On Postnational Identity

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Introduction

In this paper, I would like to respond to some of the criticisms raised against national identity formulated by those who endorse a certain form of postnational identity and who base their critiques either on constitutional patriotism or anti-culturalism. Specifically, I will examine the thesis that we have entered a postnational era. The proponents of postnational identity hold that the contemporary model of political organization no longer requires any kind of national belonging or attachment. Jürgen Habermas and Jean-Marc Ferry, for example, have made such claims in various contexts. First, they assert that the nation-state is no longer, all by itself, adequately equipped to deal with the challenges that come with the globalization of trade. (Habermas 2006, 2000, chap. 3 ; Ferry 2005a, chaps. 1-3, 2005b, 2001). I believe that one must agree with that assessment. They also look favourably on political entities that contain more than one national group. The political community may in the 18th and 19th centuries have been up to a certain point congruent with the national community, or at least this is how the members of these communities represented themselves, but this is no longer necessarily the case today. I also agree with that idea. However, Habermas and Ferry further argue that, in terms of identity, the nation is no longer an essential ingredient in a political community (Habermas, 1998 chap. 2, 2000 chap. 2; Ferry 2005a chap. 3, 2005b, 2001). Habermas and Ferry recognize that the nation-state is here to stay and that we are not about to see it disappear. However, they argue that it is no longer a leading player on the international scene, and, most importantly, that the endorsement of a constitutional text by the population is what will henceforth increasingly be the cementing factor among citizens in the domestic arena (Habermas 1998 chap. 2).[1] At least, this is the direction that these authors see now being taken in Europe (Habermas 2006, 1998 chap. 3, 5; Ferry 2000, 2001, 2005a). Even if European states are still very often understood as nation-states, it is no longer the nation that binds citizens to one another within the state: it is rather the constitution. This, they say, is the reason why the creation of political communities that no longer coincide with national borders can favourably be considered. Instead of acknowledging national identity and nationalism as inescapable political forces, they attempt to get beyond it by postulating identification with more inclusive features of a political community.

There is another argument that also challenges the idea of the nation-state, and more generally of nations as important sources of identity within the political community. It is also a view predicting the decline of national identity as the primary source of citizens' identity, but this time, the authors insist that citizens have fragmented, plural and changing identities. This view can be described as anti-culturalist, since it is simultaneously directed against both national identity and multiculturalism, and it is also a view favourable to narrativism and cosmopolitanism (Appiah 2005, 2006, Seyla Benhabib 2002 and Jeremy Waldron, 1992, 2000). While the argument based on constitutional patriotism may be understood as a top-down argument, to the extent that it presumes a positive identification with an encompassing political organization that is capable of transcending, broadening and exceeding the national framework, the anti-culturalist argument is a bottom-up argument, that negatively acknowledges the internal crumbling of national identity. The two arguments are mutually reinforcing, however, and not only because both target the national identity. The more fragmented, identities are in a given society, the more it becomes necessary to rely on a tenuous identity in order to include all citizens within a single group. Those individuals will have to refer exclusively to a constitutional text in order to find common ground.

I wish to defend the idea that postnational identity is an illusion, and that we need instead to revisit our concept of the nation and its relationship to the concept of a common public identity. I submit that newly understood national identities could very well be determinant factors for democratic, viable and legitimate types of political organizations, including multination states and supranational organizations. I also want to argue for the existence of various sorts of nations, and this makes it

[1] For a discussion, see Nootens 1999.

possible to account for the internal national diversity of our societies, as well as identity pluralism and the dynamic nature of national identity, and I wish to do so without having to eliminate the notion of a common public national identity from from our account. Here again, the nation is omnipresent, both as an inclusive entity and as a recognized component within this inclusive entity. Rather than seeking to go beyond nationality, we must recognize the diversity of its manifestations. While *the* nation may indeed be "disappearing", it is making way for nation*s*. Finally, the legitimacy of common public national identities and minorities who are seeking recognition depends largely on the adoption of a principle of reciprocal recognition. There is no common public national identity without recognition, but there is no recognition without reciprocity.

Top-down disintegration of the nation-state?

There are at least three major characteristics associated with constitutional patriotism: (i) rejection of the nationalist principle (i.e. the principle according to which all nations should have their own state), (ii) the claim that we can make sense of multinational political entities, and (iii) postnational identity. The essential thesis is the third of the three: postnational identity. The first two claims are not incompatible with recognizing the importance of national identity as a currently acting, ongoing and legitimate political force. Even if we abandon the nationalist principle, nations may be essential, in so far as the exercise of their right to internal self-determination may continue to be a major political issue. And even if we admit the possibility that the borders of the nation and the borders of the state no longer coincide, we may have to recognize the legitimacy of a secessionist movement for a specific people within a state, if the state refuses to recognise the people's right to internal self-determination. Therefore, the first two ideas of constitutional patriotism are compatible with the possibility of putting nationalism at the forefront of normatively important political debates. More is required to justify constitutional patriotism. It must be further argued that we have entered a postnational era.

