

Sub-constitutional dialogues of national recognition:
A comparative study of Quebec-Canada and Catalonia-Spain

by

Alexander Gunn
B.A., University of Winnipeg, 2008

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Supervisory Committee

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Abstract

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This thesis provides a comparative analysis of two recent sub-constitutional acts of recognition extended by the Canadian and Spanish governments towards Quebec and Catalonia, respectively. Specifically, the thesis examines a 2006 resolution by the Canadian House of Commons recognizing “that the Québécois form a nation within a united Canada” and the 2006 Catalan Statute of Autonomy, an act that contained similarly ambiguous language regarding nationhood and wider state unity. Both acts are conceptualized as the by-products of an ongoing tension that characterize the Quebec-Canada and Catalonia-Spain relationships, between a rigid and monistic interpretation of the Canadian and Spanish states that operates at the constitutional level, and a more open and multinational interpretation that operates at the sub-constitutional level. The thesis concludes that both the Canadian and Spanish states could benefit from reconceptualising national recognition struggles as an ongoing and necessary feature of free and democratic multinational societies.

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Introduction

In 2006, the Canadian House of Commons passed a resolution, with broad cross-party support, recognizing “that the Québécois form a nation within a united Canada.” The decision to make such a declaration arose following the introduction of an earlier motion by the Bloc Québécois that called for national recognition of the Québécois, but without any reference to their relationship with Canada. The motion ultimately approved by parliament, drafted by the minority Conservative government, was an attempt at a more balanced declaration in that it would provide national recognition without questioning the unity of the Canadian state. The very same year, the Spanish parliament approved a new Statute of Autonomy for Catalonia, a document that in its original form as drafted by the Catalan Parliament declared Catalonia to be a nation. The revised statute that was ultimately approved in Madrid, however, contained more ambiguous language on nationhood and stated that while the Catalan parliament recognises Catalonia as a ‘nation’, the Spanish Constitution recognises Catalonia’s ‘national reality as a nationality’. This wording was an attempt at a compromise, to meet both the demands of Catalan nationalists while at the same time staying within the bounds of the Spanish constitution, which recognizes “historic nationalities” within Spain – including the Catalans, Basques and Galicians – but also stresses the indivisibility of the “Spanish nation”.

Both of these acts represent recent attempts to balance the competing interests of internal (or sub-state) national identities with broader state unity, specifically, the recognition of Quebec and Catalonia as nations and the integrity of the Canadian and

Spanish states. It is a challenge faced by many “multinational” Western states, such as Belgium and the United Kingdom, of how to recognize internal nations without at the same time fragmenting the wider polity. In this thesis, I explore the challenges Canada and Spain face as multinational democracies through a comparison of Canadian efforts at addressing the nationalist aspirations of Quebec with similar Spanish efforts in relation to Catalonia. To frame this study, my thesis examines these two particular acts of recognition and places them within the context of the ongoing debate within Canada and Spain regarding the Québécois and Catalan struggles for national recognition and self-determination.

The thesis begins with a brief description of the comparative methodology employed, as well as the sources used in my analysis of the two cases. The following first chapter provides a review of relevant academic literature regarding national recognition within multinational societies. This involves an overview of the concepts employed in this thesis, such as “multinational democracies” and “internal nations,” as well as theoretical arguments regarding the politics of recognition and minority nationalism in the Western world. Of particular focus will be the challenge that national recognition claims have traditionally posed to liberal democratic states, and the resistance these states have shown in recognizing internal nations due to what Jean-François Caron and Guy Laforest call a “monistic conception of identity”. An alternative approach to conceptualizing struggles of national recognition, promoted by James Tully, Alain-G Gagnon, Jocelyn Maclure and Ferran Requejo, that is based upon open-ended agonistic dialogues will also be discussed.

The second chapter provides a historical overview of the struggles by Quebec and Catalonia for national recognition within Canada and Spain. Important themes will be explored that are common to both cases including the resistance of the Canadian and Spanish states to recognizing internal national pluralism within their constitutions, the competing Canadian and Spanish conceptions of a monistic national identity, and the sense of impasse on national recognition that characterized Quebec-Canada and Catalonia-Spain relations at the beginning of the 21st century. The following third chapter then examines the 2006 Québécois nationhood resolution and the 2006 Catalan Statute of Autonomy, as well as the political, public and academic reaction to these acts of recognition.

The fourth chapter provides a comparative analysis of the two acts of national recognition and the dialogues surrounding them, examining certain commonalities between the two cases. These include the short-term and political nature of the dialogues surrounding these acts; how the dialogues appear to have reinforced existing public perceptions regarding the legitimacy of Québécois or Catalan nationhood; and how the acts of recognition simultaneously both reinforced and challenged the monistic constitutional status quo of the Canadian and Spanish states. The thesis concludes with observations on how these two acts of recognition relate to the wider struggles for national recognition that characterize the Quebec-Canada and Catalonia-Spain cases. Some predictions then follow about how these national recognition struggles may develop in the near future, and how the Canadian and Spanish states could benefit from

re-conceptualizing such struggles over identity as an ongoing and necessary feature of a free and democratic multinational society.

Methodology and choice of cases

Before beginning, it would be useful to provide some information related to my choice of cases in this thesis, my methodological approach, and the various sources cited. In this thesis, both of the cases examined concern the relationship between a state and one of its constituent sub-state units, specifically, the relationship between Canada and Quebec, and between Spain and Catalonia. To conceptualize these cases, in the thesis, I regard Canada and Spain as “multinational democracies”¹ which “are contemporary societies composed not only of many cultures (multicultural) but also of two or more nations (multinational)” (Tully, 2001, p. 1). Further, I regard Quebec and Catalonia as “internal nations”² that exist within the Canadian and Spanish states, respectively.

I chose to analyze these two specific cases as they represent two of the oldest and most entrenched “minority nationalist” struggles in the Western world. Further, I felt that a comparison of recent dialogues in Quebec-Canada and Catalonia-Spain surrounding the topic of the “nation” – specifically, the 2006 House of Commons resolution on the Québécois nation and the 2006 Catalan Statute of Autonomy – would be

¹ “Plurinational democracies” is a similar term that scholars employ to describe these societies.

² In addition to the term “internal nation”, scholars also describe these social groupings as “stateless nations”, “minority nations” or “national minorities”.

a useful way of understanding some of the features of national recognition struggles within multinational democracies. To this end, the thesis provides what is called a “universalizing comparison” in that it “identifies common properties” (Tilly, 1984, pp. 81-82) between the resolution on the Québécois nation and the Catalan Statute of Autonomy, which are both conceptualized in the thesis as being the products of sub-constitutional³ dialogues of national recognition.

There is a conscious effort in this thesis to avoid what Giovanni Sartori (1970) characterizes as “conceptual stretching” (p. 1034), by ensuring that the concept being examined (sub-constitutional dialogues of national recognition and the acts that they produced) is applicable for both cases (larger multinational states addressing the “national” identity of one of its constituent units through parliament). To this end, the thesis analyzes the two cases at what Sartori calls the “medium level” of abstraction, where analysis is meant to “fall short of universality and thus can be said to obtain general classes”, but is “intended to stress similarities at the expense of uniqueness” (p. 1041). In this regard, I am strictly concerned with describing and analyzing common themes between these two acts of recognition, rather than emphasizing their differences.⁴

Regarding academic literature, the thesis draws upon numerous works, both theoretical and empirical, that address struggles for national recognition within

³ I classify them as “sub-constitutional” in that they relate to parliamentary initiatives (one a resolution, the other a statute) and do not explicitly affect the content of the Canadian or Spanish constitutions.

⁴ Please note that these two particular acts do differ in both scope and content, as the Quebec resolution was a limited parliamentary statement, while the Catalan statute was a broad and multi-faceted piece of legislation, a difference that I will discuss further at the beginning of Chapter Four.

multinational democracies. At the theoretical level, I examine literature that regards the “politics of recognition” as a legitimate and necessary form of democratic dialogue (Gagnon, 2010; Maclure, 2003; Taylor, 1994; Tully, 2001 & 2008), as well as literature that regards it as politically motivated and a potential danger to larger state unity (Breuilly, 1994; Hobsbawm, 1992; Meadwell, 1993). For the sake of disclosure, please note that in this thesis, I associate my arguments with the former group, and I assert that free and ongoing dialogues surrounding recognition and identity are necessary and useful exercises for democratic societies to undertake. Further, I associate the latter perspective as the traditionally dominant viewpoint among central state actors – as well as of the majority of the population – within multinational democracies, a viewpoint that has traditionally made multinational states suspicious of minority nationalist sentiments and of their claims to internal nationhood.

At the empirical level, my thesis examines both comparative studies and case studies of the Quebec-Canada and Catalonia-Spain national recognition struggles. The concerns of these works are varied. Some of the studies focus predominantly on the stability of the Canadian and Spanish states, and how best to address the challenge posed by Québécois and Catalan nationalism to wider state unity (see Dion, 1996; Martínez-Herrera & Miley, 2010). Others concern themselves more with the freedom of Quebec or Catalonia to pursue their nation-building projects, inside or outside of the Canadian and Spanish states (see Gagnon, 2003; Kymlicka, 1998; McRoberts, 2001; Requejo 2003 & 2005). Many, however, place a certain emphasis on both concerns, trying to strike a

balance between the right of national self-determination and the unity of existing multinational societies (see Guibernau, 2006; Keating 2001a&b).

Finally, my thesis draws upon both academic and media sources in order to conduct its comparative analysis of the Québécois nation resolution and the Catalan statute, as well as the dialogues surrounding these acts. Specifically, I compare how political figures, members of the public, as well as scholars reacted to these two acts of recognition. I examine how these various actors interpreted the term “nation”, whether they thought it was justified in applying to Quebec or Catalonia, and what they thought the future ramifications of these acts might be. To this end, my thesis draws upon academic literature regarding the 2006 Québécois nation resolution (Cameron and Krikorian, 2008; Caron and Laforest, 2009; McEwen & Lecours, 2008) and literature on the 2006 Catalan Statute of Autonomy (Colino, 2009; Keating and Wilson, 2009; Requejo, 2010). I also examine various media sources from Quebec-Canada and Catalonia-Spain in order to provide analysis of the actions and opinions of political figures and of civil society at the time of these events.

Chapter One: Struggles for national recognition in multinational democracies

Description of “internal nations”

“Internal nations” are a complex and contested concept that have gained increasing scholarly and political attention in recent decades. As James Tully (2001) characterizes this term:

The members of (internal) nations are, or aspire to be, recognized as self-governing peoples with the right of self-determination as this is understood in international law and democratic theory. While some members of such a nation may seek to exercise their right of self-determination ‘externally’ – by secession and the formation of another independent single-nation state – other members mobilize to exercise their right of self-determination ‘internally’ – by the reconfiguration of the existing constitutional association so its multinational character is recognized and accommodated (p. 2-3)

Internal nations derive their sense of shared national identity from various social and political characteristics that are common to their particular group, but that are in some ways distinct from the larger multinational society. These commonalities often include a shared culture and language, an earlier history of political autonomy, concentration within a defined territory, and a desire to maintain the group’s distinctiveness and identity into the future (McRoberts, 2003; Requejo, 2005). The shared identity of an internal nation should, however, not be seen in strictly primordialist or constructivist terms. Kenneth McRoberts (2001) notes that ‘(internal) nations are indeed “constructed”’ but that “they are not constructed from thin air” and instead “rest on bases that are no less

substantial than the political structures that underlie the nation of the nation-state” (p. 683-684).

