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Federalization in multinational Spain

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Abstract

Some countries face a national dilemma. Spain has rather a dilemma of nationalities. This is chiefly cultural and political with inter-regional disparities tending also to reinforce internal cleavages. Despite its secular conflicts of internal ethnoterritorial accommodation, Spain is an entity clearly identifiable as a country of countries, or a nation of nations. However, the social and cultural cohesion that makes up Spain's unity does not obliterate its internal rivalries.

After a long hyper-centralist dictatorship (1939-75), and peaceful transition to democracy (1975-79), Spain has undergone a process of deep decentralisation.

The 'open model' of home-rule-all-round has evolved into a gradual process of top-down 'federalization', despite that the Spanish 1978 Constitution does not include the word "federal" in any of its provisions.

This paper analyses the main features of the ongoing process of 'devolutionary federalism' and provides with insights concerning the evolution of the competitive interplay among Spanish regions and nationalities.

1. Introduction

The Kingdom of Spain is a compound national state that incorporates various degrees of internal ethnoterritorial plurality, including minority nations and regions. After a long hyper-centralist dictatorship (1939-75), a peaceful transition to democracy (1975-79), and an

active European involvement following its accession to the EEC/EU (1986), Spain has undergone deep transformations as a multi-national state in contemporary times.

The text of the democratic 1978 Constitution reflected many of the tensions and political stumbling blocks that existed at the time of the inter-party discussion on the territorial organization of the state. This issue was regarded to be one of the most contentious to agree upon in the general consensual climate for democratisation. As a result, a constitutional 'open model' for political decentralization gained support from all major political parties and the citizenship at large.¹ The subsequent process of home-rule-all-round has aimed at providing internal territorial accommodation by combining both federal principles of self-rule and, to a lesser degree, shared rule (Elazar, 1987).

The Spanish 1978 Constitution does not include the word "federal" in any of its provisions, or in any subsequent legislation. However, since the beginning of the 1980s the dynamics of the *Estado de las Autonomías* (State of Autonomies) are characterized by a latent federalization (Moreno, 2001a). Furthermore, the main features of the Spanish covenantal process concord with the federative criterion that legitimacy of each autonomous layer of government is constitutionally guaranteed (Burgess, 1993).

Spain is composed of 17 *Comunidades Autónomas* (Autonomous Communities), three of which are recognised by the 1978 Constitution as 'historical nationalities' (the Basque Country, Catalonia and Galicia). In these nationalities, Basque, Catalan and Galician are regional languages with full legal status alongside Castilian (or Spanish as is usually refer to elsewhere), which is the official language of the whole Kingdom of Spain. Approximately a fourth of the Spanish population of 40 million is bilingual.²

Nearly 25 years after the approval of the first regional constitutional laws or Statues of Autonomy (Basque Country and Catalonia in 1979), the process of decentralization of powers has achieved a high degree of popular support largely transcending past patterns of internal confrontation.³ In policy terms the process of decentralization has allowed for considerable regional autonomy and home rule.

Transferring of powers and services from the central state to the regional state, together with fiscal federalism arrangements, have allowed the public budgets of the *Comunidades Autónomas* to grow very considerably. Figures concerning the territorial distribution of public expenditure in Spain are illustrative: the regional level increased their share from 3 per cent of the total Spanish spending in 1981 to as much as 35.5 per cent in 2002 (see

¹ Conservatives, Centrists, Nationalists, Socialists and Communists were involved in broking a constitutional wide inter-party consensus. In the popular referendum held on 6 December 1978, the Spanish *Carta Magna* received 87.9% 'yes' votes, 7.8% 'no' votes, and 4.3% null or blank votes. Abstention reached 32.9% of the registered electorate.

² Catalan and its dialects are spoken by 4.2 million in Catalonia; 2.1 in Valencia; 0.2 in the Balearic Islands, and 0.05 in Aragon; Basque is the vernacular language of 0.7 million in the Basque Country, and 0.05 in Navarre; and Galician is that of 2.3 million *gallegos*. Other official languages, as declared in their regional Statues of Autonomy, are Bable (spoken by 0.4 million in Asturias) and Aranese (0.004 in Catalonia) There are also a number of Spanish dialects widely spoken in other regions (Andalusia, Canary Islands, Extremadura, Murcia) (Sanmartí Roset, 1997: 67).

³ In 2002, public assessment of the setting-up of the *Comunidades Autónomas* was considered 'positive' by 67 per cent as compared to 51 per cent in 1994. Those who had a 'negative' opinion decreased from 19 to 13 per cent, while the same 11 per cent of the surveyed expressed neither 'positive' nor 'negative' views (CIS, 1998, 2002).

Table 1). If public spending is to be identified as a good indicator of the level of regional autonomy (Watts, 2001), then it should be concluded that the Spanish *Comunidades Autónomas* enjoy a much higher degree of self-government as compared to federated units in other formally established federations in the world (e.g. Latin America).

	1981	1984	1987	1990	1993	1996	1999	2002
CENTRAL	87.3	75.7	72.6	66.2	58.3	58.9	56.2	48.7
REGIONAL	3.0	12.2	14.6	20.5	25.8	26.9	28.2	35.5
LOCAL	9.7	12.1	12.8	13.3	15.9	14.2	15.6	15.8

Table 1: Territorial Distribution of Public Expenditure in Spain (%)

Notes: (a) During 1999-2002, strong regional increases corresponded to the decentralization of education and health powers to all 17 *Comunidades Autónomas*.

(b) Spending on social insurance pensions has not been taken into account as it would introduce a bias were it to be included as a central government matter.

Source: MAP (1997) for years 1981-90, and MAP (2002) for years 1993-2002.

Rather than as a result of a well-defined constitutional separation of competencies and powers, federalization in Spain has developed in an inductive manner, step by step. Actions by Jacobin centralists encroached in sections of the public administration and in some influential Spanish parliamentary parties, together with those of their 'adversaries' in the minority nationalisms and regional governments (principally, Basque and Catalan) have favoured bilateral and *ad hoc* centre-periphery relationships. For quite different reasons both influential political and administrative elites at both central and regional spheres have shown reluctance to encourage horizontal and multilateral processes of decision-making. As a result, the *Estado de las Autonomías* has not unfolded explicitly into a formal federation or federal-like system of government because of a less-developed shared rule in the general governance of the country. Likewise, the persistence of political terrorism in the Basque Country has highly conditioned inter-party negotiations for an eventual constitutional reform and formal federalization.

