



ISSN: 2036-5438

Loyalty references in the Statutes of Autonomy in Spain: legal or symbolic value?

by

Gonzalo Gabriel Carranza ¹

Perspectives on Federalism, Vol. 15, issue 3, 2023





Abstract

The federal loyalty in Spain is an unwritten constitutional principle that binds the State and the Autonomous Communities in their intergovernmental relations, as well as in the exercise of their competencies. The jurisprudence of the Constitutional Court and the scholars acknowledge its implicit existence, linking it to other foundational principles of the territorial system such as solidarity, collaboration, and its specific manifestations (cooperation, coordination, and mutual aid).

This paper examines the various manifestations of this principle in the Statutes of Autonomy, many of which have included references to loyalty since the reforms introduced at the beginning of this century. The aim of this study is to demonstrate whether these references have a legal value or, on the contrary, they remain merely symbolic.

Keywords

Spain; Statutes of Autonomy; Federal Loyalty; Autonomous Loyalty; Intergovernmental Relations



Introduction

Federal (or territorial) loyalty is an essential principle of federal, quasi-federal, or regional countries that regulates how relations between the State and its constituent units should be conducted. This principle was first developed among scholars in Germany in the late 19th and early 20th centuries and was fully recognized by the Federal Constitutional Court (*Bundesverfassungsgericht*), shortly after it began ruling. Over time, many decentralized countries have implicitly or explicitly recognized its constitutional dimension.

In Spain, ‘autonomous loyalty’ (as lately known by Spanish scholars) is a key aspect of the constitutional system, serving as an unwritten principle dispersed throughout the jurisprudence of the Constitutional Court and various national regulations comprising the constitutional framework. In addition to these references, many Statutes of Autonomy have explicitly recognized different kinds of loyalty, generally as a principle regulating relations between the State and other Autonomous Communities.

Since the approval of the 1978 Constitution, various studies have been published on territorial loyalty in Spain (sometimes recognising it as ‘federal’, sometimes as ‘autonomous’). While initially many of them identified loyalty with solidarity (Jiménez Blanco, 1985: 245 and 247; Falcón y Tella, 1986: 307; Santamaría Pastor, 1991: 273; de Marcos Fernández, 1994: 275; Muñoz Machado, 2007: 217 or Cosculluela Montaner, 2019: 240), or even collaboration (Albertí Rovira, 1985: 136-137 or Menéndez Rexach, 1994: 22), in recent years its conceptual nature has been clarified as a self-contained term inherent to the autonomous State. There already exist works analysing what autonomous loyalty entails and how the Constitutional Court has delineated the obligations it imposes on both the State and the Autonomous Communities (Álvarez Álvarez, 2008; Moret Millás, 2016; Carranza, 2022a).

However, irrespective of general studies, no work has deeply analysed the subnational manifestations of loyalty^{II}. This is remarkable, especially considering that many Statutes have incorporated this concept and have associated it to intergovernmental relations. Furthermore, it is striking why there is no independent study on this matter, especially when one of these specific manifestations was subject to constitutional review, as it will be seen. It is noteworthy that there are no academic studies on this type of expressions neither in Spain nor in the scientific literature of other decentralized States, at least according to the literature review carried out by the author of this paper.



The lack of research on loyalty expressions in Statutes (and in Subnational Constitutions in general), is a significant gap that demands attention in the literature on federal studies. Its study should strive to unravel the various forms in which loyalty is used, as not all of them necessarily refer to intergovernmental aspects.

There is no doubt about the legal nature of autonomous loyalty as an unwritten constitutional principle, the transgression of which may justify its use as a parameter for the constitutional review. However, it is mandatory to inquire about the implications of the references to loyalty contained in the Statutes. It is essential to study the scope of statutory references to determine if they can bind the State and other Communities and if they can define certain forms of behaviour, especially in bilateral relations. It is possible that these expressions have only a symbolic value and their presence in the Statutes serves merely as a reminder of how relationships within the autonomous State should be unfold.

This paper examines the legal significance of loyalty references in the Statutes of Autonomy. The study considers whether these references merely emphasize the relations between the State and a Community or if they could govern them. To address this issue, it is proposed, first, to review what the concept of federal loyalty entails and how it has been recognized in the autonomous State. Furthermore, this work offers a review of the construction of the territorial system in Spain. This will serve to understand the dynamism of the autonomous State for those who are not entirely familiar with it. In turn, the review proposed will help to understand how we arrived at the statutory reforms of the beginning of this century, in which these references to loyalty began to be incorporated. The main section of this paper presents and classifies the expressions of loyalty in the Statutes of Autonomy, to then unravel their character and thus, answer what has been questioned.

I. The Principle of Federal Loyalty in the Spanish Autonomous System

Unlike Germany, where the principle of federal loyalty (*Bundestreue*) was explicitly recognized by the Federal Constitutional Court^{III} and received significant attention from scholars even before its formal recognition in case law (Smend, 1916; Bayer, 1961; Schmidt, 1966; Bauer, 1992; Wittreck, 2012, among others), Spain has not witnessed a similar scenario.



Bundestreue, derived from the ‘Federal principle’ (Wittreck, 2012: 498), governs legal and political relations between the *Bund* and the *Länder* through a relationship of mutual trust. The connection between the Federal State and its units is characterized by cooperation and reciprocal attention, aligning with the behaviour conducive to the federal model envisaged by the German Basic Law (*Grundgesetz*).

The general notion of *Bundestreue* has been widely recognized by various Constitutional or Supreme Courts of federal, quasi-federal, and regional countries to define a mode of conduct among territorial units, primarily as a principle to resort to when the conflict resolution concept has not been defined by law. This was the case of occurred, for instance, in Austria and initially in Switzerland^{IV}.

In addition to judicial recognition, different Constitutions of decentralized countries have explicitly incorporated the principle of ‘federal loyalty’. This is the case of Switzerland (Article 44 of the Constitution of Switzerland), South Africa (Section 41 of the Constitution of South Africa^V), Belgium (Article 143 of the Constitution of Belgium), and, with its own peculiarities, Italy (Article 120 of the Constitution of Italy). The widespread acceptance of this concept across various federal, quasi-federal, and regional systems helps to understand that federal (or territorial) loyalty is intrinsic to such States.

In contrast to those countries, defining territorial loyalty in Spain is rather complex for two reasons.

Firstly, the Spanish Constitution (SC) does not mention any form of loyalty. Concerning intergovernmental relations, the Constitution only refers to the principle of solidarity (in Article 2 -undoubtedly the most important in this regard- and in Articles 138, 156, and 158 SC), as well as to one of the techniques of the principle of collaboration: coordination between the State and the Autonomous Communities (Articles 103.1, 149.1.13, 15 and 16, and 156.1 SC).

Secondly, the Spanish Constitutional Court has never explicitly addressed the existence of a principle of ‘autonomous loyalty’^{VI} *per se*. Nevertheless, the Constitutional Court has alluded to a similar concept, using other terms that acquire different meanings depending on the specific case: ‘constitutional’^{VII} or ‘institutional’^{VIII} loyalty. Additionally, from the jurisprudence on the principle of collaboration and its various aspects (aid, cooperation, and



coordination), as well as from different decisions on the principle of solidarity, certain elements can be gleaned that bring us closer to something similar to the principle of loyalty between the State and the Autonomous Communities.

