

TABLE OF CONTENTS

PREFACE	15
---------------	----

I.

AN OVERVIEW OF THE RULE OF LAW IN SPAIN AFTER THE JULY 2023 ELECTIONS

1. Legal constructivism?	21
<i>Manuel ARAGÓN</i>	
2. Puigdemont and the Constitution	25
<i>Xavier ARBÓS MARÍN</i>	
3. Who cares?	29
<i>Andres BETANCOR</i>	
4. The deconstruction of the law by the contract	37
<i>José ESTEVE PARDO</i>	
5. Is the rule of law in Spain in crisis?	43
<i>Teresa FREIXES</i>	
6. Rule of law and amnesty	49
<i>Antonio Manuel PEÑA FREIRE</i>	
7. Is president Sánchez leading a new constitutional theory?	55
<i>Agustín RUIZ ROBLEDO</i>	

II.
THE GENERAL UNCONSTITUTIONALITY OF THE AMNESTY

II.1.

**The unconstitutionality of any amnesty in the light
of the Spanish Constitution in force**

8. The Constitution does not allow amnesty	65
<i>Manuel ARAGÓN</i>	
9. Amnesty in our legal system	69
<i>José Luis Díez RIPOLLÉS</i>	
10. General pardons and amnesties	75
<i>Enrique GIMBERNAT</i>	
11. If the Government wants to grant amnesty to Puigdemont it must reform the Constitution	79
<i>Inmaculada RAMOS TAPIA</i>	
<i>Agustín RUIZ ROBLEDO</i>	
12. Forgetting and forgiveness in the Constitution	87
<i>Miguel Ángel RECUERDA GIRELA</i>	
13. Unconstitutional amnesty	91
<i>Fernando SIMÓN YARZA</i>	
14. Constitutional State and amnistía	95
<i>Javier TAJADURA TEJADA</i>	
15. On whether the amnesty law violates the rule of law	101
<i>Rodrigo TENA</i>	
16. Amnesty á la carte	105
<i>Salvador VIADA BARDAJÍ</i>	
17. The amnesty and the bear of professor Recaséns	109
<i>Virgilio ZAPATERO</i>	

II.2.

Amnesty in history and in the Cortes Generales

18. Amnesty was not regulated in the Spanish Constitution on purpose.	117
<i>Ibor FERNANDES ROMERO</i>	
19. Amnesty and the serfs of the gloss	123
<i>Pablo DE LORA</i>	

TABLE OF CONTENTS

20. Memory, amnesty and transition	129
<i>JOSU DE MIGUEL BÁRCENA</i>	
21. Amnesty as a painful anachronism	135
<i>Juan Antonio ORTEGA DÍAZ-AMBRONA</i>	
22. Conditional amnesty	141
<i>Miguel SATRÚSTEGUI GIL-DELGADO</i>	

II.3.

Amnesty in the jurisprudence of the Constitutional Court

23. Amnesty in the doctrine of the spanish courts	149
<i>Álvaro REDONDO HERMIDA</i>	
24. Does the Constitutional Court uphold the amnesty?	153
<i>Agustín RUIZ ROBLEDO</i>	

II.4.

Prerequisites for an amnesty law

25. Amnesty, the power and not the truth	163
<i>Daniel BERZOSA</i>	
26. Politics, democracy and exceptionality: a look from the statement of reasons for the parliamentary bill of amnesty.	169
<i>Josep Maria CASTELLÀ ANDREU</i>	
27. An arbitrary amnesty	177
<i>Javier DELGADO BARRIO</i>	
28. An amnesty without legal basis.	181
<i>Alicia GIL GIL</i>	
29. Amnesty? Not one, but three questions	187
<i>Juan Antonio LASCURAÍN SÁNCHEZ</i>	
30. The public interest in amnesty	195
<i>Gonzalo QUINTERO OLIVARES</i>	
31. That's no way to go	199
<i>José M.^a RUIZ SOROA</i>	
32. No reasons for an amnesty.	203
<i>Jesús-María SILVA SÁNCHEZ</i>	
33. Amnesty, or if you have to change, you change	207
<i>Virgilio ZAPATERO</i>	

II.5.

Discussion of the reasons put forward in favour of the constitutionality of the amnesty

34. The amnesty fallacy	213
<i>Manuel ATIENZA</i>	
35. Amnesty and academic lackeys	217
<i>Alfonso GARCÍA FIGUEROA</i>	
36. Criticism of the Sumar legal opinion on amnesty	221
<i>Enrique GIMBERNAT</i>	
37. The illegitimate amnesty (or the problem of the absence of a constitutional enabling clause)	225
<i>Manuel MARTÍNEZ SOSPEDRA</i>	
38. Beccaria, amnesty and progress	231
<i>Agustín RUIZ ROBLEDO</i>	

III.

