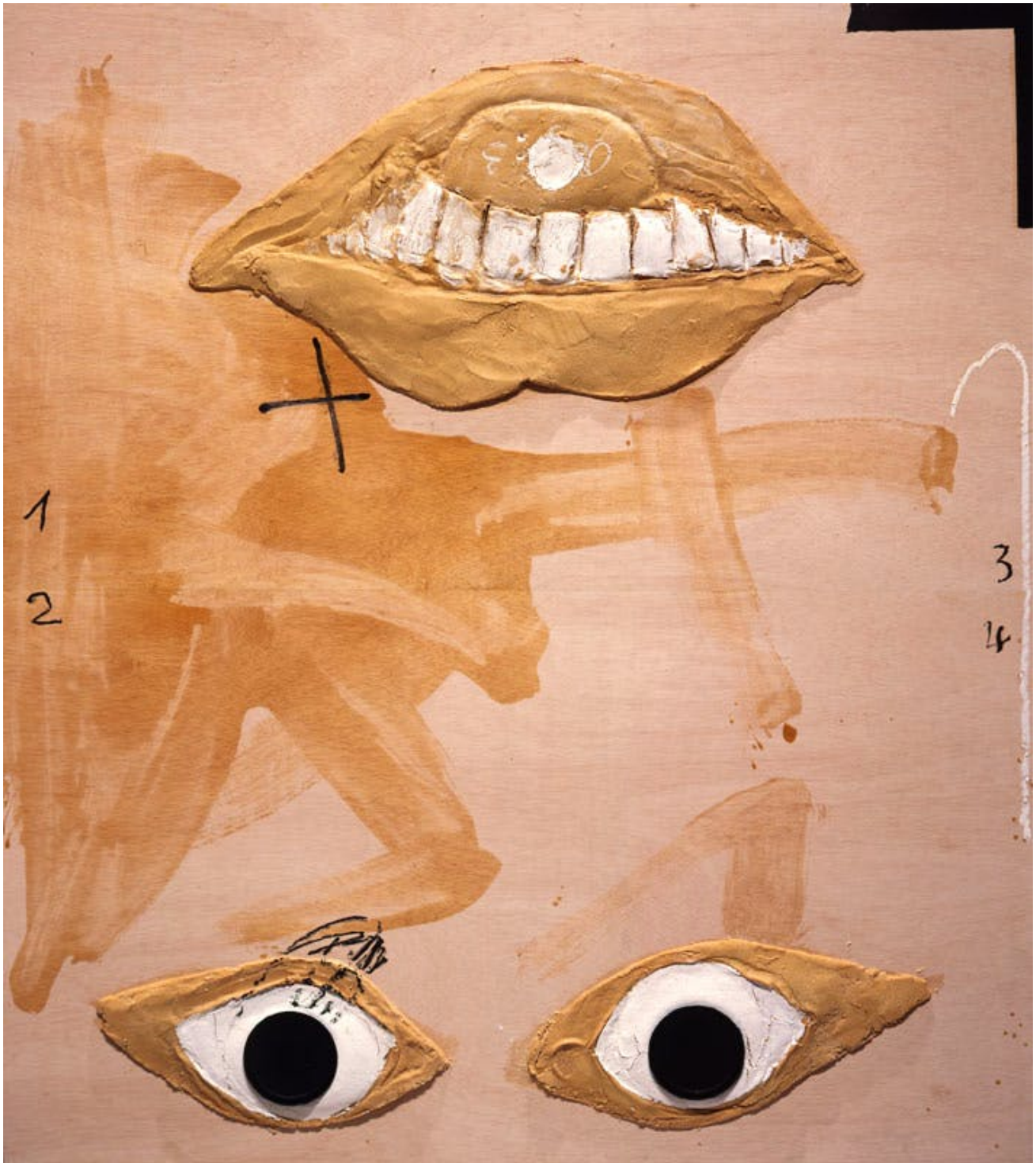


The Catalanian Case: A Challenge to Spanish Democracy

by [Enzo Reale](#) (December 2019)



Capgirat, Antoni Tàpies, 2005

The Political and Social Context

On November 10th, Spaniards voted for the second time in six months for the renewal of the national Parliament. The repetition of the election was determined by the inability of the Socialist Party of Prime Minister Pedro Sánchez to form a government coalition that would guarantee the stability of the executive. Given the failure of the negotiations with the extreme left party *Podemos*, Sánchez preferred a second vote hoping to improve the result obtained in the first instance and to govern alone. However, the premier's bet did not bear the expected fruit: the Socialists lost three deputies and were forced to find an urgent agreement with *Podemos* to avoid a third electoral round or alternative majorities. Anyway, the union of the two main forces of the Spanish left is not sufficient to reach the minimum quota of 176 representatives. Hence, the importance of the support of the Catalan pro-independence parties, whose votes (or abstention) will be decisive to guarantee the continuity of Sánchez as Prime Minister. The relevance of the Catalan factor, in its nationalist and separatist component, for the governability of the country as a whole is a wholly Spanish anomaly that requires explanation.

