

# Political Liberalism and Plurinational Democracies

*Edited by*  
**Ferran Requejo and Miquel Caminal**



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**Political Liberalism and Plurinational Democracies**

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# Political Liberalism and Plurinational Democracies

The current context of developed societies is characterised by a number of phenomena, the most significant of which are processes of economic globalisation, information technologies, increasing multiculturalism and the emergence of cases of national pluralism which require full political accommodation both within democracies and in the international sphere.

The book examines the current state of affairs concerning the political recognition and constitutional accommodation of national pluralism in liberal democracies in the global era of the twenty-first century. The aim of this volume is to reveal the normative, analytical and institutional shortcomings of liberal democracies in multinational contexts and to offer alternatives that theoretically refine and practically improve the recognition and political accommodation of national pluralism within the democratic polity. Through a series of analyses linked to the development of political liberalism in contemporary states the contributors analyse the direct impact on the way that democracies have treated, and continue to treat, national pluralism in modern-day societies.

Bringing together leading scholars in the field to explore the different debates and approaches to this important issue, this volume will interest researchers and students of nationalism, federalism and multiculturalism, as well as political actors and policy makers with a particular interest in the management of diversity in present-day liberal democracies.

**Ferran Requejo** is Professor of Political Science at Universitat Pompeu Fabra, Barcelona. **Miquel Caminal** is Professor of Political Science at Universitat de Barcelona.

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## Series editor's foreword

This volume deals with an important topic: democracy and nationalism in ethnically mixed countries of Europe and North America. It contains the thinking of a group of internationally prominent social scientists who explore the relationships among democracy, liberalism, nationalism, and cultural pluralism. Using theoretical, historical, institutional, and case-study approaches, and focusing primarily on member states of the European Union, the contributors provide a richly documented comparative perspective by contrasting unitary with federal polities and the monocultural polity of Jacobin France with multicultural ones such as Spain; and they assess the role of language, religion, and ideology in the development of nationalism and nationhood. They discuss the often controversial juxtapositions between national unity and subnational particularisms, between majority rule and minority claims, and between individual and group rights. Particular attention is paid to the rights of ethnic minorities and immigrants, including the right to be represented and to vote. The authors provide multiple analyses of the processes of democratic nation-building, paying careful attention to varying historical situations and contexts. All the contributors, each in their own way, analyze theories of the interplay between democracy and nationalism, and they unravel a number of concepts in the light of modern developments, such as globalization, immigration, and multiculturalism, and the challenge these pose to the individualistic bias of traditional liberal democracy and to long-held notions of the state and of collective identity. They provide a reexamination of normative theories of classic and modern thinkers about sovereignty, majority rule, and minority representation in the light of contemporary realities. They assess the claims of ethnic minorities for justice and fairness, including the right to secession, and the role played by institutional arrangements, economic policy, and territorial constraints in dealing with them. One chapter – on France – compares liberal and authoritarian concepts of nationhood and traces their respective roots; another compares constitutional patriotism with traditional national patriotism; and still another shows that there is no absolute distinction between civic and ascriptively based nationalism. The book is a major contribution to the study of democracy.

William Safran  
*University of Colorado at Boulder*

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# 1 Liberal democracies, national pluralism and federalism

*Ferran Requejo and Miquel Caminal*

## 1 Democracy and national pluralism

In recent decades it has become increasingly clear that nowadays *liberal democracies* have no rivals when they are compared with other political systems. However, these types of democracy are political entities whose construction has been based on states that developed over the preceding centuries. Therefore, *theories of democracy* have traditionally been theories of the democratic state. This is not a neutral issue in theoretical terms, above all when societies have become much more complex and plural than those that existed when the earliest versions of the main contemporary political theories were formulated.

The current context of developed societies is characterised by a number of phenomena, the most significant of which are processes of economic globalisation, information technologies, increasing multiculturalism and the emergence of cases of national pluralism which require full political accommodation both within democracies and in the international sphere. Nowadays, some of the traditional political and constitutional regulations, as well as some of the basic features of traditional theories of the state, are no longer adequate. It is to be expected that democratic institutions and the principal contemporary political ideologies – mainly liberal, social democratic, conservative, Christian Democrat and nationalist – encounter difficulties when they attempt to understand what is happening and attempt to formulate normative and political proposals in order to “improve” democratic systems and the international sphere.

The construction of political systems that are increasingly refined in national and cultural terms constitutes one of the most prominent challenges of the normative and institutional revision of modern democracies. New issues are appearing on the agenda: how can the spheres of institutions, symbology or self-government regulate plurinational states in constitutional terms? How should such classic concepts as representation, participation, or popular sovereignty be approached and defined in plurinational and multicultural contexts? How should the rights of immigrant peoples be regulated within the linguistic and educational policies of the host states?

