

**Joan Esculies**

## **THE CATALAN CASE ON TRIAL**

### **THE MAKING OF HEROIC LEADERSHIP ON A COURTROOM STAGE**

---

In a political trial, the state (of any kind) considers itself at risk. Its representatives do not pretend to prove just that the defendant is guilty, but that his ideas are immoral or inappropriate. What is judged is the threat and criticism to what until then was tacitly accepted. Therefore, the basic aim is to eliminate or discredit who attacks the established order.<sup>1</sup> It is a common mistake to assimilate political trials to show trials and to think that they only take place in authoritarian regimes. Political trials are also common in democratic regimes, precisely because these legal systems tend to stabilise the status quo and to reinforce the vision and interests of the dominant group in society.<sup>2</sup> Law is not abstract, it is tied to a particular community, and thus the exercise of power through it becomes politicised. On the other hand, those groups with little power or not involved in major decisions – a sub-nationalist movement, for example – usually confront the legal system in order to try to change it.<sup>3</sup>

From these coordinates there are several classifications of political trials. The variety is huge and none is satisfactory. To understand this, just think of the cast which includes the trials of Socrates (399 BC), Jesus of Nazareth (30-33 AD), Joan of Arc (1431), Martin Luther (1521), Thomas Moore (1535), Galileo Galilei (1616, 1633), Alfred Dreyfus (1894, 1899), Adolf



Joan Esculies, 'The Catalan case on trial. The making of heroic leadership on a courtroom stage', in: *Studies on National Movements*, 3 (2015).

<http://snm.nise.eu/index.php/studies/article/view/0305a>

Hitler (1924), Nelson Mandela (1964), Dr. Benjamin Spock and the Vietnam War (1968), Bobby Seale and the Black Panthers in New Haven (1969) or Klaus Barbie and the Vichy regime (1987).<sup>4</sup> Therefore, it is more interesting to leave the categories aside and to focus on the hidden goal of political trials: the function of legitimising the regime applying them. Both democracies and authoritarian regimes hardly recognise the political nature of the trial. The reason is obvious: the authority wants to maintain the status quo and insists that everyone is subject to the same established rules.

To go against a political cause, the authorities can try to achieve social consensus over what makes the defendant unpopular, or to frighten the society about what the accused seeks. But the law is not just a mere enumeration of legal norms and principles. When applying it, it is necessary to discern facts from opinions: attention must be paid to how the law will be communicated and to the social perception of the sentence. The court will interpret and apply the legislation, but its implementation will be confronted with social perception and from this perspective the public opinion will or will not give legitimacy to the sentence.<sup>5</sup>

Law *in motion*, therefore, is also a communication process, which in turn provides a framework for interpreting human actions. Thus, a trial, especially if it is of political nature, must take into account how to communicate the sentence. It is easily understood that in this category of trials the communicative factor becomes more relevant than the defendant's political motives. And in some cases, as in the famous Nuremberg trials, the process can even be used to set the story, the narrative of the judged facts – the Holocaust.<sup>6</sup>

## **Political trials as plays**

In such trials, as in the theatre, what matters it is not the story itself, but what the actors or characters do, their behaviour and the standards of conduct and ethics derived. The competition between the stories occurring in the courtroom is more relevant than the specific reason

judged. The purpose of the trial is to create or reinforce the mindset of the audience, influencing its thinking and actions.<sup>7</sup>

An important set of our conceptual system is of metaphorical character: so the metaphor is an essential factor in making decisions. The way the dialogue, the interrogation and the discourse are part of a narrative structure is essential to motivate a particular behaviour. The goal, therefore, is to relate the values underlying certain ideas shared by each viewer and the audience. Before entering analytical reasoning we think in terms of mental frames and metaphors. And therefore, when we receive information not in line with these frames, we ignore what is being said. The actors' words in the courtroom only make sense if they mean something in the mind frame of the viewer. The key, therefore, is not to argue upon certain approaches through rationality, but in terms of emotional intelligence instead.<sup>8</sup>

A representation means that the mind is offered symbols and images, to be retained by memory. A representation is an act, a process and a product developing in time, a place and an action. A trial as a play is also a representation because, in order to find out what happened, it presents once more the offense and the facts. But in a courtroom, the truth of the facts is not present, it has to be exposed and recreated again. Both the trial and the play include a text (the law and the argument of the case); actors (the judges, the prosecutor, the defence counsel, the members and officers of the court, the accused, victims, witnesses, law enforcers ..., each with their assigned roles); a scenario where the dramatic conflict takes place (the stage); and the public. And overarching all this is a beginning, middle and suspended ending (the sentence).

The trials, therefore, represent the state's authority and its role of imparting justice, which is anything else than a community pointing an individual who acts against the stipulated, the agreed for this community and its leaders.<sup>9</sup> At first glance it seems that in a democratic regime the accused has more judicial guarantees, but the process may only have a democratic appearance: the government appoints the prosecutors and judges and could well exert a certain pressure to influence the sentence. Firstly, a defendant has less means than the regime to publicise his/her

motivations. But it is also true that a political trial rarely ends when the case is closed. And sometimes, despite the victory of the prosecution in the short term, success in the longer term can be for the condemned.<sup>10</sup>

When a society meets a new situation, reconsideration begins, often so from a political trial. If we assume that the essence of drama is conflict, then it is easy to understand why courts are appropriate places, animated by actors – of any kind, no matter their political agendas or interests. Labour, feminist, religious, communist, anarchist and black leaders, all of them are subjected to the same processes and similar types of political trials. Nationalist leaders are no exception. The trial awaiting them will not be different from one directed against, for instance, a religious leader. But as ‘the nation’ is a more transversal concept or state of mind, the trial’s impact, its consequences and profit will certainly be wider. It is obvious then to understand why nationalist movements have managed to turn political judgments into good forums to present and forge leaders or heroes. The performance is an unsurpassable platform to relate mourning, loss, hope and history – key elements of all types of nationalism.<sup>11</sup>

