

Article Title: Decentralisation at a Crossroads: Spain, Catalonia and the Territorial Crisis

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Abstract:

The constitutional quagmire between the Catalan government and the Spanish state has dominated debate in academic, political and public spheres for several years. This article examines the evolution of this territorial crisis, drawing on interview data with parliamentarians in the Catalan Parliament. The analysis illuminates a number of limitations with the extant territorial model, including the lack of recognition of Spain's plurinational status, the centralising tendency of the central state, the absence of shared rule and the prominent role of the Constitutional Court in arbitrating territorial disputes. Further, the article sketches some potential scenarios for the future development of relations between the Catalan and Spanish governments, ranging from recentralisation to reformulation, state disintegration to continued stalemate. While talk of using autonomy as a conflict resolution mechanism was largely absent from the initial debates during Spain's transition, the article concludes that the time has come for Spanish political elites to rethink this approach, not least if they seek to keep the state together.

Introduction

Spain's evolving territorial crisis has been at the forefront of debate across Europe and further afield for several years (Cuadras-Morató, 2016; Dowling, 2018; Gillespie and Gray, 2015; Nagel and Rixen, 2015). Heightened interest ensued in October 2017 after Catalonia's controversial independence referendum, the harsh response by Spanish state forces, the Catalan government's unilateral declaration of independence and ultimately the suspension of Catalan autonomy (Cetrà, Casanas Adams and Tàrrega, 2018). Further, a number of pro-independence government ministers and civil society activists were arrested, charged and ultimately imprisoned for their role in the organisation of the independence referendum while others, including the then President Carles Puigdemont, evaded arrest by escaping to other European countries. In line with the suspension of self-government, new elections were organised for the Catalan Parliament in December 2017, but very little changed in terms of the Parliament's composition. The anti-independence Ciutadans was the clearest victor of the election, winning most seats, but electoral arithmetic thwarted the party's chances of forming government; with 47.5% of the vote, pro-independence parties won 70 of the 135 seats.ⁱ

To add a further layer of complexity to the already intractable territorial crisis, in June 2018 Pedro Sánchez, the leader of the Partido Socialista Obrero Español (PSOE), assumed office after an orchestrated vote of no confidence in Mariano Rajoy and his Partido Popular (PP) government. For some, including the new Prime Minister himself, a socialist government was to herald a new era of centre-periphery relations between the Spanish state and Catalonia, but this gesture of goodwill was rather short-lived. Political stalemate in Madrid resulted in elections in April and November 2019, but neither trip to the polls returned a majority government and instead delivered an increasingly polarised parliament. Increasing competition on the right of the ideological spectrum brought the Catalan issue to the fore in both campaigns, used by anti-independence parties as an opportunity to bolster their image as the protectors of the Constitution and national unity. In April 2019, this radicalisation saw support increase for the anti-independence Ciudadanos as well as facilitate the election of representatives of the radical right-wing, Vox, both of which forcefully campaigned on an anti-independence ticket. In the November 2019 election, Ciudadanos haemorrhaged support, but both the PP and Vox increased their proportion of seats; the latter became the third biggest party in the Congress. The PSOE remained the largest party, albeit significantly short of a majority, while in Catalonia the largest number (23) of pro-independence parliamentarians was elected. Notwithstanding repeated trips to the polls, the territorial impasse continues.

Drawing upon interview data with representatives from all politics parties in the Catalan Parliament, this article examines the evolution of territorial politics in Spain and Catalonia in recent years, identifies some of the limitations of extant territorial arrangements and ultimately offers some provisional observations about the future terrain of Spain-Catalonia relations. In line with existing literature on research methods (Peabody et al, 1990), the use of semi-structured in-depth interviews was adopted to further explore party policy platforms on constitutional issues as well as gather data related to the most recent events in what remains a fast-changing political context. In total, 16 interviews are drawn upon. Interviews took place over a period of six weeks in April and May 2018 with parliamentarians with responsibility for

policy briefs related to independence and Catalonia-Spain relations. On average, interviews were around 60 minutes long, were conducted face to face in either Catalan, Spanish or English and were recorded and later transcribed. In accordance with institutional ethical consent procedures, interviewees were granted anonymity.

This article is organised as follows. Section one outlines the main features of the Spanish experience with decentralisation, with particular focus on the rationale for territorial restructuring. Section two discusses the evolution of the territorial model and examines some of the principal limitations of extant autonomy arrangements. Section three sketches some potential scenarios for the future terrain of the Spanish decentralisation project, ranging from recentralisation, reformulation, disintegration and continued stalemate. Section four concludes.

Decentralisation in Spain

Spain is typically described as an ‘autonomic state’, but debate remains as to whether the state constitutes a federation (Requejo, 2017). Such debate is not merely limited to academia. Among politicians, definitions of the decentralisation project range from ‘pre-federal’ (Interview with ERC MP), ‘quasi-federal’ (Interview with Ciutadans MP) to ‘flawed federalism’ (Interview with PSC MP). Arzoz (2012, p. 179) succinctly encapsulates this lack of consensus, defining Spain as a ‘multinational quasi federal unitary state’.

