



Universiteit
Leiden
The Netherlands

Catalonia and the Moral Right to Unilateral Secession: A Theoretical and Practical Analysis: Evaluating Secession Theories and Independence Arguments

Donaire, David

Citation

Donaire, D. (2024). *Catalonia and the Moral Right to Unilateral Secession: A Theoretical and Practical Analysis: Evaluating Secession Theories and Independence Arguments*.

Version: Not Applicable (or Unknown)

License: [License to inclusion and publication of a Bachelor or Master Thesis, 2023](#)

Downloaded from: <https://hdl.handle.net/1887/3768597>

Note: To cite this publication please use the final published version (if applicable).

**Catalonia and the Moral Right to Unilateral
Secession: A Theoretical and Practical Analysis**
Evaluating Secession Theories and Independence Arguments

Words: 9.990 / 10-06-2024



**Universiteit
Leiden**
The Netherlands

Political Theory: Legitimacy and Justice

David Donaire Valldeperas, s4108809

Supervisor: Jelena Belic

Second reader: Matthew Longo

Abstract

This thesis investigates whether Catalonia has a moral right to unilateral secession. The research question focuses on the legitimacy of Catalonia's unilateral secession from Spain, analyzing it through the lenses of three main secession theories: remedial rights, plebiscitary rights, and ascriptive rights. The study critically evaluates the arguments of economic disadvantage, democratic will, and national identity as justifications for secession. The analysis finds that while Catalonia faces economic disadvantages, these do not meet the stringent criteria of severe injustices required for remedial secession. The plebiscitary theory, which emphasizes democratic will, is challenged by Catalonia's divided public opinion, which consistently shows less than a clear majority in favor of independence. Finally, the ascriptive rights theory, which supports secession based on distinct national identity, provides the strongest moral foundation for Catalonia's case, but it faces significant practical challenges, including potential international instability and internal divisions within Catalonia. The findings suggest that while Catalonia's aspiration for independence has a moral basis under the ascriptive theory, the lack of severe injustices and insufficient stable majority support complicates the justification for unilateral secession.

Index

Introduction	3
1. Literature Review	6
1.1. Theories of the Right to Secession	6
A. Remedial Rights Only Theory	8
B. Plebiscitary Theory	10
C. Ascriptivist Theory	14
1.2. History of the Catalan Independence 'Procés'	16
2. Analysis of Catalan Arguments under Secession Theories	18
A. The Disadvantage Argument	18
B. The Plebiscitarian Argument	22
C. The Nationalist Argument	26
3. Conclusion	35
Bibliography	37

Introduction

Historically, liberal theories of individual self-determination have tended to ignore the moral right to secession (Beran, 1984; Wellman, 1995:142). This perspective erroneously suggests that the world comprises only permanent, stable states. After the Second World War, the emergence of numerous new states sparked academic interest in the concepts of self-determination and the right to secession (Miller, 1995:1). However, while the processes of decolonization were permitted, the superpowers were committed to the maintenance of the existing borders. This trend began to reverse in the last decade of the 20th century¹ and the first decade of the 21st century. The disintegration of the USSR, Yugoslavia, and Czechoslovakia—states with plurinational characteristics (Requejo & Sanjaume-Calvet, 2021:371-372; Moore, 2001:1)—were a key factor. Additionally, secessionist movements in Quebec, Scotland, and Kashmir, among others, also contributed to this shift.

Discussing secession inherently involves discussing the potential disintegration of existing states. According to some authors², a higher degree of fragmentation leads to a higher degree of development and stability due to the system of competition and checks & balances that follows the implementation of a policy. If one country fails in its policy approach, other countries will decide not to follow suit. Conversely, if one country gets its policies right, the other countries will copy the mechanism. A larger number of territories implies a larger number of experiments. Evidently, if secession was preceded by a prior recognition of the right to secession by the state, there would be no conflict whatsoever. However, the object of study of this thesis is the one that necessarily generates international instability since it stems from an imposition: unilateral secession.

¹ Norman (1998:34) points to the influence of the Buchanan articles as a precursor to contemporary normative theories of the right of secession. Moore (2001) also highlights the influence of Buchanan's 1991 book "Secession".

² Mostly stemming from economic theories such as Eric Jones in "The European Miracle".

The crux of the issue is the tension between the right of states to maintain their territorial integrity and the right of peoples or regions to self-determination. Catalonia's pursuit of independence from Spain offers a compelling case for analyzing this complex duality. It is crucial to distinguish between the right to self-determination and the right to secession, since a region can be autonomous without necessarily forming a new state (Miller, 1995:11). The right to secession refers to an irrevocable action representing the highest degree of external self-determination for a people. This necessarily implies the formation of a new state or the adhesion to an already existing state. This is the moral right of a group of people to secede from the previous state in which they were a part of.

Spain, in its modern sense, is a plurinational state that has been challenged by secessionist aspirations, initially from the Basques, and currently from the Catalans. Undoubtedly, Spain and its territorial question remain contentious, challenged by national groups that deny the supposed centralized national corpus³. Unlike the former, the Catalans set in motion a process of unilateral secession that would culminate in the unilateral declaration of independence of the Republic of Catalonia and its subsequent suspension 44 seconds later⁴. This led the leaders of the 'procés' either to exile or to prison on charges of sedition and embezzlement. Due to the peculiarity and apparent irresolvable nature of the conflict, I believe it is pertinent to analyze the legitimacy of the conflict. Therefore, the research question of the present thesis is whether Catalonia has a moral right to unilateral secession.

³ Storm (2004) points to the failure of the Spanish nation-building process at the beginning of the twentieth century.

⁴ See <https://oxcon.oup.com/page/675> for more information about the unilateral declaration of independence.

In recent years, support for the secessionist movement in Catalonia has shown a negative trend. This has been reflected in various polls and election results that indicate a decline in the percentage of Catalans who support independence from Spain. However, this trend should not be interpreted as a reduction in the relevance of the independence movement as a whole. Throughout recent history, Catalan independence has proven to be a latent phenomenon that can re-emerge strongly in response to specific events or changes in the political and social context. This latency suggests that, although explicit support may fluctuate, the roots of the movement remain deep and persistent in Catalan society.

The first chapter, the literature review, presents various theories of the right to secession that are used to examine the legitimacy of the Catalan secessionist process. It also establishes the specific definition of secession employed in this study and outlines the most recent events in the Catalan pro-independence movement. The following chapter apply these secession theories to the Catalan case, focusing on three main arguments: the disadvantage argument, the plebiscitary argument, and the nationalist argument. Each section addresses both the normative and practical challenges associated with these arguments, providing a comprehensive analysis of their implications for the legitimacy of the Catalan unilateral secession.

1. Literature Review

A necessary preliminary step before any analysis is to clarify what one means when using the terms in question. Given that the subject of study is unilateral secession, defining this concept is the first step. Álvarez (2007) describes the secession process as an act of self-alienation by a group of individuals within a state⁵, through which they withdraw the authority that the state exercised over the territory —and also the territory itself. This act of self-alienation is better explained by Buchanan, as cited by Wellman (1995:144), who defines secession as “an effort to remove oneself from the scope of the state's authority, not by moving beyond existing boundaries of that authority but by redrawing the boundaries so that one is not included within them. To claim the right to emigrate is only to challenge the state's authority to keep one within its boundaries. (...) Secession necessarily involves a claim to territory.” This act of self-alienation implies that unilateral secession is a phenomenon inseparable from territorial claims, a noteworthy element for the third section of the second chapter.

1.1. Theories of the Right to Secession

Given the extensive literature on theories of the right to secession, this discussion will aim to present the main proponents of three theories based on Buchanan's (1997) distinction⁶ between remedial rights, ascriptive rights, and plebiscitary rights: the *remedial theory* asserts that secession is justifiable only as a remedy for significant injustices perpetrated against a group by the state, such as oppression or systematic discrimination; the *plebiscitary theory* emphasizes the importance of popular will as the decisive criterion; according to this theory, if the majority of the population in a territory desires secession, this should grant them the

⁵ I have chosen to include Álvarez's definition because it employs an unequivocal term to describe the process of secession: self-alienation.

