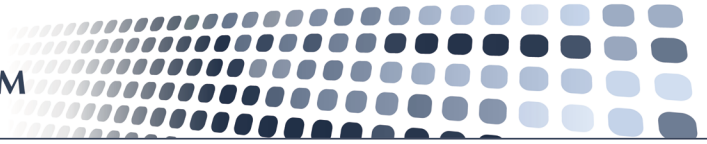




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Building Subnational Constitutionalism Through Identity Narratives. The Case of Spain

by

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Abstract

This paper analyses the process of reform of the Statutes in Spanish Comunidades Autonomas, which began in 2006, in order to stress the role that an identity narrative takes in it. Almost every Statute inserts clauses regarding culture, tradition, historical rights and institutions of the region. After an analysis of some of the main Statutes, the paper focuses on the reasons that have caused this attitude in legal text. In general, identity can be read: as a consequence of the crisis of the National State in favour of local belonging; as a form of reaction toward globalizing process; as a post-materialist value. In the case of Spain all these general causes are present, but the conclusion to which the paper arrives is that identity is played strategically as a tool to obtain more authority. The imitation of the Catalan model, a model of success in obtaining through the years more autonomy by stating ‘reasons of identity’, pushed the other CAs to play this card as well. If this is the main political reason that underlines the reform, the case of Spain is interesting at a more general level to show the pervasive role that regional cultural identity plays in building subnational constitutionalism as a source of legitimization of more powers, and more symbolic strength for the Regions. Rhetoric narratives, such as historical rights (to self government, to a regional legal and justice system, to regional institutions) or the fact of having an autonomous cultural order from the central state, implement the idea of regions as subjects in search of their own constitutional identity often in contrast with the broader constitutional order. In this sense judgment 38/2010 by the Spanish constitutional court took a clear position in this contrast

Key-words

Identity, legal narrative, regionalism, statutes, culture, traditions



1. Identity and Constitutional law

The debate on identity started over 30 years ago in several social sciences (Remotti, 1996; Fabietti, 1995; Lai, 1988; Thiesse, 1999; Bodei, 1987; Anderson, 1983; Benhabib, 1994; Vitale, 2001), but only recently has this debate found reflections in juridical texts, especially of constitutional level. Generally, constitutions did not include any rule on collective and cultural identity; constitutions provided a protection for cultural minority, but the constitutional covenant and contract was founded on other narratives, different from cultural identity. According to Rosenfeld this kind of neutrality in front of identity is the consequence of the creation of a superior “constitutional identity” that transcends all the pre-existing identities, including cultural identity¹. Identity was kept out from the horizons of constitutionalism also because the liberal and individualistic approach that underlines many constitutions, together with the fears against the Ethical State, suggested that cultural identity was a private matter, to be kept out from law. The silence of law on identity is also the consequence of the eclipse of the category of “community”. Actually, for a long time, other categories and *cleavages* crossed Western societies, such as the struggle of classes, the great ideologies of the XX century, belonging to parties, struggles for civil and social rights. Compared to these scenes, many things have changed in recent years and identity discourses have penetrated constitutional and sub-constitutional law.

Among the several Constitutions that contain a reference to cultural identity there are: the Constitution of Poland^{II} (1997) that mentions “the cultural heritage as source of identity of the Polish people” (art. 6); the Constitution of Nigeria (1990) that mentions “the cultural and spiritual identity”. The phenomenon has a multi-level dimension. The European Union demonstrates a growing attention to the building of its own identity as well. A European identity is considered essential for creating a European *demos*, and to protect both National identity and regional and minority identities within the member States.

By a multilevel perspective, the Regions within several territorially plural States are building identity narratives often in opposition or in dialectic with the National identity from which Regions seek differentiation. Sub-national constitutionalism tries to reinforce itself through identity narrative.



The evaluation on this “return to identity” has deeply divided the constitutional scholars all over the western world.

The protection and legislating of identity has a positive and progressive evaluation when we think of multiculturalism and its idea of guaranteeing symbolic recognition to oppressed minorities. This kind of approach is similar to the movements that created the National-States in the XIX century: the myth “one Nation, one State” was a romantic idea to give freedom to oppressed people (Thiesse, 1999, 55). Today, identity plays a progressive role in the idea of promoting diversity in society, and in the anthropological idea that humankind needs ethno-diversity, as nature seeks for biodiversity, as was stated, for instance, in the Unesco Declaration on Diversity of 2001.

Communitarian scholars strongly supported the importance of identity explaining that the “sources of the self” are not only individualistic, but come from membership in a group. If the group is not recognized the individual may suffer a lack of recognition as well, and may find difficulties in achieving authenticity (Taylor, 1989). Protection of collective identities appears to be an important tool to protect individual rights and, in this context, a new right is forged: the right to cultural identity.

In his theory about the cultural law, Häberle sees in culture something that frees the law from economy and technocracy, bringing law into the construction of human dignity (Häberle 2006).

By Italian scholars as well, regional identity has been read as a factor perfectly compatible with a civic and political identity, in the sense that a stronger regional identity can improve the feeling of belonging to a political community and to the public sphere, and even help to better protect some important values such as environment and cultural heritage (Malo 1999).

But identity has got a negative side as well: with the growth in new-nationalism and with the fear for a clash of civilizations (Huntington 2006), identity has been seen as a vehicle of violence (Sen 2006).

There is a third idea of identity, different from the two ideas mentioned above (identity as a tool of symbolic recognition; identity as a tool of division and cultural clash)^{III}. This third idea of identity is rooted in the post-materialistic view (Inglehart, 1977). This scholar sees identity as a product of the search for new values, typical of post-industrial societies that has already conquered their wealth and their welfare State and are looking for



new values. In this sense, identity hides the search for a meaningful community and for new narratives in peaceful constitutionalism (Palermo 2007).

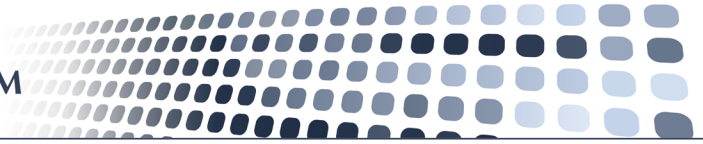
In the majority of western Constitutional States the struggle for civil, political and social rights is completed; they enter then in what we could call “post-constituent era” in which new narratives arise in the attempt to give new life to the symbolic part of the constitutional text. If identity can become a tool of violence in non-peaceful contexts, in western sub-constitutions it appears almost as a “luxury product” of opulent and rich juridical societies that have resolved the problem of social conflict and that can concentrate on new values such as restoring the past, tradition and the cultural dimension.

This post-materialistic reading of identity avoids many of the apocalyptic scenes that scared scholars, but at the same time it seems to be too optimistically ignoring some of the problematic consequences.

