



Working Paper 14 | October 2021

---

Subnational Democratic  
Innovations in Italy: A Tentative of  
Reforming the Autonomy Statute  
of the Region Trentino- South Tyrol

---

Martina Trettel

Working Paper  
Series

---

<https://constdelib.com>



Funded by the Horizon 2020  
Framework Programme of the  
European Union



## **COST Action CA17135**

COST Action 17135, in short ConstDelib, focuses on “Constitution-making and deliberative democracy” and carries out research with the support of the European Union’s Horizon 2020 Framework Program. The Action is active until 2022 and includes members from over 40 countries. Its main aim is to bring together researchers, public servants, elected officials, experts, citizens, participatory consultants and civil society organizations to discuss and reflect on the democratic challenge of reforming a constitution through democratic deliberation.

## **The Working Paper Series**

The ConstDelib Working Paper Series publishes work in progress aiming to contribute to the advancement of knowledge in the broader field of democratic deliberation and in particular with reference to Constitution-making. The works cut across a wide range of research areas, demonstrating both the depth and breadth of research being undertaken by members of the COST Action. We also offer the opportunity for researchers outside the Action to publish with us their work related to the topic of the Action.

## **Managing Editor:**

Sergiu Gherghina (University of Glasgow)

## **Editorial Board:**

Venetia Argyropoulou (European University Cyprus)

Paul Blokker (University of Bologna)

Marie Dufrasne (University Saint-Louis Brussels)

Raphaël Kies (University of Luxembourg)

Sergiu Mişcoiu (Babes-Bolyai University Cluj)

Monika Mokre (Austrian Academy of Sciences)

Ioannis Papadopoulos (University of Macedonia)

Min Reuchamps (Catholic University of Louvain)

Yanina Welp (Albert Hirschman Centre on Democracy, Graduate Institute)

Oya Yeğen (Sabanci University)

## **Logo and cover design:**

Alexandros Kyriakidis (University of Macedonia)

## **Abstract**

The paper looks at how Democratic Innovations performed in the process of amending high-ranked constitutional legal sources. It focuses on two case studies: that of the Italian Provinces of Bolzano and Trento. Between 2015 and 2017 the Provinces conducted two parallel participatory processes with the aim of reforming the basic law of the Region (the Statute of Autonomy) in a participatory fashion. The paper intends to analyze the two procedures and situate the analysis in the broader framework of participatory Constitution-making.

## **Keywords**

Constitution, participatory processes, reforms, Bolzano, Trento

## **Author**

**Martina Trettel** is Senior Researcher at the Institute for Comparative Federalism of Eurac Research (Bolzano, Italy). Her main research interests are Democratic Innovations and Participatory Democracy, Federal and Regional Studies and Comparative Constitutional Justice. E-mail: [martina.trettel@eurac.edu](mailto:martina.trettel@eurac.edu)

## **To cite this paper**

Trettel, Martina. 2021. "Subnational Democratic Innovations in Italy: a tentative of reforming the Autonomy Statute of the Region Trentino- South Tyrol," October, *ConstDelib Working Paper Series*, no. 14, pp. 1-25.

## **Disclaimer**

All views expressed in this paper are those of the authors and do not represent the views of COST Action CA17135, COST Association, or the EU. The copyright rests with the authors.

## Introduction

Despite being a quite new phenomena, participatory Constitution-making has recently gained considerable attention from scholars around the world (Blount 2014; Bußjäger 2015; Fishkin 2011; Kong and Levy 2018). Given the quick proliferation of participatory practices employed for reforming constitutions in the last decade, the topic has been studied from diverging disciplinary angles and through different methodological and terminological approaches (Kontiadēs and Fotiadou 2018; Negretto 2020; Oliveira 2014; Tofigh Maboudi 2020; Choudhry and Tushnet 2020; Levy 2018). Some of the studies focus mostly on the theoretical aspects of the interaction between Democratic Innovation (hereinafter: DI)<sup>1</sup> and Constitution-making (Saati 2019; Chambers 2019; Ginsburg, Blount, and Elkins 2008) while other concentrate mainly on real-world practices that employed DI in Constitution-making processes (Choudhry and Tushnet 2020; Geissel and Gherghina 2016).

Iceland was the first in establishing a citizens-based constituent assembly alongside its regular legislature (Thorarensen 2017; Landemore 2020). Other participatory experiences involving ordinary citizens in drawing up or emending constitutions have occurred with variable degrees of success or failure also in Ireland (Farrell, Clodagh, and Suiter 2017), Romania (Blokker 2017), as well as more recently in Chile (Soto Barrientos 2017). However, the literature tended to focus mainly on the practices that take place at the central level of government, even if the trend of employing Democratic Innovations (DIs) to deliberate on constitutional and institutional issues affects also the subnational level of government, although with different modes and intensities.

Hence, a gap in the research is to be identified in the scarcity of analyses on participatory Constitution-making at the subnational level of government. In fact, besides the very well-known randomly selected citizens ‘assemblies of British Columbia and Ontario enacted to amend the electoral legislation, which gained a lot of academic attention (Warren and Pearse 2008; Rose 2007), many other experiences have been rather left in the background. However, also less known subnational experiences can provide useful data and information for enriching the field of studies on DIs and Constitution-making.

---

<sup>1</sup> This paper refers to the term “democratic innovation” as intended by Elstub and Escobar (2019, 28).

Given their proximity to citizens, subnational units can function as laboratories of ‘participatory’ experimentation<sup>2</sup> since there is solid evidence that public participation tends to increase as jurisdiction size decreases. In fact, it has been observed that citizens tend to engage more in “thicker” kinds of public participation on the levels of government that are closer to them (Marshfield 2011). Also, the observation of practices of DI at the subnational level of government can offer a peculiar perspective on the involvement of under-represented groups in constitutional participatory and deliberative democracy (Larin and Rögglä 2019; Wheatley 2003). This is particularly true for ethnic and linguistic minorities present in many subnational entities<sup>3</sup>. For all these reasons, this article will shed light on two processes of DI that took place between 2015 and 2017 at the subnational level of government with regard to the revision of a quasi-constitutional document. We are referring to the cases of two northern Italian Provinces, Trento and Bolzano.

The two procedures – so-called *Convenzione sull'autonomia* (Convention on the Autonomy; hereinafter *Convenzione*) and the *Consulta per lo Statuto speciale per il Trentino - Alto Adige/Südtirol* (Council for the reform of the Special Autonomy Statute of Trentino – Alto Adige South Tyrol; hereinafter: *Consulta*) – show interesting features from many points of view even if, so far, the attention paid to them in the international scientific panorama has been pretty marginal. Therefore, this contribution will try to highlight the most relevant aspects of the two processes by placing them into the broader framework of the studies on deliberative democracy and DIs. In particular, the focus is set on the intersection between the studies on subnational constitutionalism and the phenomenon of deliberative Constitution-making (Levy 2019).

The concept of subnational constitutionalism refers to decentralized (federal, quasi-federal and regional) States in which subnational entities (i.e. Provinces, Regions, *Länder*) are allowed to establish their own institutions, form of government, public finance system in an own constitutional charter under the aegis of the national constitution in order to achieve the best interest of their citizens (Ginsburg and Posner 2010; Burgess and Tarr 2012).

This is the case of Italy, where all twenty Regions adopt *Statuti regionali*, in the form of an ordinary law, as their subnational constitutional charters. Among these, the so-called *Statuti*

---

<sup>2</sup> As suggested in the famous sentence *New State Ice Co. v. Liebmann*, 285 U.S. 262, 311 (192) of the Supreme Court: “It is one of the happy incidents of the federal system that a single courageous state may, if its citizens choose, serve as a laboratory; and try novel social and economic experiments without risk to the rest of the country”.