### **The relevance of the *speech from the dock***

In 1803 Robert Emmet, an Irish republican nationalist, led a failed coup in Dublin against the British rule. He was captured and judged under the accusation of treason. By the end of the trial, already declared guilty, he was able to speak. But instead of trying to defend himself he exposed his cause in his famous *Speech from the dock*. Emmet was sentenced to death and executed as a traitor but he became, due to his *speech*, a hero for Irish nationalism.<sup>12</sup>

A century later, the Easter Rising was deeply influenced by Emmet’s insurrection. But, once again, Padraig Pearse and his colleagues failed. Sir Roger Casement, in charge of providing weapons for the rebels, was judged for treason, as he was a British diplomat. By the end of the trial, held in London in June 1916, he was found guilty and he had also the opportunity to say a final word. Following Emmet’s example, Casement did

not speak about the specific charges. Instead, he pronounced an eloquent *speech from the dock*. He was executed but his words placed him in a relevant place in the Irish imaginary.<sup>13</sup>

Both Emmet and Casement understood their words would not change their fate and instead of pretending to influence the sentence they preferred transcending it and questioning the very legitimacy of the trial. They saw their trials as a play. The judge was not able, nor interested in presenting arguments on the 'higher cause'. Their death sentence had already been written before entering the trial. But the dock itself was a public space where to construct and publicise their political narrative. Thus, they did not elaborate on the accusation of treason but on the relation between Ireland and the British Empire.<sup>14</sup>

Emmet was not the first Irishman to seize this option or opportunity. Before him, in 1789, the father of the Irish republicanism, Wolfe Tone, had done the same. Nonetheless, Emmet's speech was very influential within Irish nationalism and abroad.<sup>15</sup> Many other nationalists from around the world followed Emmet's example with their own particular *speeches from the dock*. Just to mention a few: Bal Gangadhar Tilak (India, 1908); Mahatma Gandhi (India, 1922); Jomo Kenyatta (Kenya, 1952); Fidel Castro (Cuba, 1953) or Nelson Mandela (South Africa, 1962/1964). In the case of Catalan nationalism four of its leading figures – Enric Prat de la Riba, Francesc Macià, Lluís Companys and Jordi Pujol – also passed political trials. A schematic exhibition and analysis of each case and its consequences clearly show common patterns: the use of the trial as a political and public platform to make themselves known and to forge and expand their political leadership.

## **Enric Prat de la Riba, the elliptic trial**

Enric Prat de la Riba (1870-1917), the Catalan conservative nationalist and director of *La Veu de Catalunya* (*The Voice of Catalonia*), journal of the Lliga Regionalista (Regionalist League), faced a court-martial in Barcelona in April 1902. His newspaper had published an article copied from

*L'Indépendant* from Perpignan, capital of Roussillon, the southeast Catalan-speaking part of France (also known as 'the Catalonia of the north'). Under the title 'Separatisme al Rosselló' ('Separatism in Roussillon') the article was in fact a letter from the wine traders to the French Finance minister demanding protective measures. If not granted, they menaced him, they would promote the union of the French region with Catalonia, in Spain.<sup>16</sup>

At the beginning of 1902 censorship and surveillance on published texts, especially in the Catalanist press, was ran by the military authority due to the political agitation in Barcelona followed by a prolonged strike.<sup>17</sup> On 2 April, Prat de la Riba was imprisoned. The court-martial he faced could condemn him from six up to twelve years for disturbance of public order and rebellion, as the Spanish government feared the word 'separatism'. The thirty-one year old nationalist, a lawyer himself, was astonished: 'Do I have to lie in this dirty place?', the catholic bourgeois asked upon seeing his cell.<sup>18</sup>

Prat de la Riba was involved in Catalan politics since 1891 and ten years later he was among the founders of the Lliga, the first Catalanist political party. In 1902 he was the party secretary and played an important role behind the stage, but he had not yet figured on an electoral list. Therefore, Prat was well known among an elite but his popularity did not go much further. Relevant figures of Catalan society and even members of the Spanish parliament tried to free him with no success.<sup>19</sup> Prat received hundreds of visits in jail: Catalanists and others, directors of rival newspapers, politicians, intellectuals and artists.<sup>20</sup>

Finally, on 7 April Prat was released. It is unclear why, but probably due to political pressures. A month later, thanks to the coronation of King Alfonso XIII, the nationalist was pardoned.<sup>21</sup> All in all, Spanish authorities aimed to threaten *La Veu* and its director because the daily had criticised their procedure against the strikers during the first months of 1902. Thus, imprisoning Prat for a week under the menace of a court-martial was considered enough to threaten him and to warn others.

Prat had a poor health since his youth. A few months after his stay in prison he thought he had contracted tuberculosis in jail. In March 1903 the

nationalist went to a French sanatorium in Puy-de-Dôme, Clermont-Ferrand, where it was clear that he had no tuberculosis. But a nodule on his neck was discovered and Basedow-Graves disease, an autoimmunity disorder, was diagnosed. Nonetheless, by the beginning of 1904 Prat returned to politics, taking on a more relevant role within the Lliga. He was among the candidates in the provincial elections of March 1905 and he won the seat. The solidarity during his week in prison and his illness, perceived as a direct consequence, made him very popular. His name now transcended the elite circle and expanded to the whole of Catalan society.<sup>22</sup>



*Massive mourning at Prat de la Riba's funeral in Barcelona, 1 August 1917 | ARXIU FOTOGRAFIC DEL CENTRE EXCURSIONISTA DE CATALUNYA (AFCEC)*