Accordingly, establishing a common sense of nationhood is a complex process that includes “various political and social players involved in constructing and affirming national identity”, but which is also grounded in the shared desire of a social group “to be recognized on their own terms and to portray themselves to others according to their own dynamics” (Gagnon, 2010, p. 12). A sense of nationhood, therefore, must have popular resonance and is only credible if it is able to relate to the experiences and day-to-day conditions of a social group. If such credibility is established, then a national identity has the potential to become deep-rooted and can persist as a source of identity and commonality among the group for generations, even under oppressive conditions (McRoberts, 2001, p. 684).

Another important factor to consider regarding the concept of the “nation” – be it an internal nation or the nation of the nation-state – is its internal heterogeneity and pluralism. Maclure (2003) argues that the nation is “no different from any other mode of collective identification” in that it “cannot be made intelligible without a perspicuous representation of its internal dissonance and ambivalence” (p. 44). Accordingly, as Tully (2008) notes, “any identity is never quite identical to itself: it always contains an irreducible element of alterity” whereby “(i)dentitity is multiplex or aspecival” leading to a “multiplicity of overlapping identities” and “corresponding allegiances” (p. 168). Nationalist sentiments are therefore “plurivocal” rather than “univocal”, as different members of the national group will invariably “disagree on what constitutes their

respective nations and on what kind of nationalism they should promote” (Maclure, 2003, p. 52).

In spite of its fluid and contested nature, however, scholars still stress that the “nation” is a relevant concept and a persistent source of collective identity. Tully (2008) notes how members of a social group will often overcome their various “identity-related differences” in order to defend and promote a shared aspect of their identity – such as language, culture or nationhood – and are willing to sustain this effort over the long-term (p. 168). Similarly, internal nations have shown remarkable resilience in preserving their collective identity in the face of external assimilative pressures from their own states, globalization, and regional political/economic integration (McRoberts, 2001, p. 687). Rather than declining in importance, instead, in recent decades internal nations have become more assertive and have posed significant political challenges to the functioning of their larger multinational states.

Description of “multinational democracies”

Belgium, Canada, Spain and the United Kingdom are perhaps the most notable Western “multinational democracies” each containing their own “internal nations”. The presence of these internal nations ensure that identities in multinational democracies are relatively complex, as “categories and identities overlap” and can coexist or compete with one another depending on the circumstances (Keating, 2001b, p. 45). Wayne Norman (2001), therefore, argues that multinational democracies constitute “radically

pluralistic societies – where not simply values and beliefs, but also identities and political traditions and discourses diverge” (p. 91). The sheer complexity of these societies turn constitutional and institutional arrangements into delicate compromises regarding issues of justice and fairness, individual and communal rights, autonomy for minority nations and the long-term unity of the larger multinational polity (Norman, 2001, p.91). Further, multinational democracies can very easily become the sites of intense and persistent identity and nation-building struggles, generally between the larger state and its internal nations, or even struggles between the internal nations themselves.⁵

Most multinational democracies feature some form of divided jurisdiction where “democratic self-government is distributed in such a way that citizens ‘participate concurrently in different collectivities ... in the democratic institutions of the society as a whole and of the federated members” (Tully, 2001, p. 10). These states vary greatly in their structural arrangements, and include federations, confederations, and devolved unitary states.⁶ Ronald Watts (2008) argues that the institutions and constitutions of these societies both reflect the interests of its constituent members, and at the same time “channel and shape (these) societies” through the “continual interaction” and “the interplay of the social foundations, the written constitutions and the actual practices and activities of governments” (p. 20-21).

⁵ Belgium is a good example of this second phenomenon due to the persistent tensions that have existed between its two internal nations, Flanders and Wallonia.

⁶ While Canada is a federation, Spain is instead a unitary state that has undergone a process of devolution to its regions (including Catalonia), and is now commonly seen as quasi-federal in structure (Watts, 2008).

Alain Gagnon (2010) notes that in recent decades certain multinational democracies have attempted to address the challenges posed by their internal “national diversity” through what he characterizes as “multinational federalism” (p. 5). Specifically, certain multinational democracies have undergone a process of political decentralization (often, involving constitutional or institutional asymmetry) towards a territorial unit that is felt to be representative of an internal national group. Gagnon (2010) points to the “federalization” process in Belgium as well as the devolution process in the United Kingdom as examples of this trend (p. 5-6). Belgium underwent a series of constitutional reforms that transformed the country from a unitary state to a federation, with significant power and autonomy devolved to its two main internal nations, the Flemish-speaking nation of Flanders and the French-speaking nation of Wallonia.⁷ The United Kingdom, meanwhile, has recently implemented a form of “asymmetrical devolution” through the provision of “differing degrees of autonomy” to its internal nations of Scotland, Wales and Northern Ireland (Guibernau, 2006, p. 64).⁸ In both the

⁷ Specifically, Belgium established the territorial regions of Flanders, Wallonia and Brussels, with each devolved extensive powers over various economic and social matters. Also established, were three overlapping “Communities” for the country’s Flemish-speaking, French-speaking and German-speaking populations, each with powers over education and culture. Belgium is, however, frequently cited as a particularly problematic multinational democracy, due to “the fundamentally bipolar Flemish-French character of its federal politics” (Watts, 2008, p. 184) an issue that has both driven the federalization process and been a source of political tension and division for decades, prompting many to question the long-term survival of the Belgian state.

⁸ While politically, devolution was a significant alteration from the former unitary model centred on Westminster, little actually changed regarding the issue of national recognition. This is because, in spite of their former lack of political autonomy, there has been a long tradition in the United Kingdom of recognizing Scottish, Welsh, Irish and English nationhood. Interestingly, because devolution has been asymmetrical (as it has not included devolution for England), coupled with the fact that it has not slowed the growth of sub-state nationalism, there is varied speculation over the effects of the devolution process on the stability of the United Kingdom.

cases of Belgium and the UK, political pressure from the internal nations (particularly from Flanders and Scotland), and the threat of secession if the unitary status quo was maintained, acted as an impetus for the federalization/devolution process. Whether or not this process has lessened nationalist aspirations is questionable, and indeed the eventual secession of Scotland and Northern Ireland from the UK or the dissolution of Belgium due to ongoing Flemish and Walloon tensions, are real possibilities.

Struggles for national recognition in multinational democracies

Charles Taylor (1994) argues that “(a) number of strands in contemporary politics turn on the need, sometimes the demand, for *recognition* (emphasis, Taylor’s)” and that this desire for recognition “is one of the driving forces behind nationalist movements in politics” (p. 25). For internal nations, demands for recognition are a complex phenomenon that “flow from the affirmation of their identities through history, their updating in the present and their projection into the future” (Gagnon, 2010, p. 25). By making a demand for recognition, a nation expresses “the desire to be regarded and treated as an equal, as a nation with a voice, able to participate in the political processes affecting its future” (Guibernau, 2003, p. 120).

Such a demand generally involves the public recognition of the internal nation’s distinctive characteristics, as well as the establishment or strengthening of autonomous political and legal institutions for the internal nation within the larger multinational polity. Accordingly, “a demand for recognition is never ‘merely symbolic’ as “it alters,

in complex and often massive ways, the social, economic and political relations of power that constitute the present system of social cooperation” (Tully, 2001, p. 15).

Successfully making a claim for national recognition is, however, not at all straightforward. Keating (2001b) argues that “(nationalist) claims command legitimacy and will be taken seriously to the extent that the leaders in question succeed in nation building and political mobilization around it” thereby “converting historic senses of identity into modern systems of action” (p. 62).

Modern Western states, however, have often proven inimical to the claims of internal nations within their borders. This resistance relates to a historic perception, in both scholarly and political circles, that the nation and the state are synonymous and inseparable from one another, existing as a fixed and indissoluble “political community” (Arel, 2001, p. 69). An example of this perspective is offered by Eric Hobsbawm (1992), who argues that “(the nation) is a social entity only insofar as it relates to a certain kind of modern territorial state, the ‘nation-state’, and it is pointless to discuss nation and nationality except insofar as both relate to it” (p. 9-10).⁹ Caron and Laforest (2009) explain how this “logic of the nation-state” has led to a “monistic conception of citizenship” in most Western societies, that is based upon “a unitary and indivisible feeling of (national) identity” and that is meant to apply equally to all members of a political association (p. 30-31).

⁹ For Hobsbawm (1992), states actively construct what becomes the “nation” through various political projects and the socialization of the citizenry behind the concept of a common national identity (p. 10).

Historically, many Western states embraced this monistic conception of citizenship and regarded their citizenry as a unified *demos*, “a body of people endowed with equal rights and collectively embodying the attribute of sovereignty” (Arel, 2001, p. 69). In this way “(c)ivic membership in a people went hand in hand with the assignment of certain rights and privileges that are strongly associated with the territory of the state,” while at the same time, the citizenry was collectively bound together through a encompassing sense of “national cohesion” (Caron and Laforest, 2009, p. 31-32). Further, any other allegiance or identity ‘that ha(d) the effect of dividing “the people” (was) perceived as being abnormal, and a threat to the operation of redistributive justice and the practice of a healthy democracy, making the state impossible to manage’ (Caron and Laforest, 2009, p. 32).

This monistic perspective led many Western states to “conceal” their multinational character and instead to foster a single “territorial *demos*” with a single national identity (Requejo, 2003, p. 25-26). Accordingly, in the present day, many *de facto* multinational states are *de jure* mononational in that they officially regard their population as an undifferentiated *demos* and fail – or refuse – to recognize their internal nations. Tully (2008) states that because of this viewpoint, states will present the conditions of citizenship within their common *demos* as neutral and universal, “the background conditions of free and equal participation”. In reality, however, these terms are often “arbitrary” in that “they favour the forms of participation appropriate to the practical identities of those groups who have dominated the public institutions for decades ... (while) they discriminate against and often exclude others” such as internal

nations and other minority groups. These excluded groups are thus forced to choose between assimilating to the dominant structures in order to be recognized as citizens, or to “challenge and negotiate the prevailing forms of recognition so they can participate on a par with the others: that is, to negotiate the rules of intersubjective recognition” (Tully, 2008, p. 149).

The political activity of minority nationalists within Belgium, Spain, Canada, and United Kingdom are examples of this latter option, and of how these internal nations attempt to challenge the monist status quo that pervades their societies. Their demands for national recognition are, therefore, significant as they “problematize” the national identities of their larger societies, in that such a “demand renders problematic the current (mononational) constitutional identity of the society and proposes a change” (Tully, 2001, p. 10). Further, “a demand for recognition problematizes not only the present identity of the member demanding recognition, but also the identities of all members and the relations among them” (Tully, 2001, p. 15). It openly challenges the supposedly neutral terms of citizenship and presents reasons why certain sections of the *demos* are misrecognized or misrepresented.

