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The End of the State of Autonomies? An Analysis of the Controversy Surrounding the 2010 Spanish Constitutional Court Ruling on Catalonia's 2006 Statute of Autonomy

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The End of the State of Autonomies?

*An Analysis of the Controversy Surrounding the 2010 Spanish
Constitutional Court Ruling on Catalonia's 2006 Statute of Autonomy*

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ABSTRACT

Kevin Mermel: The End of the State of Autonomies?

Under the direction of Benjamin Teitelbaum

In recent years, many citizens in the Spanish region of Catalonia have mobilized in favor of independence, a desire previously far outside the mainstream. As of the spring of 2016, separatists control the majority of seats in Catalan parliament. This study seeks to explain why independence is so widely supported in Catalonia, and focuses specifically on the region's 2006 Statute of Autonomy, which the Spanish Constitutional Court modified in a 2010 ruling. The struggles that the statute faced both before and after the court's 2010 ruling provided a crucial turning point in the debate over Catalan independence. The political rhetoric and media reactions surrounding the court's ruling serve as manifestations of longstanding conflicts within Spanish society and, in doing so, frame the larger issue of Catalan separatism. So, the controversy surrounding Catalonia's 2006 Statute of Autonomy provides a useful case study for understanding the ideological disputes within Spain that allowed for the current situation.

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1. Introduction

On July 10, 2010, Spain's national soccer team was preparing to play in its first ever World Cup final the following day in Johannesburg, South Africa. Back home, the team's run through the tournament had brought about a catharsis of pride in a country where many possess an inherent skepticism of overt nationalism, and where the country's status as a diverse collection of regions and cultures has historically caused tension. Yet, in 2010, players from a number of these diverse regions came together to make up the national team: they hailed from the southern region of Andalusia, the capital of Madrid, and the culturally distinct Basque Country on the northern coast. After the team defeated Germany in the semifinal, midfielder Xavi Hernández declared, "we dedicate this victory to Spain" (Montague).

Xavi was just one of seven men on Spain's roster who played for FC Barcelona, the beloved soccer team of the country's second largest city. On July 10, as the Spanish team readied for the final match, huge crowds took to Barcelona's streets in a mass expression of national pride. More than one million people filled the central thoroughfares of this bustling, cosmopolitan metropolis situated between soft rolling hills and the sparkling Mediterranean Sea. They shouted slogans, carried banners, and waved red and gold flags. Yet this demonstration had nothing to do with soccer. The colorful flags did not bear the Spanish coat of arms. In fact, the nation to which the demonstrators expressed their devotion was not Spain at all. Rather, they marched in support of Catalonia: the northeastern Spanish region with its own unique language, cultural symbols, and history as an independent state.

Catalonia's regional government had called for the protest after June 28, 2010, when Spain's Constitutional Court's published its ruling that scaled back the reforms of Catalonia's 2006 Statute of Autonomy. The court's ruling marked the end of a four-year impasse, during which the statute – written to address years of tension and frustration with the political and economic troubles afflicting Catalonia – languished in a state of uncertainty, its constitutionality under review by the court.

In the summer of 2010, many media and political commentators argued that the ruling marked the level of autonomy to which individual regions like Catalonia could aspire under Spain's constitution. Given the context of Spanish history, this characterization presents the controversy over the court ruling as the continuation of a centuries-long conflict in Spain over how to account for the country's pluralistic makeup. The ruling proved to be as momentous an occasion as the commentators had predicted, as in the following years, millions of Catalans began to embrace the prospect of their region regaining independence after three centuries spent in the Spanish state. Many observers point to the court's ruling as a major factor, if not the definitive turning point, in bringing Catalan separatism into the mainstream.

A cursory examination of mainstream news reports on Catalan separatism reveals a primary focus on the economic anxieties within Catalonia. The region pays far more in taxes than it receives from Madrid in public investment, a source of great frustration among Catalans, particularly given the severe economic crisis afflicting Spain. Similarly, scholarly literature on the issue often focuses on how welfare-oriented concerns – specifically, economic concerns and the belief that Catalonia would be financially and

materially better off as an independent state – fuel support for Catalan independence (Guibernau, “Young People’s Expectations” 114-115; Boylan 768).

However, this study chooses to focus instead on the historical antecedents that allow for a climate in which separatist sentiment could take hold. The 2010 Spanish Constitutional Court Ruling on Catalonia’s 2006 Statute of Autonomy, and the controversy surrounding both of these documents, serves as a useful case study to understand the cleavages within Spanish society that led to the present situation. The study begins with an introduction of Catalonia as an entity, and a discussion of its history within the Spanish state. Next, the tumultuous climate of early 2000s Spain is described, in order to provide the immediate context for the 2006 statute. The statute is then detailed – beginning with the writing and negotiating processes that constructed it, and following with a discussion of its specific provisions and reforms. Then, the paper discusses the modifications made to this law by the Spanish Constitutional Court in 2010. After this, a series of media and political reactions to the court’s ruling are reported. These reactions are analyzed within the context of Spanish socio-political history in order to explain the court ruling’s importance to the larger debate over Catalan independence. Then, the paper concludes by forecasting the movement’s manifestations going forward.

The issue of Catalan separatism is worth studying due to its prominence within Catalonia, as well as its potential importance to the future of Spain and any other countries that could experience ripple effects should Catalonia achieved independence. The pro-independence movement is very strong and is unlikely to dissipate in the near future. Throughout the 2010s, opinion polls consistently showed support for independence in the high fifties and low sixties. More significantly, in Catalonia’s

September 2015 parliamentary elections, pro-independence parties won 47.9 percent of the overall vote and captured the majority of the seats (Kassam). Separatists argued that the election results proved victory for their cause (Kassam). On November 9, the new parliament approved a plan to initiate separation from Spain (Peralta). The Spanish Constitutional Court responded on December 2, blocking the motion and ruling that Spain's constitution does not grant regions the right to secede (Zarolli). This situation has not yet been resolved.

Since Catalonia is the wealthiest region in Spain, the outcome of the fight for independence could have profound economic effects on the country, and by extension the European Union. As Harriet Alexander writes in an article for *The Telegraph*, Catalan “secession would [. . .] cost Spain almost 20 per cent of its economic output, and trigger a row about how to carve up the sovereign's 836 billion euros of debt.” These potentially far-reaching consequences of Catalan independence make the issue relevant, especially given the current economic crisis in Spain and, more broadly, the European Union.

2. Methodology

To build the foundations necessary to analyze Catalonia's 2006 Statute of Autonomy and the 2010 Constitutional Court ruling on the statute, the paper consults a variety of academic sources, including monographs on Catalan history and articles that appear in academic journals of politics, culture, and law. The scholarly articles cited are mostly from the last ten years and discuss a wide range of topics relating to contemporary affairs in Catalonia, including economic distress, efforts to achieve cultural recognition, and support for independence. Some older scholarly articles are included in order to give a historical basis for the topics discussed. News articles are also used, often to provide

contemporary descriptions of specific events mentioned in this paper. These sources help provide an understanding of Spanish and Catalan sociopolitical history, as well as contemporary challenges that frame the events discussed. Three official government documents are also consulted – The Spanish Constitution, Catalonia’s 2006 Statute of Autonomy, and the Constitutional Court’s 2010 ruling on the Catalan statute – in order to build a case study. The majority of these articles and documents were found through the University of Colorado Boulder’s online databases. Many were located with assistance from the research assistance staff at Norlin Library, on the University of Colorado Boulder campus. Others were found with the assistance of Susanna Pérez-Pàmies, an instructor of Spanish language and Catalan language and culture classes in the Spanish and Portuguese department at the University of Colorado Boulder.

After establishing a thorough grounding both in Spanish sociocultural politics and laws relevant to Catalan independence, this paper explores more than thirty reactions to the court’s ruling by Spanish journalists and politicians in domestic Spanish and international media, comparing and contrasting the arguments of those for and against the court’s ruling on Catalonia’s Statute of Autonomy. Likewise, many of these articles were found with assistance from Norlin Library’s research staff. The vast majority of these reactions were originally printed in Spanish; some appeared in English; and one was in Catalan. Spanish language articles were translated with assistance from Professor Pérez-Pàmies. The author of this paper made any and all translation mistakes.

3. Catalonia: History and Identity

As an entity, Catalonia dates back to the ninth century founding of the Royal House of Barcelona (Atwood Mason). According to historian Jaume Sobrequés i Callicó

in *History of Catalonia*, Catalonia remained a sovereign state through the middle ages, but Spain began to gradually subsume the region into its empire with the 15th century union of the crowns of Castile and Aragon through the marriage of Isabella and Ferdinand (51-52). After the adjoining of the two kingdoms, Catalonia officially maintained control over its own affairs (53). However, perceived overreach from Madrid sparked a failed Catalan rebellion in 1640 (63). Catalonia's gradual loss of power over its own domain culminated with the 1714 conquering of Barcelona during the War of Spanish Succession (72). The victor, King Philip V, abolished Catalonia's governing institutions and declared Castilian Spanish the official language of the region (74-76), introducing a precedent of suppression of the Catalan language that continued to manifest for more than 250 years.

Although the region has belonged to the Spanish state for over three hundred years, Catalans have maintained their own identity. For example, the War of Spanish Succession maintains a powerful place in Catalan consciousness: Catalonia's national holiday, *La Diada*, falls on September 11, the day that Philip V's armies overran Barcelona. El Born Centre Cultural, a monument of preserved ruins from the final battle, lies down the street from the regional parliament building in Barcelona. Internationally renowned artists Antoni Gaudi and Salvador Dali were both native to Catalonia, a distinction in which Catalans take pride. Gaudi's architectural styles feature prominently throughout the city of Barcelona, and his crown jewel, the cathedral *La Sagrada Família*, towers over the Catalan capital as one of Europe's most striking landmarks.