In 1907 Prat became president of the *Diputació de Barcelona*, the provincial government, and in April 1914 he became the first president of the *Mancomunitat de Catalunya*, the federation of the four Catalan provinces under a semi-autonomous government within Spain. Catalans

attributed his death in August 1917 to the Basedow disease, supposedly contracted in jail. In fact, it was not, mainly since the disease is not contagious.<sup>23</sup> But such was not relevant for nationalists: their greatest enemy, the Spanish army, was responsible for the death of one of the founding fathers of Catalanism.<sup>24</sup>

## **Francesc Macià, a trial in the Odeon**

There is consensus among historians that the failed invasion of Catalonia led by Francesc Macià in autumn 1926 was fundamental for his popularity. The Catalan separatist leader mobilised a hundred young Catalanists and Italian mercenaries in the south-eastern part of France. The plan was to enter Catalonia by various points along the eastern Pyrenees and launch a revolt against the Primo de Rivera dictatorship (1923-1930). However, the French gendarmerie discovered the operation and arrested the squads and Macià himself.<sup>25</sup>

Francesc Macià, sixty-seven years old at the time, was a former Spanish colonel. By the beginning of the twentieth century he married the daughter of a rich rural landowner in Lleida, in the Catalan hinterland. Having become a landowner himself, Macià slowly developed an interest in politics. First, he joined the Lliga of Prat de la Riba, but during the First World War period the former military tended to more social and leftist-oriented ideas. From 1918 onwards he claimed autonomy within Spain was not worthy for Catalonia and he proposed separatism instead, defending a federal or confederal Spain and a Catalan state. From 1906 until 1923 he won a seat in the Spanish parliament in every election.<sup>26</sup>

In September 1923 the Primo de Rivera dictatorship begun and Macià went into exile. Between 1923 and 1926, the Catalan separatist met with other Catalan and Basque nationalists, Catalan and Spanish republicans, anarchists, communists – almost everyone able to cooperate with him to overthrow Primo. Finally, lacking significant sums of money to buy weapons and without the support of any other exiled group, Macià chose to act alone. The failed invasion became known as the ‘Conspiracy of Prats-



de-Mollo', after the name of the French town where Macià had his headquarters.<sup>27</sup>

Immediately after the arrest, the separatist leader appeared in the international press. The conspiracy was also known in Catalonia. On 20 November 1926 *The Illustrated London News* chose Macià as one of the most important personalities of the week. The French government expelled the majority of the members of the squads to Belgium, considering them mere troops. The former military and forty of his men (including Ricciotti Garibaldi, nephew of the Risorgimento hero), on the other hand, spent three months imprisoned in Paris.<sup>28</sup>



*Francesc Macià and his lawyer, Mr. Henry Torrès (Agence Meurisse, 1927) | BIBLIOTHÈQUE NATIONALE DE FRANCE*

The French executive hesitated to judge Macià and Garibaldi, but Prime Minister Raymond Poincaré finally chose to address the matter straight

away. Consequently, the judgment of ‘the Catalan conspirators’, as the trial was called, was held on 20-22 January 1927. The location was one of the largest halls of the Paris Conciergerie, labelled the ‘Odeon’ by journalists ‘because there, as in the Parisian theatre of the same name, *representations* less important than in the *Comédie Française* take place’.<sup>29</sup> In the courtroom Macià wore the dress uniform of his paramilitary organisation. He pleaded guilty to all charges and claimed he led an invasion to establish an Independent Catalan Republic. During the trial his figure was opposed to Garibaldi, a Mussolini agent. The aim of Henry Torrès, a flamboyant French lawyer who defended Macià, was to make clear that his client’s purpose and those of the Italians were completely different.<sup>30</sup>

By the end of the trial, Macià gave his *speech from the dock*. He argued his tiny army was willing to fight against Spain, ‘an ancient enemy of France’. The separatist added his aim was to establish a ‘little Belgium in the Pyrenees’. Macià stated he loved France and reminded that during the World War thousands of Catalans had fought with the French Foreign Legion.<sup>31</sup> On 22 January Macià and Garibaldi were sentenced with two months of prison, already accomplished, and a 100 French francs penalty. Afterwards Macià was expelled to Belgium.

From then on his organisation, Estat Català, used the trial for political propaganda.<sup>32</sup> The trial made Macià very popular in Catalonia and among the Catalan diaspora. Soon he was presented as an incarnation of Catalonia itself.<sup>33</sup> He was compared to Tadeusz Kosciuszko, George Washington, Simón Bolívar, José Martí, Eamond De Valera and other freedom fighters. In 1927 Macià began a long journey through America in order to obtain funds for a new invasion. It was not necessary, as in 1930 Primo’s dictatorship came to an end. In February 1931 Macià returned to Catalonia as a hero. He founded a catch-all political party, Esquerra Republicana de Catalunya (Republican Left of Catalonia), won the elections and soon after became the first president of the Generalitat de Catalunya, the first Catalan autonomous government. He died two years after and his funeral was a huge mourning event.<sup>34</sup>

## **Lluís Companys, two different trials**

Lluís Companys was elected president of Catalonia after the death of Macià in Christmas 1933.<sup>35</sup> After two years of clear dominion of the leftist parties in Catalonia and the rest of Spain, introducing reformist policies, the conservative parties won the general elections of November 1933. This led to a period of contra-reformism. In Catalonia, the Lliga perceived that despite its victory, Companys and Macià's Esquerra Republicana de Catalunya still held the majority in the Catalan parliament. Therefore the Catalan conservatives delegitimated the Catalan autonomy, demanding a new electoral system and presenting Companys as the president of the leftist parties but not of the Catalan people as a whole.<sup>36</sup>

