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The 2017 Catalan independence referendum

A symposium

Citation for published version:

Cetra, D, Casanas-Adam, E & Tàrrega, M 2018, 'The 2017 Catalan independence referendum: A symposium', *Scottish Affairs*, vol. 27, no. 1, pp. 126-143. <https://doi.org/10.3366/scot.2018.0231>

Digital Object Identifier (DOI):

[10.3366/scot.2018.0231](https://doi.org/10.3366/scot.2018.0231)

Link:

[Link to publication record in Edinburgh Research Explorer](#)

Document Version:

Peer reviewed version

Published In:

Scottish Affairs

Publisher Rights Statement:

This article has been accepted for publication by Edinburgh University Press in the journal *Scottish Affairs*, and can be accessed at <https://www.eupublishing.com/doi/10.3366/scot.2018.0231>.

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TITLE

The 2017 Catalan Independence Referendum: A Symposium

INTRODUCTION

On 2 October 2017, ASEN Edinburgh organised the seminar *Towards Independence? Understanding the Catalan Independence Referendum* at the University of Edinburgh. The aim was to discuss the meaning and implications of the referendum from different disciplines. In this symposium, the participants offer an expanded and updated account of their contributions to the seminar. Daniel Cetrà argues that this was a disputed referendum reflecting a debate between legal and democratic legitimacy grounded on competing visions of nationhood. The referendum will be 'remembered' by Catalan nationalism as a major display of collective dignity against state repression, but whether it resulted in a mandate for independence is contentious.

Elisenda Casanas-Adam examines the complex role of legality in the referendum. She argues that there are alternative interpretations of the Spanish constitutional framework available which would be more accommodating to the Catalan requests. She also suggests that the legality of many aspects of the Spanish authorities' forceful response to the Catalan process is also not at all clear-cut. From a media perspective, Mariola Tàrrega looks at the relationship between news media and political actors in the political dispute. She argues that the Catalan referendum shows a concerning context where news media become political advocates of opposed worldviews and politicians attribute news media an overstated capacity to shape nation-building projects.

Daniel Cetrà

On October 1st, the Catalan government held an independence referendum in which voters were asked the question 'Do you want Catalonia to be an independent country in the form of a Republic?'. The Catalan Government estimated the final turnout to be 43% (2.3 million). Among those who voted, 90.2% voted Yes and 7.8% voted No.

This was a disputed referendum. The position of the PP-led Spanish Government and most Spanish parties has always been that a Catalan independence referendum is unconstitutional.

The referendum law was suspended by the Constitutional Court, and Spain's attorney general ordered security forces to prevent any preparations for the vote. The Catalan government decided to go ahead and organize the referendum unilaterally after several requests to hold a negotiated referendum, a symbolic vote on independence in 2014 (Liñeira and Cetrà 2015), and a subsequent 2015 regional election which returned a pro-independence majority (Martí and Cetrà 2016).

The dispute reflects a debate between legal and democratic legitimacy. In contrast with British unionism, the appeal to unionism in Spain has become a predominantly legal argument rather than an appeal to the economic and social benefits of the status quo. Since the mid-1980s, predominant Spanish nationalist discourse recovered and shifted its focus to the vindication of the 1978 Constitution as the legitimate basis for maintaining the political unity of Spain. This shift gave a new, more democratic political content to what was presented as a previously existing nation (Núñez Seixas 2001, Bastida 2009).

The debate between legal and democratic legitimacy is grounded on competing visions of nationhood. This is a tale of two nationalisms whose predominant forms hold incommensurable views as to whether Spain is mononational or plurinational. The view of a single Spanish sovereignty enshrined in the constitution is supported by all unionist parties except Podemos. Supporters of the referendum contend that Catalans are a nation entitled to 'the right to decide' –self-determination– and that this right should prevail over narrow interpretations of the Spanish constitution.

While in 2014 the Spanish Government tolerated the symbolic vote on independence, this time their goal was to prevent the referendum. Spanish President Mariano Rajoy insisted that the referendum was illegal and was not going to take place. Before the vote, the strategy of the Spanish Government consisted of treating the referendum as a case of disobedience and letting security forces to prevent any activities preparing the vote following the orders of the Spanish judiciary. This included the arrest of high-ranking officials and the search of newspapers, printing companies and mail services to seize referendum material.