The average tourist may associate Spain with cultural elements like bullfighting and flamenco. But in fact, in Catalonia, parliament banned bullfighting in 2010, with

many of the ban's proponents arguing that the practice was traditionally Spanish – not Catalan (Mender). A visitor to Catalonia may instead see the construction of a *castell*, a festival in which hundreds of people form a human tower (Atwood Mason). Walking into a prominent square in Barcelona, one may find groups of Catalans dancing *Sardana*, a group dance traditional to the region (Atwood Mason). He or she may be surprised to find that the street signs are written not in Spanish, but in Catalan – the first language of more than 40 percent of the region's inhabitants. Catalan has been the main language of education in the region since 1983 (Hierro 462), and during the 1992 Barcelona Olympics, organizers made Catalan an official language of the games (Hargreaves and García Ferrando 82).

Despite Catalonia's clear and distinct identity, the Catalan people had generally not sought independence until very recently. In Spain's early years as a democracy in the late 1970s, only five percent of Catalans expressed support for an independent state (Dowling, "Accounting" 220). Catalan professor of politics Montserrat Guibernau describes the first few years of the 2000s as "a time when secessionism was not even mentioned" ("Young People's Expectations," 112). Yet that trend changed dramatically around 2010, leading to the current situation in which separatists control the regional government in Barcelona.

4. The Spanish-Catalan Relationship Through History

In explaining their support for independence, Catalan separatists often point to the disdain they believe Spain has long harbored for Catalonia. Author Matthew Tree sums up this sentiment in a 2010 interview in which he describes the relationship between Catalonia and Spain as "two and a half centuries of institutionalized popular rejection, in

very large areas of Spain, of the very existence of something called Catalonia” (Strubell 230). This sentiment is well entrenched. For example, Andrew Dowling writes that anti-Catalan feeling, which he dubs “Anti-Catalanism,” “has its origins in the revolt of the Catalans in the seventeenth century and was cemented by the Catalan industrialisation and modernisation before much of Spain” (“Catalonia Since the Spanish Civil War,” 149). During the Civil War of the 1930’s, General Francisco Franco issued a declaration revoking Catalonia’s 1932 Statute of Autonomy that had been written during the Second Spanish Republic (Sobrequés i Callicó 110-11). This was, in the words of Sobrequés i Callicó, “the first indication of what would be the repression of Catalonia” (110). After the war, Franco became Spain’s authoritarian head of state. His government forbade public use of the Catalan language and rename streets and monuments in Castilian (Gade). Francoist opposition to Catalonia stemmed from the ideology’s commitment to centralization and Spanish unity – the dictator rationalized his decision to revoke Catalonia’s 1932 statute as designed to assure “unity of the Patria,” a necessary action given the “liquidation of the regime [the statute] established” (Sobrequés i Callicó 111). These ideals also manifested in the Franco regime’s decisions to deny regional autonomy and centralize the government in Madrid, in addition to his regime’s push to foster a national Spanish identity by actively associating with the Roman Catholic church and promoting cultural practices like Flamenco and Bullfighting, which Franco dubbed the *fiesta nacional* (“national festival”) (Strubell 146).

After the dictator’s death in 1975, the country began a transition towards democracy. The new government aimed to reverse the Francoist traditions of political centralization and overt Spanish nationalism. Whereas Franco’s rule had suppressed

regional identities, the new Spanish government sought to recognize Spain's regional and cultural differences. The preamble to the Spanish constitution, passed with widespread public support in a 1978 national referendum, expresses the intent to "protect all Spaniards and peoples of Spain in the exercise of human rights, of their cultures and traditions, and of their languages and institutions" (Congreso de los Diputados). The usage of plural in reference to languages, cultures and traditions stands as a clear rejection of Franco's exclusively pro-Castilian ideology. Guibernau echoes this observation in "Young People's Expectations," stating:

The radically conservative and centralist character of the brand of Spanish nationalism promoted by the Franco regime was fundamentally questioned by the new Constitution, which not only aspired to transform Spain into a democratic state, but also recognized the existence of nationalities and regions within its territory. (110)

One of the primary methods the constitution employs to achieve this goal is dividing Spain into seventeen autonomous communities, a system of governance similar to states and provinces in other countries. This system is known as the "Estado de las Autonomías" – the "State of Autonomies."

Each of these seventeen communities wrote its own statute of autonomy, a document detailing the separation of powers between the community and the central government of Madrid. Thus, the introduction of the State of Autonomies made Spain a decentralized, federal governmental system. The communities of Catalonia, Galicia and the Basque country were each created as a specific acknowledgement of the cultural and historical uniqueness of the respective regions, while other autonomous communities like La Rioja represented no unique historical or cultural community (Edwards 670). The central government in Madrid allowed the unique communities like Catalonia to achieve

full autonomy immediately upon the passing of the constitution, while the other communities were subject to a five-year waiting period (Guibernau, “Secessionism in Catalonia” 375). Sian Edwards details the specific capacities granted to the Catalan government by its original statute of autonomy as follows:

The parliament can legislate in areas where it has exclusive power [. . .] These areas include conservation; Catalan civil law, heritage (historic, artistic, scientific) [. . .] research, tourism, welfare, transport, agriculture and fishery, culture and sport. Powers are shared in areas such as labour, law, social security, the media, public safety, culture and education. The state has exclusive power in areas such as defense and the armed forces, international relations, immigration, monetary system and the administration of justice. (671)

In summary, the rise of the new democratic government and adoption of the new constitution brought about massive changes in the recognition that non-Castilian communities received as part of the Spanish state. The change in treatment of the Catalan language demonstrates the gravity of these changes. Under the Franco regime, a Catalan in Barcelona could be arrested for speaking their native language on the street. Under the new democratic government, schoolchildren across Catalonia studied in Catalan.

Yet despite the drastic and long lasting shifts in Spanish political life brought about by the transition, some of Spain’s long-standing questions remained unanswered. In “Young People’s Expectations,” Guibernau identifies an inherent tension within Spain: on one hand, there exists a desire to maintain national unity, and on the other, the goal of allowing proper recognition and self-determination to the autonomous communities (110). The 1978 constitution embodies this tension: while it creates the autonomous community system and actively acknowledges Spain’s plurality, the document also “affirms the ‘indissoluble unity of the Spanish Nation, the common fatherland of all Spaniards’” (Edwards 672). This tension between centralization and recognition of

plurality is not purely symbolic, either. In the case of Catalonia, she describes dealings between Barcelona and Madrid as “depend[ing] on the intricate working of the constitution and the statute of autonomy,” and ultimately calls this system as a “confrontational center-periphery model” (672). Edwards notes that the “vagueness” of Catalonia’s original statute on the division of financing powers had led to a number of conflicts between the Catalan and Spanish governments (673). Edwards’ article was printed in 1999, well before the major events discussed in this paper, yet they would prove prescient.

Additionally, and despite the democratic transition’s gains, anti-Catalanism did not entirely disappear from society. For example, during the 1992 Barcelona Olympics, Catalan was made an official language of the games, and the Catalan flag was displayed in an official capacity (Hargreaves and García Ferrando 82). In a paper on Spanish reactions to the games, John Hargreaves and Manuel García Ferrando find that approximately 40 percent of non-Catalan Spaniards viewed this use of the Catalan flag and language as “bad” or “very bad” (82). Writing in 1997, the authors conclude, “this response indicates there is a strong antipathy among the population in the rest of Spain to attempts to push Catalan nationalism further” (84).

5. The Early 2000s: Boling Frustration and Discontent

Tensions continued to build in the years following Hargreaves and García Ferrando’s paper. Dowling writes that in the late 1990’s “radically nationalist” elements within Catalonia “increasingly evoked the term sovereignty” (“Autonomistes” 187-188). In 2000, the conservative party Popular (PP) won control of Spanish parliament, and “hardened its discourse of Spanish nationalism [. . .] in part [due] to the perception that

Catalanist policies were threatening the unity” of Spain (188). Dowling concludes that “Spanish-Catalan tension was at its highest between 2003 and 2006, exemplified by the emergence of anti-Catalan hostility on the part of Spanish conservatism” (196). As evidence, he points to “the acting out of a series of dramatic events before the Spanish media,” which included a “boycott of Catalan goods led from Madrid” and the removal from office of a military general (196) who implied that the armed forces should be mobilized against Catalonia should the region move towards independence (Tremlett, “Spain’s old guard”).

Throughout this same time period, from the 1970s transition to democracy to the early 2000s, Catalonia experienced a long-term trend of economic stagnation and growing social unrest that traced its roots as far back as the final decades of the Franco regime. In his book “Catalonia Since the Spanish Civil War,” Dowling writes that Catalonia began to lose much of its economic power and influence over the second half of the 20th century (126-127). He summarizes the situation in “Accounting,” stating:

both before the economic crisis and since, middle-class sectors in Catalan society have seen the erosion of their comparative position. The distribution of wealth in Catalan society has changed only marginally since the death of Franco. Contemporary Catalan society is more heterogeneous than before, where clear class boundaries have tended to erode, with changing patterns of social stratification. (224)

In interviews on the topic of independence, separatists often focus on this long-term economic decline as a contributing factor to Catalan anxiety and disillusion with Spain (Castro; Strubell). Adding to frustrations over this economic decline was the fact that Madrid’s economy prospered as Catalonia’s stagnated. Many Catalans believe these economic power shifts resulted directly from a deliberate Spanish effort to assure that Madrid took Barcelona’s place as Spain’s economic and financial center. Catalan

historian Josep M. Muñoz summarizes this argument in asserting that, after the transition to democracy, Spain began an “operation [. . .] of pivoting the new state around its capital, Madrid,” which resulted in turning the capital city “into the center of Spanish financial power” (Castro 82). He continues, “[i]t brought about the design and articulation of a radial design where everything begins and ends in the center – ‘Great Madrid.’ The political mistrust toward the two traditional industrial poles of the peninsula – Catalonia and the Basque Country – was clearly implicit in this bet on the ‘radial Spain’” (82).

In summary, during the early 2000s, Catalonia was experiencing considerable societal transitions, and thus possessed potential for significant unrest. Adding to this climate of upheaval, Catalonia received large numbers of immigrants throughout the second half of the 20th century and into the first decade of the 21st century. In the 1950s and 60s, many of these immigrants came from poorer regions of Spain (Jeram). Yet around the turn of the millennium, foreign immigration skyrocketed, with the number of Catalonia’s residents born outside of Spain rising from 2.9 percent to more than 15 percent between the years 2000 and 2010 (Jeram 231).