Spain can be regarded as a remarkable example of how an exclusivist ethnic order (Franco's dictatorship), modelled after the ideal-type of a Castilian hegemonic *Volstaat* or core-nation (Brubaker, 1996), has evolved into a liberal and plural democracy. Likewise, the consensual agreement made explicit in the 1978 Constitution can be interpreted as an unwritten pledge to extend the procedures of political dialogue and consociationalism as guiding principles for future developments of internal accommodation.

In this chapter a review of historical events is meant to provide background information on ethnoterritorial cleavages and politics of territorial accommodation in Spain. It is followed by a section devoted to substantiate the claim that the Spanish *Estado de las Autonomías* is a federation in disguise. After identifying features of the model of multiple ethnoterritorial concurrence and dual identities in Spain, a discussion is carried out on the relationship between federalism, nationalism and consociational arrangements.

2. Spain: a historical nation of nations

Despite its secular internal ethnoterritorial conflicts, Spain is an entity clearly identifiable as a country of countries, or a nation of nations. This unity goes beyond the simple aggregation of territories and peoples with no other affinity than their coexistence under the rule of one common monarch or political power. However, the social and cultural cohesion that makes up Spain's unity does not obliterate its internal rivalries. As has happened in the past, concurrence among Spanish nationalities and regions has brought about an extra cultural incentive for creativity and civilization, but it has also been used as an excuse for open confrontation as happened in armed conflicts in modern times (Revolt of the Reapers, 1640-52; War of Spanish Succession, 1701-14; Carlist Wars, 1833-40, 1846-48 and 1872-75; or the Spanish Civil War, 1936-39).

History provides a good deal of arguments for the claiming of regional home rule and the decentralization of political power in contemporary Spain. Most minority nationalisms and regional movements find in the fertile and complex Spanish history reasons in the legitimisation of their quests for autonomy, self-government or independence as early as pre-Roman times.⁴

Spanish majority nationalism has also found in history reasons for programmes of centralising nation-building, particularly during the 19th Century. For Spanish liberals the task was to articulate an 'aggregate monarchy' into an institutionalised nation. For the reactionary authoritarians, the Spanish 'indissoluble' nation was also to prevail upon regional diversities.

Both types of minority and majority nationalisms can be regarded as sharing a common legacy and origins (de Riquer and Ucelay-Da Cal, 1994). An examination of Spain's history focussing on its internal relations of power, and on the peculiarities of what became the first modern state in Europe at the end of the 15th century, is essential for testing claims regarding the debate on federalization and territorial accommodation.

Preliminary, two main structuring factors are to be taken into account when analysing the territorial history of Spain. First, the dichotomy between particularism and universalism, which was gradually forged in Spain's Middle Ages during the eight-century period of *Reconquista*, or Christian recovery of the lands of the ancient Roman *Hispania* from Muslim control (718-1492). Such a relationship highly conditioned the medieval aggregation of the various territories of the Iberian Peninsula. Since then, the particular and the general have determined most aspirations, expectations and frustrations in the process of internal accommodation of Spain.

Second, the case of Spain is to be categorised as a union-state,⁵ rather than a nationstate (Rokkan and Urwin, 1983). Early state-formation developed in a peculiar manner allowing varying degrees of autonomy of their constituent parts, which were incorporated by means of treaty and pact. While crown legitimacy prevailed state-wide, the union

⁴ The influential Catalan nationalist Enric Prat de la Riba described how in the VI century BC, Phoenician explorers found the Iberian *etnos* covering from Murcia (in the south-east of the Iberian Peninsula) to the river Rhone in France. This was "[...] the first link [...] in the chain of generations that have forged the Catalan soul" (Prat de la Riba, 1917: 99-102).

⁵ The United Kingdom could also be included in such a category. Let us remind that after the Union of the Crows (1603), and the Act of Union (1707), Scotland's civil society continued to enjoy a degree of autonomy in crucial areas such as education, law, local government and religion (Paterson, 1994).

structure entailed internal variations regarding pre-union arrangements and rights. Such configurations conditioned subsequent programmes of nation-building in modern and contemporary times.

2.1. Medieval kingdoms, dynastic union and Bourbon homogenisation

After the annihilation of the last Iberian stronghold in Spain (Numancia, 133 BC), the Roman presence in *Hispania* lasted five and a half centuries. During this period political unity was moulded by the action of this 'external' force. Later on, the barbarian invasions opened up a new process of political unification, strengthened by the occupying Visigoths from AD 540 onwards. These occupiers converted into fervent Christians. For the second time in Hispanic history, and owing to the political action of a foreign lineage, a political bonding of the Iberian peoples was forged, enabling them to live under the same god, king, and common laws.⁶

For most of the eight centuries of the *Reconquista*, certain parts of the Peninsula acquired distinct forms of social organization. Some had diffuse political origins and, at the same time, became themselves the origins of the entities that evolved into a good number of today's regions and nationalities. They shared a common mission, as Christians, to defeat the Moors, to which end they established and dissolved numerous alliances. However, it was not only a struggle between Muslims and Christians. There were numerous treaties, interchanges, intrigues and, even cases of 'good neighbourliness'.⁷ In this manner, in a country which was then a fertile mix of civilization for the Christian, Muslim and Jewish civilizations, the future significance of pacts as structural precursors of modern Spain⁸ was established.

In the period between the seventh and twelfth centuries, geography was a decisive factor in the political fragmentation⁹ of the *Reconquista*. In Christian Spain, a number of kingdoms claimed to be the political heirs of Visigoth Spain, but their actions resulted in the constitution of peninsular 'sub-kingdoms', or autonomous dominions, such as those of Asturias (739), Leon (866), Navarre (905), Catalonia (987), Aragon (1035), Castile (1037) and Galicia (1065), or that of Portugal in 1139, year of the ascension of Alphonse I to the throne of Portugal, a would-be kingdom that refused to remained as a mere earldom pertaining to the Crown of Castile. For its part, after the dissolution of Cordoba's Caliphate,

⁶ King Chindasvinto (r. 642-9) and his son Recesvinto (r. 649-72) were able to collate the Visigothic laws in the *Liber iudiciorum* or *Lex Wisigothorum*, which became applicable to the whole of the peninsular territory.

