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CATALONIA: THE PERILS OF MAJORITARIANISM

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Over the past few years, the political relationship between Spain and the Autonomous Community (AC) of Catalonia has sharply deteriorated. This deterioration has in turn raised questions about how a liberal democracy can handle thorny issues of national unity and regional distinctiveness. The most dramatic event in the controversy so far came on 1 October 2017, when the government of Catalonia (known as the Generalitat) held an independence referendum without authorization from Madrid. The Spanish government subsequently suspended the region's autonomy and declared direct rule—a first since Spain's transition to democracy in 1975. Several Catalan politicians and activists have been arrested or have left to continue their struggle from abroad.

An early regional election was held in December 2017. Parties supporting independence won it. In May 2018, a new Generalitat cabinet formed. It consisted of secessionists. The next month saw stirrings of hope for renewed dialogue when power in Madrid passed from the conservative People's Party (PP) to the Socialists after a corruption scandal and a constructive vote of no confidence (one that produces a new premier) in the Congress of Deputies, the 350-member lower house of the Cortes Generales, Spain's parliament. Yet new Socialist prime minister Pedro Sánchez soon committed his government firmly to the national unity and territorial integrity of Spain. Both unionists and independence backers have held rallies, mostly peaceful and some drawing as many as a million people.

How could things have come to this?¹ Catalonia has been part of Spain for more than five-hundred years, and from 1975 until recently,

democratic political processes worked without major problems. Unlike Northern Ireland, Corsica, or Spain's Basque Country, Catalonia has never known serious terrorism and resulting state repression. The region, with the Pyrenees on its north and a long Mediterranean coastline on its east, is prosperous: Its 7.5 million people make up 16 percent of Spain's total population and produce nearly a fifth of the Spanish GDP. Catalonia's capital, Barcelona, is renowned for its beauty, charm, and cultural treasures, and attracts legions of visitors from around the world. Both the government in Madrid and the one in Barcelona, moreover, are freely elected in a context shaped by liberal-democratic norms such as the separation of powers and the rule of law.

Both governments play roles in Spain's unique system of "territorial autonomy," which bears some explanation. For decades, the genius of Spain's 1978 Constitution has been its ambiguity.² Its preamble begins by invoking the "Spanish Nation," and its first section states that "national sovereignty belongs to the Spanish people." Yet it also promises to "protect all Spaniards and peoples of Spain" including "their cultures and traditions, languages and institutions." It stipulates the "indissoluble unity of the Spanish Nation," yet guarantees the "right to autonomy of the nationalities and regions of which it is composed." It declares Castilian "the official Spanish language of the State," while "the other Spanish languages shall also be official in the respective Autonomous Communities [ACs] in accordance with their Statutes."³

What is an AC? Spain as of 2018 has seventeen of these, plus two Autonomous Cities (both in North Africa). Each is a region with a certain degree of self-rule (which is what makes it "autonomous") plus influence on how Spain is governed from the center. The Table below shows how these entities vary as to size, wealth, and official language or languages. Furthermore, some ACs contain a single province, while others consist of several provinces. There are fifty provinces altogether—legacies of the nineteenth century, when Spain's monarchy reorganized the country along lines suggested by the unitary administrative scheme of France. The Spanish provinces remain relevant owing to their role in forming the electoral constituencies for both regional and national offices.

Each AC has its own statute of autonomy, as provided for in the 1978 Constitution and negotiated (even possibly renegotiated) between that AC and the central government. During the years of transition that followed dictator Francisco Franco's death in November 1975, the first four ACs to constitute themselves were able to claim (initially at least) larger measures of self-rule. These four were the Basque Country and Catalonia (which formed as ACs under the new constitution in 1979), and Galicia and Andalusia (which formed two years after that). Over time, however, the various ACs have tended toward equality with one another when it comes to self-rule in the areas of lawmaking and administration—they all now have basically the same deal with the center.⁴