The Spanish Constitution implemented in 1978 signalled a complete rejection of the overweening policies of the preceding dictatorial Franco regime, providing institutional architecture which transformed Spain from a centralised dictatorship to a modern liberal democracy (Guibernau, 2004). The Constitution was the result of an intense period of political negotiations and bargaining between Spanish elites, including pro-democratic and pro-decentralisation forces, as well as other more hesitant actors like the military which had supported the Franco regime. In the end, the Constitution entrenched an open-ended territorial model and set out two processes to achieve autonomy: a fast and slow track. The former was specifically designed for those regions which had approved statutes during the Second Republic (the Basque Country, Catalonia and Galicia); enabling them to gain more extensive autonomy than the other (some newly created) regions which pursued the slow track approach.ⁱⁱ In the event, an asymmetrical territorial model composed of 17 Autonomous Communities (ACs) emerged.

The Constitution has come under intense scrutiny in the academic literature, considered ‘a model of ambiguity’ (Keating, 1996, p. 149) and ‘a feat of semantic engineering’ (Balfour and Quiroga, 2007, p. 46). Article Two of the Constitution, described by Guibernau (2003, p. 124) as ‘the most controversial [article] in the whole text’, epitomises the challenge of drafting a constitution to reflect and balance the concerns of pro-autonomy and autonomy-cautious forces. It recognised the existence of nationalities and regions and sought to meet (some of) the demands from territories like the Basque Country and Catalonia for a differentiated status. The Constitution, for instance, makes reference to ‘nationalities and regions’, but it does not enumerate them nor is there any explicit acknowledgement of the state’s plurinationality. Article Two largely enshrines a mononational vision of the Spanish state.

Unlike some of the other cases examined in this special issue, decentralisation in Spain was not necessarily viewed through the prism of conflict resolution. Rather, it was sold as a tool of reconciliation, state-building, economic efficiency and democratisation. This, however, is not to deny that decentralisation has served as a mechanism to better manage territorial disputes, particularly given the ethnoterritorial diversity of the state. Much like the short-lived Second Republic (1931-1939) whereby territories like the Basque Country and Catalonia were granted a right to territorial autonomy, the right to self-government in the 1978 Constitution also ‘made a significant contribution to the resolution of ethnoterritorial conflicts’ (Moreno, 2001, p. 54). More recently, however, the territorial model has come under increased pressure and scrutiny.

From Consensus to Crisis: The Evolution of Spain’s Decentralised Model

Spain’s pacted transition is often exemplified as a successful model of transition that not only facilitated moves towards democracy, but further entrenched this through the hollowing out of powers to regionally elected tiers of government (Beramendi and Máiz, 2004, p. 123). Decentralisation was purported as a flexible model that granted rather extensive self-governing powers to the ACs. The granting of further powers in Spain has been a consistent characteristic of the system, but further devolution has not been part of a holistic programme of decentralisation.

In the case of those ACs which pursued the slow track process of autonomy, further autonomy has been rolled out in an attempt to symmetrise the system and dilute claims of ethnoterritorial distinctiveness from the historic nationalities (Máiz, Caamaño, and Azpitarte, 2010). This doctrine, dubbed *café para todos* (coffee for everyone), sought to harmonise, or more concretely symmetrise, the autonomy model while simultaneously reinforcing the primacy of the central government. This was most evident in the passing of the Organic Law on the Harmonisation of the Autonomy Process (LOAPA) in 1982 which not only extended powers to the other ACs to catch up with the historic nationalities, but signalled a rolling back of already devolved powers, including a requirement that legislative acts passed by autonomous parliaments be approved by the central government (Agranoff and Ramos Gallarín, 1997, p. 12). The LOAPA bill was fiercely opposed by the Basque and Catalan governments, but while some of its most controversial clauses were struck down by the Constitutional Court, this did not dilute the main political elites’ penchant for state centralism.

The powers of the historic nationalities, namely Catalonia and the Basque Country, have increased over the years, but this has been a result of deals struck in periods of minority government. The main nationalist parties in Catalonia and the Basque Country – *Convergència i Unió*,ⁱⁱⁱ *Esquerra Republicana de Catalunya* and *Partido Nacionalista Vasco* – among others, have all supported PSOE and PP minority governments in Madrid in return for concessions vis-à-vis legislative and fiscal powers for their respective ACs (Field, 2016). In periods of majority government (PSOE 1982-1993; PP 2000-2004; 2011-2015), however, the leverage of the aforementioned parties to extract concessions from the central government has been drastically reduced. Further, majority governments under the PP also witnessed a reinvigorated confidence in promoting Spanish nationalism as well as a ‘discourse designed to promote uniformity’ (Requejo, 2010, p. 158). This is most widely associated with the majority governments of José María Aznar (2000-2004) and Mariano Rajoy (2011-2015). Under the guise of economic efficiency, for instance, the Rajoy administration pursued a recentralist

agenda which further complicated centre-periphery relations and emboldened Catalan support for a referendum on independence (Muro, 2015).

Despite initial optimism regarding the Spanish transition and the success of the decentralisation model in managing territorial disputes, in recent years this optimism has waned, evidenced in Catalonia by increasingly vociferous pro-independence organisations and growing support for independence (Anderson, 2019). The intransigence of the Spanish government to engage in debate about an independence referendum has emboldened rather than dampened demands in Catalonia for a vote. Yet, while for some the ongoing territorial crisis is a symptom that the decentralised system ‘requires reform not abandonment’ (Interview with Catalunya en Comú-Podem MP), for others it signals a complete breakdown and thus ‘failure of the decentralised model’ (Interview with ERC MP).