Still, despite the unease that characterizes the history between Spain and Catalonia, and the growing social unrest in Catalonia brought about by longstanding economic and demographic changes, support for Catalan secession long remained only peripheral. As mentioned, only five percent of Catalans supported independence during the late 1970s transition to democracy. The Catalan government supported Spain during the 1993 economic crisis and, near the end of the decade, assisted Spanish efforts to join the Euro (Guibernau, “Young People’s Expectations” 109). Even in the early 2000s,

amidst the climate of cultural tension and economic anxiety, few Catalans supported independence. Guibernau describes these years as “a time when secession was not even mentioned” (“Young People’s Expectations” 112). Such policy orientations are unimaginable today, when approximately half of the Catalan parliament openly supports secession from the Spanish state.

6. The 2006 Statute of Autonomy: Writing and Negotiation

Perhaps due to the growing Catalan discontent with the region’s state of affairs, Catalonia’s 2003 regional parliamentary elections brought about a power shift. Jordi Pujol, president of Catalonia since 1980, declined to seek re-election. His party, center-right nationalist *Convergència i Unió* (CiU), won its smallest vote share since 1980 (Álvarez-Rivera). These developments suggest a significant departure from the longstanding status quo. Catalans viewed CiU as part of the establishment, to which they considered ERC an alternative (Dowling, “Autonomistes” 187-188). Hargreaves and García Ferrando note that Pujol was always careful to assure Spain that his attempts to secure autonomy for Catalonia were within the framework of the Spanish constitution (84). As CiU fell in popularity, the left-wing and separatist *Esquerra Republicana de Catalunya* (ERC) rose, winning 16.4 percent of the vote after never breaking 10 percent in any prior election since the transition to democracy (Álvarez-Rivera). Whereas Pujol emphasized that his requests were designed to work within the Spanish state’s framework, ERC’s support for independence presented a stark contrast to this ideology.

The new Catalan parliament committed to rewriting Catalonia’s statute of autonomy in an effort to address the turbulent conditions facing the region (Colino 277). The statute’s reforms primarily aimed to reinforce recognition of Catalonia’s unique

identity within the Spanish state, improve financial and economic conditions by reexamining Barcelona's relationship with Madrid, and grant Catalonia greater agency both to determine its own affairs and participate in international functions (Requejo 159). The decision of the Catalan government – known as the *Generalitat* - to address its grievances through reform of the statute reveals a commitment to working within the framework that the Spanish constitution explicitly provides. Furthermore, Catalan citizens supported their government's chosen method of reform: an August 2005 Opina Institute survey found that 64.7 percent of Catalans believed it "necessary" to reform the statute, and that 75.8 percent expressed optimism that the reforms would lead to improvements in Catalan life (Requejo 160). The movement to write the new statute, and Catalan citizens' widespread support of it, demonstrates the lack of support for separatism at the time. However, by the process' conclusion, these attempts at reform proved a crucial turning point in convincing many Catalans that the region was powerless to further its own interests within the Spanish state and that the relationship with Spain was no longer tenable.

In order for the new statute to become law, it first needed to be written and passed in Catalan parliament, then passed in Spanish parliament, and finally put to referendum in Catalonia (Colino). Throughout 2005, Catalan parliament negotiated the terms of the new statute. Although CiU no longer held control of parliament, the ruling "tripartite" coalition of left-wing parties ERC, *Partit dels Socialistes de Catalunya* (PSC), and *Iniciativa per Catalunya Verds* (ICV), did not possess sufficient votes to pass the statute on their own, meaning CiU maintained leverage in the bargaining process (Colino 268-

269). CiU and ERC, rivals with opposite positions on the political spectrum, drove the negotiations through political posturing and outbidding one another (Colino).

Of these four parties, PSC, the Catalan affiliate of the Spanish socialist party (*Partido Socialista Obrero Español*, abbreviated PSOE), was only one that was not Catalan nationalist. PSOE's victory in 2004's national parliamentary elections encouraged many Catalans who expected the party to be more receptive than *Partido Popular* (PP) to Catalan attempts at reform (Requejo 159). Yet in negotiations in Barcelona, PSC found itself aligned only with PP (Colino 269). PP, Spain's conservative party, is traditionally one of the smallest parties in Catalan parliament and the rival of PSOE on the national stage. Nationalist parties' influence outweighed that of PSC, and, accordingly, the statute that passed Catalan parliament on September 30 of 2005 was "closer to the nationalists' preferences, despite [PSC] having opposed many points in it" (Colino 269). Given public perceptions of PSOE as more open to negotiation with Catalonia than PP, PSC's alignment with PP in Barcelona foreshadowed the significant opposition and controversy that would meet the statute upon its presentation to Spanish parliament in Madrid. This potential for conflict was not purely implicit, either: one survey in October found that more than 65 percent of Spaniards objected to the statute's description of Catalonia as a "nation," and that more than 50 percent believed the statute "may indeed [a]ffect the unity of Spain" ("Polls show Spaniards oppose aspects of new Catalan autonomy statute").

That October, debate over the statute began in Madrid (Colino 270). PP opposed the statute, believing it "put Spain on the path to dissolution" ("Spain to study greater autonomy for Catalonia"). By early November, PP had already challenged the statute as

unconstitutional before the Constitutional Court (Colino 270). Nonetheless, negotiations continued, and the statute's provisions suffered during these deliberations. After months of negotiations, which scaled back the statute's scope, Spanish Prime Minister José Luis Rodríguez Zapatero, of PSOE, and CiU leader Artur Mas came to a "global agreement" in January 2006, which provided the foundations for the final statute (Colino 272). Spanish parliament made slight modifications afterwards before passing the statute in March (Colino 273). During his 2004 campaign for prime minister, Zapatero had promised to accept any statute that Catalan parliament passed (Guibernau, "Secessionism in Catalonia" 381). This position painted a contrast between Zapatero and PP, which controlled the government before Zapatero and had favored a "neo-centralist, conservative" vision that Catalans opposed (Guibernau, "Secessionism in Catalonia" 381). Yet Zapatero's decision to negotiate with Mas, rather than simply support the statute that Catalan parliament had passed, signaled a breaking of this promise.

The final statute drew detractors from multiple angles. In her book "Goodbye, Spain?" Crameri describes the long negotiation process in Madrid as leading to a "watered-down statute that removed key clauses on finance and language" (39). She also reports that the negotiations relegated the description of Catalonia as a "nation" to the preamble, "where it had no legal force" (39). ERC opposed the final statute on these grounds and others, believing it did not sufficiently benefit Catalonia (Colino 273-274). On the other hand, PP, which had tried to limit the statute's capacities from the beginning, still did not support the final draft and unsuccessfully attempted to veto it (Colino 274). These contrasting perceptions of the statute serve to illustrate the ideological distance between Catalan nationalists and Spanish conservatives. Catalan

voters ultimately approved the statute in a referendum, with 73.9 percent of voters approving the reform (Walker). Even then, the referendum drew only lukewarm turnout of 48.9 percent, which Cramer attributes to “apathy and frustration among Catalans” caused by the grueling negotiation process (“Goodbye, Spain?” 40).

7. The 2006 Statute of Autonomy: Reforms, Provisions, and Aftermath

The final version of the statute, as passed in the June referendum, acts in a manner similar to a constitution – it details the structure of Catalan parliament and the frequency of elections as well as the political and legal rights of citizens. In addition to this role, it also serves to define the separations of powers between Barcelona and Madrid. Scholars use the term *blindaje*, Spanish for “shielding,” in referring to the statute’s efforts to protect the capacities of the Catalan government from Madrid’s intervention (Castellà Andreu 100; Colino 275). Some exclusive powers of the Generalitat include the creation of a Catalan High Court of Justice with “authority to unify interpretation of the law in Catalonia,” regulation of the agriculture and livestock industries, hydraulic infrastructure and housing. These repeated references to exclusively Catalan powers are balanced by similarly frequent assurances that the statute aims to work within the boundaries set in the Spanish constitution. Additionally, the preamble emphasizes Catalonia’s “solidarity with Spain as a whole.” These sections of the statute illustrate the distance between the Catalan government’s status quo in 2006, and the situation in 2016 in which separatists occupy a majority of the parliamentary seats in Barcelona (Parlament de Catalunya).

The statute begins by depicting Catalonia as a unique territory within the Spanish state. It discusses Catalan history, and speaks of Catalonia’s continued attempts to “restore” self-governance that was lost in 1714. The concluding sentences of the

preamble define Catalonia as a nation, and describe the statute as an “exercise of the inalienable right to self-govern.” Early on, the statute introduces Catalonia’s characteristics. Article 6.1 emphasizes the importance and status of the Catalan language, deeming it “the language of normal and preferential use in Public Administration,” article 6.2 follows by assuring “there shall be no discrimination on the basis of use of either of the two languages” (referring to both Spanish and Catalan). Article eight expands on this Catalan identity by designating an official flag, anthem, and national holiday of Catalonia (Parlament de Catalunya).

In addition to defining the characteristics of the Catalan nation, the statute also enacts specific reforms and policies. Many of the provisions of the statute attempt to address specific issues facing Catalonia at the time. For example, as noted, the early 2000s saw many public confrontations between Spaniards and Catalans borne out of the rise of a Spanish nationalism that bristled at expressions of Catalan identity. The statute appears to address these tensions by reaffirming Catalonia’s commitment to its unique identity. As mentioned, article six outlines Catalonia’s commitment to the Catalan language. Article fifty-four mandates that the Generalitat “and other public authorities” maintain the recognition of Catalan “historical memory,” described as “a collective heritage that bears witness to [Catalonia’s] resistance and struggle for rights and democratic freedoms.” Similarly, article 167 declares the Generalitat’s exclusive dominion over the “regulation, organization, configuration and preservation of the symbols of Catalonia.” Each of these articles mandate, in some form, the Generalitat to assure recognition of Catalonia’s uniqueness (Parlament de Catalunya).

Catalonia's economic decline was perhaps the most pressing of the issues addressed in the statute's reforms. As such, the statute devotes an entire title to the "funding of the Generalitat." This title covers the Generalitat's budget, tax policies, and fiscal and financial powers, and spends a fair amount of time detailing the economic relationship between Catalonia and Madrid. As one example, article 204 creates a Taxation Agency of Catalonia, designed to participate in the federal taxation process along with the already existing Taxation Administration of the State. Similarly, Article 210 creates a "State-Generalitat Joint Economic and Fiscal Affairs Commission," responsible for agreeing to methods of collection and distribution of federal taxes in Catalonia (Parlament de Catalunya).