However, it cannot be asserted that Spain lacks a principle of territorial loyalty. There are at least three reasons for this. Firstly, as mentioned before, the principle of territorial loyalty is inherent to the form of power-sharing in federal, quasi-federal, and regional countries. Therefore, it is conceivable to consider this as a principle inherent to the nature of the autonomous system, since “no decentralised system could function in a fully effective manner if the parts that make it up did not adopt, in the exercise of their functions, a conduct aimed at reinforcing or at least safeguarding, the unitary functioning of the system” (Álvarez Álvarez, 2008: 500).

Secondly, although the Constitutional Court has not explicitly stated so, a general notion of the fair behaviour expected in relations between the State and the Autonomous Communities, as well as among themselves, can be inferred from the constitutional adjudications. The Constitutional Court has employed this notion as a guiding principle to resolve cases indirectly, through various principles concerning intergovernmental relations (constitutional loyalty, institutional loyalty, collaboration, aid, cooperation, coordination, and solidarity). In this regard, it has recently been argued that,

Autonomous loyalty therefore constitutes a holistic concept within the Spanish territorial system. At the jurisprudential level, it is a notion that is regrettably scattered across the doctrine of the Spanish Constitutional Court, necessitating meticulous academic effort to construct and, conversely, deconstruct its essence and extent. Hence, it cannot be deemed an incomplete concept, but rather quite the opposite (Carranza, 2022a: 379).

The third reason is that various national laws incorporate aspects related to the content and limits of this type of loyalty. Two main examples are the following: Law 40/2015, of 1st October, on the Legal Regime of the Public Sector, which includes comprehensive regulations on the techniques comprising the principle of collaboration^{IX}; as well as the Organic Law 2/2012, of 27th April, on Budgetary Stability and Financial Sustainability^X.

It is noteworthy that scholars have paid attention to this principle of autonomous loyalty, akin to the concept of *Bundestreue* in the Spanish autonomous system. Several authors have argued that this principle not only exists in Spain but it is necessary due to the complex legal



and political relations between the State and the Autonomous Communities, particularly those most closely associated with identity-based nationalism (Albertí Rovira, 1992: 235; Sosa Wagner, 2002: 86 and 2008: 28; Álvarez Álvarez, 2008: 501; Tajadura Tejada, 2013: 53; Aja, 2014: 229; Solozábal Echavarría, 2014: 51, 2018: 72, and 2022: 21; Moret Millás, 2016: 1, 9; Carrillo, 2017: 71-72; Cámara Villar, 2018: 418; Ridaura Martínez, 2020: 327 and Carranza, 2022a: 358-359).

However, it is necessary to elucidate the meaning of ‘autonomous loyalty’ in Spain. From the jurisprudence of the Constitutional Court, the quote that encapsulates and, simultaneously, closely approaches its legal essence^{XI} is as follows: “It is an essential principle in relations between the different bodies of territorial power, which constitutes an essential support for the functioning of the Autonomous State and whose observance is mandatory” (STC 239/2002, of 11th December, Legal Ground 11).

In brief: a fundamental constitutional principle within the framework of intergovernmental relations.

Scholars have also endeavoured to define autonomous loyalty. For Álvarez Álvarez (2008: 505), for example, it constitutes a “rule that requires the State and the Autonomous Communities, in the exercise of their competencies, to guarantee the effectiveness of the autonomous principle, as a normative unit in which their respective legal systems are integrated”.

Another recent definition could be derived from Carranza (2022a: 359), who posits that, “[autonomous loyalty] is an unwritten constitutional principle that regulates how relations between the State and the Autonomous Communities and the Autonomous Communities among themselves should be developed to ensure the effective functioning of the territorial system”.



II. Autonomous State and Statutes of Autonomy

1. The complex construction of the Autonomous State: Autonomous Communities and Statutes of Autonomy

The current territorial system in Spain is the result of a long and complex construction process. The federal model of the II Republic and other European regional and federal systems were taken as a reference.

After the dictatorship of Franco, it began the so-called ‘Transition’ to democracy. The response against the centralisation experienced during the dictatorship was to develop a new system related to federalism (but not a federation strictly speaking), by giving a wide degree of autonomy to the territories following the pattern of devolutionary systems.

The Autonomous State was established therefore in very complex and difficult circumstances, due to the political tensions behind the territorial idea. The Spanish Constitution intentionally does not provide a specific definition of the territorial distribution of powers, instead has left it to the discretion of the Autonomous Communities that were to be created^{XII}.

The seventeen Autonomous Communities that were finally created have a legal text that serves as a *de facto* subnational Constitution. However, it is not strictly speaking a Constitution. Instead, the Statutes of Autonomy are,

post-constitutional instruments far from the idea of pre-constitutional sovereignty contained within the Constitutions of some number of states of a federal country. Such a clarification is necessary since the SNC [subnational Constitutions] does not *formally* exist in Spain because the SA [Statutes of Autonomy] strictly constitute Organic Laws of the State (Article 81.1 SC) (Carranza, 2022b: 242-243).

In other words, the Statutes of Autonomy are not the result of a constituent process. They are not an imposition by the State either. The Communities themselves promote the process for their approval and modification, which should finally be passed as an organic law of the State.



2. The Statute reform (or replacement) process

At the beginning of this century, several reforms of the Statutes took place. The reform of the Statute of Catalonia was undoubtedly the most complex and controversial of all of them in constitutional and political terms. For this reason, it was appealed for unconstitutionality before the Constitutional Court^{XIII}. This reform was later taken as an impulse by most of the Autonomous Communities to reform their Statutes. It could be said that those reforms were an ‘emulation’ of what happened in Catalonia. On the contrary, Tudela Aranda (2016: 179) said that it was properly an ‘emulation in terms of reform’, but not in the determination of its substance. For this author, the Autonomous Communities, “far from conforming to the pattern of emulation and consequent equality, sought the pattern of difference by adapting their legal framework to their reality, without thinking about what the others had done”.

Considering what would be said regarding the principle of loyalty, it is possible to agree with Tudela Aranda, because it was undoubtedly an emulation. At the same time, if we go deeper into his idea, what underlies it is the recognition of a general desire to construct some singularity, some specific framework in which the interactions between Autonomous Communities and the State or other Communities take place.

But what can initially be understood as a ‘reform’ of the Statutes was properly a ‘replacement’, since they were materially ‘new Statutes approved through the reform procedure’ (Montilla Martos, 2015: 59). The ‘new’ Statutes share common features resulting from the observed emulation. By way of example, the Preliminary Title or Titles on institutional organization, financing, inter-administrative or intergovernmental relations contain definitions of the interactions between different territorial entities, as it will be analysed.

III. Mentions of Loyalty in the new Statutes of Autonomy

As observed, references to loyalty in the territorial sense are scattered throughout the rulings of the Constitutional Court and national legislation, but not in the Constitution^{XIV}. However, since the replacement of the Statutes, a constitutional significant development has occurred: some of them, although not all, have included mentions of loyalty, often denoting



this term as ‘institutional’. This is a peculiarity of the autonomous system, especially when compared to the country that initially conceived the *Bundestreue*.