TABLE—THE SEVENTEEN SPANISH AUTONOMOUS COMMUNITIES

Region	Population	Mean GDP per Capita, 2002–17			% of National GDP	Official Language(s)
	In 1,000s (1 Jan 2018)	% Total (2002–17)	US\$*	Indexed (Spain = 100)**		
Andalusia	8,410	18%	19,192	76%	14%	Castilian
Catalonia	7,488	16%	30,022	118%	19%	Catalan, Castilian
Community of Madrid	6,550	14%	34,099	134%	18%	Castilian
Valencian Community	4,946	11%	22,743	90%	10%	Valencian, Castilian
Galicia	2,703	6%	21,909	86%	5%	Galician, Castilian
Castile and León	2,419	6%	23,640	93%	5%	Castilian
Canary Islands	2,177	5%	22,185	87%	4%	Castilian
Basque Country	2,171	5%	32,607	129%	6%	Basque, Castilian
Castilla–La Mancha	2,033	4%	20,249	80%	4%	Castilian
Murcia	1,476	3%	21,026	83%	3%	Castilian
Aragon	1,313	3%	27,637	109%	3%	Castilian
Balearic Islands	1,167	2%	27,143	107%	2%	Catalan, Castilian
Extremadura	1,071	2%	17,252	68%	2%	Castilian
Asturias	1,028	2%	22,528	89%	2%	Castilian
Navarre	644	1%	32,140	124%	2%	Basque, Castilian
Cantabria	581	1%	23,470	92%	1%	Castilian
La Rioja	313	1%	27,217	107%	1%	Castilian
Ceuta	85	0.2%	21,309	84%	0.1%	Castilian
Melilla	85	0.2%	20,081	79%	0.1%	Castilian
Spain	46,659	100%	25,374	100%	100%	Castilian

Sources: Instituto Nacional de Estadística, <http://www.ine.es>, and Ministerio de Política Territorial y Administración Pública, *Estatutos de Autonomía por Materias* (Madrid, March 2011).

Note: Sorted by population size.

*Converted from euros based on average exchange rate.

**Compared to Spain-wide average GDP per capita.

Only regarding finance has a major asymmetry persisted: The Basque Country and Navarre (the latter of which formed as an AC in 1982) have traditional charters dating to the Middle Ages on whose basis they levy their own direct taxes and negotiate what they pay the Spanish state for its services. The other fifteen ACs, including Catalonia, lack direct taxing authority and receive almost all their revenue as transfers from Madrid.⁵

It is also worth noting that Spain's upper house, the 266-member Senate, is not a true territorial chamber in the style of the U.S. Senate,

the Indian Rajya Sabha, or the German Bundesrat. Instead, it is a kind of halfway house. Most of its members (208 currently) are directly and popularly elected, with the fifty provinces serving as electoral districts: The voters of each province, whatever its population, get to elect four senators. The legislature of each AC, meanwhile, is allowed to appoint to the Senate at least one delegate and one more for every million people that live in that AC.

Thus the most populous AC, Andalusia in far-southern Spain, has 8.4 million residents and its parliament can appoint nine persons to sit in the Senate in Madrid alongside the 32 senators who are chosen by the voters of Andalusia's eight provinces. The least populous AC, La Rioja along the Ebro River in the north-central part of the country, sends a single AC appointee to the Senate to sit alongside the four directly elected senators who represent La Rioja's 313,000 people. (The size of the Senate is not fixed, but is meant to expand with population growth.) The Spanish constitution requires the Senate delegations that the AC legislatures send to Madrid to be proportional to those legislatures' respective party compositions: If the Socialists control half the seats in a given AC's legislature, for example, then half the senators chosen by that legislature will belong to that party.

This system gives ACs some say in lawmaking at the center, but as AC-appointed senators compose only a little more than a fifth of today's whole Senate and reflect party proportionality, the Spanish upper house tends to feature the same political dynamics and party landscape found in the lower house. Moreover, the Senate is constitutionally weaker than the lower house: The prime minister and cabinet are responsible solely to the Congress of Deputies, which after two months can also override Senate vetoes by vote of a simple majority.⁶

Can ACs boost their influence through interregional cooperation? Here again the 1978 Constitution is ambiguous. In Section 145, it allows ACs to "reach agreements among themselves for the management and rendering of services pertaining to them," but just before that, it declares: "Under no circumstances shall a federation of Autonomous Communities be allowed." That prohibition has been interpreted to mean that ACs cannot form a federation to *replace* the Spanish state. Yet it is characteristic of the Spanish system that this is the only time the constitutional text mentions the concept of "federation" or "federal"—to ban it. Section 145 closes by stating that the Cortes Generales must be notified even of agreements among ACs that pertain only to them, while in "all other cases" of interregional agreements authorization from the Cortes is required. In practice, the Spanish Senate wields this authorization power, as it also holds (under Section 155) the power to suspend regional autonomy. The Senate used this power against the Generalitat in October 2017. As one might expect given all this, "horizontal" interregional agreements are rare in Spain, while

“vertical” treaties between various ACs and the central government are common.