<sup>3</sup> For instance the Spanish autonomous Community of Catalunya established in 2004 an innovative democratic process of participation in order to revise and amend the Statute of Autonomy (Alonso Perelló D.L. 2006).

*speciali* of the five autonomous Regions<sup>4</sup> are conferred the rank of constitutional laws, both in form and in substance.

Therefore, the participatory processes of the two Italian Provinces of Trento and Bolzano are of peculiar interest for this special issue: on one hand, for their relevance in the context of DIs, in general, and the field of deliberative Constitution-making, in particular; on the other hand, for the presence of linguistic minorities (particularly in the Province of Bolzano) and the way in which these were involved in the processes. In fact, as stated by Alber, Rögglä, and Ohnewein (2018) “multilingualism is challenge to any deliberative practice, because any linguistically plural society is also a culturally plural society”. Moreover, the issue of deliberative democracy in multilingual societies has often been neglected in the studies on democracy and DIs (Addis 2009).

The DI processes activated in the autonomous Provinces of Trento and Bolzano had the explicitly stated intent to initiate the process of revision of the *Statuto speciale* (Statute of Autonomy) through the involvement of its citizens in an innovative democratic experiment (Cosulich 2016a). Therefore, the paper will focus on this example in order to find out how did the democratic design of the process played out in practice relative to its legal and procedural design. Moreover, this article aims at contributing to the further development of studies on Constitution-making and DIs in subnational settings as well as on the play out of democratic innovative practices in minoritarian and multilingual contexts (Gherghina, Mokre, and Misoiu 2020).

The paper will follow a qualitative case-study approach employing this methodology for enlightening the most relevant features of the proceedings of the *Consulta* and the *Convenzione* (Gerring 2013). Original records of the processes and secondary literature will be the main objects of the study combined with first-hand experience of both experiments gained through direct participation as an external observer of the author in both participatory processes between 2015 and 2017. A legal analysis will complement the investigation since both processes were regulated in specific laws. Hence, the paper will not only look at how the processes developed but also at the design of the legal framework in which these were positioned, given the high degree of institutionalization characterizing this particular experience.

---

<sup>4</sup> Valle d’Aosta, Trentino-Alto Adige-South Tyrol, Friuli-Venezia Giulia, Sicily and Sardinia

As to the structure, the article first sketches out (paragraph 2) the functioning of the autonomy arrangements of the special Region of Trentino – Alto Adige South Tyrol and highlights differences among the two constitutive entities of the Region: Trentino (also Province of Trento) and South Tyrol (also Province of Bolzano). This allows to understand the reasons behind the initiation of the two processes, their procedural peculiarities, similarities and differences. Paragraph 2 also tackles with the legal acts instituting the *Convenzione* and *Consulta*, the two bodies in charge of conducting the participatory processes and examines their main features. Paragraph 3 informs on the main contents of the processes and looks at how the two were designed and functioned in practice throughout the different procedural phases. Paragraph 4 focuses on the specific issue of the involvement of linguistic minorities in the processes while the concluding section summarizes the main findings and highlights some critical aspects.

### **The autonomy arrangements and the legal framework**

Italy is an asymmetrical regional State. As anticipated above, the Italian Constitution foresees twenty Regions, fifteen of which are ordinary Regions while five of them are autonomous Regions. The difference between the two “kinds” of Regions is to be found mainly in the asymmetry concerning the extensions of powers attributed to them with autonomous Regions being those that enjoy largest portions of legislative, administrative and financial powers (Palermo 2015a). Among the five special Regions, Trentino – South Tyrol enjoys its own peculiar conditions of autonomy. In fact, it is common to use the expression “asymmetry within the asymmetry” when referring to autonomous Regions, since all of them enjoy different degree of autonomy.

Unlike the other four autonomous Regions, Trentino Alto Adige is structurally unique. Pursuant to art. 116 of the Italian Constitution, it is made of two autonomous Provinces, (the Province of Trento, commonly known as Trentino, and the Province of Bolzano, commonly known as South Tyrol). The two Provinces enjoy and enact most of the autonomous powers. In fact, while the so-called first Statute of Autonomy, adopted in 1948 granted most of the autonomous powers to the Region, the second Statute of Autonomy introduced in 1972 meant the transfer of almost all powers from the Region to the two Provinces. So, the second Statute transformed the two Provinces into the main driver of the special autonomy, leaving the Region with very few functions and acting as the container of the two self-governing Provinces. The

change of balance between regional and provincial powers was due to the peculiar situation of the Province of Bolzano with regard to the presence of linguistic minorities.

As a matter of fact, while Trentino is predominantly Italian-speaking, South Tyrol is characterized by the presence of three linguistic groups living together (Italian, German and Ladin) (Carlà 2007). According to the 2011 State census, the current distribution of the three linguistic groups is 69.4 per cent German-speakers, 26.1 per cent Italian-speakers, and 4.5 per cent Ladin-speakers in a population of 511,750 (Larin and Rögglä 2019). South Tyrol has been vastly studied because it represents a unique case for what the management and regulation of the cohabitation of linguistic minorities is concerned (Fraenkel-Haeberle 2008; Mazur-Kumric 2009; Alber and Palermo 2012). The model regulating the living together among the three groups has been defined as consociationalism (Markusse 1997; Pallaver 2008). In brief it can be described as a “form of government of consensual ethnic power sharing with the core principles of cultural autonomy for each group, language parity and ethnic proportionality” (Alber, Rögglä, and Ohnewein 2018, 195).

For the sake of completeness, it should also be noted that even in the Province of Trento linguistic minorities are present, albeit to a much lesser extent. According to the 2011 Census, 4% of the population in Trentino belongs to a linguistic minority, with Ladins representing the majority with 3.5%. The remaining 0.5% is made up of the linguistic minorities of Mocheni and Cimbirans (Penasa 2014).

This divergence is the reason why the historical evolution of the Province of Bolzano profoundly differs from that of Trento as it goes for the social and cultural background. Also, many provisions in the Autonomy Statute refer only to the Province of Bolzano and its minority protection system and do not apply to the Province of Trento. This is why, in the last decades, the relation between the two Provinces changed in the sense of a constantly growing gap between the two, with the Province of Bolzano strongly focused on strengthening its provincial autonomy and the protection of its diversity management system and the Province of Trento more linked to the idea of a Region and agreement with the neighboring Province<sup>5</sup>.

---

<sup>5</sup> Despite the differences, the two provinces show also many similarities making the two procedures comparable. In particular, similarities concern demography, geography and wealth, having both a similar number of inhabitants (around 500.000), a mostly alpine territory and a GDP per capita higher than the national average. In fact, they are first (Bolzano) and fourth (Trento) in the ranking of Italian regions by GDP per capita according to the studies conducted by the South Tyrol's and Trentino's statistical institutes (ISPAT and ASTAT).



Also, in order to properly understand the scenario in which the DIs took place, it has to be considered that – despite most of the legislative, administrative and financial powers being vested in the Provinces – the Statute of Autonomy (*Statuto di autonomia*) has still regional relevance and concerns both the Provinces of Trento and Bolzano. This means that the power of initiating the process of revision of the Statute is the vested in the Regional Council. The latter is made of the two provincial councils of Trento and Bolzano, acting as a “condominium organ having accessorial nature” reflecting the empty box-structure of the Region (Alber, Rögglä, and Ohnewein 2018).