Finally, the statute attempts to legally assure Catalonia's self-governance. Article 222 delegates responsibility for "reform of titles that do not affect relations with the state" exclusively to Catalan governmental bodies. Article 223, titled "Reform of the other titles," still delegates "initiative for reform" to the Catalan government. Only after approval of these reforms in Catalan parliament does the Spanish government enter into the process, as the proposed reform is sent to Madrid for deliberation in the Congress of Deputies (Parlament de Catalunya).

Yet even after more than a year of deliberation and modification through the democratic process, the future of the statute remained in doubt. Spain's Constitutional Court agreed to hear PP's challenge to the constitutionality of the statute, but did not rule on it until 2010. This four-year impasse allowed Catalan discontent and frustration to fester, as the reform specifically designed to address the region's problems faced a clouded future. During this time period, Dowling writes that "many variables [worked] in

favor” of the secessionist movement (“Accounting” 223). These variables included a frustration with the political process and power establishment, due in part to the delay of the statute as well as growing anxiety over continuing economic upheaval within Catalonia that only worsened upon the arrival of the 2007 global financial crisis (Dowling “Accounting”).

Meanwhile, indications of a growing embrace of Catalan identity began to manifest. Beginning in 2009, 160 Catalan towns staged mock independence referendums in which roughly 700,000 citizens participated (Govan). Also in 2009, numerous prominent Barcelona newspapers published a joint editorial titled “La dignidad de Catalunya” (“Dignity of Catalonia”). The editorial speaks of Catalan concern that the Constitutional Court would cut back the statute, and a “growing irritation [among Catalans] of supporting those who consider Catalan identity an impediment on Spain’s attempts to achieve a dreamed of and impossible uniformity.” The authors go on to cite Catalan grievances towards Spain, declaring “Catalans pay their taxes, contribute welfare to the poorer areas of Spain, face economic globalization without receiving the benefits [Madrid] does,” and noting that the Catalan language was more widely spoken than many official languages of the EU, but that it nonetheless had faced the “obsessive scrutiny” of “official *Españolismo*” (“La dignidad de Catalunya”).

In continuing the embrace of Catalan identity, in 2010, Catalan parliament banned bullfighting, a symbol of Spanish culture and identity particularly associated with conservative elements of society and famously championed by Franco as the “*fiesta nacional*,” or “national festival” (Strubell 134-137; 146). In detailing this decision in a 2010 article for *The Guardian*, journalist Colm Toibín writes that the ban “fulfills

[Catalan] anxiety to be understood and appreciated throughout the world as a separate nation [. . .] Most Catalans loathe bullfighting, they view it as part of a strange, dark, foreign, Iberian spirit which has sought to encroach upon the modern, European spirit to which they feel allegiance.”

8. The Constitutional Court’s Ruling

The Spanish Constitutional Court did not announce its final ruling on the statute until June of 2010¹. The court ruled that the statute’s description of Catalonia as a nation carried no legal weight, as the constitution recognized only one nation - Spain (Guibernau, “Secessionism in Catalonia” 382). While the court allowed Catalan to maintain “preferential status” within the region’s educational system, it forbade the language from achieving this distinction in “Catalan public administration” (382). Instead, Catalan was only permitted to attain equal status with Castilian in this sphere (Tribunal Constitucional de España). Furthermore, the court considered the provision calling upon Catalans to master the Catalan language to be of secondary importance to Catalans’ constitutional duty to achieve proficiency in Castilian (Guibernau, “Secessionism in Catalonia” 382). On the financial front, the court declared Catalonia’s attempts to set up its own tax system unconstitutional. The statute’s provision that “the

¹ The Constitutional Court holds significant power within Spain’s governmental system. Enrique Guillen Lopez details the history and the powers of the court in a 2008 paper for *Loyola of Los Angeles Law Review*. The Spanish government created the court during the transition to democracy out of a perceived need for “constitutional authority to be separated from ordinary judicial power” (2) – an understandable desire for a country emerging from four decades of authoritarian rule. The court played an important role in securing Spain’s democratic transition, as its “first task in 1981 was to convince a legal and political class already influenced by the Franco dictatorship that the constitution was a true legal standard and that [the court] was its main defender” (6). Every three years, Spanish parliament selects court magistrates to serve nine-year terms, and each party is allowed to nominate a certain number of judges based on their level of representation within parliament (4). This means that “the magistrates are identified immediately with the party that supported them [. . .] leaving any contested decision by the court open to political attack” (4). Guillen Lopez describes the upcoming ruling on the Catalan statute of autonomy as “a critical moment in the history of Spain’s constitution” (4).

state's investment in Catalonia should be on a level with the percentage of Catalan GDP in relation to the overall Spanish GDP" was deemed constitutional, but Madrid was not legally obligated to fulfill this provision (382). Finally, the court rejected the statute's efforts to create a Catalan Court of Justice, positing that the creation of courts was outside of the powers granted to autonomous communities (Tribunal Constitucional de España 19-20).

The court's official pronouncement of the ruling discusses all articles challenged by PP – not just those the court chose to strike down. These portions of the proclamation reveal telling information. For example, PP challenged the wording of the Catalan statute's clause proclaiming an "inalienable right to self-government," on the grounds that this right stems not from autonomous communities, but from the national constitution, "the foundation for which is the indivisible and single Spanish nation" (Tribunal Constitucional de España 6). PP also objected to the statute's reference to Catalan "citizens," using the rationale that the word "may only be applied to Spaniards insofar as they are the only holders of national sovereignty" (7). Further, PP challenged the statute's creation of the Generalitat-State bilateral commission "for being the procedural embodiment of the principle of bilateralism" (25).

Although the court upheld each of these three articles, PP's arguments against them and others demonstrate the profound ideological differences between the Catalan mainstream and Spanish conservatism. Each article represents a Catalan attempt to achieve a degree of autonomy and recognition as a distinct entity within the Spanish state. PP balked at these proposals due to its apprehension that recognition and expression of Catalan uniqueness threatened the unity of Spain. The conflict between a peripheral

community's attempts at achieving recognition and centralist efforts to maintain and promote national unity has manifested itself throughout Spanish history. While the court upheld the majority of the statute's specific provisions, it appears to side with PP on this specific symbolic issue, as the ruling "refer[s] eight times to the 'indissoluble unity of Spain' (Dowling, "Catalonia Since the Spanish Civil War" 155). This tension informed much of the debate over the Statute of Autonomy, and continues to present in the larger debate over Catalan independence that continues today.

More narrowly, common Catalan grievances appear in both PP's challenge and the court's decision. Catalans often protest that the central government in Madrid does not respect or acknowledge the country's diverse cultural makeup, instead opting only to recognize and celebrate a single, narrowly defined Spanish – i.e., Castilian - identity. PP's challenges to Catalonia's declaration of self-governance and Catalan citizenship support this argument, as do the challenges to the status of the Catalan language and the definition of Catalonia as a nation, both of which the court modified. PP also objected to Catalonia's attempts to improve its financial standing within Spain and to achieve greater autonomy over its legal affairs, and the court sided with the conservatives on both accounts. Ultimately, these decisions lend credence to the common Catalan argument that many in Madrid remain committed to centralist policies and are reluctant to allow autonomous communities control their own affairs.

9. Media and Political Reactions to the Constitutional Court Ruling

The court's ruling featured prominently in Spanish news upon its announcement. Editorials appeared in newspapers across the country with a wide range of political orientations. This section discusses more than thirty of these media reactions. As will be

demonstrated, many commentators framed the issue as carrying profound implications for the efficacy of the Spanish constitutional system. These interpretations serve as a case study through which the larger debate over Catalan independence can be better understood, as the commentators' arguments reveal ideological disagreements within Spain that provide the context for the current situation.

Madrid based *El País*, a politically moderate newspaper and the largest one in Spain, predicted that the ruling would electorally strengthen PP, CiU and ERC ("Aval El Estatut"). They reasoned that the court's proclamation that portions of the statute were unconstitutional fit PP's rhetoric about Catalonia threatening Spanish unity, while CiU and ERC could argue that the decision validated their characterization of Spain as stingy and intransigent. *El País*' characterization of the issue demonstrates how the ruling only added to already boiling conflict between Spanish conservatives and Catalanists. Nonetheless, *El País* initially downplayed the importance of the ruling, writing that "neither side should consider the ruling a statement on the viability of the Spanish constitution [. . .] neither those who see sovereignty in Catalonia's future, nor those who objected to the statute out of a belief that it affected Spain's unity" ("Aval El Estatut").

José María Brunet of Barcelona's daily newspaper *La Vanguardia* – traditionally associated with the moderate Catalan nationalism of CiU - issued a mixed reaction to the ruling, titled "Una sentencia para salvar los muebles." The headline declares that the ruling "saved" the main parts of the statute, but the introductory paragraph modifies this position by nonetheless noting that the ruling rejected important parts of the statute. Brunet describes the ruling as a "doble valoración," roughly translated to a "double edged sword," using the court's treatment of Catalonia's definition as a nation as an example –

the court allowed the term “nation” to stay in the statute, but relegated it to trivial status by denying its legal force. As the editorial continues, Brunet departs somewhat from this neutral tone, using strong language that depicts Spain as hostile to Catalonia. For example, he describes Spanish conservatives as “assaulted by fear” over the “*supposed* discrimination of Spanish speakers in Catalonia.” He also laments that the ruling “puts at risk [Catalan] linguistic immersion,” (emphasis mine). For clarity, this indicates that Brunet supports Catalan linguistic immersion, and does not like the way the ruling treats it (Brunet, “Una sentencia para salvar los muebles”).