The vote was not going to be the decisive event that the independence movement hoped for. The Catalan Government framed it as qualitatively different to the 2014 vote, a referendum

whose results would be binding rather than another 'participation process' or act of protest. However, the turnout was similar to the 2014 symbolic vote (36 per cent), although it is worth noting that this time 16 and 17 year olds and immigrants with residence card could not vote. In addition, the result did not reflect actual public opinion. Some 45 per cent of Catalans support independence, although recent events may have had an effect on public opinion. Perhaps paradoxically, independence supporters needed unionists to get out and vote to give the referendum legitimacy, but once again a vote on independence not agreed with Madrid was hostage to a boycott by most Catalan unionists.

It was the police violence on the day of the vote which turned what was going to be another failed attempt by the pro-independence movement to obtain a clear mandate for independence into a symbol of collective resistance against state repression. The Spanish Government sought to stop the vote through police intervention, with the Spanish police smashing their way into some polling locations and beating voters with batons. As a result, 1,066 people were treated by the Catalan health services and 400 polling stations of a total of 2,315 were shut down.

The Spanish Government's strategy proved both repressive and ineffective, and the Catalan government gained significant political capital and control of the narrative. The use of violence deepened the constitutional crisis in Spain, damaged Spain's international image, and fed into the increasingly prominent argument within the Catalan independence camp that secession is a remedial solution against Spain's disrespect for democracy and basic rights (Serrano 2015).

The level of popular organization to allow the vote to take place under the judiciary pressure and the episodes of violent episodes was noteworthy. It included citizens smuggling ballot boxes and occupying schools designated as polling stations throughout the weekend, preventing them from being sealed off by the police. On the day of the vote, voters formed human shields at polling stations from 5am until 8pm. Scholars interested in social movements have in Catalonia an attractive object of study, in light of the popular organization on October 1st and the six consecutive years of mass, pro-independence demonstrations on Catalonia's national day.

While we lack perspective to fully account for its relevance, the 1st of October 2017 is likely to be 'remembered' by Catalan nationalism both as a major display of collective dignity against state repression and as a major grievance towards Spain. However, it is contentious whether the vote resulted in a clear mandate for independence. This was an unconstitutional referendum in which the result was not representative of public opinion and the turnout was seven points lower than 50% –which was the threshold in cases like Montenegro– although it may have been higher in the absence of violence. The vote took place in very exceptional circumstances but the turnout seems flimsy grounds on which to claim a mandate for unilateral independence.

The weeks following the referendum were characterized by continued political tension as well as political maneuvering and delaying. There was consensus within the constitutionalist block – PP, Socialist Party (PSOE), Citizens (C's) – that the events in Catalonia are a legal matter to be addressed through the hard option of triggering article 155 of the Spanish constitution to impose direct rule on Catalonia. In a rare and strongly worded television address, King Felipe suggested that this measure was indeed adequate. The nuance is that the PSOE argued not to trigger article 155 if Catalan President Carles Puigdemont called early elections.

On 10 October, Puigdemont confusingly said there is a mandate for independence and signed the declaration of independence but proposed to postpone its coming into force to seek a negotiated solution. He sought to find a balance that would satisfy everyone in the pro-independence camp, divided on the issue of declaring independence unilaterally. His discourse was mostly addressed to the international community, seeking to show responsibility and emphasizing the need for dialogue and calls for mediation. However, after Puigdemont was unable to seal a deal with the Spanish Government according to which he would call early elections in Catalonia and, in exchange, the Spanish Government would not impose direct rule on Catalonia, the Catalan Parliament declared independence on 27 October.

At the time of writing, this is an ongoing dispute and there is considerable confusion as to what may happen. The Spanish Government imposed direct rule on Catalonia and called an early election in Catalonia on the 21st of December. It remains to be seen the conditions under

which pro-independence parties take part in the election and whether the results will be substantially different to those of 2015 to allow for a solution to the political deadlock.