⁶ He distinguishes between primordial theories (ascriptive right and plebiscitary right) and the theory of remedial rights (Buchanan, 1997:34).

moral legitimacy to pursue it; finally, the *ascriptivist theory* argues that some states or territories possess a special status based on historical, cultural, or other reasons that would justify their right to secession.

The primary reason for employing this distinction is that it rigorously classifies the various theories of secession. Additionally, there is a broad academic consensus on the use of this classification, as evidenced in numerous studies (Álvarez, 2007; Brando & Morales-Gálvez, 2019; Norman, 1998; Requejo & Sanjaume-Calvet, 2021). These three theories have been invoked at different times by the Catalan separatist movement. Firstly, some argue that Catalonia's fiscal conditions are less favorable compared to other Autonomous Communities. If this were true, the legitimacy of the secession process would be found in the abusive treatment of the region by the state. Secondly, the right to self-determination has been asserted in the form of a binding referendum. In such a referendum, Catalans could express their will to either continue being part of the Spanish state or to form a new state. The legitimacy of the process would thus lie in the democratic procedure itself, wherein a majority in a territory could actualize their will to form their own state through voting. Thirdly, the recognition of the Catalan nation has been claimed, and consequently the right to self-determination of nations. Catalonia, as a nation, would claim the right not to let political boundaries interfere with national boundaries.

By making this distinction, I do not mean to suggest that these are the only arguments that have been voiced during the independence process, nor that they have emerged in a perfect chronological order. The truth is that the arguments have appeared and disappeared throughout the process, some in the form of subsidiary arguments. However, these three reflect the development of the political and historical reality of the region. The subsidiary arguments, which are not excluded from my consideration, will be mentioned throughout the

analysis. Each of the three aforementioned arguments is related to one of the theories of the right to secession. The first argument is related to the remedial rights theory, the second to the ascriptivist rights theory, and the third to the plebiscitary rights theory. In this section, the three theories will be analyzed and discussed within a liberal conceptual framework and carefully applied to the Catalan case to introduce the next segment of the work.

A. Remedial Rights Only Theory

The theory of remedial rights posits that secession may be the only recourse in the face of a tyrannical regime, particularly when other means of resolving the conflict have been exhausted or prove inadequate. This theory, aligned with the principles that justify the right to rebellion (Buchanan, 1997), asserts that the right to secession emerges as a last resort in response to selective injustices. According to this perspective, a secessionist process is morally justified only after all other alternatives have been explored or denied. However, before elucidating the rationale by which, under the theory of remedial rights, the right to secession is considered a specific right applicable solely when injustices have been inflicted upon a group or community of individuals, it is crucial to understand the axioms related to international stability.

The present theory of the right to secession stems from liberal arguments (or theories of justice), which seek to maximize individual liberty, with particular emphasis on international stability—since an international context conducive to respecting fundamental rights cannot be imagined without sustained stability. Proponents of this theoretical current argue that the absolute right to self-determination of peoples is dangerous for international stability. In other words, the notion that any group of people could hold a binding self-determination referendum without preexisting conditions would inevitably lead to international instability. If the Catalans, by virtue of being an organized group, are able to pursue secession, there

would be no justification for preventing any other group from doing the same—from the province of Tarragona to an apartment block in l’Hospitalet de Llobregat.

In the same way that an absolute right to individual liberty, understood as the complete absence of interference with one's actions, could lead individuals to commit murder while claiming to defend their fundamental right to freedom, an absolute right to secession could justify genocides, ethnic cleansing, or civil wars. Once it is understood that an unrestricted right to secession would pose a danger to international stability and potentially serve as a justification for the most heinous acts, one must then ask under what conditions and who are those that would possess this particular right to secession by virtue of their vulnerable condition under an oppressor. From this, it follows that, when compared with other theories, the one based on remedial rights is the least permissive or the one that requires the most conditions to legitimize a secessionist process⁷.

It is important to distinguish between a special right to secession⁸—which occurs if (a) the state guarantees the right to secession, (b) the constitution permits it, or (c) an agreement implies the permissibility of secession—and a general right to secession⁹. For a territory to have the latter right, certain preconditions must be met. The first condition is that the group must have suffered *severe injustices*. By severe, it refers to discrimination, persecution, or other systematic harms that violate the fundamental rights of the group's members. Buchanan (1997) specifies that these must be significant and continuous injustices that undermine the dignity and basic rights of the members of the group in question. The second condition is that other legal and administrative avenues to end the injustices must have been insufficient or

⁷ I make this observation because there could be situations in which, according to remedial theories, the right of secession would be allowed, whereas according to primary theories it would not: for example, a territory immersed in a systemic and selective unequal distribution of resources that does not possess a distinctive cultural identity that would justify the alignment of ethnic and political boundaries.

⁸ Or consensual secession.

⁹ Or unilateral secession.

ignored by the state. This implies a *failure of internal remedies*. In other words, only when the state is unwilling or unable to rectify such injustices does the right to secession become an option. The third condition is that the right to secession must be the *last resort*. Only when all options to remedy the injustice committed against a group of people have been exhausted, and secession provides the optimal solution to resolve these injustices, does the state lose the right to govern that territory, and secession becomes an option for the victimized group.

Wellman criticizes the remedial theory for not accommodating the right to secession based on the right to self-determination (Brando & Morales-Gálvez, 2019). On the other hand, Seymour (2007) critiques this theory due to its emphasis on international stability, which can ultimately overlook the protection of other primary rights. However, Brando & Morales-Gálvez (2019) have pointed out the similarity between Buchanan and Seymour when treating the concepts of secession and self-determination separately. Buchanan focuses solely on the secessionist issue, while Seymour addresses internal self-determination (p. 109). Both agree on the historical right of certain regions with distinctive culture and language to have a primary right to internal self-determination, and on the practical impossibility of guaranteeing a complete right to secession for all nations worldwide.

B. Plebiscitary Theory

Unlike the nationalist and remedial theories of the right to secession, the plebiscitary theory does not require a distinct cultural group or that such a group has suffered selective injustices. A unique aspect of this theory is that the secessionist group does not require a specific claim over the territory they wish to take with them. The mere fact that the majority of a territory wishes to leave the state to which it belongs is sufficient justification to legitimize their right to secession. For this reason, this theory necessarily requires that the majority of a territory has expressed the will to secede (Norman, 1998:37). One of the main proponents of this

theory is Beran (1984), who maintains that secession should be permitted under a liberal philosophical perspective.

The justification for secession is based on the plebiscitary right of self-determination of territories, supported by three key premises. Firstly, it affirms that all individuals have an inherent right to freedom. This right implies that each person possesses a certain capacity for self-governance, which includes choosing which state they wish to belong to. According to this view, freedom should not merely be understood as the absence of restrictions on individual actions. Rather, from a liberal perspective, the focus is on organizing society to maximize the freedom of its members, that is, how individual freedom can be partially restricted to increase collective freedom. Therefore, it is generally concluded that society should be structured as much as possible to resemble a regime based on voluntary consent. From these considerations, Beran (1984) deduces that if one wishes to ensure the right to freedom for individuals in a society that emulates a voluntary regime, then the formation of the state should also be voluntary and not imposed (p. 25). Additionally, he argues that once a state is established, this decision should not be considered irrevocable, as future generations and individuals who change their minds would see their right to secession restricted.

The second premise of Beran is that in the liberal model, people are sovereign. For Beran, the contemporary liberal model is based on the principle of popular sovereignty, where the moral rights of governors stem from this process. After the French Revolution, when divinity ceased to be a legitimizing element for rulers, popular sovereignty emerged as the will of the people who accept the political agreements perpetrated by democratically elected rulers. Under the liberal theory, relations of domination or authority cannot be based on divine elements or those outside the popular will. These relationships must, at a minimum, be based on the free choice of those who wield such authority. Beran's theory is clearly rooted in

liberal principles, including individualism, which suggests that states cannot be considered unbreakable entities—even if formed under the principles of popular sovereignty—since, over generations, the new individuals who are part of these states must also possess the capacity to choose their political obligations. Liberalism guarantees individuals the ability to leave the territory at any time and change their nationality, but since there is no territory uncontrolled by a state in the world, liberalism must also ensure that certain groups enjoy a certain level of autonomy.