Because nations very often contains national minorities, it is apparently impossible to preserve the unity of the entire political community by relying on the characteristic attributes of a single nation. That is the first important observation that can be made by the constitutional patriot. When societies deal with immigration, or when they are burdened with frontiers that have been imposed to them as a result of the arbitrary vicissitudes of history, or when we witness movements of entire populations, we cannot simply claim that the borders of a state are at the same time the borders of a single people. Based on these observations, adherents of constitutional patriotism commit an error, perhaps the most fatal one. They believe that we must then minimize the importance of the "national framework". The nation does not disappear, but according to them, citizens henceforth relate to a constitutional text as the source of their allegiance to the political community. I would like to challenge that conclusion. I want to show that the national framework remains an essential frame of reference, including when the state appears to be increasingly diversified. In order to show that the state is able to pass this diversity test, we must introduce the idea of common public identity. To put it succinctly, I believe that the concept of common public identity can be understood as national and be used to avoid two extreme models of political organization: constitutional patriotism, on the one hand, and the "society of identities", on the other.[2]

Despite the great diversity among nations, they have common traits. They are all 'societal cultures', understood as structures of culture involved in crossroads of influences and offering contexts of choice. Like John Rawls (1999), I endorse a political and not a metaphysical concept of the nation. We need to understand the nation by reference to its institutional identity, without having to choose between one side or the other in the liberal individualist and communitarian debate. To cement the bonds among different peoples within a nation, it is not necessary to postulate that the individual precedes the community, nor do we have to postulate, on the contrary, a single set of beliefs, values, purposes or projects holding together the members of the community. It is also not necessary to choose between the comprehensive definitions that identify the nation either with an association of individuals (ontological atomism), or with a collective organism (ontological holism). The political definition of a people assumes that what cements the individuals into a single unit is their institutional identity. Just as, from the political standpoint, individuals are understood as citizens, peoples must be

[2] For a critical discussion, see Jacques Beauchemin (2004).

understood as societal cultures, that is, structures of cultures located in a crossroads of influences and offering contexts of choice (Kymlicka 1989, 1995). The concept that makes it possible to see how a people can pass the diversity test while continuing, in some way, to promote a common public identity is the concept of a structure of culture, because it is the structure of culture that carries with it the common public national identity. In its simplest version, the structure of culture assumes a common public language, common public institutions and a common public history. The common public language is the language mainly spoken in public spaces within a particular territory, by people who have different mother tongues or use different languages at home. The common public institutions within that territory are those in which the common public language is the language primarily spoken. The common public history is the history of the common public institutions, that is, the history that is defined by a certain subject matter, and not a particular history in the sense of a specific narrative. If the common public history had to be a specific narrative, it would presume adherence to a single historical account, and this would amount to admitting a collective narrative identity. There is never, however, a definitive consensus concerning the line taken by history, and it is required that members of the nation be able to criticize the official interpretation without losing their national identity. The concept of a "common public history" must therefore be understood to mean only a commonly shared subject matter, the history of the common public institutions, that can be appropriated in different ways and in different narratives.

It is important to contrast this simple version of a the common public identity and a richer version in which people are seen as sharing the same beliefs, values, traditions, customs, goals and ways of life. The difference is congruent with Will Kymlicka's distinction between the structure of culture and the character of culture. In referring to a collective identity, it is not necessary to postulate among the members an agreement or consensus concerning beliefs, values, traditions, customs, goals and ways of life. We are merely referring to elements belonging to the institutional identity of the group: language, particular institutions and history of these institutions. Be that as it may, sharing a language, institutions and a history of these institutions in a specific crossroads of influences and with a specific context of choice constitutes a fairly thick identity much richer than a constitution. It involves a certain particularism, even if it is not the rich particularism of a population sharing the same life world.

It should also be noted immediately that we may be dealing with several sorts of common public identities, some of which are more complex than others, even though the simple version that I have just introduced has already made it somewhat clearer. There are in fact various concepts of nation corresponding to various national consciousnesses. Individuals may think of themselves as belonging to ethnic, cultural, civic, sociopolitical, diasporic, multisocietal and multiterritorial nations. We think of ourselves as a member of a single ethnic nation when we represent ourselves as sharing the same ancestral origin (some aboriginal nations). We represent ourselves as a member of a single cultural nation when we think of ourselves as having different ancestral origins but see each other as sharing a single mother tongue, a single body of (non political) institutions and a single history (the Metis nation in Canada, or Roms in Romania). We represent ourselves as a member of a single civic nation when we share the same country and that country is thought of as a one-nation state (Japan). We represent ourselves as a member of a single sociopolitical nation when we belong to a political community that is not sovereign but that contains within itself the largest sample in the world of a group of people that shares the same language, the same institutions and the same history (Quebec, Catalonia, Scotland). We represent ourselves as members of a single diasporic nation when we belong to a group whose members have the same language, the same culture and the same history, but are spread out over various discontinuous territories and form a minority in each territory (the Jewish diasporic nation before the creation of Israel). We represent ourselves as members of a multisocietal nation when the sovereign state appears in the eyes of the majority to be composed of more than one national societal culture (Great Britain, Belgium). And we represent ourselves as part of a multiterritorial nation when the group occupies a continuous territory, but it is one that does not correspond to legally recognized borders. For example, the Kurdish people occupies a non-fragmented territory (Kurdistan) but that territory lies outside the official borders of existing states. Similar remarks apply to the Mohawk nation. So there are at least seven distinct sort of national identities that a population may entertain.