Intergovernmental conferences, councils, and coordination commissions are by now standard features of the Spanish system—about fifty have come into being since 1980—but these too display the verticality, asymmetry, and hierarchy which mark that system. Not all these bodies meet with the same frequency, and attendance by AC officials is highly variable. Every conference, council, or commission brings a Spanish-government representative together with counterparts from each of the seventeen AC governments plus the governments of Ceuta and Melilla (the two Autonomous Cities).

The oldest and most important of these bodies is the Fiscal and Financial Policy Council (CFFF). It joins the Spanish finance minister with the nineteen regional and city finance ministers. The CFFF is the organ for determining exactly how much each autonomous entity will receive from the pool of shared tax revenues. Yet the Spanish finance minister has as many votes as all the other CFFF members combined,⁷ so that with just a single regional ally the central government can impose its will.

The Beginning of the End?

For forty years, this “state of autonomies” was able to satisfy both those who wanted to maintain Spanish unity and those who wanted territorial differentiation and regional autonomy. Self-rule was gradually extended, both to the “historic communities” (the Basque Country, Catalonia, and Galicia) and to the other ACs. Moreover, despite the absence of formal channels of shared rule, AC-level regionalist parties were able to influence decisions at the center by virtue of the seats these parties held in the Congress of Deputies. Since 1979, control of Congress has alternated among the Socialists and either the Christian Democrats or the PP. Yet in six of the ten legislatures elected over that period, regionalist parties from the Basque Country and Catalonia, respectively, were crucial to forming the government.

These parties—Convergence and Union (CiU) in Catalonia and the Basque Nationalist Party (PNV) in the Basque Country—were also in power more or less constantly in their respective ACs, which meant that whatever concessions they won in Madrid redounded to their credit back home. In 2003, CiU lost regional office for the first time when the Catalonia wing of the Socialist Party led a leftist coalition to electoral triumph. A year later, voters handed control of Congress to the Socialists led by José Luis Zapatero. For the first time, the same party that was in power at the center in Madrid was also in office in Catalonia.⁸ Ironically, this situation of “vertical congruence” would mark the beginning of the end for smooth relations between Spain and Catalonia.

It did not seem that way at first. By 2006, the Socialist-led Parliament

of Catalonia had proposed, and the Socialist-led Congress in Madrid had modified, a new statute of autonomy. Then, on June 18, fully 78 percent of Catalonia's voters approved it in a referendum that drew 49 percent turnout. Yet their endorsement would not be the last word. The Spanish ombudsman (a Socialist), ninety-nine PP members of the Cortes Generales, and five ACs filed a suit in the Constitutional Tribunal, Spain's highest court of constitutional interpretation, to challenge the new statute.⁹

Four years later, on 28 June 2010, that court overturned important parts of the new statute. In a set of four decisions, three of which were 6–4 and one of which was 8–2,¹⁰ the jurists held that Catalonia could not call itself a “nation” in the legal sense; could not give the Catalan language preferential status in public administration; could not shield already-devolved policy areas from future central-government involvement; could not unilaterally put a cap on what it paid into the central treasury; could not raise its own taxes; could not impose a floor below which central-government investments in the region would not be allowed to drop; and could not run its own justice system. While constitutional courts in other federal systems might well have ruled similarly, for Spain this decision marked the end of constitutional ambiguity: For the first time, the limits of regional autonomy had been authoritatively drawn.

As the legal landscape was shifting, so were political and economic circumstances. The 2008 global economic crisis hit Spain hard. According to the IMF's Global Economic Outlook for 2016, real GDP declined by 3.6 percent in 2009. From 2010 through 2013, Spain's economy averaged negative 1.8 percent annual growth, and from 2014 through 2017 grew at an average yearly positive rate of just under 2.5 percent. This made Spain's one of the slowest-recovering economies in the Eurozone: From 2006 through 2017, according to Eurostat figures, only Croatia and Greece recorded longer periods of zero or negative growth. Catalonia's economic performance, meanwhile, was similar to the Spanish average. The region suffered negative 1.2 percent average annual growth during the worst years of the downturn (2009 through 2014), and over the larger eleven-year period from 2006 through 2016 realized positive GDP growth of just 1 percent annually.