⁷ Throughout the medieval period, and parallel to the tendency towards warring and expansionism, the habit of making pacts with and respecting the rights of the defeated, whose cultural and technical knowledge was generally superior to that of the victors, was consolidated. Thus, with the growth of the Christian kingdoms, the 're-conquered' communities (Mozarab, Mudejar and Jewish) obtained legal statutes, or *fueros*, that protected the integrity of their customs and ways of life (Moreno, 2001a).

⁸ According to historian Américo Castro, "..In the year 1000...Christian Spain was essentially what it would be in 1600, and could be clearly distinguished from France and Italy." (Castro, 1984: 13).

⁹ While the Northeast of Spain structured around the values of Christianity and the figure of St. James, and the Castilians rebelled against the old kingdom of Leon-Asturias, Catalonia remained part of the Carolingian Empire since 987 as the 'Hispanic Landmark' (*Marca Hispánica*). Catalan nationalists, including Jordi Pujol himself, have identified the Caroligian Frankish origins of the *Comtats* founded by Charlemagne as the origins of Catalonia, and as such different from the rest of the Spanish lands. According to Américo Castro, "Catalonia neither belonged completely to Spain, nor ceased to be part of it" (*ibid*.: 81).

Moorish Spain broke down into *taifa* kingdoms, resulting in an intensification of both alliances and confrontations between Christians and Muslims.¹⁰

The lands belonging to the Crown of Aragon, led and guided by Catalonia and its capital, Barcelona, had full self-governing institutions and experienced an enormous economic growth during the thirteenth and fourteenth centuries. The area of influence of the Aragonese-Catalan-Valencia Confederation stretched to the French Languedoc and Provence, Naples, Southern Italy and Sicily, Athens, Neopatria and numerous Mediterranean enclaves.

At the same time, the ambition of the Castilian princes, through conquests and royal marriages, brought about the unification of Leon and Castile (1230), as well as the incorporation of the Basque provinces of Gipuzkoa (1200), Araba (1332) and Biscay (1379)¹¹, and the Canary Islands.¹² In the *Compromiso de Caspe* (1412) representatives of the Aragonese, Catalan and Valencian parliaments agreed to elect Ferdinand I of Antequera (r. 1412-1416) as heir to the Crown of Aragon. This event was to become the origin of the marriage between Ferdinand of Aragon, grandson of Ferdinand I, and Isabella of Castile, the future Catholic Kings.

Modern political unification in Spain took place by means of the dynastic union under the Catholic Kings in 1469, year of the marriage of the future heirs to the Kingdom of Castile and the Crown of Aragon. In 1474 and 1479, the Catholic Kings took effective possession of the thrones of Castile and Aragon, respectively. As it was not the result of a unitary process of territorial amalgamation, the Spanish constituent territories (crowns, kingdoms, principalities, dominions) maintained much of their former institutional existence. The incorporation of such territories to the Hispanic monarchy was achieved at an early stage of the European Modern Age.

The Kingdom of Spain became an imperial power in the sixteenth century. It was feared for its expansionism and extended its influence throughout the five continents, while consolidating its own empire in Europe through a peculiar form of obedience to the King of Spain. The monarchs of the House of Habsburg favoured the formula of both political unity and territorial autonomy, and in general they maintained this attitude throughout their entire dynasty (1517-1700). The precedents for these were the political pacts of the Aragonese-Catalan-Valencian Confederation, adopted also by the Austrian branch of the same dynasty. "The universalistic imperial aspirations that Spain and the House of Habsburg represented ... rested entirely on local autonomy and inclined towards federative combinations" (Hintze, 1975: 99).

Imperial development in the sixteenth and seventeenth centuries focussed on affairs beyond the frontiers of the Iberian Peninsula. The Habsburg Kings did not seek to unite

¹⁰ For historians such as Claudio Sánchez-Albornoz and Angus MacKay, during the long medieval period, and in contrast to the rest of Europe, the concepts of border and re-conquest became essential symbolic and actual referents in the historical development of the country. Later they would be replaced by the enterprise of the Spanish Empire and the expansion overseas (Sánchez-Albornoz, 1956; MacKay, 1977)

¹¹ For Salvador de Madariaga (1979) the three Basque provinces were not constituent of the Basque Country; which was a modern political creation. In any case, all three provinces took good care of their *fueros* or local rights, before and after they joined the Castilian Crown: "They would not recognized Lord or King without the prior and solemn pledge for honouring their *fueros*" (Pi i Margall, 1911: 251).

¹² In 1436, and after a lengthy dispute with the Kingdom of Portugal, Castile obtained the recognition of its sovereignty over the Canary Islands from Pope Eugene IV.

Spain by homogenizing the cultures, laws, and customs of its lands. Attempts by courtiers and royal favourites in Madrid to assimilate the peoples of Spain, provoked the Catalan Reapers' Revolt and the independence of Portugal (1640).¹³

When the Bourbon dynasty took the Spanish throne, a long period of mirrored responses to the processes of national homogenisation carried out in neighbouring France began. Philip V, grandson of French King Louis XIV, abolished the Catalan *fueros* in 1714 after the Spanish War of Succession (1701-14). During the eighteenth century, and aiming to reflect the French absolutist model of state monarchy, the leading figures of the Spanish Despotic Enlightenment advocated the building of a Spanish nation above and beyond the internal boundaries of kingdoms, principalities and lordly estates (Domínguez Ortiz, 1976). The process was attempted to different degrees of success in other old European states, such as France's 'gallicization' and Britain's 'anglicization' of most of its territory. In any case, the 'Spanish mosaic' persisted formally throughout the Old Regime (seventeenth and eighteenth centuries). The writer José Cadalso described such diversity in his celebrated *Cartas Marruecas* (Moroccan Letters):

"[...] an Andalusian has nothing in common with a Biscayan, a Catalan is totally different from a Galician; much the same happens between the inhabitants o Valencia and Cantabria. This Peninsula, divided during so many centuries into various kingdoms, has always displayed a variety of costumes, laws, languages and currencies" (Cadalso, 1978: 85).