These seven sorts of nations form very different kinds of common public identities. For instance, civic and multisocietal nations are different sorts of sovereign countries. Diasporic and multiterritorial nations transcend the actual borders of existing countries. Finally, ethnic, cultural and sociopolitical nations are defined as component entities situated within the confines of sovereign countries. Sociopolitical nations, in particular, are nations that have political self-governement but no sovereign state and are defined on the basis of the demarcation lines formally recognized within a sovereign state (cantons, provinces, *länder*, federated states). Of course, not all cantons, provinces, *länder* and federated states are nations, but if a critical mass of the population within a canton, a province, a *land* or a federated state entertains a national consciousness, then the nation is sociopolitical and it may in principle include minorities within its territory.

I have described above what is a relatively simple case of common public identity. It is one that we find at the heart of the structure of culture of a relatively simple sort of nation, such as the ethnic nation, the cultural nation, the civic nation (the single nation-state), and the mononational sociopolitical nation, for it presumes the existence of a common public languag, a common public set of institutions institutions and a common public history. To consider this question in greater depth, however, we must go farther than that. If we endorse conceptual pluralism with respect to the nation, we must deal with a number of different kinds of common public identities. For example, we have to talk about the common public national identity of the multinational sociopolitical nation (a self governing nation with no sovereign state containing national minorities), and of the multisocietal nation (a multinational sovereign state). It will then be important, but also difficult, to identify a common national identity in these societies. When the country is a multination state and has within it several societal cultures, the members may have many common public identities. That is in fact what should be the case in Belgium, Canada, Great Britain or Spain. In those countries, it is dangerous to equate the nation with one of its component particular societal culture. If there is a common public identity, it cannot easily be one associated with any particular group. There cannot be a common public language, a single body of common public institutions and a single common public history, but as we shall see, we could conceive these as nations as long as, among other things, they are also able to understand themselves as aggregates of national societal cultures.

There is thus a wide variety of common public identities. Some coincide with single nation states, others with nations without states, and others still with multinational sovereign states. What, then, can we say about the concept of a common public identity? I wish to defend certain ideas about these three different forms of political organization. Whether it is a civic nation, a sociopolitical nation or a multisocietal nation, the common public identity involved cannot be reduced to the mere endorsement of a constitution. There must also be other important elements that cement the identity of the population in question.

We will first focus on a particular concept of nation: the civic nation or one-nation state. It is fairly easy to describe the common public national identity of a sovereign one-nation state that would be *ethnically* homogeneous. The national identity would be the result of the ongoing presence of an historical community that is reproduced from generation to generation and that is not transformed by contact with other groups. This is a very well known kind, but it is really also the rarest kind. When we think about what may be a common public identity, don't we instead think of *citizenship* ? Now common citizenship is conferred by a constitutional text or at least a constitutional arrangement, whether written or not. Is this not the real identity, and does it not provide ammunition for those endorsing constitutional patriotism? My own answer is no. As I said, the common public national identity is what provides "homogeneity", and not merely the constitutional text.

But how is it possible to maintain a degree of homogeneity in the contemporary single nation-state while also reflecting the sociological diversity of which it is made up? The common public identity shared by all citizens must be a richer identity than the one that would arise out of a constitutional text that guarantees human rights and freedoms, among other things, while also reflecting that sociological diversity. How is this possible? The answer lies precisely in the notion of a common public identity, which implies not only a constitution, but also common a public language, institutions and history.

Here we have a first case of common public national identity, the one that characterizes the civic nation or single nation-state, and we have at least four identity traits: a constitution, a common language, a common body of institutions and a common history. The common public identity therefore has sufficient thickness to call it national, at least when the population in question has, in addition, a certain degree of national consciousness, that is, a majority of the population represents itself as a country with a single constitution, a single language, a single body of public institutions and a single public history. National consciousness is as a matter of fact a fifth identity trait. I would eventually also add other important elements, such as the existence if a collective will to live together (Ernest Renan's daily plebiscite), a common crossroads of influences and a common context of choice, but we can already note that common public identity, as I characterize it here, is relatively thick and cannot be reduced to mere adherence to a constitutional text.

A contemporary one-nation sovereign state is the home of diverse minorities. It often contains contiguous diasporas, that is, extensions of neighbouring nations (or of national majorities), and non-contiguous diasporas, or immigrant communities. Is it possible, within these states, to claim a rich common public identity that would make it possible to preserve an important role for the concept of nation, even when the society appears to be becoming increasingly diversified? As we just saw, the answer is yes. The expression "common public identity" may seem to be a pleonasm, but it really is not at all. That kind of identity is compatible with minority public languages, institutions and histories that are not shared in common throughout the territory in question. The concept of common public languages, institutions and public histories are compatible with the existence of minority public languages, institutions and histories. The perfectly homogeneous one-nation state model is unquestionably a very endangered species. But this does not mean that we have embarked on a postnational era, because the notion of a common public identity in the civic nation must be thick, and because it is compatible with the recognition of minority public languages, institutions and histories. The civic nation is legitimate provided that it is formally recognized the national minorities that are located within its territory and provided that the institutional implications of this recognition are also accepted by the population as a whole.

