

Expressing the deep worry of Catalan society, 12 newspapers in Catalonia have published an editorial warning the country's top court against curtailing the Statute of Autonomy that grants sweeping new powers to the Catalan parliament and government. The papers, among them the leading Barcelona-based *La Vanguardia* and *El Periódico*, reminded the Constitutional Court that the charter's law was signed in 2006 by King Juan Carlos after being approved by both the Spanish and Catalan parliaments and was also backed in a referendum.

The Spanish high court is expected to deliver a ruling soon after deliberating for three years on an appeal of the charter by the conservative opposition Popular Party, which is the second party in Spain but a minority party in Catalonia.

The dignity of Catalonia

After almost three years of slow deliberations and much rambling that have damaged its cohesion and eroded its prestige, the Constitutional Court seems to be on the verge of finalising a ruling on the Statute of Autonomy of Catalonia, promulgated on July 20th, 2006 by the Head of State, King Juan Carlos, with the following heading: " The Spanish Parliament has approved, the citizens of Catalonia have ratified in referendum and I sanction the following organic law". It will be the first time since the restoration of democracy in 1977 that the High Court pronounces on a fundamental law endorsed by the electorate.

Expectations are high. Expectations are high and anxieties are not scarce as evidence shows that the Constitutional Court has been pushed by events to operate as a fourth house, confronting the Catalan Parliament, the Spanish Parliament and the people's free will expressed in

referendum. We insist it is a unique situation in democracy. There are, nevertheless, more reasons for worry. Of 12 magistrates that compose the court, only 10 will be able to pass judgment, since one of them (Pablo Pérez Tremps) has been rejected after an unclear manoeuvre done to modify the balance of power during the deliberations and another (Roberto García-Calvo) has died.

Of the 10 judges with right to vote, four are continuing in their roles after the expiry of their mandate, as a consequence of the sordid disagreement between the Government and the opposition on the renewal of an organ defined recently by Spanish Prime Minister José Luis Rodríguez Zapatero as the "heart of democracy". A heart with clogged valves, since only half of its members are today free of mishap or the need to extend their mandate. Such is the supreme court that is on the verge of deciding on the Catalan Statute of Autonomy. Out of consideration for the court -a respect undoubtedly higher than the one it has appeared to have for itself on several occasions- we will not refer more to the causes of the delay in the ruling.

The definition of Catalonia as a nation in the preamble of the Statute, with the consequent emission of "national symbols" (does not the Spanish Constitution recognise, in its second article, a Spain integrated by regions and nationalities?); the right and the duty to know the Catalan language; the organisation of the Judicial power in Catalonia, and the relations between the Spanish government and the Catalan government (the Generalitat) are, among other issues, the most clearly sticking points of the debate, according to its filtered-down versions, particularly as a significant part of the court has opted for intransigent positions. There are some who dream again of iron surgeries that slice off the complexity of Spain. This might be, regrettably, the measuring

stick used to pass their judgment.

Let's not be mistaken. The real dilemma is progress or regression; acceptance of the democratic readiness of a plural Spain, or the blockade of it. We are not only dealing with decisions regarding this or that article. What is at stake is the essential dynamics of the Constitution: the spirit of 1977, that made the peaceful transition to democracy possible. There are serious reasons for worry, since they seem to be planning to transform the ruling of the Statute of Autonomy into a real institutional lock. A position opposed to the maximum virtue of the Constitution, its open and integrative character.

Consequently, the Constitutional Court is not only going to decide on the appeal brought by the Popular Party (PP) against an organic law (a PP that now tries to get closer to Catalan society with constructive speeches and flattering attitudes). The High Court is going to decide on the real dimension of the Spanish frame of coexistence, that is to say, on the most important legacy that the citizens who lived and led the political regime change at the end of the Seventies will transmit to younger generations educated in freedom, fully part of the complex European supranationality and confronted by the challenges of a globalisation that calls into question the old nation states. The profound agreements that have made possible the most virtuous 30 years of Spain are at stake. And having come to this point, it is essential to remember one of the vertebral principles of our judicial system, evolved from its Roman root: *pacta sunt servanda*, what is agreed is binding.

There is worry in Catalonia and it is necessary that the whole of Spain is aware of it. There is something more than worry. There is an increasing fatigue for having to suffer the infuriated look of those who keep on perceiving the Catalan identity (institutions, economic structure,

language and cultural tradition) as the shortcoming that prevents Spain from reaching a dreamed and impossible uniformity. Catalans pay their taxes (without statutory privilege); they contribute with this effort to the transfer of revenues to the poor regions in Spain; they confront economic internationalisation without the large benefits given to the capital, Madrid; they speak a language with a larger demographic base than that of several official languages in the European Union, a language that instead of being loved, turns out to be submitted so many times to obsessive scrutiny on the part of official Spanishness, and they respect the laws, of course, without renouncing their peaceful and proven capacity of civic endurance. These days, Catalans think, first of all, about their dignity; it must be known.

We are at the brink of a very important resolution. We hope that the Constitutional Court makes its decision while considering the specific circumstances of the matter that it has in its hands—that is no different from the demand for self-government of an old European people—and remembering that absolute justice does not exist but only the justice of the specific case, the virtue of justice must be prudence. We remind it again: the Statute is the result of a double political agreement submitted to referendum.

Let nobody be fooled. Let nobody misunderstand the inevitable contradictions of today's Catalonia. Let nobody fail in their analysis. While there might be many problems and reasons for unhappiness, we are not faced by a weak society, powerless and ready to watch impassively at the mutilation of its dignity. We do not want to presuppose a negative ending and we are confident in the righteousness of the judges, but no one that knows Catalonia will question that its identity, the benefits of self-government, the securing of a fair financing

and a qualitative jump in the management of infrastructures are and will keep on being claims tenaciously raised with the widest political and social support. If it is necessary, Catalan solidarity will articulate again the legitimate response of a responsible society.

Translation by David Murano