Officially recognizing an internal nation, however, can have an unpredictable effect on a larger multinational state. Such an act generally involves an explicit acknowledgement of an internal nation’s right to self-determination, which has the potential to lead to secession (Guibernau, 2003, p. 115). How the internal nation would choose to exercise this right of self-determination is, however, uncertain. Norman (2001) argues that in some circumstances providing “the constitutional recognition of a national

minority might strengthen the national identity of the members of that group, and thereby weaken their attachment to the larger state” thus encouraging secession. In other cases, however, an act of recognition “might make the members of the group feel more at home in a state that no longer pretends that they do not exist” (p. 93). Keating (2001b) cautions however, that even though a nation’s right to self-determination may be recognized, this act of recognition will not necessarily lead to the nation seceding from the larger political association, as “the costs of secession militate strongly against this”. He argues instead “that secession is more likely in conditions in which the right to self-determination is denied, thus forcing nationalists into more extreme postures” (p. 61).

Other scholars, however, take a more pessimistic perspective and assert that minority nationalist movements invariably seek greater and greater political power from the central state, a motivation that will eventually cause them to push for secession (Newman, 2000, p. 39). John Breuilly (1994), for one, asserts that this desire for political power is essential for conceptualizing nationalism:

To focus upon culture, ideology, identity, class or modernisation is to neglect the fundamental point that nationalism is, above and beyond all else, about politics and that politics is about power. Power, in the modern world, is principally about control of the state. The central task is to relate nationalism to the objectives of obtaining and using state power (p. 1)

Proponents of this perspective accordingly regard minority nationalism as essentially an “elite-driven” phenomenon, whereby regional political figures adopt the language and symbolism of the “nation” in order to “mobilize” popular support behind their own

political agendas (Meadwell, 1993; Dion, 1996). Through such an approach, elites are able to “exploit some form of regional identity to put pressure on central governments or to seek greater autonomy for their region” (Breuilly, 1994, p. 336).

McRoberts (2003) argues that because of the unknown effects that an act of national recognition may have, and because of the common association of minority nationalism with political separatism, larger multinational societies often reject recognizing sections of their populations as “nations” as “(t)hey find the word provocative, even seditious”. He feels this is “especially true of the leaders of central states, who tend to see the internal nations as threats to their own authority” and therefore “deny the legitimacy of such claims to nationhood” (p. iii). Accordingly, the nation-building projects of internal nations and the larger multinational state often work at cross-purposes, and perceive one-another as challengers in a zero-sum struggle over the allegiance and identification of a people. McRoberts summarizes this situation by stating that “most of the world’s multinational democracies remain locked in mutual incomprehension” as ‘(l)eaders in the central state insist that the only nation is the one that they represent, while the leaders of internal nations steadfastly proclaim that only they speak for “true” nations, and can usually mobilize the popular support to prove it’ (p. x).

Re-conceptualizing struggles for national recognition

Due to the prevailing association of national recognition struggles with separatism and political instability, many Western societies (including multinational democracies) believed that by establishing fixed terms of recognition and citizenship they could foster ongoing social stability and state unity. Tully (2008) describes how through such efforts, “theorists, courts and policy makers” sought “definitive and final solutions to these (recognition) struggles ... by trying to work out the theory, legal rules or policy of the just norms of mutual recognition”. He feels that these solutions have generally taken two forms, both of which have proven flawed. The first approach “often involved simply reasserting the two dominant forms of legal and political recognition: that is, difference-blind liberalism or uniform nationalism,” and led to “attempts to deny or subordinate the recognition of minorities relative to recognising individual equality (understood as treating each individual identically) and the uniformity of the nation”. The second approach involved acceptance of “the legitimacy of minority recognition and so the need to reconcile it with the freedom and equality of individuals”. The forms of recognition that were extended, however, were often essentialist and rigid in that they defined a group through a fixed set of rights, social characteristics or status that tended to “freeze the minority in a specific configuration of recognition” (p. 300).

The two approaches are problematic according to Tully (2008) due to their “monological and finality orientation.” They are “monological” in that the terms of recognition extended to minorities and internal nations “are handed down to the members

from on high – from theorists, courts or policy makers – rather than passing through the democratic will formation of those who are subject to them” and are therefore “experienced as imposed rather than self-imposed”. Further, because the terms of recognition are supposedly “definitive and final solutions”, they often function as a “straightjacket” for minorities or internal nations in terms of their future relations with the larger state. Accordingly, both approaches are restrictive or alienating for the members of the disaffected group, and therefore, generally fail either to respond to the group’s recognition claims or to foster a greater connection between the group and the larger state (p. 300-301).

Tully, Requejo, Maclure and Gagnon all criticize this “monological and finality orientation” and argue that rather than regarding identity and recognition claims as a problem to be resolved once-and-for all or a threat to be avoided, they should instead be treated as open-ended dialogues. Tully et al draw upon the notion of “agonism” to describe national recognition struggles, which involves “a relationship which is at the same time reciprocal incitation and struggle; less of a face-to-face confrontation which paralyzes both sides than a permanent provocation” (Tully, 2008, p. 142-143). Due to this agonistic relationship, “no agreement will be closed at a frontier; it will always be open to question, to an element of non-consensus, and so to reciprocal question and answer, demand and response, and negotiation” (Tully, 2008, p. 143). Accordingly, any response to a demand for national recognition and/or greater political autonomy and powers will invariably be contingent, imperfect and temporary, as well as always open to dispute or re-negotiation among the various actors within the dialogue.

These scholars argue that it is through participating in these ongoing agonistic dialogues that the diverse members of the citizenry foster a connection to the shared multinational political association as well as to each other, as Maclure (2003) explains:

The democratic process of exchanging reasons and visions with others not only spurs the capacity to develop a reflexive stance toward our own judgments and to see the association from a plurality of perspectives, but it also, as a byproduct, cultivates a thin or second-order form of belonging that can withstand punctual disagreement on substantive or procedural matters (p. 49)

The sense of connection that is fostered is still imperfect and impermanent, for “(w)hat shapes and holds individuals and groups together as ‘citizens’ and ‘peoples’ is not this or that agreement but the free agonistic activities of participations themselves” (Tully, 2008, p. 147). Even if the result of these activities “falls short of formal recognition”, the dialogical process itself is beneficial as “a means of discharging *ressentiment* at the present structure of recognition: displaying how a member would like to be seen by and relative to the other members; and generating a sense of pride in the disclosed identity (as a minority or nation)” (Tully, 2008, p. 183). Accordingly, even “(c)itizens who disagree with each other or with public officials can still identify with the community insofar as they can voice their dissent and initiate new rounds of public deliberation” (Maclure, 2003, p. 50)

Within this perspective, citizens must be free to “test” the rules as well as negotiate or re-negotiate the nature of the political association, thereby challenging “the prevailing and biased ethos of citizen participation” (Tully, 2008, p. 147). This involves

“negotiations in which *audi alteram partem* (always listen to the other side) is the immanent rule of reciprocity” whereby “the rules of intersubjective recognition (are) open to question and subject to the interplay of reasons and redescriptions among free and equal citizens” (Tully, 2008, p. 151-152). This ongoing dynamic has the effect of ensuring that “the rules of recognition do not become sedimented but are themselves open to the practices of freedom, so citizens are able to amend them as they proceed, and, in so doing, modify their identities, with as little unnecessary domination as possible” (Tully, 2008, p. 153).¹⁰

Ultimately, what is at stake is not so much “recognition, identity or difference, but freedom”, the freedom for individuals and groups to debate and change the nature of their political association as their identities change (Tully, 2001, p. 5). Further, the absence of such agonistic dialogues makes the political association “unfree” and restrictive, as it treats the members of the political association as ‘subjects’ instead of ‘citizens’, where their identities are imposed upon them rather than self-imposed (Tully, 2008, p. 147). This can have the effect of radicalizing the members of internal nations, as they begin to seek other means of reforming the political association, or to leave it entirely. Maclure

¹⁰ Any change that does take place, however, must arise through dialogue and the shared exchange of reasons. Tully criticizes past recognition debates whereby actors have attempted to delegitimize alternative positions in favour of their own. He feels that any group adopting such an approach would “undermine the legitimacy of their claim to recognition, for they misrecognize, or fail to recognize at all, the claims of others affected by their claim, precisely the injustice they are protesting in their own case” and therefore violate “the principle of reciprocity, mutual recognition, mutual acknowledgement or *audi alteram partem*”. He further argues that societies must not try to “bypass” these recognition discussions, but instead “pass through it freely and democratically – by means of negotiations in which all members affected have a voice” and to regard any type of unilateral/monological action as “unjust and unstable” as well as “illegitimate” (Tully, 2001, p. 16).

(2003) notes how minority nationalism in such a restrictive context will increasingly consider secession if the majority nation ignores its attempts at dialogue (p. 48).

Multinational democracies, according to these scholars, should welcome the interplay between the various identities and allegiances contained within their society, and accordingly should allow for “a complex and non-ideal framework of agonistic public deliberation” (Maclure, 2003, p. 51). Ferran Requejo (2003) notes how such agonistic tension and negotiation is “unavoidable” in multinational societies due to the coexistence of different values and identities, and that therefore, the rules and organization of the multination need to be flexible and open to re-negotiation in order to address the plurality of voices and concerns expressed (p. 23). Gagnon similarly notes that the history of multinational democracies:

(C)onfirm that societal diversity is not always welcomed by those in power and that it is thus important that political communities participate in the expository work essential to having their legitimate claims acknowledged in federal political institutions. Such expository work can be done in various ways and according to processes specific to different polities. For example, it can be done through commissions of inquiry, referenda, general elections, or constituent assemblies held to raise awareness in the various communities that are original parties to the federal pact (Gagnon, 2010, p. 4).

Whether this new approach would be labelled a “federalism of trust” (Requejo, 2003) or “multinational federalism” (Gagnon, 2010) the purpose is the same, ensuring that a multinational society is respectful of the plurality of nations and groups within its borders, and open to alteration and negotiation of the terms of recognition as time passes.

Chapter Two: Historical overview of Quebec-Canada and Catalonia-Spain cases

Quebec-Canada: Two competing nation-building projects

Quebec nationalism has arisen through a long historical process of identity construction that has sought to distinguish Quebec's French-speaking population from the predominantly English-speaking society in the rest of Canada and North America. Following the Conquest of New France in 1759, the francophone population of Quebec struggled to protect their distinct identity and institutions within the context of the British Empire. Despite initial resistance by the British authorities,¹¹ francophones would eventually gain certain protections and rights for their community (including freedom of religion, public use of the French language, and the co-official status of French civil law with that of British common law within Quebec). These legislative protections, and their acknowledgement of Quebec's distinct social characteristics, became an "institutional source (of) legitimacy" to Quebec's national claims within the context of British North America, and would later be re-affirmed within the new Canadian state through the Confederation agreement of 1867 (Gagnon, 2010, p. 20-21).

The result of this agreement, the British North America Act (now known as the Constitution Act, 1867), did not explicitly recognize Quebec's national character or its distinctiveness within Canada. It did implicitly acknowledge, however, "the presence of

¹¹ This resistance included various efforts by the British to assimilate their new French-speaking subjects into the wider English-speaking population of British North America.