In analyzing the claims of the forces that promote the separation of Catalonia from the rest of the state it's especially important to understand their political and ideological nature. The purpose of this article is to present the facts that caused the arrests and the trial of the champions of Catalan political independence and to examine the ideology that inspired their actions and a broad mass movement (although still a minority one) within the Catalan society: a nationalist, secessionist, and anti-monarchical movement.

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Catalonia is an autonomous region inside the Spanish state, with a per capita income among the highest in the country. It is widely considered one of Europe's strongest economic engines. Governed since the end of the Franco dictatorship (1977) by an autonomist—but not pro-independence—party that often supported rightist or leftist governments in Madrid in exchange for concessions on self-government, in recent years Catalonia has witnessed an exponential growth of separatist claims. These revindications are fueled first by alleged economic reasons (according to which Catalonia gives the State more than it receives), and then by identity issues (many people think that Catalonia is a nation distinct from the others, with its own language and culture). The ideological background of the actions of the Catalan pro-independence rulers dates back to 2012, when the Government of the *Generalitat* (which takes its name from the building in the center of Barcelona where the executive meets) decided to ride the wave of street demonstrations that were questioning its politics during a time of full economic and social crisis. Since then, Catalonia has been immersed in a continuous state of political exception, in permanent opposition to the central government and judiciary in Madrid, and has suffered from a marked internal division between Catalans (for and against independence), until reaching the break point with the Spanish legal system.

The Sentence Against Pro-Independence Leaders

Among the twelve defendants in the Supreme Court trial, nine were former members of the Catalan government during the presidency of Carles Puigdemont; one was the president of the regional Parliament and two were activists of Catalanist associations strongly implicated in the separatist cause.



Raül Romeva Joaquim Forn Jordi Turull Oriol Junqueras Josep Rull



Jordi Sanchez Dolors Bassa Carme Forcadell Jordi Cuixart

Puigdemont (*right*) and some former members of his government are currently fugitives. In the rhetoric and language of pro-independence movement, activists speak about “*political prisoners,*” convicted “*simply for having organized a referendum of self-determination,*” about “*exiles*” instead of fugitives, “*political process*” and “*thought crimes.*” An uplifting and gratifying slant, no doubt, except that the reality of the last years presents more sides that illustrate the strategy used by separatist nationalism to impose its political agenda—both in Catalonia



both in Catalonia

and in the rest of Spain—outside the constitutional and legal framework. Is it not possible to achieve independence by acting in accordance with the rule of law? We declare it anyway, waving the flag of self-determination and setting in motion an alternative and unrecognized mechanism to leave Spain. Do we not have the political and social majority to declare secession? We deprive of authority the regional Parliament, the Statute of autonomy and the rights of the opposition and proceed as if they did not exist.



I'd like to highlight some points that I believe essential to contextualize the trial (shown above), starting from the definition of the terms "political prisoner" and "political process." It is true that twelve politicians have been sentenced, but this element in itself is not enough to employ the definition of political prisoner: none of the defendants have been subjected to deprivation of liberty or criminal proceedings simply for having publicly defended their convictions or for matters of conscience. Their ideas were not

condemned but rather their actions. To be pro-independence is legal in Spain; nationalist parties have always been able to exercise their political activity in total freedom, their members legitimately represent two million people in Catalonia, and their voice has prevailed for years in local media outlets. What the rule of law does not cover is moving from words to deeds without respecting legally established procedures. The independence of an autonomous region can be pursued by political means and compulsory majorities: what is not allowed is to declare unilaterally the secession of a part of the national territory. In this prohibition, Spain is in the same basket of almost all the European constitutional systems that, in different forms, contemplate attacks against territorial integrity and establish the protection of state unity.

It wasn't therefore simply a matter of punishing the celebration of the October, 2017 referendum, as the separatist version pretends, nor the simple fact of voting, or the exercise of popular sovereignty that were under judgement. The Supreme court ruled on the criminal relevance of a series of acts carried out by the leading representatives of the Catalan legislative and executive powers, culminating in the unilateral declaration of independence (DUI) of October 27, 2017. The attempt of secession: that was what the entire process was about.

