

The Spanish Constitutional Court ruling on the Catalan Statute and its political implications

The Spanish Constitutional Court ruling on the Catalan Statute and its political implications On June 28th, the Constitutional Court in Madrid finally made its ruling on the charter defining the scope of self-government in Catalonia within the Spanish state, known as the Catalan Statute. With reference to several informations that have appeared in the international press on this issue, the Casal Català de Washington, DC (Catalan House of Washington, DC) wants to clarify a few points, beginning with a short history of the process that has led to this outcome.

- Around 2005, in the context of Spain's untidy system of regional devolution, some in Catalonia felt that it was necessary to sort out the ambiguities present in both the 1978 Spanish Constitution and the earlier Catalan Statute, dating from 1979, and set out to draft a new charter for Catalan self-rule. All the procedural niceties as defined by Spanish law were strictly adhered to by the Catalan side: a first draft was discussed in Parliament in Barcelona, where various concessions were introduced in order to make it palatable to every political group. Then a compromise text was passed by a wide majority and duly submitted for approval to the Spanish Cortes. There it would be severely pared down by all sides, to the point that some of its original proponents expressed doubts about the wisdom of going ahead with the exercise. The major Catalan parties, however, decided to carry on with it anyway and the text as it had been sent back from Madrid was unenthusiastically endorsed by the Catalans in a referendum.
- By then the customary Spanish paranoia when it comes to such matters had already kicked in, and the mere idea of a new Statute for Catalonia – never mind its content – was opposed by many on both political camps and demonized in most of the Spanish media. The general public in various parts of Spain also showed its hostility with actions like a boycott on Catalan products, and expressions of antipathy towards Catalonia often verged on ethnic hatred.
- But even the watered-down text that had become an organic law of the state after being approved by both Parliaments, ratified in a popular referendum and signed by the Spanish king turned out to be unacceptable to the nationalists in Spain, and the Statute was challenged on constitutional grounds by the Popular Party (the main opposition party of the right, characterized by its extreme centralist bent), but also by the Spanish ombudsman, a holdover from the Socialist old guard.
- Those who opposed the Statute from the beginning and brought it before the Court did so because they felt it was a step towards the dissolution of the state or, as they like to put it, the “balkanization of Spain”. Ironically, it was precisely the least independence-minded political groups in Catalonia – namely PSC (the Catalan semi-autonomous wing of the Spanish Socialists) and CiU (moderate center-right nationalists) – that became the main supporters of the effort to define the place of an autonomous Catalonia in today's decentralized Spanish state. To them the new Statute, far from being a separatist or anti-Spanish project, simply aimed to find a new way for Catalans to live within Spain that wouldn't bring about in the end their economic suffocation or their collective extinction as a people.

This was the state of affairs up until this month, when, after a grueling process of four years, the Constitutional Court finally contrived to reach a decision. The ruling has been interpreted in different ways by the different sides. To the zealots of Spanish oneness, it only certified the breakup of Spain. Their slightly less fundamentalist coreligionists in the Popular Party claimed victory saying that, by revoking several articles and, better still,

by providing a restrictive interpretation of many others, the Court had confirmed their initial misgivings about the Statute. Oddly, however, the Socialist Party also managed to claim that it had been right all along in its tepid support of the reform initiative: since only a small number of articles had been removed or altered, that proved that the Statute was largely constitutional. Those were the reactions in Madrid, where, each in its one way, everyone was ultimately satisfied with the curtailment of Catalan self-rule that the Court's decision entailed.

The views from Catalonia were radically different.

Except for the Popular Party, whose presence there is marginal, all political groups and the general public have voiced their indignation not only with the ruling itself but also with the process that has led to it.

- First, because leaving the fate of the Statute in the hands of a judicial body whose pretense of political impartiality is a known farce was seen from the beginning as a perversion of the democratic process. This was never a legal matter, but a political and ideological one. Several times in the history of Spain Catalan aspirations to a larger degree of self-government have been thwarted by war, occupation or dictatorship; it is felt that this time the judicial way has been used to achieve the same purpose.
- Second, because even if the number of contested provisions is small, they go to the core of the new pact with the state that Catalan unionists were hoping to attain. Its main pillars were the double need to assert a distinct national reality that, like those of Scotland or Flanders, is recognized as such throughout Europe and all too often negated in Spain; and to lay the foundation for a more equitable relationship with the central government on the economic front, overcoming the glaring fiscal imbalances that have hindered Catalonia's development ever since the establishment of the autonomic system.

Both principles have been callously hacked in the ruling. A timid proposal to work towards some degree of fiscal equity has been summarily overturned. And to make things perfectly clear as regards national identity, the new text will contain no fewer than eight references to the “indissoluble unity of the Spanish nation” – that after decreeing that the term “nation” applied to Catalonia in the preamble has no legal value whatsoever. But, can anyone seriously believe that it is for ten Spanish functionaries to decide whether Catalonia – or Scotland, or Tibet, for that matter – is a nation?

The message from the Court, then, has been to set the limits to what Catalans can expect from their belonging to Spain, a point emphasized by President Zapatero when he claimed, as recently as July 1st, that this will mark the end of a process of political decentralization. What nobody on the Spanish side seems to realize is that the new Statute represented a strict minimum for Catalans to go ahead with the Spanish venture. If Spanish law – and the underlying politics – is used to impose new restrictions on Catalan aspirations, it is only natural that those Catalans who still had hopes of a commonly beneficial arrangement with Spain will turn their back on the institutions that have once again shown their unwillingness to find a reasonable solution to the integration of the state.

In the end, the hard line taken by Spain – today's economically weakened, socially dislocated and politically aimless Spain – may well backfire. More and more Catalans are now joining the ranks of those who have already concluded that the Spanish way is definitely shut for them and who can see no other option but to start on a new separate road. To many Catalans today it is, in the terse words of Columbia professor Xavier Sala-i-Martin, “Spain: game over”.