The third and final premise of Beran, which follows the previous two, refers to the struggle against the rule of the majority. Lincoln argued that any minority has the theoretical capacity to become a majority (Beran, 1984:26). However, if the dispute is based on nationalist sentiments, the possibility of converting a minority into a majority fades. Beran astutely observed that sometimes a national minority does not have the capacity to become a majority, except through a secession process. This is due to the distinction between issues concerning an association and issues concerning the obligation and pertinence to such an association. The decision about the unity of such a state could never be contested by a national minority. Thus, he interprets secession as a response to the tyranny of the majority, precisely proceeding from the liberal democratic values he defends in his previous premise.

Wellman (1995) contends that an autonomous political entity can become a legitimate state if it is based on the state's capacity to protect the human rights of its constituents and ensure their welfare. Therefore, for Wellman, the right to secession is not universal, but conditional on the ability of a group to become a legitimate political entity. This means that a group of people has the right to secession if (a) they create a "legitimate political structure" - the group must demonstrate that it can respect and protect the human rights of its members and effectively manage state affairs - and (b) "a commitment to the welfare of its members" -

beyond protecting rights, the entity must also show a genuine commitment to the welfare of its constituents, indicating that secession would lead to a net positive outcome for those in the secessionist territory. This addresses the issue of absolute freedom to undertake a secessionist process, as it limits this right to those who are unable to meet the requirements imposed by Wellman.

Ernest Renan, in his famous lecture on nationalisms, advocated for a plebiscitary theory of nationalism, where a Nation is a group of people expressing the will to form a Nation. Kedourie, however, did not subscribe to the theory of daily plebiscites in nationalism, because (1) it constitutes an unstable basis for forming enduring political units, and (2) no state would want its unity to be questioned by its citizens daily (Junco, 2016:4). This critique of the plebiscitary theory of nationalism is especially relevant due to the parallels with the plebiscitary theory of the right to secession. On one hand, a slim majority could lead to significant political instability and disaffection. Therefore, referendums on self-determination could be rethought to resemble constitutional changes in states with stable constitutions where a wide majority is required to proceed (since they involve a substantial change that directly affects all citizens). If we accept that regions have the right to secession based on plebiscitary rights underlying individual freedom of association, the right to popular sovereignty, and majority rule, then we should do the same with existing states and ask their citizens if they are satisfied with their current condition.

C. Ascriptivist Theory

As previously mentioned, the ascriptive theory of the right to secession argues that political boundaries should not interfere with ethnic boundaries. Woodrow Wilson asserted, after the Great War, that the misalignment between these boundaries was the main cause of European problems at the time (Junco, 2016:1). As we will see later, this theory has many critics who consider it one of the most permissive regarding secession processes, especially those with a nationalist agenda. David Miller, a leading proponent of the nationalist theory, defines a nation as a "community constituted by shared beliefs and mutual commitment, extended in history, active in character, connected with a particular territory, and delineated from other communities by its distinctive political culture" (Brando & Morales-Gálvez, 2019:113). According to this definition, a people's right to secession is based on the premise that the nation (1) has moral significance for individuals; (2) is instrumentally valuable to them; (3) possesses a particular public culture; and (4) is connected to a defined territory (Brando & Morales-Gálvez, 2019:113).

In contrast to the remedial theory, the nationalist theory is part of the primary rights theories. Primary rights theories do not require the separatist group to have previously suffered severe injustices. Specifically, the ascriptive theory advocates that self-determination is an inherent right of peoples who consider themselves a nation with a distinctive cultural, linguistic, historical, and often ethnic identity. For unilateral secession to be legitimized under this theory, one must argue either that nations need to have their own states, or that states need to be mononational. Regarding the first argument, nations would need to have their own states to (1) protect themselves from threats to their distinctive character (such as linguistic destruction or other oppressive forces), and/or to (2) ensure that their compatriots have the

institutional resources necessary to fulfill the special obligations that arise from being part of an "ethical community."

The second argument supporting the need for states to be mononational has two variants. Firstly, John Stuart Mill argued in "Considerations on Representative Government" that states need to be mononational to establish a functioning democracy. It is important to note that this argument dates back to the 19th century, and thus, the nation is understood as a primordialist phenomenon. Secondly, David Miller contends that states need to be mononational to achieve distributive justice. In other words, wealthier citizens will only be willing to share their wealth with poorer individuals if they consider them as fellow nationals. This perspective suggests that a sense of shared national identity is crucial for the equitable distribution of resources within a state.

Generally, the main proponents of this theory¹⁰ support the ascriptive right of nations to self-determination, meaning they advocate for a certain degree of self-government without necessarily endorsing an ascriptive right to secession. Miller (1995) himself argues that it is a mistake to believe that under the principle of national self-determination, every national group has the right to its own state. Brando & Morales-Gálvez (2019) suggest that the primary dispute between remedial and ascriptive theories of the right to secession revolves around the questions of who has a moral right to secession and under what conditions. Regarding the right to internal self-determination, both proponents of remedial rights and primary rights agree that ethnic minorities within a state have the right to a certain degree of self-government (pp. 115-116).

Norman (1998) is among the critics of the ascriptive or nationalist theory, presenting two main arguments. Firstly, he highlights the difficulty in determining the specific national

¹⁰ Like Moore & Miller.

differences required in a territory for a secession process to be legitimate. Secondly, he points out that there are over 5000 groups worldwide that could develop a national self-awareness to hasten the secession process if the United Nations were to recognize the right to secession for nations specifically—even if these groups had not been previously treated unjustly or had not fully developed a national identity. He also notes the potential for many of these processes to lead to civil wars. Regarding fragmentation, Norman argues that while the world does not change significantly whether it has 20 or 200 states, it is hard to see any advantage in having 5000 states, and even more so to fight for it (p. 36).

However, as previously mentioned, some economists view fragmentation as a positive phenomenon, as it generates competition among states and offers certain advantages, such as in currency matters. While it is true that from a realistic—or empirical—perspective, radical fragmentation of the international landscape would lead to uncontrolled chaos, from a normative standpoint, some authors argue that there are reasons to pursue political disintegration over confederalism or plurinationalism. Thus, it is not as clear-cut, as Norman suggests, that state fragmentation would be so unreasonable.

1.2. History of the Catalan Independence 'Procés'

Pérez and Sanjaume (2013) identify five major turning points in the history of the Catalan secessionist movement. The first is the reform of the Catalan Statute between 2004 and 2006. The second is the ruling of the Spanish Constitutional Court, which curtailed many of the demands made in the regional Parliament by relying on a Catalan Statute that increased economic and institutional autonomy and constitutionally recognized Catalonia as a nation within Spain. The third significant moment is the economic crisis of 2008, which sparked rumors about the unequal distribution of the budget among the Autonomous Communities, leading to the first argument analyzed in the following section. The fourth is the

demonstration on September 11, 2012 (regional day), when more than 2 million people took to the streets to demand the independence of Catalonia. This event led to the second argument, whereby the Catalan nation is considered a united and organized people claiming the right to self-determination. The independence rhetoric underwent a significant shift at this moment as nationalist movements began to join the separatist cause. The fifth turning point is the subsequent elections, which showed a parliamentary majority in favor of the self-determination process.

Over a decade has passed since the Pérez and Sanjaume (2013) article, and new events have significantly impacted the understanding of the Catalan independence 'procés'. A special mention must be made of the 9N referendum, which was the first referendum on Catalan independence, albeit consultative and not sanctioned by the Spanish judiciary. Undoubtedly, the sixth major event in the conflict was the binding 2017 referendum, which resulted in controversial police intervention—described as violent by international media and NGOs—and the sentencing of the 'procés' political leaders, which was deemed disproportionate. The President of the Generalitat decided to leave the country to avoid prosecution. Some political leaders who stayed were sentenced to between 9 and 13 years in prison.