First of all the diffusion of these narratives is a sign of a crisis in the political class, and in political parties that seek in identity a new source of legitimisation, in order to hide other themes that should be more important in the political agenda.

Second, some political parties completely invented new regional identity, without any connection with an historical past. It is probably true that all communities, including the State, are “imagined communities” (Anderson 2000), nevertheless any strategy of representation of a new emerging identity should tell an at least meaningful and coherent story. Often regional identities appear anachronistic, completely forged on the past, and completely invented (e.g. the creation of Padania by the political party of *Lega Nord* in Italy (Diamanti 1995 and 1996).

Third, identity claims can be used as an excuse, a strategy to ask for more authority and power. In this sense they are not always “genuine”, but they are a tool to search, in reality, other political aims. Anticipating some conclusions of this work, one of the main reasons that underlines the Spanish Statute reform started in 2006, and its insisting on cultural identity is the will by the other CCAA to copy the Catalan and Basque model of autonomy that, in past years, by applying identity claims, has been of success in increasing authority and resources. There is nothing wrong in this, but we must be aware in order to distinguish authentic identity claims from strategic ones.



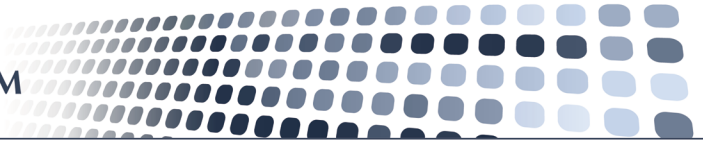
Last but not least, there is the risk that, under identity narratives, is hidden the egoistic claim to not participate in sharing resources within the broader national political community.

The appearing of identity in constitutional and sub-constitutional juridical texts deserves specific attention as regards the structure of the norms and of the juridical language. Norms on identity are not part of the classic categorization between rules and principles. They can better be classified as symbolic norms. The juridical texts enrich their structure with more and more detailed Preambles (Bonachela Mesas, 2010) of uncertain juridical value. Often some of their parts are explicitly mention or reported in part of the Regional Statute. This fact may be a proof of their prescriptive nature. The entry of identity in the regional Statutes produces a certain literature style, a narrative style (Ruiz-Rico Ruiz , 2005)^{IV}. These aspects do not mean that norms like these only have symbolic effect: for example, according to these symbolic parts, many resources can be distributed looking at the identity relevance of some projects.

In this paper, as an example of this landscape described above, I will take one of the most powerful and prevalent cases of spread of identity narrative in sub-constitutional texts: the case of the reform of the Statute of the Spanish regions that started in 2006, continued through 2007 and 2008, until the final judgement no. 31/2010 by the Constitutional Court on the Catalan Statute. I will analyse this process, trying to give an answer, in the conclusions, to these two questions: is the identity narrative in the Spanish Statute compatible with a broader constitutional identity? What are the reasons that support this narrative and that make it spread even to regions without any independent or ethno-regional party?

2. The 2006 process of reform of the Statutes in Spain

The Spanish regional Statute can be defined as “the basic institutional law” of the CCAA, and as the most important “source of production” of the regional legal system (Aguado Renedo 1996)^V. Their legitimization is not original, deriving from the Constitution. The process for their creation includes two legislative organs: regional Parliaments and the national Parliament that has to “ratify” the Statute through an organic law.



The position of the CCAA Statutes in the source system is debated in Spanish scholarship divided between scholars that affirm the simple nature of “laws” (Aguado Renedo 1996) regulated by the principle of competence, and others that state their hierarchy, defining them as “secondary constitutional sources” (Rubio Llorente, 1989), part of the block constitutional (*bloque constitucional*).

The 17 *Comunidades autonomas* (CAs) of Spain enacted their Statutes/organic law in 1980, giving rise to the *Estado autonómico*.

The process of reform of these Statutes started in 2005, when the Basque Country presented to the National Parliament a project of radical reform of its own Statute that was rejected^{VI}. In 2006 Catalonia enacted its own Statute that was approved. Following these processes, almost every CA started to write proposals of reform. The use of identity language strongly used in the Catalan Statute as a tool to obtain more competences, and to legitimize in a new way the autonomy, spread all over the CCAA as well.

In this paper I will analyse the Statutes of the following *Comunidades autonomas*: Valencia (organic law 10 April 2006, n. 1), Catalonia (organic law 19 July 2006, n. 6 as modified by the Judgment enacted 18 July 2010 by the Constitutional Court), Balearic Islands (organic law 28 February 2007, n. 1), Andalucia (organic law 19 March 2007, n. 2), Aragon (organic law 20 April 2007, n. 5); Castiglia y Leòn (organic law 12 dicembre 2007). Other proposals of Statutes (e.g. Canarian and the Castilla La Mancha) were either rejected by Congress or retired by the same Regional Parliaments.

These are the main general characteristics of the Statutes after the reform: more extended dimension (each statute has now around 250 articles); the presence of a broad list of regional rights, especially social rights completely absent in the former Statutes; introduction of the legislative decree and law decree as new regional sources of law; more fiscal autonomy; a new discipline of the State-Region cooperation more focused on bilateral conferences, and of bilateral agreement (Carmona Contreras 2007); and, last but not least, a new list of authorities or powers, written in great technical detail, in order to obtain the maximum of clarity when sharing with the State (Balaguer Callejòn 2007). Through this new list of authorities, the CCAA aimed to achieve what Spanish scholarship defines as *blindaje de las competencias*: this is the inclusion in the Statute of authorities that were previously regulated in laws (*leyes de transferencias o delegaciòn*) enacted by the central State according to art. 150.2 of the Spanish Constitution. As the State could decide to



change and derogate to these laws, these authorities of the CCAA were “unsafe”. Writing them in a secure list, contained in the Statute, is a way to consolidate, and fix (*blindar*) them in a safer way.

Every Statute includes several articles dedicated to identity. While the Statute enacted in 1980 contained very short norms defining the *Comunidad autonoma*, now the identity narrative dominates all the Preambles, is present in the general principles by which the public policies must be inspired, and is present in the list of regional rights, and in the list of regional authorities and powers.

The two regions that have promoted this new Statutory “era” are the Basque Country, and Catalonia, in search of new strategies for representing their political communities with the aim of more political autonomy, co-sovereignty and even independence. Despite the different approaches and feelings in regional society towards the broader national identity (in all the other CCAA there are no independent movements, the ethno-regionalist parties have no strong political representation, and feeling of identity was limited to a socio-cultural dimension without a political translation), almost all the regions have followed this model of identity narratives.

There are mainly 5 sectors through which the identity narrative is developed in the 2006 Statutes that are examined in this paper.

Taking the order in which they appear in the Statutes, the first element is History.