A review of the Constitutions of the German *Länder* helps to confirm that the references to loyalty have nothing to do with federal loyalty (*Bundestreue*). ‘Loyalty’ (in German, ‘*Treue*’) is used in other ways:

- The term ‘constitutional loyalty’ is used as a means by which one can enjoy freedom in general^{XV}.
- It is also used to make it clear that the freedom to teach does not exempt one from loyalty to the Constitution^{XVI}.
- It is used to refer to the duty of loyalty to people and to the Basic Law^{XVII} or to the Constitution of the *Land*^{XVIII}.
- It is also used to discuss the oath taken by representatives: loyalty to Germany, to the German Basic Law, or to the Constitution of the *Land*^{XIX}.
- Finally, in relation to the public service, to consider the way in which tasks must be carried out within the framework of public law^{XX}.

As it could be seen, the Constitutions of the *Länder* do not consider loyalty in territorial terms, which is a significant matter that cannot be ignored. *Bundestreue* is an unwritten constitutional principle inherent to the principle of federalism and the Basic Law of Bonn. It is traditionally considered by the *Bundesverfassungsgericht* as such, rather than a principle that belongs to the second level of decentralization. The absence of any mention of federal loyalty in these Constitutions can be explained by the aforementioned.

Before analysing the references to loyalty scattered in the Statutes of Autonomy, it should be noted that nine out of seventeen Statutes (just over half) do not contain any reference to this term: Asturias, Cantabria, Castile-La Mancha, Galicia, La Rioja, Madrid, Murcia, Navarre, and the Basque Country^{XXI}. This detail is significant as it indicates that references to loyalty are not a widespread issue in Spain. It is noteworthy that certain Communities, such as the Basque Country or Galicia, with a strong nationalistic identity, or those with a significant presence in the political-institutional scheme, such as Madrid, omit this type of reference.



1. Variety of expressions of loyalty

A. The principle governing the relations of the Autonomous Community with the State and/or other Autonomous Communities

Loyalty, as defined by various Statutes, has a similar meaning as at the constitutional level. It is a principle that regulates relations with the State and, in some cases, with other Autonomous Communities.

However, the focus of this conception of loyalty is not the State as a whole, but rather one of its territorial units. Loyalty in this context is driven from the bottom-up, with the pace of the relationship being primarily set by the Autonomous Community. This is clearly stated in the following Statutes:

- Catalonia^{XXII}.
- Andalusia^{XXIII}.
- Valencia^{XXIV}.
- Canary Islands^{XXV}.
- Extremadura^{XXVI}.
- Balearic Islands^{XXVII}.
- Castile and Leon^{XXVIII}.

The category could be divided into those Statutes that refer solely to the vertical bilateral relationship (Catalonia, Andalusia, and the Balearic Islands) and those that refer to both the vertical and horizontal bilateral ties (Valencia, Canary Islands, Extremadura, and Castile and Leon). It is worth noting that no Statute at all refers to loyalty only in terms of horizontality.

The term ‘institutional loyalty’ is used throughout. It may cause confusion as it could be interpreted as loyalty between administrative units rather than political ones. However, based on their content and context, it is reasonable to assume that these references denote territorial loyalty (in other words, autonomous loyalty).

Most Statutes, except for Catalonia, refer to loyalty alongside other principles that regulate interactions between political units. The loyalty being discussed is indeed related to intergovernmental relationships. It is, in few words, a foundation for relations that underscores a commitment to maintaining constructive and cooperative interactions based on mutual trust and respect for each other’s institutional roles and competencies.



The Statutes place emphasis on loyalty, alongside recurring themes of solidarity and collaboration. Autonomous loyalty encompasses both principles, as stated by Carranza (2022a: 392-394 and 397-399). The emphasis on solidarity showcases a strong commitment to unity and support among different levels of government within Spain. Additionally, the accent on collaboration highlights the significance of joint efforts and cooperation in addressing common challenges and advancing shared objectives.

The Statutes of Valencia and Extremadura assert the significance of protecting regional interests while loyalty and collaboration remain with the State and other Communities. This acknowledgment of unique needs and priorities underscores the importance of adeptly representing and safeguarding their own interests in interactions with other entities.

Back to the loyalty references in the Statutes, it has been said that ‘the provision in the new Statutes of that principle does not bring any novelty other than bringing a principle of jurisprudential construction to the Statutes’ (García Morales, 2009: 364). Nevertheless, given its wording, the expressions employed may be scrutinized for their capacity to constrain the relationship between the State and a specific Autonomous Community. This is particularly significant as it may lead to bilateralism taking precedence over multilateral relations, thus enforcing a specific type of treatment^{XXIX}.

Before proceeding to the next category, it is important to highlight that Article 3.1 of the Statute of Autonomy of Catalonia was challenged before the Spanish Constitutional Court. However, in Legal Ground 13 of STC 31/2010, of 28th June, the Court unequivocally confirmed its validity: ‘Article 3.1 merely provides that the *Generalitat*’s relations with the State are based on a series of constitutionally unobjectionable principles’. The Constitutional Court did not mention any other aspect regarding loyalty: its attention was solely directed towards the contentious expression found in this provision stating that ‘the *Generalitat* is State’.

B. The principle governing financial relations with the State

Six statutes incorporate references to loyalty as a principle pertaining to financial relations with the State:

- Catalonia^{XXX}.
- Andalusia^{XXXI}.
- Aragón^{XXXII}.



- Extremadura^{XXXIII}.
- Balearic Islands^{XXXIV}.
- Castile and Leon^{XXXV}.

The references to loyalty contained in these provisions are redundant. They simply duplicate the structural principle governing financial relations between the State and the Autonomous Communities, as stated in Article 9 of Organic Law 2/2012, of 27 April, on Budgetary Stability and Financial Sustainability^{XXXVI}.

Beyond being redundant, these references emphasise an aspect of utmost importance for the Communities. Loyalty is associated to principles of equity and solidarity, ensuring fair and supportive financial interactions between the Autonomous Communities and the State. For example, the Statute of Aragon highlights the importance of balanced financial relations that uphold the interests of all the parties involved.

Statutory references to loyalty in this category underscore the need for cooperation and coordination between different levels of government in financial matters. Provisions such as those contained in the Statute of Catalonia and the Statute of Extremadura accent the exchange of information and mutual support to enhance the effectiveness of financial management and decision-making processes.

Loyalty provisions also aim to mitigate adverse effects that may arise from changes in fiscal policies or financial measures. By assessing the impact of general provisions on spending needs or fiscal capacity, as outlined in Statutes such as those of Andalusia and the Balearic Islands, mechanisms can be implemented to address any negative consequences and ensure the continued financial stability and development of the Autonomous Communities.

C. Infra-autonomic loyalty

Certain Statutes use the term ‘loyalty’ in a political-territorial context, particularly in the relationship between the Autonomous Community and its local entities. This is commonly referred to by scholars as ‘municipal loyalty’ (Sosa Wagner, 2008: 19) or ‘infra-autonomic loyalty’ (Carranza, 2022a: 361).

This category is made up of three Statutes:

- Andalusia^{XXXVII}.
- Extremadura^{XXXVIII}.



- Castile and Leon^{XXXIX}.