The most recent event was the approval of the Amnesty Law, which pardoned not only the political leaders of the 'procés' but also other implicated individuals. Additionally, in May 2024, elections to the Catalan Parliament showed a decline in support for pro-independence parties, losing the majority of 68 seats in the parliament. The response in the coming years from the Catalan society regarding independence, which has proven to be latent to the events and context, is to be expected.

2. Analysis of Catalan Arguments under Secession Theories

In the present chapter, the three arguments for separatism are analyzed together with their respective normative theories. In each of them, first the normative question of the theory associated with each argument is answered, and second the theory is applied to reality to confront the possible practical problems.

A. The Disadvantage Argument

Buchanan (1997) offers four reasons under which a process of unilateral secession, understood as a last resort, would be justified (p.37). The first reason is that the survival of the group's members is threatened by the actions of the state or that the state has severely violated the fundamental rights of the group's members. The second reason pertains to the illegal occupation of a territory by an external force, resulting in the region being under the state's illegitimate control. The third reason is the existence of an unjust, discriminatory, persistent, and severe distribution of the state's resources. Lastly, the fourth reason refers to the continuous violation of a group's constitutional rights (Brando & Morales-Gálvez, 2019:108). Each of these reasons, if perpetuated continuously, could constitute a grave injustice that would legitimize a process of unilateral secession.

Without entirely disregarding the first, second, and fourth reasons that could justify Catalan secession, it is evident that the imposition argument—the existence of an unjust and persistent distribution of state resources—has garnered a greater number of supporters, particularly at the movement's inception. Few believe that Catalans have been subject to severe violations of their fundamental rights, nor do they argue that their survival—understood as the physical survival of the Catalans—is in jeopardy. Regarding the second reason, there is a branch of Catalanism that argues Catalonia has suffered an illegal occupation of its territory. This argument will be analyzed in detail in the section on the

nationalist argument. As for Buchanan's fourth reason, few consider that any of the rights stipulated in the constitution are being attacked. Instead, it is claimed that the rights being violated lie outside the constitutional framework. Therefore, we will focus exclusively on the third reason: the disadvantage argument.

The current disadvantage argument emerged in the 1980s and 1990s during Pujol's presidency. Around 2011, the parliamentary group Sí popularized the expressions "fiscal plunder" and "theft" to describe Catalonia's relations with the state, and the slogan "Spain is robbing us" became a rallying cry for the independence movement¹¹. In response, some Spanish nationalists developed strong anti-Catalan sentiments. This animosity dates back much earlier than the past century. In the second half of the 19th century, during Catalonia's industrialization, Catalanist currents held the view that Catalans were hardworking people, while Andalusians and Extremadurans were lazy (Llobera, 2004). Beyond the rhetorical dispute, it is pertinent to ask whether Catalonia has indeed been subjected to an unjust distribution of state resources and whether this distribution has been persistent, discriminatory, and severe.

Government and the fiscal balance of the Autonomous Community. Regarding the first issue, de la Fuente (2014) shows that in 2011, a year prior to the 2012 demonstration and when the fiscal argument was at its peak, the per capita funding in Catalonia was close to the national average (p. 3). Moreover, in a more recent study by the same author (2021), which compares the evolution of adjusted per capita funding across different Autonomous Communities from 2002 to 2019, it can be observed that Catalonia's variation relative to the average has been positive¹². In fact, it slightly exceeded the national average in 2009, 2016, 2017, 2018, and

¹¹ There is even a web page that estimates the amount of money that the state "steals" from Catalonia from the moment you enter. <https://espanyaensroba.cat/>

¹² +1.7 points since 2002 (p. 22).

2019 (pp. 21-22). In other words, in recent years, per capita funding has been close to the national average, and between 2002 and 2019, it even surpassed the national average in some years. Thus, the data do not seem to support the thesis of mistreatment towards Catalonia regarding funding.

However, there are reasonable grounds for the dissatisfaction of the independence movement, such as (1) the high inequality and arbitrariness in per capita funding—where regions like La Rioja and Cantabria receive higher funding without any clear criteria, (2) the fiscal conditions of the foral regimes—since Navarre and the Basque Country do not contribute to the Interterritorial Compensation Fund (FCI) and, through the Cupo, contribute less to inter-regional redistribution, or (3) the breach of the principle of ordinality—whereby the regional financing system should not alter the ranking of gross fiscal capacity by Community. Nevertheless, it is debatable to consider these conditions as severe injustices perpetrated by the state or simply as systemic mistreatment.

The second prominent argument is that of the fiscal balance, or exploitation. De la Fuente (2014) critiques this argument fundamentally, as it equates income redistribution among communities with plunder, whereas redistribution is precisely one of the reasons for tax collection (p. 6). Given that Catalonia is one of the wealthiest regions, it is difficult to justify that the redistribution stems from systematic discrimination or arbitrary injustices. It could be argued that the redistribution is greater than reasonable, but this would be insufficient to justify a unilateral secessionist process. On the other hand, it is logical that someone who does not wish to be part of the Spanish state would be unwilling to contribute a portion of their income to intercommunity redistribution. However, from this perspective, the redistribution would not be the cause justifying their discontent with the state; rather, their prior discontent would justify their refusal to participate in the redistribution.

If we recall Buchanan's theory, three conditions were required for a unilateral secession process to be legitimized. Even if the acts perpetrated against the Catalan nation were sufficient to categorize them as serious injustices, which is the first condition, two more conditions would still need to be met. The second condition is the failure of internal remedies, meaning that all internal avenues to resolve the conflict must be either disabled or exhausted. The third condition is that secession must be the last resort. The remedial rights theory cannot legitimize the Catalan secessionist process, because even if we were to accept that the previously mentioned examples constitute serious injustices towards the region, two more conditions would still need to be met, which, as we will see below, are not fulfilled.

Miller (1996) uses the relationship between Catalonia and Spain as an example of a national conflict without severe hostility. It is a unique relationship, as Catalonia has typically been one of the most prosperous regions compared to the rest of Spain, a characteristic shared with the Basque secessionist process. A region undergoing a unilateral secession legitimized under the remedial principle is likely either in a vulnerable position with the state due to hostility perpetrated by the latter, or in a disadvantaged economic position compared to other regions of the state. However, this latter condition must be accompanied by vulnerability, since if a region possesses sufficient bargaining power, it cannot be said that internal remedies have been exhausted.

This last point is easily observed when considering the events of the past two years. Firstly, in the investiture agreement between the PSOE and ERC, where the forgiveness of 20% of Catalonia's debt with the FLA (the Financing Fund for Autonomous Communities) was agreed upon. Secondly, in the investiture agreement between the PSOE and Junts, where an amnesty law was agreed upon for institutional normalization with Catalonia, which pardons acts related to the consultation of November 9, 2014, and the referendum of October 1,

2017¹³. These acts not only involved secession but also the misappropriation of public funds. These two facts de facto prove that there are other internal avenues to remedy, at least, economic issues. I want to make it clear that this consideration regarding the two necessary conditions for the legitimization of unilateral secession in Catalonia is preceded by the acceptance of the first condition as true, under strong suspicions that the acts perpetrated against Catalonia can indeed be classified as "serious injustices."

B. The Plebiscitarian Argument

While the previous analysis focused on determining whether the acts perpetrated by the state towards the region were sufficient to legitimize secession, this section examines whether there exists an a priori moral right by which Catalonia would be legitimized to initiate a unilateral secessionist process without the need for prior injustices. The term "right to decide" has been repeatedly used by the pro-independence faction, referring to the plebiscitary argument that, in a liberal democratic state, the right to self-determination must be guaranteed, along with the right of regions to decide their own future. Regardless of whether the state has been abusive, individuals should, by virtue of the right to individual liberty, be able to decide which state they belong to, and this decision should not be irrevocable, as new generations also possess the same right to self-determination.