Given increased tension between the Catalan and Spanish governments, further examination of some of the limitations of existing arrangements is required to fully understand some of the current tensions straining centre-periphery relations. The analysis draws upon four of the principal themes that emerged from the interview data with Catalan and Spanish politicians: the lack of recognition of Spain’s plurinational status, the centralising tendency of the central state, the need for reform of the Senate and intergovernmental relations and the role of the Constitutional Court as a neutral arbiter in resolving disputes.

Convoluting Recognition

There is little doubt that the 1978 Constitution represented a significant critical juncture in the development of democracy in Spain. The Constitution predominantly endorsed a mononational vision of the state, but there was some recognition of the ‘differential facts’ of those territories that gained autonomy under the short-lived Second Republic. The ‘national question’ was a salient and sensitive issue and embodied the challenge facing the framers of the constitution: to find a sustaining equilibrium between those territories demanding self-government and recognition, and the autonomy-cautious Armed Forces and Francoist elites. As noted earlier, Article Two of the Constitution mentions ‘nationalities’ and ‘regions’ and guarantees both ‘the right to self-government’. The terms ‘nationalities’ or ‘regions’, however, were not elaborated or enumerated in the Constitution, but the former was widely acknowledged to be limited to the Basque Country, Catalonia and Galicia.

The recognition of Spain’s internal diversity, while it indisputably signified a clear break with the previous authoritarian regime, endorsed only a timid acceptance of Spain’s plurinationality and largely side-lined this in favour of a mononational nation-state interpretation. As Arzo (2018, p. 247) notes, ‘the Spanish Constitution of 1978 attempted to combine the traditional ideology of the nation-state with a limited recognition of territorial and cultural autonomy’. The result, however, was nothing short of ‘a rather ambiguous formula’ (Martínez-Herrera and Miley, 2010, p. 8) which continues ‘to contaminate all of the debates’ related to Catalonia’s status and relationship with the Spanish state (Interview with PSC MP). Spain, for instance, stands in contrast to other plurinational states such as the UK whereby the conferral of nationhood upon Scotland, as well as England, Northern Ireland and Wales, has courted little controversy in the twenty first century (Brown Swan and Cetrà, 2020).

The lack of recognition afforded to Catalonia in Spain has long been a latent tension in the territorial model masked by the rolling devolution of powers which has seen Catalonia become

a very powerful sub-state entity. In recent years, however, hesitance to devolve further powers to Catalonia, the rejection of the attempt by the Catalan government to create a typology of competence jurisdiction in the Statute reform pursued in the aftermath of the 2003 Catalan election and the subsequent restrictive interpretation of the Constitution illuminated by the Constitutional Court in its 2010 judgement on the reformed Statute further spotlighted the lack of official recognition accorded to Catalonia. In the words of one interviewee, ‘the problem is not so much about political decentralisation but the recognition of plurinationalism and the recognition of the existence of different nations with the right to self-government and to be political entities’ (Interview with JxCat MP). Any moves towards better recognition, however, are impeded by the lack of consensus among Spain’s political elites. While for example, the socialists believe that ‘at the level of the Spanish government much more could be done to recognise that Spain is plurinational’ (Interview with PSC MP), both the PP and Ciutadans reject this notion. For the PP, further recognition is unnecessary since ‘the 1978 Constitution already recognised the distinct status of these Autonomous Communities’ (Interview with PP MP), while for Ciutadans, emphasis should be on symmetry insofar as all ACs should have the same status: ‘We do not agree with academics that say Spain has to recognise the specificity of Catalonia in the Constitution. We do not agree with this because our Constitution is a pillar of our country that belongs to the citizens not the nationalities’ (Interview with Ciutadans MP). Recognition, or more concretely the lack thereof, thus remains a perennial issue.

The Centralising Tendency: Government Encroachment

The history of state and nation-building in Spain has oscillated between periods of centralisation and decentralisation. The 1978 Constitution represented a rejection of the centralist model imposed by the Franco regime, but while the territorial model allowed for the development of both symmetrical and asymmetrical arrangements, Spain’s main political forces have sought to impede the asymmetric evolution of the system. Successive Spanish governments, led by both the PSOE and PP, have sought to engineer the trajectory of the territorial model towards a more centralised and symmetrical model. This has taken place as a result of the rolling out of devolution to all ACs in an attempt to dilute claims of distinctiveness heralding from the historic nationalities as well as under the guise of ‘the general interest’.

Under Article 150(3) of the Constitution, the Spanish government has the power to use Basic Laws or Organic Laws covering policy competences under AC jurisdiction to promote and protect ‘the general interest’ of the state. This was most clearly witnessed during the 1980s under the PSOE leadership of Felipe González in which the government repeatedly invoked ‘the general interest’ to pass laws in a number of ambits including, economic development, education, health care and tourism (Máiz, Caamaño, and Azpitarte, 2010). This has also been a feature of PP governments, more recently under the Rajoy government and its Organic Law for the Improvement of Educational Quality (LOMCE) passed in 2013. This law sought to standardise the curricula through increasing the powers of the Ministry of Education at the expense of the powers of the ACs and contested the policy of linguist immersion in those ACs with co-official languages, requiring fewer subjects to be taught in the vernacular language. This was, unsurprisingly, vehemently opposed by the ACs, particularly the Basque Country and Catalonia, which saw the policy as an attempt to roll back already devolved powers and foist upon all ACs a mononational and statist ideology at odds with the historic nationalities’ claims to distinctiveness, plurinationality and self-determination. This seemed to be confirmed

by the Education Minister himself who believed the law was a necessary measure ‘to Hispanicise’ Catalan students (Aunió, 2012).