What affected Catalonia more than other ACs, however, were the austerity measures enacted by the new PP government of Prime Minister Mariano Rajoy following the November 2011 general election. Since the PP on its own held 53 percent of the seats in Congress, Rajoy did not have to bargain with Catalonia's president at the time, Artur Mas, when the latter demanded a fiscal-autonomy deal similar to those that the Basque Country and Navarre enjoy. Instead, Rajoy simply said no. The flat refusal was another departure from the way things had been since 1978.

With democratization, decentralization, and economic development no longer coterminous, Spanish public opinion—as surveyed by the respected Centro de Investigaciones Sociológicas (CIS) in Madrid—was

shifting in favor of centralization. In late 2007, less than 9 percent of respondents said that they preferred centralization. By mid-2012, that group had more than quadrupled to 39 percent.¹¹ In turn, the preference

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for further decentralization (including the possibility of ACs becoming independent) declined from 33 to 18 percent, while those who said that they felt Spain was centralized enough dropped from 57 to less than 30 percent. The shift in attitudes was so remarkable that, in order to capture it, the CIS in April 2009 began giving respondents the option of saying that they preferred ACs to have “less autonomy than right now.” Decentralization’s decades-old status as the default

policy preference was teetering.

Facing resistance to greater regional autonomy (especially in fiscal matters) from Spain’s highest court, governing party, and public, and with no vertical channel of influence or horizontal multilateralism to resort to, the government of Catalonia began moving in a more radical direction. It had considerable public backing for this course within the region, as was revealed by the same CIS surveys that showed the Spanish public as a whole growing more favorable to centralization. In Catalonia, support for “a state that gives its nationalities the possibility to become independent states” doubled from December 2010 to August 2015, reaching 46 percent at that later date. The public in Catalonia and the public across Spain were moving in opposite directions.

Civil society organizations in Catalonia took up the cause of “the right to decide,” and there were large public demonstrations in its favor. The Mas government responded to these appeals by calling a new regional election for November 2012. It won this, and began laying the groundwork for a nonbinding popular consultation on Catalonia’s political future, which went forward on 9 November 2014, with results heavily in favor of independence (although based on turnout of only about 40 percent, low by the region’s standards).

Next came another snap election in Catalonia, on 27 September 2015. Mas emerged from it at the head of a governing coalition. In November 2015, his government passed a declaration stating that it would organize another referendum—this time binding.¹² The Constitutional Tribunal ruled that nearly all these actions were unconstitutional, but the independence referendum of 1 October 2017 took place anyway. Its consequences were dramatic: Catalonia unilaterally declared its independence; Madrid asserted direct rule; several independence leaders underwent arrest or exile; and yet another secessionist regional government took office following the third election in five years. No sovereign

government or major international body has recognized Catalonia's independence, but the situation remains unresolved and tense. Its future course is hard to predict; its causes are in need of an explanation.

Four Common Explanations

In both public commentaries and the writings of experts, four explanations of the current crisis have become standard. The first two focus on specific events—the economic crisis that hit Spain in 2009 and the Constitutional Tribunal ruling of 2010. The third and fourth explanations are more political. Number three identifies central-government intransigence (especially under the People's Party) as the main problem, while number four blames the ideology and actions of Catalan nationalists and the Generalitat for the impasse.

The economic explanation centers on the fiscal and sovereign-debt crisis. As one of Spain's largest and most prosperous regions, Catalonia not only took a big hit from the austerity measures that Madrid enacted, but also had to pay for maintaining basic services in other parts of Spain since more tax money leaves Catalonia than returns. In other words, just as solidarity within Catalonia among generations and classes (regarding pensions and unemployment benefits, for example) was shrinking, expectations of greater interregional solidarity were growing. Since policy authority over welfare and the economy rests solely with Madrid, Catalonia had no say in framing the response to the economic shocks of 2009 and after. It was simply supposed to go along. Underlying the independence movement is a fundamentally economic grievance.

The 2010 court ruling, says the second explanation, confronted many in Catalonia with the realization that the decentralization process had come to an end even as their frustrations with the Spanish system were rising. Some in the region found it illegitimate (even if legal) that the ruling came only *after* Catalonia's voters had approved the new statute of autonomy, and with a four-year delay at that. To make matters worse, the same court had repeatedly invalidated acts of the Parliament of Catalonia and had barred several political figures from running for regional president in early 2018. In short, goes this explanation, constitutional law and the rule of judges encroached on the political sphere.