As previously mentioned, both Moore and Buchanan have been critical of primary theories for their naivety regarding the consequences of an intrinsic right to secession and its impact on international stability. If groups of people, by the mere fact of being organized, could legitimately undertake a unilateral secession process, the international arena would inevitably be marked by instability. Kedourie is also critical of this theory, asserting that forming stable political units would be impossible if such a unit were subjected to a daily plebiscite.

¹³ This law was approved by the Congress of Deputies on May 30.

Additionally, few countries would accept their unity being constantly questioned. For instance, if Catalonia had the right to secede from Spain under the plebiscitary argument, Barcelona and Tarragona could do the same with Catalonia¹⁴. It does not seem that anyone in the independence movement would be willing to grant the right to self-determination to the provinces of Tarragona or Barcelona.

Therefore, Wellman (1995) adds two conditions for the legitimization of any secessionist process: (1) the creation of a legitimate political structure and (2) a commitment to the welfare of its members. This means that not just any region, by virtue of being organized, has the capacity to undertake a unilateral secession process. It would become a right only guaranteed to those regions with a legitimate structure—i.e., with a defined territory and political institutions. However, it is difficult to precisely determine what constitutes a legitimate political structure, as it could include, for example, those with international recognition. If so, it would cease to be an a priori right, as it would require external acceptance to fulfill Wellman's first condition. Nonetheless, even if accepting both conditions reduces the number of territories capable of seceding, legitimizing secessionist processes based on plebiscitary principles is still calls into question international stability.

Other conditions that could be added to consider a region as "a legitimate political structure" include (1) the capacity to subsist economically and (2) not ruining the state it leaves behind. If Catalonia would cease to be economically viable without Barcelona, it would lack Barcelona's legitimacy to secede again. Moreover, just as the necessity of Barcelona within Catalonia could be argued, the same could be argued for the relationship between Catalonia and Spain. However, if we accept these conditions, the legitimization of secession would not

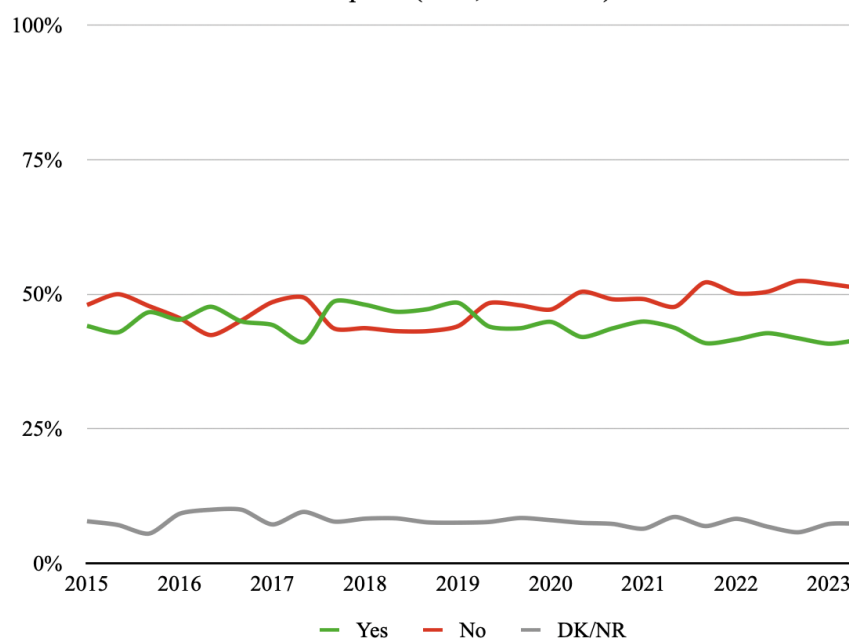
¹⁴ A political-satirical movement called Tabarnia attempted to defend this argument.

be based solely on plebiscitary principles, but would also incorporate principles based on stability and economic viability.

The plebiscitary theory also presents other problems when attempting to delimit the territory that would possess the right to secede. On one hand, political units are always subject to existing borders, and these do not necessarily coincide with the demands of the group constituting the national minority in question. The majority depends on the scope of the census, and its conditions stem from historical contingencies. In other words, Catalonia has no intrinsic value that grants it the right to secede; rather, the fact that it is a defined region that meets both of Wellman's conditions makes it a legitimate region to undertake a unilateral secession process. When discussing the territorial issue, it is easy to confuse the two primary theories, ascriptivist and plebiscitary, by assigning legitimizing powers to political units with nationalist significance.

In addition to the theoretical problems mentioned earlier, practical issues arise when applying the plebiscitary theory to the Catalan case. Firstly, Catalonia is a divided society, both politically and in terms of identity. As shown in Figure 1, since the CEO (Centre d'Estudis d'Opinió) began recording whether Catalans would like to form an independent state from Spain, the "Yes" has never surpassed 50%. On the contrary, since the pandemic, the "No" has exceeded 50% in several years, and the "Yes" shows a negative trend. Nevertheless, the fact that the "Yes" to independence is close to 50% is noteworthy because the "No" encompasses various groups: those who want Catalonia to remain merely a region within a unified Spain, those who are content with Catalonia as an Autonomous Community within a decentralized Spain, and those who desire a greater degree of autonomy and would prefer a federal Spain.

Figure 1. Would you like Catalonia to be an Independent state from Spain? (CEO, 2015-2024)



Source: Barometer of Political Opinion (CEO 2015-2024)

One measure that could mitigate the destabilizing consequences of applying the plebiscitary right would be to require a qualified majority for the approval of a binding referendum. However, this measure lies outside the normative realm, as determining what constitutes a qualified majority is entirely contingent and resides in the political-legal sphere. For example, if it is decided that a broad majority is one that exceeds 70% of the total population, and 69% decide in favor of independence, what would justify that 69% of the population be subjected to the will of the remaining 31%?

Secondly, there is the issue of a simple majority. Securing 51% of the votes is sufficient for a territory to be legitimized in subjecting the remaining 49%. While it might seem unjust for the dissenting opinion of nearly half the population to be irrelevant in the formation of a new state, the issue becomes untenable when considering that the 51% would be subject to the will of the 49% if such a referendum is not held. Moreover, there is no guarantee that public opinion would not change from year to year, which could result in the majority of the

population being subjected to a state they do not want. Therefore, basing state formation on plebiscitary theories can present practical problems in addition to the theoretical ones previously mentioned.

In summary, under the plebiscitary theory, Catalonia would also not have a moral right to unilateral secession, because even disregarding the theoretical problems presented, less than the necessary 50% would vote in favor of independence, resulting in a lack of interest in holding future plebiscites should public opinion change.

C. The Nationalist Argument

The international slogan "Where is Catalonia" was used during the 1992 Olympics in Barcelona as an effort to combat Catalonia's invisibility in the eyes of the world, which, in a way, represented a victory for the unitary vision of the Spanish state (Llobera, 2004:2). The aim was to recognize Catalonia not only as a member of the Spanish state but also as an entity with its own identity. Currently, the independence movement ('procés') has managed to put Catalonia on the map. In other words, national emancipatory processes imply recognition and visibility. The nationalist argument put forth by the separatists is simple: Catalonia is a nation distinct from Spain, and as a nation, it has the right not to let ethnic barriers overlap with political barriers. Secession means recognizing Catalonia as a historical nation. It is a process of self-recognition or self-alienation, as we previously discussed with Álvarez's definition (2007).

The nationalist argument is based on the ascriptivist theory. This theory presents problems analogous to the plebiscitary theory because both belong to the group of primary theories – i.e., the impact on international stability. Addressing the critique by Buchanan, Moore, and Kedourie on over-fragmentation, the ascriptivist theory narrows the number of regions

legitimized to undertake a secessionist process to only nations. As a result, the international instability arising from the a priori right to secession is notably reduced. However, Norman is skeptical of this reduction and highlights that there are more than 5000 national groups in the world, and there is no moral reason to increase the number of states. Despite the impracticability of this theory, it seems reasonable to argue that different cultures, whether imagined or not, require different forms of government. Preferably, self-government to ensure not only the protection and preservation of that culture but also the defense of the values associated with it through the creation of their own policies.