These provisions underscore the importance of collaboration, mutual respect, and cooperation in effectively addressing local needs and promoting good governance. They emphasize institutional loyalty, financial sufficiency, respect for local competencies, and inter-territorial solidarity as foundational elements guiding the interactions between regional and local authorities. Aim of these provisions is to ensure efficient service delivery and responsive governance throughout the region.

The State and other Autonomous Communities are not bound by this type of loyalty. As a result, these expressions are not considered to be within the concept of autonomous loyalty itself.

D. Principle strictly linked to inter-administrative ties

Three Statutes refer to loyalty strictly from an administrative perspective, viewing it as a ‘principle of the legal sphere ensuring specific adherence to rules governing relations within and between different Administrations’. Consequently, it does not serve to ‘ensure the effectiveness of the territorial system’ (Carranza, 2022a: 360). This type of manifestation relates to ‘institutional loyalty’, which falls under the administrative law rather than the constitutional law.

The Statutes including such references are those of:

- Aragon^{XI}.
- Canary Islands^{XLI}.
- Valencia^{XLI}.

This category could be divided into two subcategories. The first refers to institutional loyalty that is limited to relations within the Autonomous Community itself, such as in the case of the Canary Islands. This expression could even fall under the previous category of infra-autonomous loyalty. The second pertains to institutional loyalty that extends to relations with other public Administrations, both national and regional, as well as relations within the Autonomous Community itself, as mentioned in the cases of Aragon and Valencia.



E. Other references to loyalty

A final category comprises two expressions of loyalty that extend beyond those previously mentioned.

Firstly, Article 74.1 of the Statute of the Balearic Islands refers to this principle as the foundation and overarching framework of the Autonomous Conference of Presidents^{XLIII}.

Secondly, Article 7.19 of the Statute of Extremadura alludes to 'loyalty' in relations between the Autonomous Community and the Government of Portugal, owing to their geographical proximity and historically close political ties^{XLIV}.

As observed, these references diverge from the concept of loyalty as discussed in this paper. Instead, the terminology employed by these Statutes serves to highlight various expected types of relationships or behaviours. While it could be argued that the first mention could fall under the notion of intra-autonomic loyalty, the second does not pertain to such a principle in any manner.

IV. Mentions of autonomous loyalty in the Statutes of Autonomy: legal or symbolic value?

Out of the five categories analysed, only two -A and B- are directly related to the sphere of autonomous loyalty. The remaining categories -C, D and E- are not governed by this principle, as they pertain to the internal political sphere of the Autonomous Community -C-; refer to administrative links -D-; or are simply emphatic mentions of the principle -E-.

The second category -B- is disregarded as it refers to a specific content of autonomous loyalty that is already regulated by the national legislation. Then, for the purposes of this analysis, this work shall be focused focus on the higher and more general sphere of legal-political interactions between the Autonomous Community and the State, as well as with other Communities.

The exclusive focus on the first category -A- underscores the importance of assessing the inclusion of these references in the Statutes. They may signify more than mere symbolic mentions and could potentially restrict the relationship between the State and the Community.

Based on the premise that 'the regulation contained in [the Statute] cannot determine the general order of the State or other autonomous orders' (Montilla Martos, 2015: 61), or that



‘Statutory regulation is limited because there are aspects that must be dealt with in a general way for all the Autonomous Communities and in a multilateral way by the Constitution or State legislation’ (Castellà Andreu, 2004: 149), it can be concluded that a mention of loyalty in a specific Statute does not impose constraints or dictate the relations that the State or another second-level entity should maintain with a particular Community. To suggest otherwise would imply granting one specific region the legal authority to restrict or establish the general rules of conduct for the State or another entity at the same level.

Additionally, it is crucial to acknowledge that the regulations outlined in the Statutes always differ from the principles and requirements of the constitutional order^{XLV}. This is so because:

The Statutes of Autonomy, as rules subordinated to the Constitution, are not ‘constitutional laws’ that are inserted between the Fundamental Law and the rest of the legal system, and therefore neither do they represent a valid element to alter or reinterpret the constitutional system of distribution of competences or to condition in their forms, competences and procedures the legislative power of the State (López Benítez, 2008: 1186-1187).

Therefore, the content of the unwritten constitutional principle of autonomous loyalty would have the capacity to correct any deviation from its essence contained within the Statute. It is a constitutional principle that is located above any statutory one. The hierarchy and competence relationship always lean in favour of the unwritten principle that is part of the content of the Constitution. This is consistent with the interpretation adopted in the so-called ‘Catalonian case’, wherein the Constitutional Court asserted that:

Starting from the assumption that the Statute of Autonomy, as the basic institutional rule of the *Generalitat* of Catalonia approved through an Organic Law, is not an inadequate regulatory body for the proclamation of the principles which must inspire the regime of that relationship between the State and the institutions of the Catalan Autonomous Community, it must nevertheless be affirmed that, beyond these principles, the specific normative articulation of this regime must respond to structural requirements of a constitutional order which, like the principle of co-operation of each Autonomous Community with the State and all of them with each other, can only be deduced from the Constitution itself and, consequently, from the jurisdiction which interprets it, that is, from this Constitutional Court (Legal Basis 13 of STC 31/2010, of 28th June).



In other words, the principles recognised in the Statute must correspond to the constitutional level and they cannot in any way limit the constitutional ones. In short, as Montilla Martos (2015: 121) pointed out,

The framework of relations envisioned in the Statute must align with the overarching framework applicable to the entire State. Consequently, there must exist a shared framework of collaboration between the State and the Autonomous Communities, wherein each naturally plays a role, and which cannot be fully regulated within the Statute of Autonomy. This is because the Statute represents a legislative source agreed upon between the State and a particular Autonomous Community, possessing limited territorial jurisdiction.

Furthermore, if it were presumed that these references hold full legal value, this fact would suggest a dichotomy within the Autonomous State: one comprising Communities that engage with the State via statutory principles, and the other consisting of Communities whose Statutes lack any mention of loyalty, thus remaining outside its purview.

However, it is important to remember that autonomous loyalty is a fundamental principle inherent in the constitutional system. As the Constitutional Court has pointed out, this principle is legally binding on both the State and all the Autonomous Communities, regardless of whether their Statutes contain provisions on loyalty or not.

If these expressions were to be attributed with a strictly legal character, the Autonomous Communities could potentially argue violations of the distribution of powers system based on them. This is where the legal character of the principle becomes more relevant. However, upon reviewing the case law of the Constitutional Court, it becomes evident that when the Communities invoke loyalty as a principle of relations between the State and themselves, they never rely on the Statute as the basis for their arguments. Instead, they refer to ‘autonomous loyalty’ as a constitutional principle rather than a statutory one^{XLVI}.

These provisions have a purely symbolic value, aside from their legal significance. Including them in the Statute can be justified in several ways.

Multilateralism is the most widespread form of intergovernmental relations in Spain (García Morales, 2009: 365; Aja and Colino, 2014: 457). Nonetheless, this does not preclude Autonomous Communities from maintaining a bilateral relationship with the State, as both multilateral and bilateral relationships are valid expressions of collaboration. The issue arises when bilateralism is upheld as the sole form of relationship with the State, disregarding or undervaluing other actors in the composite system.