2.2. Nation-building, weak liberalism and political modernization

Napoleonic Spain aimed to amalgamate despotism, enlightened or not, with the centralizing ideals of the French Revolution. The popular rising of 1808 against the Napoleonic occupation was a general affair all over Spain. With the War of Independence - or Peninsular War-- Spain reaffirmed its cohesion as a national state in an emergency situation. Paradoxically, the popular uprisings to expel the foreign troops were led in many cases by the very advocates of the French enlightened programmes seeking cultural standardization.

The War of Independence was an historical landmark whose resolution, broadly speaking, would determine the peculiar processes of nation-building and modernization in Spain, not only in the nineteenth century, but also in most of the twentieth century. During the conflict with the French (1808-14), the diverse territories of the Spanish Peninsula fought separately but united in a common aim to free themselves from those who illegitimately occupied their land.

The co-ordination between the various regional executives constituted a *de facto* federallike government.¹⁴ Politically, this was the most significant fact to contribute to the defeat

¹³ In a confidential memorandum of 25 December 1620, the Duke of Olivares, who governed Spain for 22 years, advised Philip IV to become King of Spain, and not to remain content with being King of Portugal, Aragon, Valencia, and Count of Barcelona: "You should see to it that these kingdoms of which Spain is composed are ruled by the laws and in the manner of Castile. In doing so, your Majesty would become the world's most powerful sovereign" (reproduced in J. Linz, 1973: 43). The attempt resulted in the eventual banishment of the Duke in 1643, and Catalonia's loss of Roussillon, Conflent and Cerdanya. The Catalan national anthem, *Els Segadors* ("The Reapers") evokes the events of 1640.

of the Napoleonic troops. However, the liberal Constitution of Cadiz (1812) designed a centralizing unitary state much unlike other liberal models of territorial organization, as was that of the North American federative experience.

The *liberales* wanted to build the Spanish nation by applying a unifying programme in a country half-way towards bourgeois modernization. They imitated the hyper-centralist practices and strategies of their French counterparts, but were incapable of consolidating both their political reforms and their 'national revolution'. Such incapacity was due not only to the conflict with the forces of pre-modernity, but also to their own political contradictions. Most notable among these was the individualism and party factionalism they practised, which quite clearly contradicted the general conception of Spain they claimed to embrace.

Many territories of Spain, particularly those with a strong historical identity and a tradition of self-government, perceived liberal centralism as unnatural and stifling. Especially in Navarre, the Basque provinces and Catalonia there were protests at centralist reform and claims were renewed for the restitution of their ancient *fueros* or local rights. The circumstances of the time ensured that the *Carlists*¹⁵ and those reactionaries who supported the *ancien régime* were able to benefit from the peripheral hostility towards liberal elites in Madrid.

All things considered, the liberal national-building and political modernization in Spain during the nineteenth century achieved some of the intended goals. Formal education extended throughout the country. The use of the Spanish language (Castilian) generalized. The internal market also consolidated, together with a centralized bureaucracy, a homogenisation of the juridical life, and the accomplishment of a national network of communication and transport. However, the problems for the internal territorial accommodation would remain for the years to come. As a matter of fact, the struggle against centralism can be considered as the single most constant factor in Spain during the nineteenth century.

An episode towards the end of the period heralded by the Glorious Revolution (1868) is especially relevant to single out: the experience of the First (Federal) Republic of 1873 and the phenomenon of *cantonalism*. In general terms, the republicans were federalists. After the 1873 elections, the Constituent Assemblies ratified solemnly the Federal Republic as the form of state. In a chaotic political climate, caused by the weakness of Parliament and the central institutions, the feverish activity of those supporting a canton-made federation emerged from the periphery. This untimely attempt to form a 'bottom-up' Spanish federation was carried out in a moment of considerable tension internally and abroad.

The *cantonalista* experience caused alarm because of its centrifugal character and its potential for creating uncertainty. Again, force was used: the military coup of Generals Pavía and Martínez Campos 'simplified' the political situation. With the Restoration of the

¹⁴ The territories elected two representatives to the *Junta Central*, supreme unit of governance in occupied Spain. Besides those functions of general action (co-ordination of war activities, colonial and foreign relations, and general services), the rest of the administrative affairs were run at the regional level.

¹⁵ Traditionalist Catholic supporters of the pretender Charles who claimed the Spanish throne after the death of his brother, King Ferdinand VII. The Carlist movement proclaimed a virulent anti-liberalism, fuelled by a frantic fear of secularisation, rationalism and modernity. In the 19thh century, three Carlist civil wars ripped Spain apart: 1833-40, 1846-48, and 1872-75. The current Basque separatist movement (ETA, HB, KAS, EH) is characterized by an emotional and messianic style which is not so far removed from the Carlist traditionalism which preceded it, and which it has now to a large extent replaced (Giner and Moreno, 1990).

Bourbon monarchy (1876-1923), and the dictatorship of Primo de Rivera (1923-30) which ensued, a new centrally-led attempt to impose uniformity on the country manifested itself. This process ended once again in failure.

The establishment of universal male suffrage in 1890 had the notable effect of placing incipient Catalan nationalism, or *Catalanisme*, squarely in the Spanish political scene. The disparity between Catalonia's social structure and that of an impoverished rural Spain was an important factor in the rise of Catalan nationalism (Giner, 1980). Differences in socio-economic composition between Spain's two major cities, Madrid and Barcelona, also became increasingly evident.¹⁶ These elements fuelled a sense of hopelessness amongst members of the Catalan elites, who put their electoral support behind home-rule parties. The most important was the *Lliga Catalana* (later known as the *Lliga Regionalista*) which was founded in 1901 and subsequently came to enjoy significant influence under the leadership of Francesc Cambó.

The Basque Nationalist Party, founded by Sabino de Arana Goiri in 1895, was less successful than the Catalanist *Lliga* in obtaining support across class lines, partly because of its religious emphasis and ethnocentric claims. Early Basque nationalism stressed traditional community values in opposition to bourgeois industrial society, the effects of which included a considerable influx of migrants from the rest of Spain into the Basque Country. A racially-based Basque essentialism was the ideological foundation of early Basque nationalism, which combined with a powerful populism and religious exclusivism to produce a discourse quite distinct from that of Catalan nationalism. The latter ideology was more intellectual and less based on 'folklore' from the outset, and has always been less secessionist in character.

