To make an omelet you have first to break the eggs

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This popular expression was pronounced by Joan Coma i Roura, councillor of CAPG Vic, in a plenary session of his Town Hall in December 2015. Independence had suggested a campaign of motions in support of the resolution that had been approved by the Parliament of Catalonia at the beginning of the XI legislature in the different town halls of the country and it was precisely within the framework of this defence of parliamentary sovereignty that Joan Coma pronounced these words:

We understand that, in addition, the declaration of a break with the Spanish State has two great virtues. On the one hand, it commits the Parliament to adopt the necessary measures to open this process of breaking with the Spanish State, in a democratic, massive, sustained and peaceful way, which allows 'empowerment of citizens at all levels and is based on open, active and integrating participation. Democracy, participation, popular power, things that we have been demanding for a long time. On the other hand, the parliament stands as the sole repository of sovereignty and an expression of constituent power. It thus declares that we should no longer subject the decisions of our institutions to the decisions of the Spanish institutions, in particular to the decisions of the Constitutional Court, which it considers to lack legitimacy and competence. Disobedience, which we have also been calling for some time. We have always said that in order to make the omelette, eggs must be broken, and this declaration is a clear step forward towards the construction of the Catalan Republic.

When one of the councillors of the council left the plenary session, the well-known ultra-right-winger Josep Anglada went directly to the Guardia Civil to file a complaint against this speech, which ended up charging the councillor from the CUP party with the crime of incitement to sedition in the special court of the Audiencia Nacional. Once again, political complicity between the ultra-right wing, the police forces and the Audiencia Nacional and, seen from the perspective of time, a real premonition of what would be the legal label with which the State intended to confront independence, the crime of sedition with which the social and political leaders accused before the Supreme Court would be sentenced to one hundred years in

prison in autumn 2019.

From this background we can extract some of the central elements of this process in the terms experienced in recent years: civil disobedience, dismissal institution, self protection of rights, community empowerment and state authoritarianism.

Civil disobedience

During the legislature in question (2015-2017) there was much talk about the value of disobedience as a tool of struggle. It began with a diffuse idea, even at some moments the term was used simply to speak of political rebelliousness or the desire to change everything that seems unjust, very centered on the need to have critical capacity and to act before laws and judicial decisions that were perceived as unjust, to be subjects with their own criteria. Subsequently, progress was made, and much more so, towards civil disobedience as such, more so in the way it has traditionally been used, up to the maximum expression of mass civil disobedience that the day of October 1st represented. However, when Jordi Cuixart explained and argued the canonical concept of civil disobedience in the political defence he made in the trial on October 1, the independence movement discovered that it had already been acting with a certain political inertia on the issue, and that it had been moving in the right direction, probably as a result of the political culture that had been forged in recent decades and of a certain libertarian spirit that Catalan society had always had, but without being very aware of it.

Before the autumn of 2017, independence had worked at all times in a scenario of great popular, intergenerational and politically transverse mobilizations that had not involved any moment of direct confrontation with the established power, the State had limited itself to ignoring the movement, to caricaturing it and despising it. With the preparation of the referendum on self-determination, there was a change of strategy led especially by the judiciary and the Guardia Civil, good representatives of the sociological Francoism that survives in wide layers of these State institutions. During the month of September there were judicial actions in printing houses, media, distribution warehouses and finally in the offices of the Generalidad and a political party on the 20th. These episodes are, I suppose, the first empirical contacts between the forces of the State and the citizens who come out to protest in a logic that is not only pro-independence but also clearly republican, that is, in defence of political rights. And here is where a first jump in the mobilization process takes place in which at least two very characteristic features of those days should be highlighted: the will to be and non-violence.

In the face of the police occupation that is taking place in the country, the citizen response exists because there is a very important collective empowerment. There is no fear. This is what the streets of Barcelona have been called after the attacks of 17 August, and this is how it is expressed in the weeks following the police actions. It is well known that Catalonia has a long tradition of political awareness from below, and this awareness deepened at that time as a result of the work of the independence movement but also of many other experiences such as 15-M and the PAH, which are very present in the retina of Catalan political actors. Their methodology and political practice will be both a school and a reference point. And these recent actors are also linked in a more historical tradition of non-violent struggle and civil disobedience in our country than the movement against NATO, for insubordination to military service, the environmental movement, feminism… That is why the answer that September is what it is, without there being too many previous slogans, without there really being a clear organization that could command the mobilizations, from the headquarters of Unipost in Terrassa, the Riells warehouses to the headquarters of the CUP in Casp Street, the answer is to sit on the ground peacefully in front of the police and place your own body as an instrument of defense, in that old Gandhian logic, to be willing in the worst case to receive

Those weeks were a collective learning, accelerated and incomplete, but only a strong political tradition, an intensive ideological work on this framework of political action in the previous months and the precipitate exemplification in the previous weeks, can explain that October 1st of reaction so unanimous in this double sense, of determination to be and defend the schools but from the most absolute nonviolence building one of the most important assumptions of massive civil disobedience in Western Europe.