References to loyalty within the Autonomy Statutes as an expected form of behaviour between the State or a second level entity^{XLVII} and a particular Community cannot limit the constitutional principle. It is worth noting that loyalty operates both vertically, ascending and descending, as well as horizontally. Loyalty applies to the State when relating to one, several, or all Communities, and vice versa.

The inclusion of such references in the Statutes may be due to a desire for preferential treatment from the State, as many Communities are aware that they can benefit more from a direct relationship than from its participation in multilateral bodies (Sectoral Conferences or the Conference of Presidents). In this type of body, the Autonomous Community cannot impose its agenda, but it can in its relationship with the State, especially because of the influence of the party system and political loyalties. This behaviour has become common in recent Legislatures in Spain, particularly in the relationship between the State and certain nationalist-leaning Communities, to form or to maintain coalition Governments.

It is important to note that loyalty is not the sole governing principle in relations between territorial entities. While Autonomous Communities do affirm loyalty, they also incorporate other symbolic references, in some way diluting its impact. Therefore, loyalty remains an emphasized concept, representing a relationship form to which the Autonomous Communities are accustomed. Otherwise, it is unclear why these statutory principles are not invoked in the legal order to defend the autonomous interests before the Constitutional Court.

References to loyalty in the Statutes are, in few words, merely symbolic and emphatic, serving as a reminder or reminiscent of the early years of development of the autonomous State when bilateralism was more widespread than multilateralism (Cámara Villar, 2004: 225).

Concluding remarks

The use of the term 'loyalty' in the Statutes is polysemic. It is not always linked to intergovernmental relations. Loyalty can refer to financial relations, to the internal relations of the Autonomous Community with local entities, to inter-administrative relations, and it may be even used in the arena of international relations. However, it has been noted that some Statutes use the term in a similar way to the unwritten constitutional principle of



territorial loyalty, referring to the type of relationship or general behaviour that should exist between the entities comprising the autonomous State.

Autonomous loyalty is a principle that legally binds the State and the Autonomous Communities (and among themselves) in their interaction. It is an unwritten constitutional principle with full validity and with a series of consequences in the event of non-compliance, as indicated by the Constitutional Court on a case-by-case basis. Its inclusion in some Statutes does not imply that a particular Community should be treated favourably by the State or another Community. Nor does it mean that other Communities which do not have this reference should not be treated equally.

At the outset of this century, certain statutes were reformed to corset the dynamics of intergovernmental relations, incorporating references to loyalty as a behaviour expected from the State or another Autonomous Community. These references, which have no legal value, nevertheless have a symbolic one, as an attempt to put in writing the kind of relations imposed by bilateralism. Their usefulness, in short, is emphatic, to intonate or emphasise the importance of relations between two territorial entities, focusing on certain Communities.

Bilateral relations are important and necessary, but they cannot be the only existing loyalty link, especially considering that the Autonomous State is a decentralised system composed of different entities at the same level as the one that seeks to limit the bond. Bilateralism cannot in any way replace multilateralism. And loyalty, which projects its effects on cooperation, cannot favour one type of relationship over another.

Such statutory provisions, in the way they have been drafted, are nothing more than an example of a misunderstanding of bilateralism. They show how excesses in this area lead the Autonomous Communities to seek to corset relations within the State from a particular perspective.

The inclusion of references to loyalty in the Statute, as a manifestation of the subnational constitution in Spain, is a rarity among decentralised countries. Loyalty persists in the system without needing to be explicitly mentioned, especially when the wording of the concept is intended to limit its effects. This peculiarity makes the autonomous system a paradigmatic case of interest for comparative federalism and for those who study federal loyalty in theory and practice.



^I Assistant Professor of Constitutional Law, Universidad Autónoma de Madrid, Spain. Email address: gonzalo.carranza@uam.es.

^{II} It is worth noting that García Morales (2009: 364-365) addressed this issue, but only as an specific section within her paper on collaboration in the new generation of Statutes.

^{III} Thus, for example, BVerfGE 3, 52; BVerfGE 4, 115; BVerfGE 6, 309; BVerfGE 8, 122; BVerfGE 12, 205; BVerfGE 13, 54; BVerfGE 14, 197; BVerfGE 43, 291; BVerfGE 60, 319; BVerfGE 81, 310; BVerfGE 92, 203; BVerfGE 103, 81; BVerfGE 104, 238; BVerfGE 104, 249; BVerfGE 133, 241.

^{IV} In this case, that happened before the Constitutional Reform of 1999.

^V This Section belongs to the Chapter 3 ('Co-operative government') and specifically recognizes the 'Principles of co-operative government and intergovernmental relations'. This principle embodies federal loyalty in South African constitutionalism (Tomkins, 2018: 97).

^{VI} This would be 'autonomous' and not 'federal' loyalty since the form of territorial decentralization of power in Spain is not strictly federal, but quasi-federal. Its name, according to the jurisprudence of the Constitutional Court and doctrine, is 'Autonomous State' and, consequently, it is known as an 'autonomous system'. It should be noted that the Constitution does not give this State any kind of name (e.g., federal, quasi-federal, regional, autonomous).

^{VII} Among others, STC 152/1988, of 20th July; STC 181/1988, of 13th October; STC 209/1990, of 20th December; 109/2011, of 22nd June or STC 217/206, of 15th December.

^{VIII} Among others, STC 164/2001, of 11th July; 47/2005, of 3rd March; 44/2007, of 1st March; or STC 102/2015, of 26th May.

^{IX} For example, Article 140 regulates the 'general principles of inter-administrative relations'; Article 141, the duty of collaboration between Public Administrations; Article 142, the collaboration techniques; Article 143, the techniques of cooperation between Public Administrations (and which is further developed in Article 144); and Article 145 and followings Articles, which regulates the organic dimension of cooperation.

^X Article 9 regulates the so-called 'institutional loyalty'. Its content refers, however, to many of the obligations inherent to the duty of collaboration set out in Law 40/2015, of 1 October, on the Legal Regime of the Public Sector.

^{XI} Which does not strictly refer to 'autonomous loyalty' but rather to 'constitutional loyalty'.

^{XII} This is known, in Spain, as the 'dispositive principle'.

^{XIII} Which declared that most of the contested precepts were constitutional, using the technique of conforming interpretation (STC 31/2010, of 28th June). For further information on the process of approval of the Statute of Autonomy of Catalonia, please see Blanco Valdés (2014: 294-418).

^{XIV} In this regard, it is interesting to note what López Benítez (2007, 44) pointed out:

"These principles are so elementary that the legal systems of some neighbouring countries do not even expressly formulate them, because they understand them to be implicit values that do not need to be formulated explicitly. In Spain, however, it is not only that the Statutes now proclaim them, but it is practically difficult to find a Law or a mere Regulation that does not refer to them, probably making the aphorism 'tell me what you boast, and I will tell you what you lack' a reality".

^{XV} Article 117.1 of the Constitution of Bavaria.

^{XVI} Article 21 of the Constitution of Berlin; Article 31.3 of the Constitution of Brandenburg; Article 7 of the Constitution of Mecklenburg-Western Pomerania; Article 9.2 of the Constitution of Rhineland-Palatinate; Article 21.2 of the Constitution of Saxony; Article 10.3 of the Constitution of Saxony-Anhalt; or Article 27.1 of the Constitution of Thuringia.