What has been said about the one-nation state applies *mutatis mutandis* to "stateless nations" like Quebec, Catalonia and Scotland. These are peoples who provide examples of sociopolitical nations. Here again, we have a common public language, common public institutions and a common public history, in addition to an internal constitution, that is, laws that are interpretive, as compared to other laws. In these societies, we also find a national consciousness, a collective will to live together, a specific crossroads of influences and a specific context of choice. We can talk about those nations as having a common public identity even though these political communities are not sovereign and even if they are polyethnic, pluricultural, even sometimes multinational, as is the case with Quebec. The concept of sociopolitical nation is also legitimate provided that the common public identity that it brings into play is accompanied by politics of recognition for the national minorities and/or minority nations that it contains. Those minority public identities must be recognized, but this is not opposed to the idea of a fairly thick common public identity.

Where things get complicated is when the sovereign state is a multisocietal nation. In that case, the common public identity cannot be characterized as automatically involving a single common public language, a single body of common public institutions and a single common public history. But these components may still be essential to a multisocietal nation, because it may be understood as being no more than an aggregate of common public identities. While there must be a common public identity at the top of all these component common public identities, there is still a close connection between the two levels. In other words, even though, we have managed with the multisocietal nations to dissociate the common public identity from a shared common language, institutions and history, it is impossible to represent multisocietal nations without looking at the component common public identities present in their constituent nations.

With the multisocietal nation, it may seem that we have got to the Habermasian idea of constitutional patriotism, which presumes, precisely, an identity founded exclusively on adherence to a constitutional text. It seems that we must consider this kind of thin identity in order to account for states such as Canada (Leydet 1995) and Spain, or to account for supranational organizations such as

the European Union.[3] My first idea, however, is that the common public identity of a multsocietal nation must have a minimum foundation in the existence of peoples who freely choose to associate with one another. This is the first sense in which the multisocietal nation (or even supranational organization) is an aggregate of various national societal cultures. In other words, the common public identities of their constituent societies must be the basic political units out of which a more inclusive public identity has been constructed. This is a democratic procedural requirement. Ethnic, cultural and sociopolitical nations must try to democratically find a common ground, on the basis of which they freely choose to associate with one another by adopting common public institutions.[4] Then, and this seems to me to be another condition *sine qua non* for the success of the multisocietal nation undertaking, the populations concerned must also represent themselves in this way. The constituent national blocs underlying the multisocietal nation must be included in the self-representation of the population as a whole. That population, in other words, must see itself as a composite of more than one nation. So when I say that the multisocietal nation must be understood as an aggregate of common public identities, I am thinking not only of the democratic procedure that must have been implemented at the origin of the creation of the political organization, but also of what goes on in people's minds. People must understand the composite nature of the state and represent themselves as a group of many different common public identities. Such a multinational self representation determines the viability of the multination state or of the supranational organization, to the extent that the consciousness of belonging to a multinational ensemble also makes the political entity in question viable. It is important that the population represent itself as forming a composite set of nations to ensure that the multination state or supranational state will be sustainable; otherwise, there is a risk that this political organization will disappear.[5] And finally, the aggregate nature of the multisocietal nation or of the supranational organization must also lead to politics of recognition, that is, politics designed to promote and protect national diversity within the society. There must be, among other things, a scheme of collective rights for minority nations within the territory in order to counterbalance the structural inequalities that may arise concerning identity matters, when a majority nation exerts a certain domination over minority nations. I therefore submit not only that the common public identity of the multisocietal nation is compatible with the recognition of minority identities, but also that such recognition is absolutely required. In other words, recognition of their constituent nations makes it possible for multination or supranational political organizations to be legitimate and morally above reproach, and because a lack of recognition of their component nations may be considered to be an injustice that calls for reparation.

In order to properly understand why recognition is essential, let us look again at the two cases examined earlier: the single nation state (or civic state) and the sociopolitical nation, which as we said, is a particular sort of stateless nation. The common public identity of the civic nation or of the sociopolitical nation, as we have seen, includes a common language, common institutions and a common public history, as well as a corresponding national consciousness, a collective will to live

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[3] Some have even thought that the concept could be applied to the case of Quebec. See Courtois 2002, 2004.

[4] Nations are thus essential players not only in the functioning of nation-states, but also in the functioning of multination states and supranational organizations. Here we might think of the major role played by France and Germany in the European construction. It is these two peoples that have expressed the most enthusiasm for the European construction, but they are also the peoples that, together, enjoy enormous power within the Union. If the powerful nation-states did not find the European Union to their taste, it is a very good bet that their enthusiasm would wane considerably. Even the strongest Europeanists, like Joschka Fisher, who support a pan-European referendum on the reform of European institutions, accept the principle of the double majority under which implementation requires not only an absolute majority of votes cast by European citizens, but also a majority of states in which a majority of citizens are determined to support the reform (quoted in Habermas 2006, p. 11).