It is unlikely that the deep constitutional crisis in Spain be solved either by appeals to the constitution or by unilateral measures. The focus on the constitution is unhelpful because this is a political dispute, not a legal one: it is the very concept of a single Spanish nation and sovereignty enshrined in the constitution which is being contested. At the same time, the Catalan Government cannot implemented independence unilaterally. A constitutional reform in the mid-term cannot be ruled out, but given the present political majorities in Spain it is unlikely to result in a more accommodationist text with regard to home rule and self-determination demands. EU mediation to promote dialogue between the two governments would be the most effective way to de-escalate the tension, but it is also the least likely scenario. As of today, it is unclear how the dispute could be appeased.

Part of the problem is that the competing Catalan and Spanish national projects are simultaneously too strong and too weak. As Juan Linz famously argues (1973), the nationalization process in Spain in the nineteenth century was incomplete and allowed for the permanence of differentiated cultural characteristics which would later become the 'stuff' around which minority nationalist activists would build alternative national projects. Today, both nationalisms are strong. Spanish nationalism is codified in the constitution, embedded in state structures, and so predominant in most of Spain that it passes as invisible. Catalan nationalism is strong enough to articulate an alternative national project to that of the state and enjoys wide social support within Catalonia. Yet, both nationalisms are also weak. Spanish nationalism is unable to fully integrate Catalonia into the Spanish national project, and Catalan nationalism is unable to fully replace the state project with its own and secure a clear internal majority for independence.

Elisenda Casanas-Adam

The question of legality (or constitutionality) has been central to the debates surrounding, and the 2017 Catalan Independence Referendum. This contribution will briefly reflect on the complex role of legality in the Catalan Independence Referendum 2017, focusing on three questions: 1. Does the Spanish Constitution of 1978 allow Catalonia to hold an independence

referendum? 2. Did the 2017 Catalan independence referendum comply with international standards? 3. What are the questions of legality arising in relation to the Spanish authorities' responses to the Catalan Referendum?

1. Does the Spanish Constitution of 1978 allow Catalonia to hold an independence referendum?

As is well known, the Spanish Government's on-going opposition to the Catalan authorities holding an independence referendum is because it considers that this is not compatible with the Spanish constitutional and legal framework. The main constitutional argument put forward by the Spanish authorities against the referendum is that there is no Catalan nation with a right to decide its own constitutional future (Casanas Adam, 2014). This is based on Arts. 1 and 2 of the Constitution, which provide that 'National sovereignty belongs to the Spanish people' and that 'The Constitution is based on the indissoluble unity of the Spanish Nation'. According to the Spanish authorities, if it were to go ahead the referendum would require the consultation of the entire Spanish people, or it could not be held without a previous reform of the Constitution in this sense. However, as drafted the 1978 Constitution provides for a flexible and open framework where 'the indissoluble unity of the Spanish nation' has to be interpreted together with the provision for 'the right to autonomy of nationalities (a compromise term used to refer to Spain's historical minority nations, Catalonia, Basque Country and Galicia) and regions', included in the same Article (Art. 2 CE). These and other provisions regarding the State of the Autonomies were included to provide specific recognition for Spain's minority nations and to enable them to attain a high level of self-government within the newly territoriality decentralised state, reflecting an agreement that resolved one of the most challenging issues in the design of the new Constitution. This plurinational constitutional understanding of the State is the one that prevails in Catalonia and some other Autonomous Communities. From the perspective of the Catalan authorities, therefore, the insistence of the Spanish authorities in maintaining this very restrictive unitary constitutional interpretation has resulted in a clear breach of the 1978 agreement, and entitled them to proceed unilaterally with the referendum.

The second set of constitutional arguments against Catalonia's capacity to hold a referendum on independence are that the current constitutional framework does not grant it such competence (Casanas Adam, 2014). These arguments are based on the constitutional regulation of referendums and, in particular, on the exclusive competence of the central state over the 'Authorization of popular consultations through the holding of referendums' (Art. 149.1.32). In addition, there is also a general provision enabling the central Government to submit political decisions of special importance to a consultative referendum (Art.92). Various academics and experts from within and outside Catalonia have pointed to at least five different ways in which the referendum (or a consultation) could be held in a way compatible with the Constitutional framework. Depending on the option, these would require the acceptance, express authorisation of, or organisation of the process by, the Spanish authorities. Their refusal to even engage with any of these processes led to arguments that the Spanish authorities' opposition to the referendum is for political rather than strictly legal reasons, and reinforced the Catalan authorities' decision to proceed with the referendum unilaterally.

