

Can the Social Contract Justify Secession? A Case Study of the Catalan Demand for Independence

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The Social Contract addresses the legitimacy of the authority of the state over individuals : “It purports to define the terms on which that society is to be governed: the people have made a contract with their ruler which determines their relations with him.” (J. W. Gough 1936).

Accordingly, the Constitution of a State acts as “a body of fundamental principles or established precedents according to which a state or other organisation is acknowledged to be governed” (Oxford Dictionary 2017). The legal manifestation of the contract, as a body of laws, defines the basic rights of citizens, along with the powers of different entities of the state.

After the death of dictator Francisco Franco in 1975, the promulgation of the Spanish Constitution in 1978 marked the culmination of the transition to liberal democracy. In 2017, Catalonia held a referendum on independence, demanding

secession, whilst Section 2 of the Spanish Constitution stipulates that “the Constitution is based on the indissoluble unity of the Spanish Nation, the common and indivisible homeland of all Spaniards”. Under what conditions, if any, can the Social Contract justify secession?

The first section of this paper unfolds the complexity and diversity of the views of the foundational Social Contract authors: Thomas Hobbes, John Locke and Jean-Jacques Rousseau. The second section examines what these different conceptualisations entail for the justification of secession in the case of Catalonia. The application of the underlying philosophical principles on Catalonia provides unique insight.

Under the Social Contract, can Catalonia legitimately demand secession?