

# Asymmetry in Quasi-federal and Unitary States

DANIELE CONVERSI

**ABSTRACT** In his four-fold typology, John McGarry indicates Canada, post-Soviet Russia and Spain as standard examples of ‘regional and plurinational federations’ (RPNFs). He dedicates most space to this variant, chiefly because of its more successful record. In order to test McGarry’s hypothesis, I focus on Spain as an example of a quasi-federal setting and Italy as an instance of unitary state. In agreement with McGarry, I show that asymmetric arrangements are more accommodative, durable and practical, having proved in both cases more flexible and effective in managing and preventing ethnic conflict (see also Coakley, 2003).

## Spain’s Autonomous Communities System

The foundations of Spain’s asymmetry are inscribed in the 1978 Constitution (Conversi, 1997, 1998, 2000). In principle, Article 2 rules out federalism via a preemptive stress on the indivisible Spanish ‘nation’ (*nación*), while referring to unspecified *nacionalidades* (Catalonia, Galicia and the Basque Country or Euskadi). This ambiguity leaves the door open to a variety of interpretations on the criteria a particular region might adopt in order to fulfil the requisites for autonomy. Originally, the goal was to achieve a ‘symmetric’ disposition of power: by extending decentralization to all regions that demanded it, the potentially ‘disruptive’ impact of peripheral nationalism could be held in check. However, this wide gamut of possibilities also allowed the more nationalist and mobilized regions to achieve the greatest leaps forward towards autonomy. This ultimately resulted in the emergence of a highly asymmetric *quasi-federal* system (Moreno, 2001). Once the constitutional process was accomplished, 17 ‘autonomous communities’ emerged on the official map (Flynn, 2004; Keating, 2000; Lecours 2001).

How far has the central government been prepared to go with asymmetrical arrangements? McGarry mentions centralist attempts to ‘equalize’ federations or standardize federalizing processes. In 1982 Madrid attempted to pass a law to ‘harmonize’ the devolution process (LOAPA—*Ley Orgánica de Armonización del Proceso Autonómico*), in an apparent effort to appease the military and the centralist ‘right’. But the bluff was called and a ‘covert plot’ denounced as an attempt to curtail the powers of Catalonia and Euskadi. In other words, this was an attempt to introduce a sort of symmetrical federalism via the back door by standardizing the political representation of each community. Because it stirred vigorous popular protests, the law was abandoned in August 1983 after the Constitutional Court pronounced it *ultra vires*.

To recapitulate, Spain’s initial combination of unitarism and federalism shifted inevitably towards asymmetrical arrangements. Asymmetry became the inevitable outcome of

the increasing leverage acquired by the Catalan, Basque and a few other, autonomous governments at the negotiating table. In the 1990s, the two nationalities' bargaining power was enhanced by their electoral weight in both the lower and upper houses, when the Spanish parties needed nationalist support to obtain full majorities. Asymmetry may be costly but in the end it proved unavoidable. The pattern continued into the new millennium, partly overcoming the ethnopolitical radicalization that occurred under Aznar's second term (2000–2004). After a popular referendum (June 18, 2006), a new Statute of Autonomy granted 'self-government' to Catalonia, including the possibility of separate membership in the UNESCO, further increasing Spain's asymmetrical disposition.

Of course, demagogic appeals to 'equality' are periodically advanced to oppose asymmetry (like the *Declaración de Mérida*, 1998). Elsewhere, John McGarry (2001, p. 13) has stressed how Northern Ireland's Unionists initially insisted on symmetrical arrangements. But, once Cardiff and Edinburgh became recipients of differing degrees of devolution, the Unionists' line began to turn in favour of asymmetry. Perhaps the most interesting example of asymmetry is the European Union, where various levels of obligations, requirements, rights and regulations are associated with each of its component units, some of which have not even joined the monetary union (Ruzza, 2004).