The situation led to an insurrection in some parts of Spain by the beginning of October 1934. The Socialist Party and the trade unions feared that the conservatives would turn the state into a fascist dictatorship, while the Catalan leftist parties feared for the region's autonomy. On 6 October 1934, Companys proclaimed the Catalan State within the Spanish Federal Republic. The proclamation was not an independentist claim but aimed to reshape the unitarian Spanish Republic into a federal state: Companys also offered Barcelona as the capital, replacing Madrid. After a night of uncertainty and sporadic fighting on the morning of the 7th, the Spanish army arrested the president of Catalonia and the members of his government. Thousands of members of trades and leftist parties were also sent to jail, local governments were changed and taken over by the conservative forces. In January 1935 the autonomy of Catalonia was suspended.<sup>37</sup>

The lawyer of Companys, Ángel Ossorio y Gallardo, thought it was necessary to take profit of the situation and to turn the president of Catalonia into 'an icon'.<sup>38</sup> Ossorio y Gallardo was aware that a defence over facts was impossible to win but in order to achieve political success he could not do anything else. Thus the lawyer argued Companys was not a separatist, rather a fervent Spanish republican. This was true but it had to be shown to the judges, always suspicious of Catalan nationalists.<sup>39</sup>

While Companys was in jail, Ossorio arranged for the publication of a book *Cataluña-Companys* in order to help his client.<sup>40</sup> Finally the president and his government were judged at the Tribunal de Garanties Constitucionals (Court of Constitutional Guarantees) in Madrid. The trial began on 27 May 1935, lasting for four days. Companys had the opportunity to pronounce his *speech from the dock*. He accepted the charges against him. Then, following the arguments of his lawyer, the president argued that his aim on 6 October 1934 had been the 'defence of the democratic Spanish Republic'. As expected, the tribunal neglected his arguments and sentenced both Companys and his government to thirty years of prison, for leading a revolt against the Constitution of the Spanish Republic. Despite this, Companys appeared thereafter as someone to admire and even to venerate. His lawyer had clearly achieved his goal. In February 1936 the leftist parties won the general elections and the new government freed Companys and the other political prisoners.<sup>41</sup>



*Companys (standing) was awaited by a fervent mass when arriving in Barcelona on 1 March 1936 | BUSCAMEENELCICLODELAVIDA.COM*

But Companys faced another trial a few years later. After the Spanish Civil War (1936-1939), the president of Catalonia lived in exile in France. Unlike many others, he did not want to escape to America, because his son resided in a Parisian mental sanatorium. On 13 August 1940 the Gestapo arrested Companys in Brittany. Imprisoned he spent some days in Paris and by the end of the month he was extradited to Franco's regime. Later, after a month in Madrid, the Catalan president was moved to Barcelona.<sup>42</sup> At that time, the beginning of October, he was aware of his fate and made a will: 'I will die for Catalonia and for what it represents. It will be a beautiful death, and I will thank God for it, as it will dignify my humble person.'<sup>43</sup>

On 14 October Companys, accused of military rebellion, faced a court-martial. The defender asked for twenty years in jail, instead of death sentence. Once again, the president was able to pronounce his *speech from the dock*. It was very brief. Above all, Companys argued 'history will judge all our intentions and if you sentence me to death I will die calmly and peacefully for my ideas, with no shadow of bitterness.'<sup>44</sup> The next day Companys was shot to death. From then on his myth grew, erasing his political faults and making it difficult to judge him as a politician.<sup>45</sup>

## **Jordi Pujol, a trial to win the future**

In June 1959, Luís de Galinsoga, for twenty years the francoist director of daily newspaper *La Vanguardia Española*, went to mass in a church in a northern neighbourhood of Barcelona. Galinsoga, close friend of Francisco Franco, attended by mistake one of the two daily services in Catalan – the other seven were in Spanish. He got furious and loudly exclaimed that 'all the Catalans are shit!'<sup>46</sup> The incident soon was known among the Catholic Catalanist circles. Twenty-nine years old Jordi Pujol was a member of the church where the episode occurred, witnessed by his parents. The young activist was by then a just married bourgeois, chairman of a family-run laboratory.<sup>47</sup>

Pujol considered taking advantage of Galinsoga's words. He and his colleagues waited for some months and by October, as no one else did anything, they decided to act: Pujol published a propagandistic pamphlet titled *Tots els catalans són una merda!* (*All the Catalans are shit!*).<sup>48</sup> The campaign against Galinsoga was successful, as by the end of the year several advertisers decided to withdraw their products from *La Vanguardia*. Many readers unsubscribed and the daily sells went down. The situation led the owner, Carlos de Godó, to ask Franco the permission to dismiss Galinsoga. The director was fired in February 1960.<sup>49</sup>

A few months later, in May, Franco himself visited Barcelona, hoping to improve his public image in Catalonia. Following the successful campaign against *La Vanguardia*, Pujol printed a new pamphlet under the title *Us presentem el general Franco* (*We present you the general Franco*). Among other passages, the leaflet accused the dictator of being the 'negation of any kind of freedom'.<sup>50</sup> Catalanist activists distributed the pamphlet during a concert in the Palau de la Música Catalana (Palace of Catalan Music) with the assistance of four francoist ministers. The activists also sang some anthems forbidden by the dictatorship. Pujol was not present but three days later he was arrested in the middle of the night. When the police took him, he thought, as he stated many years after: 'I am going to prison and I knew that sooner or later I had to go. If we are not capable of going to jail in the name of Catalonia, what would we do then?'<sup>51</sup>

Pujol was tortured and faced a court-martial in Barcelona on 13 June 1960. The military judges let him know that, if he begged for pardon and apologised for writing the leaflet, or even if he refused to talk when the judge gave him the chance, the sentence would be short. But Pujol and his wife, also an activist, decided that going to prison for three or four years was worth their case. So Pujol prepared some notes for his discourse.<sup>52</sup>