In order to ensure the special status of this legal source, the Constitution provides that the Statutes of the special Regions are adopted by the national parliament with a constitutional law (Palermo 2015a). Amending the Statutes implies following the aggravated constitutional procedure foreseen by the constitution in its art. 138; but not only since, as mentioned, the power of initiating the revision process is vested with the regional council. However, the regional council does not act autonomously being the sum of the two provincial councils (35 members each). Hence, the regional council acts accordingly to the propositions put forward by the two provincial councils which have to agree among themselves in order to confer a shared proposal on which to start the reform procedure (Palermo 2008).

This is very important to understand why, in order to initiate the process of revision of the 1972 Statute of Autonomy, the two provincial councils activated two separate participatory processes – instead of one with regional relevance – that ran almost in parallel between 2015 and 2017 (Cosulich 2016b).

In 2013, the now-President Arno Kompatscher’s in its first run as president of the Province of Bolzano came up with the idea of a *Convenzione* as a way to give more legitimacy to the amendment process given: one the one side, the strongly felt need of reforming the Statute, and, on the other side, a wave of constitutional reform that was going on in Italy at that time (Larin and Rögglä 2019, 1025). The drive to design a process of this kind is probably also due to the prominence that experiences such as the participatory constitutional reforms in Iceland (Bergsson and Blokker 2013) and Ireland (Suteu 2015) had at the time, together with the activation of an online participation process on the constitutional reform at the national level (Palermo 2015b, 40-41)<sup>6</sup>.

---

<sup>6</sup> For all information related to the participatory consultation procedure see: [www.riformecostituzionali.partecipa.gov.it/assets/PARTECIPA\\_Rapporto\\_Finale.pdf](http://www.riformecostituzionali.partecipa.gov.it/assets/PARTECIPA_Rapporto_Finale.pdf), last accessed 22 July 2021.

For what the neighboring Province of Trento is concerned, the establishment of the *Consulta* is due primarily to the way in which the Statute is amended, which provides for the involvement of both Provinces in the drafting of the proposal. In fact, as we have just seen, the reform of the Statute of autonomy is of regional competence, meaning that both provincial councils need to agree on one common project of reform to be then sent to the national parliament where it undergoes the constitutional revision process.

The establishment of a south Tyrolean *Convenzione* entitled with the task of initiating the reform process, left the Province of Trento with no other choice than establishing itself a process for gathering opinions and proposals for reforming the Statute (Murphy 2018, 92). Otherwise, the Provincial council of Trento, in order to activate the constitutional process to revise the Statute, would have had to agree upon a reform proposal elaborated through a participatory process that involved only the south Tyrolean part of the regional society. Hence, also the Province of Trento adopted its own law partially replicating the provisions of the law instituting the *Convenzione*.

In fact, the first step the two Provinces undertook in order to set up the processes consisted in adopting a legal act each institutionalizing the procedure to be followed<sup>7</sup>. These laws are a particularly relevant aspect of the establishment and functioning of the two experiences, especially in the wake of those studies that deal with the institutionalization of DIs (Smith 2018; Ravazzi 2016; Offe 2011; Warren 2014; Hartz-Karp and Briand 2009; Lewanski 2013).

The two acts entered into force in a relatively short span of time, with the Province of Bolzano adopting it in April of 2015 (Law n. 3/2015) followed by the Province of Trento in February of 2016 (Law n. 1/2016). The objective of both acts was to establish a broad process of participation to encourage the involvement of citizens in the elaboration of the contents of the reform of the Special Statute. (Happacher 2017). Both acts accord a central role to a specifically designed body, the *Convenzione* in Bolzano and *Consulta* in Trento, entrusted with initiating the procedure, managing the participation of the society and summarizing the outcomes in a final document to be handed out to both provincial councils.

For what the composition is concerned, the *Convenzione* set up in the Province of Bolzano is configured as an auxiliary body of the Provincial Council endowed with consultative functions.

---

<sup>7</sup>The laws are available in Italian language at the following links:  
[http://lexbrowser.provinz.bz.it/doc/it/201949/legge\\_provinciale\\_23\\_aprile\\_2015\\_n\\_3.aspx?view=1](http://lexbrowser.provinz.bz.it/doc/it/201949/legge_provinciale_23_aprile_2015_n_3.aspx?view=1);  
<https://www.consiglio.provincia.tn.it/leggi-e-archivi/codice-provinciale/Pages/legge.aspx?uid=28211>

It is also known as *Convenzione of the 33*, since it is made of thirty-three members. These represent different categories of the society: ordinary citizens (8, drawn by the forum of the 100, see below), entrepreneurs (2), municipalities (4), trade unions (2), political representatives (12), legal experts (5). The members were all proposed by the associations representing the different interest and nominated by the provincial council with the only exception of the eight citizens that were selected randomly among the members of the forum of the 100.

The law states that the composition of the body must guarantee the proportional representation of the linguistic groups (reflecting the percentages of the last official census of the population) and a balanced gender representation. Moreover, in order to represent all three linguistic groups in the composition of the Presidency three people were elected each belonging to a different linguistic group (German, Italian and Ladin) (Rosini 2015, 7).

Similarly, the *Consulta*, is shaped as an independent consultative body. The law foresees that is made up of twenty-five members, representing different categories of subjects: provincial councilors (9), organized civil society (7), lawyers (2), local entities (4), trade unions (3) all selected according to a rather articulated procedure and finally nominated by the president of the Province.

Both bodies' membership represents a mix of politicians and stakeholders that reflects a corporatist model much more than a citizen's assembly model (Poggio and Simonati 2018). Moreover, both laws provide that the members of the *Convenzione* and the *Consulta* work on a voluntary basis without foreseeing any sort of remuneration. It is however to be noted that the law of the Province of Bolzano not only institutes the *Convenzione* of the 33 but foresees also a second body, the "Forum of the 100". The latter is meant to act as a permanent link between ordinary citizens and the *Convenzione*. What is most interesting are its form and composition. It is designed as a *sui generis* 'citizens' assembly' in resemblance of what the literature defines as a 'mini-public' (Smith 2012; Elstub and Escobar 2017) and is made of 100 provincial residents. In order to choose them, all interested residents could register and made themselves available to take upon this task. 1829 people registered, and 100 of them were selected to be the members of the forum through stratified random sampling in a way that would represent the age, gender, and linguistic group proportions of the Province as precisely as possible (Larin and Rögglä 2019). In the first meeting, eight members of the Forum were elected in order to be also members of the *Convenzione*, roughly following the proportion of each linguistic group.

Moreover, the south Tyrolean law states that *consensus* is the methodology that the *Convenzione* of the 33 must apply for adopting decisions. It can be assumed that the legislator

was inspired by the most classical theories on deliberative democracy drafting this provision, overlooking the fact that in more recent times deliberativists have questioned the viability and effectiveness of this method (Martí 2017). Nevertheless, the institutionalization in a law of the principle of *consensus* remains noteworthy. It is still to be seen, as we will do in the next paragraphs, how this functioned in practice. On the contrary, the law on the *Consulta* did not provide for a specific decisional mechanism to be used.

The law on the *Convenzione* sketches out in very broad terms the phases to be followed by the process that should not last more than 12 months. A first one in which an introductory document is elaborated; a phase of hearings of the proposals presented by civil society in the participatory process and a proactive phase, in which a document containing proposals to the Council regarding the revision of the Statute of autonomy is elaborated. The law on the *Consulta* does something similar, even if in a more detailed way. So, it states that within 120 days from its first session, the *Consulta* shall prepare a preliminary document with the criteria and main guidelines to be followed when drafting the reform proposals. This preliminary document must be then submitted to the participatory process that can last a maximum of 180 days. Finally the *Consulta* has 60 days to draft and finalize the final document (Murphy 2018, 95).