### **Italy's 'nestling asymmetries': Beyond Federalism**

Asymmetry is not a prerogative of federal systems. As McGarry notes, unitary states can also devolve different degrees of autonomy to specific regions, depending on the demands advanced by these regions. A state does not need to be federal in order to concede special rights to some regions particularly inclined to ethnic mobilization. Since its political unification (1861), Italy has adopted a highly centralist system, peaking under Fascism (1922–1943). In the post-war, it retained a unitary structure, but allowed five regions to gain special autonomy statutes under the 1948 Constitution (Article 5 on Local Autonomy): Val d'Aosta, Trentino-Alto Adige (South Tyrol), Friuli-Venezia Giulia, Sardinia and Sicily (Conversi, 1988). Over the years, the powers of these regions have shifted: Sicily's autonomy has been seriously undermined as the island became clientelistically dependent on the central state which in turn allied with 'Mafia criminals' (Agnew, 2000, p. 306). In contrast, South Tyrol has been able to mobilize along ethnic and cultural lines, achieving significant benefits in the political, cultural and economic spheres. In general, the more advantaged regions were those situated along Italy's Alpine northern borderlands (Kaplan, 2000). The problem was further complicated by the emergence of the Northern League as a ponderous force in Italian politics (Giordano & Roller, 2001; Tambini, 2001). Italy can be defined as a system of *nestling asymmetries*: each region enjoys various degrees of powers, with some regions enjoying inner layers of consociation autonomies. For instance, within the bi-provincial region of Trentino–South Tyrol, different forms of self-government have been granted to the provincial capitals, Trento and Bolzano/Bozen. The most wide-ranging autonomy has been obtained by South Tyrol (Alto Adige, in Italian), inhabited by Italian- and German-speakers, as well as by a small minority of Ladin-speakers (Conversi, 1988). The accommodation of this cultural complexity led to special provisions, whose characteristics seem to fit Lijphart's consociation model (Wolff, 2004, p. 72). In the southernmost province of Trentino, local laws have been passed in 1987 and 1997 to protect three linguistic minorities: the Ladins and the German-speaking Cimbri and Mòcheni.<sup>1</sup> As a consequence, limited forms of

decision-making power in the cultural and related fields (education, museums, institutes, scholarly research, media, festivals, food production, etc.) were granted, respectively, to the town of Luserna, the *Valle dei Mòcheni* (described by Robert Musil as the ‘enchanted valley’) and the Ladin capital, Vigo di Fassa. In other words, the power enjoyed by local communities varies greatly, with several intermediate institutional layers between the local and the national level.<sup>2</sup>

To sum up my response to McGarry, asymmetry has proved to be effective within unitary states insofar as they need to maintain a unitary framework, while allowing concessions to federalism and power-sharing demands.

## Conclusions

Asymmetry has been shown to work not only in federal states, but also in nominally non-federal systems. In post-Franco’s Spain, the landmark event was the approval of the 1978 Constitution. Its preliminary section describes Spain as a *unitary* state. However, its open character ultimately resulted in the emergence of a quasi-federal system (Moreno, 2001). The operative premise is that social peace can only be achieved by accommodating minority aspirations. Asymmetry thus protects national minorities against centripetal trends, ‘obliging Madrid and its peripheries to a true negotiated coexistence and to permanent dialogue’ (Schwimmer, 2003, p. 179). In short, asymmetry was necessary to maintain state unity during the transition to democracy. It proved so solid that attempts by the Spanish government to disrupt it with the LOAPA and under the second Aznar government came to nothing, and indeed engendered more conflict (Conversi 2006). Asymmetry’s survival was nearly inevitable.

Italy’s case confirms the broader capacity of asymmetrical arrangements to work also outside strictly federal contexts, in which different political forms of accommodation are needed to respond to local demands and specific requirements. Italy’s federalizing trends are deep-seated and elites are often aware of the different demands advanced by each region. In South Tyrol and other ‘autonomous regions’, Italy has successfully used asymmetry to prevent ethnic radicalization. Similarly to Northern Ireland, Italian asymmetry is flexible, permitting power-sharing executive arrangements where they are needed.

Asymmetry in both Spain and Italy has gone from strength to strength, culminating in the most recent Catalan statute and various regional and national laws adapted by successive Italian legislatures. All the arguments put forward here seem therefore to reinforce McGarry’s defense of asymmetrical arrangements.

## Notes

1. The Constitution’s Article 6 (“the republic protects linguistic minorities by special laws”) had never been fully implemented, at least till the 1990s.
2. See, for instance, the *Comunità montane* (mountain communities) established in 1971 as ‘territorial agencies’ constituted by both regional and provincial governments, the *Comunità Isolate o di arcipelago* (island communities) and the *Unioni dei Comuni* (communal unions) established in 2000.

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