

Witnessing Justice in Catalonia

Once again the problem of justice in Spain is in the balance

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With the beginning of the trial of Catalan independentist leaders, once again the problem of justice in Spain in particular and more generally in Europe and the world is in the balance. The gathering of thousands of people in Madrid to vent their fury at what they see as the overly conciliatory stance adopted by prime minister Pedro Sánchez on the issue is a sad reminder of the repressive times of General Franco and the Spanish Inquisition, when free thinkers and creative rebels accused of heresy were burned at the stake. As in the case of the Catholic church during the Inquisition, the Spanish “democracy” is suggesting to expose the heresies of its critics, that is to say, the disobedience that it discerns in the words and acts of Catalan democrats.

If Carles Puigdemont and his collaborators are accused of disobedience and rebellion, it does not mean that they are enemies of democracy. Quite the contrary, being a democrat in today’s world is to be able to criticize institutions by which we are governed. This is what differentiates a democratic society from an authoritarian regime. If we do not live in a critical universe of questioning and doubt, we will be at the mercy of capricious individuals controlling an “Orwellian” system of rules and values. In a liberal society like Spain stamped by the reign of “negative liberty” the only way to dislodge undemocratic rules against the independence and autonomy of individuals and communities is through nonviolent rebellion and disobedience.

The Catalan leaders have been nothing but nonviolent. They have not judged Spanish democracy subjectively by their own desires and impulses. They have judged the

Spanish democracy according to its own norms. The beautiful thing about democracy (if it works) is that it gives us standards that allow us to evaluate the democratic essence of our institutions. As a matter of fact, the institution of justice cannot be implemented and exercised without a democratic spirit. But what is justice in a democracy?

Justice is an everyday human resistance against the authority of those who try to have control over our lives. That is to say, moral protest against the conditions of human suffering is a cry for justice in the face of injustice. Justice, therefore, allows for compassion and empathy, in so far as it is a move towards solidarity among suffering human beings. A rebel asks for justice, which is a reason for him/her to defend suffering individuals against the exactions of rules and laws, even if they pretend to be democratic. Therefore, justice is possible if there is a potentiality of a dignified life for an individual or a community. The refusal to legitimize injustice is the starting point for living together.

As for the Catalan leaders on trial, I am pretty sure that they have made their choice of being on the side of justice and not to compromise with violence. Justice, for them, is an ethical protest and a moral revolt against violence. Their aspiration of justice rich in compassion turns into a sense of revolt that goes far beyond ideologies and political parties. It is a breakaway from all forms of absolute, either political or historical. Moreover, its grasp on history goes through its understanding of the value of “negative liberty”. What the Catalan leaders have understood is that, as Albert Camus says, “freedom is never wanted without by the same token demanding justice.” In the manner of Camus, for the Catalan leaders, revolt is the only *raison d’être* to fight against the “democratic evil”. There is a problem of democratic evil, because there is a specific problem of the legitimacy of violence at the heart of democracies. The recognition of violence as problematic for democracy underscores the status of *homo democraticus* and the possibility of the degeneration of democracies into violence. Therefore, any attempt to go beyond democratic violence, necessitates the recognition of the paradoxical status of democracy itself. Democracy is the process of taming of violence, but democratic states can be producers of

violence. The more a democratic community develops instruments of violence through the imposition of injustice, the less resistant it is to the democratic evil.

This sense of justice is the key to our identity as democratic beings because it comes as a reaction to injustice in the name of shared human dignity and vulnerability. It is a moral effort which reveals to us the complexity, spontaneity and heterogeneity of democracy. Democracy alone will never be enough; it cannot be established through elections and a constitution. Something more is necessary – an emphasis on democracy as a practice of moral thinking and moral judgment. With the trial of the Catalan leaders, the Spanish democracy stands once again on moral crossroads. True democracy can never come through untruthful and unjust means. It is still time for the Spanish government to turn a new leaf and set a lesson to the world by acquitting the Catalan leaders and open a peaceful, nonviolent and just dialogue with them.