Dismissal institution

The referendum in particular was able to be carried out by a combination of popular mobilization with an obvious institutional contribution, which cannot yet be spoken about clearly because it is sub judice in different judicial procedures. In any case, beyond the concrete contribution, there is an attitude expressed by the autonomic power and by an important part of the municipal power in that period which is the one that accompanies and facilitates the process that we could call as *dismissal* because it has a clear nature of impugnation of the existing regime. One of the formulas of this dismissing power expresses in those moments precisely with the

disregard of certain requirements coming from the central power, either the government of the State or the Constitutional Court, in a certain overcoming of the usual narrowness with which the institutions usually work in relation to the law. It is, in a way, a kind of civil disobedience applied to the institutions in a sui generis proposal because it is not always as public or as collective as the usual civil disobedience. In fact, this is only possible because we are in a State with a minimal deconcentration of power in different administrations that allows this game of internal disobedience within the institutional system. It is not a simple debate, but in those months we were able to experience this hybrid called *institutional disobedience.*

It is complex precisely because we had usually had to work from outside the institution and we discovered the different perspective that disobedience entails from within. It has a very important short-circuiting effect on the system. Institutions are built to protect the political and legal system, therefore, when the contradiction between legality and legitimacy that we want to show with the exercise of disobedience takes place within the institution, the conflict emerges in a much deeper way and, at the same time, the consequences also have other magnitudes. Taking a position of institutional disobedience to the ultimate consequences only makes sense if in the more or less near future there is the possibility of turning the whole legal system upside down. If not, the possibility of sustaining disobedience from within the institution is very limited and will soon lead to the annulment of the entire institutional action, after the disqualification of its main political leaders. However, it is also true that the institution’s capacity to disseminate political debate functions as an unparalleled loudspeaker. The Spanish legal system, on the other hand, is so restricted; the margin of action is so narrow and the political and economic powers are so belligerent that we could predict that any public office that has done its job well will probably end up being charged before the end of the legislature.

Selfprotection of rights

In the summer of 2017, with the announcement of the date and the question of a referendum on the Catalan Republic, the starting shot is fired for a new phase in the reconstruction of our sovereignty, from the awareness that the exercise and conquest of rights is always a conflict. The call was a powder, a powder to Rajoy’s government, but also a pulse to all the institutions of the State that protected it (Constitutional Court, prosecutor’s office, judicial hierarchy) and the large majority

in the parliamentary arch that supported it, the well-known *bunker of 78*. The King, the ecclesiastical hierarchy, the banks, the employers' association, the trade unions and the unionist political parties were all against the holding of the referendum.

At that time it was clear to us that the political scenario in which we found ourselves needed to go through a component of fact, of action, of reality. There were no more alliances, no more advances, no more international recognition possible without the call for a referendum and its materialization. In conditions of democratic normality the government of the Generalitat would have called a referendum and would have held it in Quebec. It was not the situation we were living, we were aware of it. The Spanish state institutions, unbridled in the crusade against the exercise of the right to self-determination, were called to try to prevent the normality prepared from here with the only aim of having alleged arguments to discuss the legitimacy of a possible result that would be adverse to them from there.

We were in favour of building a central lane of consensus on the guarantees so that we could pull the institutionality to the maximum. At the same time, however, we had to start building the idea that the 1-O would occur in a context of self-protection of rights. Self-guardianship is a mechanism for guaranteeing rights when institutional guarantees are blocked or are insufficient. These would be guarantees of self protection in certain cases, from the right to strike to civil disobedience, in the philosophy of the concept of social guarantee of the Constitution of the first year of the French Revolution, which defended it in this way: "it consists of the action of all to ensure that everyone enjoys and preserves their rights" .

And that was what those months were all about, among many other things, self-protection of our rights. The right to self-determination always has a component of self-management and construction from below. The truth was, however, that at that time our right to vote on the birth of a republic in Catalonia had no chance of being granted a judicial guarantee, there was no court in the Spanish state that would match it; therefore we had no choice but to select our rights, as in so many other moments in our history.