The legal design is very interesting in particular because, while the two legal acts define in great detail some specific aspects of the processes – such as the number and duration of the sessions to be held each month (two three-hour sessions per month for the *Convenzione* and two four-hour sessions per month for the *Consulta*) – they leave many other aspects open to interpretation, particularly with regard to the ways in which citizens have to be involved in the participatory phases of the procedures. It was left to the *Consulta* and *Convenzione* to decide how to structure them.

### **Process design, implementation, effects and other relevant aspects**

After having outlined the legal contours within which the two processes took place, we can analyze how they were carried out in practice. With regard to the process design and process implementation we encounter fundamental differences between the case of the Province of Bolzano and of the Province of Trento.

In the former, the works of the *Convenzione* of 33 and the Forum of 100 were preceded by a phase of broad involvement of the population. Nine participatory meetings employing the

Open Space Technology<sup>8</sup> were held in all main cities and towns of South Tyrol, together with events specifically addressed to civil society organizations. The meetings followed a general guiding question: “*South Tyrol: what future for our territory?*” chosen by the presidency of the provincial council. At the beginning of each meeting it was explained in both German and Italian language in very much detail how the process was supposed to work by the facilitators in charge of conducting it (Alber, Röggl, and Ohnewein 2018, 211-212). The whole process was organized by the experts of Eurac research and was facilitated by neutral, externally contracted, moderators.

The goal of these events was to collect different visions, facilitate dialogue and survey the opinion of citizens in order to better define the topics on which the *Convenzione* should have worked. About two thousand people participated altogether in the meetings that took place between January and March 2016. The proposed topics, freely chosen by the participants, touched upon the foundation of the protection of minorities, the schooling system, the system of proportional ethnicity, culture, legislative and administrative autonomy, but also topics such as the right to self-determination of the peoples, the role of the European Union, the role of immigrants and the participation of citizens in the political processes. The results have been collected in minutes then transcribed and summarized according to qualitative criteria and published on the official website of the process<sup>9</sup>.

Each meeting had a different demographic composition, but in general terms the Italian linguistic group was underrepresented. On the contrary the South Tyrolean (German speaking) ‘patriotic association’ known as the *Schützen*, put significant effort into organizing its members’ participation, attending almost all events and providing many talking points (Röggl 2018).

In May 2016, after the Open Spaces, a specific event was organized for the civil society organizations. Participation was open to all associations of the Province, upon previous registration. In the end more than 50 organizations subscribed and took part, mainly representing the German-speaking group. Four workshops were organized. In each one, different experts introduced the results of the open-spaces and explained in detail how each of

---

<sup>8</sup> In an open space meeting, there is neither an agenda nor a guest list. Every participant can join or leave the open space in every moment. The participants come forward with topics of discussions following an overarching leading question. The results of the working groups are documented by the participants and can include general or controversial considerations as well as concrete recommendations. There is total freedom with regard to the role of participants: everyone can introduce a topic, chair a discussion round, contribute to the discussion or just observe (Owen 1997).

<sup>9</sup> All available at this link: <http://www.convenzione.bz.it/it/files.html>

the discussed topic is regulated by the autonomy Statute. All outcomes of this deliberations were summarized in a document that, together with the outcomes of the open spaces, formed the material that was delivered to the *Convenzione* and the Forum of the 100.

The Forum of the 100 met six times and elaborated its proposals, which has been then forwarded to the *Convenzione* as further input for reflection. The works of the latter were organized into eight thematic working groups, focusing on topics such as self-determination, culture, linguistic group affiliation and the ethnic quota, environment, migrants and multilingualism. The sessions of each single working group were closed to the general public in order to guarantee neutrality in their debates. Instead plenary sessions were public.

The *Convenzione* of the 33 met twenty-seven times over a period of just one year (April 2016-June 2017) and drew up a document that summarizes as comprehensively as possible the prospects of South Tyrolean society with regard to the reform of its autonomy. All sessions have been recorded and transmitted in real time via internet. In this way, the public was given the opportunity to follow the progress of the work. The *Convenzione* also made use of the possibility of hearing experts when examining particularly complex issues. In addition, one of the sessions of the *Convenzione* provided for a hearing of the Forum of the 100 to discuss its results. The *Convenzione* did little to comply with the procedure outlined by law. Instead of formulating an introductory and final document on the basis of the discussions, the works began with a general introduction on the actual content of the provincial autonomy. The introduction was delivered by two of the legal experts who were members of the *Convenzione* and who thus acquired a general consultative role that partly overlapped their role as members body. The general introductory discussion offered ideas for the topics that were then the subject of the individual working meetings.

The macro-themes identified were the role of the Region, the protection of minorities, legislative powers, self-definition and the role of the Province in the European Union. Each macro-theme was then addressed in detail during several working sessions. In some cases, debates happened directly in plenary while in others it was decided to opt to work in small groups and then report the results in the general discussion. The theme that occupied the most space in the discussions of the *Convenzione* was the division of competencies between the State and Provinces and the mechanisms to guarantee the special autonomy. While there was broad convergence on the expansion of provincial competencies to further strengthen provincial autonomy and to expand its self-governing powers to the maximum possible extent, on other

topics such as self-determination, the role of the Region and the schooling system it was much harder to find an agreement among the 33 members (Happacher 2017).

In fact, according to the already mentioned provision to which the *Convenzione* had to take decisions according to consensus and not relying on the classic majority rules, no formal voting was foreseen since members should have consensually agreed on the proposals put forward. This applied also to the forum of the 100 that also had to shape its recommendations according to consensus. However, while in the forum this methodology worked pretty smoothly, allowing seven out of eight working groups to decide by consensus<sup>10</sup>, the same did not apply to the *Convenzione* of the 33 where this provision brought to long and controversial debates, making it very hard for the members to come up with shared views and opinions (Alber, Rögglä, and Ohnewein 2018, 216). Hence, the practical and compromise solution found in order to move on with the debates has been defined as ‘softened consensus’, which allowed for dissenting ‘minority reports’ to be submitted along with the final proposal to the Provincial Council on issues where no consensus could be found (Larin and Rögglä 2019, 1027). This solution was also made lawful through an amendment to the law on the *Convenzione*.

The final document of the *Convenzione* was drawn up in July 2017 by three of the five legal experts on behalf of the *Convenzione* itself based on the complete minutes of the proceedings. Its discussion in the plenary session generated four minority reports.

Coming now to the experience of the Province of Trento, according to art. 3 of the law, to one extent, the *Consulta* had to organize the participatory process in the forms that it deemed most appropriate while on the other side had to follow some indications among which: the publication on institutional websites of the preliminary document, accompanied by a report; and the organization of *public debates*, also at local level, that had to be articulated in three moments – information, presentation of the preliminary document and discussion. This very broad indications determined the possibility for the members of the *Consulta* to shape the process with a certain freedom, even if necessarily having to consider temporal and financial limitations.

The *Consulta*, after nine sessions of discussion elaborated and published its preliminary document. This, was divided into eight thematic areas: the fundamentals of the special autonomy; Autonomous Provinces and Region: roles, functions and relationships; Linguistic minorities; Municipalities, associations and representation; Areas and competences of autonomy; Participation of the Province in the decisions of the State and the European Union;

---

<sup>10</sup> The only group that was not able to decide by consensus was the one working on the schooling system.

Form of Government; Direct Democracy; Participation of citizens and good administration; Resources and financial constraints (Cosulich 2018).