While of itself government encroachment is considered a constraining limitation of the Spanish model of autonomy vis-à-vis the development of the ACs, particularly the historic nationalities, the fact that such recentralising tendencies are often accompanied, especially in the case of the PP, with reinvigorated Spanish nationalist rhetoric is perhaps more problematic. In this vein, the Spanish government, influenced by its ‘monolithic, centralist vision’ (Interview with Catalunya en Comú-Podem MP) seeks to peddle the vision of a mononational nation-state with a territorial model that ‘denies the legitimacy of Autonomous Communities like Catalonia as political subjects’ (Interview with ERC MP). This not only prohibits the holding of an independence referendum in Catalonia, but for Spain’s main political elites even precludes discussion on the topic. This unwillingness to engage in this debate has hitherto impeded the development of a plurinationally sensitive political culture and paradoxically has fuelled rather than arrested demands for Catalan independence.

Weak Shared Rule

Shared rule, which refers to the participation of sub-state regions in the decision-making processes of the central government, has been a neglected dimension of power in Spain. Numerous intergovernmental forums have been developed over the last few decades, including sectoral conferences to bring together ministers from the central government and ACs, and the Conference of the Presidents, established in 2004 to bring together the different Presidents of the ACs with the Prime Minister and other central government representatives (Aja, 2006). The existence of these intergovernmental forums, however, do not mask the fact that while these meetings are important to ensure dialogue among the different orders of government in Spain, they are not mechanisms to enable the ACs to exert influence over central government policy. In the words of one interviewee, ‘they are mechanisms which do not serve for what the state is looking for, which is the harmonisation of politics...nor for what the Autonomous Communities are looking for, which is to intervene and influence state affairs’ (Interview with JxCat MP).

A territorially representative upper chamber is another mechanism through which sub-state entities can seek to influence central government decision-making processes and policies, but while the Constitution bills the Senate as ‘the House of Territorial Representation’, the capacity of the Senate to act as such is circumscribed by its functions (or lack thereof) and composition. Composition of the Senate is not designed along AC lines but rather along provinces, a hangover from the pre-transition centralist state. Reform of the Senate has been consistently mooted by various political actors in Spain, but lack of consensus has hitherto impeded reform. Roller (2002) succinctly encapsulates this protracted but stalled process, dubbing Senate reform ‘mission impossible’. Consequently, optimism about future reform is muted and the Senate’s reputation as a mere ‘expensive spellcheck service’ remains prominent (Interview with JxCat MP).

Intergovernmental relations among the different orders of government are an essential feature in multilevel states. In Spain, intergovernmental relations are in need of reform, evidenced by the paucity of cooperation and even dialogue between the Catalan and Spanish governments in recent years. Decentralisation in Spain has focused on building out, that is, devolving power to

the ACs, but has failed to build in. This absence of effective mechanisms for cooperation, dialogue and as a vehicle for ACs to exert influence on the central government has further complicated relations between the Catalan and Spanish governments, albeit ‘people’ and ‘personalities’ play an important role, too (Interview with ERC MP). Writing about the UK, McEwen (2017, p. 669) notes, ‘[t]he plurinational character of the state, especially within the current context of competitive nation-building and contested constitutional politics, shapes the motivations and trust of the actors involved’. The same holds true for Spain.

High Level Litigation

The lack of detail in the Constitution with regards to the territorial model imbued the Spanish Constitutional Court with a pivotal role in the construction, development and consolidation of the State of Autonomies. Playing such a prominent role in the territorial model opened up the Constitutional Court to a number of criticisms, but there was general agreement, at least until recently, that the Court:

has navigated something of a middle way. It has shown itself prepared to uphold actions by the central government to enact policies in the general interest, even when these cross into areas which the autonomous communities have argued should be within their exclusive powers. On the other hand, it has curtailed the use of the harmonisation power, and shown itself ready to uphold controversial nation-building endeavours by Catalonia. (Tierney, 2004, p. 276).

In recent years, however, the relatively high esteem in which the Constitutional Court was held during the first few years following the transition has gradually dissipated, rooted in charges of politicisation and a centralist bias (Casanas Adams, 2017).

The Constitutional Court has played an important role in the management of Catalan attempts to hold an independence referendum, as well as more widely in debate about Catalonia’s place within Spain. The Court’s 2010 judgement on the constitutionality of the revised Catalan Statute of Autonomy (which had been approved by the Catalan and Spanish Parliaments and a referendum in Catalonia), found 14 of the referred articles ‘unconstitutional’ and narrowed the interpretation of a further 27, and was thus heavily criticised from Catalan quarters interpreted as ‘a rupture with the Constitutional pact of 1978’ (Interview with JxCat MP). For some, however, it was not so much what the Court’s judgement said, but how it was said. Rather than adopting a more conciliatory and flexible position, as for example had been demonstrated in the litigation of the Court in the early years of the transition, the Court’s judgement was considered unnecessarily harsh, particularly its emphasis on the mononational, nation-state interpretation of the Spanish state. As such, the Court’s role as a ‘neutral arbiter’ has been called into question.