As a result of the above, more recently arguments in favour of the possibility of Catalonia being able to hold a referendum within the current constitutional framework are based on the democratic principle contained in Art. 1 of the Constitution, which is one of the foundations of the system and informs the interpretation of the rest of the constitutional text. The strong citizen support for the referendum is clear both from the intensity of civil society movements and activities and the outcome of the recent 2012 and 2015 elections.

2. Did the 2017 Catalan independence referendum comply with international standards?

While held in open defiance of the constitutional and legal framework as interpreted by the Spanish authorities, a second set of legal questions arose in relation to the 2017 independence referendum meeting the established international standards for such processes. To this end, various groups of international observers travelled to Catalonia to monitor the 2017 referendum process.

In order to provide a clear legal framework for the referendum, on the 6th September 2017 the Catalan Parliament adopted a 'Referendum Act 2017', which provided for a binding referendum on independence and established a Catalan Electoral Commission to supervise the process. The next day it proceeded to enact the 'Act of legal transition and of the formation of the republic 2017', to enter into force in the case of the victory of the 'Yes' vote, and to regulate Catalonia's transition to independent statehood. However, the enactment of these Acts was strongly criticised because of significant irregularities in parliamentary procedure, including being passed in a single day with a single reading, with limited debate, and with a simple majority. As one of the reports from the international observers noted, this "deviated from a number of good practices" (ILOM, 2017). But in this case, as in the meeting of international and good practice standards for the holding of the referendum more generally, the Catalan authorities were placed in a difficult situation: In a context where any actions or measures were immediately challenged and, if possible, invalidated, they also had to try and ensure that the legislation, and then the referendum, could effectively proceed. Indeed, once enacted both Acts were immediately challenged by the Spanish authorities and suspended by the Constitutional Court.

In the days leading up to the referendum, the Spanish authorities also used extensive and severe measures to prevent the referendum going ahead, and which had a notable impact on the planning and organisation of the vote (Jones, Burgen, Rankin, 2017). These encompassed, among others, search and seizure of materials, closure of websites, threats of legal consequences, arrests, and imposition of fines for those involved, the assumption of the control of Catalonia's finances and of the coordination of the Catalan police force, and the deployment of thousands of extra police officers from other parts of the state. As is now well known, on the actual day of the vote these state police officers were then sent in to seize ballot boxes and close polling stations, resulting in the images of violence that were broadcasted across the world.

In their initial reports on the monitoring of the process, the international observers all seem to reach similar conclusions, highlighting that "Because of the adverse circumstances under which the event took place, (...) the referendum, as held, could not comply with key international standards." (ILOM, 2017). For example, "In the face of external interference

there were improvisations and last minute changes to the voting process that were not always consistent across Catalonia or with what was in the law or in the manual” (Catt, 2017). There were also problems of transparency highlighted, due to the need to keep many of the preparations secret (ILOM, 2017). However, they all also ultimately agreed that those involved had done all they could to comply with such standards, noting that: “as far as the organisation of polling stations is concerned, (...) the process was prepared thoroughly and in agreement with the existing legislation (..)” (IPD, 2017); “those who worked in the polling stations did so in good faith, and we saw no sign of attempts to manipulate the vote” (Catt, 2017); and that “polling staff performed to the best of their ability in trying to cope, and in trying to follow electoral procedures”. (ILOM 2017). As summed up by one organisation, ‘The democratic process was threatened, but it was not destroyed’ (IPD, 2017).

In the end, however, because of the repressive measures adopted by the Spanish authorities, the referendum became more an act of resistance and an assertion of a desire to be heard than a referendum as planned. For example, it makes little sense to discuss the turnout (42%) when there were riot police in the street violently seizing ballot boxes and preventing people from voting. Because of this, the unilateral declaration of independence adopted by the Catalan Parliament that followed received very little international recognition. However, at the same time the fact that 2.2 million people came out to vote in these conditions (90 % in favour of independence) highlights the very high degree of citizen dissatisfaction with the Catalonia’s relationship with the rest of the state, which is notably significant and should not be ignored.

