



CENTRO STUDI SUL FEDERALISMO

PERSPECTIVES ON FEDERALISM



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Celebrating nine years together

by

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Abstract

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2017 is going to be rich in surprises for our readers, with a wealth of interesting projects and special issues which will increase the already high standard of the journal.

2016 was also a very challenging year for scholars interested in federalism; the start of the Trump Presidency and the results of the referendum on Brexit held on 23 June 2016 are just two examples.

Key-words

Brexit, Trump Presidency



1. 2017: confusion still reigns sovereign!

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2016 was also a very challenging year for scholars interested in federalism; the start of the Trump Presidency and the results of the referendum on Brexit held on 23 June 2016 are just two examples.

Indeed, more than a year has passed since the British vote but the situation is still far from being clear. After a judicial saga which placed the UK Supreme Court under substantial pressure, with the famous [Miller](#) case, the UK Government obtained the necessary consent from the Parliament to activate art. [50 TEU](#), a measure which has created growing tensions with Scotland and Northern Ireland. After the delivery of the notification of the intent to leave the EU, the [guidelines of the European Council](#) were released, which confirmed that the toughest part of the match is yet to commence. However, soon after this historical activation of art. 50 TEU, Theresa May tried to increase her parliamentary majority by using the card of the snap election. The results of this political hazard are [well known](#), and a “Hung Parliament” was the consequence of May’s political miscalculation. May seems now under siege in her own political party and an unexpected alliance with the Northern Irish Unionist seems the only option to go ahead.

On 19 June 2017 negotiations officially started and the UK government offered a deal for [EU citizens resident in the UK](#). Whereas this offer was considered a good start [it is not yet sufficient](#).

On 13 June 2017 the new French President Macron [opened the door](#) for a British change of mind. At this point it is almost impossible to prognosticate what will happen, the only certainty is that confusion still reigns sovereigns and undisturbed.



2. In this issue

[Tommaso Visone](#) opens this issue with an article on the identity of the Association of South-East Asian Nations (ASEAN). In doing so the author describes the “the ASEAN *Sonderweg*” as an original hybrid of western and local values, a laboratory which goes beyond the Asian Values approach.

Starting from the assumption that conflicts and competition between governments balancing the demands of shared rule is thus inherent in the very nature of federal systems, [William M. Myers and Davia Cox Downey](#) delivered a piece of comparative scholarship looking at the case law of the high courts of Australia, Canada, and the United States.

[Antonia Baraggia and Maria Elena Gennusa](#) deal with the more and more complicated relationship between the Italian Constitutional Court and the European Court of Human Rights (ECtHR), by looking at the heterologous in vitro fertilization case. As the authors show in this tale of two courts even disagreements and interpretative completion may play a role in improving the multilevel protection of fundamental rights.

[Orlando Scarcello](#) enriches the issue with a legal theory piece on complex antinomies, by offering an original take on the *Taricco* saga that has brought the [Court of the Justice of the European Union](#) and the [Italian Constitutional Court](#) into confrontation over the burning issue of the retroactive application of criminal law *in malam partem*.

Canada is celebrating the 150th anniversary of the Confederation and this journal will devote a special issue to this in the coming months. In this issue [Tiago de Melo Cartaxo](#) compares the powers of the Heads of State in the United States and Canada, offering a sound piece of comparative law.

Happy reading and do not hesitate to send us essays, review articles or notes to enrich our journal.

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