

Josep M. Colomer

Empire and freedom

The demand for a New Statute for Catalonia does not come solely from the political class and is not a transitory matter, but something that has come about through the concurrence of several long-term processes. The most decisive of these is in my opinion forming part of Europe, which has drastically reduced the central government capacity for economic and territorial coordination.

Continental-scale prospects and trans-frontier cooperation have opened up new opportunities for peripheral communities, which no longer have to depend so much on the governments of States. There is in fact a marked tendency towards increasing decentralisation in the bigger European States.

On the Iberian peninsula, the projects for state construction and national construction, the culmination of which had traditionally been associated with the consolidation of democracy, have been affected right down to their roots by the realities and expectations involved in joining Europe. The thinning out of basic elements of States' sovereignty, the diffusing of frontiers, the opportunities created for public assets and communication networks of European scope, as well as the rediscovery of the democratic advantages of small communities come up against views more rooted in processes and expectations of the past. These notes attempt to point out only some of the underlying themes behind the initiative and discussion on the Statute project.

1. CONFUSION BETWEEN STATE, NATION AND DEMOCRACY

Spanish liberalism has displayed a tendency towards identifying State, nation and democracy. The basic idea has been that a solid Spanish State should be constructed because a consistent Spanish nation could be built from this basis and only the Spanish

national State would give democracy any sovereign significance. As a recent and relevant example of this conception, one can quote the words of the leader of the Popular Party, Mariano Rajoy, precisely in the debate in the lower house of Parliament for acceptance for processing of the Catalan Statute bill. Rajoy said:

In Spain there is only one sovereign power. A power that is over and above the crown, over the government, over the judges, over this institution, over the autonomous communities and over the councils. A power that does not admit parcelling out, that cannot be divided, that is not shared. This power is practised only by the Spanish people formed as a nation. This is what national sovereignty consists of. Nobody can talk to this on equal terms.

This concept does not tally with reality. State, nation and democracy are three different concepts which do not always go together. It is a well-known fact that there are sound and firmly established States that have not built a nation, but which are multinational States. Similarly, democracy existed before and exists outside the framework of the national State. The European Parliament, for example, is a democratic institution, but is not based on a State. Apart from this, the Catalan parliament, like the assemblies of other autonomous communities, the German *Länder* and those of several dozens of regions and nations in Europe, as well as thousands of councils and many other institutions, are also democratic, but not States.

2. FAILURES IN THE CONSTRUCTION OF A NATIONAL STATE

In Europe, Spain is probably the clearest case of a failure to build a national State. The Castilian nucleus was historically too small and relatively weak to build a Spanish national State under its own linguistic and cultural pattern, able to assimilate the different peoples in the territory. The degree of territorial unification of Spain lies very far from the typical case, the French State, but also from the assimilation achieved by other great States in Europe.

For a long time the relationship between Catalonia and Spain was one of “empire and freedom”, as historian Jaume Vicens-Vives called it. That is, “empire” in the joint endeavours in Europe and across the Atlantic, and “freedom” in the internal assumptions, governed in Catalonia by its own representative institutions organised around the Parliament and the Generalitat. The diffusion of the Castilian language, for example, created a new lingua franca for written communication, as Latin had previously been, but did not replace Catalan nor the other languages spoken in the diverse traditional communities.

The attempt to build a Spanish State started above all from the 18th century. After the Westphalia treaty had hallowed the sovereignty of the great States in Europe, the new Bourbon monarchy attempted to copy the centralised model of the French State on the Iberian peninsula. In Catalonia the forced military recruitments intensified as well as the imposition of the Castilian language (to the extent of suppressing practically all the universities). But the Catalans, in spite of being deprived of self-government, were able to gain easier access to more extensive markets through the suppression of the customs between the former kingdoms in the peninsula and the establishment of a unified

external duty, as well as the guarantees stemming from the new civil, criminal and mercantile codes, the defence of property, the adoption of the decimal metric system and the creation of the peseta.

During the 19th century the Catalans took an active part in the economic and political construction of Spain. The most prominent milestones were first of all the unitary liberal project that was designed at the Cadiz Parliament in view of the French invasion by Napoleon, in which Catalan economist Antoni de Capmany had a considerable influence, amongst others. Second, the attempt to establish in Spain the Savoy dynasty organised by general Joan Prim, following the model of the Italian unification from Piedmont, which was like Catalonia the historical kingdom of the north closest to the centre of Europe and most economically prosperous. Third, the proclamation from Catalonia of the federal Spanish Republic, which would have been organised in fifteen “free and autonomous peoples” according to Francesc Pi i Margall’s design.