Every *Comunidad autonoma* aims for a detailed reconstruction of its history, quoting a history based on ancient Kingdoms (*reinos*), absolute monarchies, political communities of the middle ages, previous to the Spanish unification and to the Spanish Constitution. In the same way, even pre-Roman history is quoted as a source of identity. These historical reconstructions not only have a cultural dimension but have an echo in the articles of the Statute as pre-constitutional institutions and law that the Statute declares wanting update and bring to new life. As we will see, they try, in some way, to find a new source of legitimate autonomy outside the 1978 Constitution^{VII}.

The second sector in which identity is developed is the one referred to the self-qualification and self-definition that the *Comunidad autonoma* gives itself^{VIII}.

The Statute enacted in 1980 contained similar clauses that, for example, states autonomy as expression of “historical identity” (Andalucia, Aragon, Valencia, La Rioja, Balearic Islands), or references to the “historical regional identity” (Extremadura, Mursia) or to an “historical



bond” (Castilla Leòn). In the 2006 reform, the lexicon is much stronger, and expressions emerge such as: nation, national reality, nationality, historical nationality, national entity, historical community, national identity (Sejas Villadangos, 2003; Blasco Valdes, 2005).

The third sector of identity narratives consists of the precise list of the elements that constitute regional identity.

Contrary to what happened in 1980, Statute regional identity in 2006 is described in all its parts such as: reference to ancestors, one or more historical foundational moments, the language, the cultural monuments, folklore, symbolic places that identify the community, a typical landscape, a literature, a set of symbols (flag, regional hymn) even a character, a personality, and all these distinguish people that live in that *Comunidad autonoma*. To quote more precisely the texts we read as forming part of regional identity, “an urban system”, the “*flamenco*”, the “*Real Monasterio de Santa María de la Vallidigna*” as symbolic places that resume “the spirit of Valencian people”; the “geographical position” as a bridge between cultures. Language is certainly one of the most important elements of identity narrative, in fact when a *Comunidad autonoma* does not have its own language but speaks only castellan language, the Statute still inserts a reference to the “linguistic modalities” or the local “ways to speak” (*hablas*). These are not even dialects, but simply accents or phonetic variations of castellan, perfectly understandable.

A forth element of the identity narrative is the statement that identity is considered one of the “essential values” of the regional legal system, and is inserted as one of the most important “political aims”. Identity enters in the “civic education” to be taught at school.

A fifth new feature is the enrichment of regional symbols: while in the previous Statute the only symbol mentioned was the regional flag, in the 2006 Statute the hymn, the regional feast, monuments, and other symbolic elements are codified as well.

What are the reasons that, in Spain’s regionalism, have created this strong attention to the regional identity? Is it just an imitation of the Basque and Catalan Statutes, strategically followed in order to obtain more authorities, or does this kind of rhetoric express true needs that are eradicated in all the regions of plural Spain? Can these Statutes be read as part of a broader comparative movement that seeks to strengthen regional identity or are they just a tool in the hands of the Spanish regional parties to legitimise themselves? Does the presence of these strong narratives put at risk the constitutional



identity or, on the contrary, does it serve to consolidate it given that the spread of lots of identity tends to diminish the subversive impact that Catalan and Basque identities contain?

I will try to answer these questions, analysing some selected Statutes under the five elements chosen: history, self qualification, and the main elements that constitute identity; political aims; cultural rights; competences founded on identity; regional symbols. After this analysis, mainly descriptive, I will analyse which are the main reasons of the spread of identity rhetoric in Spanish *Comunidades autonomas* Statutes.

In the statutory process we can distinguish two basic and general approaches: the Catalan sort that takes the identity model to its extreme consequences, asking for a completely bilateral relation with the State; the Andalusian model and of other regions that, has a more mixed and social conception of identity. These different approaches are in dialogue. In fact every Statute is, in some sense, an answer, often controversial, to the other in a dialectic view of what is identity. There are processes of imitation, but also of contrast between each Statute. For example, to the strong nationalistic discourse in the Catalan Statute, the Andalusian Statute answers with an identity that can coexist within a broader Spain, and in which a solidarity between all the 17 *Comunidades autonomas* is sought. Castilla León adopts an attitude against all the others region, claiming the importance of a Spanish identity. These are only a few examples of the dynamics that we can see in the Spanish process of reform^{IX}.

3. Identity narratives in Spanish Statutes. The Catalan Statute: before and after the Constitutional Court judgement 31/2010

The Catalan Statute has acted as the reference of all Statutes that were enacted after 2006. In fact, after the failing of the Basque Statute in 2005, it was Catalonia that re-opened the Statutory process of reform. In September 2005, the Catalan Parliament approved by 90% of votes the proposal for a new Statute to be submitted to the National Parliament to become organic law. The Statute was enacted on 19 July 2006 after a popular referendum in which only 48% of the population participated. After 4 years, the Constitutional Court of Spain resolved the constitutional inquires on the text concerning different aspects suspected to be unconstitutional. In the 31/2010 judgment, 12 articles were declared unconstitutional, while 27 were saved but completely interpreted by the Constitutional



Court in a way that abolishes the original meaning that Catalonia intended giving them. Another 120 articles were considered not contrary to the Constitution (Fossas Espadaler, 2011)^X. The 31/2010 judgement clarifies the role of the Statute as law, and its constitutional function, with special regard to its “material content” (Fossas Espadaler, 2011)^{XI}; the judgment states the impossibility to call Catalonia a nation, and to use Catalan as a preferred language (Alonso de Antonio, 2011); it reduces the power of *derechos históricos* as tool to legitimize autonomy stating that the Statute cannot be regarded as an original Constitution derived from a constituent power, being a law derived from the Spanish Constitution (Tejadura Tejada^{XII}) it distinguishes the role of statutory rights, and fundamental rights (Expósito Gómez, 2011^{XIII}) it limits the role of regional judicial power (Torres Muros, 2011), and it clarifies the role of the Statute definition of competences, the bilateral relations State and Regions and the financial system.

Spanish scholars had different reactions to this judgment. Some scholars considered it “a breach in the constitutional covenant” that is in favour of a decentralized State because it affects the “central core of autonomy” (Perez Royo, 2011; Lopez Aguilar, 2011; García Roca, 2011). Other scholars, on the contrary, see in the judgment a restoring of the constitutional landscape (Castellà Andreu, 2011).

When the Catalan Statute was enacted, all the other CAs started a race to not be left behind Catalonia in the level of autonomy. In this sense Catalan Statute is the matrix of this reform that, according to some scholars, will create a second State of autonomies (*secundo Estado autonómico*). The fact that it was imitated by other regions creates a peculiar effect. While Catalonia has its own language and institutions, other CAs were deprived of them, and so they started to reinvent them by restoring them from a mythical past in a quite artificial way (Blanco Valdès, 2006).

My analysis focuses on identity narrative in this Statute. I will list them, and after each of them I will describe how they have been interpreted in the 31/2010 Judgement or if they have been declared unconstitutional.