The members of the *Consulta* decided in specific meetings how to organize the participatory process – to be carried out both digitally and in person – in order to fulfil the objectives, set by the law. To one extent, the process took place online by bringing it to the attention of citizens through the provincial e-democracy platform “*iopartecipo*”. Here the discussion was divided into eight thematic areas, reflecting those addressed in the preliminary document. All comments and questions were published online and remained available throughout the whole process. On the other side, in addition to the online platforms, a calendar of meetings on the territory and other initiatives (hearings, workshops on linguistic minorities and on the autonomy) with the aim of presenting the preliminary document and encourage an open confrontation with citizens were organized throughout the territory of the Province of Trento to ensure a wider participation. All proposals, observations and comments that emerged during the meetings and the other initiatives were summarized and published also on the online platform (Murphy 2018).

Summarizing, the participatory phase lasted a total of 6 months, from March 14<sup>th</sup>, 2017 (with the presentation of the preliminary document to the Provincial Students' Council) until September 30<sup>th</sup>, 2017. At the territorial meetings, at the three workshops on linguistic minorities and at the workshop on autonomy participated a total of 690 people. Of these, 168 people intervened by taking the word: some to ask questions, ask for information on the path of reform of the Statute; express appreciation or perplexity; others to comment on the thematic areas proposed in the preliminary document, share ideas and make observations.

Among the expressed critics many concerned the relation between the works of *Consulta* to and the works of the *Convenzione* since they were perceived as parallel paths with no real possibility of meeting in a shared final document; another main concern was about the opportunity to start a path of reform of the Statute in a period of widespread opposition to the special autonomies, also due to the negative result of the constitutional referendum held in December 2016 on a constitutional reform that, in case of a positive outcome, would have strengthen the regional dynamics of the Italian State (Bin 2016).

At the end of the participatory phase the contributions collected in the platform “*ioPartecipo*” were 258, of which: 27 proposals, 11 comments and 29 recommendations in the online platform; eight contributions arrived via email; 162 proposals advanced during the territorial meetings; 21 received documents. Most of the contributions focused on three



thematic areas - Fundamentals of autonomy, Autonomous Provinces and Region, Linguistic Minorities. All contributions have been analyzed by the *Consulta* after closing the participatory phase, to assess whether, and to what extent, to integrate the suggestions and proposals in the final document. The *Consulta* discussed the contributions of the participatory phase between October 2017 and January 2018: six working sessions in which all thematic areas were discussed in depth and discussed starting from an introductory report that took into account the contributions collected in the participatory phase. At the end of the participatory process, the *Consulta* reviewed all the thematic areas, comparing the indications received with those of the preliminary document. The *Consulta* has then specified, developed and integrated the evaluations and proposals in the final document, unanimously approved in March 2018 (Alber and Woelk 2018).

For what the effects of both processes – *Convenzione* and *Consulta* – are concerned, we have to acknowledge that the final documents did not impact in any way the decision-making process. In fact, after having elaborated the final documents and delivered them to each respective provincial council, there has been no further political activity with regard to the revision of the Statute. To this regard, the objectives set by both laws were only partially achieved. In fact, if both processes managed to fulfill all legal requirements and produce a final document containing a concrete proposal for the Autonomy Statute, neither of them was able to generate the propulsion for starting the reform process.

Both processes have been strongly criticized in different respects. First of all, the critics concerned the lack of cooperation between the two provincial bodies, given the need of a regional agreement on a common proposal in order to start the parliamentary constitutional process for reforming the Statute. To this extent both laws provided for moments of convergence between the two bodies, even if without specific indications on how and how frequently these should have occurred. The two bodies met only twice (in January and May 2017) and were not able to initiate any kind of long-term cooperation or to provide for valid coordination mechanisms for the elaboration of a shared final document.

### **The room for linguistic minorities in the processes**

We can now investigate if and how the presence of linguistic minorities was taken into account in the design of the process and assess how this issue was addressed in the final documents. Two dimensions can be considered and are of relevance for the purposes of this special issue. One is how different linguistic groups deliberating together on topics directly affecting the

fundamentals of the protection of their rights substantially address the matter. The second is procedural in nature, concerning how much the structure of the process is designed for giving equal opportunities in terms of participation to all linguistic groups. As already stated, the different composition of the population in terms of linguistic minorities in Trento and Bolzano has to be considered when exploring these two aspects.

Regarding the first dimension – i.e. the content of the debates – we note that in the initial participatory phase of the process held in the Province of Bolzano, the topic of the relations between linguistic groups was addressed in each of the nine open spaces. As this is a particularly sensitive and controversial issue, opinions were very diverse and it was certainly difficult to find a univocal view of how the current proportional system of protection of linguistic minorities works and if and how it should be revised in a reformed Statute of Autonomy. In fact, it is possible to observe that in the open space two were the main trends of opinions. One was more inclined to loosen the measures on minority protection, for example by suggesting the introduction of bilingual schools; while another underlined the necessity to maintain the system as it is. These two tendencies are also reflected, even if with some contradictions, in the final document drafted by the *Convenzione*. As reported by Larin and Rögglä (2019) the final document states that measures that focus on what we call ‘relations between linguistic groups’ were not discussed because the *Convenzione* of the 33 felt that there was no need for further reform, with the exception of improving the protection and representation of Ladin-speakers.

However, the authors highlight that this is a strange, incorrect claim, as the final document itself demonstrates that discussions were held on topics such as reforming public service linguistic proportionality, introducing multilingual schools and generally ‘loosening’ minority protections. Thus, they go on affirming that: “This divergence highlights one of the most important results of the *Convenzione* process, the public demonstration that German- and Italian-speakers are generally concerned with different aspects of the autonomy arrangement. German-speakers are focused on ‘relations between institutions’, and Italian speakers are focused on ‘relations between linguistic groups’. Most members of both groups agree that Provincial autonomy is beneficial, and many supports its expansion. But most German-speakers have no interest in changing the measures that regulate relations between linguistic groups, which is the principal concern of most Italian-speakers, who feel that these measures unfairly disadvantage them and should be either scaled back or abolished now that they have served their purpose (Larin and Rögglä 2019, 1029)”.

The *Consulta* in the Province of Trento discussed in-depth the situation of its Ladin minority, suggesting augmenting their level of protection aiming at having a similar level of protection as the Ladin-speakers in neighboring South Tyrol. In this regard, the trans-provincial character of the Ladins could be acknowledged in order to harmonize the regional minority protection framework. Also, according to the *Consulta*, the Statute of Autonomy should be modified to grant more visibility to all minorities by recognizing explicitly in the Statute of Autonomy their cultural and linguistic value (Alber, Rögglä, and Ohnewein 2018 219).

About the second dimension, we want to detect how the territorial division among different linguistic groups – in particular in the Province of Bolzano – was taken into consideration in the procedural design the process. In fact, this is a particularly interesting issue since the methodological organization of participatory setting in contexts in which citizens speak different languages is a question often neglected in studies on DIs (Addis 2018). While the more theoretical facets of deliberative democracy in divided societies have been investigated (Dryzek 2016), the way in which DIs should be translated in practice in such contexts has remained on the background. However, the multilingual question not only applies to situations such as that of the Province of Bolzano, which is characterized by national linguistic minorities, but also to every contemporary society that is nowadays confronted with so-called “new minorities”, making it a pivotal issue for the successful functioning of DIs in almost all contexts. Since DIs are intended to make policy making more inclusive and legitimate it is urgent to develop practical solutions to allow that different groups can deliberate together. In fact, DIs are able to express fully their legitimizing potential only if those who deliberate “truly enter as equals, whether they are able to express on equal terms their visions of the common good, and whether the forms and practices that govern deliberative assemblies advance or undermine their goals” (Lupia Norton 2017, 64). Language is without doubt one of the enabling factors.