Obviously, it would be naive to deny that the trial included a significant political component, given the type of defendants and the charges. One of the main lines of defense was to discredit the court and the proceedings by denouncing the persecutory purpose of the charges of rebellion, sedition, and disobedience that the Public Prosecutor and the State Attorney had formalized. It was decisive that the Court disallowed the

violence factor that would have entailed a crime of rebellion—and imprisonment of from 15 to 25 years if convicted. In the end they issued a verdict for sedition, with terms from 9 to 13 years, with the corresponding ban from holding public offices. The Supreme Court therefore considered that there was no blatant evidence that separatist leaders instigated or promoted episodes of violence for the specific purpose of gaining independence by force. At the same time, however, the sentence embraces a criminal offense halfway between violent subversion and simple disobedience, identifying in the behavior of the defendants the extremes of the disturbance of the public order directed to subvert the current constitutional system. Some of them were also attributed the crime of embezzlement of public funds for having pointed economic resources of the *Generalitat* to the organization of the secessionist referendum that had already been declared illegal.

In my opinion the predictable verdict reaffirms the importance of the rule of constitutional law upon the myth of an “absolute popular will.” This is an obvious principle in democracies, constantly challenged by the dogmas of nationalism in the last convulsive years of populist drift in Catalonia.

The first reactions from the pro-independence forces were not surprising. The current president of the *Generalitat*, Joaquim Torra, had already threatened prolonged “civil disobedience” and announced the intention to “do it again,” referring to the independence process that ended with the trial and the convictions. Torra, more than just the highest institutional representative of all the Catalans, has always acted as a spokesman for the most extremist faction of separatism, those Committees for the Defense of the Republic (CDR) entrusted

with creating a social context favorable to nationalism, with actions of protest and boycott that often resulted in violence and intimidation against the non-aligned. Some members of these groups formed by private citizens at the service of the *Generalitat* have recently been accused of possessing explosive material for terrorist purposes. In recent weeks Barcelona has seen violent protests, street riots, and clashes with the police including the occupation of the city's airport and disruptive cuts in major communications networks.

If the verdict closes the legal chapter, it opens new scenarios from the political point of view and it's difficult to imagine that the Catalanian case will find its settlement in the near future. Separatist factions, recently divided in an internal battle for hegemony between the followers of former president Puigdemont and the republican left of Oriol Junqueras (the first escaped, the second in prison), will probably regroup, at least momentarily.

The question has been the same for years: how to respond to the political challenge of a ruling class that manipulates the rule of law for its purposes? The possibility of a new application of Article 155 of the Constitution (in practice the suspension of the regional autonomy) coexists with the prospect of a pardon for the convicted politicians that, in any case, would be opposed by large sectors of Spanish politics and society, right and left.

The National-Populist Ideology

Beyond the inevitable political consequences, it is worth dwelling on some ideological aspects of the independence project to better understand how Catalonia has reached the current point of no return.

The current president of the *Generalitat*, Joaquim Torra, in a recent interview has returned to the topic of a “democracy above any law and any imposition.” This would be, apparently, a sovereignty without limits that doesn’t respect the rules of the game and absorbs any contrary tendency in the name of the supreme interest “of the people.” How this national-populist drift, with its marked anti-capitalist and anti-liberal tones, could be mistaken by many as a romantic struggle for freedom and self-determination remains an enigma.

The nature of Catalan nationalism has been the subject of innumerable misunderstandings especially abroad, where—except for laudable exceptions—a idealistic conception of the separatist challenge prevailed over the highly illiberal and anti-democratic aspects that characterize it. The substantial failure of the process—independence was declared but not implemented, the Catalan republic does not exist, no international recognition was obtained, some political leaders are in prison or abroad, while a certain disappointment and a feeling of collective deception have spread among the base—has recently generated a seed of self-criticism within the movement, with immediate repercussions on the political positions of the main independent parties. Unfortunately, however, this incipient debate remains at a superficial level, limited to tactical errors but not involving the goal itself nor the democratic deficiencies that emerged during the process. Even those pro-independence sectors that lately seem to have rediscovered civic virtues as an alternative to an identity project, whatever that means in the current Catalan

context, commit—perhaps deliberately—an error of perception when they attribute to a “mutation” the national populist drift of the movement. In reality, identity nationalism and populism have characterized the nature of the pro-secession camp from the beginning.

