

Nationalism here and now

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Are we about to experience a fourth wave of new independent states? It is hard to predict whether or not this could happen in the foreseeable future. But if the wave in question were to take place within western democracies, in regions like Scotland, Catalonia, Flanders and Quebec, the success of seceding movements would largely depend not only on the strength of minority nationalisms but also on the presence of strong state nationalisms that fail to recognize the rights of their minority nations. If the states are blinded by univocal nation building policies and are for this reason unwilling to accommodate their own national minorities, this will ignite minority nationalism and fuel the process toward their independence.

The success of minority nationalism in western democracies is to a very large extent dependent on the political stance adopted by the governments of the encompassing states. This is because the only way for a national minority to achieve secession in a democratic state is to try first to seek for an appropriate form of internal self-determination within that state. The reason is that within a democracy, a nationalist movement must itself proceed democratically. This does not simply mean that it must pass the test of a referendum with a clear question and a clear majority. It means also that it must take into consideration the forces of inertia within the actual state that favour the status quo and the will of the population for stability within the state. It must also take into consideration the fact that many citizens have multiple identities. Citizens of recent immigration are very often attached both to their historical homeland and to their newly acquired national affiliation. Other citizens may share a multiple citizenship by acquiring a passport from many different countries. But even more importantly for the present purposes, some citizens may feel an attachment both to their minority nation and to the state as a whole.

Some believe that it is a paradoxical situation for the Catalan population to find itself one day in the streets of Barcelona in reaction to the decision of the constitutional court concerning the new statutes for Catalonia, and on the next day once again turning in large number in the same streets, this time cheering for the victory of Spain in the Mundial of football. If this sounds so paradoxical, it is only because we are mistakenly unable to make sense of multiple allegiances. But in the heads of many citizens, this is a genuine reality.

A democratic nationalist movement must in the context of a democratic state first attempt to achieve an internal constitutional reform, and various institutional changes that serve to accommodate its members within the state. It is only when the state has systematically shown its unwillingness to allow for a constitutional reform that the national minority may morally be justified to seek for independence. For if the state fails to recognize its minorities, these in turn are legitimately justified to seek for this recognition from the international community.

In a democratic state, one can hardly defend the principle of nationality according to which each people should have its own state. This is not only because there are many thousands of peoples or fragments of peoples on the territories of actual sovereign states, but also because there is no reason for rejecting the possibility of multination states. There is no reason why a strong republican identity should be incompatible with the recognition of its national minorities, and no reason why a single

unitary state should be incompatible with the devolution of powers to its minority nations. There is also no reason why a territorial federation should refuse to transform itself into a multinational federation. In an ideal world, it would be better if all peoples were to have their own state, but we are living in a real world and not in an ideal one.

Autonomy can take various forms: as a minority nation enjoying internal self-determination within an encompassing multination state or as sovereign state. But when a particular people is not colonized or oppressed and finds itself within the confines of a democratic sovereign state, the morally acceptable goal is initially to seek for accommodation within the encompassing state. This is why I suggest that the fourth wave, if it ever takes place within western democracies, will occur because of the failure of multination states to adapt themselves to the new reality of a *de jure* and not only a *de facto* multination state.

Moreover, these considerations find confirmation in the actual state of international law. There is a positive right to self-determination held by peoples, but it is a right to internal self-determination, not a right to external self-determination. Indeed, according to international law, peoples have the right to develop themselves economically, socially and culturally, and have the right to determine their political status within the borders of the state.

There does not seem to be a primary right to secession, that is, a right for a people to own a state even in the absence of historical injustice. There is at best only the recognition of a positive remedial right to secede. If a people is colonized or oppressed or if the state has failed to respect the right of its minority people to internal self-determination, the people may then have the right to secede. So international law sanctions only a remedial right to secede and not a primary right, and it does so precisely in the sense that I have indicated above, namely when the encompassing state fails to meet the standards of internal self-determination for its own minorities.

The most powerful objection to the remedial right only theory of secession is that it appears to be an approach favouring already existing states. It appears to create an unbalance between the principle of the territorial integrity of the state and the principle of self-determination of its constitutive peoples. The approach appears to give priority to the full autonomy of existing states and to grant only some milder form of autonomy to its constitutive peoples. National minorities could be justified to have one state only if the encompassing state refuses to grant them some kind of internal autonomy. But this is a mistaken interpretation of the Remedial Right Only theory of secession that I wish to promote. The principle according to which peoples do not have a primary right to external self-determination or, if one prefers, a primary right to own a state, does not apply only to minority nations but also to the majority nation or to the people as a whole in the encompassing state. Some peoples may be as a matter of fact organized into sovereign states but this fact does not imply that they have a primary right to own one. The people as a whole within a sovereign country will not have the right to preserve the territorial integrity of the state if they refuse to grant internal self-determination to national minorities. As a matter of fact, respecting the principle of self-determination of minority nations conditions the preservation of actual existing borders. Consequently, territorial integrity does not have any priority over internal self-determination, for all peoples are subjected to a remedial right to external self-determination. In both cases, minority and majority nationalisms must invoke moral norms to justify their goal to have or maintain a sovereign state. The minority nation must invoke the failure of the state to comply with internal self-determination in order to justify secession, and the encompassing state must respect the internal self-determination of its minorities to justify the preservation of its territorial integrity. If the state fails to

respect their internal self-determination, these minorities are entitled to violate its territorial integrity. So the argument does not give any precedence to the territorial integrity of existing states over the self-determination of peoples.

It may appear at first that allowing for a primary right to own a state is a generous idea. But as a matter of fact, this idea would also apply to already existing sovereign peoples and not only to stateless peoples. If they do not have to comply with moral standards as far as their ownership of a sovereign state is concerned, they can then also seek for the preservation of their territorial integrity without having to provide moral justifications. Moreover, what is good for a seceding people will also be good for its internal minorities. If the seceding population contains internal minorities, these will also be justified in perfect accordance with the logic of a primary right theory of secession to seek for independence no matter what are the moral standards that the seceding state is able to meet in accommodating them. In short, the primary right to own a state is ill conceived and leaves nationalism in the hands of power struggles, irredentism and partitionist movements.

In Canada, the success of minority nationalism for Quebec, Indigenous peoples and the Acadian people will also revolve around the capacity of its leaders to formulate what is a bottom line within the Canadian federation. Quebec nationalists, for instance, must try to tell exactly under what conditions the recognition of Quebec within the Canadian federation would be met by a reciprocal recognition by Quebecers of Canada as their home country. Quebec nationalist leaders must not stick to an ideological and sectarian approach toward sovereignty. The superior interests of Quebec are at play. Even if they are deeply convinced of the inability of the federal government to accommodate Quebec's aspiration to autonomy within the state, nationalist leaders must realize that the population of Quebec has not reached that conclusion yet. So Quebec nationalists have no choice but to slowly engage into the process of constitutional reform and simultaneously support the legitimate constitutional demands of Indigenous and Acadian peoples. As far as federalists are concerned, they must stop seeing Canadian federalism as a panacea, especially since the federal government is always violating the federal principle by making use of a so called federal spending power. The whole issue is whether Canadian federalists can move from a territorial federation in which all provinces are equal in status to a kind of multinational federation in which a special status is granted to the province of Quebec, and in which Acadian and Indigenous aspirations are also met.