As a reminder, ascriptivist theories advocate the right to self-determination for nations based on the premises that (1) they have moral significance for individuals; (2) they are instrumentally valuable to them; (3) they have a particular public culture; and (4) they are connected to a defined territory (Brando & Morales-Gálvez, 2019:113). Even if these four premises are accepted, there remains a significant gap between self-determination and secession. If a territory possesses a high degree of autonomy and the state ensures both the protection of cultural values and the security of its members, what reasons exist for the territory to acquire the most extreme degree of self-determination? Miller provides an answer based on redistributive justice.

In the remedial analysis, it was mentioned how some sectors of the independence movement were reluctant about intercommunity redistribution. Their reasons for discontent with the fiscal balance stem from the nationalist argument, not the remedial argument as it might initially seem. Redistribution is not unjust; it is incongruent with the image of Catalonia as an independent nation from Spain. If one believes that Catalonia is indeed a country independent of Spain, one may be reluctant to give part of the collected taxes to communities that do not belong to the Catalan nation. This would be equivalent to allocating part of the taxes

collected in the Community of Madrid to Moroccan prefectures. If one does not feel part of the Spanish state, contributing to intercommunity redistribution resembles plunder.

Until now, I have assumed that Catalonia is a nation. However, it is crucial to consider whether Catalonia holds moral significance for nationalists, possesses instrumental value for Catalanists, and has a distinctive public culture in order to determine whether it would have a right to secession under the ascriptive theory. In this context, Catalonia's medieval period holds particular importance, as it has been idealized within Catalanism and used in the contemporary political rhetoric of the separatist movement (Junco, 2016). These postulates invoke the annexation between the Kingdom of Aragon and the County of Barcelona, the War of Spanish Succession, or the period of the Count-Duke of Olivares, among others. Subsequently, those periods that fostered the defense of Catalan nationalism and the initial separatist movements will be examined.

In the 12th century, Berenguer III succeeded in unifying the territories of Sardinia, Ampurias, Besalú, and parts of Provence with the County of Barcelona. Subsequently, his successor, Berenguer IV, married Petronilla, which led to the annexation of the County of Barcelona to the Kingdom of Aragon, thus forming the Crown of Aragon. Despite both territories retaining their own institutions and traditions, Aragonese, Catalan, and Latin were spoken interchangeably at court. Peter II, King of Aragon and Count of Barcelona, supported the Count of Toulouse against the Pope and the King of France. One might therefore think that the formation of Catalan nationalism is comparable to the national formation of Spain, France, or Portugal, where a feudal power, represented by counties and monarchies, strengthens and consolidates itself against great empires, in this case, against the Carolingian and Capetian dynasties. However, the union of these counties into the Principality of Catalonia in 1350 did not create an independent entity; it continued to be part of the Crown of

Aragon with its composite monarchy model, similar to that of the Italian autonomous cities dominated by elites. This configuration persisted even after the union with Castile in the 15th century (Junco, 2016).

The origins of the Catalan language, already distinct from Provençal, date back to the 11th century (Junco, 2016). However, the first mention of Catalan and Catalonia appears in the 12th century in the document “Liber Maiolichinus”¹⁵, where the terms *Catalenensis* or *Catalanenses* are used to identify the Catalan ethnicity and *Catalania*¹⁶ to refer to the territory they occupied. Before the Principality of Catalonia, this region could not be considered a state, a nation, or even a county; being Catalan was not a result of nationalist sentiment but stemmed from the culture and language shared by the Catalans. The term *Catalanensis* reflected a collective ethnic sentiment that, after the annexation to the Crown of Aragon, spread throughout *Catalania* and beyond its borders. The process of Catalan cultural consolidation intensified after this annexation with the Kingdom of Aragon, thereby challenging both the primordialist view of the formation of Catalan nationalism and some postulates about the creation and defense of Catalan culture.

A common argument among nationalists is to view the annexation of the Crown of Aragon with Castile as a transition from medieval splendor to an era of decadence perpetrated by Ferdinand of Antequera. However, as Junco (2016) points out, the period of decline began before the annexation with Castile, and during the reign of Ferdinand's successor, Alfonso V, the territory experienced another era of splendor. Moreover, the dynastic union of the Crown of Aragon with Castile should not be interpreted as a subjugation of Aragon. However, it was not a favorable time for either the Aragonese or the Catalans, who were devastated by the

¹⁵ The text proclaims the expedition of Catalans, Pisans, Occitans, and Sardinians to the Balearic Islands to expel the Muslims. The document is kept in the library of the University of Pisa.

¹⁶ The etymological origin of the word is unknown at the moment.

crises of the 14th and 15th centuries. After the death of Isabella, the dynastic union nearly disintegrated, but Catalonia integrated into the composite monarchy model without significant difficulties. Junco notes that when institutional barriers were lifted under the reign of Philip II, it was not driven by a modern national sentiment but rather by the defense of local privileges.

When, in 1640, the Count-Duke of Olivares proposed the centralization of the kingdom—amidst the Thirty Years' War against the Protestants—it was the first moment when Catalan integration was on the brink of breaking apart. This led to numerous protests across various parts of Catalonia. Pau Claris ended up seeking help from France, but this act divided the Catalan elite and the peasantry due to the treatment they received from French soldiers¹⁷. After the war, Philip IV was able to recover the territory in just four years. Once again, the Catalan nationalist narrative distorts this period by idealizing it as the defense of an open democracy by a united Catalan people, overlooking the French treatment and the fact that Philip IV subsequently respected the regional charter system.

However, no historical period has been as distorted by the nationalist narrative as the War of Spanish Succession. It has often been portrayed as a nationalist war, but Junco clarifies that it was a dynastic war in which Catalonia was once again divided between those territories loyal to and those opposed to Philip V. It was during this period that the Decrees of Nueva Planta were drafted, which abolished the regional charters, the Council of Aragon, the Catalan Courts, and the University of Barcelona.

The defense carried out in 1714 has undoubtedly been one of the most significant historical milestones in the independence narrative. The veneration of this event dates back to 1886, and the floral tributes to Rafael Casanova began in 1890 (Junco, 2016). Despite the evident

¹⁷ Some even ended up seeking refuge in Castile.

political repression imposed by the Decrees of Nueva Planta on the Crown of Aragon, its languages, and institutions, this period also marked an opening of the Catalan industry to the American market, which, contrary to the nationalist legend, led to a period of prosperity. However, Junco (2016) notes that “it must not be denied that the Decree of Nueva Planta was a political straitjacket” and that it was met with rejection by the Catalan elites.

It was not until the 19th century that the romanticist currents and the status of Barcelona as the industrial capital of the state began to form a sense of a people distinct from the Spanish, with significant political connotations (Miley, 2019). Barcelona was undoubtedly the most modern city in the state and also the most dangerous. The "bullangas," popular liberal uprisings, were carried out far from any regionalist or nationalist aspirations, and the elite society requested state intervention to suppress them (Junco, 2016). Eventually, perhaps as a reaction to the immigration from the rest of the state, Catalan nationalism emerged in the last two decades of the 19th century. Valentí Almirall was a key figure in this movement, publishing *Lo catalanisme* in 1886. The most significant political event of early nationalism was the drafting and presentation to King Alfonso XII of the "Memorial de Greuges," a document that recorded protests concerning protectionist issues and the Civil Code.

In this first generation of nationalists, the dissemination of identity developed through activities such as hiking, choral singing, the anthem "Els Segadors," the barretina (a traditional Catalan hat), and above all, the veneration of the language (Junco, 2016). Additionally, the first discriminatory or racist elements emerged, with figures like Pompeu Gener describing Catalans as "Indo-Germanic," "Aryan," or "European" race, while those in the south were described as "Semitic" or "Berber."