English and French Canadians at the heart of emerging political institutions” within Canada, by affirming the bilingual character of the federal and Quebec governments (Gagnon, 2010, p. 21). Further, the decision to create the Province of Quebec, where francophones were in the majority, ensured that the new Canadian federal system was partly designed “to accommodate and protect cultural and linguistic differences, as opposed to purely territorial ones” (McRoberts, 2001, p. 695). Kymlicka (1998) believes that this decision implicitly established Quebec as a “nationality-based unit” within Canada, as it is “the only province that is a vehicle for a self-governing national minority” whereas the other provinces instead “reflect regional divisions within English-speaking Canada” (p. 23). By the mid-19th century, therefore, Quebec had established a degree of autonomy and distinctiveness within the new Canadian state, although this distinctiveness was rather ambiguous (something that would prove problematic in the future).

Following Confederation, and prior to the 1960s, “French Canadian nationalism” served as the expression of Quebec’s collective identity. This was a “conservative” and ethnic form of nationalism focused on the *survivance* of the French Canadian nation (both inside and outside Quebec), and protecting it from assimilation into the larger English Canadian nation (Keating, 2001a, p. 78). The French Canadian nationalism espoused by Quebec political figures was, however, not a separatist doctrine. Rather, francophone Quebecers fostered a notion of a united but binational Canada and argued that Confederation was a “double compact”: a “political compact” among the former colonies (and their provincial successors), as well as a “national compact” between

French Canada and English Canada (McRoberts, 2001, p. 695). This binational vision and the special status of French Canadians as one of the country's "founding peoples" would resonate strongly among francophones both inside and outside Quebec for decades.

In the 1960s, however, an era of social and political modernization known as the "Quiet Revolution" began to transform Quebec's conception of national distinctiveness. Since this time, nationalists have abandoned the non-territorial and ethnic notion of French Canadian identity in favour of a modern, secular and civic "Québécois" nationalism. This conception of a Québécois nation is of a culturally diverse, but specifically French-speaking, national society that is territorially associated with the Province of Quebec (Blad and Couton, 2009, p. 659). Québécois nationalists have accordingly used the apparatus of the Quebec government to develop and protect its national identity "on the grounds that (Quebec) constitutes the homeland of the French language and culture in North America" (Lecours, 2000, p. 159).

Québécois nationalism has since become the "hegemonic" political paradigm within Quebec (Keating, 2001a, p. 93). Accordingly, all of the province's main political parties (the Quebec Liberal Party and the Parti Québécois, and the Action démocratique du Québec), as well as the Bloc Québécois at the federal level, regard Quebec as a "nation" and assert that the "Canadian political community is in some sense fundamentally binational (or, more recently, multinational)" (Graefe and Laforest, 2007, p. 47). Further, these political parties all assert Quebec's national right to self-determination, although the form they feel it should take varies – the Quebec Liberals and

ADQ argue Quebec should exercise it in some form within Canada; the PQ and BQ assert that Quebec should exercise it externally.

This notion of Quebec nationhood is far from homogeneous, however, and the question of what or who exactly constitutes the Quebec nation is open to debate. Deep diversity and pluralism characterize Quebec society, and Quebecers express a “plurivocal” range of identities – to use Maclure’s phrase. In particular, Quebec’s “cultural communities” (the anglophone and allophone populations) have been ambivalent or opposed to identifying with a “Quebec nation,” historically preferring to identify with their own ethnic/linguistic group or with the larger Canadian society. McRoberts (2001) argues, however, “these ambiguities about the precise boundaries of the Quebec nation do not weaken the contention that such a nation exists.” Nor has Quebec’s diversity “muted the sense of most Quebecers (albeit largely francophone) that there is indeed a national collectivity, of which they are part, and that they are following a long historical tradition in seeing themselves this way” (p. 690).

While Quebec nationalism may be popular and broadly supported within Quebec itself, it has received a mixed reaction from the rest of Canada. The idea of a distinct French Canadian (and later Québécois) nation has long been a source of controversy and ambiguity among English-speaking Canadians. McRoberts (2001) argues that unlike Quebec francophones, English Canadians historically did not conceive of Confederation as a binational compact, but strictly as “a compact among provinces” (p. 695). Nonetheless, their belief that Canada was a territorial compact of various provincial communities meant that for many decades after Confederation, English Canadians

respected the country's provincial variations and did not attempt to establish a transcendent and monistic sense of Canadian national identity (McRoberts, 2001, p. 695).

This changed over the course of the mid-20th century with the rise of a new pan-Canadian nationalism, a development that complicated the idea of Canada's foundation as either a territorial or a national compact. The federal government, since the Great Depression and the Second World War, has played a leading role in fostering this new conception of Canada in that it "deliberately attempted to create a standard Canadian national identity" (Caron and Laforest, 2009, p. 35). This new pan-Canadian nationalism resonated among the increasingly diverse Canadian population and responded to a "felt need" among many citizens for a distinct Canadian identity (McRoberts, 2001, p. 698). In particular, it offered an identity that would set Canadians apart from their old imperial association with the British Empire, as well as apart from the culturally, economically and militarily dominant American super-power to the south.

The new and more assertive Québécois nationalism of the 1960s, however, posed a challenge to this pan-Canadian nation-building project, forcing Ottawa to try to accommodate Quebec's particularity within its own pan-Canadian national vision. One approach taken by the federal government was to increase Quebec's political "voice at the periphery and the centre" through various sub-constitutional negotiations and agreements (McEwen and Lecours, 2008, p. 238). At the "periphery," both Liberal and Conservative federal governments agreed to Quebec exercising control over certain policy areas that are under joint federal-provincial jurisdiction such as pensions and immigration, which other provinces leave in the hands of the federal government (Graefe

and Laforest, 2007, p. 48). At the centre, Ottawa sought to increase Quebecers' "presence and influence in state-wide politics" by ensuring strong Quebec representation in the federal cabinet and through the Official Bilingualism Act of 1969 (McEwen and Lecours, 2008, p. 230).

The question of recognizing Quebec as distinct nation, however, has been problematic. Ottawa showed a degree of openness to the idea under Prime Minister Lester Pearson, whose "conception of Canada included a sense of asymmetry between the provinces capable of acknowledging the distinct nature of Quebec" (Guibernau, 2006, p. 52). It was in this spirit that Pearson launched the Royal Commission on Bilingualism and Biculturalism. He also publically acknowledged in 1963 that 'while Quebec is a province in this national confederation, it is more than a province because it is the heartland of a people: in a very real sense it is a nation within a nation' (quoted in Guibernau, 2006, p. 52). The rest of English-speaking Canada was less convinced, however, and the idea of a distinct Quebec nation produced discomfort among many Canadians in the other provinces (McRoberts, 2001, p. 696).

Following Pearson's retirement in 1968 and the political accession of Pierre Trudeau a more aggressive pan-Canadian nationalism asserted itself. Ottawa in this period sought to "transcend (Quebec) minority nationalism" by promoting a multicultural vision of the pan-Canadian nation of which francophone Quebecers were an integral part, but without an explicitly distinct status (McEwen and Lecours, 2008, p. 231). The policy of official bilingualism reflects this inclusive but mononational approach, where its

implementation was partly in response to Quebec concerns, but nonetheless, did not recognize Quebec's distinctiveness, as Charles Taylor (1993) notes:

The Trudeau government was largely responsible for the growth of bilingualism, but it linked bilingualism's growth with a categorical refusal of special status for Quebec. Instead, bilingualism was defended in the name of a philosophy that relied on a rigorously symmetrical federalism. It was conceived of as an individual right of French and English speakers, and not as the recognition of a community (p. 142-143)

Accordingly, pan-Canadian nationalism with its "assumptions of linguistic and cultural diversity" was able to portray itself as a modern and plural form of national identity – even "non-national" or "post-national" – that was able to transcend and unite the diverse population of the country (McRoberts, 2001, p. 700). In a related way, Trudeau portrayed Quebec nationalism, as a continuation of traditional French-Canadian nationalism, in that it was supposedly ethnic, insular and tribal relative to the modern, open and civic pan-Canadian national identity (McRoberts, 2001, p. 700). These attempts to transcend or displace Québécois nationalist sentiments and to "integrate Quebec francophones with the rest of Canada," nonetheless, had a limited impact, as "most Quebec francophones remained attached to the much older idea of a distinct nation of their own" (McRoberts, 2001, p. 698). Instead, Trudeau's efforts merely strengthened the pan-Canadian identity among the rest of the Canadian population, particularly among recent immigrants and ethnic minorities who were attracted to the inclusive new multicultural conception of the Canadian nation (McRoberts, 2001, p. 700).

The “separatist” element within Québécois nationalism served as another impetus for the more assertive pan-Canadian nationalism of the mid-to-late-20th century (McEwen and Lecours, 2008, p. 231). The political rise of the sovereignist Parti Québécois during the 1970s, the Bloc Québécois in the 1990s, as well as the 1980 and 1995 referenda on Quebec sovereignty, made Québécois nationalism threatening for many Canadians and to their conception of national unity. Within this mindset, Prime Ministers Pierre Trudeau and Jean Chrétien as well as other federal political figures, have treated the “accommodation of demands for autonomy and recognition” towards Quebec as a potentially “dangerous strategy” that might lead to the eventual break-up of the country (Graefe and Laforest, 2007, p. 49).

By the late-20th century, the two competing Québécois and pan-Canadian nation-building projects were proving irreconcilable with one-another, and were increasingly “straining the bonds of federalism” (Gagnon, 2003, p. 307). While pan-Canadian nationalism was popular among many Canadians (including sections of the Quebec population), for many francophone Quebecers (and for Québécois nationalists in particular) it was a diminishment of their historic national distinctiveness and status within Canada (Caron and Laforest, 2009, p. 37). Conversely, many English-speaking Canadians and federal politicians wanted a unifying monistic sense of Canadian national identity, and opposed national recognition for Quebec as a divisive idea, “opening the door to secession” (McEwen and Lecours, 2008, p. 231).

This irreconcilability played out repeatedly in intergovernmental constitutional negotiations from the 1960s through to the 1990s. The Quebec government acted as a

major impetus for these discussions, and argued that the constitution should recognize in some way “Quebec as a ‘nation’ or a ‘distinct society’ with characteristics and needs palpably different from those of other provincial communities in the Canadian federation” (Cameron and Krikorian, 2008, p. 389). The federal government and many of the other provinces, nonetheless, argued in response that “(t)o grant special rights to one province on the grounds that it is nationality-based ... is somehow to denigrate the other provinces, and to create two classes of citizens” (Kymlicka, 1998, p. 25). Will Kymlicka (1998) describes these two competing perspectives as “multination federalism” and “territorial federalism”, where “the former conception emphasizes the link between federalism and self-government for national minorities” while “the latter ignores or downplays this link” (p. 21).

An inability to reconcile the two perspectives eventually led the Trudeau government and the nine English-speaking provinces to patriate the constitution without Quebec’s consent in 1982. Guibernau (2006) argues this act “constituted an injustice from the perspective of Quebec because it violated one of the fundamental rules of federation: what affects all must be agreed to by all or by their representatives”, and accordingly, the 1982 patriation drew unanimous criticism from the Quebec National Assembly (p. 56). In this respect, Gagnon (2010) stresses how “(i)t is ironic that the Canadian constitutional reform that began in the early 1960s specifically to meet Quebec’s needs was completed to the detriment of the Quebec nation and without taking into account the demands for recognition expressed by its leaders” (p. 23).