3. What are the questions of legality arising in relation to the Spanish authorities’ responses to the Catalan Referendum?

When the current conflict is considered from a constitutional and legal perspective, much of the focus is on the initiatives and measures adopted by the Catalan authorities in the referendum process and the developments that followed. However, a significant number of scholars and experts from inside and outside Catalonia have also highlighted that many of the actions of the Spanish authorities in the period leading up to the referendum, on the day of the vote, and in response to the developments that have followed may not be fully

compatible with the Spanish constitutional and legal framework, including Spain's international human rights obligations. Firstly, the Spanish authorities' measures to try and forcefully stop the referendum from going ahead raised serious concerns regarding freedom of expression, assembly, association and due process (Jones, Burgen, Rankin, 2017). Secondly, the images of the Spanish police using extreme force against Catalan citizen peacefully trying to vote have received strong criticisms for being clearly disproportionate and in violation of Spain's human rights obligations by various human rights organisations, among them, Amnesty International and Human Rights Watch (Amnesty International, 2017; Human Rights Watch, 2017). Thirdly, the more recent measures that have followed the referendum are also the object of some disagreement as to their legality. On the one hand, the charging of the two main civil society pro-independence leaders with sedition, and their immediate preventive imprisonment without bail is considered notably disproportionate by some legal experts (Nieva-Fenoll, 2017; Pasquau Liano, 2017). Similar charges are currently also being brought against the Catalan Prime Minister who played a leading role in the declaration of independence, the ministers of his government, and the pro-independence members of the Catalan Parliament's Presiding Body. On the other hand, both the process and the extent of the measures adopted in the application of Art. 155 of the Spanish Constitution, which enables the Spanish authorities to intervene in the exercise of Catalan autonomy, have also been questioned as to their compatibility with the legal and constitutional framework and have already resulted in challenges before the Constitutional Court (Urias, 2017; Brunet, 2017). All the above highlight that the legality challenges in the Catalan referendum process are not all one-sided.

Concluding comments

The main aim of this contribution is to highlight the complex role of legality in the 2017 Catalan Independence Referendum. While many of the debates focus on the Catalan authorities' apparent breach of the Spanish constitutional framework, a more detailed consideration highlights there are other competing interpretations of this framework that are more accommodating to the Catalan requests. At the same time, the legality of many aspects of the Spanish authorities' forceful response to the Catalan process is also not at all clear-cut. The above is largely due to the fact that the escalation of the conflict has resulted in the

adoption of extreme legal measures on both sides. Overall, this highlights that this is a political conflict that cannot be resolved by strictly legal means. It requires a newly negotiated political agreement between Catalonia and Spanish authorities, which ideally should be ratified in a referendum by Catalan citizens.

Mariola Tàrrega

In the run-up to the Catalan independence referendum and its outcomes, Spanish and Catalan news media played a magnified political role in the conflict. In a context of lack of dialogue channels between the two sides and the absence of a formal two-sided campaign, news media have become more than just the battlefield of ideas. News media have not only taken sides in the debate and actively campaigned for them following the cues of political parties very closely, but politicians have attributed to news media a magnified power of influence in the clash between the two nation-building projects. Politicians discrediting the veracity of news stories, the threat of legal actions from the State against some news media, and journalists being harassed in demonstrations from both sides of the debate are examples of the magnified political role of news media in the Catalan referendum debate. The following lines are an attempt to contextualize and explain this situation.

Political parties and news media editorial lines

It is fairly common that news media take sides in the context of a referendum (Vreese, 2007). They did so in the Scottish and Quebec independence referendums and there were also accusations of media bias against the two sides (Greig, 2016; Hazel, 2001). However, in the Catalan case the role of news media has gone beyond taking sides on the debate in a context where there was no formal No Vote campaign but a campaign against the referendum itself and a Yes Vote campaign. In this context, the media have not only taken sides in the debate but contributed to the generation of arguments in the political dispute.