One way of describing the history of democratic liberalism is to interpret it as the history of the progressive recognition of different social and cultural sectors.



We know that the abstract and universalist language that underlies the liberal values of liberty, equality and pluralism has contrasted, in practical terms, with the exclusion of a number of *voices* with regard to the regulation of specific liberties, equalities and pluralisms of contemporary societies. Historically, this was the case of those who did not own property, women, indigenous people, as well as ethnic, linguistic and national minorities, etc. In fact, most of the first liberals – until the end of the nineteenth century – opposed the recognition of democratic rights such as universal suffrage or freedom of association. These rights, which today seem to be almost “obvious”, had to be wrested from liberal constitutionalism from the second half of the nineteenth century onwards following decades of confrontations by, above all, the political and trade union organisations of the working classes. This would later be followed by the generalisation of rights of a social nature which form the foundations of the welfare states that were created after the Second World War.

In recent years, new political *voices* have emerged that have pointed out their lack of recognition and accommodation in terms of equality and liberty in democracies. Among these, it is necessary to highlight the cases of minorities or minority national and cultural groups; that is, those national and cultural identities that do not coincide with the identities of majority and hegemonic groups within democracies.

This has meant that liberal democracies must now deal with the accommodation of their own internal national and cultural pluralism in the institutional and collective decision-making spheres, despite the fact that these issues have been largely ignored by traditional democratic liberalism and other political ideologies, such as the different variants of classic socialism, republicanism and conservatism. The most significant cases are those relating to immigrant peoples, minority nations (or stateless nations), and indigenous groups. Each of these movements gives rise to specific questions regarding the *recognition* and *political accommodation* (group rights, self-government, defence of particular cultural values, presence in the international arena, etc.) faced with which classic political ideologies often reveal themselves to be resistant, puzzled or disoriented.

In general terms, it can be said that national and cultural pluralism has introduced a “new agenda” of issues into the democratic debate which can no longer be dealt with by the main concepts and legitimising discourse that these ideologies use. These issues include individual rights, the principle of non-discrimination before the law, popular sovereignty, the *public virtues* of the republican tradition, the emancipation of productive relations, etc. With regard to specific questions of a cultural nature, what seems increasingly untenable is not what traditional democratic liberalism and other classic ideologies say, but what they do not say because they take it for granted: a series of theoretical assumptions and common practices of a “stateist” nature that characterise the nation-building processes that impregnate the symbols, language, institutions, collective decision-making processes, the territorial distribution of powers, etc., in addition to the practical concretion of the values of liberty, equality and plur-

alism of liberal democracies. In fact, all states have been and continue to be nationalist and nationalising agencies.

Unfortunately, too often the official responses have treated national and cultural differences within democracies as “particularist deviations”. But in clear contrast to the versions that defend a supposed *laissez-faire* attitude to cultural matters, or an equally questionable superiority or modernity of the values of the majority, experience indicates that the state has never been, nor is, nor can ever be neutral regarding cultural matters. Too often the practical development of the majority of liberal democracies has been to promote the cultural assimilation of minorities in the name of their political integration. In other words, the practical consequence has been the undermining and marginalisation of state national and cultural minorities in favour of “universalist” versions of “equality of citizenship”, “popular sovereignty” or “non-discrimination”. These versions have acted in a highly unequal, discriminating and partial way by favouring the *particular* characteristics of the culturally hegemonic or majority groups of the state (which do not always coincide with the hegemonic groups or sectors in the socio-economic sphere).

Today we can say that we are faced with a new national and cultural element of the political equity that *theories of justice* talk about. This is an aspect that is essential when one attempts to move towards democracies with a greater degree of ethical quality. Or, in other words, the idea is currently gaining ground that uniformity is the enemy of equality, and that cosmopolitanism means establishing an explicit and wide-ranging recognition and accommodation of the national and cultural pluralism of democracies (of both majorities and minorities).

Among the elements that characterise the weaknesses and national and cultural biases of the liberal-democratic tradition (and of other political ideologies which we do not deal with here) and condition both the concretion of the values and organising principles of democracies and their institutional regulations, we will highlight the following:

- The absence of a theory of the *demos* in the theories of democracy of these traditional ideologies (whether they be of a more liberal or a more republican nature). Neither have these theories developed any conceptions regarding legitimate demarcations (borders).
- An almost exclusive approach to “justice” from the theoretical perspective of the *paradigm of equality* in socio-economic terms, without taking into account the *paradigm of difference* in national and cultural terms. The inclusion of the latter is necessary for the democratic regulation of culturally plural societies. This is the contrast between what is sometimes called the *paradigm of redistribution* and the *paradigm of recognition and difference* (a contrast which, within theories of democracy, is manifested in the approaches called Liberalism 1 and Liberalism 2).
- The assignment of cultural pluralism to the private sphere. The public sphere does not participate in this kind of pluralism: “political” marginalisation of minority cultures. Differences in the evolution of liberal attitudes

focused on cultural *assimilation*, on political *integration* and, more recently, the political *accommodation* of the internal cultural diversity of democracies.

