

Contents

Part I General Overview. Federal Challenges in the Era of Globalization

Opening Pandora's Box: Process and Paradox in the Federalism of Political Identity	3
Michael Burgess	
Contradiction and Crisis in the Federal Idea	15
Carlos De Cabo Martín	
From Competitive Federalism to Global Market Federalism	29
Miguel Ángel García Herrera and Gonzalo Maestro Buelga	
Multilevel Constitutionalism and Federalism: Reflections upon the Congress on "The Path to Federalism in the State of Autonomies"	61
Teresa Freixes	
Constitutional Courts in Federated States and Entities	73
Dian Schefold	
Beyond Institutional Design: The Political Culture of Federalism (A Normative Approach)	83
Ramón Máiz	
Balancing Self-Rule and Shared-Rule: Sources of Tensions and Political Responses in Contemporary Political Systems	103
André Lecours	
A Federalist's Defence of Decentralization	115
Ian Peach	

Democracy-Coated Authoritarianism: How Federalism May Act as a Cover for Undemocratic Governments	125
J. Castro-Rea	
The Challenges of the Federative Principle in the Twenty-First Century	135
X. Díez de Urdanivia	
Global Federalism: A Solution for the Global Economic Crisis?	145
José Angel Camisón	
Defending the Federation: The Federal Challenge to National Defence Policy Making in Canada	155
Allan Craigie	
Some Questions Regarding Responsibility for Non-compliance with International Obligations in Federal States and in Spain	165
Roberto Uriarte Torrealday	
The Spanish Autonomous Model in Poland? The Political Concept of the Silesian Autonomy Movement	179
Małgorzata Myśliwiec	
“Sustainable Differentiation”: The Twenty-First Century Challenge to Decentralization (A Comparative Study of Italy and Spain, with Special Attention to Constitutional Case Law)	191
Sabrina Ragone	
Participation of the German Länder and Autonomous Communities in the European Union: A Comparative Analysis	201
Cristina Elías Méndez	
The Construction of German Fiscal Federalism vs. the Deconstruction of Spanish “Fiscal Federalism”	219
Susana Ruiz Tarrías	
The Senate: Chamber of Territorial Representation. Reasons for Its Existence	233
María Marta Cerro	
Reinventing the European Union: The Financial Crisis, an Opportunity for a Federal Model	241
José Chofre-Sirvent	
Spanish State of Autonomies and Economic Freedom: Challenges of the European Economic Constitution Paradigm	255
Ainhoa Lasa López	

Part II The Ways of Federalism in Western Countries and the Division of Powers

The Once and Future Challenges of American Federalism: The Tug of War Within	267
---	------------

Erin Ryan

The Historical and Contemporary Challenges of Canada's Division of Powers	303
--	------------

Gerald Baier

In Search of a Proper Federal Balance Between the Two Orders of Government: The Case of German Federalism	313
--	------------

Rudolf Hrbek

Current Challenges Faced by Swiss Federalism	333
---	------------

Regula Kägi-Diener

The Road Towards Federalism in Italy?	351
--	------------

Silvio Gambino

The Current Challenges on the Belgian Federalism and the Sixth Reform of the State	375
---	------------

Min Reuchamps

Part III The Division of Powers and the Horizons of Territorial Autonomy in Spain

Current Issues Around Territorial Autonomy in Spain	395
--	------------

Alberto López-Basaguren

Division of Powers, Distribution of Competences, and Configuration of Public Spheres in the Autonomous State Integrated in Europe	421
--	------------

F. Balaguer Callejón

A Complex Model for Distributing Competences That Requires Further Safeguards	437
--	------------

Paloma Biglino Campos

The Distribution of Competences in Spain a Year After the Ruling 31/2010 of the Constitutional Court: The Reaffirmation of the Unitary State?	451
--	------------

Carles Viver Pi-Sunyer

A Ruling on the Federalisation of the State	467
--	------------

Juan José Solozabal Echavarria

The Inevitable Jurisprudential Construction of the Autonomous State	481
Francesc de Carreras Serra	
The Distribution of Competences in Federal Systems: A Proposal for a Hypothetical Constitutional Reform in Spain	501
Joaquín Tornos Mas	
The Function of the Constitutional Court in the Distribution of Competences: A Critical Vision	527
José Antonio Montilla Martos	
Autonomous State Reform in the Face of Challenges from Regulation and Integration	545
José Tudela Aranda	
Exclusive vs. Concurrent Legislative Power in the Federal Republic of Germany	565
Antonio Arroyo Gil	
The Competences and Faculties of the Autonomous Communities in the Area of Justice: Progress, Limits, and Alternatives for Reformulation	579
Miguel Angel Cabellos Espiérrez	
Organic Laws of Transfer or Delegation (Article 150.2 SC): An Open Door to the Modification of the Constitutional Distribution of Competences	599
Juan María Bilbao Ubillos	
One Feature of the Spanish Territorial Model: The Distinction Between Laws Rules That Assign Competences and Rules That Merely Delimit Them	619
Tomás de la Quadra-Salcedo Janini	
The Authority Over the Administration of Justice in Spain: Current and Future Distribution Between the State and the Self-governing Communities	635
Alberto Saiz Garitaonandia	
The Power-Distribution Nature of the Reserves of Organic Law in the Constitutional Case Law: The Case of the Organic Law of the Judiciary	645
M. del Mar Navas Sánchez	
The Role of the State in the Realisation of the Right to Housing	655
Pilar Garrido Gutiérrez	

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

Volume 1

López-Basaguren, A.; Escajedo San-Epifanio, L. (Eds.)

2013, XVII, 665 p., Hardcover

ISBN: 978-3-642-27719-1