Independence in itself is a neutral notion, its opportunity and even feasibility dependent on context. In Catalonia, independence is now a mystical concept, a noble ideal reduced to an instrument of power in the service of a growing ideological fanaticism.

It would be naive to deny the strong roots of pro-independence feelings in Catalan society but it's significant that its popularity has only increased during the last decade. Certainly the policies of the central State have not been far-sighted, probably the ruling on the Catalan Statute in 2010 did not help (the Constitutional Court rejected substantial parts of the text approved by the Catalan Parliament), but attributing exclusively to these factors the emergence of an identity nationalism of such nature is misleading.

What is happening today in Catalonia is the result of decades of ideological preparation, from institutions, to schools, to the media: a process aimed at creating a victimist and fundamentally anti-Spanish narrative that inevitably led to the current crisis. Catalan historian Gabriel Tortella explains that separatism was first imposed from above and then found its own inertia within Catalan society; that everything began when “the generations educated in the national-*pujolist* schools became adult” (Jordi Pujol has been the president of the *Generalitat* for 23 years, after the end of the Francisco Franco regime); that just as in the '30s of the 20th century

(the years of the Spanish Republic) extremism contributed to destroying republican ambitions, it is again endangering democracy now in the name of an imaginary republic.

Opening any of the many manuals on populism published in recent years, it is easy to see how what happened in Catalonia since 2012 represents an almost perfect synthesis of the concept. It is significant how the fusion of ideological components of the left and the extreme left (represented by *Esquerra Republicana* and the anti-capitalists *CUP-Popular Unity Candidacy*) with the identity myth of the Catalan nation has provided independence with the motive it needed to trigger the secession process, a byproduct of the anti-system culture that has been attacking the foundations of liberal democracy for years. Hence the criticism of the elites, but only the Spanish ones.

The Catalan ruling class has, in fact, used popular sentiment to cover up its corruption scandals and the unpopularity linked to the economic reforms adopted in response to the crisis. It is no coincidence that the beginning of the political escalation occurred in correspondence with the success of the 15-M populist and leftist movement (2011-2012).



The anti-pluralism (*pars pro toto*) that naturally results in identity politics (only some are really “people” and the opponents are seen as “enemies of the people”) is a further problem. This factor is also perceived in the corruption of the language we have witnessed in recent years: there is no independence leader who does not speak on behalf of the “Catalan people” or of “Catalonia” as a single block. Actually, that discourse excludes at least half of the population that does not feel represented by political institutions. Everybody in Spain knows the articles of president Torra written ten years ago, where he defined the Spanish-speakers who resided in Catalonia “beasts with human form” affected “by a faulty DNA.”

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National-populism uses the language of democracy, corrupting

and degrading it. For this reason its action is subtle and dangerous, because it is difficult to counteract in principle. Who could oppose "the right to decide," "self-determination," "non-violence," "freedom of expression?" But these are empty signifiers which, in the end, take on connotations often opposite to their intent: thus the right to decide becomes the imposition of a minority will on the rest of society, self-determination is extrapolated from the context within it was theorized, non-violence consciously adopts and propitiates violence as a result of its action (disruption of public services, for example), freedom of expression is invoked more often than not to suppress that of the others.

By considering the nation as the supreme good over the citizens themselves—after all nationalism is nothing but the umpteenth variation of collectivism—for the national-populists the referendum becomes a plebiscitary instrument, which ratifies what from above it's already been defined as the genuine interest of the "people," in a paternalistic and irresponsible attitude that traditionally takes hold on the masses. Consequently, a total identification between populist rulers and masses arises without any kind of intermediation, nor of the press which becomes a simple tool for the diffusion of the ideology (see the case of Catalan public television and radio), nor of the intellectual environment that tends to conformism and servility (see the manipulation of "national" history to justify current political priorities), nor of the educational system that instead interprets and spreads the priorities of "institutional activism" (another oxymoron of new coin). The logic of national-populism also feeds conspiracy theories: if independence is not achieved it must necessarily be the fault of "strong powers," of "Franco's inheritance," of a "fascism" always ready to crush republican ambitions of the "true democrats" who "just want to vote for self-determination."

As a challenge to Spanish institutions, the secession movement has entailed a high cost for Catalonia in terms of political and economic prestige and, at national level, has mainly aroused the growth of the far-right (VOX is now the third most-voted political party). Definitively a true reverse strategic masterpiece, a giant *mis-en-scène* got out of hand.

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