[5] On this point, we can again refer to the European Union. There are major differences between representing itself as a Europe composed of 15 countries and a Europe composed of 25 countries. Joschka Fisher's proposal, to which we alluded earlier, assumes that the referendum would be binding only for states in which a majority voted for the reform. That means that Fischer is now prepared to consider a two-tier Europe. While that idea expresses the need to proceed slowly toward expansion, it also shows a significant sensitivity to the self-representation of the populations in question. Ferry (2005, p. 28) also appears to be sensitive to criticism of the excessive haste in the expansion process. I see this as an additional indication that the self-representation of the populations plays an important role. To understand the still preponderant role of national consciousness in the European Union, it will be useful to read the empirical study reported in Deflem and Pampel 1996.

together, a crossroads of influence and a context of choice. It therefore cannot be reduced to the rational adherence to a constitutional text. Notice however that those various components derive largely from characteristic traits belonging to the national majority. The common public language, institutions and history are traits that originate from the national majority, even if they can at the same be shared by all citizens in the public space. They disclose the national majority's collective will to live together. However, because these characteristic traits originate from the majority, recognition of minority languages, institutions and histories becomes an essential moral requirement in order to neutralize the nationalist influence exerted by the national majority. By imposing its own language, its own institutions and its own public history on all citizens, the national majority in the civic nation or in the sociopolitical nation is engaged in a nationalist act that cannot be legitimate unless it is compensated for by a policy of recognition toward minority groups. It is often said that the ultimate test of nationalism is the treatment of minorities, and it is the politics of recognition that enable it to pass that test.

Does the problem reemerge again in the multisocietal nation? Is the common public identity that it promotes is also based on a nationalist act that imposes the rules of a national majority on diverse minorities? In order to find the answer, we must consider what the common public identity of the multisocietal nation consists in. When the sovereign state is a multination state, the common public identity cannot be characterized as automatically involving a single common public language, a single body of common public institutions and a single common public history – even though that is sometimes the case, as shown by the example of Great Britain. Now since the multination state does not necessarily involve reference to a common language, common institutions and a common history imposed by a national majority, it may *prima facie* seem to be a neutral political entity. For that reason, one might be led to believe that the recognition of its constituent nations should not be required. But no matter what we come up with in terms of shared values, the problem is that its component common public identities are most often embodied in nations that have populations, economic resources and levers of power that are of different strengths. Multination states are only very rarely characterized by a balance among their various national components. They consist of majority nations and minority nations, and the former often exercise a certain domination over the latter. Inevitably, the institutional personality of the multination state will often absorb the directions chosen by the majority nation. In Canada, for example, the influence of the English Canadian majority is overwhelming.

Certainly before we can truly talk about a multisocietal nation there must be an inclusive public identity at the top of all of the constituent public identities, but there must still be a close connection between the inclusive common public identity and the component ones. The same reasons stated earlier apply. The political entity must democratically be grounded on the bedrock of the national constituents, and the citizens' self-representation must call on those diverse national components, and politics of recognition must also be in place because of the determining influence of the majority nation. In other words, while we have managed with the multisocietal nation to reach a level where we can truly dissociate the common public identity from the idea of a common language, common institutions and a common history, it is, for all intents and purpose, impossible to represent such a nation politically without appealing to its constituent nations and without regard to the balance of power among the diverse national components. To counteract the imbalances that may settle in permanently between the majority and the national minorities, politics of recognition of the national minorities are needed. Otherwise, we are merely surrendering to state nationalism.[6] Because supranational organizations, multination states, some nation-states and some stateless nations contain within themselves diverse national components, we have to recognize those diverse national components and accept the institutional consequences that follow from this formal recognition. That amounts to admitting that the nationally diversified character of the political community must be part of the common public identity. In this case, we are not merely claiming that national diversity must be

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[6] While the enthusiasm of Ferry and Habermas for the Draft Treaty establishing a Constitution for Europe may be justified in part, it is not accompanied by any criticism mentioning the total absence of any formal commitment by the participating states toward their national minorities. Accordingly, their position is paradoxically *de facto* in line with the nationalism of the participating states. For an examination of this unsatisfactory aspect of the Draft Treaty, see Seymour 2004.

part of the citizens' self-representation. We are also saying what the common public identities must be in order to be achieve some kind of legitimacy. We are prescribing explicit recognition in a constitution of the diverse national components.

The cement of identity that is likely to bind citizens belonging to a multisocietal nation to one another of course assumes a constitutional text, but it also calls for the democratic input of its constituent nations. It must also be represented by all citizens as a composite of many nations, and it will have to incorporate politics of recognition for its constituent nations. My idea is thus that a multi-societal public identity cannot escape the presence of the nations. It is impossible to contemplate, in the medium or long term, common public identities that are completely free from the influence of national majorities (in nthe case of civic or sociopolitical nations) or to majority nations (in a multi-societal or supranational organizations). What is very commonly called 'majority nationalism' is nothing but state policies that pretend to universality but that inevitably are, at the same time, a vehicle for the interests of a national majority or for a majority nation. For example, the Canadian state must not be understood as a body of neutral common institutions. The Canadian state is inevitably, in large part, a vehicle for the English-Canadian national majority, and it is engaged into a nation-building enterprise. Its immigration policy, its multiculturalism policy and its social policies, which rely on the exercise of the federal spending power can be seen as involving objectives that are subordinated to a nationalist policy. We can therefore see why constitutional patriotism cannot even apply to multi-societal nations and supranational organizations. The fact is that the common public identity is subject to very heavy constraints that demonstrate the problematic nature of postnational identity. The constraints that make the separation between the political community and a specific national identity a possible alternative, can only be democratically feasible, politically viable and morally legitimate if national identities occupy center stage. This reveals the illusory nature of postnational identity.[7]

There are therefore at least three crucial differences between the concept of common public identity and Habermas' constitutional patriotism. I accept the concept of multisocietal nation and supranational common public identity, but they must both presume the existence of more than one national identities, go hand in hand with self-representation within a critical mass of individuals within the population of the diverse national components, and include constitutional clauses that convey a policy of recognition taking the form of collective rights granted to peoples and other national minorities. Those constraints are so heavy that they render the concept of constitutional patriotism as defined by Habermas inoperative. By definition, that concept meant that Habermas assumed the possibility of transcending national identity. What we are saying here is that it has not been transcended.