Part of the reason for Quebec's opposition to the Constitution Act, 1982, was that it provided no explicit recognition of Quebec's distinctiveness, and instead emphasized the symmetrical and equal status and powers of the various provinces. The inclusion of the Charter of Rights and Freedoms also proved controversial in that it interfered with the supremacy of the provincial and federal legislatures, including Quebec's, with many regarding it as an assertion of a monistic conception of Canadian citizenship,¹² as Gagnon (2010) argues:

Combined with official multiculturalism and bilingualism, the Charter of Rights and Freedoms, which was the personal work of Pierre Elliott Trudeau, was the keystone for a universal basis for a pan-Canadian identity. For Trudeau, a legal nation, in which every citizen has a set of individual rights, is the institutional expression of a "just society", for it is based on reason instead of the "parochial" and "emotional" ties of the regional entities on which Canada was built (p. 95)

Further attempts by the government of Brian Mulroney to address Quebec's constitutional concerns through the Meech Lake and Charlottetown Accords would similarly fail to reconcile the goals of the Québécois and pan-Canadian nationalisms. These accords were criticized by many pan-Canadian nationalists for potentially undermining the unity of Canada through their "concessions to Quebec" including the recognition of Quebec as a "distinct society" within Canada (McEwen and Lecours, 2008, p. 230). McRoberts (2001) argues that the opposition to Meech and Charlottetown

¹² Taylor (1993) notes how the Charter very quickly became a pan-Canadian "point of unity" as well as "a common reference point of identity, which can rally people from many diverse backgrounds and regions ... not just as an additional bulwark of rights but as part of the indispensable common ground on which all Canadians ought to stand" (p. 161-162).

‘proved that for most Canadians federalism can only be about territory not culture, let alone “nations,” and Quebec can only be a “province like the others”’ (p. 696). The result of these failed amendments is that “Canada has thus been trapped in an unsatisfactory state of irresolution with respect to national unity since 1982” where “Quebec – as reflected in its government, its legislature, and, arguably, its people – has not assented to the constitutional arrangements by which it is governed” (Cameron and Krikorian, 2008, p. 394-395).

The failure to reconcile the pan-Canadian and Québécois visions of nationalism in the constitution, sparked a surge in sovereignist support among Quebecers in the early 1990s, as well as a sense of exhaustion and antagonism in English-speaking Canada against any further constitutional discussions regarding the accommodation and status of Quebec. As Cameron and Krikorian argue, a general sentiment set in “that the country was playing with fire in attempting substantial constitutional reform and that we would all be better off if, for the foreseeable future, the country abstained from further constitutional adventures” (p. 394). Further, the political ascendancy of more expressly rigid nationalists – pan-Canadian in the form of the Chrétien Liberals and the Reform Party, and Québécois in the form of the BQ and the PQ – as well as the 1995 Quebec sovereignty referendum, led to a radicalization of both nationalist positions. This created an impasse that prevented constructive dialogue on Quebec’s relationship with Canada at the constitutional level.

Instead, attention shifted to the sub-constitutional level, as the Chrétien government articulated a mixed approach to Ottawa-Quebec relations – varying from

openness to confrontation – following the narrow result of the 1995 referendum. In terms of openness towards Quebec, Ottawa approved a symbolic resolution recognizing that “Quebec is a distinct society within Canada”, and in the following years, actively funded efforts to promote Canadian national unity among the Quebec population. The Chrétien Liberals tempered this openness, however, with efforts to dictate the terms of any future sovereignty referendum through the “Clarity Act”, an approach that drew protest from both the PQ government in Quebec City and the Bloc Québécois. The federal government also initiated a Supreme Court Reference case regarding the constitutional legality of Quebec’s (possible) unilateral secession from Canada, a case that in turn led to a largely unfavourable ruling for Ottawa in 1998. Though the court ruled that Quebec could not proceed with secession unilaterally, it also stated that the federal government must negotiate with the Quebec government over the question of secession if a proposal for separation “is supported by the people (of Quebec) through a ‘clear’ referendum” (Supreme Court of Canada, 1998).

By the beginning of the 21st century the impasse over the pan-Canadian/mononational and Québécois/multinational visions of the Canadian federation continued. At the time, Kenneth McRoberts (2001) described how the majority of English-speaking Canadians believed they were “part of a nation that extends throughout Canada and is centred in the Canadian state” rather than part of a multinational society (McRoberts, 2001, p. 691). This certainty among pan-Canadian nationalists, however, had not weakened the sense of nationhood among the Québécois, causing McRoberts to assert that the question of national recognition for Quebec will not diminish and that

“Canada's multinational dimension is simply too strong to be ignored or wished way”
(McRoberts, 2001, p. 691).

Catalonia-Spain: One nation, with internal “nationalities”

Catalonia’s national identity has similarly developed over a long history, as Catalans have fought to preserve their cultural/linguistic distinctiveness¹³ and political autonomy within the context of the Spanish state. For centuries, Catalonia was an autonomous political entity within the Kingdom of Aragon. In the 15th century, however, the union of Castile and Aragon led to Catalonia’s incorporation into what would gradually become the Spanish state. At first, the traditional Catalan aristocracy exercised considerable autonomy within Spain and managed to preserve many of the institutions and customs of Catalan life (Gagnon, 2010, p. 16). Beginning in the 18th century, however, political power in Spain became increasingly concentrated within Madrid, undermining Catalan autonomy. At the same time, Madrid steadily imposed the Castilian culture and language on the Catalans, as well as on the other non-Castilian speaking peoples of Spain (Guibernau, 2000, p. 56).

Political centralization was part of a larger re-organization of the Spanish state – along the French state model – designed to create a uniform nation-state with a single Spanish national identity (that was in reality grounded in the Castilian culture and

¹³ Catalonia is defined by its own unique culture and language (Catalan), which sets it apart from the predominantly Castilian (or Spanish) speaking population of Spain.

language). This process was upset, however, by a prolonged period of political turmoil that beset Spain during the 19th century. The disorder and division of this era undermined the ability of the central government “to establish itself as the legitimate authority of the Spanish state” or to subsume the country’s diverse communities into a single Spanish nation (Harty, 2001, p. 197-198). The waning of central control coupled with rapid industrialization in Catalonia promoted the development of a modern conception of Catalan identity and nationalism. By the late 19th century, this new nationalism sought to challenge Spanish/Castilian cultural and political dominance by promoting Catalan “cultural rebirth” and the restoration of Catalonia’s political autonomy (Guibernau, 2000, p. 56-57). In essence, they sought to promote a distinct Catalan nation within the Spanish state.

The idea of Catalan nationhood, however, posed a significant challenge to the central government’s conception of a single “Spanish nation” (Keating and Wilson, 2009, p. 537). Despite a brief period of openness towards Catalan nationalism during the Second Spanish Republic, when Catalonia – along with the Basque Country and Galicia – gained self-government through a “statute of autonomy”, Madrid was generally hostile to competing conceptions of nationalism. This hostility reached its apex during the fascist regime of Francisco Franco from the 1930s to 1970s. Francoist nationalism arose in reaction to the political reforms of the Second Republic and “was based on a conservative, centralist and Castilian-centred ideology” (Guibernau, 2003, p. 122). Following their victory over the Republican regime in the Spanish Civil War, the

Francoists repealed the Catalan statute of autonomy and “condemned all forms of cultural or political diversity” as threats to Spanish unity (Guibernau, 2000, p. 58).

Catalonia and the other internal nations of Spain came under intense pressure during the Franco years. Madrid prohibited the public use of the Catalan language, cultural practices, and symbols of national identity (flags and anthems), while Catalan nationalist leaders were imprisoned, executed, or forced to flee Spain (Casanova, 2005, p. 202). These pressures, however, strengthened nationalist resilience so that by the time of Franco’s death in the 1970s, Catalan nationalism continued to be a well-organized and popular political movement (Gagnon, 2010, p. 17). If anything, the institutionalized repression of the Francoists had only led to “the intensification of the question of the national minorities” within Spain, as both the Catalans and Basques were resolved to redefine the relationship between their nations and the post-Franco Spanish government (Guibernau, 2003, p. 124).

The transition to the present democratic system in Spain in the 1970s restored a political voice to Catalonia. The new constitutional order transformed Spain from a unitary to a quasi-federal state with a “multi-level political system” known as the *Estado de las autonomías* (State of Autonomies) (Keating and Wilson, 2009, p. 539). This included the division of Spain into seventeen “autonomous communities” (ACs), one of which was Catalonia, whose regional government (the Generalitat) and parliament in Barcelona were restored for the first time since the Spanish Civil War, providing a forum for Catalan nationalism to operate freely again.

The modern Catalan nation is a heterogeneous and contested concept. Due to migration from other parts of Spain, as well as from abroad, Catalonia is increasingly a diverse and plurivocal society with varying and crosscutting identities and allegiances. Catalan nationalism (just as in Quebec) has accordingly had to develop a civic and open conception of the “nation”, as a way of integrating these newcomers into a shared Catalan-speaking national identity (Arel, 2001, p. 84-85). In spite of this internal diversity, as in Quebec, nationalism shapes the political discourse within present-day Catalonia. There are two major Catalan nationalist political parties, the centre-right *Convergència i Unió* (Convergence and Union or CiU), and the centre-left *Esquerra Republicana de Catalunya* (Republican Left of Catalonia or ERC), each of which has elected officials in both the Catalan and Spanish parliaments. Both the CiU and the ERC assert that Catalonia is a nation with a right to self-determination, although they differ on how Catalonia should exercise this right (the CiU advocate greater autonomy for Catalonia within Spain, while the ERC call for Catalan independence). The CiU controlled the Catalan regional government for the first two decades after the restoration of autonomy. Their moderate approach to Catalan nationalism, which has stressed cooperation with Spanish political parties and “contributing to the governance of Spain” has generally been popular, while Catalan separatist sentiments until recently have been weak (Guibernau, 2000, p. 62).

The other prominent political parties in Catalonia are the regional branches of the major Spanish parties, but even they show strong “Catalanist” sentiments and will often draw upon nationalist rhetoric in order to compete with the dominant CiU (Keating,

2001a, p. 154). The Catalan Socialist Party is the most notable in this regard, and in recent years has succeeded in ousting the CiU from power and forming a coalition government of left wing Catalanist and nationalist parties (including the ERC). Nationalist or Catalanist sentiments are, therefore, pervasive in Catalonia, and both the Generalitat and various Catalan political parties have been continually active since the restoration of democracy in seeking both greater autonomy and national recognition from Madrid.

Catalan efforts have often centred on the terms of the 1978 Spanish Constitution. The new constitution in many ways attempted to heal the numerous divisions left over from the Spanish Civil War and the Franco regime, through “the transformation of Spain into a democratic state, and recognition of the existence of national minorities” (Guibernau, 2000, p. 60). This recognition is, nonetheless, ambiguous both in terms of Catalonia’s status within Spain and the powers that the Catalan Generalitat exercises. Regarding Catalonia’s status, the constitution stresses, “the indissoluble unity of the Spanish nation, as well as the nationalities and regions that constitute it, without specifying or defining either category” (Keating and Wilson, 2009, p. 539). Because of this inherent ambiguity, Ferran Requejo (2010) argues that the constitutional agreement failed to properly recognize the country’s multinational nature, as only Spain itself is considered a nation, while the internal nations: Catalonia, the Basque Country and Galicia, are treated as “historic nationalities”¹⁴ (p. 156). In this regard, many Catalans

¹⁴ Numerous Castilian-speaking ACs are also now recognized by Spain as “historic nationalities,” which has further diminished the term’s ability to denote national particularity

feel that Spain does not officially recognize their distinct status, and that the old mononational vision of a uniform Spanish nation has persisted into the democratic era.