Catalan nationalism seems to have provoked greater resistance by the Spanish central elites than Basque nationalism precisely because it offered an alternative view of Spain, something which Basque nationalism more frequently turned its back on. Both nationalisms, however, could be seen as political manifestations of a vigorous and prosperous periphery, which contrasted sharply with the often inept and parasitical centralism of the Spanish state to which it was subordinated.

Regionalism came in different forms in other Spanish territories, reflecting the ethnoterritorial diversity of a plural Spain and, in many cases, inspired by the action of the Catalan and Basque movements. Partly as a consequence of the federal experience of the First Republic (1873), there were clamours for recognition in Galicia, Valencia, Andalusia, and Asturias. Chronologically, the appearance of explicit claims for regional autonomy in contemporary Spanish politics occurred in the years just before and after the beginning of the twentieth century.

A widespread distrust and hostility against the central government fuelled regional sentiments. Not only peasants, day-labourers and unskilled workers, but also members of the middle classes and significant sections of the intellectual elites had a perception of state institutions as alien, remote and brutal. Perceptions and sentiments toward the Spanish state were also favourable depending on social class and place of residence

¹⁶ Between 1877 and 1920, the proportion of Madrid workers in the industrial sector grew considerably from 18.4 to 42.5% of the workforce, but remained behind Barcelona in this respect, with 37.1% in 1877 to 54% in 1920. Perhaps it was more significant that the proportion of 'unproductive' middle classes in Madrid, consisting of civil servants, members of the Armed Forces and domestic staff (23.6% in 1877 and 15.3% in 1920), was greater than that of Barcelona (5.9% in 1877 and 5% in 1920). (Data taken from Linz 1967: 209).

within Spain. For instance, inhabitants of large areas of Castile and Andalusia, an even of a 'historical nationality' such as Galicia, regarded state institutions as the main source of life opportunities and eventually adopted a strong Spanish identity. This would translate into a centralist and homogenising understanding of Spain's social reality. As a consequence, administrative, juridical, military and political officers became increasingly reluctant on the idea of Spanish plurality, something, which would have far-reaching effects in subsequent civil and political conflicts, as in the Civil War (1936-39).

2.3. The Second Republic, the Franco dictatorship and the 1978 Constitution

In spite of its short existence, the Second Republic (1931-9) contributed greatly to the resolution of ethnoterritorial conflict in Spain. The most notable improvement was the constitutional design of the state as a regional model, situated somewhere between a unitary and a federal state. This led to statutes of autonomy for Catalonia¹⁷, the Basque Country¹⁸ and Galicia¹⁹. However, the regional autonomy question also played a fundamental part in the political polarisation leading up to the Civil War (1936-9). Even within the Republican forces the issue of regional autonomy created no little turmoil.

Although the autonomist movement was still young, it was spreading throughout Spain by the time the Civil War broke out (18 July, 1936). With the victory of General Franco's forces (1 April, 1939), a long period of political decentralization ensued, aiming once again to build a uniform national Spain.

Two of the great obsessions of the Franco dictatorship (1939-75) were anti-communism and anti-separatism. The 'sacred unity of the homeland' was regarded as an indispensable unifying element and as the very *raison d'être* of General Franco's despotic regime. To a large extent, Francoism justified itself through its ability to suppress and extirpate all forms of home rule,²⁰ regionalism and sub-state nationalism. In the end, the Franco dictatorship provoked the opposite effect to such centralist state moulding:

"Even under the most extreme totalitarian circumstances such a task (e.g. Spanish 'national' homogenisation and cultural assimilation) cannot be easily accomplished. One consequence of attempts to erode communal identities and national traits can be their intensification" (Giner, 1984: 87).

¹⁷ On April 14th 1931 the Spanish Second Republic was proclaimed. On the same day the Catalan nationalist leader, Francesc Macià, declared the creation of the Republic of Catalonia within the framework of a Spanish Confederation. After negotiations with representatives of the central government, the *Generalitat*, Catalonia's government of medieval origin, was re-established.

¹⁸ Three days after the proclamation of the Second Republic, an assembly of Basque mayors gathered by José Antonio Aguirre, leader of the Basque Nationalist Party, claimed their right to autonomy within a Spanish federal republic. At the end of 1933, the statutory project did not include Navarre and was supported in a referendum by 47 per cent in Araba (Alava), and almost 90 per cent of Biscayans and Gipuzkoans. The proposal was put forward in the Spanish Parliament in December of 1933. Finally on 1 October 1936, the Basque statute of autonomy was passed, with similar rights and powers to that of Catalonia.

¹⁹ In Galicia, the *Organización Regional Gallega Autónoma* (O.R.G.A., Autonomous Regional Organisation of Galicia), led by Santiago Casares Quiroga, had instigated the drafting of a proposal for autonomy. On June 28th 1936, a referendum was held and around 70% of the Galician electorate voted. The final result was 991,476 votes for and 6,805 against.

²⁰ With the partial exception of Araba (Alava) and Navarre. These two *foral* territories were able to keep their fiscal privileges as a 'reward' for the participation of many *Carlist* from those provinces who joined Franco's forces during the Civil War (Giner and Moreno, 1990).

From the 1960s onward, demands for regional autonomy became significantly more intense. During the final years of Franco's regime, the opposition forces developed a programme claiming both democratic rights and political decentralization. In the 'historical nationalities' (Basque Country, Catalonia, and Galicia), the opposition forces were able to articulate a political discourse denouncing the absence of democracy and the continuous official attacks on their identities. In these communities, democratic and ethnoterritorial claims became inseparable. In this way the ideology of self-government and political decentralization made its way into Spanish contemporary democratic consciousness.

After Franco's death in 1975, the transitional process to democracy began in earnest. There was general agreement among the democratic parties that decentralization was essential. However, the specific model to be adopted was unclear. In the end, the broad political consensus which made the drafting of the 1978 Constitution possible also brought with it an element of ambiguity in the territorial organisation of Spain. In fact, two different conceptions, which had traditionally confronted each other, were given expression in the Spanish 1978 Constitution: on the one hand, the idea of an indivisible Spanish nation-state, and on the other, the notion that plural Spain was an ensemble of diverse peoples, historic nationalities and regions.