^{XVII} Article 9 of the Constitution of Bremen.

^{XVIII} Article 83 of the Constitution of Bremen.

^{XIX} Article 38 of the Constitution of Hamburg; Article 126.1 of the Constitution of Rhineland-Palatinate.

^{XX} Article 77.1 of the Constitution of Baden-Württemberg; Article 71.4 of the Constitution of Mecklenburg-Western Pomerania; Article 60.1 of the Constitution of Lower Saxony; Article 91.1 of the Constitution of Saxony.

^{XXI} The same occurs in the Constitutions of these German *Länder*: Hessen, Nordrhein-Westfalen, Saarland, and Schleswig-Holstein.

^{XXII} Article 3.1 of the Statute of Catalonia:

"The relations of the *Generalitat* with the State are based on the principle of mutual institutional loyalty and are governed by the general principle according to which the *Generalitat* is a State, by the principle



of autonomy, by the principle of bilateralism and also by the principle of multilateralism”.

XXIII Article 219.1 of the Statute of Andalusia:

‘Within the framework of the principle of solidarity, the relations of the Autonomous Community of Andalusia with the State are based on collaboration, cooperation, institutional loyalty and mutual aid’.

XXIV Article 59.3 of the Statute of Valencia:

“The relations of the *Comunitat Valenciana* with the State and the other autonomous communities shall be based on the principles of institutional loyalty and solidarity. The State shall ensure that the territorial imbalances that are detrimental to the *Comunitat Valenciana* are alleviated.

The public administrations of the *Comunitat Valenciana* shall be governed in their actions and their relations with State institutions and local entities by the principles of loyalty, coordination, cooperation, and collaboration”.

XXV Article 191.1 of the Statute of the Canary Islands:

“By the principles of institutional loyalty, solidarity, defense of the general interest and respect for their respective competencies, the Autonomous Community of the Canary Islands shall establish relations of collaboration and cooperation with the State and the other Autonomous Communities”.

XXVI Article 61.1 of the Statute of Extremadura:

“The Autonomous Community of Extremadura may establish relations with the State, with other Autonomous Communities and with foreign or supranational entities in the exercise of its powers and defense of its interests under the principles of institutional loyalty, solidarity, collaboration, cooperation and mutual aid”.

XXVII Article 116 of the Statute of the Balearic Islands:

“Within the framework of constitutional principles, relations between the Autonomous Community of the Balearic Islands and the State are based on the principles of collaboration, cooperation, solidarity and institutional loyalty”.

XXVIII Article 57 of the Statute of Castile and Leon:

“The relations of the Community of Castile and Leon with the State and with the other Autonomous Communities shall be based on the principles of solidarity, institutional loyalty and cooperation”.

XXIX For a more comprehensive understanding of the phenomenon of bilateralism and its potential impacts:

“Bilateralism establishes a direct relationship between territorial entities, specifically the higher and intermediate levels. The intermediate level demands a specific and individualized treatment on certain matters, which differs from the treatment of other territorial levels by the State. Bilateralism offers personalized treatment, paying particular attention to the Autonomous Community and creating a specific context for *ad hoc* negotiations. However, it also has significant drawbacks, including generating comparative grievances with other territorial entities that do not receive the same specific treatment from the State and preventing joint participation in the management of common affairs, which may have different visions or points of view” (Carranza, 2022a: 168).

Regardless of bilateralism, which evidently benefits only one Autonomous Community, the use of multilateralism has become widespread in Spain. For certain authors, multilateral relations dominate the scene of intergovernmental relations, while bilateralism is mainly used to resolve conflicts:

“Spanish IGR arrangements have experienced increased institutionalization and have reflected a typical coexistence between multilateralism and bilateralism at the political level, but the predominance of multilateralism at the policy-making and executive level. Despite some stereotypes disseminated by Spanish and foreign scholars on the prevalence of modes of bilateral cooperation and interaction in the Spanish territorial model, a detailed study of intergovernmental meetings indicates that bilateral cooperation bodies have not been widely used and, in any case, have been much less used than multilateral ones” (Aja and Colino, 2014: 457).

XXX Article 201.2 of the Statute of Catalonia:

“The financing of the *Generalitat* is governed by the principles of financial autonomy, coordination, solidarity and transparency in fiscal and financial relations between public administrations, as well as by the principles of the sufficiency of resources, fiscal responsibility, equity and institutional loyalty between the aforementioned administrations”.

Article 209 of the Statute of Catalonia:

“1. By the principle of institutional loyalty, the financial impact, positive or negative, that the general



provisions approved by the State have on the *Generalitat* or those approved by the *Generalitat* have on the State, in each period, in the form of a variation in spending needs or fiscal capacity, shall be assessed to establish the necessary adjustment mechanisms.

2. Both Administrations shall provide each other with access to the statistical and management information necessary for the better exercise of their respective powers, within a framework of cooperation and transparency”.

XXXI Article 175.2.e) of the Statute of Andalusia:

“2. The Autonomous Community of Andalusia shall have the necessary resources to attend stably and permanently to the development and execution of its competencies so that the principle of equality in access to and provision of public services and goods throughout the Spanish territory is guaranteed. All this following the principles: (...) e) Institutional loyalty, coordination, and collaboration with the State Treasury and with the other public treasuries”.

Article 183.1 of the Statute of Andalusia:

“The financial relations of the Autonomous Community with the State shall be governed by the principles of transparency, institutional loyalty and participation in the decisions that affect them”.

XXXII Article 103.1 of the Statute of Aragon:

“The Autonomous Community of Aragon, by the financial autonomy, recognized and guaranteed to it by the Spanish Constitution, has its own Treasury for the financing, execution and development of its powers, by the principles of the sufficiency of resources, equity, solidarity, coordination, financial balance and institutional loyalty, and within the framework of the provisions of the Constitution, this Statute of Autonomy and the Organic Law on Financing of the Autonomous Communities”.

Article 107.4 of the Statute of Aragon:

“In any case, any action by the State in tax matters that entails a variation in revenue, or the adoption by the State of measures that may cause the Autonomous Community of Aragon to incur a variation in its expenditure needs not foreseen on the date of approval of the financing system in force, or the signing of the Agreement provided for in the following article, shall determine the adoption of the appropriate compensation measures.

By the principle of institutional loyalty referred to in Article 103, the assessment of the variations shall refer to a specific period and shall consider the positive and negative effects of the general provisions issued by the State and the effects that the provisions issued by the Autonomous Community have on the State”.

XXXIII Article 86.1 of the Statute of Extremadura:

“Relations between the Public Treasury of the Autonomous Community of Extremadura and that of the State shall be informed by the principles of solidarity, coordination, collaboration, transparency and institutional loyalty, and shall be governed by the Constitution, this Statute and, where appropriate, the Organic Law provided for in the third paragraph of Article 157 of the Constitution”.

XXXIV Article 120.2.b) of the Statute of the Balearic Islands:

“2. The financing of the Autonomous Community of the Balearic Islands is based on the following principles: (...) b) Institutional loyalty”.