Political events have been reported from two diametrically opposed and even contradictory views reflecting the two worldviews of Spanish Unionist parties and Catalan pro-independence actors. Anti-independence political actors were not officially campaigning but

there was a pseudo-campaign against the referendum consisting of constant press releases, party events resembling campaign trials and social media campaigns to 'unmask the lies of the independence movement' (Partido Popular, 2017). The media played a central role in the articulation of the pseudo-campaign. For instance, while Catalan news media reported on the police violence against voters in polling stations, Spanish unionist news media published stories on how pro-independence news media promoted fake police violence images. This latter line has become one of the main arguments used by the Spanish Government and Spanish unionist actors against the pro-independence movement. This argument has been strongly criticised not only by pro-independence actors but also by international news media covering the Catalan dispute.

One of the reasons behind news media playing a magnified political role is because political elites regard news media as means of ideological expression and mobilization by political elites (Gonzalez, Rodriguez, & Castromil, 2010) and less a forth watchdog power. Catalonia and Spain's media system respond to the model of Polarised Pluralist media systems (Hallin & Mancini, 2004) and this is one of the key elements that explain the communication dynamics in the Catalan political dispute. The model of Polarised Pluralist media system, also associated to France, Italy and Greece, explains that in these contexts news media have been intimately involved in key political conflicts. For instance, during the Spanish democratic transition newspapers closely advocated for the new regime along with some of today's key Spanish parties (Hallin & Papathanassopoulos, 2002). The closeness between political parties and news media is also exemplified in the use of editorial pieces that have been traditionally directed towards influential elites, as was the case in November 2009 when twelve Catalan-based newspapers published a common editorial piece to give their support to the new Catalan Statute of Autonomy and against the Spanish Constitutional Court's ruling against it (Lopez & Barrero, 2012). The positioning and active role of news media also became evident during the 2014 non-binding consultation for Catalan independence. Research showed how 55% of Spanish newspaper stories framed the consultation in negative terms, while 59% of Catalan news stories remained neutral and 26% positive (Ballesteros, 2015). The result of all the above described elements is a media context highly polarised and divided between most Spanish news media on the anti-independence side, and some but not all Catalan news media advocating the cause for a referendum and some also for the independence of Catalonia.

Public broadcasting and nation-building projects

The political role of news media has also been magnified by politicians attributing news media a stronger power of influence in the shaping of the Spanish and the Catalan nation-building projects, and the threat of legal actions against the Catalan broadcaster and against some Catalan news media. Spanish Unionist politicians accused the Catalan public broadcaster of not only promoting pro-Catalan government news but the institution itself is presented as one of the causes for the high pro-independence support in Catalonia. This happens in a context where traditionally the Spanish and the Catalan public broadcaster are under constant fire because of their respective pro-government bias (Fernández, Sarabia, Sánchez, & Bas, 2011).

Spanish Unionist parties publicly attribute the Catalan broadcaster the power to 'manipulate' people's perceptions and hence, the power to generate massive public consent around the idea of an independent Catalonia. At the same time, journalists at the Spanish Public Broadcaster organised a demonstration in the news room to protest against Spanish Unionist parties' attempts to manipulate news stories on Catalonia. Bias accusations reached a moment of elevated tension when the Spanish government announced their intention of taking control of the Catalan public broadcaster to guarantee impartiality and truthful information as part of the measures to gain back control of Catalonia's autonomy. This proposal needs to be placed in the historical conflict between Spain and Catalonia's media policies (Bonet & Guimerà, 2016) and the more politicized system of public broadcasting governance found in Catalonia and Spain (Fernandez & Fernandez, 2012).

Spanish government reactions against the Catalan public broadcaster and its willingness to control this institution relates to the role played by news media in Catalonia's nation building project. Catalonia's nation-building project has attributed news media a key role in promoting the use of Catalan language and the creation of a Catalan public sphere (Guimerà & Fernandez, 2014). Over the past 30 years a series of media policies have facilitated the emergence of the Catalan Public Broadcaster, the Catalan news Agency, a network of around 1,200 local news media, and newspapers and digital platforms operating in the Catalan sphere. While media policies are a devolved power to all autonomous communities, these

Catalan media policies have disrupted, for instance, some of the expansion plans of the Spanish public broadcaster in Catalonia (Guimerà, 2013). The Catalan public broadcaster is dependent and controlled by the Catalan parliament and it remained for many years, until the recent emergence of new online platforms, on the top of the most viewed and listened news outlets in Catalonia (Guimerà & Bonet, 2012).