3. Estado de las Autonomías: a federation in disguise?

The expression *Estado de las Autonomías* has became popular in Spain in the daily use not only of politicians, lawyers and media, but also of the citizenship at large. Experts on studies of nationalism and decentralization of power have also coined such an expression outside Spain. Indeed, the contribution of the *formula autonómica* to the theoretical debate on the territorial organization of contemporary democracies has been significant. Its closely conceptual link with federalism is, notwithstanding, undeniable.

The federalizing nature implicit in the internal logic of the *Estado de las Autonomías* corresponds with the federal texture of Spanish society. However, there is no general agreement on whether Spain should be considered properly as a federal system or a federation. As pointed out earlier, the word "federal" is neither included in any of the provisions of the 1978 Constitution nor in the subsequent constitutional legislation passed by the Spanish Parliament. From this terminological perspective there should be no further discussion. However, beyond the constraints of the formal terminology the political articulation of ideas, interests and institutions in Spain need to be reassessed.

Together with *de jure* considerations there exist important *de facto* arrangements that lend support to the arguable inclusion of Spain in the category of federations. In order to substantiate such claims some basic federalising criteria is to be contrasted as follows:

(a) Spain's 'autonomical' system combines both 'self rule' and 'shared rule'.

(b) Spain is a democracy where two tiers of government --central and regional-- enjoy constitutionally separate powers and representative parliamentary institutions.

(c) Spanish Constitution is the legitimacy source for the right of self-government by the *Comunidades Autónomas*. The authority of the regional layer is not a surrogate of the central government.

(d) Spain is composed of 17 *Comunidades Autónomas*, each and everyone having democratic constitutional statutes of autonomy for their internal organisation.

(e) Spain's Constitutional Court is the ultimate arbitrator for the demarcation of concurrent powers and governmental competencies.²¹

(f) Spanish Parliament is bicameral with a Senate envisaged as a 'territorial upper chamber'.

No ideal-type of federation has been put into effect which could serve as a reference model to measure the federative qualities of the federal-like systems existing in the world today. Spain could well be considered as a multi-national federation in disguise where the development of the joint action between the two main governmental tiers (central and regional) needs further consolidation. At the beginning of the process of decentralisation, powers were allocated with no little intergovernmental friction. Later on, challenges to laws, decree laws and legislative decrees, either by the Spanish or the regional parliaments, have been judged by the Constitutional Court in a manner that confirms the federalizing trend toward the 'sharing of rule' between central and regional levels (Agranoff and Ramos Gallarín, 1997).

However, Spain would not fully qualify as a federation if we take into account the functional shortcomings in the actual institutionalisation of the 'shared rule' principle. Despite its constitutional definition as 'territorial chamber', the Spanish Upper House mainly performs duplicating functions with regard to the fully-fledged Chamber of Deputies, or Lower House. Since 1978 the Senate has merely doubled the legislative functions of the Congress of Deputies. Its value has been basically instrumental, offering the parties of government and opposition a second chance to agree on legislative projects or to introduce amendments where legislative readings in the Lower House were hurried or superficial. This has contributed to its poor political reputation and to its low estimation among the citizenship with respect to its place and function.

If the institutional involvement of the Autonomous Communities in state-wide decisionmaking via the Senate has been very limited, intergovernmental relations by means of the socalled 'sectoral conferences' (*conferencias sectoriales*) have contributed to horizontal consultation despite that they are not institutions for joint decision-making. Exchange of information is an important element facilitated at the sectoral conferences, which have become mechanisms of 'institutional courtesy' (Grau i Creus, 2000), and which reflect to a certain degree a trend towards practices of co-operative federalism (Börzel, 2000).

Intergovernmental relations are still very dependent on the colouring of the political party in charge of the different levels of governments. Consequently, most of the conflicts are political-contingent rather than policy-oriented. That is why 'bilateralism' is still the preferred manner to reach political agreements rather than the multilateral institutionalization of 'shared rule' in a genuine federal Senate. Power-sharing at the federal level is a crucial feature of federations which is not institutionalised in the case of Spain. With the proviso of the

²¹ The need for a pact between government and opposition in the Spanish Parliament for the election of the members of the *Tribunal Constitucional* has so far proved to be a barrier against open political sectarianism in the appointment of its members. Furthermore, the important sentence of the Constitutional Court (5 August, 1983) on the LOAPA Act ('Organic Law on the Harmonization of the Autonomy Process') passed by the Spanish Parliament, reinforced the open and federalizing interpretation of the 1978 Constitution very much against the views of centralist leaders within centre-right UCD and centre-left PSOE main parties.

dysfunctional existence of the Upper House as chamber of territorial representation of the citizens of the *Comunidades Autónomas*, Spain's *Estado de las Autonomías* satisfies nevertheless the other crucial federative criteria above reviewed.

3.1. Multiple ethnoterritorial concurrence and dual identities

The gradual establishment of the *Estado de las Autonomías* in Spain has generated a complex of relations which can be explained as *multiple ethnoterritorial concurrence* (Moreno, 1995). 'Concurrence' should be understood in this context as the simultaneous occurrence of political transactions at state and sub-state levels, within the framework of a multi-national state. The term should not simply be made equal to ethnoterritorial 'competition'. In a situation of ethnoterritorial concurrence there are competitive actions between majority and minority nationalisms and regionalisms, o between the latter. However, there is no compulsion *per* se to eliminate concurrent actors.

The Spanish mode of multiple ethnoterritorial concurrence involves, in the first place, two "axioms', which refer to general features that are common to most of the contemporary world's decentralised and federal systems: (a) conflicting intergovernmental relations, and (b) the politicisation of ethnoterritorial institutions. Secondly, two 'premises' relate to the stage prior to unfolding of Spain's process of decentralization: (c) the differential fact, or political 'distinctiveness' claimed by the minority nations within Spain, and (d) the centralist inertia, or path dependent assumption by the central administration of being hierarchically 'superior'. Thirdly, three 'principles' are the fundamental pillars upon which the territorial rationale of the 1978 Constitution rests upon, explicitly or implicitly: (e) the democratic decentralization, by which liberal democracy and territorial autonomy are intimately related (f) the comparative grievance, in order to vindicate powers and competencies among the Comunidades Autónomas, and (g) the inter-territorial solidarity, so that basic levels of wealth are similar throughout Spain. Lastly, three 'rules' are the most compelling elements in the social and political structuring of the future development of federalization in Spain: (h) the centrifugal pressure, put on the centre by regional parties or elites (I) the ethnoterritorial mimesis, or the practices of policy equalisation among the Comunidades Autónomas as none wants to be 'left behind', and (j) the inductive allocation of powers, a consequence of the a gradual topdown process of decentralization. These elements are responsible for the asymmetry, heterogeneity and plurality which embody the Estado de las Autonomías (Moreno, 2001b).