The Preamble of the Statute is largely historical. It quotes the creation of the *Cortes* of Cervera in 1359, a proof of the “constant vocation for self government” of Catalonia. The *Decreto de Nueva planta* of 11 September 1714 marks the date in which Catalonia was annexed to the Kingdom of Castilla and lost its institutions of self-government. The most important part of the Preamble is the one that defines Catalonia as a “nation” and a



“national reality”. With respect to these statements, the Constitutional Court declared that these expressions “have a lack of juridical interpretative value”.

Inside the text of the Statute, the clauses of self-definition speak of “nationality” (art. 1). The rhetoric of the Statute specifies in the statement that the foundations of autonomy are not only in Constitutions, but in the “historical rights of Catalan people” (art. 5) (Rey Martinez, 2005). From this right derives the “recognition of a peculiar position of Generalitat in civil law, language, culture, education system, and institutional system in which Generalitat organizes itself”. The reference to this pre-constitutional foundational moment is a way through which Catalonia affirms its difference with respect to the others CAs, even though, as will emerge in the following pages, this kind of rhetoric has been copied from almost all the other CAs. The category of historical rights is completely new in the Statute language. It evoked dead institutes, completely eliminated by the modern Constitutional State.

With respect to this article the Constitutional Court stated in 2010 that “it would be explicitly unconstitutional if it pretends to find a source of autonomy outside the Constitution”, then the Constitutional Court says that the article should be interpreted in another meaning.

Art. 3 of the Statute states the principle that “relationships between Generalitat and the State are founded of the principle of mutual institutional loyalty and are rooted in the general principle that *Generalitat* is a State”. “Catalonia has its own geographical and political space in the Spanish State and in European Union”.

The main identity element is constituted by language. The Constitutional Court declared unconstitutional the statement that Catalan is the preferred language (*uso preferente*) (art. 6) to be used by the public administration.

Art. 6 established the “duty to know Catalan”, as well. Through a complex interpretation, the Constitutional Court decided that the norm can stay in the Statute but interpreted in the sense that this duty is not at all compulsory.

In art. 8 there are described the “national symbols”. In this article we find the description of the flag, shield, hymn, and the feast of 11 September 1714 in order to remember the loss of the self-government Catalan Institutions. The article has been interpreted by the Constitutional Court that stated in 2010 that it is not unconstitutional, in the use of the word nation, in so far as “national” is referred to a nationality rooted in the absolute unity



of Spain. Given the fact that the use of the word Nation in the Preamble does not have any juridical effect, this adjective “national” cannot be interpreted in a way that evokes a Nation.

Art. 33.5 establishes the “right of all Catalans to write in Catalan to all the National Constitutional organs and with the judicial power at National level... these institutions must receive the writings in Catalan, consider them valid”. In this sense, the border of regional identity and language transcends and involves national public sphere as well. Through a complex interpretation, the judgment 31/2010 conserves this norm, but completely emptying it of meaning.

Art. 36 recognizes the “Occitan language of Aràn”. It is a disposition conforming with the fight to protect minority languages that are all at risk faced with the expansion of Castilian. Even the Catalan administration must receive documents in Occitan.

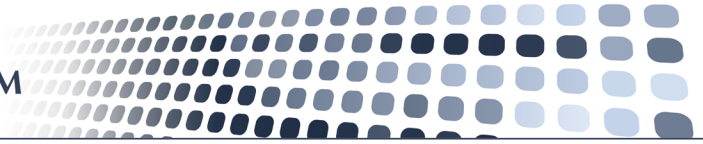
Other identity profiles are the reference to the Catalan citizenship evocated in several parts of the Statute; the reference to Catalan communities abroad (art. 13).

3.1 The Statute of Andalusia: from social identity to “flamenco”

Both in the history of Spanish regionalism and because it is the most populated region, the Andalusian Statute represents an important part of the reform. This Statute is in part an imitation of the Catalan one because of the political intent (sought by the PSOE, the left political party that governs Andalusia) to “normalize” the Catalan model.

There are anyway important differences from the Catalan model.

The first is the attempt to build a social identity. Andalusia has been a region with a strong rich-poor divide and still today its society and political class has a strong socialist tradition. During the debate to re-write the Statute, the proposal to define Andalusia as a “social and democratic community”^{XIV} was strong. This expression reproduces the same expression inserted in the 1978 Constitution of Spain, demonstrating the constitutional ambition of the Statute. While many *Comunidades autonomas* affirm their distinguishing elements (*hechos diferenciales*), such as the recovering of their original *fueros* and languages, Andalusia affirms its historical delay in development (*deuda historica*) in front of the Spanish State.



A second difference consists of the fact that the Andalusian Statute reaffirms two essential values in opposition to the asymmetric choice of Catalan model: the unity of the State, and the equality of all regions in access to autonomy: “the existing *hechos diferenciales* cannot be used to accord privileges to some regions”, the Statute states^{xv}.

A third difference is the proposition of a more open identity model. The Preamble starts by stating that “Andalusia has forged along its own history *a robust and solid identity* that gives a *peculiar character* to its people”. This identity consists of a “social and cultural heritage unique in the world” whose key element is “inter-culturalism in practice, customs, and way of life”. It is the synthesis of different cultures that designs an “Andalusian personality built on never exclusive universal values”. “The Andalusian culture” can bring a “high contribution of civilization to contemporary society”. The historical civilizations are all mentioned in the Statute: “the proofs of history – Tartes, Betic, Califfs in Granada, Seville, Cordoba, Jaen – are the elements of Andalusian identity”. After this first “defining part”, a section, similar to the Catalan statute, describes the “history” of Andalusian autonomy. Blàs Infante is mentioned as “father of the country” and events such as the Antequera Federal Constitution of 1883, the Ronda Assembly of 1918 (in which the Andalusian flag was created), the creation of the Andalusian hymn in 1933 during the Second Republic, the date of 28 of February of 1980 in which an historical referendum through which Andalusia obtained a quick way of accessing autonomy “against those who did not want that we were a nationality”. The Statute also states that Andalusia is the only *Comunidad* that was directly legitimised by means of a referendum about its own autonomy.

The Statute self-qualifies the region as a “national reality” and, in the Preamble, as “historic nationality”. These definitions were used, instead of the “nation” one, by Blàs Infante in the Andalusist Manifesto of Cordoba, 1919. Andalusia proclaims itself an historical nationality “within the unity of Spanish nation” (art. 1). We can see a sort of hierarchy in the symbolic order of self-definitions in all the Statute narratives: from nation and national reality to historical nationality or nationality. All the expressions contained almost in all Statutes (except for the word nation) must today be interpreted according to the 31/2010 Judgement of the Constitutional court.

Contrary to the Catalan model, whose main element of identity is language, in Andalusia there are several elements of identity, while language is less strong.