The preferred strategy of the Rajoy government regarding the Catalan government’s attempts to hold an independence referendum was to treat the issue as a legal rather than political problem (Cetrà and Harvey, 2018). Hence, in lieu of the central government resolving this issue, the Rajoy administration passed responsibility to the Constitutional Court which problematically became ‘the Spanish government’s enforcer’ (Casanas Adams, 2017, p. 402). This, consequently, has served to merely embolden existing claims of an inherent centralist bias in state institutions. For many pro-independence Catalans, this was most clearly evidenced in the draconian sentences leading to the continued incarceration of those pro-independence

parliamentarians and civil society leaders arrested in the aftermath of the 2017 referendum. As one interviewee put it, ‘the Constitutional Court should be a tool to arbitrate, but rather than be the referee it has become a player for one of the two teams’ (Interview with JxCat MP).

Catalonia and Spain beyond 2020

For the past few years and likely for years to come, Catalonia and Spain will remain at a constitutional crossroads. The PSOE may have become the largest party in the Congress, and following the November 2019 election formed a coalition government with Unidas Podemos, but any agenda for reform vis-à-vis the state of autonomies and the Catalan issue remains in the balance. Furthermore, the increased support for right-wing parties, not least Vox, continues to muddy the waters on any potential solution to the breakdown of relations between the Catalan and Spanish governments. Opposition to Catalan independence was a key strand of the electoral campaigns of Spain’s political elites, but the continual consolidation of support for pro-independence parties in Catalonia illuminate that the future territorial trajectories of both Spain and Catalonia are unclear. The penultimate section of this paper sketches four potential scenarios for the development of territorial politics in Spain: recentralisation, reformulation, disintegration and continued stalemate.

Recentralisation

Parties on the centre-right and right-wing ideological axis in Spain promote similar policies with regards to a centralising agenda of the Spanish territorial model. These parties – Ciudadanos, PP and Vox – continue to vie to be seen as the staunchest and most unabashed defenders of the Constitution and Spain’s territorial integrity. Given the political instability that has dominated Spanish politics in recent years, the re-election of a PP government, perhaps even supported by Ciudadanos and Vox, increases the likelihood of a recentralising agenda of extant autonomy arrangements. As noted earlier, recentralisation has been a recurring feature of successive PP governments, most notably in the ambit of education whereby the Spanish government has also sought to reinvigorate its particular version of Spanish nationalism (Nagel, 2010). Ciudadanos endorse a similar position and overtly advocate for the central state to take back control of education policy in Catalonia as well as abolition of the special economic model for the Basque Country and Navarre. Vox advocates the complete abolition of the state of autonomies and ‘the constitutional prohibition of any party that seeks separatist objectives’ (Turnbull-Dugarte, 2019, p. 2-3).

The application of Article 155 to suspend Catalonia’s self-government in the aftermath of the Generalitat’s unilateral declaration of independence spotlighted the vulnerability of Catalonia’s autonomy arrangements vis-à-vis unilateral action by the central government. The formation of a Catalan government headed by Quim Torra in the aftermath of the December 2017 election led to the eventual revocation of Article 155, but Ciudadanos, the PP and Vox were opposed and, in the face of the continued support of the Generalitat in favour of independence, have called for its reinstatement. In contrast, Pedro Sánchez has attempted to diffuse tensions through promoting dialogue with the Catalan government, but rhetoric aside, the Socialists have failed to make any progress on this. What is more, the PSOE, as much as the Ciudadanos, PP and Vox, remains resolute in its opposition to an independence referendum.

The recent electoral breakthrough of Vox underlines the importance of the Catalan issue in Spanish politics. Buoyed by its success in the April 2019 general election, Vox's uncompromising stance on Catalan independence - and the territorial model more widely - has increased its electoral attractiveness among the Spanish electorate and thus its institutional relevance in what continues to be a highly fractured political system. The PP and Ciudadanos, unsurprisingly, do not acknowledge the language of centralisation, but the election of a PP government, supported by either or both Ciudadanos and Vox in the near future indisputably increases the potential for the reinvigoration of a recentralising territorial agenda.

Reformulation

Reform is high on the agenda in Spain with all major political parties save the PP advocating some form of constitutional reform, although this varies with regards to the territorial model. While in power, the PP agreed to the establishment of a committee in Congress to examine territorial reform in return for the support of the PSOE to apply Article 155 in Catalonia, but has since rescinded its reluctant, lukewarm support for reform. In the words of the party's leader, Pablo Casado (2018), the PP would 'reinforce our Constitution instead of splitting it open'. The subsequent PSOE and Unidas Podemos coalition has promoted a rather extensive programme for constitutional and territorial reform, yet electoral arithmetic and lack of consensus on its proposals is likely to stifle how far this agenda can be pursued. The PSOE's long-term strategy is for the institutionalisation of a fully-fledged federal system. Despite this being party policy since 1918, opponents – and justifiably so – accuse the party of merely paying lip service to enacting real constitutional change (Keating, 1993, p. 209). In fact, this was most clearly demonstrated in the November 2019 electoral campaign in which the PSOE initially failed to mention its commitment to federalism or recognition of Spain as a plurinational state in its electoral manifesto (García, 2019).^{iv} In the short-term, the party advocates a number of reforms including the creation of a new Catalan Statute in order to further bolster the powers of Catalonia, increase certain aspects of official recognition and ultimately dilute support for independence (Interview with PSC MP). Moreover, the government has called for an overhaul of intergovernmental machinery to ensure AC involvement in central government decision-making processes.