We knew that the holding of the referendum in 2017 would contain a certain amount of that, of disobedience, of self-protection of rights, of defiance. We wrote about it in the articles and stands to which we had access at that time because we saw it as an essential element. We did not know what the specific form would be, what the slogan would be that would have to be given and from which spaces, but we had no doubt that this double element would have to be incorporated: collective

self-protection and disobedience of the orders that would come from the Spanish institutions. We had to be careful, an excess of self-protection could turn the referendum into a kind of joke, as some said. In fact, the detractors of the guarantees – Coscubiela, Rabell, Albiach…- pointed in this direction, that there were not enough institutional guarantees to validate the results of the referendum and the neutrality of its actors. But on the other hand, a discourse of pure legality led us to an obvious dead end that the prerogatives of the central government before the Constitutional Court and the Court itself were ready to intervene to the last consequences of the weak Catalan statutory legality. Our political action was explicitly oriented in this difficult balance, institutionality to give validity and self protection to guarantee the existence and celebration of the referendum.

Community empowerment

Marcelino Camacho had said in the midst of the struggle against the dictatorship that rights are won by exercising them ("the right to strike is won by striking…") and this is one of the great lessons of our time. Contrary to a good part of the political discourses that the majority independence had wielded in many moments, there is nothing that is given to us in the conquest of individual and collective rights. And that is why one of the most important lessons was to understand that in the face of the prohibition of voting for self-determination one could only respond by voting for self-determination. And for that, in a country with the situation of ours, this objective was only possible from the popular self-organization and the occupation of the electoral colleges by the own community, from the neighbors' associations, those of mothers and fathers of students, the teams of basic sport, the cultural groups, the scouting to the athenaeums; the set of the organized society. The network was pre-existing but the indignation that had been cooking the weeks before the referendum allowed it to crystallize into an organization that understood the integrity of the territory and the questioning of a very important part of the Catalan society. This empowerment and the collective realisation of the van event was the basis of that foundational moment that provoked a before and after.

Often the focus is on the negative side, on the repression, on how the police violence caused a change of chip in the population. And I'm sure that's true. Now, in those days there was a very positive aspect, community cohesion. In many places, the residents met many of their fellow citizens for the first time during that long vigil in the hours leading up to October 1 st, which meant an incalculable human growth. October 1 st experience united communities based on mutual knowledge

and the distribution of tasks and functions of those days. That is why a multitude of more or less formal collectives were born from that fact, scattered throughout the territory and which in many places took shelter under the form of the Referendum Defense Committees first and then the Republic. And that's why groups, street dinners, messenger groups and so many other formulas were born that are an expression of this new community bond. And this collective subject led the most forceful general strike in memory and opened up a process of mobilization during that October to overcome the independence establishment and put the *statu quo* of '78 at risk for the first time in a long time.

State authoritarianism

That is why the state repression was not long in coming with Jordi's arrest, the imprisonment of the government and the opening of hundreds of cases. This was probably the only absolutely predictable ingredient. The repressive apparatus of the state, made up of all its police and judicial actors, took a full part in the political struggle to prevent the exercise of the right to self-determination. In the criminal sphere, traditionally responsible for the harshest repression, jurisdictions were modified to centralize some procedures at the top of the judiciary, past criminal figures were recovered, such as sedition, and even crimes designed for the protection of minorities were reinterpreted to be used for the protection of police forces, always with serious consequences of a chilling effect on the exercise of the fundamental rights of expression and political participation. The Spanish legislature, in a front composed of several political parties (PP, PSOE and C's), is also involved in this explosion of repression through the application of Article 155 of the Spanish Constitution, generating unity of action among all the powers in Spain, even with those that are not strictly institutional, such as the extreme right.

Much has been said about this issue and it has monopolised much of the political action of recent times. The trial of the social and political leaders of independence before the Supreme Court, which was criticized by very important international actors in the field of human rights and which ended with a sentence of one hundred years in prison, perfectly symbolizes how the only response that the state gives to the exercise of the right to self-determination is a harsh repression. The social order derived from the 155 article is not the result of the resolution of the social conflict, that is, it is not that the problem that led to the conflict, such as the denial of Catalonia's sovereignty, has been resolved. On the contrary, after a high use of violence it might seem that the conflict has diminished, but in reality we have seen

a pacification by force. Therefore, this autonomic order is not the result of a social pact but of the systematic use of the repressive side of the state.

However, this pacification has not succeeded in sweeping away everything that had been planted, and the empowerment, self-protection, dismissive and disobedient capacity has not disappeared. They are dormant. In fact, the protests against the sentence last October, in their multiple forms, showed that the conflict is open and that a new, younger generation was joining the mobilisations with a very well-conceived discourse of collective rights such as self-determination but above all and also of defence of democratic rights, conceived as a whole, in a logic very similar to the protests that were growing in those same days in Chile, Hong Kong or Beirut. Contrary to the regime’s wishes, no one has given up here and, moreover, we have matured politically. We have learned things and we have reinterpreted others, aware that, as the old saying goes, to make an omelette you first have to break the eggs.