



SEMINAR

“Rule of Law after Covid. Constitutional developments in Europe and Oceania”

La rule of Law dopo il Covid. Sviluppi costituzionali in Europa e Oceania

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Citizens in a multinational state like Australia and New Zealand often speak differently, and sometimes promote profoundly different life choices. Nevertheless, they undertake to abide by the laws passed by the majority. These rules often represent a sharing of the values included in the constitution. In a multi-national society, it's possible that a minority completely rejects the legitimacy of the constitution, and another minority, on the contrary, fully internalizes republican values. The majority of the population is somewhere between these two extremes. The pandemic scenario stressed the minorities' constitutional loyalty, especially when federal government faces the emergency with liberty-restricting measures. During the pandemic, in both regional and federal states, governments had to deal with popular discontent and the weakening of rule of law. National and regional majorities manifest constitutional loyalty through compliance through the silence of laws and regulations. Renan uses the term 'the daily plebiscite', meaning a manifestation of constitutional loyalty. However, government often chooses some measures precisely in order not to displease a certain majority at the expense of one or more minorities, whether political, territorial or identity based. In this perspective, the majority rule could lead to the permanent exclusion of a minority group from the forum of political decision-making. So, liberty-restricting measures as public health tool need right procedures and ethical values. National and regional identities are dynamic sociological realities. The pandemic and other contemporary crises reveal a truth: federalizing process and/or regionalism require a new system of rules to manage the constitutional transformation we are experiencing. This presentation provides a comparative overview of these procedures.