By the end of the trial, as expected, Pujol was given the opportunity to speak. Once again, he lied as he denied being the author of the pamphlet against Franco. Then he pronounced his *speech from the dock*. 'I belong to a generation that is coming up. A youth who grows slowly, of course, stubbornly, and moves by spiritual needs [...]. I belong to a generation that will rise to honour and pride our country,' were his most remembered

words.<sup>53</sup> According to the audience, Pujol seemed calm. Many of his friends thought that was a bad option, but after his conviction – seven years – he and his wife shared the view that ‘it had been a good day, because we accomplished our goals.’ Pujol’s performance was, obviously, executed according to a political plan, aiming to publicise his image.<sup>54</sup>

Pujol went to a prison near Zaragoza, outside the Catalan region. Meanwhile, a huge campaign for his freedom began. His name was painted on walls in Catalan towns and villages, even in the mountain refuges. The name of Pujol was equalled to Catalonia, in a successful equivalence that would perdure for years. The campaign ‘Pujol-Catalunya’ lasted from 1960 to November 1962, when Pujol was released.<sup>55</sup>

Twenty years later Pujol was elected president of Catalonia.<sup>56</sup> In 1982, two years after his first election, the Banca Catalana became bankrupt. Pujol, his father and several partners had settled the bank in the late fifties in order to promote and finance Catalan culture. However, the bank was misdirected and was investigated for irregular activities. In 1984, in the middle of the next Catalan electoral campaign, Pujol and several associates were accused of misappropriation and falsification of commercial documents. Pujol stated that Spanish Prime Minister Felipe González and his social-democrats were trying to send him to jail in order to avoid him being elected for the second term. Once again, Pujol presented his judicial process as a process against Catalonia. A parallel was established between both trials, presenting Pujol’s criminalisation by the Spanish socialist government as a continuation of his prosecution by Francoism.

The propaganda campaign led him to obtain an absolute majority in the Catalan parliament. After winning the elections Pujol claimed to his fervent voters: ‘From now on, we will talk about ethics and morality! Everybody has to understand that nobody can play with Catalonia and that we won’t accept tricky manners.’ Finally the investigation led nowhere and Pujol won his second trial. He was in office from 1980 to 2003. In 2014 the Spanish Treasury initiated a new investigation.<sup>57</sup>



*Pujol elected president of Catalonia in 1984, beginning his second term | ARA.CAT*

## **Conclusions: leadership on a courtroom stage**

'Leadership' is one of those terms with many definitions. In general, however, it means a power relationship between leaders and followers in a context where the specific characteristics and situation of the followers are as important as the personality of the leader. 'Leadership' also refers to a practice: the leader aims to seduce the audience, but also to organise some kind of solution (not necessarily good for everyone) to existing problems. According to this view of leadership, much of its essence lies in the ability to make decisions and to choose between viable alternatives. It goes beyond holding a position or managing a government: it has to do with the desire to implement some significant changes. Though various types of leadership exist, it is often associated with 'charisma'. This notion is no longer understood in Max Weber's sense, closely related to holiness and heroism, but sweetened and seen as a kind of powerful magnetism for others.<sup>58</sup>



As shown, Enric Prat de la Riba, Francesc Macià, Lluís Companys and Jordi Pujol, four of the seven twentieth-century presidents of Catalonia, gained their popularity thanks to political trials, an experience crucial for their political careers.<sup>59</sup> In all the cases they lost the trial and were convicted, but they won on the ideas judged. They were aware that the key of the trial judgment resided not so much in the courtroom as in its public impact. For the prosecutors it had to be clear that Catalonia was not judged, neither the Republic nor the Franco regime, but a possession of weapons, a reorganisation of the state by force and a pamphlet against the head of state. Clearly, as it was at the time, prosecutors won the trials because who sat in the dock had no option to do so. But just as did Emmet, Casement, Gandhi, Mandela and so many others, the Catalan nationalists succeeded in framing the representation: their speeches from the dock resonated in the mindset of those to whom they were addressed.

The Catalan historiography has tended to praise the roles of the Macià and Companys lawyers, Henry Torrès and Ángel Ossorio y Gallardo. Historians have presented them as individuals knowing how to create stories out of the ordinary so that their clients' names transcended the courtroom and became symbols. Sparing no merit to their work, a comparative glance at trials with other nationalists makes evident that they knew how to resolve the political trials.<sup>60</sup> It is likely that, considering their training as lawyers, they knew the classical trials in history.

The case studies shown make clear that when confronting a political trial, no matter if the regime is democratic or non-democratic, the sentence is written beforehand. In the Catalan trials, the parallel with other nationalist causes is obvious. In the case of Macià, for example, one of its greatest adversaries stated: 'What did we see in Macià? During the trial a sentimental atmosphere and a revolutionary spirit, which, over time, we understood, surrounded him. We saw in Macià a Sir [Roger] Casement.'<sup>61</sup>

In order to transcend the specific situation, the three Catalan politicians used the resource of the famous *speech from the dock*. In the cases of Macià and Pujol, they both managed to inject an idea into their audiences: the former the concept of Catalonia as a southern Belgium, the latter the image of himself as a representative of a new generation of young people who

struggled to break through beyond the old Franco's regime. Companys, however, failed to transcend a powerful idea in his speech. It is precisely because he was perhaps the best speaker of the three that he needed to be moving away from the static situation of the room. And it was on his return to Barcelona, from the balcony of the Palau de la Generalitat, when in motion he cried one of his most remembered sentences: 'We will suffer again, we will fight again and we will win again.'

All three politicians were aware that their trials were representations: Companys knew Macià's identification with Catalonia in his trial in Paris. And he even complained in his 1935 trial that the prosecutor did not request the death penalty for him to make clear that his sacrifice was greater.<sup>62</sup> In his first trial Companys reminded how 'our defenders talked about the judgement of history.' In the second trial, as if trying to recall his speech from five years earlier, Companys said again: 'History will judge our intentions.'