Victor Ferreres Comella, also of *La Vanguardia*, is similarly measured in his criticisms of the ruling in his article “Leamos la Sentencia.” He notes that the legal classes within Spain were long aware that many of the statute’s provisions were unconstitutional and were unlikely to survive the court’s scrutiny, and criticizes legal experts for not effectively communicating these obstacles to Catalan politicians and therefore fostering unrealistic expectations for the statute. Yet his harshest criticisms target the purveyors of what he sees as “gross manifestations of anti-Catalanism,” the examples of which he cites as the boycott of Catalan goods and a PP-led petition supporting that the Catalan statute be put to referendum in all of Spain. These are the issues that inform his lamentations that “the worst defects of our country have appeared during the process” (Ferreres Comella).

El Mundo, a Spanish paper known for its conservative orientations, positions itself against the statute, arguing that the court’s ruling did not go far enough in limiting Catalan capacities. The paper describes the statute as “chang[ing] the state” and, rather than discussing the ways in which the ruling limited the Generalitat’s competencies,

instead focuses on the fact that the court upheld most of the article's provisions. They write, "the statute, [which] has changed the configuration of the state to grant [Catalonia] dimensions of self-government unknown until now, has overcome *con nota alta* the court's examination." "Con nota alta" literally translates to "with high note," essentially meaning the court gave the statute a ringing or clear endorsement ("El 'Estatut' que cambia el estado pasa el filtro del TC").

Other conservatives opposed the Catalan statute, but supported the ruling's treatment of it. For example, in an editorial for conservative new organization *ABC*, José María Carrascal welcomes the ruling and issues a scathing critique of Catalans and the Spanish governmental system. He argues, "since we adopted the state of autonomies, it has done nothing but become more expensive," citing Catalans efforts to pursue further autonomy within the system as a "suicidal path that will bring emptiness to the state." He thanks the court for "not becoming the first saboteurs of the constitution, which they are charged with defending." He does not limit his criticisms simply to Catalans' political views – he describes Catalans as "never happy, because they want everything," asserts they "are always asking for more and more," and refers to Catalan indignation over the ruling as a "nationalist riot." These characterizations serve as an example of stereotypes of Catalans as greedy and selfish, which Cramer states are common in Spain (Cramer, "Goodbye, Spain?"). Interestingly, his depiction of Catalans as "asking for more and more" from Spain depicts the Spanish state as the holder of sovereignty – just as PP argued was the case in the challenge to the statute (Carrascal).

While journalists and politicians reacted to the statute with varying degrees of opposition and support, Catalans responded with widespread outrage. Prominent Catalan

nationalists – including politicians, legal experts, professors and journalists - gave voice to Catalan grievances in interviews and essays referencing the ruling, in which several common stances consistently appear. First, they argue that the Spanish decision to cut back the statute ignored the officially expressed will of the Catalan people, and therefore offended democratic sensibilities. For example, Professor Joan Ramon Resina declares, “It is incredible that a court [. . .] cut back on a Statute that was passed in Spanish and Catalan parliaments and approved in a referendum in Catalonia. The people won’t even be given the right to approve the changes. All in all it makes a mockery of democracy” (Strubell 62). Resina also calls the Constitutional Court “a court deprived of all legitimacy,” echoing a common argument found in interviews of Catalanists (Castro; Strubell). Another argument depicted the ruling as a clear indication that Spain had put an end to the project of decentralization, begun in the late 1970s during the transition to democracy and embedded in the State of Autonomies. Jurist Alfons López Tena laments that “this sentence marks the end of self-government and puts an end to any speculation regarding the possibility of our country progressing within the Spanish state [. . .] We are in entirely in their hands” (Strubell 44).

Catalonia’s two most prominent political leaders at the time also expressed their anger over the ruling. CiU leader and eventual Catalan president Artur Mas’ echoes López Tena, remarking that the ruling indicated that the “constitutional pact has reached its limits” (“A nationality, not a nation”). Catalonia’s then-president, José Montilla, states in an interview with left-wing Catalan newspaper *El Periódico* that “the practical effects of the changes will probably be small, but the important parts are the political and emotional effects. The statute is a symbol [. . . The ruling] is an aggression that does not

affect one article or another, but rather the dignity of [Catalonia].” Montilla then implicitly refers to a common argument of PP, declaring that the ruling “debilitates Spanish unity,” his rationale being that it “does a big favor to [Catalan] separatists” (Hernández). While PP believes allowing Catalonia too much autonomy threatens Spanish unity, Montilla believes that a failure to properly recognize Catalonia is what truly hurts Spain.

Montilla continues this focus on the more symbolic, rather than practical, implications of the ruling in a different interview with author Toni Strubell, in which he states that Catalan indignation over the court ruling resulted from “the lack of respect that has been shown for the democratic process that we followed” (Strubell 50), referring to the statute’s passage by democratically elected members of Catalan parliament, negotiation and subsequent passage in Madrid, and the June 2006 referendum. Catalan newspaper *Diari de Girona* makes similar points to Montilla in its report on the court’s ruling, noting that while the court approved most of the statute, it “cut some of the most symbolic aspects” of the statute, including language capacities (“El Constitucional tomba 14 articles de l’Estatut”).

Popular reaction in Catalonia was equally strong and negative. Montilla called for the demonstration protesting the court’s ruling, to be held on July 10, 2010 (“A nationality, not a nation”). An article published a week before the demonstration by conservative news organization *La Razón* depicts Catalans as largely indifferent towards the statute and uninterested in the protest (“Del Estatut sólo nos interesan las perras”). However, on the day of the protest, more than one million filled Barcelona’s streets to march under the banner “we are a nation, we decide.”

Many Spanish media outlets reacted negatively to the Catalan demonstration. For example, *ABC* journalists Anguera and Rovira note that the banners and the slogans of the march did not mention the court's ruling, even though this was the protests' ostensible purpose. Instead, they claim in their headline that the event was "a massive pro-independence march." They also describe the demonstration as "characterized by disorganization," and refer to groups of "nationalist militants" who allegedly participated. The video accompanying the article on *ABC*'s website shows a man carrying a flag pole with Catalonia's *La Senyera* on one side and the Dutch tricolor on the other – a clear expression of support for the Dutch national soccer team, which was set to face Spain in the World Cup final the next day (Anguera and Rovira).

While Catalan and conservative newspapers generally have clear and defined stances on the court ruling, *El País* editorials present an interesting mix of reactions between those for and against the ruling. For example, in "Cataluña, sin 'Estatut,'" José María Ridaó declares that the ruling has brought about "the most severe crisis the 1978 system has crossed." He emphasizes that, "in a democratic system, political legitimacy comes from votes [. . .] all these different interpretations [of the statute] are irrelevant if they do not result in something that can be approved by the polls" – the implication being that the statute, as modified by the court, is not acceptable for Catalans because they did not have the opportunity to approve it. Ridaó further argues that the process "has not concluded with a cut back text, however with something much worse: the absence of a clear norm that governs Catalonia with agreement and legal right" (Ridaó, "Cataluña, Sin Estatut").

However, Antonio Elorza of *El País* is less sympathetic to Catalans in “Cataluña: la fractura.” He alludes to 1968 negotiations between the Czech Republic and the Soviet Union, unfavorably comparing Catalans to Soviet Premier Leonid Brezhnev in their intransigence. Elorza writes that Catalans viewed “minor alterations of the original text [as] ‘an attack’” and that they considered “every discordant opinion [. . .] an attack on democracy from Spanish centralism.” He describes this as creating “an extremely dangerous scenario for everyone,” which he believes “had its origin in Zapatero’s senseless 2003 proclamation [that he would unconditionally support a Catalan statute . . .] from here surged a desire to exercise Catalan power, that the Madrid courts would validate [. . .] without the demands of the Spanish constitution taken into account” (Elorza, “Cataluña: la fractura”). In another article for *El País*, titled “El Futuro de España,” Elorza criticizes Catalans for failing to consider “what could occur to the state after the changes initiated in 2004,” as “Spain has been erased from the Catalanist political horizon, save for as an obstacle or an entity historically incapable of understanding the uniqueness of Catalonia and its capacity for suffering.” He also holds that Catalans who argue for a federalist relationship with Spain do not truly understand federalism, as exemplified by Germany and the United States (Elorza, “El Futuro de España”).

Ultimately, however, the most consistent issue explored in the media reactions is the ruling’s implications for the constitution. Specifically, the commentators discuss the ruling’s ramifications for the divisions of power between Spain and Catalonia as well as the conceptual understandings of the Spanish state, both of which are embedded within the document and, more narrowly, the State of Autonomies. These characterizations

appear in the aforementioned reactions of Mas, Lopéz Tena, and Carrascal, among others. Many other journalists employ this approach, including Carme Chacon Piqueras and Felipe González Marqués of *El País*. The two believe “the problem continues to be in PP’s resistance to recognizing the diversity of Spain and in the obstinacy of Catalan sectors that magnify the frictions and minimize the historically gained advances.”

Expanding on this point, they hold that “the path traveled by our democracy has overcome two resistances: That of the centralists, who consider the process a debilitation of the Spanish nation and an affront to Castilian. And that of the separatists, who prevent the advances like a deception and magnify each friction like an offense to Catalonia.”

They do stress that Catalonia possesses the “best level of self-government” within the Spanish decision, thanks to the 1978 constitution as well as the two statutes of autonomy in 1979 and 2006. Yet, the bulk of their criticisms target Spanish conservatives. They expound, “the constitution and the statutes [. . .] are the norms that permit the coexistence of diverse identities in the same space and with the same citizenship rules [. . .] PP express[es] a pre-constitutional vision of the state. They deny the very notion of self-government.” The authors also criticize the court ruling for, in their view, exhibiting a “lack of recognition of Catalan diversity in the Spanish reality.” Finally, they conclude, “we must demonstrate that these 30 years of coexistence and self-government have not been a parentheses, rather the beginning of a new stage. We must highlight that the constitution of 1978 was a starting point and a meeting point, that the conception of Spain as a ‘nation of nations’ strengthens us all” (Chacon Piqueras and González Márquez).