- The processes of state nation-building established in all democracies. A universalist language is often applied to a particular state group which is presented internally as a homogeneous national reality. The consequence is the presence of a uniformising state nationalism in cultural terms that often constitutes the “hidden” element of traditional democratic liberalism in the regulation of the rights and duties of “citizenship”, of “popular sovereignty” and of the territorial division of power (also in the majority of federations).
- The limitations of the language and the interpretation of the values and democratic institutions by the more complex liberal-democratic theories (Rawls, Habermas) when confronted with demands for recognition and normative and institutional accommodation from national and cultural pluralism movements of a territorial nature (minority nations, indigenous peoples).

In order to solve a problem, the first thing one needs to do is define it well. And defining a problem requires at least three things: first of all, knowing what the basic, the decisive, question is. Obviously, in addition to this question there are likely to be a whole host of other aspects which are closely related to the first question: economic development, inequalities in income, supranational integration processes (such as the European Union), the multicultural character of the society, etc. But it is not advisable to mix all these issues together from the outset. Second, defining a problem also involves knowing how to describe it as precisely as possible. This involves both an accurate treatment of a conceptual and historical nature and of the most important empirical data. And, third, defining a problem is also knowing where to go to find possible solutions, both in the theoretical and in the comparative political spheres. Isaiah Berlin said that the questions we ask ourselves in the fields of philosophy, history or the social sciences in general are only intelligible if we know where we have to go to find the answers. In other words, when we have a question and we do not know where to go to find the answers, this normally means that we are on the wrong track from an epistemological point of view.

## **2 National pluralism and federalism**

In our case, the basic political question to be addressed is how a liberal democracy can be turned into a plurinational reality. We understand this type of reality to be one in which a group of citizens recognise themselves as belonging to a nation that does not coincide with the nation constructed by the state. The “classical” answers to this question can be summarised by the following three responses:

- 1 federalism (in a broad sense, including federations, associated states, federacies, confederations and even regional states).

- 2 institutions and processes of a “consociational” nature (based on consensus between the majorities and the minorities). (Examples of these can be found in the systems of Switzerland and Belgium, in these cases in conjunction with federal solutions.)
- 3 secession.

Identifying the most suitable solution will depend on the context of each specific case (history, international situation, type of actors and political culture, etc.). However, if one does not wish (or at least not at first) to embark on the radical solution of secession, the key question for a plurinational liberal democracy is to establish, not how the *demos* can become the *cratos* – that would be the traditional view of democracy – but how the different *demoi* (majorities and minorities) that co-exist within the same democracy can be politically and constitutionally recognised and accommodated on equal terms. In other words, how the different *demoi* interrelate with the different *cratos* and, at the same time, how both the two interrelate among themselves. This involves aspects of both a “democratic” (participation of majorities and minorities in the “shared governments of the democracy”) and, above all, “liberal” nature (protection and development of minorities in the national and international spheres, in contrast to the “tyranny of the majority”).<sup>1</sup> On the other hand, in plurinational realities there will always be elements of a nationally competitive legitimising nature. It is counterproductive, as well as useless, to attempt to redirect this question by means of notions such as “post-nationalism” or other similar concepts which attempt to ignore it or to “overcome” it. These are poorly equipped attempts, empirically speaking, and in practice end up legitimising the status quo.

Modern-day societies have become too complex to be described using political conceptions that were designed for a much lower level of social, national and cultural diversity than that which currently exists. Nowadays it is necessary to establish a much more refined interpretation of the most basic values of the liberal and democratic tradition (liberty, equality, pluralism, and justice) than that offered by traditional constitutionalism. This complexity demands theories that are more sensitive to variations in empirical reality when one wishes to concretise its basic legitimising values. And, above all, it demands practical, institutional and procedural solutions which are far more suitable for the pluralism of modern-day societies. Political theory and comparative politics are fields that need to be interrelated in order to conduct better theory and better comparative politics. At the beginning of the twenty-first century, the recognition and political accommodation of plurinational democracies continue to be unresolved issues on the agenda of the liberal democracies.

In general terms, one fact relating to comparative politics in the 1990s shows that conflicts of a territorial nature constitute the largest group of armed conflicts that have occurred in the world. Furthermore, the emergence of a large number of new states in Europe was brought about following the collapse of two empires: the Austrian Empire, after the First World War, and the USSR, during the last decade of the twentieth century. In contrast, few states belonging to the group of

western European democracies have achieved independence during the twentieth century – Norway (1904), Ireland (1921) and a few islands (Cyprus, Malta, etc.).