All these projects and attempts sought to build a prosperous and modern Spanish nation or “nationality”, based on an efficient Spanish State and an imperial ambition. But they did not entail any cultural standardisation. The Catalans continued to see the Castilian language as a lingua franca and imperial tongue which enabled them to communicate with the Spanish and also with the colonies, but not as a single, national and exclusive language.

The basic fact was that Catalonia, in spite of being a minority in Spain seen as a whole, was a relatively large and sufficiently modern community to act as a driving force in what some have called “sorting out Spain” or “Catalanising Spain” in the economic, political and social domains. In spite of this, the successive failures of the diverse Catalan political projects led many to conclude that there was a “coercive impotence of Catalonia” over Spain, to put it in the words of Vicens-Vives again. Catalonia was a frustrated Piedmont.

The decisive crisis was precisely the dismantling of the Spanish empire in 1898, with the independence of Cuba, Puerto Rico and the Philippines. The importance of this episode does not stem so much from the importance of the lost colonies, since many others had been long lost in the first half of the 19th century, but above all from the sensation that, with this loss, Spain was swimming against the current and would be isolated from the rest of the world, where Great Britain’s dominance was started to be challenged by the United States, the new emerging power.

“State, nation and democracy are three different concepts which do not always go together”

In Catalonia, the disappearance of the Spanish empire led to dropping the projects to build a Spanish State and a Spanish nationality, which ceased to offer any sufficient appeal. For enterprising Catalans who had wanted to govern Spain, this was also a defeat, for which they wished to console themselves with a movement of internal reaffirmation. Cultural Catalanism glorified the medieval past and half-forgotten traditions. Enric Prat de la Riba proposed a “Catalan nationality” alternative to the “Spanish nationality” still being put forward by Catalan federalists a few years before. Soon Francesc Macià was proclaiming a “Catalan State” alternative to the Spanish state, as well as a “Catalan

republic” as a “State” within an Iberian federation —hypothetical, since the other potential members did not join this movement.

If Catalonia had been a frustrated Piedmont or Prussia in the 19th century, in the 20th it was also a frustrated Hungary or Ireland. None of the aforementioned Catalan projects —national, state or imperial, interventionist or separatist, could be consolidated. If the attempt to build a Spanish national State made during over two hundred years may be considered an irreversible failure, the project to build a Catalan national State, which is already over one hundred years old, may also be considered a failure with no future. Our present reality and the expectable future developments do not make the construction of new national sovereign states feasible in Europe.

3. DEMOCRACY HAS NOT GENERATED THE CONSTRUCTION OF A SPANISH NATION

Possibly one of the culminating points in the construction of a Spanish national State arose in the transition period (1976-1980). Diverse processes coincided in Spain over these years:

- A fairly high level of linguistic and cultural uniformity as regards Castilian Spanish as a result of the prohibitions and persecutions of a long period of dictatorship.
- A reinforcement of the central State apparatus, through the expansion of public expenditure and the number of civil servants in the administration, which went on during the nineteen-eighties.
- A new democratic legitimisation of the State, crystallised in the 1978 constitution.
- Great international isolation, accumulated from long before, except for NATO and the European Community, which favoured introspection.

These processes have however changed substantially in the early 21st century. The Spanish army, part of NATO since 1981, is today a small and ineffective body. Military expenditure, which had exceeded 2% of the GDP in 1990, the culmination of the Cold War, has dropped to under 1.1 %. Compulsory military service, which had been a traumatic experience for millions of young Spaniards since the late 19th century, had its length cut down from the end of the 1982, but an avalanche of conscientious objectors and desertions forced an acceleration in the plans to suppress this completely. It was then intended that the number of military personnel, which was 375,000 when NATO was joined, would be reduced to 120,000 professionals, but in fact, through a lack of volunteers, it has dropped to under 70,000 persons, only 7,000 of whom are permanent. Nearly 10% of the soldiers and sailors have been recruited abroad.