Spanish Government proposal to take control of the Catalan broadcaster partly responds to a context where political powers are involved in the governance of public broadcasters (Fernández et al., 2011). The respective Spanish and Catalan parliaments elect the broadcast director by a 2/3 majority and parliamentary forces put forward their candidates to the organism that controls the quality and plurality of the broadcaster. In this system, the majority party in the parliament can have the effective control of the public broadcasting (Hallin & Mancini, 2004). Public broadcasting institutions are seen as a piece of the political system not as autonomous institutions as it is the case of the BBC in the UK.

The threat of legal actions against some private news media in Catalonia had a precedent in the run up to the referendum. Earlier in September, Spanish police visited or wrote to a number of Catalan news organisations which had aired the official referendum campaign advertisement to give them a letter from the Catalan Superior Court of Justice. The letter, which also went to all Catalan public institutions, did not forbid the adverts or declare them illegal, or even say explicitly that it was illegal to inform people about the referendum. Instead it warned of possible criminal consequences from helping to bring the referendum about, without specifying what types of actions could fall into that category. The problem with such loose warnings has been the censorship that has come about: the daily newspaper Ara decided not to publish any more campaign adverts, for example. The Network of Local Television (La Xarxa de Comunicació Local) told its journalists not to ask politicians questions about the referendum until the day after it had taken place. At the moment of writing these lines, editors of those news media that received the letter have been summoned to give evidence of their actions in court.

The social legitimacy of news media and journalists at stake

As part of the cause and also consequence of the above described communication dynamics, the social legitimacy of Catalan and Spanish news media seems at stake. The watchdog group Grup Barnils has registered more than 100 incidents including direct attacks to journalists and episodes that threatened the freedom of expression and freedom of press since the start of the referendum campaign (Grup Barnils, 2017). Some of those incidents included protesters insulting and threatening journalists during demonstrations or interrupting live connections with chants against news media outlets on both sides of the debate. Far-right extremists trying to break in the Catalan Public Radio Station and carrying slogans targeted directly to news presenters.

In the context of a polarised pluralist media system, research shows that news media are commonly perceived as tools of political bargaining and there are higher levels of public distrust on journalists and news media (Hallin & Papathanassopoulos, 2002). However, the above described incidents and violent responses against journalists indicate the public distrust on news media might have reached concerning levels. Of particular concern are also the consequences of an extremely polarised media landscape and politicians' attitudes towards news media. It seems quite difficult to see the emergence of spaces for dialogue and mutual understanding in a context where news media are promoting opposed political worldviews of the same events. Politicians, particularly Spanish unionist political actors, questioning the veracity of news stories and attributing the Catalan public broadcaster a magnified power of influence over the pro-independence movement do not contribute to generate channels for dialogue.

The communication dynamics of the Catalan dispute exemplify the role political played by news media in a political conflict where national projects are at dispute. The conflict has also made explicit how politicians make of news media an instrument and at the same time, how some news media are willing to assume that instrumental role to shape the debate. All resulting in a context of concerning public distrust on news media and fewer channels of communication to facilitate a way out of the dispute.

CONCLUSIONS

In this symposium piece we have sought to examine the 2017 Catalan independence referendum from a political, constitutional, and media perspective. A complex picture emerges of a contested referendum embedded in an unresolved confrontation between the Spanish and Catalan national projects. The Spanish government has adopted an unaccommodating interpretation of the constitutional framework to address the Catalan demand, but there are others available and this is in any case a political dispute that cannot be resolved by strictly legal means. News media have played a very significant role in enhancing polarization and escalation by shaping the debate and taking sides following the cues of political parties. This all results in a political deadlock in which compromises seem unlikely. The 2017 Catalan referendum is a crucial event in an ongoing political dispute –game on rather than game over.

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