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Symposium on “Capital Cities Shaping National Constitutional Identities”

Introduction

by

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"The city does not tell its past, but contains it like the lines of a hand, written in the corners of the streets, the gratings of the windows, the banisters of the steps..."

— *Italo Calvino, Invisible Cities (1972)*

Capital cities, like the imagined metropolises in Calvino's *Invisible Cities*, are palimpsests of constitutional meaning and can indeed be referred to as "Westphalian constructs" (Boggero in this issue). They do not speak their constitutional role explicitly, but it is imprinted in their spatial order, institutional density, symbolic architecture, and political function. More than geographic centres or seats of government, capital cities often host the whole set of state institutions and, as such, embody the aspirations, contradictions, and historical sediment of the nation-states they represent, through the different facets. They concentrate the visible and invisible structures of power, authority, identity, and collective memory, concealing the scars in the history of their people. This ambivalence is witnessed by the *Concise Oxford Dictionary*, where the following definition can be found: a capital city is 'the most important town or city of a country or region, usu. its seat of government and administrative centre'. In purely functional terms, a capital hosts the institutions of the state or a great part of them; however, its political, economic and cultural relevance within the state usually goes far beyond this. This is true even of cities that were purposefully conceived as the seat of the federal government, as Washington D.C. within the United States of America (see Annicchino in this issue).

This symposium dives into rather uncharted territories, exploring the original connection between constitutional identity and the evolving role of capital cities across various European and non-European jurisdictions. With this, we aim to offer insights into how public law and its identitarian flank shall be called to acknowledge their structural diversity and symbolic power.

The issue stems from the panel "Capital Cities Shaping National Constitutional Identities", held at the ICON·S Austria 2024 Annual Conference, hosted on September 10–11, 2024 by WU Vienna and Sigmund Freud University in Vienna. The conference theme, "Public Law and the Cities," reflected a growing scholarly interest in the relationship between



constitutional law and urban governance. The panel was part of the broader framework of the PRIN research project “Identitarian Public Law: Dynamics of Illiberal Exclusion and Democratic Inclusion” (CUP J53D23018930001), funded under Italy’s National Recovery and Resilience Plan, Mission 4, Component 2, Investment 1.1. (Research projects of major national interest), and whose principal investigator is Prof. Giacomo Delledonne.

The conference panel originally gathered five constitutional scholars in order to develop a comparative reflection on how capital cities influence and reflect constitutional values, how their legal status is intertwined with the most traditional public law issues, shaped by historical legacies, central-local tensions, or contemporary governance challenges. Draft papers were presented and discussed by Giovanni Boggero (Università del Piemonte Orientale), Ylenia Maria Citino (Scuola Superiore Sant’Anna), and Giacomo Delledonne (Scuola Superiore Sant’Anna). The session was chaired by Florian Lehne (Universität der Bundeswehr München), with Zuzi Vikarská (Masaryk University) serving as discussant and providing a critical lens through which to analyse the normative implications of capital city status in connection with the notion of constitutional identity. Huge thanks are also due to Lando Kirchmair (Universität der Bundeswehr München) for his help in the run-up to the conference.

The theoretical core of this special issue draws upon the research work and the feedback gathered at the conference and, more in general, from comparative constitutional law. While recognizing that capital cities are often central symbols of national unity, as exemplified by Article 22 of the German Basic Law (“The Federation shall be responsible for representing the nation as a whole in the capital”), we noticed that their constitutional status, in the comparative landscape, varies markedly across legal systems.

A notable distinction arises between capital cities in federal and unitary states. In federal states, capitals are frequently constitutionalised and granted significant autonomy. Besides Berlin, Article 5.1 of the Austrian Constitution also designates Vienna as “the Federal capital and seat of the highest Federal authorities”. Similar provision can be found in Article 194 of the Belgian Constitution. Capital cities in federal states often possess substantial autonomy as self-governing territorial entities, accommodating multiple layers of governance. Vienna, for instance, not only serves as the capital but is also recognised as a Land (region) and a municipality according to Article 2. In unitary states, by contrast, capital cities are largely non-constitutionalised and they are often governed through ordinary law, with varying



degrees of institutional specificity and political autonomy. Sometimes, special legislation may grant them specific governance structures, as seen in cases such as the Métropole du Grand Paris and Greater London. Rome, instead, is acknowledged under Article 114 of the Italian Constitution but only in declaratory terms. Madrid is enshrined as the capital under Article 5 of the Spanish Constitution alike.