The third and fourth explanations focus on political actors at the central and regional levels, respectively. The third explanation stresses Madrid's unwillingness to negotiate, while the fourth puts at center stage the steps, both covert and overt, that officials in Catalonia took toward independence. The PP, in power in Madrid from 2011 to 2018, has always been the defender of a more unitary conception of Spain, and tends to see the ACs as little more than field agencies of the central government. Yet Catalan nationalists, adherents of the fourth explanation claim, have used their considerable devolved powers over culture,

education, and the media to create a separate Catalan national identity where there had been none before, and in doing so have undermined the plural character of both Spanish and Catalan society.

While each of these explanations possesses internal coherence and a degree of merit, all are subject to doubt as well.

First, the fiscal and economic crisis struck the entire developed world, but did not cause a territorial crisis everywhere. Germany also has seen the curtailment of regional fiscal autonomy, and fiscal equalization across the Swiss regions has been fiercely contested as well, yet in neither country have any regional-independence movements appeared. Although it may seem unfair that the two chartered Spanish ACs enjoy fiscal privileges that gave them more leeway in choosing how to deal with the economic crisis, Catalonia was offered the same deal back in 1980 yet said no and opted to rely on the center's transfers. Finally, Catalonia's desire to be treated "equally," meaning to receive investments in proportion to its overall GDP share, sits awkwardly with Catalan-nationalist rhetoric that otherwise stresses how different Catalonia is from the rest of Spain. The economic crisis affected all the other ACs without giving rise to mobilized independence movements in them, and Catalonia's net-taxpayer status has long been a reality without having been seen as a reason to leave Spain. Thus it cannot be merely the economic crisis that underlies the push for independence.

Second, the Constitutional Tribunal merely interprets and adjudicates when it is asked to do so, and the notion that subnational entities would unilaterally be able to dictate the area *and* amount of central-state spending goes well beyond even the most federal fiscal design. Also, the Tribunal cannot be held responsible for the content of either the constitution or the contested statute. And while the Tribunal had cultivated a more AC-friendly approach in the past, circumventing the constitution in domains as important as taxation and judicial organization can hardly be deemed acceptable if legal hierarchy and security are to be maintained. In other words, the Tribunal only did what it was designed to do—act as an umpire in a constitutional dispute.

Third, lawsuits to stop the revised statute of autonomy for Catalonia came not only from the PP but also from the Socialists (via the ombudsman) and five other AC governments. The PP is ideologically more conservative and centralist than the Socialists, but only between 2011 and 2015 did the PP have its own unaided majority. Moreover, if the PP is held to have been stubborn between 2011 and 2015 because it held a majority, and then is also held to have been stubborn after the latter year because it had lost that majority, then its being in power can explain nothing. Besides, it was votes from the Socialists and their fellow leftists in Podemos that helped to impose direct rule on Barcelona in October 2017. It was not solely the PP and its unitarist ideology that were responsible for the crisis—the Socialists' rejection of secessionism since coming to

power at the center in June 2018 is further proof of that. Sánchez is no friendlier to independence referendums than was Rajoy.

Finally, if the Generalitat is to be blamed, this can only be in relation to its actions before October 2017, when it was dismissed, and after May 2018, when direct rule ended. Democratic governments fulfill their mandate and voters can replace them. In that sense, the Generalitat is merely the victim of its own economic and cultural success. Catalonia is too large and too rich to receive fiscal privileges like those belonging to the Basque Country and Navarre (which together hold only 6 percent of Spain's population). Gains for Catalonia would mean losses for both the center and most other ACs.

Under the autonomy rules in place since the late 1970s, the use of the Catalan language has grown. In 1986, just 31 percent of Catalonia's people wrote in Catalan; in 2011, that share was 56 percent.¹³ Catalan never became the sole language of instruction, however: Instead, bilingualism was pursued (or even trilingualism if one includes the use of English alongside the use of Catalan and Castilian). The 2006 statute of autonomy looked toward the "preferential" but not exclusive use of Catalan in the regional administration. If Catalanization took place through schools, culture, and the media, it was only because the Generalitat had a popular mandate to promote Catalan. In any case, cultural and linguistic shifts happen relatively slowly and cannot explain the sudden surge of support for independence after 2010, to say nothing of the current crisis.

If none of the four standard explanations works on its own, can their *confluence* explain the current crisis? In this composite account, the global downturn delegitimized the idea of decentralization by sowing doubts about the decentralized system's capacity for dealing with austerity, and voters put the People's Party into power at the center to restore fiscal and political order. Then shifts in public opinion between 2006 and 2010 legitimized the notion that the Constitutional Court should apply a more rigid understanding of the Spanish nation and its indivisible sovereignty. This situation, plus changes of opinion in the opposite direction at the regional level, left Catalan nationalists with no choice but to push for "exit" rather than "voice" (ignored, given the centralists' power in Madrid) or "loyalty" (abused, especially when it came to fiscal matters, thought the Catalan nationalists).