In short, nations must be present, democratically, psychologically and legally, to secure the creation, viability and legitimacy of multination states and supranational organizations. If I am correct on this point, no other conclusion can be drawn with respect to the decline of the phenomenon of nationality apart from comments that, quite rightly, clearly recognize the impotence of sovereign states to combat the excesses of globalization. Those excesses call for the creation of supranational organizations that are capable of asserting political principles and overseeing development while complying with rules that enshrine labour rights, the rights of children, respect for the environment and, more generally, human rights. Obviously they must also be capable of imposing distributive

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[7] The constitutional patriotism adopted by Ferry 1996 in his reconstructive ethics can be characterized as a sophisticated variant, in that it can go so far as to authorize the introduction of a certain policy of recognition, while for Habermas such a policy appears superfluous (Habermas 2005, 1998, chap. 7, 1995). However, in order for recognition to be compatible with constitutional patriotism, it must not be merely *symbolic* in the sense of Galeotti 2002 and must thus not imply any differential *treatment* in the sense in which it is understood by Arto Laitinen 2002. It must also be resolutely turned toward the past and take the form of an act of contrition (what Yael Tamir 1999 describes as an atonement) or commemoration. This way of understanding recognition is entirely consistent with the postnational identity posited by Habermas, and so it is also perfectly consistent with constitutional patriotism, because it has no impact on the present-day treatment of the national components within a state. But as Pierre Mouterde 2006 wrote in reporting the opinion of Walter Benjamin, [TRANSLATION] "he [Benjamin] allows us to see, retrospectively, the limits of contemporary political correctness, which, because it is closeted in commemorations divorced from present-day issues and does not combine remembering with doing something about life today, remains a prisoner of the discourse of the victors."

justice measures in North-South relations. This may all be important, and true, even if it may still not be possible to reach any conclusion that supports postnational identity, and for two main reasons. The first is that, as we have suggested, those supranational organizations themselves owe their existence, their continuation and their legitimacy to the support they are given by nations. The other, which is even more obvious, is that the battle that is going on within the basic global structure against neoliberalism cannot be won unless one of the things on which it is based is a set of principles such as those that affirm the value of cultural diversity, the right of peoples to equal development and the right of peoples to protect the integrity of their national economies. In other words, we must not simply cite human rights; we must also rely on the right of peoples. And this brings us back once again to the nation. Supranational organizations must not step in only when there are systematic human rights violations occurring; they must also do so when genocide, racism and minority rights violations are occurring within states. Once again, the phenomenon of nationality appears to be essential.

The nation: disintegrating from the bottom up?

My rejection of constitutional patriotism is based essentially on the rejection of postnational identity. This amounts to asserting that the nation is somewhat an 'essential' ingredient of liberal democracies, perhaps even, as Liah Greenfeld (1992) would have it, a constitutive aspect of modernity. This could remain true even if the nation-state were no longer the only model of political organization. To show this point, I have rebutted arguments thayt were meant to show that the creation of multination states and supranational organizations could be supported by postnational identity. I have argued that, on the contrary, those entities had to be grounded on the bedrock of national identities. But objections can also be made by examining the force of national identification: we would no longer be positing that national identifications were less relevant from a top down perspective, but rather that it can be seen to happen from a bottom up perspective. For instance, Seyla Benhabib (2002) argues for a theory of narrative identity and for this reason criticize any attempt to impose uniform national identities, because this would imply a problematic collectively shared narrative identity. If collective narrative identities existed, they would be so fragile that they would inevitably be transformed after a short while, and that is why recognition of those identities must remain informal. There are others who think that we are witnessing the replacement of the basic structure within particular societies by a global basic structure and they believe that the concept of context of choice, so vaunted by Kymlicka 1989, no longer has a national foundation (Waldron 1992, 2000). Anthony Appiah (2005, 2006) directly attacks the existence of cultures, since they can according to him only be derivable if we subscribe to a problematic essentialist reification and if we are unjustifiably led to endorse an preservationist ethic on that basis. In other words, these authors suggest that national identity is incompatible with internal cultural diversity, with the fact of identity pluralism and with the dynamic nature of identity. Those phenomena are increasingly influential in our societies because of the global basic structure. Those facts about identity, it is said, are essentially eloquent harbingers of the advent of a postnational era. I would like to show that the refutation of postnational identity is perfectly compatible with (a) diversity in the composition of a people, (b) identity pluralism (the fact that individuals have multiple identities) and (c) the dynamic nature of identity.

(a) On the theme of diversity, I earlier said that we had to recognize at least seven different kinds of nations. If we leave out ethnic nations, all of the other kinds of nations are not ethnically homogeneous. We must therefore necessarily admit the possibility that a people can be polyethnic. For example, cultural nations, civic, sociopolitical, diasporic, multisocietal and multiterritorial nations can all be polyethnic. But that is not all. If we except ethnic and cultural nations, all of the other kinds of nations can be pluricultural. Also, sociopolitical nations can even be multination societies, just as multisocietal nations. Some societies are therefore simultaneously polyethnic, pluricultural and multinational. Finally, a single nation state may can contain other types of national minorities, such as contiguous diasporas and non-contiguous diasporas, that is, immigrant communities. The approach that I take, which admits of at least seven kinds of nations, and acknowledges samples of nations such as contiguous and non-contiguous diasporas, thus provides a fairly good picture of the diversity within existing nations.