The case of Spain shows the lack of one single and all-embracing national state identity extended throughout the country. Spain's multiple ethnoterritorial identities expressed in the 17 *Comunidades Autónomas* illustrates how nationalism and federalism can 'work' together. The concept of dual identity or compound nationality concerns the way in which citizens identify themselves in sub-state nations or regions. It incorporates in variable proportions the regional (ethnoterritorial) identity and the national (state) identity. As a result of this, citizens share their institutional loyalties at both levels of political legitimacy without any apparent fracture between them.²²

²² The question put to them in successive surveys has been as follows: "In general, would you say that you feel...1. Only Basque, Catalan, Galicia, etc.; 2. More Basque, Catalan, Galician, etc., than Spanish; 3. As much Basque, Catalan, Galician, etc. as Spanish; 4. More Spanish than Basque, Catalan, Galician, etc.; 5. Only Spanish; 6. Don't know; 7. No answer". In the period October 1990-June 1995 a degree of duality was expressed by around 70 per cent of the total Spanish population (i.e. categories 2, 3 and 4). Approximately 30 per cent of all Spaniards expressed a single identity ('Only Spanish', or 'Only Andalusian, Basque, Catalan, etc.') According to 2002 data, percentages were 78 and 22 per cent, respectively (CIS, 2002). For

Both multiple ethnoterritorial loyalties and degrees of self-government are in accordance with the variable manifestation of such citizens' dual identification: the more the primordial regional (ethnoterritorial) identity prevails upon modern state identity, the higher the demands for political autonomy. Conversely, the more developed the national (state) identity is, the less likely it would be for ethnoterritorial conflicts to arise. Complete absence of one of the two elements of dual identity would lead to a deep socio-political division. If this was the case, demands for self-government would probably take the form of a claim for outright sovereignty and independence. In other words, when citizens in a sub-state community identify themselves in an exclusive manner, the institutional outcome of such antagonism will also tend to be exclusive.

Not surprisingly, in the Basque Country single exclusive regional identity is higher than 20 per cent and highest among all *Comunidades Autónomas* (26.8 per cent in the period 1990-95). Note, however, that in a survey immediately carried out before the 2001 Basque Elections, those who declared to feel 'only Basque' were 23 per cent of the total as compared to 41 per cent who identified themselves "as Basque as Spanish".²³ These figures may help to put into perspective the statement made by the *Lehendakari* (President) of the Basque Government before the Basque Parliament on 27 September, 2002. He then proposed a new Pact for Cohabitation (*Pacto para la Convivencia*) to be based on the free association and co-sovereignty between the Basque Country and Spain, according to a confederation-like proposal which falls short of independence or secession.²⁴

Multiple ethnoterritorial concurrence and dual identity are distinctive features of Spain's latent federalization, but can also be found in other democratic federations. Both elements provide the legitimising bases for making unity and diversity workable. Polyarchies do not necessarily have as compelling alternatives those of secessionism and assimilationism. Rather than a stepping-stone towards territorial dissolution, federalism and ethnoterritorial accommodation can consolidate liberal democracy in multi-national states (Linz, 1997).

3.2. Castilian Staatsvolk and consociational accommodation

In plural Spain both nationalism and federalism can be regarded as two conceptual sides of the same political coin for the achievement of territorial accommodation. No federal-like arrangements would have been working out in the process of transition to democracy had it not been for the political need to accommodate both Spanish national and minority nationalisms alongside other regional claims for territorial home rule. Spain validates, in this respect, the claim that federal systems can make compatible internal national oppositions and dual identities.

an analysis of the Catalan case, see Moreno, Arriba y Serrano (1998). In Scotland/United Kingdom surveys using this identity scale were first carried out in the mid-1980s (Moreno, 1986).

²³ The aggregate percentages of those with a degree of dual identity were 61% as compared to 28% of those declaring a single or exclusive self-identification (i.e. "Only Basque" or "Only Spanish"). Note that among supporters of the most voted nationalist party in the Basque Country (PNV), a third declared to be "Only Basque", the same amount of those who identify themselves "As Basque as Spanish" (*El País*, May 7, 2001).

²⁴ According to the *Lehendakari*, the citizens of the Basque Country are entitled to self-determination and to decide in a popular referendum the future of its political status and the sharing of its sovereignty within a multi-national Spain. Note that full independence is supported by a quarter of the Basque surveyed population.

On exploring the relationship between federalism and nationalism, particularly in the case of multi-national federations, it has been advanced that "a stable democratic majoritarian federation, federal or multi-national, must have a *Staatsvolk*, a national or ethnic people, who are demographically and electorally dominant --though not necessarily an absolute majority of the population-- and who will be the co-founders of the federation" (O'Leary, 2001: 244-5). This claim is meant to be consistent with liberal nationalism (Tamir, 1993), national federalism (Forsyth, 1989), and national cultural homogeneity (Gellner, 1997).

Spain provides a good example of how *Staatsvolk* dynamics are to be cautiously analysed on processes of federation-building. As pointed out earlier, dictatorial Francoism attempted an identification of an 'eternal Spain' as the ideological expression of an old and unpolluted 'Castilian spirit' with a universal language and ideals beyond the limits of time and space. Epitomes like the 'God's Empire' (*El Imperio hacia Dios*) or 'Spain, a unit of destiny in the universal (*España, una unidad de destino en lo universal*), and a simulated 'timeless' Castilian culture pertaining to the whole of Spain were used in an attempt to assimilate the Spanish mosaic of cultures and peoples.

According to the views of such majority (ethnic) nationalism, Spain was a single nation rather than a plural nation of nations. Francoism attempted to enforce a programme of 'national' homogenisation patterned along the lines of a Castilian *Staatsvolk*, which was bound to fail with the return of democracy. By having made the Spanish nation equal to an ideal-type of uniform Castile, democrats all around Spain came to face an insuperable dilemma between civil liberties and decentralization, or between cultural homogeneity and representative government.