Empirical studies on democracies show, moreover, the importance of the interaction of constitutional solutions with a whole series of factors of an economic, social, historical, institutional nature and political culture for democratic success and stability. Thus, for example, it is clear that given certain levels of development – calculated to be around \$8,800 per capita income in purchasing power of the year 2000 – those states that have implemented democratic systems do not regress towards autocratic systems.<sup>2</sup> Moreover, studies of federal systems carried out independently of those mentioned above have revealed similar features: above a similar income level federations display low indices of violence in territorial conflicts (with some exceptions), whereas below an income level of around \$3,000 federalism does not achieve a better accommodation of territorial disputes than unitary states.<sup>3</sup>

In western democracies, the armed conflicts in the Basque Country and Northern Ireland are the exception: the majority of territorial disputes in favour of higher levels of self-government by national minorities are peaceful in nature. This is the case, for example, of Scotland, Quebec, Catalonia and Flanders. In all these territories there are those who are in favour of achieving independence by democratic means, despite the small number of states that have achieved this over the last 100 years and the role in favour of maintaining the status quo played by transnational organisations such as the European Union. In conceptual terms, there is nothing that prevents the subject of where borders should be drawn from forming part of the democratic debate. But empirically speaking it is clear that liberal-democratic states are highly possessive of their territories, an issue on which they behave more like states than like liberal democracies.

Some of the conclusions of these comparative political studies are more or less obvious, but others, however, are more subtle. On the one hand, it has been shown that the degree of socio-economic development is not a necessary condition for access to democracy. In fact, in recent years new democracies (or semi-democracies) have emerged in countries with low levels of development. On the other hand, empirical studies demonstrate that in the sphere of democratic states territorial disputes show no tendency to disappear – in contrast to what some theories of modernisation with liberal or Marxist roots had predicted – and that quite the opposite tends to occur. Moreover, above a certain level the degree of development of a plurinational democracy is not a useful factor for predicting a greater or lesser degree of success in the political accommodation of its internal national minorities. Other factors are more decisive for making this prediction: among the factors that affect the accommodation of federal democracies the following are particularly important:

- the specific history of the interaction between the affected groups;
- the presence or absence of specific institutions, such as federalism and the existence of “consociational” clauses (institutions shared by the different territorial groups in the composition of governments, courts, etc., propor-

tional electoral systems, rights of veto and procedural “alarm bells” (examples can be found in the current constitutional regulations of Switzerland and Belgium);

- the degree of consensus or coercion of the federations;
- the establishment or not of a broad and protected sphere of self-government by the minorities;
- the possibility or not of establishing institutions that coordinate the policies and strategies of the federated units in relation to the central power (an example – December 2003 – is the Canadian Council of the Federation);
- the existence or not of a “federal culture” in the interactions between the main political actors;
- the heterogeneity or not of the party systems of the federated units and the federation;
- the congruence or lack thereof between the executives of the two levels of government;
- in parliamentary systems, the difficulty or not to attain absolute majorities in the composition of the central parliament;
- the degree of political independence of the supreme or constitutional courts;
- the existence or not of an effective system of fiscal federalism.

From the perspective of political theory, it is important to point out two components of the current debate which also affect the better or worse political accommodation of the national pluralism of a democracy. The first involves the two intellectual traditions from which federalism has traditionally been approached; the second is related to the interpretation of the basic values of liberal democracies in contexts of national and cultural pluralism. These two components are very closely linked.

In very general terms, it is possible to establish the existence of two different approaches to federalism, which we will associate, on the one hand, with the school of thought represented by Althusius and Montesquieu and, on the other hand, with the American authors of the *Federalist Papers* (Madison, Hamilton and Jay). The former are more linked with what we might call the spirit of confederations and consociational federalism. The classical notion of sovereignty is understood here in terms of negotiation and is of a shared nature. One of the aims of the “federal pact” will be the preservation of the plurality of the particular identities of the subjects of the pact. This establishes an ascending order in the structuring of powers that at one extreme involves a consecutive process of federalisation (Althusius, *Politica Methodice Digesta* (1614), VIII). In line with the classical juridical formula of Roman law known as the “quod omnes tangit” formula, which establishes that that which affects everyone must be agreed by everyone, it translates in federal terms into the introduction of the right of veto by the federated collectivities.<sup>4</sup> Here, the polity is associated with a commitment of a consensual nature which is permanently negotiated.

On other hand, the American federalist tradition associated with the creation of the first federal state of the contemporary era based its approach to federalism