The second point of contention for Catalans, relates to the specific powers exercised by the Catalan Generalitat as articulated in its “Statute of Autonomy”, which is a sub-constitutional document negotiated between an AC and the central government (Colino, 2009, p. 263). Through a statute of autonomy, an AC is able to “enjoy a high degree of self-government” and jurisdiction within numerous policy areas (Requejo, 2001, p. 315). Catalonia, the Basque Country, and Galicia were each granted statutes immediately after the approval of the new constitution due to their earlier history of self-government. This set them apart from the other – predominantly Castilian-speaking – autonomous communities, which were instead gradually devolved powers over time from the central government with the intention of achieving an equal level of autonomy among all the ACs. In this regard, the Spanish central government has sought “symmetric decentralisation” amongst all 17 ACs designed to avoid privileging any one particular region, an approach that is commonly referred to as *café para todos* (coffee for everyone) (Guibernau, 2000, p. 61). The Catalans and the other historic nationalities, however, have resented this symmetrical model, and have pushed for asymmetrical status within the Spanish state relative to the Castilian-speaking regions (Guibernau, 2006, p. 63-64). Like Quebec nationalists, Catalans argue that as a nation, Catalonia requires certain powers and status that are fundamentally different from the requirements of the non-national ACs of Spain.

The response of the central government to Catalan demands has varied. During periods of majority government in Madrid, such as in the 1980s and early 1990s, the central government was generally opposed to any further devolution to Catalonia or to the other historic nationalities.¹⁵ Instead, the main Spanish political parties made a priority of ensuring “equal treatment of the seventeen ACs” out of what they considered to be a “constitutional principle of solidarity” (Agranoff and Gallarin, 1997, p. 14). The arrival of successive minority governments in Madrid during the 1990s did create certain openings for the CiU to support the central government in exchange for devolution of new powers to the Catalan Generalitat. In spite of these concessions, however, the central government under both the leadership of the Spanish Socialist Party and the conservative Popular Party remained unreceptive to allowing any significant differentiation between the historic nationalities and the rest of Spain.¹⁶ In addition, concerns about separatism fuelled resistance within both parties towards negotiating greater autonomy with the nationalities out of concern that it may endanger the unity of the Spanish state.¹⁷

An even greater obstacle, though, is how neither the Socialist nor Popular Parties have been willing to amend the 1978 Constitution. Many in Spain treat the constitutional

¹⁵ Madrid’s resistance led to numerous disputes in the Spanish Constitutional Court between the Catalan Generalitat and the Spanish government over the extent of the powers guaranteed to Catalonia through its statute of autonomy.

¹⁶ Both the Socialists and the Popular Party contain elements that advocate a mononational vision of Spain and oppose recognition or special status for the Catalans, Basques and Galicians (particularly within the Popular Party, which has in the past contained former Francoists)

¹⁷ The ongoing activities of the armed Basque group ETA have only hardened this sentiment within Madrid.

agreement with great esteem, regarding it as a carefully crafted agreement¹⁸ that allowed Spain to break free of dictatorship and develop into a successful modern democracy (Martínez-Herrera and Miley, 2010, p. 7). Joan Ramon Resina (2002), however, notes that this perspective has led to a rigid and romanticized interpretation of the constitution among many Spaniards:

The problem with this representation arises when the document is not understood as a flexible frame for the evolving nature of social coexistence but as a fetish that freezes the moment of its mythical foundation (p. 379)

Because of this rigidity, neither party wishes to stray from “the basic features of consensus and compromise” in the constitution regarding “the politics of national identity and the territorial configuration of the Spanish state” (Martínez-Herrera and Miley, 2010, p. 27). They instead treat the constitution as a “post-national” document that “guarantees the necessary civic consensus” of the Spanish *demos*, and have been unwilling to question the constitution’s ambiguity regarding the status of the historic nationalities (Resina, 2002, p. 379).

Just as in the case of Quebec-Canada, the pan-Spanish mononational perspective, and the Catalan multinational perspective continually have come to an impasse with both referring to the ambiguous language of the 1978 Constitution to justify their claims (Guibernau, 2003, p. 130). A good example of this sense of impasse came in 1998 when

¹⁸ The 1978 Constitution has obtained an almost legendary status within Spain, regarded as a painstakingly built consensus that bridged long-standing ideological and national divisions, and that came about in spite of the threat of a coup d’état from former Francoists (Guibernau, 2003, p. 124).

the CiU and the main Basque and Galician nationalist parties issued the Declaration of Barcelona “demanding that Spain be defined as a multi-lingual, multi-cultural and multi-national state” and that “Catalonia, Galicia and the Basque Country be recognized as nations within the Spanish state” (Guibernau, 2000, p. 63). The document stressed that “after 20 years of democracy Spain continued to have a unitary character and had not resolved the national question” (quoted in Guibernau, 2003, p. 127). The implications of the Declaration were significant as “it would imply a substantial change to the constitution” and ‘it would involve accepting that Spain can be defined, at least, as a “nation of nations”’ (Guibernau, 2003, p. 127). The Popular and Socialist parties, however, promptly rejected the Declaration as an unconstitutional proposal that endangered the unity of the Spanish state.

Rather than engaging with the concerns of minority nationalists, Madrid instead continued to push for symmetry between the historic nationalities and the other ACs of Spain. This tendency increased between 2000 and 2004 under the Popular Party majority government of José Maria Aznar. The Aznar government pursued a centralizing agenda, whereby they opposed further devolution to the regions and promoted a strong conception of pan-Spanish nationalism¹⁹ that downplayed the significance of the historic nationalities within Spain (Requejo, 2001, p. 158). The Popular Party government became increasingly “hostile to Spain's internal diversity” treating the nationalist

¹⁹ Resina (2002) notes that the Aznar government and its supporters often characterized their perspective as “post-nationalist” in that they believed the terms of citizenship contained in the 1978 Constitution successfully transcended Spain’s internal diversity. This perspective conveniently acted as a justification for maintaining the constitutional status quo, and for arguing that Catalan or Basque demands for constitutional reform would undermine the existing post-national consensus in Spain.

movements as “a nuisance, a remnant of the past and a threat to the unity of Spain” (Guibernau, 2003, p. 130). The obstinacy of the central government led to a radicalization of nationalist sentiments in both Catalonia and the Basque Country.²⁰ The moderate CiU lost electoral support among Catalans, while the separatist ERC grew in popularity (Guibernau, 2003, p. 129-130).²¹ Further, in 2001, a coalition of left-wing Catalan parties released the Catalan Self-Government Report, which called for a new asymmetrical relationship between Catalonia and Spain through the reform of both the Statute of Autonomy and the Spanish Constitution, as well as the redefinition of Spain as a multinational state (Guibernau, 2003, p. 128). In response, the political parties in Madrid – as with the Declaration of Barcelona – largely ignored the report or criticized its recommendations. Accordingly, by the beginning of the 21st century, the central Spanish government and the internal nations of Spain had reached an impasse over the future direction of the country and its national character, with the central government stressing symmetry and the status quo, and the majority of the Catalan political parties calling for dialogue and reform.

²⁰ During this period, in reaction to Madrid’s increasingly hostile attitude, the Basque regional government developed the “Ibarretxe Plan”, which called for constitutional reform and recommended that the “Basque Country should become a ‘free state’ associated with Spain.

²¹ Support for Catalan independence reached a record high during the Aznar years.

Comparative analysis of the preceding era

Based upon these two historical overviews of the national recognition struggles in Quebec-Canada and Catalonia-Spain, I contend that there are three important commonalities between the two cases that both reflect the theoretical writings discussed in the first chapter and that will later be useful in conceptualizing the two recent acts of national recognition. These include: 1) the similar factors that allowed the “nation” to develop political and popular resonance in Quebec and Catalonia; 2) the resistance experienced by Quebec and Catalonia in furthering their national claims due to monism and constitutional rigidity; and 3) the constructive dialogues that have been possible at the sub-constitutional level and which have helped redefine the Quebec-Canada and Catalonia-Spain relationships. I will now discuss each of these three commonalities in turn.

Firstly, the history of the Quebec-Canada and Catalonia-Spain cases demonstrate many of the various factors, identified in the first chapter, that cause the “nation” to have such political and popular resonance within a society. In both cases, the sense of a common “nation” arose through a combination of historical and contemporary factors, as well as through the interplay of various political and social forces. The result is that in both Quebec and Catalonia the “nation” now serves multiple purposes: as a source of shared identity, a form of popular mobilization, and a tool for political negotiation.

In terms of historical influences, as the above sections have shown, Quebec and Catalonia have a long-established history of cultural/linguistic distinctiveness and intermittent autonomy. Both Catalonia and Quebec have struggled to preserve their

distinctiveness against the assimilative and coercive pressures of outside political forces. This is most evident for Catalonia during the Spanish nation-building period of the 18th and 19th centuries as well as the Franco era, and for Quebec in the wake of the 1759 British conquest. Importantly, both Catalonia and Quebec overcame these periods of repression and assimilation, and in the process, transformed their historic sense of collective identity into modern nationalist movements with a desire for recognition and autonomy within the context of post-Franco Spain and post-Confederation Canada. In this way, both Québécois and Catalan nationalism have – as Keating describes – successfully “convert(ed) historic senses of identity into modern systems of action”.

In the contemporary era, the idea of the “nation” has continued to function as a means of popular mobilization and collective identification. The concept of the nation has changed, however, in conjunction with social transformations in Quebec and Catalan society, and the rise of a new and more assertive political nationalism in the 1960s and 1970s centred upon the Government of Quebec and the Catalan Generalitat. Since this time, both the Quebec and Catalan governments have fostered a modern, civic and plural conception of Québécois and Catalan nationhood that is open to newcomers and internal diversity, but bound together by the national languages of French and Catalan. Further, the increasingly diverse and plurivocal Québécois and Catalan civil societies have helped to shape and influence these nation-building efforts through their continual public input and democratic participation. The result of these various government and social influences has been the development of a popular and resilient conception of nationhood

that generally speaks to the “lived experiences” of Quebecers and Catalans, as well as to a common desire to continue these nation-building efforts into the future.

Finally, the “nation” has served important political ends at the intergovernmental level, acting as a vehicle for the Quebec government and Catalan Generalitat’s demands for greater power and recognition, as well as an impetus for reform of the wider Canadian and Spanish states.²² By couching their demands in the language of nationhood, Quebec and Catalonia have been able to challenge and problematize their respective relationships with Ottawa and Madrid, as well as to propose significant changes to the structure of the Canadian and Spanish states. Whether these efforts reflect an elite-driven “quest for political power” (as some scholars would argue), or instead reflect the collective desire of Quebecers and Catalans for status befitting their national character (as others would stress), is debatable. I would argue though that considering the complex and varied sources of nationalist sentiments it is more likely a combination of both arguments, as well as other factors.