Among the 24 basic aims that the *Comunidad autonoma* aims to achieve, in article 10 we can read: 3) the strength of “the feeling of Andalusian identity and culture through the knowledge, discovery, research and diffusion of the historical, anthropological and linguistic heritage”; 4) the defence, promotion, study and prestige of the “way of speaking of Andalusian people in all its variety”; 6) the creation of the conditions to encourage emigrant Andalusians return home.

A specific mention should be made about the way of speaking in Andalusia. Andaluz is not a language, not a dialect, but is classified by linguistic scholars as a way of speaking castellan. At first sight this statement seems an attempt to imitate the Catalan model, but it has another aim. The idea is to “give prestige to the Andaluz way of speaking” and to avoid that “inferiority complex” which is always associated with the way of speaking of Andaluces.

Art. 33 states the “duty to respect and preserve the Andalusian cultural heritage”. Art. 37 contains a list of 25 principles that should animate public policies and they include: the conservation and valorisation of the cultural, historical, artistic heritage, especially regarding flamenco” (p. 18); the religious, social, and cultural coexistence of every people in the respect of cultural diversity, creed, convictions (p. 17); the promotion of cultural relationships while fully respecting values and constitutional principles (p. 23).

Finally the identity narratives come back again in art. 68 that disciplines the competence of Andalusia on culture, stating the exclusive regional power on “promotion and diffusion of the cultural, historical, artistic and monumental heritage of Andalusia” and the exclusive power on “knowledge, preservation, formation, diffusion of *flamenco* as elements specific to the Andalusian cultural heritage”. When this disposition was enacted, the nearby region of Extremadura, in which *flamenco* is a strong cultural element as well, complained that Andalusia was claiming an exclusive power. And what will happen if another *Comunidad autonoma* or the State wants to organize a flamenco festival? The case of *flamenco* is very interesting because it shows how complex are the dynamics of identity. First of all *flamenco* is not an original and authentic feature of Andalusia, being imported by *gitanos* people (gypsies), secondly it has now spread beyond the regional borders to become a heritage of national identity (the whole of Spain is associated with *flamenco*) and even at international level: there are strong schools of *flamenco* in Japan, for instance^{XVI}.



Generally the identity that a region wants defend, are identities at risk, oppressed in the symbolic order. But in the case of *flamenco*, this element of Andalusian identity transcended the region to become part of the Spanish identity. The idea of claiming a sort of “ownership” on *flamenco* is quite peculiar.

Anyway a similar approach is the one chosen by Castiglia Leòn that affirms, as a regional element, the castellan. While it is true that the roots of castellan were, in the middle ages, settled in this region, it is quite peculiar to affirm a language that is national, and that is the third language spoken all over the world as an element of regional identity! The incapacity to share identities, and to accept that they can be spread all over the world creates norms quite difficult to understand.

Another identity element is quite new, and it consists of landscape and of the urban-environmental identity: the Preamble says that Andalusia “created a very human urban system”.

The Andalusian statute also describes the flag, the shield, the motto “Andalusia for itself, for Spain and for humankind”; the hymn, the Andalusian national day fixed in 28 of February in order to celebrate the date of the 1980 approving of the first Statute (Estatuto de Carmona) (art. 3). Andalusian abroad can ask for “the recognition of Andalusian identity” (art. 6). This is a norm we can find almost in every statute and it is a sign of reification of identity in so far it is even possible to “certify it”.

3.2. The Statute of Valencia: bringing back the pre-constitutional law and institutions

While the majority of regions enacted completely new Statutes, Valencia chose to reform the old 1980 text. For this reason the number of articles is not so high (93 articles). From the Preamble it is possible to see the attention to the dimension of identity and to the Catalan roots of this identity (Maluenda Verdù, 1999). The Preamble pays extensive attention to history: the origins of autonomy are rooted mainly in two conceptions: “the Valencian tradition coming from the historical Kingdom of Valencia” and “a modern conception of the *Pais Valencià*”. These two movements of thought “include everything that is Valencian as a peculiar concept”. The exercise of the right to autonomy has permitted the development of “self government and the affirmation of Valencian identity”.



In the main political aims of the Statute there is the “recovering of the *Fueros* of the Kingdom of Valencia that were abolished with decree of the 29 June 1707.

Art. 1 of the Statute declares that “Valencian people, historically organized in the Kingdom of Valencia, are constituted as *Comunidad autonoma* within the unity of Spanish nation, as an expression of its own identity that is different in terms of historical nationality and its right to self-government”. A few lines later we can read another self definition, very rare, in which Valencia defines itself as a “region of Europe” that shares European values.

The elements that characterize Valencian identity are mainly two: a proper law, previous to Constitutional state, and a language distinctive from castellan. The law is taken from a very remote past: the aim is to recover old *fueros* and laws that existed in the Kingdom of Valencia and its institutions (art. 7). There is the aim to implement the *derecho foral civil* to be applied to all Valencian residents (art. 4) and which application is the duty of the Superior justice tribunal of the Comunidad (art. 37). The expressions *fueros* and *derecho foral* indicate a special juridical regime: after the 1978 Constitutions only Basque Country and Navarra recognized such kind of separate regime, even though in the past Valencia, Balears, Aragón and Catalonia also had these types of institutions and laws that the Statute aims to bring back to life.

These statements found a mirror in further articles dedicated to competences in which we can read: “the conservation, development and change of the foral civil law of Valencia” (art. 49, p. 2). The restoring of pre-constitutional institutions and pre-constitutional law is one of the most problematic aspects of the new Statutes: the ancient *fueros* remained intact only in Navarra and in the Basque Country and so, in the other *Comunidades autonomas*, it seems that the *fueros* are artificially re-discovered, often consulting old historical archives.

The second element of Valencian identity is, as said, the language. In article 6 it is possible to read that: “the own language of Valencia Region is Valencian. This is the official language of Valencia, such as castellan, that is the official language of the state. Everybody has the right to use these languages and to receive education ‘on and in’ the Valencian language”. In this norm we can note that Valencian is presented as the language of the regional community, while Castellán is the language of the state, as separated from the original community. In the same article it is said that “a special protection and respect to restore the Valencian language is guaranteed” (art. 6, p. 5) and that “a law will indicate



the territories of the *Comunidad* in which it is possible to make an exception to the teaching of Valencian, and in which one or the other language shall dominate” (art. 6 p. 7). This Statute is a break from the bilingual equality in the sense that admits a sort of “linguistic map” in which to divide the territory according to the major presence of one language over another.

A new norm contained in the Statute regards the Valencian Academy of the Language, as “a normative institution of the Valencian language” (art. 6 p. 8) that will enact the rules of the official standard of Valencian to be used in public administrations. Art. 20 considers this academy as part of the political-juridical institutions of the Comunidad.