This explanation is better, but it still omits a crucial factor—the one that determined the way in which the four factors interacted with one another. That structural factor is majoritarian democracy in both its institutional and cultural sense.

Majoritarianism: Operation and Effect

The current crisis can be read as a series of cooperation failures. Who has failed to cooperate? First, there are the main political actors *within* Catalonia, who have not been able to agree on a common project backed

by more than just a slim majority. Second, there are the governments of both Catalonia and Spain, which have been unable to redefine their relationship in a lasting and constitutional way. Lastly, there have been the governments of Catalonia and the other ACs, whose common interests could have supported the implementation of a common project for Catalonia in talks between Barcelona and Madrid. Instead, everybody—the major Spanish parties, the Catalan nationalists, the other ACs—has taken a “me first” approach while opportunities for cooperation have been ignored.

The underlying cause behind all three instances of cooperation failure is majoritarianism. When the backing of a simple majority is all that is needed to claim the reins of government, the “voice” of a large and territorially concentrated minority can be ignored. By contrast, in what Arend Lijphart calls “consensus democracies,” more than simple majorities are required. Consensus democracy rests on the following basic principle: “to share, disperse, and restrain power in a variety of ways.” In the ideal type of a consensus democracy, the sharing, dispersal, and restraint of power are accomplished by means of broad coalition governments, balanced executive-legislative relations, a multiparty system, proportional elections, corporatist interest-group representation, federalism, bicameralism, constitutional rigidity, judicial review, and central-bank independence.¹⁴ Even in matters of appointments (to high courts, for example), power-sharing and proportionality are practiced routinely.

For forty years, a majoritarian system managed to secure Catalonia’s loyalty because the center gave the region concessions in return for the support it delivered to the ruling party in Madrid. This type of “shared rule” rested only on temporary circumstances, however: When the party in power at the center no longer needed support from a regional party, as has been the case since 2011, the system’s glue began to dissolve.

The Spanish “state of autonomies” prioritizes vertical, asymmetrical hierarchies over horizontal, multilateral negotiations. This ordering flows directly from majoritarianism as it manifests itself *within* the ACs: To conquer power, the governing party or coalition of an AC needs to secure a majority in its region. The regional government formed by this majoritarian process is unlikely to want to share power by making treaties with other regions or the center.¹⁵ Moreover, the Spanish fiscal system with its shared taxes is a zero-sum game: One AC’s gain is the others’ loss.

The Spanish government after 2011 could claim a majority of seats in its own legislature, and so could Catalonia’s Generalitat after 2012. In each case, the seat majority was based on a mere plurality (if that) of voters. If we compare the vote and seat shares of the eventual ruling parties in Madrid and Barcelona, respectively, over the four most recent electoral cycles, we see that seat shares have *always* surpassed vote shares, sometimes by as much as 8.5 percent (the mean is 5.8 percent). Crucially, on three occasions this “bonus” has been big enough to yield

a majority of seats on the basis of a mere plurality of votes. This was the case with the PP in the 2011 Spanish election, and with Catalan nationalists in the 2015 and 2017 elections for the Parliament of Catalonia.

Winning a seat majority is huge, of course, because the rules of the majoritarian game give whoever holds a parliamentary majority *total* executive power, especially when the upper house is absent (Catalonia) or weak (Spain). Note that both electoral systems formally employ proportionality, but that different mechanisms produce the same majoritarian effect. For Congress of Deputies elections, the average district magnitude (the number of seats per district) is 6.7, meaning a fairly high effective threshold of 13 percent (or 20 percent if we use the mode instead of the mean). Smaller parties thus face a high barrier to entering Congress. For elections to the Parliament of Catalonia, the majoritarian effect happens through the malapportionment of seats across the four provinces that make up the AC. The province of Barcelona, which holds 75 percent of Catalonia's population and where Catalan nationalism is weakest, gets only 63 percent of the seats.¹⁶

A final, more cultural element of majoritarianism consists of a monistic definition of sovereignty and territorial inviolability. Again, the same basic logic can be identified on both sides of the current conflict: either it is the Spanish territory and nation, *including* Catalonia and Catalans, that is claimed to be indivisible and sovereign, or it is Catalonia and the Catalan nation, *including* Spanish citizens residing in Catalonia but not identifying as Catalans. The logic of indivisibility is the same, it is just being applied to a different object (Spain or Catalonia). The winner-take-all mentality associated with majoritarianism leaves no room for deviations. Thus, while Spain denies its regional parts the right to vote on secession, Catalan nationalists likewise never contemplate letting individual provinces or municipalities within Catalonia vote on whether their people would prefer to belong to an independent Catalonia or stay with Spain.