I would say that conceptual pluralism is superior, on this point, to most existing approaches, that take a doctrinaire stance in favour of a univocal definition of nation, or that fall back on the fine old dichotomy between ethnic and civic nations. Approaches like these do not acknowledge the variety of uses of the word 'nation', and they are forced for this reason to prescribe a thorough reform in the use of the national vocabulary. Even worse, they tend, sooner or later, to deny the existence of certain nations, and to oppose a certain deep diversity, as well as failing to take into account the self-representation entertained by various populations. On the other hand, the approach I adopt allows for different uses to be recognized and legitimized, and for that reason it is able to take deep diversity into account. If a nation is a function of the self-representations held by different populations, we should expect the result to be different kinds of nations, and we cannot prevent changes in the self-representation of populations from occurring. I am therefore able to recognize "united nations" – referring to a body of sovereign states, whether they be civic nations or multisocietal nations – as well as aboriginal nations (ethnic or socio-political), the Acadian nation (cultural), the Canadian nation (civic or multisocietal) and the Quebec nation (cultural or sociopolitical). This approach also recognizes the former Jewish nation (diasporic) and the Kurdish or Mohawk nations (multiterritorial).

(b) I can also demonstrate the advantages of the approach I propose when considering the phenomenon of identity pluralism. I said that the position taken here recognizes several kinds of nations, and the consequence of this is to authorize "nations within a nation". That has an immediate impact on identity pluralism. We can recognize ethnic nations in a cultural nation; ethnic and cultural nations in a sociopolitical nation; ethnic, cultural and sociopolitical nations in a multisocietal nation. We can also recognize contiguous diasporas and non-contiguous diasporas in most of those nations, including the civic nation, even though it is by definition a sovereign single nation state. This means that people who belong to those nations can at the same time be members of other nations. For example, as a member of a contiguous diaspora, a person can be connected with a new community of residence, by territory, and with a national majority or a nation located on another, contiguous territory. As well, as a member of an immigrant community, a person can be associated with a new community of residence and a community of origin. And a person can be a member of an ethnic, cultural, diasporic, multi-territory or sociopolitical nation and at the same time be included in a multisocietal nation. Recognition of a variety of nations is what makes it possible to recognize identity pluralism. A person can be of one nation in another nation and have more than one national identity. For some people, this seems strange. And yet it is an everyday fact for an immigrant who is attached both to his or her country of origin and to the new community of residence. It is also the case for a person who has several different citizenships. It may therefore also be the case for a person who lives in a multination state.

(c) On the question of the dynamic nature of identity, I would simply want to say this. At any point in history, there are always disputes about how a nation is to define itself. There are diverse self-representations at odds within the society. The official accepted definition is merely the definition that is able to impose itself temporarily, the one having the support of a majority of citizens. This is all possible because of the partially subjective nature of national identity. National consciousness is a subjective factor and it depends on the individual national consciousnesses held by citizens. In Quebec, for example, there were for a long time conflicts among ethnic, cultural and sociopolitical definitions, and there are still conflicts between some of them. Historically, we have witnessed the slow progression from an ethnic definition of nation – the French Canadian nation – to a cultural definition – the francophone Quebec nation – and we are now engaged in the slow progression that is taking us toward a sociopolitical definition of nation. Some people claim, however, that Quebec is not yet a nation "properly speaking", and that it will become on only when it is sovereign. Those people then want Quebec to achieve either a civic nation status (a country that includes a single nation) or a multisocietal nation status (a sovereign multination state). To my mind, the civic definition would be illegitimate in Quebec, because there are eleven Aboriginal peoples within the territory.

Similarly, the English Canadian nation has gradually given way to the Canadian civic nation, containing a single Canadian nation identified with the country, and also to a certain extent to a multisocietal nation, because of the presence of aboriginal peoples in the constitution of Canada. I would want to argue that the civic definition would not be legitimate and the that the kind of

multisocietal nation entertained by many is also problematic, because it does not involve the recognition of a Quebec nation. Few people would still say, today, that Canadians should represent themselves as forming a multisocietal nation (a sovereign multination state), not only because of the presence of the Aboriginal peoples, but also because of the Quebec and Acadian nations. We are therefore witnessing, in Canada, the slow progression from the English Canadian cultural nation to a partly civic partly multisocietal nation, even though Canada might have transformed itself into a complete multisocietal nation. The Acadian people take the form of a cultural nation because, like any nation, it is characterized by a common language, institutions and history, but it does not have its own political institutions, properly speaking. However, it could one day want to do just that, and if it did, it would form a sociopolitical nation. There are also ethnic or cultural Aboriginal nations that have become sociopolitical nations (Nunavut), while others are multiterritorial (Mohawks) but are increasingly having to engage in autonomous political organization. Accordingly, even though the theory I propose puts the nation at the forefront, I can recognize not only the variety of national consciousnesses within the diverse populations that make up Canada, as well as identity pluralism, but I can also acknowledge the dynamic nature of the various identity processes.[8]