The second important commonality is the resistance that Catalonia and Quebec have experienced in their attempts to gain national recognition within Spain and Canada. I assert that there are three main sources for this resistance to internal national pluralism on the part of the Canadian and Spanish states (and large sections of Canadian and Spanish society), all of which have fostered a monological/finality orientation towards

²² Indeed, the establishment of the Canadian state as a federation in 1867 and the devolution process in Spain since 1978 were partly in response to the demands of French Canadian and Catalan political figures for the necessary autonomy to protect and foster their respective national communities.

the terms of recognition. The first is how both the Canadian and Spanish central governments have sought to transcend their internal diversity through what is, in many ways, a monistic conception of national identity and citizenship. While the pan-Canadian and pan-Spanish nationalisms are certainly tolerant (if not welcoming) of internal diversity, and indeed both have strived to be inclusive identities – even purporting at times to be post-nationalist identities – nonetheless, both nationalisms still place an emphasis on a common Canadian or Spanish *demos*, which takes priority over any other identification or allegiance. This common *demos* has been reinforced through constitutional law, in Canada with the entrenchment of the Charter of Rights and Freedoms and in Spain through the “indissoluble Spanish nation”, both of which articulate a unifying legal identity applying equally to all citizens, regardless of other group identifications.

Further, both the Canadian and Spanish states have responded to the demands of Québécois and Catalan nationalism by extending forms of recognition that tend to support the official monistic conception of identity. Canada, for instance, recognizes the French language – the central feature of Québécois nationalism – through both the Official Bilingualism Act and the 1982 Constitution Act. This recognition of the French language, however, is not associated with the Province of Quebec and its distinctive French-speaking character, but instead, with the Canadian national identity. In the case of Spain, the 1978 Constitution recognizes Catalonia as a “historic nationality” based on its history of autonomy and cultural distinctiveness. As has been shown, however, the term “historic nationality” has only symbolic importance and does not entail any distinct

status or powers for Catalonia relative to the rest of Spain. Further, the constitution regards Catalans – as well as the inhabitants of any other “historic nationality” – as, first-and-foremost, members of the “indissoluble Spanish nation.” In these two ways, Canada and Spain have sought to transcend their internal diversity through either linguistically inclusive mononationalism or sedimented/symbolic forms of recognition. As was noted above, both forms have largely failed to foster a greater sense of attachment to Canada in Quebec or to Spain in Catalonia.

The second source of resistance comes from efforts to foster a symmetrical vision of the Canadian and Spanish states through territorial federalism or through *café para todos* devolution. These efforts by the Spanish government since 1978 and the Canadian government since the mid-20th century have consistently stymied the demands of the Quebec government and Catalan Generalitat for asymmetrical status based upon their national character. Instead, a commonly held perception among Canadians and Spaniards is that all provinces or ACs should receive equal treatment and powers, and that asymmetrical or “special status” for Quebec or Catalonia is both unfair and unjustified. Finally, the third source of resistance originates from Canadian and Spanish concerns regarding political unity and separatism, concerns that have constantly troubled national recognition discussions regarding Quebec and Catalonia. There is a pronounced association between minority nationalism and separatism in both countries, leading to resistance from large sections of the population in the English-speaking provinces and the Castilian-speaking ACs even to recognizing the legitimacy of minority nationalist

aspirations. Many Canadians and Spaniards have instead regarded national recognition dialogues as divisive activities that only encourage separatist aspirations.

These three sources of resistance, in turn, have fostered a monological/finality orientation among Canadian and Spanish political figures – as well as much of the general population – over maintaining the established constitutional terms of citizenship and recognition articulated in the 1978 Spanish Constitution and the 1982 Constitution Act. This resistance to reform has different emphases, in Canada it partly relates to exhaustion with past constitutional negotiations that failed to reconcile Québécois and pan-Canadian nationalism, while in Spain it relates to a certain reverence for the spirit of consensus reflected in the 1978 agreement. Nonetheless, in both cases rigidity characterizes the terms of the constitution, which, in turn, closes the constitutional order to re-negotiation, and leaves the terms of recognition and governance in Canada and Spain – a monistic conception of national identity, as well as territorial symmetry – in a fixed state. Quebecers and Catalans increasingly regard these terms as imposed rather than self-imposed, as they are unable to re-negotiate them – and in the case of Quebecers, did not assent to them in the first place. Accordingly, as Tully, Keating and Maclure caution in their writings, the rigidity of the existing constitutional order and the resistance among pan-Canadian and pan-Spanish nationalists to renegotiation has radicalized both Québécois and Catalan nationalists, leading to a rise in separatist sentiments.

The third commonality, however, is that there is also a degree of implied recognition of Quebec and Catalonia's distinctiveness in the Canadian and Spanish political systems. Though both Canada and Spain's constitutional and institutional

frameworks have often proven rigid, they are also quite ambiguous, which has allowed for the expression of implicit notions of Quebec and Catalonia's specificity – though never explicit national recognition. Firstly, the creation of the Province of Quebec in 1867 and the Autonomous Community of Catalonia in 1979 have permitted both nations to exercise a degree of self-governing autonomy within the Canadian and Spanish states, allowing them to function as what Kymlicka calls “nationality-based units”. Secondly, in spite of the impasse that has developed at the constitutional level on Quebec and Catalonia's relationship with the Canadian and Spanish states, there have nonetheless been periodic dialogues in the sub-constitutional realm. In certain respects, a non-finality approach has been evident, where there is intermittent re-negotiation of terms through processes such as court challenges, intergovernmental agreements and legislation. At this level, agreements are less likely to “be closed at a frontier” and are more open to Québécois and Catalan concerns. In particular, both the Quebec government and the Catalan Generalitat have negotiated numerous intergovernmental agreements with the Canadian and Spanish central governments over the decades that have allowed them to exercise certain jurisdictional powers that other provinces or ACs do not exercise.

In the end, I contend that these three commonalities have left an ambiguous impression of the status of Quebec and Catalonia within their larger multinational states. Both Quebec and Catalonia strongly assert themselves as nations, and indeed, at the sub-constitutional level the Canadian and Spanish states often treat them in a distinct and asymmetrical manner. Nonetheless, at the constitutional level, and in the eyes of many Canadians and Spaniards, Quebec and Catalonia are not nations but merely a province

and an autonomous community, and therefore are not officially distinct from the rest of Canada or Spain. This dichotomy has helped foster the sense of impasse that has characterized recognition dialogues in both societies in recent years. Both countries reflected McRoberts's description of a multinational society containing two groups "locked in mutual incomprehension"; in a zero-sum exclusivist struggle over what was the "legitimate" national identity. This, in turn, produced the radicalization of the political dialogue between pan-Canadian/pan-Spanish nationalists and Québécois/Catalan nationalists that was evident in both countries in recent years. The result of these various factors was that by the early 2000s neither the Canadian federal government under the Chrétien Liberals, nor the Spanish central government under Aznar's Popular Party were willing to discuss the national specificity of Quebec or Catalonia, but were intent on avoiding or containing the "problem" of minority nationalism as much as possible.

Chapter Three: Sub-constitutional acts of national recognition

Resolution recognizing that the Québécois form a nation in a united Canada

Following the election of the Quebec Liberal Party under Jean Charest in 2003 as well as the retirement of Jean Chrétien and ascendency of Paul Martin as Prime Minister in 2004, a new openness became evident in relations between Ottawa and Quebec City. Martin showed a greater willingness than Chrétien to consider a more asymmetrical approach to federalism designed to suit the needs of particular provinces, and developed a constructive working relationship with the Charest government (Graefe and Laforest, 2007, p. 49-50). However, Martin's openness to Quebec was largely limited to the question of its jurisdictional powers and did not address its national character. Instead, it was after the election of Stephen Harper's Conservative government in 2006 that a "window of opportunity" opened, which allowed the issue of Quebec national recognition to rise to the forefront.

During the 2006 federal election, the Conservative Party began a concerted effort to reach out to the Quebec electorate. Harper pledged to adopt a policy of "open federalism ... involving greater respect for areas of provincial jurisdiction" and included measures specifically catered towards Quebec nationalists, such as reining in the federal spending power and providing Quebec a seat at UNESCO (Graefe and Laforest, 2007, p. 51-52). Harper's message struck a chord with many Quebecers and assisted the Conservative Party in gaining 10 seats within the province in 2006, helping it secure a minority government. Quebec MPs and Senators would go on to assume prominent

places in Harper's new cabinet, and over the following year, Harper would proceed to make Quebec-Ottawa relations one of the key areas of concern for his government (with the hope that in the future, these overtures would be rewarded with even greater electoral success for the Conservatives in the province).

It was through this period of courting the Quebec electorate that the question of national recognition would arise. According to Caron and Laforest (2009), Harper's promise of open federalism "sparked enthusiasm among Quebec nationalists, who hoped to be able to get Canada to formally accept its multinational character, something the Liberal Party always refused to do since the end of the 1960s" (p. 30). Over the course of the year, the question of Quebec's specificity in Canada would repeatedly arise. The first major instance was in the spring of 2006 when the Quebec National Assembly passed a resolution recognizing that Quebec constituted a 'nation'.²³ At the time though, Harper would not take a definitive stance on the issue and stated that the question of Quebec's national character was a concern for the National Assembly, and not one for the Parliament of Canada (CBC News, 2006b).

The other federal parties also increasingly began to address the issue of Quebec's specificity, partly out of hopes of matching Conservative electoral gains in the province. During the New Democratic Party's 2006 convention, the party endorsed the "Sherbrooke Declaration" "calling for Quebec-Canada reconciliation and reasserting the (NDP's) commitment to asymmetrical federalism" (Graefe and Laforest, 2007, p. 59).

²³ Such a statement by the National Assembly was not new, however, and merely re-affirmed earlier symbolic resolutions on Quebec nationhood.

Similarly, the 2006 Liberal leadership race saw (then) candidate Michael Ignatieff endorse a resolution by the Quebec wing of the Liberal Party, which called on a future Liberal government to recognize Quebec as a nation. Ignatieff created a further stir on the question of national recognition by asserting that “Canadians should be prepared to ratify the facts of our life as a country composed of distinct nations in a new constitutional document” (Quoted in CBC News, 2006c). Such outreach to Quebec was dangerous for the federalist parties to undertake, however, as it risked “angering interests in other parts of Canada, particularly those who share the Trudeau and Chretien strategy of not accommodating Quebec nationalism” (Graefe and Laforest, 2007, p. 59).

