that a federal culture would be able to gain the same support that, currently, nationalist culture enjoys. It is crucial to emphasize the importance of limits. The essence of federalism—unity and self-government—is not compatible with secession.

Second is *to specify the main characteristics and the main sceneries of the federal evolution in Spain*. An advanced Spanish federal map would be focused on asymmetry, union of a functional federalism, and nationalist federalism, in a redefinition of the current autonomous system where the differences would be minimized and linked only to real differential facts. With a slogan of “rolling back the States”, we would try to underline the advantages of recovering the common features of the central autonomous communities without forgetting the importance of national territories. We are in the moment when welfare of citizens must prevail. It would have to fight with the strong desires of self-determination that

we find in some autonomous communities and the lack of confidence in federalism from the central autonomous communities. The main challenge is making asymmetry workable and fair, so we have to know the limits of asymmetry.

Third is *to translate that proposal in a legal challenge, especially at the constitutional level*. The last point in this journey towards a Federal Spain is to consolidate it at a constitutional level. It must have the same high degree of support that our present Constitution has enjoyed since its approval in 1978.

Our last reflection refers to how difficult it is to find comprehensive answers to the questions raised by asymmetrical federalism. We cannot stop trying to get them. Our dilemmas have tried to contribute to this effort.

“The concept of federalism has been a major panacea in Western political thought for an incredible range of problems . . . Whenever events have seemed to demand cooperation and coordination, while interests and anxieties have held out for the preservation of difference and diversity, the answer has almost unfailingly been some form of federalism” (Tarlton 1965: 874). In the future, it is possible for Spain to become federal, and this federalism could be an asymmetrical federalism.

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AU11

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Author Queries

Chapter No.: 44

| Query Refs. | Details Required | Author's response |
|-------------|--|-------------------|
| AU1 | This was originally a fragment and was therefore merged with the prior sentence. Please check if appropriate. | |
| AU2 | The two questions were modified to turn them into complete sentences. Please check if acceptable. | |
| AU3 | Please check if the change made here is correct. | |
| AU4 | Please check if the modification done here does not alter the meaning intended by the sentence. | |
| AU5 | Kindly check if the alterations done here did not change the meaning of the sentence. | |
| AU6 | Please check if the insertion of the word 'aspect' here is appropriate. | |
| AU7 | Please check if the change made in this sentence did not deviate from the true meaning of the sentence. | |
| AU8 | Elazar and Gagnon are cited in text but not present in list. Please check. | |
| AU9 | The citation "Palermo 2010" (original) has been changed to "Palermo et al. 2010". Please check if appropriate. | |
| AU10 | Please check if the merging of this phrase to the previous clause is acceptable. | |
| AU11 | Burgess (2006) is not cited in text. Please cite it or delete it from the list. | |