In a completely new chapter of the Statute dedicated to regional rights there is a reference to the fact that “*Generalitat* will protect and will defend the identity and values of the Valencian people and will defend the respect of cultural diversity within the Comunidad Valencian and of its historical heritage”.

The symbols of the Region are the flag, and the *Real Monasterio de Santa María de la Valldigna* defined as the “spiritual, historical, and cultural temple of the ancient Kingdom of Valencia” and “symbol of the strength of the Valencian people recognized as an historical nationality” and “place of meeting of all Valencians and centre of research to revive the history of the Valencian community” (art. 57).

Valencians that emigrated abroad have the recognition of their “valencianidad” that is “the right to participate, collaborate and share the social and cultural life of the valencian people” (art. 4).

The Statute establishes the transformation of all the name of institutions in the Valencian language^{XVII}.

3.3. The Balearic Islands Statute: island identity and Catalan languages

Autonomy in Balear Islands is influenced by a strong competition between the main four islands that form the archipelago: Minorca, Ibiza, Formentera and Majorca. The last one is often accused of being centralistic (Oliver Araujo and Calafell Ferrà, 2007). These kinds of tensions create a model that is not concentrated in one Regional parliament, but that is found in 4 Island Councils (*Consejos insulares*). This geographical feature is reflected in subnational identity as well. In fact there is not one compact identity, but 4 identity



narratives that describe and emphasize the differences and the peculiarities of each island that compose the archipelago. The self qualification as “multi-island reality” (*realidad pluri-insular*) is declined both at an institutional and at an identifying level.

The Preamble of the new Statute enacted in 2006 starts with history: “along all their history, the Balearic Islands have forged their identity with the contributions and energies of many generations, traditions, and cultures that join together in this land of welcoming”. This creates a “dynamic society” with a cultural heritage “unique in the world. The historic nationality constituted by the islands of Majorca, Minorca, Ibiza and Formentera pay its tribute to the “past generations” that worked to “preserve the identity of our people”. In this narrative there is a strong reference to ancestors, an element which is similarly often used in building national identity.

The Preamble indicated, even if not in a systematic manner, the elements that compose identity: “the Catalan language as spoken in the Balearic Islands and our culture are elements that define our society and as a consequence, they are elements that give backbone to our identity” together with “insularity”.

The Preamble’ statements are better developed in the articles of the Statute. Art. 1 contains an auto-defining clause: “the historical nationality constituted by the Islands of Majorca, Minorca, Ibiza and Formentera as an expression of collective will and of the right to self-government is constituted as Comunidad autonoma”. In this passage we can appreciate the will to differentiate the single Islands that compose the Unity.

Art. 3 entitled “Insularity” defines insularity as the “distinguishing element (*hecho diferencial*) that deserves special protection” through inter-territorial solidarity. The Balearic Islands, in fact, cannot remain in this factor behind other CAs.

Art. 4 states that “the Catalan language spoken in the Balearic Islands, together with the Castilian language, will have official character. Everybody has the right to know and to use Catalan and nobody can be discriminated”. Art. 14 establishes the right to use both languages with Public administrations that will be trained to know Catalan.

Art. 119 establishes the possibility to fix protocols and agreements especially with the “regions that share the same language and culture”.

In the Balearic Statute there is also an attempt to recover the *derechos forales* (foral rights) pre-existing to the Spanish Constitution of 1978. In the exclusive power of the CA



there is “the preservation, modification and development of the civil law proper of the Balearic Islands included its own legal system sources”.

The protection of identity is also an underlying aim of norms dedicated to regional rights and to powers.

Art. 18, entitled “rights in cultural context and in relation with the identity of the people of the Balearic Islands and on creativity” recognizes that public powers must “defend identity, values and interests of the Balearic people and respect its cultural diversity and historical heritage”.

Art. 34 and art. 35 give to the CA power to protect and promote native culture, to teach local language with the aim of “normalising” Catalan and guaranteeing its equality with Castellan, respecting, at the same time, the “diverse linguistic modalities” in which Catalan is spoken in the Islands.

The University of the Balearic Islands becomes the organ to be consulted for linguistic policies (art. 35).

Art. 6 defines the CA symbols but at the same time admits that every Island can have “its own flag, feast and symbols to be decided by the 4 *Consejos insulares*”.

Other provisions state that Balearic citizenship is acquired through residence (art. 9), and recognize the “original personality” of the Balearic communities outside the regional territory (art. 11).

3.4. The Aragon Statute: derecho foral (foral law) and languages.

Narratives rooted in history, where the regional communities that previously arrived in “Spain” are very common in Spanish Statutes. The Preamble of the Aragon Statute participates in this rhetoric stating that “the Kingdom of Aragon refers to an extensive history of Aragon people that for centuries contributed to the expansion of the Aragon Crown. Identity elements of this history are the *derechos forales* (foral rights) founded on original rights, that reflects the Aragon values of loyalty and freedom. This foral character reflects in the Caspe Compromise of 1412”. The reference to ancestors and founding moments is clear.



The CA is self-defined as “historical nationality” that “within the Spanish constitutional system shows a proper identity because of its traditional institutions, foral rights and culture” (art. 1).

Linguistic modality “constitutes one of the highest proofs of the historical and cultural heritage of Aragon and a social value of respect, coexistence and mutual understanding” (art. 7). The protection of the different dialects within Catalan and of the different way of speaking Castilian is sometimes a sort of reaction to discrimination and jokes suffered for not speaking the standard Castilian of Valladolid; other times it seems to be a way to create identifying elements in a region in which the old languages have been completely forgotten.

In Aragon, as in Valencia and contrary to Catalonia, the model of language protection is diverse and allows for different solutions according to the territories both for teaching and for use in public administrations (art. 7).

Foral law is restored and applied to everybody whose residence is in Aragon (art. 37).

In the norm dedicated to powers and competences, the educational system must take account of the “peculiarities of Aragon” (art. 21) and the return to the region of all its historical heritage, not only from abroad, but from other CAs as well (art. 22 e 71). This is a proof of a weakening of a National identity in favour of a subnational sense of culture.

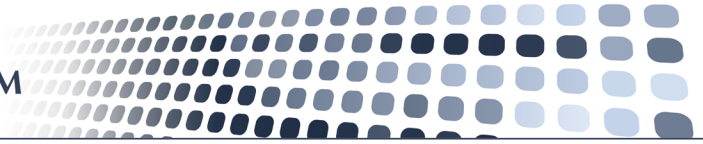
The Aragon Statute affirms exclusive power on “preservation, change and development of foral law and the legal system; procedural law; language and linguistic modalities (art. 71).

Flag, shield and regional feast are indicated in the Statute (art. 3).

There is no mention of regional citizenship but of a “political condition” of Aragon that is acquired with residence, and that can also be given to all Aragon people living abroad that require it (art. 4).