In the case of the Province of Bolzano, the basic linguistic rule applied in order to allow all participants to actively contribute to the debates in the open space participatory phase was that of the mother tongue, which means that each participant could express him/herself in his/her mother tongue (being it Italian or German<sup>11</sup>) and other could reply in the other language. However, since not all citizens are bilingual, translators were available if needed. Making use of one-to-one translators complicated things in two ways. On the one side, the flow of the debate

---

<sup>11</sup> Ladin was not foreseen as a specific language since all Ladin speakers are bilingual, meaning that they are able to speak at least German or Italian in addition to Ladin. This is due to the Ladin schooling system which is trilingual.

was slowed down since the translation represents a break in the discussion. This is an evident a down-side since deliberation should occur freely and fluently without any external factor influencing it. On the other hand, the logistic and economic effort to offer all participants the possibility of relying on translators for facilitating discussions is very big. If we imagine a process involving a larger number of participants and/or more than two potential languages to be translated, we easily understand how this could become a logistic obstacle hard to ignore. Moreover, having had the chance to directly observe the open spaces' debates in action it was clear that discussion groups formed according to the same linguistic group. If Open Space Technology offers freedom in terms of topics and discussions, on the other side it does not provide for organizing and controlling mechanisms on how citizens decide to gather, fostering the maintaining of social biases such as the division of the society in its basic cultural-linguistic components.

Also, the *Convenzione* and the Forum of the 100 worked applying the “Mother tongue rule” with translators available at all gatherings. The diverse linguistic composition of the South Tyrolean society is reflected also in the composition of the two bodies that matches as closely as possible the linguistic group proportions of the Province. In the case of the Province of Trento, we are faced with a much more uniform society. Since, as said, the presence of linguistic minorities is very low, the population is predominantly Italian speaking. This is probably the reason why the *Consulta* in its process did not foresee any specific measure to encourage the involvement of minority groups. Thus, this is a further sign of lack of attention and reflection in the elaboration of the participatory phase of the process. This is also confirmed by the fact that the strengthening of the protection of the Ladin minority was one of the themes at the center of the *Consulta*'s work, as seen above.

## Conclusions

The paper focused on two participatory processes (almost) parallelly instituted in two northern Italian Provinces (Trento and Bolzano) in order to initiate the procedure for revising the Statute of Autonomy. The analysis has shown that it is possible to discuss the largely studied phenomenon of participatory and deliberative Constitution-making not only referring to national Constitutions but also looking at the constituent documents of the subnational territorial entities. It has also made clear that including in the realm of the studies subnational experiences allows to observe differences and similarities of involving citizens in adopting and amending constitutional documents with regard to different scales and contexts (Palermo 2015b).

In particular, we have seen that the process held in Bolzano was designed in an innovative way and actually managed to wake the interest of a good number of citizens in the open spaces phase and to employ the random selection methodology for including eight ordinary citizens chosen from the Forum of the 100 in the *Convenzione*. Nonetheless, the high technicality of the topics dealt with and the strong political and technical component in the *Convenzione* has somehow lowered the impact of the civic voice in the opinions expressed in the final document. In fact, the strong presence of academics and experts in the debate made it difficult for ordinary citizens to intervene on equal terms.

On the other hand, in the Province of Trento the degree of citizens involvement was much lower, counting a very small number of participants in each of the territorial participatory meeting and very few online interventions. In fact, many criticized the top-down, elite driven, structure of the process that was in almost total control of the *Consulta* and did not make any particular effort in developing effective techniques for the involvement of the common citizens in fruitful deliberations (Alber, Röggl, and Ohnewein 2018, 215; Alber and Woelk 2018, 185). It is the *Consulta* itself in the final document that acknowledges the lack of an adequate reflection on the tools to be used for the participatory process in order to encourage a collective debate on the future of the autonomy. In evaluating the progress of the participatory phase, the *Consulta* discussed, reflecting critically and self-critically about the fact that the not completely free nature of participation, focused on the themes and perspectives outlined in the preliminary document, may have limited the interest of citizens and the inevitably technical nature of the document did not facilitate the discussion in the territorial meetings (pp. 89 and 90 of the final document<sup>12</sup>).

We also have seen that both processes, as the results of their works, developed articulated documents containing concrete proposals for the reform of the Statute of Autonomy. Nonetheless, the regional council did not follow up on the reform process and did not initiate any kind of political debate about the contents of the proposals. This has been considered as a clear sign of failure, despite the fact that it is very hard to measure to what extent the decision of the Regional council not to continue on the path of the reform of the Statute can be attributed to reasons specifically related to processes rather than to other external political factors. However, if we consider this issue from a more general perspective, we notice that it

---

<sup>12</sup> Available here: <https://www.riformastatuto.tn.it/DOCUMENTO-CONCLUSIVO-DELLA-CONSULTA> in Italian language

affects many other DI processes. In fact, their outcomes more than often struggle to transform into real institutional reform and to trigger actual change in the constitutional *status quo* (Papadopoulos and Warin 2007). Hence, the potential of these practices remains more than often unexpressed demonstrating that the complexity of our nowadays societies poses significant obstacles to the effective realization of the ideal model of participatory Constitution-making also at the subnational level of government.

### List of References

- Addis, Adeno. 2009. “Deliberative Democracy in Severely Fractured Societies.” *Indiana Journal of Global Legal Studies* 16 (1): 59. doi:10.2979/gls.2009.16.1.59.
- Addis, Adeno. 2018. “Constitutionalizing Deliberative Democracy in Multilingual Societies.” *Berkeley Journal of International Law* 25: 117–64.
- Alber, Elisabeth, and Francesco Palermo. 2012. “Creating, studying and experimenting with bilingual law in South Tyrol: lost in interpretation?” In *Bilingual Higher Education in the Legal Context: Group Rights, State Policies and Globalisation*, edited by Xabier Arzoz, 287–309. Studies in international minority and group rights v. 2. Leiden: Brill.
- Alber, Elisabeth, Marc Röggl, and Vera Ohnewein. 2018. “‘Autonomy Convention’ and ‘Consulta’: Deliberative Democracy in Subnational Minority Contexts.” *European Yearbook of Minority Issues Online* 15 (01): 194–225. doi:10.1163/22116117\_01501010.
- Alber, Elisabeth, and Jens Woelk. 2018. “„Autonomie(reform) 2.0“: Parallele Verfahren partizipativer Demokratie zur Reform des Autonomiestatuts der Region Trentino-Südtirol.” In *Jahrbuch des Föderalismus 2018: Föderalismus, Subsidiarität und Regionen in Europa*, edited by Europäischen Z. f. F.-F. T. Europäischen Zentrum für Föderalismus-Forschung Tübingen. 1. Auflage, 172–88. Jahrbuch des Föderalismus 19. Baden-Baden: Nomos Verlagsgesellschaft mbH & Co. KG.
- Alonso Perelló, Lluís. D.L. 2006. *El proceso participativo para la reforma del Estatuto de Autonomía de Cataluña*. Colección Participación Ciudadana 1. [Barcelona]: Generalitat de Catalunya, Department de Relacions Institucionals i Participació.
- Bergsson, Baldvin T., and Paul Blokker. 2013. “The constitutional experiment in Iceland.” In *Verfassungsgebung in konsolidierten Demokratien: Neubeginn oder Verfall eines Systems?* edited by Kalman Pocza, 1–16. Baden-Baden.