This examination of the statute’s implications to the Spanish constitutional system routinely appears in the reactions to the statute. Numerous journalists, particularly

Catalans, maintain that the court casts doubt on the long-term viability of the State of Autonomies. For example, José María Ridaó examines the ruling's implications for the constitutional system in a second *El País* editorial, entitled "Era innecesario el Estatut?" Ridaó refers to Zapatero's campaign pledge as leading to seven years of "senseless bidding between communities, putting in question the autonomous system and ruining the prestige of the institutions, the political parties and the political class involved in this adventure." He argues that, after this period and the court ruling, "if there were deficiencies [with the State of Autonomies] that could have been corrected, today they have multiplied." Ridaó also appears to question just how useful the autonomous system can be in easing some of the more endemic tensions in Spanish society, writing, "no list of competencies nor any system for financing them will ever be able to fully account for what is a nation [. . .] and what is not." Such an interpretation paints a bleak future for the State of Autonomies, as it suggests the existence of a fundamental conflict within Spain that legal institutions are unable to solve (Ridaó, "Era innecesario el Estatut?").

Writing in *La Vanguardia*, José María Brunet criticizes the court for similar reasons, arguing it "has succumbed to the temptation to make a restrictive jurisprudence in respect to the territorial issue" (i.e., the State of Autonomies). He also characterizes the court in a manner similar to how Catalans often characterize Spaniards in general, claiming that the ruling resulted from "the fear that the statute carries a secessionist pathology" and that "the court has been [. . .] sensitive to the bombardment of news about the *supposed risk* that Castilian runs in Catalonia" (emphasis mine). He sums up his argument in his headline: "the court leaves Catalonia dependent on the margins of negotiation of each moment; a ruling full of prejudices and castles in the air." Here,

“castles in the air” is roughly equivalent to the English phrase “house of cards;” in other words, the ruling put Catalonia in a tenuous position (Brunet, “El TC deja a Catalunya”).

Miguel Aparicio of *El Periódico* makes a similar argument. He acknowledges that the court did leave parts of the statute in tact, but suggests, “the impactful element of the sentence has been to slow, when it doesn’t paralyze, the impulse of transformation and, where possible, eliminate the innovation of the state model that the statute supported.” He also references a declaration by Zapatero that the court’s judgment set “the autonomist ceiling” and argues that this ceiling was actually reached before the statute. He laments that Catalonia was not able to work an alternative statute within this ceiling (Aparicio).

In a column for *El Periódico* entitled “España tiene un problema” (Spain has a Problem), Miquel Roca i Junyent also maintains that the ruling poses significant questions about the future of Spain’s constitutional system. In support of his assertion that the ruling “has closed a door and with it an entire historical age,” he contends that the situation brought about by the ruling “was not foreseen” during the writing of the constitution in 1978. In his view, that was a time of hope and progress, whereas the ruling represents a regression. In his words, “the ideological foundation of the sentence is the conviction that too much was ceded [during the transition], and now they are trying to recapture what was lost.” Roca sees the ruling as affecting all of Spain, not just Catalonia. He laments that “the spirit of the transition has ended,” and that Spain appears “afraid of its own diversity and plurality.” He calls on Spain to reconsider its pacts with its autonomous communities that allow for coexistence within the state (Roca i Junyent).

In keeping with this theme, a commentary appearing in the Basque newspaper *El Diario Vasco* compares the Catalan statute to Basque attempts to achieve further

autonomy. It also recalls that the writing of the statute began during a time when Zapatero had advocated “a process of re-adaptation of the autonomous state” before noting that, after the ruling, Zapatero declared the end of this process. The article explains that non-nationalists see the ruling as the court drawing a line, based on the constitution, that statutes of autonomy “cannot cross,” while nationalists (in this case referring to regional nationalists – Catalans and Basques both included) believe the “whole process surrounding the statute shows a regressive tendency in regards to the statute of autonomies” (“La Sentencia Del Estatut”). Like the commentators mentioned above, the regional nationalists described in this piece fear the court ruling’s implications for the State of Autonomies.

The characterization of the court ruling as carrying implications for the viability of the State of Autonomies was so widespread that even Prime Minister Zapatero himself explores this topic in an essay published in *La Vanguardia*. In contrast to the previously addressed commentators, Zapatero declares a sense of optimism and affirms his faith in the Spanish system. He speaks positively of both Catalonia and the court, while also rejecting conservative attacks on the Catalan reform (as a reminder, Zapatero belongs to left-wing party PSOE). He emphasizes that the statute still brings about substantial reforms, writing that it “significantly amplifies the self government of Catalonia in the constitutional frame.” Reminiscent of his campaign promise that Catalonia be allowed to rewrite its statute and that he would support any statute Catalan parliament passed, he writes, “it seemed important to me, to preserve our coexistence, a majority expression of political will must be respected [. . .] this must also extend [. . .] to the court ruling.” A positive, upbeat tone permeates his essay, such as in his assertion that “this is a good

occasion to look with normalcy to the future, that of Spain and of Catalonia. A future together with natural coexistence based in the compromise with constitutional Spain, with democratic Spain, of which the political identity of Catalonia forms an inalienable part” (Rodríguez Zapatero).

Similarly, an *ABC* article featuring interviews with autonomous community presidents from around Spain discusses this matter. These presidents’ characterizations are generally similar to Zapatero’s – they approve of the ruling, and believe the affirmation of the State of Autonomies that it presents benefits Spain. For example, Galicia’s PP president Alberto Núñez Feijóo maintains that the articles the court struck down were so treated because they “broke the pact” laid out in the 1978 constitution. When asked if he believes that that statute gives Catalonia a “situation of privilege,” he responds that “any autonomous community can, *respecting the limits framed in the sentence*, aspire to obtain [. . .] the same levels of self-government as Catalonia” (emphasis mine). Marcelino Iglesias, PSOE president of Aragón, similarly states, “the only thing that the ruling has done is confirm how Catalonia’s statute fits [. . .] in the model of the state.” The presidents generally agree that the statute does not grant Catalonia a place of privilege within the Spanish state, and that all Spaniards have equal rights under the Spanish constitution. Additionally, they hold that the court’s ruling must be respected – a clear contrast with many Catalans, including the aforementioned Professor Resina, who criticized the court as illegitimate (“Queda Claro que sólo hay una nación: España”).

Jorge de Esteban, president of the editorial board for *El Mundo*, was one non-Catalan journalist who disapproved of the court’s ruling. However, de Esteban took this

position because he believed the court had not gone far enough in scaling back Catalonia's autonomy. After asserting that the July 10 march in Barcelona "was not against the ruling, but against the constitution, which no longer governs in Catalonia since the passage of the statute," de Esteban discusses the implications of the statute's ruling for the rest of Spain. He laments that the debate over the statute has brought about a political crisis not seen since the civil war, and criticizes the Constitutional Court for allowing Catalonia too much autonomy. He declares, "the autonomy conceded in [Catalonia's] 1979 statute has now become sovereignty," and calls the new Catalan statute "not a statute, [but] an embryo of a constitution." He also refers to "Catalan particularity and its danger to the unity of Spain." Towards the end of his piece, he predicts that the statute "will be a permanent threat for the judicial and constitutional security of Spain." Finally, he declares, "the state of autonomies, as it has functioned until now, now practically does not exist" (de Esteban). De Esteban's views echo those of his newspaper as a whole, as *El Mundo* described the statute as "changing the state" on 30 June ("El 'Estatut' que cambia el estado").

An article by J. Casquero in *La Nueva España*, a newspaper from the autonomous community of Asturias, also addresses these issues through interviews with local jurists and professors. One, Raul Bocanegra, says that Catalans do not want independence, but does contend "what interests them is bilateralism, they want special treatment in their relations with Spain [. . .] they won't accept federalism, either, because Catalonia wants to be more than the rest of the autonomous communities." Political scientist Óscar Rodríguez Buznego reflects, "the [July 10] protest will serve to remind us that we face a very complex and serious problem. The Catalan question will occupy a place of

preference in the current politics for some time. The tension around it will grow” (Casquero).

Rodríguez Buznego’s prediction proved correct. As previously addressed, in the years following 2010, support for independence surged in Catalonia. Observers came to view Spanish opposition to the statute as a significant turning point that contributed to this change. In his 2014 article “Accounting,” Dowling writes that the ruling “gave a great impetus to the movement for Catalan independence, with one survey soon after showing majority support for separation from Spain for the first time ever” (155). In a publication from the same year (“Young People’s Expectations”), Guibernau lists the legal challenge to the statute among three primary catalysts for the increase in separatist sentiment (112).

References to the statute’s importance in the debate over Catalan independence likewise appear in the Spanish media. In 2014 alone, multiple *El País* editorials addressed how the statute affected the relations between Catalonia and Spain. In one, journalist Tomas De La Quadra-Salcedo criticizes both those for and against independence. The title of his piece translates into “Impasse and Victimhood.” “Impasse” refers to “those who don’t want to change anything” in order to accommodate Catalan attempts at reform, while “victimization” describes Catalans “who have decided that the time has passed to look for solutions” within the Spanish state, and therefore have committed to pursuing independence. He presents the statute as an example of these two differing viewpoints, in which Catalans had no intention of breaching the constitution in approving the statute, but the Constitutional Court was simply doing its job when it issued its ruling striking the statute down – not assaulting democracy. De la Quadra-

Salcedo believes that both sides are at fault for the state of affairs, declaring, “the truth is that the Spanish territorial model [. . .] can give recognition to the wishes of the Catalan people, without upsetting or making unviable the essence” of the constitutional system (De La Quadra-Salcedo). In a different editorial, Álex Grijemlo presents an alternative interpretation. Whereas De La Quadra-Salcedo insists that Catalans can achieve reform within the Spanish constitutional system, Grijemlo argues that those who discuss how Catalonia can “fit” into Spain ignore Catalonia’s distinct and unique identity within the Spanish state (Grijemlo).

In another *El País* editorial from October of the same year, Javier Pérez Arroyo describes the ruling as leading to a crisis that has not yet reached its conclusion, and describes PP as the only winner – as evidenced by their victories in the 2011 national elections. On the other hand, he contends that in Catalonia, the ruling led to no winners – only losers. He laments that Catalonia is “without a territorial constitution and without perspective that it can be recaptured. Without political integration of Catalonia in Spain that was judicially ordained and widely accepted by the citizens of Catalonia as well as the rest of Spain, we lack a territorial constitution. This is the state of affairs” (Pérez Arroyo).