Moreover, without a soundboard that propagates the attitude of the accused in court, the speech is of little use. In the case of Prat de la Riba his daily newspaper contributed to it, followed by the rest of the Catalan press. The French press gave a massive coverage to Macià's trial. Companys even had a biography published in Spanish in 1935. Some admirers of Pujol, including journalists, took notes of his plea to make the speech widely known. Any of the above cases would have made a lower impact on the Catalan imagination, or even none at all, without the respective propaganda tools. Companys knew, for instance, that his speech should transcend the room. With the experience of 1935, in his 1940 trial, exhausted as he was and aware of his end, he had no instinct to prepare a great plea. He doubted if it was worth it because it could well be that his speech from the dock failed to transcend. The president knew, of course, that his execution would do so, therefore to ensure that his account of the facts would remain he stated in his will that he died 'for Catalonia'. It was the same words that he supposedly exclaimed during his execution.

All in all political trials, the performance of nationalists and the processes of victimisation of themselves as persons and of their ideas contribute to the work of mourning that essentially feeds nationalism. As statues and

monuments scattered around cities and towns make the imagined community *visible*, the grievance for the judgement of the nation – in this case, Catalonia – puts a pike on the imaginary: the figure judged becomes the representation of the nation. Its presence in the courtroom stage then is the living *proof* of the true existence of the contested nation.

## Endnotes

<sup>1</sup> R.P. Sokol, 'The political trial: courtroom as stage, history as critic', in: *New Literary History*, 1/3 (1971) 495-516; O. Kirchheimer, *Political justice. The use of legal procedure for political ends* (Princeton, 1961).

<sup>2</sup> R. Conquest, *The Great Terror: a reassessment* (Oxford, 1968); T.L. Belknap (ed.), *American political trials* (Westport, 1981).

<sup>3</sup> N. Hakman, 'Political trials in the legal order: a political scientist's perspective', in: *Journal of Public Law*, 21 (1972) 73-126; G.F. Fletcher, *With justice for some: victims' rights in criminal trials*, (Reading, 1995) 6-10.

<sup>4</sup> G.F. Friedman, 'Political power and legal legitimacy: a short history of political trials', in: *Antioch Review*, 30 (1970) 157-171; T.L. Becker, *Political trials* (New York, 1971); R. Christenson, 'A political theory of political trials', in: *Journal of Criminal Law and Criminology*, 74/2 (1983) 574-577.

<sup>5</sup> T. Emerson, 'Political trials', in: *Yale Review of Law and Social Action*, 1/2 (1971) 6-10.

<sup>6</sup> J.N. Shklar, *Legalism, law, morals and political trials* (Cambridge, 1964) 170-178; M. Osiel, *Mass atrocity, collective memory and the law* (New Brunswick, 1997) 123, 162.

<sup>7</sup> L. Bilsky, 'Between justice and politics: The competition of storytellers in the Eichmann trial', in: S. Aschheim (ed.), *Hannah Arendt in Jerusalem* (Berkeley, 2001) 232-252.

<sup>8</sup> G. Lakoff, *Don't think of an elephant! Know your values and frame the debate: the essential guide for progressives* (White River Junction, 2004).

<sup>9</sup> H. Grunwald, 'Justice as *performance*? The historiography of legal procedure and political criminal justice in Weimar Germany', in: *InterDisciplines*, 2 (2012) 46-78; I. Kershaw, *Hitler, 1889-1936: Hubris* (London, 2000); E.A. Wood, 'The trial of Lenin: legitimating the Revolution through political theater, 1920-23', in: *Russian Review*, 61/2 (2000) 235-248; R. Christenson (ed.), *Political trials in history: from Antiquity to the present* (New Jersey, 1991) XV-XVII.

<sup>10</sup> L. Bilsky, 'Political trials', in: N.J. Smelser & P.B. Baltes (eds.), *International encyclopedia of the social & behavioral sciences* (New York, 2001) 11712-11717.

<sup>11</sup> D.L. Eng & D. Kazanjian (eds.), *Loss: the politics of mourning* (Berkeley - Los Angeles, 2003).

<sup>12</sup> M.P. Geoghegan, *Robert Emmet. A life* (Dublin, 2002); Idem, '[Which] speech from the dock?', in: *History Ireland. Ireland's History Magazine*, 11/3 (2003); N. Vance, 'Text and tradition: Robert Emmet's speech from the dock', in: *Studies. An Irish Quarterly Review*, 71 (1982) 185-191; T.D. Sullivan e.a., *Speeches from the dock: or protests of Irish patriotism* (Dublin, 1953) 60.

<sup>13</sup> S.O. Síocháin, *Roger Casement: imperialist, rebel, revolutionary* (Dublin, 2008); R.R. Doerries, *Prelude to the Easter Rising: Sir Roger Casement in Imperial Germany* (London, 2000); W.I. Thompson, *The imagination of an insurrection: Dublin Easter 1916* (London, 1972); G.H. Knott, *Trial of Sir Roger Casement* (Glasgow, 1917).

<sup>14</sup> B. Harlow, 'Speaking from the dock', in: *Callaloo*, 16/4 (1993) 874-890; R. Christenson, *Political trials: Gordian knots in the law* (New Jersey, 1999) 183-184.

<sup>15</sup> E. Butler Cullingford, 'National identities in performance: the stage Englishman of Boucicault's Irish drama', in: *Theatre Journal*, 49/3 (1997) 287-300.

<sup>16</sup> *La Veu de Catalunya*, 16/3/1902.

<sup>17</sup> B. de Riquer, *Lliga Regionalista: la burgesia catalana i el nacionalisme, 1898-1904* (Barcelona, 1977) 230-233; I. Molas, *Lliga catalana: un estudi d'estasiologia* (Barcelona, 1972) 50-51; C.E. Ehrlich, *Lliga Regionalista, Lliga Catalana, 1901-1936* (Barcelona, 2004); M. Risques, *L'Estat a Barcelona. Ordre public i governadors civils* (Barcelona, 2012).