At the beginning of the 20th century, the *Unió Federal Nacionalista Republicana* (UFNR), a leftist Catalanist coalition, emerged, promoting for the first time the formation of an

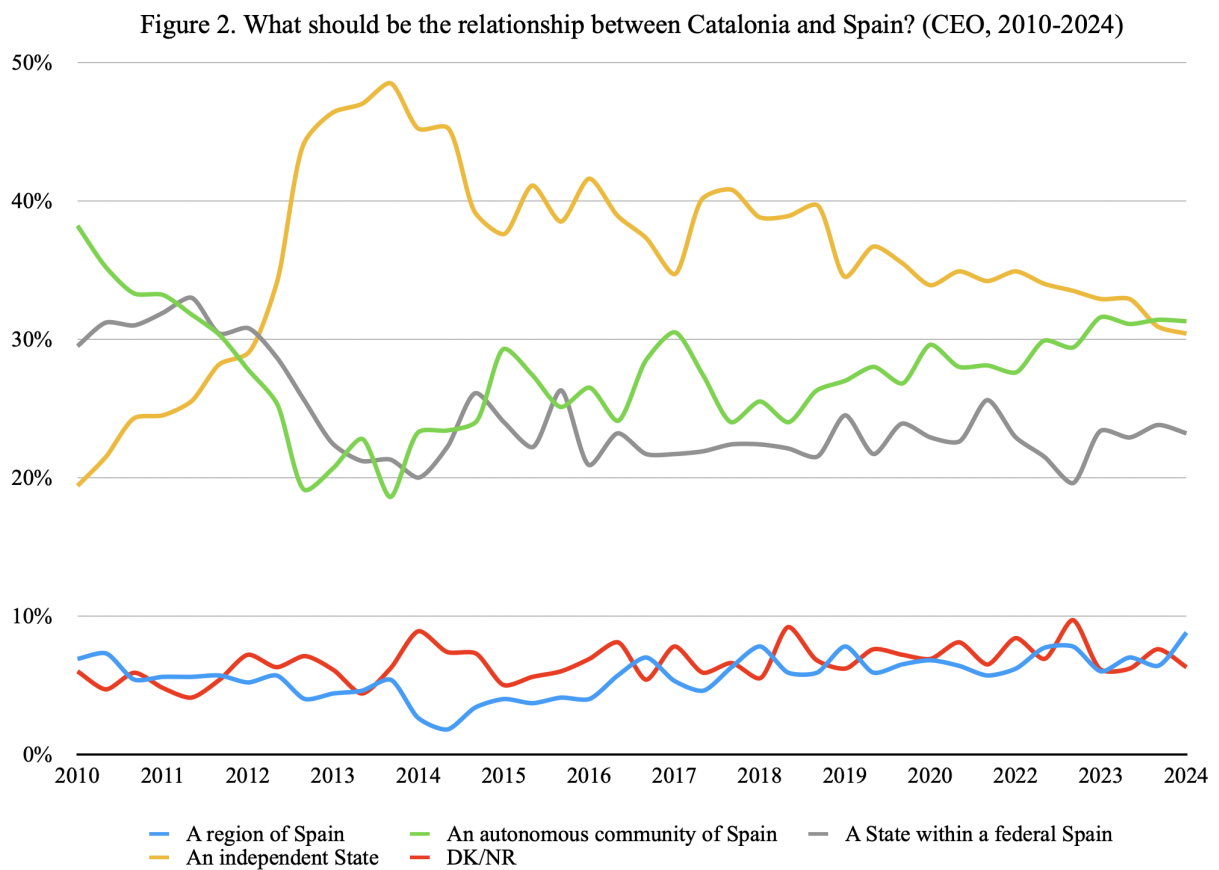
independent state rather than reforming the existing one. With the creation of the “Mancomunitat de Catalunya”, the region's infrastructure improved, and a distinctive national identity was built. Pompeu Fabra played a crucial role in the normalization of the Catalan language, establishing common grammatical structures and vocabulary.

Following the proclamation of the Second Republic, Francesc Macià, then leader of Esquerra Republicana, declared "the Catalan Republic, as a state integrated into the Iberian Federation." The Statute of Nuria was drafted, which transformed Catalonia into an autonomous region within Spain. In 1934, internal divisions reappeared in Catalonia between the Lliga and the Catalan Agricultural Institute over the Law of Cultivation Contracts.

During the Franco dictatorship, Catalanism, like many other groups, was repressed, leading to numerous events, including the execution of Lluís Companys, the president of Catalonia at the time. The dictatorship, with its centralist nature, eliminated Catalan as an official language and promoted the use of Spanish. Some Catalanists still harbor strong animosity towards the current Spanish state due to its previous fascist period.

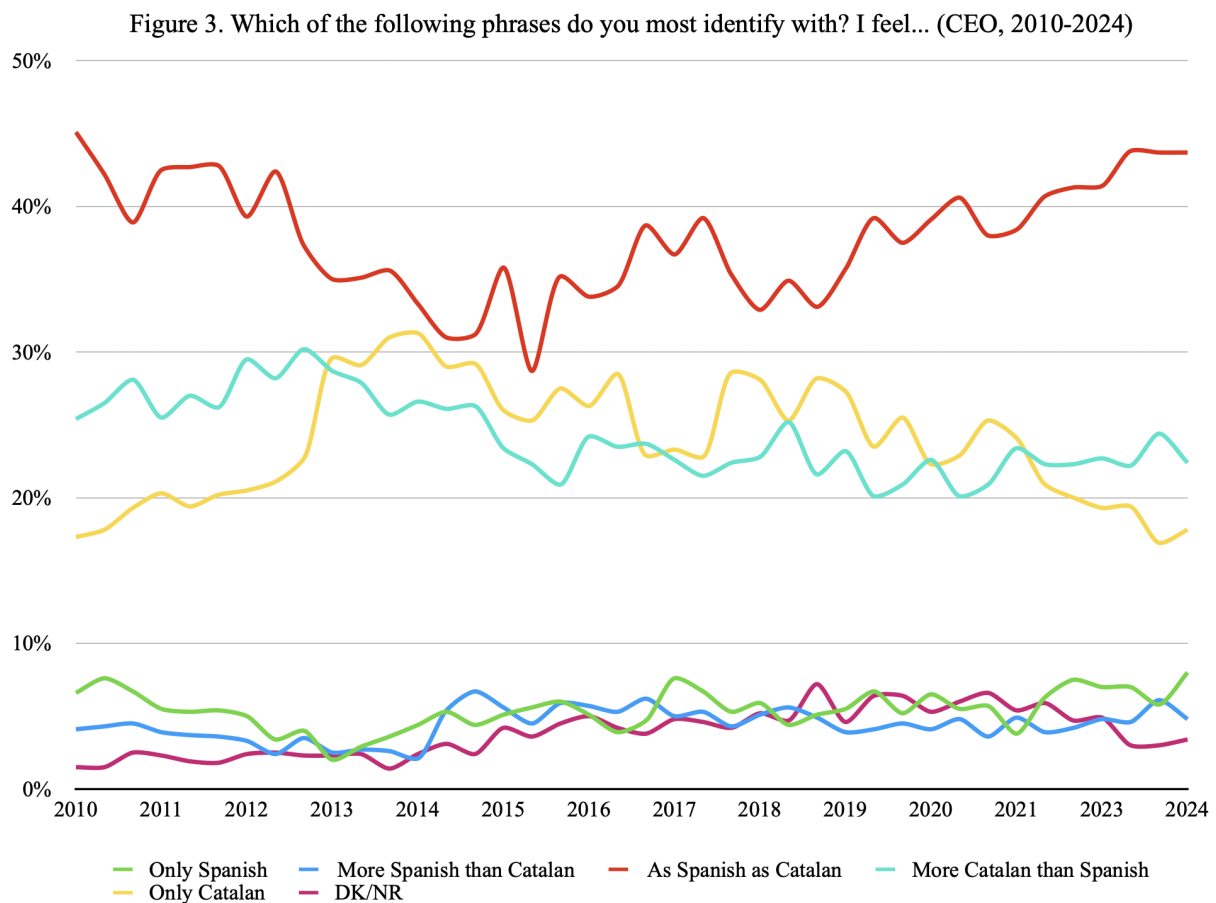
From this analysis, several conclusions can be drawn. Although the Catalan language dates back to the 11th and 12th centuries, Catalan nationalism did not emerge until the 19th century. Catalan nationalism is a relatively modern phenomenon but has also been historically elitist. The Catalan region has been predominantly divided during many of the historical events mentioned earlier. Despite potential criticisms regarding international stability, it seems that, indeed, Catalonia is a nation in the eyes of nationalists. It holds moral significance and is instrumentally valuable to them, possesses a distinct public culture, and is connected to a defined territory. For these reasons, despite the normative issues presented at the outset, under the ascriptive rights theory, Catalonia would have a right to unilateral secession.