3.5. The Castilla León Statute: the defence of Castilian language and the idea of Spain

Given the described spread of identity narratives, what happened to those CAs, such as Castilla Leon and Castilla La Mancha, which were at the core of the expansion of what would have become Spain? It was from the Kingdom of Castilla that the



“oppression” and “conquering” of the other Kingdoms, that were later to become Regions, started. It was from the Kingdom of Castilla that the “idea of Spain” spread.

The fact that other regions started to claim their specific identifying elements against the broader National identity had the effect of encouraging Castilla Leòn to enter in the narrative to claim its own Regional identity. But, in this way, what is supposed to be a common heritage, becomes a heritage only of this region.

The Statute^{XVIII} has a large historical Preamble that states: “the CA originated from the union of the historical territories of Leòn and Castilla”. Two main historical facts are mentioned: “the process of colonization of the Duero Valley in IX and X centuries and the development of urban life all along the Camino de Santiago and the Via de la Plata”. Since then the lands of Castilla and Leon have been a symbol of coexistence and respect and have created a legal system constituted by the “Leon Fueros” and the “use and costumes of Castilla”. A long list of historical accomplishment follows: 1188 celebration of the first European *Cortes*; 1265 that marks the writing of the *Siete Partidas* by King Alfonso XII; the creation of the Castilian language from Latin; the origin of the first Universities. The Region claims the origins of the Spanish Nation by mentioning: “the union of the 2 crowns in 1230... which was to decisively lead to discovering the Americas later on”.

In this process of “regionalizing” National Identity, art. 1 defines Castilla Leon as “an historical and cultural place that has its origin in the two kingdoms of Castilla and Leon and that contributed in a decisive manner to the formation of Spain as Nation.

Not having a language different from Castilian, the Statute searches anyway to build an identifying element by stating in art. 4 (entitled “essential values”) that “Castilian language and historical, artistic and natural heritage are essential elements of the identity of the Community”. Art. 5 states that “Castilian is part of the historical and cultural heritage of the region, extended to all national territory and to other states”. The region promotes the “correct use of castellan” and “its international diffusion”. In this sense we can notice a sort of symmetry between these narratives and those of other Statutes, but the consequence is quite a paradox: as shown with flamenco, an element of Spanish identity is claimed as a regional element merely for the fact of originating there. There is a sort of *horror vacui identitatis*, a fear of remaining without an identity that encourages every region to seek one.



In the part dedicated to regional rights, the social rights provide for a “guaranteed rental of citizenship” for the poor (art. 13, c. 8) together with the right to “live in and work his/her own land” (art. 16 c. 8). Art. 8 states the possibility to be acknowledged as of “castellan origin”.

Again symbols of “exclusive identity” are described, such as the flag and the shield which are both meticulously described (art. 6).

Public institutions must fight for the return of the cultural heritage that is conserved in other territories.

4. Behind Identity: plural Spain, and the fight to not remain held back to the Catalan competences

After the description of the identity clause that exists in the Statutes analysed, we can move back to the two questions asked at the beginning: is the identity narrative in the Spanish Statute compatible with a broader constitutional identity? Which are the reasons that support this narrative and that make it spread even in regions without any independent or ethno-regional party?

Regarding the first question we should note that the identity narrative in the Spanish Statute present three criticisms. The first is the choice of founding subnational identity mainly on traditional elements, reaffirming the bond with pre-constitutional realities, that were, in the end, absolute monarchies, very far from the values of constitutionalism. This create a romantic past, a nostalgia of it, but its dark side, and the positive value that Constitutionalism and Union with Spain create, is put in the shadow. Without the 31/2010 constitutional judgment, this break between constitutional and regional identity would have been very serious, especially regarding the sources of autonomy.

The second aspect of criticism is the bilateralism, and the exclusivity that every CA seeks. Instead of seeing itself as a part of a broader regional system, every CA runs itself in its own way, often claiming its own identity as being above others, and seeking a bilateral relationship with the State. There is in some Statutes an incapacity to read the identity in a



multilevel contest in which other identities coexist; such as European, international, or even cosmopolitan.

As observed at the beginning of this work, the return of identity in legal narratives has many progressive aspects in term of recognition and mutual respect. If this identity stays within a superior constitutional identity, there is no risk from the meeting of national and regional different cultural horizons^{XIX}, but if it transforms itself into egotism and not related to others, problems may arise.

Regarding the second question, in trying to discover the reasons for this sudden and strong trend towards identity in all Spanish regions, the answer is more complex.

According to a first interpretation (Blanco Valdes, 2007), the spread of the lexicon of identity is the juridical expression of an old sociological element: the nature of Spain as an “invertebrate” State denounced by Ortega y Gasset (1922). This lack of a national feeling causes the explosion of subnational identity. The same idea of a “Plural Spain”, of “Spain of nationalities”, and of *Estado autonómico*, shows that there is not an integrative national identity (D’Andrea, 2000). Under these sociological circumstances, the destiny of Spain is to become more and more autonomous between its parts (Alvarez Ossorio Micheo, 2007).

A second interpretation, agreed by almost all Spanish scholars, is based on a socio-political answer. The reason why almost all the CCAA have used identity narratives has to do with the fact that both Catalonia and the Basque Country have succeeded in recent decades in increasing their autonomy and in assuming new competences, using this kind of identity rhetoric. The constant threat of “secession” from Spain, the idea of a cultural diversity that would have difficulty in being integrated in the Spanish State have had a political translation in ethno-regionalists parties, such as *Convergència i Unió* in Catalonia, that have been crucial to the coalitions of national parties. Over the years, their cooperation in national governments has been recompensed by more authority. This results in mobilising other regional parties to embrace the same rhetoric even in regions with no separatist or secessionist movements such as Andalucía, Asturias or Valencia.

Why this time Catalonia sought the reform of the Statute as a juridical tool to obtain more autonomy – creating this indirect “*domino* effect” in the other CCAA – instead of using the methodology of political negotiation, is explained by Spanish scholars in this way: “The reform of the Catalan Statute was the ‘juridical exit strategy’ from the political



claims for more self-government, and for having more asymmetry in order to promote the Catalan specialty”. The choice of the Statute was given due to the impossibility to use other remedies such as political negotiation (that had already been used to obtain the maximum of autonomy, and did not have a strong symbolic impact) or constitutional reform (there was not a sufficient majority in National Parliament). In the case of Catalonia, the choice was due to an important political circumstance as well: the electoral win of the Three-Party Catalan Government, and the electoral win of the socialist party, PSOE in central government” (Castellà Andreu, 2010). This favoured the political agreement between Catalonia and the central state on the Statute.