- <sup>18</sup> R. Olivar, *Prat de la Riba* (Barcelona, 1964) 63, 73, 83; M. Pérez Nespereira, *Prat de la Riba. Nacionalisme i formació d'un estat català* (Barcelona, 2007) 207-209; J.M. Figueres *La Veu de Catalunya (1899-1937)* (Barcelona, 2014).
- <sup>19</sup> E. Jardí, *El doctor Robert i el seu temps* (Barcelona, 1969) 200; *La Veu de Catalunya*, 3/4/1902.
- <sup>20</sup> *Cu-Cut!*, 10/4/1902; *La Veu de Catalunya*, 4/4/1902.
- <sup>21</sup> F.X. Santamaria Balaguer, *Prat de la Riba i la institucionalització d'un model de cultura catalana: l'obra cultural i pedagògica* (PhD diss., Universitat Ramon Llull, 2010) 473.
- <sup>22</sup> J.M. Figueres, *Procés militar a Prat de la Riba. Les actes del Consell de Guerra de 1902* (Barcelona, 1996).
- <sup>23</sup> J. Esculies & C. Zafón, 'La fabricación historiográfica de las causas de la muerte de Enric Prat de la Riba', in: *Ayer*. Not published yet.
- <sup>24</sup> G.C. Cattini, *Prat de la Riba i la historiografia catalana. Intel·lectuals i crisi política a la fi del segle XIX* (Catarroja - Barcelona, 2008).
- <sup>25</sup> R. Faura, *El Complot de Prats de Molló* (Barcelona, 1991); R. Xuriguera, *Els exiliats acusen* (Badalona, 1930) 175; J. Casals & J. Arrufat, *Catalunya, poble dissortat* (Barcelona, 1933) 128.
- <sup>26</sup> F. Mascarell, 'Macià, un polític sorprenent; conversa amb Enric Ucelay-Da Cal', in: *L'Avenç*, 66 (1983) 25-38; J.M. Albaigès, *El Macià desconegut. Militar, enginyer, polític i hisendat* (Lleida, 2012) 26-28, 50-51; J.M. Roig Rosich, *Francesc Macià. De militar espanyol a independentista català (1907-1923)* (Barcelona, 2006) 134-139.
- <sup>27</sup> J. Alavedra, *Francesc Macià. El camí cap a la presidència de la Generalitat 1859-1926* (Barcelona, 1993) 316-318.
- <sup>28</sup> G.C. Cattini, *El gran complot. Qui va traïr Macià? La trama italiana* (Barcelona, 2009) 293; Z. Sardà, *Francesc Macià en la intimitat. El President vist per la seva filla Maria* (Lleida, 2012) 89-90; A. Tona, *Qui va parlar? Prats de Molló: Els fets, els homes* (Barcelona, 1984) 46; M. Viusà, 'Francesc Macià. President de Catalunya', in: *Som*, 3 (1968) 43.
- <sup>29</sup> H. Torrès, *Accusés hors série* (Paris, 1957) 48.

- <sup>30</sup> E. Ucelay-Da Cal, *Estat Català: the strategies of separation and revolution of Catalan radical nationalism (1919-1933)* (PhD diss., Columbia University, 1979) 331.
- <sup>31</sup> J. Esculies & D. Martínez Fiol, *12.000! Els catalans a la Gran Guerra* (Barcelona, 2014).
- <sup>32</sup> Estat Català, *La Catalunya Rebel. El procés a Francesc Macià i als protagonistes dels fets de Prats de Molló* (Barcelona, 2003 [1927]) 61-62.
- <sup>33</sup> X. Sanahuja, ... *I de Prats de Molló a la Generalitat* (Barcelona, 1932) 12; J. Carner-Ribalta, *Francesc Macià* (Barcelona, 1931) 48; Idem, *El complot de Prats de Molló* (Barcelona, 1987) 118; A. Maseras, *Francesc Macià* (Barcelona, s.d.) 45-49; J. Fontbernat, *La batalla de Prats de Molló* (Badalona, 1930) 14; J. Miravittles, *Gent que he conegut* (Barcelona, 1980) 43.
- <sup>34</sup> L. Aymamí, *Macià. Trenta anys de política catalanista* (Barcelona, 1933) 127-139; M. Cruells, *Francesc Macià* (Barcelona, 1971) 84; E. Jardí, *Francesc Macià. President de Catalunya* (Barcelona, 1981) 459.
- <sup>35</sup> A. Hurtado, *Abans del sis d'octubre* (Barcelona, 2008) 12.
- <sup>36</sup> J.M. Solé Sabaté (ed.), *Lluís Companys. President de Catalunya. Biografia humana i política* (Barcelona, 2006) 2 vol.; J.B. Culla Clarà *Esquerra Republicana de Catalunya, 1931-2012. Una historia política* (Barcelona, 2013) 13-20.
- <sup>37</sup> E. Lorente & M. Simó, *El sis d'octubre del president Companys* (Lleida, 2004) 153; A. González Vilalta, M. López & E. Ucelay-Da Cal (eds.), *6 d'octubre. La desfeta de la revolució catalanista de 1934* (Barcelona, 2014); M. Viusà, *Lluís Compays: biografia popular* (Barcelona, 1977); M. López, *Els fets del 6 d'octubre de 1934* (Barcelona, 2013).
- <sup>38</sup> A. González Vilalta & G. Bou, *La creació del mite Companys. El 6 d'octubre i la defensa de Companys per Ossorio y Gallardo* (Barcelona, 2008) 29-31, 60, 96; A. González Vilalta, *Un catalanófilo de Madrid. Epistolario catalán de Ángel Ossorio y Gallardo (1924-1942)* (Barcelona, 2008) 120.
- <sup>39</sup> J. Esculies, 'El nacionalismo radical catalán y su visión de Companys antes del mito del Presidente mártir', in E. Ucelay-Da Cal & A. González Vilalta (eds.), *Contra Companys, 1936. La frustración nacionalista ante la Revolución* (València, 2012) 53-64.