The subsequent development of the *Estado de las Autonomías* has clearly shown the fallacy of regarding Castile as a national unit. As a matter of fact only from the ethnolingual point of view such a nationality could be taken into account (64% per cent of the total population reside in Castilian-speaking territories such as Andalusia, Aragon, Canary Islands, Cantabria, Asturias, Extremadura, La Rioja, Madrid or Murcia, together with the traditional 'old' and 'new' Castilles).

However important language is for social mobilization and nation-building, it would be unlikely for an ethnic community to be politicised solely around it. At this point, identity could well be the necessary extra element providing national cohesion on collective perceptions, interpretations and aspirations. But as we have previously examined, the wide existence of dual identities in the Castilian-speaking *Comunidades Autónomas* makes implausible an identity attachment to an ideal *Castilla* which does not exist as such, either ethnically or politically.

Could it be hypothesized, nevertheless, that all mono-lingual Castilian-speaking regions in Spain would be willing to constitute one political community congruent with their ethnolingual commonality in the foreseeable future? 'No' ought to be the answer to this question if we bear in mind the effects produced by the federalizing developments accomplished in the last decades. Processes of socialisation in the consolidation of the *Estado de las Autonomías* have reinforced regional boundary-building and ethnoterritorial diversities. Citizens in, say, Aragon or Andalusia regard themselves ethnically much less as Castilian speakers than as active members of their own regional communities. The role of the meso-governments of the 17 *Comunidades Autónomas* in the production and reproduction of regional identities in Spain has been very important (Martínez-Herrera, 2002).

From the viewpoint of the Basque, Catalan and Galician minority nationalisms, Spain ought to be constitutionally composed according to linguistic lines. This approach lends support indirectly to the idea of recreating the Castilian *Staatsvolk*. Not surprisingly, such sub-state nationalisms are generally more favourable of establishing confederal options for territorial accommodation in Spain than of working-out federal arrangements *tout court*. They are suspicious of versions of one-nation federalism as in the cases of Australia, Germany or the USA. Along these lines, Jordi Pujol declared himself a federalist prior to his election as President of the Catalan Generalitat in 1980:

"In the specific case of Spain I could conceivably be a federalist, if the federation was based on genuine and authentic nationalities of the state, viz. Euskadi [Basque Country], Galicia, the whole of Castile, and the Catalan Countries (or just Catalonia, if Valencia and the Islands ... rejected being associated with the Principate [Catalonia])". (Pujol, 1980: 26).

After 25 years of widespread decentralisation and latent federalisation, Spain has preserved their territorial stability according to a broad consensus among parties and elites of a consociational nature. Spain has not followed literally the four features theorised by Arend Lijphart (1977). As regards autonomy in culture, this competency falls under the exclusive constitutional powers of all *Comunidades Autónomas*. Power sharing is *de facto* exercised in the daily practice of intergovernmental life by the great number of concurrent policies needing joint action. And parliamentary support of the nationalist parties to the central government has been so important as to reach in some cases the category of 'informal vetoes' against possible decisions invading areas of their regional jurisdiction. Quota representation of minority groups in the state institutions and public sector has not been necessary. Other than the absence of discrimination against citizens from the 'historical nationalities', or any other regions,²⁵ minority nationalisms have set as a priority the achievement of influence and power in their own territories by means of controlling institutions of self-government and making eventual allegiances with central elites and government.

In the general pattern of consociational practices and agreements which has facilitated federalization in Spain, Basque terrorism has highly conditioned not only the achievement of peace and stability in *Euskalherria*,²⁶ but has also interfered in the general climate of inter-party agreement inside and outside the Basque Country. Let us remind that consociational practices between nationalists and non-nationalist parties to accommodate the various Spanish idiosyncrasies and identities were also the pattern for political agreement for most of the period of Basque home-rule since 1978. It remains to be seen whether those practices can return to the Basque Country despite the fact that electoral polarisation seems to reflect an increasing civil fracture (Moreno, 2004).

²⁵ The recruitment of state-wide civil servants in Spain has traditionally followed the French model of nondiscriminatory competitions. Conversely to the *verzuiling* system, or 'pillarisation' of Dutch society and politics, consociationalism in Catholic Spain has not developed according to the expectations and goals of the various cultural and religious 'denominations'.

²⁶ For radical Basque nationalism, *Euskalherria* is a nation made up of the Spanish 'historical territories' (provinces) of Araba, Gipuzkoa, Biscay, as well as Navarre (all of these located in Spain) and the French districts of Labourd (Lapurdi), Soule (Zuberoa) and Lower Navarre (Behenafarroa) in the French *département* of the Atlantic Pyrenees.

Developments in the Basque Country have had un undeniable effect on the dynamics of agreements between state-wide political parties themselves, most of which also have federal or decentralised organic structures. The limited degree of enthusiasm raised by the constitutional reform in order to 'federalise' the Senate is based upon the reluctance to re-edit the same consensual climate which made possible the drafting of the 1978 Constitution, and which now appears rather difficult.

3. Conclusion

The ethno-lingual variety of Spain, a country which for most of its contemporary history has been governed by central actors, institutions and political forces that have traditionally been both weak through inefficacy and strong through violence, has too often resulted in damage to its unity. With the ongoing federalization old patterns of confrontation seem to have been overcome. Actions by both majority and minority nationalism put however into test the resilience of the general consensual pact inaugurated with the 1978 Constitution, and the consociational practices for territorial accommodation since then.

The case of Spain's *Comunidades Autónomas* illustrates the potentialities for accommodating different identities and aspirations for self-government within the framework of a plural polity. As in other formal multi-national federations or union-states, Spain can provide some useful contrasts on how to build macro communities of trust beyond single national sentiments and attachments. Such insights are most relevant concerning supra-national unions like the European Union (Moreno, 2002).

Much alike future developments in the EU, Spain faces a variety of challenges on how to integrate --rather than to assimilate-- existing collective identities forged at the various levels of political legitimacy. If achieved by means of shared rule and self-rule it would avoid to be seen as an exogenous process, which is superimposed 'from above' by a central authority upon the internal interaction of communities with long-standing culture and history.*

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