THE SPANISH AMNESTY FROM THE POINT OF VIEW OF EUROPEAN LAW

39. The Constitution, Spain and Europe	239
<i>Antonio BAR CENDÓN</i>	
40. Amnesty before the Venice Commission	245
<i>Belén BECERRIL ATIENZA</i>	
41. Amnesty law: the spanish judge and the EU	249
<i>Jaime LOZANO IBAÑEZ</i>	
42. Will europe save us from ourselves?	255
<i>Araceli MANGAS MARTÍN</i>	
43. Junts' conditions and his idea of law	263
<i>Gonzalo QUINTERO OLIVARES</i>	
44. The european case law on amnesty	267
<i>Álvaro REDONDO HERMIDA</i>	
45. "Economic" amnesty and european law	271
<i>Javier ROLDÁN BARBERO</i>	
46. Amnesty from the Council of Europe	277
<i>Rafael RUBIO</i>	

IV.

**THE PARLIAMENTARY BILL FOR AN ORGANIC LAW ON AMNESTY FOR
INSTITUTIONAL, POLITICAL AND SOCIAL NORMALISATION IN CATALONIA**

47. The parliamentary bill for Amnesty and the rule of law	285
<i>Segismundo ÁLVAREZ ROYO-VILLANOVA</i>	
48. A fallacious amnesty	291
<i>Manuel ARAGÓN</i>	
49. Amnesty: a law of full stop... And after	295
<i>Roberto L. BLANCO VALDÉS</i>	
50. The <i>procés</i> continues: now it's time for amnesty	301
<i>Francesc DE CARRERAS</i>	
51. Again on the unconstitutionality of the amnesty.	305
<i>Vicente CONDE MARTÍN DE HIJAS</i>	
52. Why this amnesty does not fit into our constitutional system	309
<i>Francisco Javier DÍAZ REVORIO</i>	
53. Amnesty: the reasons for unreason.	317
<i>Tomás RAMÓN FERNÁNDEZ</i>	
54. Amnesty and Constitutional Court	321
<i>Germán FERNÁNDEZ FARRERES</i>	
55. Amnesty?	325
<i>José Antonio GARCÍA-TREVIJANO GARNICA</i>	
56. Criticism of the Parliamentary Bill Organic Amnesty Law	331
<i>Enrique GIMBERNAT</i>	
57. An undiscussed and arbitrary amnesty law	339
<i>José J. JIMÉNEZ SÁNCHEZ</i>	
58. The unjustification of the amnesty under the proportionality principle.	343
<i>David MARTÍNEZ ZORRILLA</i>	
59. The Secretary General of Congress and the Parliamentary Bill Organic Law on Amnesty	349
<i>Elisa DE LA NUEZ SÁNCHEZ-CASCADO</i>	
60. The amnesty law: persuading, but not convincing	353
<i>Fabio PASCUA MATEO</i>	

61. A monstrous self-amnesty	361
<i>Luis RODRÍGUEZ RAMOS</i>	
62. The spectre of amnesty materialises in an unconstitutional law	367
<i>Agustín RUIZ ROBLEDO</i>	
63. I confess... That i don't understand anything	375
<i>Remedio SÁNCHEZ FERRIZ</i>	
64. Law of impunity: an x-ray of the parliamentary bill for an organic law on amnesty for institutional, political and social normalisation in Catalonia	379
<i>Germán M. TERUEL LOZANO</i>	
65. The clumsy cause of amnesty	385
<i>Jesús Manuel VILLEGAS FERNÁNDEZ</i>	

V.

THE HARASSMENT OF JUDGES

66. "The war of [against] the judges"	391
<i>Antonio BAR CENDÓN</i>	
67. The degradation of the rule of law and false lawfare	397
<i>Vicente GARRIDO MAYOL</i>	
68. Judges in Berlin	405
<i>Juan Antonio LASCURAÍN SÁNCHEZ</i>	
69. Amnesty and lawfare: make-up and euphemism	409
<i>Gerardo PÉREZ SÁNCHEZ</i>	
70. Amnesty: the Trojan horse against the Constitution	413
<i>Jorge RODRÍGUEZ-ZAPATA</i>	
71. Lawfare and political neolanguage	417
<i>Jesús-María SILVA SÁNCHEZ</i>	
72. The architect of ruins	421
<i>Francisco SOSA WAGNER and Mercedes FUERTES</i>	
73. Exhibition with no reason for amnesty	427
<i>Jesús ZARZALEJOS NIETO</i>	

VI.
FIVE OUTLOOKS BEYOND THE LAW

74. Apology for betrayal; reward for guilt	433
<i>Juan Luis CEBRIÁN</i>	
75. Progressive majority?	437
<i>Adela CORTINA</i>	
76. A constitutional rebellion	443
<i>Antonio ELORZA</i>	
77. Expediency, cheating and blackmail	449
<i>Daniel GASCÓN</i>	
78. The consecration of the most poisonous lie	453
<i>Félix OVEJERO</i>	
THE AUTHORS	457