Article 122 of the Statute of the Balearic Islands:

“1. By the principle of institutional loyalty, the financial impact, positive or negative, that the general provisions approved by the State have on the Balearic Islands or those approved by the Balearic Islands have on the State, in each period, in the form of a variation in spending needs or fiscal capacity, shall be assessed, establishing the necessary adjustment mechanisms.

2. In the event of reform or modification of the Spanish tax system that entails the elimination of taxes or a variation in the revenue of the Balearic Islands, which depends on State taxes, the Autonomous Community of the Balearic Islands is entitled to have the State adopt the appropriate measures of compensation so that it does not see its possibilities of developing its powers or its future growth reduced or diminished.

3. Both Administrations shall mutually facilitate access to the statistical and management information necessary for the better exercise of their respective competencies, within a framework of cooperation and transparency”.

XXXV Article 83.5 of the Statute of Castile and Leon:



“By the principle of institutional loyalty, the financial impact, positive or negative, that the general provisions and measures adopted by the State have on the Community of Castile and Leon or those adopted by the Autonomous Community have on the State, in a given period, in the form of a variation in spending needs or fiscal capacity, shall be assessed to establish the necessary adjustment mechanisms to avoid any kind of damage to the financial sufficiency of the Community, to the development of its competencies or its economic growth.

Both administrations shall provide each other with access to the statistical and management information necessary for the better exercise of their respective competencies, within a framework of co-operation and transparency”.

XXXVI Article 9 of the Organic Law 2/2012, of 27 April, on Budgetary Stability and Financial Sustainability:

“Public administrations shall act following the principle of institutional loyalty. Each Administration shall:

- a) Assess the impact that its actions, on the matters, referred to in this Act, may have on the other Public Administrations.
- b) Respect the legitimate exercise of the competencies attributed to each Public Administration.
- c) To consider, in the exercise of their competencies, all the public interests involved and, specifically, those whose management is entrusted to other Public Administrations.
- d) To provide the other Public Administrations with the information they require on the activity they carry out in the exercise of their powers and that which is derived from compliance with the obligations to provide information and transparency within the framework of this Act and other national and Community provisions.
- e) To provide, within their sphere, the active cooperation and assistance that the other Public Administrations may require for the effective exercise of their competencies”.

XXXVII Article 90 of the Statute of Andalusia:

“The territorial organization of Andalusia shall be governed by the principles of autonomy, responsibility, cooperation, de concentration, decentralization, subsidiarity, coordination, financial sufficiency and institutional loyalty”.

XXXVIII Article 59.1 of the Statute of Extremadura:

“The Autonomous Community and the local entities shall adjust their reciprocal relations to the principles of institutional and financial loyalty, respect for their respective spheres of competence, coordination, cooperation, mutual information, subsidiarity and inter-territorial solidarity”.

XXXIX Article 48 of the Statute of Castile and Leon:

“The Community of Castilla and Leon shall promote local autonomy. The Community and the local entities shall adjust their reciprocal relations to the principles of institutional loyalty, respect for the respective spheres of competence, coordination, cooperation, mutual information, subsidiarity, inter-territorial solidarity and weighing of the public interests affected, whichever Administration oversees them”.

XI Article 62.2 of the Statute of Aragon (referring to the ‘Principles of organisation and functioning of the Administration’): ‘In its actions, it shall respect the principles of good faith and legitimate trust and shall relate to the rest of the Spanish Public Administrations following the principle of institutional loyalty’.

XI.I Article 194.1 of the Statute of the Canary Islands (referring to ‘Relations with other Canary Islands public administrations’): ‘The Canary Islands public administrations are governed in their relations by the principles of institutional loyalty, coordination, cooperation and collaboration’.

XI.II Article 59.3 of the Statute of Valencia:

“The relations of the *Comunitat Valenciana* with the State and the other autonomous communities shall be based on the principles of institutional loyalty and solidarity. The State shall ensure that the territorial imbalances that are detrimental to the *Comunitat Valenciana* are alleviated.

The public administrations of the *Comunitat Valenciana* shall be governed in their actions and their relations with State institutions and local entities by the principles of loyalty, coordination, cooperation, and collaboration”.

XI.III This entity replicates the Conference of Presidents at the state level (Article 146 of Law 40/2015) and fulfils the role of a general and permanent framework for relations, deliberation, participation, formulation of proposals, agreement, and exchange of information between all the islands that make up the archipelago. It is made up of the Presidency of the Balearic Islands and the Island Councils of Mallorca, Menorca, Ibiza, and



Formentera.

^{XLIV} Article 17.9 of the Statute of Extremadura:

“Promote all types of relations with Portugal, both of Extremadura's institutions and society, under the principles of loyalty, respect for each other's identity, mutual benefit and solidarity. Likewise, they shall foster relations of any kind with the peoples and institutions of the Ibero-American community of nations”.

^{XLV} Also, as Castellà Andreu (2004, 149) pointed out, ‘In general terms, the statutes are limited to generic proclamations (...), so that subsequent legislative regulation is essential to complete their regulation’.

^{XLVI} For example, STC 96/2002, of 25th April; 236/2012, of 13th December; 240/2012, of 13th December; 76/2014, of 8th May; or 102/2015, of 26th May.

^{XLVII} The Statutes of Valencia, the Canary Islands, Extremadura, and Castile and Leon all recognise horizontal relationships after vertical ones.