Another area of contestation on the future direction of the Spanish state is whether or not an official, state-approved referendum on Catalan independence could take place in the near future. From the five largest state-wide parties – Ciudadanos, Podemos, PSOE, PP and Vox – only Podemos supports Catalonia's right to decide, albeit this support has been noticeably dialled back in recent years (Pardo, 2019). Hitherto, opposition to holding a Catalan referendum has precluded any serious negotiation on finding a route out of the ongoing constitutional quagmire. For those opposed to Catalonia's right to decide, the indivisibility of the Spanish state – as entrenched in the Constitution – impedes the organisation of a referendum on independence, irrespective of support for secession. For pro-independence supporters, however, reform short of a state-supported referendum 'with a choice between independence for Catalonia and an offer from Madrid' is oft-perceived as too little, too late (Interview with JxCat MP). Any future offer from Madrid will likely fall below the demands of independentists, but the attractiveness of concrete proposals that institutionalise a federal arrangement with proper self-rule and shared rule could potentially go a long way in at least facilitating dialogue between the Spanish and Catalan Governments (Anderson, forthcoming, 2020). In reality,

however, the absence of dialogue on recognition of Spain's plurinationality and the right of Catalonia to decide its future direction, currently preclude any discussion of serious territorial reform.

Disintegration

The third scenario for Spain is the disintegration of the state as a result of Catalan secession. Support for independence in Catalonia remains historically high, irrespective of attempts to curtail the movement through political and legal means. After taking office in 2018, the PSOE championed the reinstatement of dialogue between the Catalan and Spanish governments, but hitherto this has proved futile and the jury remains out as to whether any palatable solution can be found that would satisfy both sides. Most Spanish parties remain opposed to an independence referendum, but as events in the last few years have shown, failure to engage seriously with the independence issue not only imperils future relations with Catalonia but endangers the continued existence of the Spanish state itself.

The independence movement, on the other hand, is anything but homogenous. The agreement among the different pro-independence parties that have worked together over the last few years in the Catalan Parliament – JxCat, ERC and CUP – was at first considered an asset of the movement, demonstrating that the independence issue went beyond traditional classifications on the left-right spectrum. In reality, however, despite sharing the same common goal – the establishment of an independent Catalan republic – there has been no common institutional approach. JxCat and CUP, emboldened by the continued constitutional stalemate in Madrid, still support a unilateral route to independence, while ERC defends a more pragmatic path, including support for a progressive coalition government in Madrid. Moreover, the results of the 2017 Catalan election underline the increasingly prevalent view that Catalonia has increasingly become a divided society (Anderson, forthcoming, 2020). As Mueller (2019, p. 153) contends, circa 'half the electorate rejects secession' meaning that in attempting to forge ahead in the creation of an independent Catalan republic, 'Catalan nationalists replicate what they reproach the central government for doing: ignoring a large minority.' As is often pointed out by pro-independentists, there is nothing guaranteed about the future constitutional integrity of the Spanish state, but the creation of an independent Catalan republic also faces intractable hurdles, not least the increasingly fractious nature of Catalan society on the constitutional issue.

Continued Deadlock

In recent years, stalemate has not just been a feature of Catalan-Spanish relations vis-à-vis the constitutional question, but a description of Spanish politics more widely. In the April and November elections in 2019, the PSOE was returned as the largest party, but the lack of parliamentary majority as well as willingness to engage in real debate with the Catalan government, means no long-lasting political solution to the Catalan crisis has yet taken shape. As noted earlier, the much-predicted thaw in political relations between the Spanish and Catalan governments did not surface despite the advent of new political leadership in Barcelona and Madrid in 2018. The PSOE remains resolute in its support for the territorial integrity of the Spanish state, while the pro-independence Catalan government continues to support independent statehood.

The April and November 2019 elections underlined the electoral mileage the Catalan issue has provided for pro-Spain parties, particularly for the PP and Vox. As a result of the continued constitutional stalemate, not helped by the lengthy sentences imposed on those pro-independence parliamentarians charged with sedition and misuse of public funds, recent electoral battles have facilitated a radicalisation in terms of dealing with the Catalan secessionist movement. This anti-independence stance as promoted by Ciudadanos, PP and Vox, has a markedly Spanish nationalist tone, notwithstanding the language of patriotism and rule of law and has even resulted in a proposal to proscribe pro-independence political parties (Medialdea, 2019). Such uncompromising positions appear to have paid electoral dividends for the PP and Vox, but continue to further widen the gulf between Catalan and Spanish elites. As a result, Catalonia has become a politically divided society; there remains no clear majority in favour of independence, nor for remaining part of the Spanish state. The absence of any palatable political solution or willingness to compromise merely serves to further entrench the already divisive constitutional deadlock.