In April 2015, five months after 80 percent of participating Catalans voted for independence in a mock referendum, prominent PP politician Esperanza Aguirre suggested in an interview that opposing the statute might have been an error in judgment (Culla i Clarà). This statement illustrates how important the controversy around the statute proved in increasing support for independence. Responding to Aguirre’s statement in *El País*, Catalan journalist Joan B. Culla i Clarà argues that PP’s error was not in

voting against the statute, “which would have been perfectly normal and legal in a democracy.” Rather, he criticizes PP for demonizing the statute and employing “apocalyptic” rhetoric against it, citing such declarations as “Spain is on the border of the abyss” and that “the new statute is rotten to the core, and nothing can clean it.” Culla i Clarà also ponders whether or not PP’s vote against the statute was indeed an error. He contends PP’s decision became a blessing for Catalan separatists, as their support quadrupled, but he considers PP’s opposition disastrous for those who wished to “fit the Catalan national reality within a multinational Spanish state.” Culla i Clarà’s description of events presents PP’s opposition to the statute as a self-fulfilling prophecy. He argues that the resistance and eventual gutting of the statute forced Catalans to realize that, “within the constitution, only an autonomous, regional and marginalized Catalonia could fit.” This, Culla i Clarà believes, “pushed moderate [Catalan] nationalism to radicalism” (Culla i Clarà).

Later in the same year, Agustín Ruiz Robledo wrote an editorial in *El País* presenting a different point of view. He notes that the “idea” that the court’s ruling against the statute “was an attack on democracy and a rupture of the pact between ‘Congress’ and ‘Catalonia,’ [. . .] is widespread. But few [have admitted] that the statute was, *in reality*, an amendment to the constitution” (emphasis mine). He criticizes Catalan nationalists for claiming to represent the will of the Catalan people, suggesting that it only appears this way because the nationalists are most vocal. He also argues that Catalonia’s linguistic laws deliberately favor Catalan at the expense of Castilian. The extent of his opposition to Catalan nationalism becomes clear in his comparison of Catalan nationalists to Italian fascists under Mussolini. He opens his piece by musing, “I

believe it was Italo Calvino that said that fascism started to win in Italy when a democrat stayed silent while a fascist gave a speech on a train.” Later, he refers to a 1984 political confrontation featuring Jordi Pujol as Catalan nationalism’s “march on Rome” (Ruiz Robledo).

10. Takeaways From the Commentary

The studied commentators consistently choose to depict the court’s ruling on the statute as a final, definitive determination on the long term efficacy of the 1978 constitution and the “State of Autonomies” – the project of decentralization embedded within the constitution. The commentators exhibit a wide range of positions on these issues. Some conservatives, like Carrascal and de Esteban, maintain that the system gives too much autonomy to Spain’s peripheral regions like Catalonia. De Esteban specifically blames the ruling for contributing to the decentralization of Madrid’s power. He contends that the statute presents a “permanent threat to the judicial and constitutional security of Spain,” and maintains that “the state of autonomies [. . .] no longer exists.” Carrascal takes a different approach, praising the court for halting the progress of Catalan autonomy that he believes “brings emptiness to the [Spanish] state.” He credits the court for modifying the statute and therefore not becoming “saboteurs of the constitution.” Although they draw different conclusions, both Carrascal and de Esteban agree that the viability of Spain’s constitution was on the line in the court ruling, and that Catalonia’s attempts at achieving autonomy were the reason for this situation. The ideological distance between conservatives like Carrascal and de Esteban, fearful of the loss of Spanish unity, and the Catalan public, is striking. Carrascal and de Esteban dislike the ruling because they believed it allowed Catalonia too much autonomy, while more than

one million Catalans took to the streets to protest the extent to which the ruling restricted their autonomy.

There are numerous instances of commentators deliberately framing the issue as a crucial, if not final, judgment on the State of Autonomies, in addition to Carrascal and de Esteban. They are also found in Roca i Junyent's assertion that "the spirit of the transition has ended;" in Chacon Piqueras and González Márquez' appeal that "we must demonstrate that these 30 years of coexistence and self-government have not been a parentheses, rather the beginning of a new stage;" Ridao's assertion that "if there were problems [with the State of Autonomies] that could have been corrected, today they have multiplied;" and referrals by a wide range of commentators to the ruling's implications on the "pact" that defines the relationship between Catalonia and Spain. For example, Galicia's president Núñez Feijóo praises the ruling for defining the extent of the constitutional "pact," whereas Catalan politician Artur Mas laments that the "constitutional pact [had] reached its limits. Núñez Feijóo and Mas draw a similar conclusion. The difference between them is that Núñez Feijóo approves of the situation brought about by the court ruling, whereas Mas does not.

Even Spanish Prime Minister Zapatero casts himself in this camp, endorsing the ruling as a successful exercise of the Spanish constitutional process, as it simultaneously granted Catalonia an unprecedented level of self-governance while also affirming the position of the Constitutional Court. Zapatero outlines these Catalan improvements in self-governance by carefully listing the competencies the Generalitat has gained, and ultimately contends that the ruling benefits both Catalonia and Spain, setting a framework for a "joined future of natural coexistence based in compromise."

These interpretations shed light on why Catalans warmed to the idea of independence in the years following the ruling. Roca i Junyent's assertion that "the spirit of the transition ha[d] ended" is powerful. "The transition" refers to Spain's transition to democracy, which brought about a direct rejection of Franco's centralist and pro-Castilian ideology. If the transition's goals of political devolution and its values of mutual respect and coexistence could not be pursued any further, then Catalans were powerless to improve their standing within the Spanish state. Therefore, those unsatisfied with Catalonia's position within Spain as of the summer of 2010 naturally turned towards supporting independence.

The context of Spanish history allows for Catalan interpretations of the ruling as a clear indication that Spain refuses to recognize and appreciate its own plurality, and that any ostensible attempts to endorse a "plural Spain" fell well short of appropriately doing so. Catalans routinely invoke this argument in the general debate over independence (Castro, Strubell). The arguments of conservatives like Carrascal and de Esteban only affirm that there is no middle ground to be had between the two sides: while Catalans believe their level of autonomy is insufficient, Carrascal and de Esteban believe the court ruling allowed too much autonomy to Catalonia and therefore poses an existential threat to Spain. Thus, it can be said that Catalans favor a specific definition of the Spanish state as a pluralistic collection of different nationalities, or a "nation of nations" in the words of Chacon Piqueras and González Márquez. Evidence for this preference appears in the Catalan enthusiasm for Zapatero's 2004 campaign, which openly endorsed a "plural Spain," in contrast to the strongly Spanish nationalist PP government of the early 2000s (Guibernau, "Secessionism in Catalonia" 381).

Given the above, the negative reactions of Catalan commentators to the court ruling indicate a belief that the ruling defined the Spanish state in a manner more similar to the one that Carrascal and de Esteban, and PP, favor – centralist and pro-Castilian, a vision ostensibly rejected by the 1978 constitution. Consider Roca i Junyent’s argument that “the ideological foundation of the sentence is the conviction that too much was ceded [during the transition], and now they are trying to recapture what was lost.” Similarly, *El Diario Vasco* reports that regional nationalists (both Catalan and Basque) viewed the ruling as indicative of “a regressive tendency in regards to the state of autonomies.” To understand the significance of this quote, it must be reiterated that the implementation of the State of Autonomies was one of the key innovations of the 1978 constitutional system. If the project begun in 1978 had reached its end, as Mas, Roca i Junyent and others argue, and Catalans were unhappy with the vision of Spain embodied in the court’s ruling, then they had no hope of advancing their position within the Spanish state and therefore had no choice but to leave Spain altogether.

In this sense, the disagreements over the ruling serve as a proxy for the conflict over the entire Spanish constitutional system. The 1978 constitution rejected the legacy of Francoist centralization and actively recognized Spain’s regional diversity. To achieve these goals, the constitution created the State of Autonomies, the decentralized governmental system that divides Spain into seventeen autonomous communities. While Carrascal and de Esteban believe the State of Autonomies has deteriorated Spanish unity by allowing too much power for individual autonomous communities, Catalans widely believe their region does not possess an appropriate level of self-government. This Catalan belief appears in the rhetoric surrounding the broader argument of independence,

as well as specific responses to the court ruling. Take, for instance, Lopéz Tena's declaration that the ruling "marks the end of self-government," in addition to Artur Mas' aforementioned statement that the "constitutional pact [had] reached its limits." At the very least, Catalan commentators call for a re-evaluation of the constitutional pact that defines the separation of powers between the central state and the autonomous communities, Roca i Junyent providing one example.

Presenting a specific political issue as a serious threat to the viability of a country's constitution may sound like political maneuvering designed to paint opposing viewpoints in a negative light. Yet, when one considers Spanish history and the context within which the new democratic system developed, it becomes clear that this characterization of the court's ruling possesses legitimate factual basis. For centuries, Spain's level of recognition of its own pluralistic make up has wavered. Madrid's gradual consolidation of power first led to the Catalan revolt in 1640, before Philip V abolished Catalan governing institutions in 1714 while imposing Castilian identity throughout the region – actions which, more than three centuries later, remain a prominent point of contention amongst Catalans. In the 1930s, Franco aimed to reaffirm Spanish unity after what he viewed as national decline during the Second Spanish Republic, a period during which Catalonia achieved significant political autonomy.

Franco's rule oppressed regional cultures and promoted a narrowly defined Castilian identity. After the dictator's death, the pendulum swung once again in the other direction. The 1978 constitution makes efforts to acknowledge Spain's plurality, through references to "the peoples" of Spain, legal acknowledgment of multiple "nationalities" within the country, and designation of regional languages like Catalan and Basque as

official within their respective regions. The document also decentralizes political power. It must be emphasized, then, that these efforts were not only designed to answer a pressing question at that specific point in time, but were rather the result of a centuries-long tension within Spain over how the country should account for its own pluralism. Yet, as addressed, the 1978 constitution fails to definitively resolve this question: while it creates autonomous communities and recognizes unique regional identities, it also “affirms the ‘indissoluble unity of the Spanish Nation, the common fatherland of all Spaniards” (Edwards 672). Thus, this system creates potential for conflict: while regional cultures must be acknowledged and respected, the amount of power these regions are allowed must not be to a degree that threatens Spanish unity.