References

- Aja, Eliseo, 2014, *Estado autonómico y reforma federal*, Alianza, Madrid.
- Aja, Eliseo and Colino, César, 2014, ‘Multilevel structures, coordination and partisan politics in Spanish intergovernmental relations’, *Comparative European Politics*, vol. 12, 4/5, 444-467.
- Albertí Rovira, Enoch, 1985, ‘Las relaciones de colaboración entre el Estado y las Comunidades Autónomas’, *Revista Española de Derecho Constitucional*, 14, 135-177.
- Albertí Rovira, Enoch, 1992, ‘Estado autonómico e integración política’, *Documentación Administrativa*, 232-233, 223-246.
- Álvarez Álvarez, Leonardo, 2008, ‘La función de la lealtad en el Estado Autonómico’, *Teoría y Realidad Constitucional*, 22, 493-524.
- Barceló i Serramalera, Mercè, 2009, ‘Las Declaraciones de Derechos y Deberes Estatutarios. Especial referencia al Estatuto de Autonomía de Cataluña’, in Castellà Andreu, Josep María and Olivetti, Marco (coord.), *Nuevos Estatutos y reforma del Estado. Las experiencias de España e Italia a debate*, Atelier, Barcelona, 135-150.
- Bauer, Hartmut, 1992, *Die Bundestreue*, J.C.B. Mohr, Tübingen.
- Bayer, Hermann Wilfried, 1961, *Die Bundestreue*, J.C.B. Mohr, Tübingen.
- Blanco Valdés, Roberto Luis, 2014, *El laberinto territorial español*, Madrid, Alianza.
- Caamaño Domínguez, Francisco, 2007, ‘Sí, pueden (declaraciones de derechos y Estatutos de Autonomía)’, *Revista Española de Derecho Constitucional*, 79, 33-46.
- Cámara Villar, Gregorio, 2004, ‘El principio y las relaciones de colaboración entre el Estado y las Comunidades Autónomas’, *Revista de Derecho Constitucional Europeo*, 1, 197-240.
- Cámara Villar, Gregorio, 2018, ‘La organización territorial de España. Una reflexión sobre el estado de la cuestión y claves para la reforma constitucional’, *Revista de Derecho Político*, 101, 395-430.
- Carranza, Gonzalo G., 2022a, *La lealtad federal en el sistema autonómico español*, Fundación Manuel Giménez Abad, Zaragoza.
- Carranza, Gonzalo G., 2022b, ‘Subnational Constitutionalism in Spain. Confluence of wills in a basic institutional norm’, in Popelier, Patricia; Delledonne, Giacomo and Aroney, Nicholas (eds.), *Routledge Handbook of Subnational Constitutions and Constitutionalism*, Routledge, London, 241-252.
- Carrillo, Marc, 2017, ‘Reconducir el conflicto, constitucionalizar la diferencia’, *El Cronista del Estado Social y Democrático de Derecho*, 71-72, 42-47.
- Castellà Andreu, Josep María, 2004, *La función constitucional del Estatuto de Autonomía de Cataluña*, Institut d’Estudis Autonòmics, Barcelona.
- Cosculluela Montaner, Luis, 2019, *Manual de Derecho Administrativo*, Civitas-Thomson Reuters, Madrid.
- De Marcos Fernández, Ana, 1994, ‘Jurisprudencia constitucional sobre el principio de cooperación’, *Documentación administrativa*, 240, 265-353.
- Falcón y Tella, Ramón, 1986, *La compensación financiera interterritorial*, Congreso de los Diputados, Madrid.
- García Morales, María Jesús, 2009, ‘Los nuevos Estatutos de Autonomía y las relaciones de colaboración. Un nuevo escenario ¿una nueva etapa?’, *Revista Jurídica de Castilla y León*, 19, 357-426.
- Jiménez Blanco, Antonio, 1985, *Las relaciones de funcionamiento entre el poder central y los entes territoriales. Supervisión, solidaridad, coordinación*, Instituto de Estudios de Administración local, Madrid.



- López Benítez, Mariano, 2007, 'Capítulo 3', in Terol Becerra, Manuel José (dir.), *La reforma del Estatuto de Autonomía para Andalucía. Las relaciones de la Comunidad Autónoma de Andalucía con otros entes públicos*, Instituto Andaluz de Administración Pública, Sevilla, 43-54.
- López Benítez, Mariano, 2008, 'Las relaciones institucionales de la Comunidad Autónoma con el Estado (Comentario a los arts. 218 a 225)', in Muñoz Machado, Santiago and Rebollo Puig, Manuel (dirs.), *Comentarios al Estatuto de Autonomía para Andalucía*, Thomson Civitas, Cizur Menor, 1159-1208.
- Menéndez Rexach, Ángel, 1994, 'La cooperación ¿un concepto jurídico?', *Documentación Administrativa*, 240, 11-49.
- Montilla Martos, José Antonio, 2015, *Reforma federal y Estatutos de segunda generación. Los Estatutos de Autonomía de segunda generación como modelo para la reforma federal de la Constitución*, Cizur Menor (Navarra), Thomson Reuters Aranzadi.
- Moret Millás, Vicente, 2016, 'La lealtad constitucional y el Estado autonómico: propuesta para la configuración de un principio de lealtad autonómica', *Diario La Ley*, 8774, Sección Doctrina (La Ley 3144/2016), 1-20.
- Muñoz Machado, Santiago, 2007, *Derecho Público de las Comunidades Autónomas, vol. I, 2º ed.*, Iustel, Madrid.
- Prieto Sanchís, Luis, 2010, "Sobre las declaraciones de derechos y los nuevos Estatutos de Autonomía", *Revista Jurídica de Castilla-La Mancha*, 49, 125-150.
- Ridaura Martínez, María Josefa, 2020, 'Solidaridad y lealtad como ejes axiales de articulación de las relaciones de colaboración horizontales', in Pérez Miras, Antonio and Teruel Lozano, Germán *et al.* (dirs.): *Setenta años de Constitución Italiana y cuarenta años de Constitución Española*, Vol. IV, Sistema de fuentes, Justicia constitucional y organización territorial, EUCONS, BOE, CEPC, Madrid, 309-332.
- Santamaría Pastor, Juan A., 1991, *Fundamentos de Derecho Administrativo I*, Ed. Centro de Estudios Ramón Areces S.A., Madrid.
- Schmidt, Joachim, 1966, *Der Bundesstaat und das Verfassungsprinzip der Bundestreue. Ein Beitrag zur Lehre vom Bundesstaat unter besonderer Berücksichtigung des Gedankens der Bundestreue [Dissertation]*, Würzburg.
- Smend, Rudolf, 1994, 'Ungeschriebenes Verfassungsrecht im monarchischen Bundestaat (1916)', in Smend, Rudolf, *Staatsrechtliche Abhandlungen und andere Aufsätze*, Duncker & Humboldt, Berlín, 39-59.
- Solozábal Echavarría, Juan José, 2014, *La reforma federal. España y sus siete espejos*, Biblioteca Nueva, Madrid.
- Solozábal Echavarría, Juan José, 2018, 'Artículo 2', in Rodríguez-Piñero y Bravo Ferrer, Miguel and Casas Baamonde, María Emilia, *Comentarios a la Constitución española – Tomo II*, BOE, Ministerio de Justicia, Fundación Wolters Kluwer and Tribunal Constitucional, Madrid, 61-73.
- Solozábal Echavarría, Juan José, 2020, 'Algunas consideraciones constitucionales sobre el estado de alarma', in Biglino Campos, Paloma and Durán Alba, Juan Fernando (dirs.), *Los efectos horizontales de la COVID sobre el sistema constitucional*, Fundación Manuel Giménez Abad, Zaragoza, 1-26.
- Sosa Wagner, Francisco, 2002, 'La lealtad, gozne del Estado', *Revista de Estudios de la Administración Local*, 288, 79-107.
- Sosa Wagner, Francisco, 2008, 'Reforma de los Estatutos y fragmentación de la Administración. La lealtad federal, gozne del Estado', in VV.AA., *La reforma del Estado autonómico español y del Estado federal alemán*, Fundación Manuel Giménez Abad and Fundación Friedrich Ebert, Zaragoza, 1-29.
- Tajadura Tejada, Javier, 2013, 'El federalismo y la Constitución española', *Revista Temas*, 220, Fundación Sistema, Madrid, 45-54.
- Tomkins, Adam, 2018, 'Shared Rule: What the UK could learn from Federalism', in Schütze, Robert and Tierney, Stephen (eds.), *United Kingdom and the Federal Idea*, Hart Publishing, London, 85-99.
- Tudela Aranda, José, 2016, *El fracasado éxito del Estado autonómico*, Marcial Pons, Madrid.
- Wittreck, Fabian, 2012, 'Die Bundestreue', in Härtel, Ines (ed.), *Handbuch Föderalismus – Föderalismus als demokratische Rechtsordnung und Rechtskultur in Deutschland, Europa und der Welt – Band I: Grundlagen des Föderalismus und der deutsche Bundestaat*, Springer, Heidelberg, 497-525.