Conclusion

How plurinational states manage the autonomy-enhancing and secessionist aspirations of national minorities remains an intractable challenge for central governments, and as the articles in this special issue attest, an important area of research for social scientists. Spain, for good reason, is often held up as a successful model for democratic transition, but the country's territorial model has come under increasing strain in recent years, most clearly evidenced in the ongoing push by the Catalan government for independent statehood. The intransigence of the Spanish government, and political elites more widely - largely a result of their particular conception of the Spanish state - is an indisputable factor that has further fuelled support for Catalan secession. But, there are a number of identifiable limitations of existing autonomy arrangements. Both in silos and in combination these limitations underline the need and potential for reform. Predictions of the demise of the State of Autonomies may be somewhat premature but underline the urgency for fundamental reform.

As discussed supra, there are four potential scenarios for the future development of territorial politics in Spain. Recognition of Catalonia as a nation with a right to decide its political future remains a central topic for discussion, but is anathema for the majority of Spain's political elites and general population. The recent electoral success of the anti-independence Vox has contributed to the increasing radicalisation of Spain's political elites towards the Catalan issue, lending credence to the argument that the territorial model may represent 'a failure of accommodation' (Serrano, 2015). This is indeed a serious charge for a case widely held as a successful transition in which democracy and decentralisation were considered comfortable bedfellows. The rhetoric and actions of both PP and PSOE governments as well as institutions such as the Constitutional Court have denied and undermined the evolution of a federalising tendency in Spain to the extent that the ability to use autonomy as a tool to manage competing nationalisms has been significantly stymied. Rather than using the autonomy model as a tool to empower ACs – albeit within the parameters of the Spanish state – successive governments have instead sought to contain them.

As yet there is no clear long-standing political solution that would rectify the ongoing constitutional quagmire and satisfy both sides of the debate. Adopting some form of plurinational federalism or consociational democracy to temper the unitary thrust of Spanish

elites and meet at least some of the demands of the independence movement would potentially serve as a conflict resolution mechanism. Such an approach would chime with the thinking and philosophy that undergirded the Spanish transition to democracy, but in Spain's current formation, looks impossible to achieve. The independence issue continues to divide Catalan society and while support for independence remains under the 50 per cent mark, the movement is not likely to disappear. As has been argued elsewhere, 'multinational states live in the shadow of secession' (Keil and Anderson, 2018, p. 96). Central governments, therefore, have to become much more imaginative and innovative in the design and construction of more accommodative, empowering and sustainable models of autonomy. Only time will tell if Spain is able to meet this challenge.

References

- Agranoff, R., and Ramos Gallarín, J.A. (1997). Towards Federal Democracy in Spain: An Examination of Intergovernmental Relations, *Publius*, 27:4, 1-28.
- Aja, E. (2006). La Conferencia de Presidentes en el Estado Autonómico. In J. Tornos (Ed.), *Informe Comunidades Autónomicas 2005* (pp. 789-1001). Barcelona: Instituto de Derecho Publico.
- Anderson, P. (2019). Independence 2.0: Digital activism, social media and the Catalan independence movement, *The Catalan Journal of Communication & Cultural Studies*, 11:2, 191-207.
- Anderson, P. (forthcoming, 2020). A Consociational Compromise? Constitutional Evolution in Spain and Catalonia. In S. Keil and A. McCulloch (Ed.), *Power-Sharing in Europe: Past Practice, Present Cases, Future Directions*. Palgrave MacMillan.
- Arzoz, X. (2012). New Developments in Spanish Federalism, *L'Europe en formation*, 363, 179-188.
- Arzoz, X. (2018). Autonomy and self-determination in Spain: a constitutional law perspective. In P. Hilpold (Ed.), *Autonomy and Self-determination: Between Legal Assertions and Utopian Aspirations* (pp. 247-282). Cheltenham: Edward Elgar.
- Aunión, J.A. (October, 2012). Wert quiere "españolizar" Cataluña, *El País*.
- Balfour, S., and Quiroga, A. (2007). *The Reinvention of Spain: Nation and Identity since Democracy*. Oxford: Oxford University Press.
- Beramendi, P., and Máiz, R. (2004). Spain: Unfulfilled Federalism. In U. Amoretti and N. Bermeo (Ed.), *Federalism and Territorial Cleavages* (pp. 123-154). Baltimore: John Hopkins University Press.
- Brown Swan, C., and Cetrà, D. (2020). Why Stay Together? Nationalism and Justifications for State Unity in Spain and the UK, *Nationalism and Ethnic Politics*, 26:1, 46-65.
- Casado, P. (2018). *Discurso íntegro de Pablo Casado tras su elección como preisdente del Partido Popular*.
- Casanas Adams, E. (2017). The Constitutional Court of Spain: From System Balancer to Polarizing Centralist. In N. Aroney and J. Kincaid (Ed.), *Courts in Federal Countries: Federalists or Unitarists?* (pp. 367-403). Toronto: University of Toronto Press.
- Cetrà, D. and Harvey, M. (2019). Explaining accommodation and resistance to demands for independence referendums in the UK and Spain, *Nations and Nationalism*, 25:2, 607-629.
- Cetrà, D., Casanas Adams, E., & Tàrrega, M. (2018). The 2017 Catalan Independence Referendum: A Symposium, *Scottish Affairs*, 27:1, 126-143.
- Cuadras-Morató, X. (2016). *Catalonia: A New Independent State in Europe?: A Debate on Secession within the European Union*. Oxon: Routledge.