- Bin, Roberto. 2016. "Dopo il referendum: puntare seriamente sulla leale cooperazione." *Le Regioni* 5-6: 791–802.
- Blokker, Paul. 2017. "The Romanian Constitution and Civic Engagement." *ICL Journal* 11 (3). doi:10.1515/icl-2017-0038.
- Blount, Justin. 2014. "Participation in constitutional design." In *Comparative constitutional law*, edited by Rosalind Dixon and Tom Ginsburg, 38–56. Cheltenham-Northampton: Edward Elgar.
- Brunazzo, Marco. 2017. "Istituzionalizzare la partecipazione? Le leggi sulla partecipazione in Italia." *Le Istituzioni del Federalismo* 3: 837–64.
- Burgess, Michael, and Alan G. Tarr. 2012. "Introduction: Sub-national Constitutionalism and Constitutional Development." In *Constitutional dynamics in federal systems: Sub-national perspectives / edited by Michael Burgess, G. Alan Tarr*, edited by Michael Burgess and G. A. Tarr, 1–39. Montréal, Québec: McGill-Queen's University Press.
- Bußjäger, Peter. 2014. "Entwicklungen in der direkten Demokratie und Bürgerbeteiligung in Vorarlberg." In *Parlamentarische Rechtsetzung in der Krise*, edited by Georg Lienbacher and Erich Pürgy, 151. Öffentliches Recht. Wien: Sramek.
- Bußjäger, Peter. 2015. "Demokratische Innovation und Verfassungsreform." In *Demokratische Innovation und Partizipation in der Europaregion*, edited by Peter Bußjäger and Anna Gamper, 1–22. Wien: New Academic Press.
- Carlà, Andrea. 2007. "Living Apart in the Same Room: Analysis of the Management of Linguistic Diversity in Bolzano." *Ethnopolitics* 6 (2): 285–313. doi:10.1080/17449050701345041.
- Chambers, Simone. 2019. "Democracy and constitutional reform: Deliberative versus populist constitutionalism." *Philosophy & Social Criticism* 45 (9-10): 1116–31. doi:10.1177/0191453719872294.
- Choudhry, Sujit, and Mark Tushnet. 2020. "Participatory constitution-making: Introduction." *International Journal of Constitutional Law* 18 (1): 173–78. doi:10.1093/icon/moaa014.
- Contiades, Xenofon, and Alkmene Fotiadou, eds. 2017. *Participatory constitutional change: The people as amenders of the constitution*. Comparative constitutional change. Milton Park Abingdon Oxon: Routledge.
- Cosulich, Matteo. 2016a. "Uno Statuto per due Province: Considerazioni in margine all'avvio del procedimento di revisione dello Statuto speciale della Regione Trentino -Alto Adige/Südtirol." *Amministrazione in Cammino*, 1–11. <http://www.amministrazioneincammino.luiss.it/app/uploads/2016/11/Cosulich.pdf>.

- Cosulich, Matteo. 2016b. "Uno Statuto per due Province. Considerazioni in margine all'avvio del procedimento di revisione dello Statuto speciale della Regione Trentino-Alto Adige/Südtirol." *Amministrazione in Cammino*, 1–11.
- Cosulich, Matteo. 2018. "La Consulta per lo Statuto Speciale per il Trentino-Alto Adige/Südtirol: una visione largamente condivisa del futuro dell'autonomia Trentina." *Osservatorio sulle fonti* 3: 1–16.
- Dryzek, John S. 2016. "Deliberative Democracy in Divided Societies." *Political Theory* 33 (2): 218–42. doi:10.1177/0090591704268372.
- Elstub, Stephen, and Oliver Escobar. 2017. "Forms of Mini-publics." *Research and Development Note - New Democracy* 4.
- Elstub, Stephen, and Oliver Escobar. 2019. "Defining and typologising democratic innovations." In Elstub and Escobar 2019, 11–31.
- Elstub, Stephen, and Oliver Escobar, eds. 2019. *Handbook of democratic innovation and governance*. Cheltenham, UK: Edward Elgar Publishing.
- Farrell, David M., Harris Clodagh, and Jane Suiter. 2017. "Bringing People into the Heart of Constitutional Design: The Irish Constitutional Convention of 2012-14." In Contiades and Fotiadou 2017, 120–36.
- Fishkin, James. 2011. "Deliberative democracy and constitutions." *Social Philosophy and Policy* 28 (1): 242–60.
- Fraenkel-Haeberle, Cristina. 2008. "Linguistic Rights and the Use of Language." In *Tolerance through Law: Self Governance and Group Rights in South Tyrol*, edited by Jens Woelk, Francesco Palermo, and Joseph Marko, 259–76. Leiden: Martinus Nijhoff Publishers.
- Geissel, Brigitte, and Sergiu Gherghina. 2016. "Constitutional Deliberative Democracy and Democratic Innovations." *SSRN Electronic Journal*. doi:10.2139/ssrn.2736464.
- Gerring, John. 2013. *The Case Study: What it is and What it Does*. The Oxford Handbook of Political Science: Oxford University Press.
- Gherghina, Sergiu, Monika Mokre, and Sergiu Misoiu. 2020. "Introduction: Democratic Deliberation and Under-Represented Groups." *Political Studies Review* 11 (1): 147892992095093. doi:10.1177/1478929920950931.
- Ginsburg, Tom, Justin Blount, and Zachary Elkins. 2008. "The citizen as founder: public participation in constitutional approval." *Temple Law Review* 81 (2): 361–82.
- Ginsburg, Tom, and Eric Posner. 2010. "Subconstitutionalism." *Stanford Law Review* 62: 1583–1628.



- Happacher, Esther. 2017. "La convenzione per l'autonomia: spunti per un'autonomia dinamica e partecipata dell'Alto Adige/Südtirol." *Osservatorio sulle fonti* 3: 1–14.
- Hartz-Karp, Janette, and Michael Briand. 2009. "Institutionalizing deliberative democracy." *Journal of Public Affairs* 9: 125–41.
- Kong, Hoi L., and Ron Levy. 2018. "Deliberative Constitutionalism." In *The Oxford handbook of deliberative democracy*, edited by André Bächtiger, John S. Dryzek, Jane J. Mansbridge, and Mark Warren. First edition, 624–39. Oxford handbooks. Oxford United Kingdom: Oxford University Press.
- Kontiadēs, Xenophōn I., and Alkmene Fotiadou, eds. 2018. *Participatory constitutional change: The people as amenders of the constitution*. First issued in paperback. Comparative constitutional change. London: Routledge.
- Land Vorarlberg. 2010. *Handbuch Bürgerbeteiligung für Land und Gemeinden*. Bregenz: Büro für Zukunftsfragen.
- Landemore, Hélène. 2020. "When public participation matters: The 2010–2013 Icelandic constitutional process." *International Journal of Constitutional Law* 18 (1): 179–205. doi:10.1093/icon/moaa004.
- Larin, Stephen J., and Marc Röggla. 2019. "'Participatory consociationalism? No, but South Tyrol's Autonomy Convention is evidence that power-sharing can transform conflicts'." *Nations and Nationalism* 25 (3): 1018–41. doi:10.1111/nana.12478.
- Levy, Ron, ed. 2018. *The Cambridge handbook of deliberative constitutionalism*. Cambridge: Cambridge University Press. <https://doi.org/10.1017/9781108289474>.
- Levy, Ron. 2019. "Democratic innovation in constitutional reform." In Elstub and Escobar 2019, 339–53.
- Lewanski, Rodolfo. 2013. "The Challenges of Institutionalizing Deliberative Democracy: The 'Tuscany Laboratory'." *Journal of Public Deliberation* 9 (1): 1–18. doi:10.2139/ssrn.2011693.
- Lewansky, Rodolfo. 2007. "La democrazia deliberativa: Nuovi orizzonti per la politica." *Aggiornamenti sociali* 12: 1–12.
- Lewansky, Rodolfo. 2013. "Institutionalizing deliberative democracy: the 'Tuscany laboratory'." *Journal of Public Deliberation* 9 (1): 1–18.
- Markusse, Jan D. 1997. "Power-sharing and 'consociational democracy' in South Tyrol." *GeoJournal* 43 (1): 77–89.
- Marshfield, Jonathan L. 2011. "Models of subnational constitutionalism." *Penn State Law Review* 115 (4): 1152–98.