Principle of reciprocal recognition

In order to see how a thick common public identity is possible, viable and legitimate, we also have to call on another principle that is a component of the concept of recognition: the principle of reciprocity. The idea is simply that recognition has to be reciprocal. Once they are recognized in the larger unit, contiguous diasporas within a civic or sociopolitical nation, national minorities within a multisocietal nation, sovereign states within a supranational organization, must in turn recognize the common public identity that transcends them and sign on to the constitutional text in which that recognition is enshrined. There must therefore be a principle of reciprocity in tandem with very policy of recognition. There can be no common public identity without a constitutionally entrenched policy of recognition, but there can be no policy of recognition without reciprocity. The principle of reciprocity can be stated another way. If the national minorities and minority nations are not recognized by the inclusive states in which they are located, they have no obligation to sign on to the constitutional text of the inclusive state. The corollary is that if the national minorities and minority nations do not want to sign on to a constitutional text in which they would be recognized, the inclusive entities have no obligation to formally recognize their minority national components. Recognition is a tango, and it takes two to tango. Thus there is no common public identity where there is no constitutionally entrenched policy of recognition, but there is no policy of recognition without reciprocity. The identity of the group as a whole is determined by majority adherence of the members within the group, and that comment applies equally to the minority groups. However, the principle of reciprocity makes it possible to assess the legitimacy of that self-representation. A self-representation may be incorrect within a group, even if it is adopted by a majority of its members. If the group as a whole adopts a self-representation that includes the minority, the minority cannot legitimately be included unless the population as a whole formally recognizes the minority and accepts the institutional consequences of that recognition. Conversely, a minority in which a majority rules itself out of the common public identity cannot legitimately do so if its identity has been recognized by the population as a whole.

Conclusion

In this paper I have criticized the view according to which we are entering a postnational era. My claims are both normative and factual. I am suggesting that we are not entering a postnational era, and I

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[8] I could also spend more time on stateless persons or persons whose identity trajectory is unique and complex. The first can be understood as people who have several national identities, who prefer none of those identities in particular and who consider those identities to be of relatively low importance in their pantheon of allegiances. To understand and define them, we can only look to national identities. We can then acknowledge that there are such people without having to question what has been said here, because such cases are relatively rare. However, the fact is that increasing numbers of immigrants have had a twisting and complex identity trajectory, even though they do not claim an identity self-representation in the nature of statelessness. To incorporate those cases into my model, these individuals need only acknowledge the distinction between immigrant communities and national host communities.

am also suggesting that we should not try to, because the democratic character of multisocietal nations and supranational organizations, their viability and their legitimacy are intimately related to a reckoning of national identity. Even though the nation is under attack from both top and bottom, it is still alive and well and kicking. Societies that fail to acknowledge their minority nations remain unstable. Strategies of assimilation always fail and the minority nationalism that we thought had disappeared sooner or later resurface. Despite the numerous attempt to assimilate if not to annihilate Chechnya or Tibet, these nations are still standing. In spite of the genocidal ambitions entertained by the Nazis against the Jews, the state of Israel is now here to stay. Palestinian nationalism is also resilient in spite of all the destruction and deprivation that Palestinians have encumbered. Minority nationalisms in Great Britain, Spain and Canada have not decreased at all. So one can clearly argue that national identity remains a formidable source of group affiliation. It can be a legitimate one even in the contemporary world as long as we introduce the concept of common civic identity, recognize conceptual pluralism and accept the principle of reciprocal recognition.

I have not said a lot, however, about the concept of common public culture. I have set that question aside, in a manner of speaking, and have instead used, throughout this article, the expression "common public identity". In light of the foregoing, however, I can say this. Common public identity is a kind of "civic" identity, not in the sense of the civic nation, but in the pretheoretical sense of the word. My concept of common public identity is an explanation of the intuitive concept of civic identity. It assumes the rejection of constitutional patriotism, because it comprises a thick identity including one or more common public languages, one or more sets of common public institutions and one or more common public histories (and the same kinds of remarks apply to national consciousness, to the collective will to live together, to crossroads of influences and to contexts of choice. There is a thick identity that proves the vacuity of postnational identity. Peoples, states and supranational organizations are built on the bedrock of national societal *cultures* understood in the sense of structures of culture. Because nations are kinds of societal *cultures* and because they are not easy to transcend, I have no objection to talking about common public *culture*. Common public identity is at the same time a common public culture. The important thing here is not to confuse the structure of the culture and the character of culture, as emphasized by Kymlicka. The structure of culture relates to institutions, while the character is a matter of beliefs, values, purpose and projects adopted by a critical mass of the population at a particular time. A structure of culture can last over time, despite changes that may occur in its character. Of course, some institutions may to the expression of a certain set of beliefs, as for example, with religions institutions, but not all are. It is also true that, in some societies, the majority of institutions are indeed associated with a particular character. If our societies are now on the verge of acknowledging the reasonable and irreversible diversity of characters, other societies may be relatively homogeneous in terms of character, and that may lead to the interweaving of structure and character. However, the distinction between structure and nature is still of analytical relevance, because we can refer to the linguistic, political, educational and cultural institutions of such societies without referring to the dominant nature of a particular character. If we understand culture in this way – as the structure of culture – then we can say that this paper is not only a critique of constitutional patriotism and postnational identity, but also an argument for the concept of a common public culture.

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