The Spanish State has ceased to be sovereign in monetary and commercial policy through the adoption of the euro and the European common market, and is subject to considerable restrictions in budgetary and tax policy by the stability plans of the European Union. Foreign trade has soared to nearly 60% of the Spanish gross domestic product, three quarters of which represents trade with Union countries.

Public expenditure has indeed risen extraordinarily during the present democratic period. In 1975, the end of the dictatorship, the State spent a little over 20% of the GDP, while later on this percentage has soared to over double. Given that the product in real terms

(deducting inflation) has also doubled in these thirty years, it proves that public expense in real terms has multiplied by four. But whilst in 1975 the central administration spent 90% of the whole public expenditure (and only 10% was left in the municipalities' power) at present central expenditure comes to just over 50% of the total (and most of this is devoted to social security and payment of interest). As regards the proportion of GDP, the expenditure of central State administration is thus today practically the same or even lower than it was thirty years ago, while the main novelty is that a new and extensive administration of autonomous communities has been set up.

As regards the proportion of civil servants, decentralisation is still greater, since the autonomous communities have competencies in the service activities employing most staff, particularly education and health. The proportion of civil servants in the central administration as compared with the whole of the working Spanish population is today lower than it was thirty years ago.

The cultural and linguistic standardisation of Spain has not only failed to culminate in a national State of the French type, but has dropped in the last decades. Around a quarter of the Spanish people mainly use a language other than Castilian in family and private relations, and 40% live in the six autonomous communities in which there are two official languages.

The feeling of forming part of a Spanish nation is also weaker. Under a quarter of the citizens of the State consider themselves only or mostly Spanish (rather than members of their autonomous community). Hardly 10% wish to return to a unitary State, whilst the rest, almost half, consider the present degree of decentralisation of the autonomous communities State to be insufficient. All this has boosted the significance of the nationalist dimension in relations between citizens of different territories in the State. In short, the Spanish State has not only lost its capacity to guarantee defence of the territory and provide a currency and protected markets to the European Union, NATO and other organisations and networks of great imperial spheres, but has also gradually lost part of its capacity to collect taxes, keep order and guarantee citizens' safety, make public works and organise basic services such as teaching and health, as well as the monopoly of television and the management of linguistic and cultural diversity, to the autonomous communities, private initiative and transnational networks. The Spanish State is now not in fact a sovereign state, but has signed over or lost most of the exclusive competencies for providing public goods in which justification for the monopoly of legitimate violence has traditionally been claimed. The most widespread opinion is that Spain is also a "multinational" ensemble.

These processes have shown how unfeasible it is, in the 21st century, to build a Spanish national State, in the sense of a political organisation based on effective sovereignty, the monopoly of power and the homogenisation of the population inside an extensive

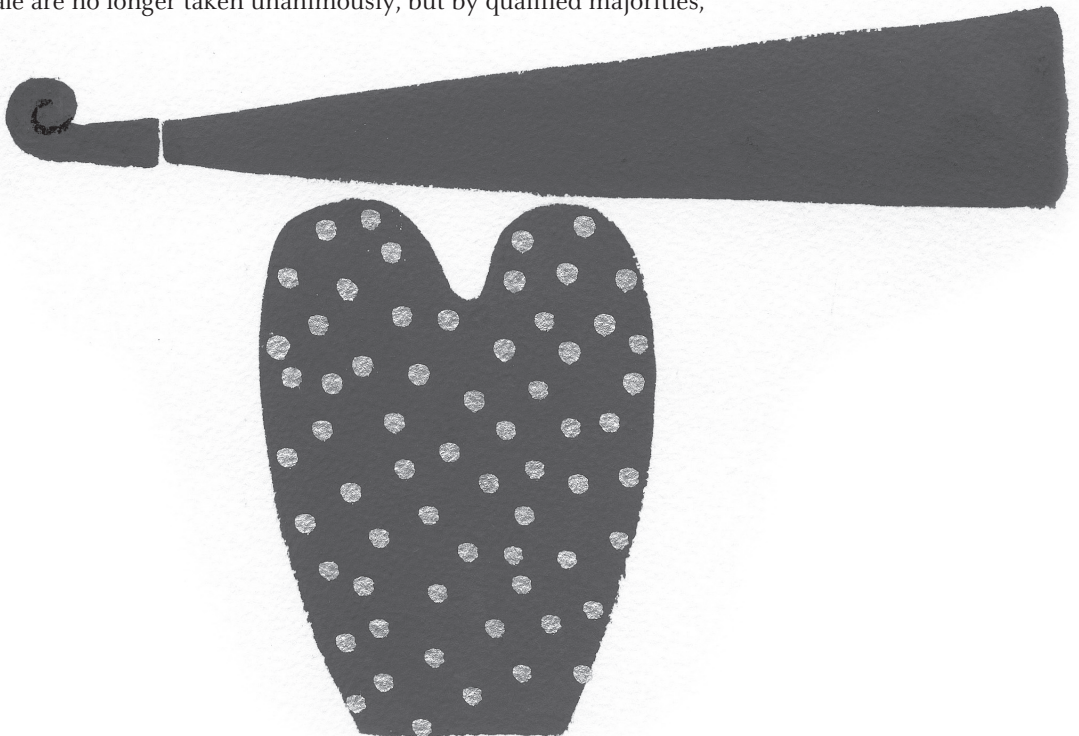
“The cultural and linguistic standardisation of Spain has not only failed to culminate in a national State of the French type, but has dropped in the last decades”