- <sup>40</sup> F. Gómez-Hidalgo, *Cataluña-Companys* (Madrid, 1935).
- <sup>41</sup> A. González Vilalta, *Lluís Companys. Un home de govern* (Barcelona, 2009) 73; J.M. López-Picó, *Dietari, 1929-1959* (Barcelona, 1999) 97; R. D'Abadal, *Dietari de guerra, exili i retorn (1936-1940)* (Barcelona, 2001) 76; M.D. Ivern, *Esquerra Republicana de Catalunya* (Barcelona, 1989) vol. 2, 198; J.M. Poblet, *Vida i mort de Lluís Companys* (Barcelona, 1976) 322.
- <sup>42</sup> G. Aguilera, *Agente 447, el hombre que detuvo a Lluís Companys* (Barcelona, 2013) 90-103.
- <sup>43</sup> J. Benet, *La mort del president Companys* (Barcelona, 1998) 304-305.
- <sup>44</sup> C. Güell, *Lluís Companys inèdit. El símbol més enllà de l'home* (Barcelona, 2006) 45-46.
- <sup>45</sup> J.M. Figueres, *El consell de guerra a Lluís Companys. President de la Generalitat de Catalunya* (Barcelona, 1997) 131.
- <sup>46</sup> J. Pujol, *Memòries (1930-1980)* (Barcelona, 2007) 144-145.
- <sup>47</sup> J. Pujol, *Construir Catalunya* (Barcelona, 1980); Idem, *El llibre roig de Jordi Pujol* (Barcelona, 2003); P.O. Costa, *Jordi Pujol. Perfil humano y político* (Madrid, 1977); M. Juan, *Marta Ferrusola. A l'ombra del poder* (Barcelona, 2004).
- <sup>48</sup> R. Wirth, *Jordi Pujol. Honorable corredor de fondo* (Barcelona, 1981) 80-86.
- <sup>49</sup> E. Canals, *Pujol Catalunya. El consell de Guerra a Jordi Pujol* (Barcelona, 2013) 91-95.
- <sup>50</sup> A. Manent, 'La resistència (1939-1975)', in: J. Faulí (ed.), *Jordi Pujol. Un polític per a un poble* (Barcelona, 1984) 91.
- <sup>51</sup> J. Crexell, *Els fets del Palau i el Consell de guerra a Jordi Pujol* (Barcelona, 1982).
- <sup>52</sup> S. Baiges & J. Reixach, *Jordi Pujol. Historia de una obsesión* (Madrid, 1991) 117.
- <sup>53</sup> J. Pujol, *Idees i records* (Barcelona, 2006) 32-35.
- <sup>54</sup> J. Espar, *Amb C de Catalunya. Memòries 1936-1963* (Barcelona, 1994) 209-210; J.M. Macip 'Moments', in: J. Manent (ed.), *L'Home, l'amic, el president. Homenatge a Jordi Pujol* (Barcelona, 2009) 178

<sup>55</sup> X. Polo, *'Todos los catalanes son una mierda.'* *Les grans gestes contra el franquisme* (Barcelona, 2005) 202-203; C. Palomar, *Això és una dona. Retrat no autoritzat de Marta Ferrusola* (Barcelona, 2015) 50-51; E. Cirici, *La generació dels Fets del Palau* (El Prat de Llobregat, 2001) 123.

<sup>56</sup> J. Antich, *El virrei* (Barcelona, 1994) 16; P. Cullell, *Què direu de mi. Jordi Pujol vist pels seus contemporanis* (Barcelona, 2003) 105; R. Miravittlas, *Jordi Pujol* (Madrid, 1992) 82; J.M. Novoa & J. Reixach, *Las mil caras de Jordi Pujol* (Barcelona, 2003) 41; X. Muñoz, 'Ha estat el petit Napoleó de Catalunya', in: M. Cuyàs, *Vint i Jordi Pujol. Confessions de persones que l'han conegut* (Vic, 2003) 157-166.

<sup>57</sup> F. Martínez & J. Oliveres, *Jordi Pujol. En nom de Catalunya* (Barcelona, 2005) 187-217.

<sup>58</sup> H.-J. Puhle, 'El liderazgo en la política. Una vision desde la historia', in: L. Mees & X.M. Núñez Seixas (eds.), *Nacidos para mandar. Liderazgo, política y poder. Perspectivas comparadas* (Madrid, 2012) 23-44; A. Anter, *Max Weber's theory of the modern state. Origins, structure and significance* (New York, 2014) 52-67.

<sup>59</sup> The author does not count those non-elected presidents of the *Mancomunitat* during Primo de Rivera's dictatorship (1923-1925) or during the period with suspended Catalan autonomy (1934-1936). The non-judged presidents were Josep Puig i Cadafalch (1917-1923), Josep Irla (1940-1954) and Josep Tarradellas (1954-1980).

<sup>60</sup> A. Ossorio y Gallardo, *Vida y sacrificio de Companys* (Barcelona, 2010 [1943]) 140.

<sup>61</sup> Vibrant [D. Cardona], *Res de nou al Pirineu ...* (Barcelona, 1933) 152-153.

<sup>62</sup> Ossorio, *Vida*, 172; A. Prats, *El gobierno de la Generalidad en el banquillo. Barcelona, octubre 1934 - Madrid, mayo 1935* (Madrid, 1935) 337-383, 330-336.