- Martí, José L. 2017. "Pluralism and consensus in deliberative democracy." *Critical Review of International Social and Political Philosophy* 20 (5): 556–79. doi:10.1080/13698230.2017.1328089.
- Mazur-Kumric, Nives. 2009. "Legal status of the German language group in the Italian province of South Tyrol." *Pravani Vjesnik* 25 (3/4): 25–44.
- Murphy, Jennifer. 2018. "Il gemello "diverso": la Consulta per la riforma dello Statuto in Trentino." 2018, 88.
- Negretto, Gabriel. 2020. "Constitution-making and liberal democracy: The role of citizens and representative elites." *International Journal of Constitutional Law* 18 (1): 206–32. doi:10.1093/icon/moaa003.
- Offe, Claus. 2011. "Crisis and Innovation of Liberal Democracy: can deliberation be institutionalized." *Czech Sociological Review* 47 (3): 447–72.
- Oliveira, Waidd F. d. 2014. *Constituição e democracia participativa: A questão dos orçamentos públicos e os conselhos de direitos e garantias*. Belo Horizonte MG: D'Plácido Editora.
- Owen, Harrison H. 1997. *Expanding Our Now. The Story of Open Space Technology*. San Francisco: Berrett-Koehler Publishers. <http://gbv.ebib.com/patron/FullRecord.aspx?p=793704>.
- Palermo, Francesco. 2008. "Implementation and Amendment of the Autonomy Statute." In *Tolerance through Law: Self Governance and Group Rights in South Tyrol*, edited by Jens Woelk, Francesco Palermo, and Joseph Marko, 143–60. Leiden: Martinus Nijhoff Publishers.
- Palermo, Francesco. 2015a. "Autonomy and Asymmetry in the Italian Legal System: The Case of the Autonomous province Bolzano/Bozen." In *Principles and practices of fiscal autonomy: Experiences, debates and prospects*, edited by Giancarlo Pola, 227–41. Federalism studies. Surrey, UK England: Ashgate.
- Palermo, Francesco. 2015b. "Participation, federalism and pluralism: challenges to decision-making and responses by constitutionalism." In *Citizen Participation in Multi-Level Democracies*, edited by Cristina Fraenkel-Haeberle, Sabine Kropp, Francesco Palermo, and Karl-Peter Sommermann, 31–47. Studies in territorial and cultural diversity governance. Leiden - Boston: Brill Nijhoff.
- Pallaver, Günther. 2008. "South Tyrol's Consociational Democracy: Between Political Claim and Social Reality." In *Tolerance through Law: Self Governance and Group Rights in South Tyrol*, edited by Jens Woelk, Francesco Palermo, and Joseph Marko, 303–327. Leiden: Martinus Nijhoff Publishers.

- Papadopoulos, Yannis, and Philippe Warin. 2007. "Are innovative, participatory and deliberative procedures in policy making democratic and effective?" *European Journal of Political Research* 46: 445–72.
- Penasa, Simone. 2014. "From Protection to Empowerment through Participation: The Case of Trentino - A Laboratory for Small Groups." *Journal on Ethnopolitics and Minority Issues in Europe* 13 (2): 30–53.
- Poggio, Barbara, and Anna Simonati. 2018. "La Consulta trentina per la riforma dello Statuto regionale ed il processo partecipativo." 2018, 149–60.
- Politika 2018: Südtiroler Jahrbuch für Politik*. 2018. 1. Auflage. Politika. Bozen: Edition Raetia.
- Ravazzi, Stefania. 2016. "When a government attempts to institutionalize and regulate deliberative democracy: The how and why from a process-tracing perspective." *Critical Policy Studies* 11 (1): 79–100. doi:10.1080/19460171.2016.1159139.
- Röggla, Marc. 2018. "Der Autonomiekonvent und die Rolle der Medien: Die Dauerbrenner der Berichterstattung und deren Auswirkungen auf den Prozess." 2018, 115–34.
- Rose, Jonathan. 2007. "The Ontario citizens' Assembly on electoral reform." *Canadian Parliamentary Review* Autumn: 9–16.
- Rosini, Monica. 2015. "Il processo di adeguamento degli Statuti speciali si rimette in moto? La convenzione sull'Alto Adige/ Südtirol." *Osservatorio sulle fonti* 2: 1–11.
- Saati, Abrak. 2019. *Participatory Constitution-Making as a Transnational Legal Norm: Why Does It "Stick" in Some Contexts and Not in Others?* Constitution-Making and Transnational Legal Order: Cambridge University Press.
- Smith, Graham. 2012. "Deliberative democracy and mini-publics." In *Evaluating democratic innovations: Curing the democratic malaise?* edited by Brigitte Geissel and Kenneth Newton. New York & London: Routledge.
- Smith, Graham. 2018. "The institutionalization of deliberative democracy: democratic innovations and the deliberative system." *Journal of Zhejiang University* 4 (2): 5–18.
- Soto Barrientos, Francisco. 2017. *Los "diálogos ciudadanos": Chile ante el giro deliberativo*. Primera edición. Ciencias Sociales y Humanas. Política. Santiago Chile: LOM ediciones.
- Suteu, Silvia. 2015. "Constitutional conventions in the digital era: Lessons from Iceland and Ireland." *Boston College International and Comparative Law Review* 3 (2): 251–76.
- Thorarensen, Björg. 2017. "The People's Contribution to Constitutional Changes. Writing, Advising or Approving? – Lessons from Iceland." In Contiades and Fotiadou 2017, 103–19.

- Tofigh Maboudi. 2020. "Participation, Inclusion, and the Democratic Content of Constitutions." *Studies in Comparative International Development* 55 (1): 48–76. doi:10.1007/s12116-019-09298-x.
- Trettel, Martina. 2015. "The politics of deliberative democracy. A comparative survey of the "Law in action" of citizen participation. // La política de la democracia deliberativa. Un estudio comparado del "Derecho en acción" de la participación ciudadana." *Revista de Derecho Político* 1 (94): 85. doi:10.5944/rdp.94.2015.15738.
- Trettel, Martina. 2018. "La democrazia partecipativa nelle Regioni a Statuto Speciale: tendenze e prospettive di sviluppo." In *Le variabili della specialità: Evidenze e riscontri tra soluzioni istituzionali e politiche settoriali*, edited by Francesco Palermo and Sara Parolari, 199–224. *Ius publicum europaeum*. Nuova serie 4. Napoli: Edizioni Scientifiche Italiane.
- Warren, Mark, and Hilary Pearse, eds. 2008. *Designing deliberative democracy: The British Columbia Citizens' Assembly*. Theories of institutional design. Cambridge: Cambridge University Press.
- Warren, Mark E. 2014. "Institutionalizing Deliberative Democracy." In *Deliberation, participation and democracy: Can the people govern?* edited by Shawn W. Rosenberg, 272–88. [Place of publication not identified]: Palgrave Macmillan.
- Wheatley, S. 2003. "Deliberative Democracy and Minorities." *European Journal of International Law* 14 (3): 507–27. doi:10.1093/ejil/14.3.507.