Capital cities serve not only as seats of government but also as platforms for asserting a country's global visibility and democratic identity. Notwithstanding some idiosyncrasies, they function not only as political and administrative centres, but also as economic, cultural, and demographic hubs within a nation. Additionally, they play a pivotal role in fostering local and regional democracy. Beyond mere geographical significance, capital cities often embody the essence and complexity of a nation's identity, frequently encompassing a representative function of the unity of the Nation. Yet they are increasingly confronted with structural challenges that threaten to disrupt their unique identity roles. These challenges include climate change, ageing infrastructure, rapid urbanisation, demographic shifts such as overcrowding, depopulation or gentrification, lack of affordable housing, social inequalities, and, last but not least, the digital divide affecting marginalised populations. Effective urban governance planning could help address these issues, but without the support of a solid constitutional framework all of this could be vain.

To this end, national constitutions can foster, with tailored normative provisions, the special needs of capital cities, for instance by granting privileged status, financial autonomy or other mechanisms allowing them to bear the changes of this epoch.

In this issue, we discuss whether their autonomy shall be as such as protecting them from undue political interference from national governments, a risk exacerbated by their physical proximity to the seat of national administration. Constitutions should not only emphasise capital cities' function as bridges between national and local governance but also recognise their significance on the international stage. As symbols of national identity, capital cities represent their respective nations internationally. From time to time, such representative function may be at odds with the specific needs of local self-government.

The issue further interrogates how constitutional law can accommodate and protect the evolving reality of capital cities in this fraught context. In essence, the constitutional power vested in capital cities varies greatly, ranging from mere administrative local status to roles where they admix powers from both metropolitan cities and regional entities. This



differentiation not only impacts abstract categorisation, making it extremely challenging, but also affects the case for a uniform approach by the state.

The essays in this special issue can be axed around four intersecting dimensions of identitarian reflection: comparative constitutional frameworks, symbolic and functional roles of the cities, religious identity and European integration.

Giovanni Boggero, in his contribution, constructs a comparative taxonomy of constitutional provisions and legal statuses of capital cities across Europe. His paper draws from research of the Council of Europe and the 1985 European Charter of Local Self-Government to demonstrate recurring legal patterns and tensions between centrality and autonomy.

Ylenia Maria Citino explores the paradoxes inherent in Rome's status. While the capital of Italy is acknowledged by the Constitution, the set of institutional rules enshrined in primary law that define its governance is at the root of the many inefficiencies and sometimes the cause of overlapping of functions between institutional actors. Constitutional design, as she argues, would be the preferable solution in order to reappraise the symbolic and identitarian value of the capital and equip the city with the autonomy it deserves, while at the same time allocating a clear share of responsibilities.

Giacomo Delledonne offers a reflection on Paris in order to analyse its role in shaping France's constitutional identity. He first notes that Paris, despite its undeniable centrality in France's political and historical development, remains a constitutional blind spot which is not even mentioned in the constitution. Delledonne paints a historic fresco while attempting to describe the causes of the normative and symbolic marginalization of Paris.

Oliver Garner investigates London's significance to and within the unwritten and flexible constitution of the United Kingdom. The position of London within the British constitutional order has been greatly affected both by the introduction of a directly elected mayor as part of the ambitious reform agenda of the New Labour government and by the multiple crises that have hit the country in the last decade, ranging from the Brexit to the uncertainties about the future of Transatlantic solidarity.

Finally, Pasquale Annicchino turns to Washington D.C., using it as a case study to examine the role of capital cities in legal and religious power projection. He situates the U.S. capital as a global hub for lawfare, strategic litigation, and religious advocacy, exploring its extraterritorial influence on global constitutional and human rights debates.



The set of papers, even though it does not cover all potentially relevant cases in comparative public law, still provides the reader with a clear picture of how legal systems recognise, construct, or suppress the identity of capital cities within national and supranational orders. While no singular model emerges, the comparative insights underscore how capital cities increasingly function as constitutional laboratories—spaces where identity, authority, and governance intersect and sometimes collide.

In advancing this research agenda, we can complete this introduction by recalling that the special issue contributes to the broader objectives of the PRIN project on Identitarian Public Law. As stated in the opening, it interrogates the dynamics of inclusion and exclusion within constitutional frameworks. Therefore, in conclusion, capital cities, precariously poised between tradition and innovation, between national identity and global contradictions, can be truly recognised as central actors in the contemporary redefinition of constitutional space.

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