territory with well-defined frontiers. The Spanish State is no longer what it was, nor what it could have been and did not become: a uniform and sovereign national State based on the Westphalian and French pattern. The establishment of democracy in Spain, instead of helping to form a great national State, has fostered integration in a vast empire and development of small nations.

4. A MULTI-LEVEL DEMOCRACY

What currently exists in Europe is a democracy on multiple levels in which the powers are divided and shared and none of them has any real and effective sovereignty. The different levels act and often overlap: the European Union, which is a democracy of “imperial” scale; the States, like the Spanish one, which is in fact multinational and whose organisation tends to take a federal pattern; and the self-government of nations, like Catalonia and so many others. Today there is thus no single source of effective sovereignty enabling a linear hierarchy of powers to be established, but a diversity of jurisdictions. In this framework, the principle of subsidiarity established by the European Union gives priority to the levels of government closest to the people, that is to those of smaller size.

On the European level, the institutional mesh has become increasingly operative thanks partly to the construction of European scale political parties with a high degree of internal discipline. The European Parliament has shown itself capable of becoming an active member of the inter-institutional process and creating federalising bonds with the other institutions, in spite of the project for formalising these inter-institutional relations in a constitutional text at present paralysed. Most of the decisions on a European scale are no longer taken unanimously, but by qualified majorities,



“Today there is no single source of effective sovereignty enabling a linear hierarchy of powers to be established, but a diversity of jurisdictions”



Cap (Head), Artur Heras (2003)
gouache on paper
22 x 30 cm

though these are nevertheless binding for the member States, which can only exercise their sovereignty otherwise by unilaterally leaving the Union.

On the level of the big European States, there is a continuing tendency towards decentralisation and federalisation, which does not entail uniformity but quite the opposite —greater territorial diversity. Among the small political unities there is a considerable variety of institutional and political formulae. Cooperation between regions is also developed, not only within the big States but also across frontiers, to the extent of forming Euroregions and leagues of non-neighbouring regions. These processes also eliminate a crucial element of States' sovereignty and help to create a diversity of political structures and forms of self-government in the Union as a whole.

In this perspective of a democracy on multiple levels, Catalonia may like any other community develop an increasingly wider range of multilateral relations, not only with the central government of the Spanish State, but with the other autonomous communities, as well as with the central European Union institutions in Brussels, and, in a Europe with no frontiers, also with other Union States and regions. But in order for this multilaterality to be able to thrive, it requires some institutional mechanisms that are at present weak or non-existent. Multilateralism would be the very scenario of self-government in Catalonia if the division of competence powers and of financial resources were based on clear and automatic criteria, if there were a Spanish Senate representing the autonomous communities, as well as a regular conference of autonomous community presidents and effective sectorial conferences, if the autonomous communities participated formally in the designation of the members of the Constitutional Court, the Supreme Court, the General Council of the Judiciary, as well as of the boards of the Bank of Spain and Spanish Radio and Television, if the autonomous communities regularly took part in the Council of Ministers of the European Union (as they have started to do so far in a rather haphazard way) and if the Committee of Regions had to be consulted by the European Commission in decisions affecting the territorial distribution of power. This is the direction in which the project for reform of Catalonia's Autonomy Statute is pointing. Further steps ought to be taken along this way in coming years II