- Dowling, A. (2018). *The Rise of Catalan Independence: Spain's Territorial Crisis*. Oxon: Routledge.
- Field, B.N. (2016). *Why Minority Governments Work: Multilevel Territorial Politics in Spain*. Basingstoke: Palgrave Macmillan.
- García, L. B. (October, 2019). Sánchez asegura que la plurinacionalidad y el federalismo seguirán en el programa del PSOE, *La Vanguardia*.
- Gillespie, R., and Gray, C. (2015). *Contesting Spain? The Dynamics of Nationalist Movements in Catalonia and the Basque Country*. Oxon: Routledge
- Guibernau, M. (2003). Between Autonomy and Secession: The Accommodation of Minority Nationalism in Catalonia in A. G. Gagnon, M. Guibernau and F. Rocher (Ed.), *The Conditions of Diversity in Multinational Democracies* (pp.115-134). Montreal: IRPP.
- Guibernau, M. (2004). *Catalan Nationalism: Francoism, Transition and Democracy*. London and New York: Routledge.
- Keating, M. (1993). Spain: peripheral nationalism and state response. In J. McGarry and B. O'Leary (Ed.), *The Politics of Ethnic Conflict Regulation* (pp. 204-225). Oxon: Routledge.
- Keating, M. (1996). *Nations against the State. The New Politics of Nationalism in Quebec, Catalonia and Scotland*. Basingstoke: Macmillan Press Ltd.
- Keil, S. and Anderson, P. (2018). Decentralization as a tool for conflict resolution. In K. Detterbeck and E. Hepburn (Ed.), *Handbook of Territorial Politics* (pp. 89-106) Cheltenham: Edward Elgar.
- Medialdea, S. (November, 2019). Vox, PP y Cs piden ilegalizar partidos que atenten contra la unidad de España. *ABC Madrid*.
- Máiz, R., Caamaño, F., and Azpitarte, M. (2010). The Hidden Counterpoint of Spanish Federalism: Recentralization and Resymmetrization in Spain (1978-2008), *Regional and Federal Studies*, 20:1, 63-82.
- Martínez-Herrera, E., and Miley, T.J. (2010). The Constitution and Politics of National Identity in Spain, *Nations and Nationalism*, 10:1, 6-30.
- McEwen, N. (2017). Still better together? Purpose and power in intergovernmental councils in the UK, *Regional and Federal Studies*, 27:5, 667-690.
- Moreno, L. (2001). *The Federalization of Spain*. London: Frank Cass Publishers.
- Mueller, S. (2019). Catalonia: The Perils of Majoritarianism, *Journal of Democracy*, 30:2, 142-156.
- Muro, D. (2015). Why do countries re-centralize?: Ideology and Party Politics in the age of austerity. In R. Gillespie and C. Gray (Ed.), *Contesting Spain? The Dynamics of Nationalist Movements in Catalonia and the Basque Country* (pp. 22-40). Oxon: Routledge.
- Nagel, K. J. (2010). How Parties of Stateless Nations adapt to Multi-Level Politics: Catalan Political Parties and their Concept of the State. In A. Guelke (Ed.), *The Challenges of Ethno-Nationalism* (pp. 118-144). Basingstoke: Palgrave Macmillan.
- Nagel, K. J and Rixen, S. (2015). *Catalonia in Spain and Europe: Is there a way to independence?* Baden-Baden: Nomos Verlagsgesellschaft.
- Pardo, I. (August, 2019) El referéndum catalán que proponía Podemos desaparece de la propuesta de negociación con el PSOE. *La Vanguardia*.
- Peabody, R. L., Webb Hamond, S., Torcom, J., and Brown, L.P. (1990). Interviewing Political Elites, *Political Science and Politics*, 23:3, 451-455.
- Requejo, F. (2010). Revealing the dark side of traditional democracies in plurinational societies: the case of Catalonia and the Spanish "Estado de las Autonomas", *Nations and Nationalism*, 16:1,148-168.
- Requejo, F. (2017). Is Spain a Federal Country?. *50 Shades of Federalism*.

- Tierney, S. (2004). *Constitutional Law and National Pluralism*. Oxford: Oxford University Press.
- Turnbull-Dugarte, S. J. (2019). Explaining the end of Spanish exceptionalism and electoral support for Vox, *Research and Politics*, 6:2, 1-8.

ⁱ This paper switches between the Catalan *Ciutadans* and the Spanish *Ciudadanos* depending on context.

ⁱⁱ Andalucía was the only other Autonomous Community that met the requisites to pursue the fast-track route for autonomy.

ⁱⁱⁱ Convergència i Unió was a federation between Convergència Democràtica de Catalunya (CDC) and Unió Democràtica de Catalunya (UDC) that was dissolved in 2015 owing to the gradual radicalisation of CDC's stance towards supporting independence.

^{iv} Under pressure from the Catalan Socialist Party (PSC), the PSOE edited its manifesto to include these commitments.