I do not want to end this section without mentioning the practical problems of national unity and the identity of the region's inhabitants. In Figure 2, preferences regarding the relationship between Spain and Catalonia are shown. These preferences seem to be linked to different territorial models of the state. On the one hand, those who advocate an independent state want a Spain without Catalonia. Those who prefer an autonomous community support the current territorial system. On the other hand, those who favor a state within a federal Spain seek greater autonomy and decentralization. Finally, those who want Catalonia to be a region within Spain prefer centralization of state functions.



Source: Barometer of Political Opinion (CEO 2010-2024)

However, this interpretation is challenged by the identity sentiment of the Catalans. A peculiar phenomenon of the Spanish State is its plurinationality, which not only includes diverse nations within the State, but also people with multiple simultaneous national identities. Figure 3 shows that the exclusively Catalanist sentiment has not exceeded 30% during the period 2010-2024. This means that the remaining group of people who preferred an independent state, in the previous example, also had a degree of Spanishist sentiment, albeit minimal. That 20% difference came from those who felt more Catalan than Spanish or those who felt as Spanish as they did Catalan. This data challenges both the unitary view of nations and the adscriptivist theory.



Source: Barometer of Political Opinion (CEO 2010-2024)

Conclusion

This thesis has explored the complex issue of whether Catalonia has a moral right to unilateral secession. Following the analysis of three arguments used by the separatist side based on the three main theories of the right to secession—remedial, plebiscitary, and ascriptivist—I conclude that it would only be legitimized under the last one. Each separatist argument presents unique insights and challenges, highlighting the multifaceted nature of secessionist claims and the intricate balance between national self-determination and international stability.

The remedial rights theory posits that secession is justified only as a remedy for significant injustices perpetrated against a group by the state. According to this perspective, Catalonia's claim to secession would require demonstrating that the Spanish state has committed continuous and severe injustices that violate fundamental rights. While the Catalan independence movement cites economic disadvantages and cultural suppression as grounds for secession, these claims do not universally meet the stringent criteria of significant injustices required by the remedial rights theory. Furthermore, the availability of internal remedies and legal avenues to address these grievances suggests that secession may not be the last resort. Thus, under the remedial rights framework, Catalonia's right to unilateral secession remains contentious and lacks sufficient justification based on the presented evidence.

The plebiscitary theory emphasizes the will of the majority within a specific territory as the main criterion for legitimizing secession. This theory holds that if the majority of the population of Catalonia expresses a clear desire for secession through a democratic process, this should give them the moral legitimacy to pursue independence. However, practical problems arise, such as the deep political and identity divisions in Catalan society. Polling

data consistently show that support for independence fluctuates and often falls short of the threshold necessary for a decisive majority. Moreover, carrying out unilateral secession based solely on a simple majority vote could lead to instability and lead to secessionist processes with half of the population against it. Therefore, while the plebiscitary theory provides a democratic rationale for secession, Catalonia would not be legitimized to carry out a unilateral secessionist process because it does not reach the simple majority threshold.

The ascriptivist rights theory suggests that certain groups, by virtue of their unique historical, cultural, or national identity, possess an inherent right to self-determination and potentially secession. Catalan nationalists argue that Catalonia's distinct language, culture, and history justify its right to form an independent state. This theory resonates with the sentiments of many Catalans who view their nation as fundamentally different from Spain. However, critics argue that the ascriptive rights theory could lead to excessive fragmentation and instability in the international system, as numerous groups worldwide might assert similar claims. Additionally, the internal divisions within Catalonia and the lack of a unified national identity complicate the application of this theory. Therefore, while the ascriptive rights theory provides a moral foundation for Catalonia's secessionist aspirations, it faces significant practical and normative challenges.

Bibliography

- Álvarez, J. A. (2007). Sobre el Derecho a la Secesión en la Independencia de Montenegro. *Revista de derecho público*, 69, 309–330.
- Beran, H. (1984). A Liberal Theory of Secession. *Political Studies*, 32(1), 21–31.
<https://doi.org/10.1111/j.1467-9248.1984.tb00163.x>
- Brando, N., & Morales-Gálvez, S. (2019). The Right to Secession: Remedial or Primary? *Ethnopolitics*, 18(2), 107–118. <https://doi.org/10.1080/17449057.2018.1498656>
- Buchanan, A. (1997). Theories of Secession. *Philosophy & Public Affairs*, 26(1), 31–61.
<https://doi.org/10.1111/j.1088-4963.1997.tb00049.x>
- de la Fuente, A. (2014). ¿Maltrato fiscal? UFAE and IAE Working Papers, 943.14. Unitat de Fonaments de l'Anàlisi Econòmica (UAB) and Institut d'Anàlisi Econòmica (CSIC).
<https://ideas.repec.org/p/aub/autbar/943.14.html>
- de la Fuente, A. (2022). La Evolución de la Financiación de las Comunidades Autónomas de Régimen Común. *Estudios sobre la Economía Española*, 27(1).
<https://documentos.fedea.net/pubs/eee/2022/eee2022-22.pdf>
- Junco, J. A. (2016). *Dioses útiles: Naciones y nacionalismos*. Galaxia Gutenberg.
- Miley, T. (2019). Catalan Self-Determination and the European Project. *Rivista Europea*.
<https://doi.org/10.17863/CAM.44348>
- Miller, D. (1995). *On nationality*. Oxford University Press.
- Miller, D. (1996). Secession and the Principle of Nationality. *Canadian Journal of Philosophy Supplementary Volume*, 22, 261-282.
<https://doi.org/10.1080/00455091.1997.10716818>
- Moore, M. (2001). *The Ethics of Nationalism*. Oxford University Press.
- Norman, W. (1998). The Ethics of Secession as the Regulation of Secessionist Politics. In M. Moore (Ed.), *National Self-Determination and Secession* (p. 0). Oxford University

Press. <https://doi.org/10.1093/0198293844.003.0003>

Llobera, J. R. (2004). *Foundations of National Identity: From Catalonia to Europe*. Berghahn Books.

López, L. P. & Sanjaume-Calvet, M. (2013). Legalizing secession: the Catalan case. *Journal of Conflictology*, 4(2).

<http://journal-of-conflictology.uoc.edu/joc/en/index.php/journal-of-conflictology/article/view/vol4iss2-perez-sanjaume.html>

Requejo, F., & Sanjaume-Calvet, M. (2021). Explaining Secessionism: What Do We Really Know About It? *Politics and Governance*, 9(4), 371–375.

<https://doi.org/10.17645/pag.v9i4.4959>

Seymour, M. (2007). Secession as a Remedial Right¹. *Inquiry*, 50(4), 395–423.

<https://doi.org/10.1080/00201740701491191>

Storm, E. (2004). The problems of the Spanish nation-building process around 1900.

National Identities, 6(2), 143–156. <https://doi.org/10.1080/1460894042000248404>

Wellman, C. H. (1995). A Defense of Secession and Political Self-Determination. *Philosophy & Public Affairs*, 24(2), 142–171.