To be sure, apart from Occitan-speakers in the tiny Val d'Aran, there are no specific ethnolinguistic or other minorities territorially concentrated *within* Catalonia. Yet the results of the 2017 regional election suggest that half the electorate rejects secession. If secession were to happen, would that half simply swim along? In their insistence that they have received a democratic "mandate" in the form of a parliamentary majority, Catalan nationalists replicate what they reproach the central government for doing: ignoring a large minority.

In the political culture of majoritarianism, power is delegated to parties and leaders while citizens weigh in only through plebiscites on what has already been negotiated.

In sum, majoritarianism consists of a political culture where “winners” and “losers” play a zero-sum game that narrows down to a binary choice (centralization or independence, a yes-or-no referendum). In this state of affairs, power is delegated to parties and leaders while citizens weigh in only through plebiscites on what has already been negotiated. And majorities composed of individuals always—even at the regional level—trump territorial minorities. Majoritarianism has impeded broad-coalition building at all levels and fostered a climate hostile to compromise. The main culprit of the current crisis of democracy in Catalonia and Spain, then, is democracy—in its majoritarian variant.

A Democratic Way Out?

Twenty years ago, Alfred Stepan cautioned in this very journal that some variants of federalism were more “*demos*-constraining” than others.¹⁷ The conclusion here points to an opposite but related danger: that some variants of democracy, namely its majoritarian type, are more *demos*-constraining than others. But while in Stepan’s analysis the matter could be solved by subordinating federalism to democracy, that is impossible here since democracy clashes with itself. Majoritarian democracy exclusively relies on parties and elections without external checks in the form of citizen initiatives or alternatively constituted second chambers. Culturally, a single *demos* inhabiting a specific territory is seen as needing promotion and protection. There seems to be no democratic remedy for cases when two equally legitimate democratic majorities, one drawn from the whole country and one from a restive region, collide. In the current conflict, both sides—the Catalan independentists and the central government—are caught in the same majoritarian logic as a matter of specific institutions as well as a matter of political culture.

This conclusion is bolstered if we look at other cases with a similar cultural configuration but a different form of democracy. Belgium, Bosnia, and Northern Ireland, for example, all practice consociational democracy, where the main linguistic communities or parties are forced into a coalition, flanked by extensive veto rights. Switzerland lets its citizens and even cantons initiate and veto legislative and constitutional changes directly, through regular and binding referendums. Canada and the United Kingdom have also resorted to referendums when faced with a clash between parliamentary majorities located at different territorial levels. Even mononational Germany practices federal democracy by giving voice to territory (in the form of the sixteen *Länder*) in parallel with simple popular majorities, since the government of each *Land* enjoys representation in the Bundesrat. All this encourages the same kind of political consensus that existed in Spain in the 1970s, but which has since been lost in the purely majoritarian

struggle for votes and seats. Hence, there may well exist a democratic way out of Spain's current crisis of democracy, but it would require adopting some of the institutional forms of consociational, direct, or federal democracy—or even all three.

NOTES

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1. For an overview, see Raphael Minder, *The Struggle for Catalonia: Rebel Politics in Spain* (London: Hurts, 2017).

2. Josep M. Colomer, "The Spanish 'State of Autonomies': Non-Institutional Federalism," *West European Politics* 21, no. 4 (1998): 41; Michael Keating and Alex Wilson, "Renegotiating the State of Autonomies: Statute Reform and Multi-Level Politics in Spain," *West European Politics* 32, no. 3 (2009): 539. See also Pablo Beramendi and Ramón Máiz, "Spain: Unfulfilled Federalism (1978–2006)," in Ugo Amoretti and Nancy Bermeo, eds., *Federalism and Territorial Cleavages* (Baltimore: Johns Hopkins University Press, 2004), 123–54; Mireia Grau Creus, "Spain: Incomplete Federalism," in Ute Wachendorfer-Schmidt, ed., *Federalism and Political Performance* (London: Routledge, 2000); and Raymond Carr, ed., *Spain: A History* (Oxford: Oxford University Press, 2000).