Given this context, the significance of commentators on both sides of the issue choosing to frame the court ruling as a definitive test for the State of Autonomies cannot be overstated. This characterization is valid because the court ruling defines the amount of autonomy to which autonomous communities can aspire, and also because the 1978 constitution specifically introduces statutes of autonomy as the method through which the communities can pursue this autonomy. The commentators’ arguments frame the debate not only as the final judgment on the project of decentralization initiated by the democratic transition in 1978, but as the culmination of centuries’ worth of strife and tension within Spain. So, it is understandable that the commentators give such gravity to the situation in their editorials – they question the viability of Spain’s constitution, which, by extension, casts doubt on the future of Spain itself.

These characterizations of the debate raise the question of what the State of Autonomies was originally intended to be. While the system grants significant political

autonomy to the individual autonomous communities, this autonomy in and of itself does not appear to be the reason for the system's existence. Rather, it appears that political power and self-determination is a means by which Spain's diverse communities can achieve proper recognition of their unique nature. Consider, for instance, the remarks of Catalonia's president, José Montilla. Montilla stresses that the ruling is important not because of its "practical effects" on the Generalitat's capacities, but because the statute was a "symbol." Therefore, Montilla believes that the court's decision "debilitates Spanish unity" and damages Catalan "dignity." Montilla's view stands in direct contrast with that of Zapatero: whereas Zapatero stresses the specific policy improvements the statute granted Catalonia, Montilla holds that policy is not particularly important. Similarly, the Catalan newspaper *Diari de Girona*'s article on the ruling notes that the court upheld most of the statute's provisions, but also notes that some of the "most symbolic" provisions of the statute did not survive.

These reactions seem to depict Catalans as more concerned with achieving recognition and respect as a unique entity within the Spanish state than they are focused on specific policy goals, such as attaining better financial and economic circumstances. The editorials discussed in this paper generally support this observation. Commentators on all sides of the issue rarely focus their criticisms on the policy-oriented implications of the court's decision to strike down specific provisions. This indicates that the significance of the State of Autonomies goes beyond its strictly policy-oriented implications. Rather, it appears that, as Chacon Piqueras and González Márquez suggest, "the constitution and the statutes [. . .] are norms that permit the coexistence of diverse identities in the same space." This belief allows for the authors' view of Spain as a "nation of nations."

In other words, the significance of the State of Autonomies lies in how the system permits the diverse group of communities that make up the Spanish state to achieve recognition of their particularities and define their relationships with one another. Thus, the debate over the statute encapsulates the fundamental, longstanding debate within Spain over how to define the state given its pluralistic makeup. Ridao alludes to this sentiment in “Era innecesario el estatut?” when he argues that the State of Autonomies provides a framework for resolving economic policy agreements, but argues that it is unable to define “what is a nation and what is not.” Given Ridao’s conclusion that the State of Autonomies faces serious problems, the implication of this statement appears to be that the system is incapable of solving one of the defining conflicts of Spanish history: how to account for the country’s plural makeup. This conflict that has shaped so much of Spanish history is also at the heart of the debate over the statute, thus justifying the multiple commentators’ characterizations of the ruling as possessing profound implications for the viability of the Spanish constitutional system.

As evidence of the observation that the importance of State of Autonomies is identity-based rather than welfare-based, consider that one of the most controversial elements of the statute was Catalonia’s self-definition as a nation. This characterization met immediate resistance from PP upon the statute’s initial introduction in Madrid in 2005, and when the court ultimately modified its legality in 2010, Catalans responded by marching in the streets of Barcelona behind the banner “we are a nation, we decide.” Yet the description of Catalonia as a nation carries no obvious policy implications. Its purpose is to serve as a symbolic affirmation of Catalonia’s unique identity - just like, in Montilla’s view, the statute itself.

This understanding of the issue sheds light on one of the key controversies that appeared in the deliberations over the statute: the “ownership of sovereignty.” Many of PP’s initial challenges to the statute, such as the party’s objections to the statute’s description of Catalan “citizens” as well as the document’s assertion that its powers emanated from “the Catalan people,” came from the belief that the Spanish people were the “only holders of national sovereignty” (Tribunal Constitucional de España 6). Shades of this argument appear in Carrascal and de Esteban’s editorials. Carrascal says Catalans are “never happy” and “always asking for more,” which is a trend that will lead to “emptiness of the state.” Carrascal depicts Spain as the owners of power within the state, and implies that Madrid ceded a certain amount of this power to Catalonia out of its own generosity. De Esteban, similarly, speaks of “the autonomy *conceded* in [Catalonia’s] 1979 statute of autonomy” (emphasis mine), which he believes has led to the current situation, in which Catalonia now has “not a statute, [but] an embryo of a constitution.” On the other side, in “Cataluña, Sin Estatut,” Ridaó criticizes the court for subjecting Catalans to a statute that they did not pass, which is reminiscent of Professor Resina’s anger that the court would strike down a statute that was democratically written by parliament and passed in a referendum by the Catalan people. These two arguments imply a frustration at the lack of agency granted to Catalans, an irritation best summed up by Lopéz Tena’s lament that “we are entirely in their hands.”

These characterizations of the significance of the State of Autonomies, and of the philosophical disagreements over “ownership of sovereignty,” allow for a better understanding of Spain’s historical debate over how to account for its own plurality. Throughout the country’s history, differing conceptions of the Spanish state have led to

conflict. This longstanding tension manifests in the debate over Catalonia's 2006 Statute of Autonomy, and subsequently the controversy over the Constitutional Court's 2010 ruling on the statute. Conservative commentators depict Spain as the owners of sovereignty, having graciously permitted Catalonia to share a certain degree of this sovereignty with the 1978 constitution. These commentators bristle at perceived Catalan attempts to overstep the boundaries of this sovereignty. Meanwhile, Catalans favor an understanding of Spain as a "nation of nations," one in which the state's multiple nationalities and peoples are mutually respected partners.

As evidence of this conflict over Catalonia's rightful place in Spain, consider the disagreement between De La Quadra-Salcedo and Griemlo – De La Quadra-Salcedo asserts that Catalonia can still find solutions to their problems by working within the Spanish state, whereas Griemlo argues that those who discuss how Catalonia can "fit" into Spain ignore Catalonia's distinct and unique identity. This conflict also appears in the statute's deliberate efforts to assure bilateral governing capacities between Barcelona and Madrid, which PP challenged for being "the procedural embodiment of [. . .] bilateralism" (Tribunal Constitucional de España 25). To the Generalitat, bilateralism is something to be actively pursued; to PP, it is an affront to Madrid's power deserving of a legal challenge. This disagreement comes from differing understandings over autonomous communities' rightful place within the Spanish state, a manifestation of deeply held opposing viewpoints over how to properly define Spain.

11. Conclusion

To conclude, conflicting definitions of the Spanish state – as the domain of Castile on one hand, and a decentralized "nation of nations" on the other – have led to

conflict throughout the country's history. The 1978 constitution aimed to ease this centuries-long conflict once and for all with the creation of the State of Autonomies. The Spanish Constitutional Court's 2010 ruling on Catalonia's 2006 Statute of Autonomy defines the extent to which Catalonia – and therefore all of the seventeen autonomous communities – can aspire to autonomy within the system created by the 1978 constitution.

Thus, studying the controversy surrounding the statute, and the court's ruling on it, serves as a useful case study for understanding historical ideological cleavages within Spain. Political and media commentators often depict the court ruling as having profound implications for the viability of Spain's 1978 constitutional system and the State of Autonomies embedded within it. When one considers the historical context in which the 1978 constitution was written, it becomes clear that these arguments are valid, and the conclusion that the 2010 court ruling marks a significant point in Spanish history follows.

Yet the implications of the court's ruling go beyond the philosophical and theoretical. As Catalonia's then-president José Montilla argued, the ruling did indeed threaten Spanish unity, because it invigorated Catalan separatists. As of the spring of 2016, the independence movement is as strong as ever. Separatists currently control a slight majority of the parliamentary seats in Barcelona. As previously addressed, on November 9, 2015, the Catalan parliament approved a plan to initiate separation from Spain (Peralta). The Constitutional Court responded on December 2, blocking the motion and ruling that the Spanish constitution does not grant regions the right to secede (Zarolli), an impasse that has not yet been resolved.

In Madrid, the prospect of Catalan independence has prevented Spain from filling the office of prime minister. Mariano Rajoy, the leader of PP during the time frame examined in this paper, went on to serve as Spain's prime minister beginning in 2011. His term effectively ended upon the national elections in late 2015, during which PP saw its share of parliamentary seats significantly decrease. Yet no party won an outright majority, and efforts to form a majority coalition between PSOE and new left-wing party *Podemos* have stalled, one of the principle reasons being the two parties' disagreement over whether or not to allow Catalans to vote on an independence referendum (Naylor).

So, the debate over Catalan independence, directly inspired by the 2010 Constitutional Court ruling on the statute, has already created a governmental crisis within Spain. Returning to the theoretical implications of the Catalan independence movement, if Catalonia were indeed to successfully secede, Spain would lose more than ten percent each of its population, territory and GDP. Such a seismic shift could create significant uncertainty in a country already wrought with economic and political distress, leading to wide-ranging policy debates with no clear resolution (Alexander). It is very possible that Spain would not be in this position of uncertainty and tension had the Constitutional Court ruled differently in 2010, or had PP not opposed the statute so vehemently from the beginning. Thus, the controversy over Catalonia's 2006 Statute of Autonomy does indeed present major questions about Spain's future. The issue reveals profound philosophical differences over the conception of the Spanish state, casts doubt on the viability of Spain's constitutional system, and the invigoration of Catalan separatism that occurred after the court ruling has already hindered the functioning of the

Spanish government. If, theoretically, Catalonia were to achieve independence, then these effects would only become more severe.

For all of these reasons, one can argue that the court ruling did indeed mark a critical juncture, or perhaps even an ending point, for the State of Autonomies. The system was designed to appease Spain's regional nationalities and include them within the conception of the Spanish state. However, it ultimately failed to bar one of these regional nationalities from seriously pursuing independence, and thus rejecting the status quo that the State of Autonomies introduced. While the State of Autonomies aimed to encourage harmony and coexistence among all of Spain's peoples, it did not prevent what is now a serious political crisis that continues with no end in sight.

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