According to this view, identity narratives are often used strategically to seek other results. The main reason underlying the Statutory reform is to increase the powers of the regions in order to enter in a new *Estado autonomico*. The insistence on identity narratives has been a powerful tool to affirm that no CA must be inferior to others (the reference was particularly to Catalonia) and to establish a sort of “principle of equality” between all the regions: as all of us have our own identifying elements, all of us deserve the same. In this respect, there is a very significant section of the Valencia Statute stating that the region will assume all the powers that the State legislation gives to other CCAA. In this norm there is an implicit reference to the competences that Catalonia can obtain through its Statute. A similar statement is present in the Statute of Andalusia.

In conclusion, we can say that more than a reflection of Nationalism or claiming for independence, the identity lexicon is a strategy for not being held back in the race to autonomy, and its aim is to obtain not only more symbolic recognition but more powers. Through identity, CAs search for the same treatment in sharing of money and resources as well.

¹ “As constitutionalism is wedded to pluralism, it must take the other into proper account, which means that constitution makers must forge an identity that transcends the bounds of their own subjectivity” (Rosenfeld, 1995 (Rosenfeld 2005; Rosenfeld 2010; Palombella 2012; Shachar 2010; Tushnet 2010; Walker 2010). The concept of “constitutional identity” finds an echo in the “theory of integration” developed by Rudolf Smend (Smend, 1928). Integration is a feeling of community, of sharing common values that join together different members of society. This feeling of community can be reinforced through three dimensions of integration:



personal (through the king or other persons), functional (through institutions, and procedures), and material (flags, national symbols) R. Smend, *Constitución y derecho constitucional* (1928), Madrid, 1985.

^{II} References to identity can be found in the following Constitutions: Portugal (1976), Lituania (1999), Bulgaria (1991), Hungary (1949-90), Macedonia (1992), Romania (1991), Slovenia (1991), Senegal (1992), Mali (1992), Colombia (1991), Uruguay (1992), Burundi (1992), Moldavia, (1994), Guatemala and Albania.

^{III} There are of course other explanations for the return of identity, for example the economic explanation (identity serves to create a structure larger than the Nation-State) or the reaction to globalization explanation, sustained respectively by Thiesse (1999) and Bauman (2003).

^{IV} On the value of these declarations in Italian statutes Bin (2005).

^V The scholar describes the different processes (ordinary and special) to reform the Statutes, and observes how the Statutes represent a break in the general principle *nemo plus iura transferre potest quam ipse habet*, given the fact that they can prescribe part of the process of their own creation, 169. According to Aguado Renedo the relation between the Statute and the other national laws does not fill the hierarchy test, and it must be read as ruled by the competence principle.

^{VI} The Pais Vasco Statute was completely rejected by the Cortes on 1st February 2005 because its hypothesis of a confederal “free association” of Basque countries with Spain was considered unconstitutional,

^{VII} The principle that the Statutes are legitimised in the Constitution was not discussed in Spanish scholarship since this new attempt by the CCAA. Aguado Renedo (1996) clearly affirms that the Constitution is the norm of recognition of the Statutes, 167.

^{VIII} The 1978 Constitution reserves the word “nation” for Spain and states that territory can be divided into “regions” and “nationalities” “regioni” e “nazionalità”. To this last concept must be added the idea of “historical nationality” reserved for the 4 regions that, during the Second Republic, adopted their own statutes (1931-1936): Paese Basco, Catalogna, Galizia e Navarra. Andalusia conquered the possibility to be an historical nationality through a referendum in 1980.

^{IX} For an analysis of the Italian Statutes that, from 2001, were enacted with similar identity narratives as in Spain, see Benvenuti (2006); Bin (2004); Lippolis (2005) Vespaziani (2005). For a comparison between the two narratives in Spain and Italy, see Della Donne and Martinico (2011).

^X For a comment on the judgment, see the contributors in the monographic volumes: *Revista de Teoría y Realidad Constitucional*, n. 27/2011, and *Revista Catalana de Derecho Público*, n. 43/2011 dedicated to the subject: *Justícia constitucional i estats compostos: reflexions a partir de la sentència del Tribunal Constitucional sobre l'Estatut d'autonomia de Catalunya*.

^{XI} According to the author the judgment “drastically reduces their constitutional function, marginalizing those characteristics that give them their distinctiveness as a law”; this will lead to “a reduction of the role that statutes of autonomy play in the configuration of the Spain’s system of decentralization.”

^{XII} According to the author this was the central and most important question affecting the same legitimizing process of Catalan autonomy. In this sense, the author appreciates the choice by the Constitutional Court to pronounce on the Preamble as well, despite the problem – discussed in Spanish scholarship – of whether the Preamble can be object of a Constitutional Court decision.

^{XIII} The author explains how the Constitutional court admits the possibility of a regional catalogue of rights, but limited just to the spatial and subjective context of the region, strictly connected to the competences, and different in status from fundamental rights. See also Agudo Zamora (2011) which is more optimistic on the possibility that regional rights play an effective role in the future, even with the limits stated in the judgment.

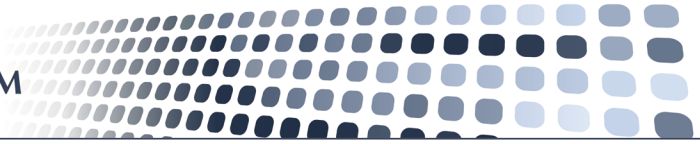
^{XIV} The proposal was contained in the document *Bases para la Reforma del Estatuto de Autonomia para Andalucía*, by *Junta de Andalucía* december 2005.

^{XV} In the Preamble we can read: “these differences cannot be used in order to obtain privileges. Andalusia respects and shall respect diversity, but will not permit inequality”. On the principles of unity and equality as the main characteristics of the Andalusian Statute, see Perez Royo (2004-2005).

^{XVI} Blas Infante, inventor of andalusism, an autonomist movement, never sought independence from Spain given that, according to him, “Andalusia is the essence of Spain”.

^{XVII} There are around 20 substitutions spread all over the Statute such as: Generalidad valenciana substituted with Generalitat, Asamblea with Corts, Gobierno valenciano with Consell; Consejo de cultura with Consell valencià de cultura; Sindicatura de cuentas with Sindicatura de comptes; Comitè economico-social with Comitè econòmic i social; Diario oficial de la Generalidad valenciana with Diari oficial de la Generalitat.

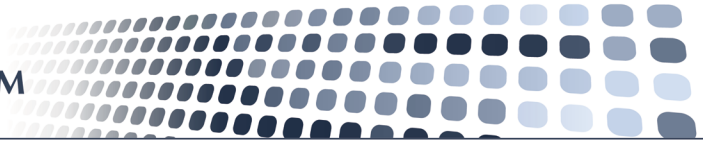
^{XVIII} Ley Orgánica 14/2007, de 30 de noviembre, de reforma del Estatuto de Autonomía de Castilla y León.



^{XIX} According to ROSENFELD (1995): “federalism must mediate between a national identity shaped by federal interests and various state identities. Accordingly, neither the national identity nor that of the states can prevail as the self-identity that encompasses the polity as a whole”.

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