3. The 1978 Constitution may be read in Spanish at www.constituteproject.org/constitution/Spain_2011.pdf?lang=es, and in English at www.constituteproject.org/constitution/Spain_2011.pdf?lang=eng.

4. Colomer, "Spanish 'State of Autonomies,'" 45; Keating and Wilson, "Renegotiating the State of Autonomies," 539. See also Angustias Hombrado, "Learning to Catch the Wave? Regional Demands for Constitutional Change in Contexts of Asymmetrical Arrangements," *Regional and Federal Studies* 21, nos. 4–5 (2011): 489; Eliseo Aja, *El Estado Autonómico, Federalismo y Hechos Diferenciales* (Madrid: Alianza Editorial, 2014); Luis Moreno, *The Federalization of Spain* (London: Frank Cass, 2001).

5. See, for example, Jule Goikoetxea, "Basque Country," in Daniel Turp and Marc Sanjaume-Calvet, eds., *The Emergence of a Democratic Right to Self-Determination in Europe* (Brussels: Centre Maurits Coppieters, 2016), 129; Sandra León, *The Political Economy of Fiscal Decentralization: Bringing Politics to the Study of Intergovernmental Transfers* (Barcelona: Institut d'Estudis Autònoms, 2007) and "Intergovernmental Councils in Spain: Challenges and Opportunities in a Changing Political Context," *Regional and Federal Studies* 27, no. 5 (2017): 645–65; and Caroline Gray, *Nationalist Politics and Regional Financing Systems in the Basque Country and Catalonia* (Bilbao: Diputación de Bizkaia, 2016).

6. Elisa Roller, "Reforming the Spanish Senate: Mission Impossible?" *West European Politics* 25, no. 4 (2002): 69–92; Bonnie N. Field, *Why Minority Governments Work: Multilevel Territorial Politics in Spain* (London: Palgrave Macmillan, 2016), 125.

7. See the 2012 standing orders of the CPFF at www.minhfp.gob.es/Documentacion/Publico/PortalVarios/FinanciacionTerritorial/Autonómica/ReglamentoCPFF.pdf.

8. Oscar Barberà and Astrid Barrio, "Moderate Regionalist Parties in Spain: Convergència i Unió and Partido Nacionalista Vasco," in Oscar Mazzoleni and Sean

Mueller, eds., *Regionalist Parties in Western Europe: Dimensions of Success* (London: Routledge, 2017), 61–85.

9. The five ACs were Aragon, the Balearic Islands, La Rioja, Murcia, and Valencia.

10. Josep M. Brunet and Josep M. Calvet, “El TC avala la mayor parte del Estatut pero recorta 14 artículos,” *La Vanguardia* (Barcelona), 28 June 2010, www.lavanguardia.com/politica/20100628/53954687453/el-tc-avala-la-mayor-parte-del-estatut-pero-recorta-14-articulos.html.

11. Data cited in this and the next paragraph are from the Centro de Investigaciones Sociológicas, www.cis.es.

12. “Resolution 1/XI of the Parliament of Catalonia, on the Start of the Political Process in Catalonia as a Consequence of the Electoral Results of 27 September 2015,” 9 November 2015, www.parlament.cat/document/intrade/153127.

13. Institut d’Estadística de Catalunya (IDESCAT), www.idescat.cat.

14. Arend Lijphart, *Patterns of Democracy: Government Forms and Performance in Thirty-Six Countries*, 2nd ed. (New Haven: Yale University Press, 2012), 33–40.

15. Nicole Bolleyer, *Intergovernmental Cooperation: Rational Choices in Federal Systems and Beyond* (Oxford: Oxford University Press, 2009).

16. The average district magnitude (DM) is obtained by dividing the total number of seats (350) by the number of constituencies (52). The effective threshold equals $100\% / (DM+1)$. The mode is the DM occurring most frequently (in this case 10 out of 52 times, or 19 percent). Calculations are based on data from the Spanish Interior Ministry (MIR) at www.infoelectoral.mir.es; IDESCAT, and the Generalitat, *Electoral Results*, <http://generalitat.cat>. See also Arend Lijphart, *Patterns of Democracy*, 149.

17. Alfred Stepan, “Federalism and Democracy: Beyond the U.S. Model,” *Journal of Democracy* 10 (October 1999): 19–34.