The question of national recognition would come to a head in the autumn of 2006, when the Bloc Québécois announced that they were preparing to introduce a motion in the House of Commons that would recognize the Québécois as a nation. In defending this motion in parliament, the Bloc leader, Gilles Duceppe, argued that “(o)fficial recognition of the Quebec nation by the House of Commons is more than a symbolic issue” and was “in fact, the most fundamental issue there is for Quebec” as well as “a fundamental issue for Canada” (Parliament of Canada, 2006). The BQ’s motion did not, however, make any reference to Quebec’s place within Canada, causing Harper to state that “the leader of the Bloc and his separatist friends are not concerned with defining who Quebecers are but rather what they want them to become, a separate country” (Parliament of Canada, 2006). In this regard, the Bloc resolution was potentially damaging to the federalist parties, as it forced them to choose between either supporting a sovereigntist-framed resolution on Québécois nationhood and potentially alienating pan-

Canadian nationalists, or rejecting the resolution and risk alienating Quebec nationalists. In response, on November 22, 2006, one day prior to the introduction of the Bloc resolution, the Harper government introduced a resolution of its own, which stated “(t)hat this House recognize that the Québécois form a nation within a united Canada” (Parliament of Canada, 2006). In regards to the resolution and the wider discussion of national recognition for Quebec, Harper asserted in parliament that:

The separatists do not need the Parliament of Canada to define what is meant by the sociological term “nation“. My preference has been well known. I believe this is not the job of the federal Parliament. It is the job of the legislature of Quebec. However, the Bloc Québécois has asked us to define this and perhaps that is a good thing because it reminds us that all Canadians have a say in the future of this country. Having been asked by the Bloc to define the Québécois, we must take a position. Our position is clear. Do the Québécois form a nation within Canada? The answer is yes. Do the Québécois form an independent nation? The answer is no, and the answer will always be no (Parliament of Canada, 2006)

The House of Commons approved the Harper government’s resolution overwhelmingly in a vote of 265 to 16 on November 27, 2006, with support from all the political parties, including the Bloc Québécois.²⁴ The BQ’s own motion, amended after the introduction of the Harper resolution to state, “that Quebecers form a nation currently within Canada,” was however defeated on the same day as the approval of the government motion.

After the vote, Harper defended the reasons behind his government’s resolution stating that “Quebeckers want recognition, respect and reconciliation . . . they do not

²⁴ The BQ had originally considered opposing the Harper government resolution due to its emphasis on Canadian unity, but in the end decided to support it, arguing that the resolution was still a significant acknowledgement of Quebec’s national character.

want another referendum” (quoted in Cameron and Krikorian, 2008, p. 395). In explaining what exactly constituted the “Québécois nation” Harper “noted that recognizing the Québécois as a nation was intimately ‘linked’ to the province’s French language, explaining that ‘if you’re speaking of a Québécois nation you’re speaking of French’” (Cameron and Krikorian, 2008, p. 395). This sentiment was also defended by (then) Liberal leadership candidate, Stéphane Dion, who argued that” in a sociological sense, we, the Québécois, are a nation, because we form a large group within Canada ... and we have an awareness of our unity and a desire to live together” (quoted in Cameron and Krikorian, 2008, p. 395). Three days after the parliamentary vote, in a formal response to Ottawa’s action, the Quebec National Assembly unanimously passed a resolution which “recognize(d) the positive nature of the motion carried by the House of Commons” (Government of Quebec, 2006).

Catalonia’s 2006 Statute of Autonomy

As was stated above, the inflexibility and hostility of the central government towards Catalan nationalism during the Aznar years had a radicalizing effect on Catalan politics. Accordingly, in 2003, after the CiU lost power in the Catalan parliament for the first time, a new coalition government led by the Catalan Socialists (and containing the ERC) began exploring the idea of reforming Catalonia’s Statute of Autonomy in order to re-shape the relationship with Madrid. Their reform efforts received encouragement from the Spanish Socialist Party, which, while in opposition during the Aznar years began to show more openness towards decentralization and regional concerns than they had in the

past. The Spanish Socialists openly endorsed the idea of reforming the statutes of autonomy for several of the ACs as well as changing the funding model between Madrid and the AC governments (Requejo, 2010, p. 158). In regards to Catalonia, the party pledged that upon returning to power they would endorse a reformed Catalan Statute of Autonomy if such a statute met the “requirements of consensus and respect for the Constitution” (Colino, 2009, p. 268). Further, and partly as a way of courting Catalan nationalist voters, their leader, José Luis Rodríguez Zapatero, promised to foster a “plural” and “more accommodative Spain” (Colino, 2009, p. 268).

With the subsequent election of a Socialist government in Madrid under Zapatero in 2004,²⁵ a “window of opportunity” opened for the Catalans to hold Zapatero and his party to their promises of a new relationship (Requejo, 2010, p. 159). The fact that the Socialists only won a minority of seats in parliament meant that they were also dependent upon support from smaller parties like the CiU and the ERC, thus making them more susceptible to Catalan pressure. Just as Harper’s promises of open federalism sparked Quebec nationalist hopes, Catalan nationalists were hopeful that Zapatero’s promises of a “plural Spain” would “explicitly include the recognition of the plurinationality of the state and would proceed to an effective and stable political accommodation of Catalonia with regard to its self-government and financing” (Requejo, 2010, p. 159).

With this in mind, one of the key objectives of the Catalan statute reform was to “increase the symbolic and political recognition of Catalonia as a distinct national reality

²⁵ One of the factors that benefitted the Spanish Socialists in the 2004 election was particularly strong voter support in Catalonia relative to other parts of Spain.

within the Spanish state” (Requejo, 2010, p. 159). While the final version of the reformed statute agreed upon by the Catalan parliament addressed various issues and proposed to increase Catalonia’s jurisdictional powers, it also contained numerous references to Catalonia’s national character and explicitly recognized Catalonia as a “nation” (Keating and Wilson, 2009, p. 549). The statute reform required two-thirds approval by the Catalan parliament to pass, which gave the opposition CiU a key bargaining position. Their influence and that of the ERC in the coalition government gave the final statute a much more “nationalist” outlook than the Catalan Socialists had originally intended (Colino, 2009, p. 269-270). The Catalan parliament finally approved the statute on September 30, 2005, by 120 votes to 15. The majority of parties supported the statute, including the Catalan Socialists, the ERC and the CiU, with only the Catalan branch of the Popular Party opposing it. The reform process also had significant popular support among the Catalan population with 2005 polling data revealing, “71.4 per cent of Catalans believed that Catalonia needed a new statute” and that “60.4 per cent thought that Catalonia should be referred to as a nation within the Spanish state” (Requejo, 2010, p. 160).

After the statute’s passage at the regional level, it proceeded to Madrid for approval by the Spanish parliament. While the Zapatero government was generally supportive of the proposed statute, many aspects of it (and particularly the use of the term “nation”) proved contentious within Spanish political circles and public opinion. Accordingly, members of Zapatero’s Socialist Party, as well as governments of other autonomous communities in Spain, challenged the statute’s references to Catalan

nationhood (Requejo, 2010, p. 161). More significantly, the opposition Popular Party attempted to block the entire statute reform process. Their leader, Mariano Rajoy, claimed that the reformed Catalan statute was a threat to the unity of Spain, arguing that it “unilaterally liquidated the model of the State, changing it from the present State of Autonomies into an asymmetric confederation that only privileges Catalonia” (quoted in Keating and Wilson, 2009, p. 543-544). The party further depicted the Catalan and Spanish Socialists as “hostages” to Catalan nationalism, and began “mobilising anti-Catalan feeling in Castilian-speaking areas of Spain” (Keating and Wilson, 2009, p. 544). The Catalan “nation” references were a particular focus of their anger, with the Popular Party threatening to organize protests if the Spanish parliament approved any version of the statute that contained the term “nation”, and warned of various “catastrophes” that would befall Spain if parliament approved the statute (Requejo, 2010, p. 160).

In spite of this opposition, the Zapatero government engaged in intense and secretive multi-party negotiations – particularly with the CiU – and was eventually able to secure enough support in the Spanish parliament to pass an amended version of the statute.²⁶ The final version of the reformed statute cut back many of the new powers and status proposed for Catalonia – although it was still far-reaching in terms of the powers it bestowed upon the Generalitat.²⁷ Importantly, Spanish parliamentarians deemed the

²⁶ These amendments broke the Spanish Socialists’ earlier promise to leave the statute intact if a substantial majority in the Catalan parliament had approved it.

²⁷ The 2006 Catalan Statute of Autonomy extended new powers to the Generalitat in regards to immigration, labour relations, universities and judicial matters. The statute increased Catalonia’s tax autonomy and the proportion of shared tax revenue retained by the Catalan government. It also proposed new institutions to facilitate bilateral relations between the Catalan and Spanish governments,

references to a Catalan “nation” unconstitutional leading them to remove any specific reference to nationhood from the statute’s main articles (Colino, 2009, p. 274). In their place were vague references to Catalan specificity within Spain, such as “repeated allusions to history and cultural peculiarities, references to the national character of the Community, and to the will of the Catalan people” (Colino, 2009, p. 275). The amended statute did directly address national recognition within the preamble, which recognizes that the Catalan parliament “has defined Catalonia as a nation by a wide majority”, however even this statement is ambiguous, as it also stresses that the Spanish Constitution recognizes Catalonia’s “national reality as a nationality” (quoted in Keating and Wilson, 2009, p. 549).²⁸ Further, because this one vague statement of recognition is found in the preamble rather than the articles of the statute, it “has no juridical value” or “direct normative power” (Requejo, 2010, p. 161-162).²⁹

The amendments to the statute broke the broad consensus among the parties that had been shown during the vote in the Catalan parliament, with the ERC withdrawing their support arguing that the statute had been “excessively diluted” in scope and significance (Keating and Wilson, 2009, p. 542). Nonetheless, the Spanish parliament

particularly on EU matters. There were also various provisions regarding the ability of the Catalan government “to act internationally” in areas that fall under its competencies (Colino, 2009, p. 275-277).

²⁸ Actual wording of the preamble: “In reflection of the feelings and the wishes of the citizens of Catalonia, the Parliament of Catalonia has defined Catalonia as a nation by an ample majority. The Spanish Constitution, in its second Article, recognises the national reality of Catalonia as a nationality” (Generalitat de Catalunya, 2006).

²⁹ Quite tellingly, the first article of the reformed statute reiterates Catalonia’s existing status as an “autonomous community” and “nationality” that exercises self-government in accordance with the Spanish Constitution (Generalitat de Catalunya, 2006).

approved the amended version of the statute by 189 votes to 154 in March 2006. The Spanish Socialists and CiU were among those supporting the new statute while the Popular Party and ERC voted against it, although for opposing reasons, with the Popular Party arguing that even an amended version of the statute threatened Spanish unity (Keating and Wilson, 2009, p. 542). The amended statute then proceeded to a referendum vote in Catalonia. The Catalan Socialists and CiU campaigned in favour of the statute, while the Catalan Popular Party and ERC campaigned against it, again for opposing reasons. A substantial majority of Catalans approved the statute in a June 2006 vote (74 per cent in favour), but with noticeably low voter turnout, at only 49 per cent.

Quebec-Canada after the resolution: Avoidance and indifference

The resolution on Québécois nationhood produced a mixed public and political reaction, with a noticeably different response amongst francophone Quebecers compared to English-speaking Canadians. Caron and Laforest (2009) note how survey data at the time, “showed that 67% of Canadians outside Quebec rejected the idea that Quebecers form a nation, while 71% of francophone Quebecers agreed with the idea” (p. 55). Prominent English-speaking Canadians criticized the resolution for challenging the mononational vision of the country, and argued that it would only encourage Quebec separatists. Notable examples include Harper’s Minister of Intergovernmental Affairs, Michael Chong (who resigned from cabinet in protest of the resolution), and the (then) premiers of Manitoba and Saskatchewan, Gary Doer and Lorne Calvert, both of whom

argued that the motion threatened the unity of the country (Buzzetti, 2006; CBC News, 2006a).

Further, many in English-speaking Canada raised concerns – some of them reminiscent from the Meech/Charlottetown debates – that recognition of Québécois nationhood would lead to “the balkanization of the country” or would create “inequality among Canadians” (Caron and Laforest, 2009, p. 55).³⁰ Others opposed the resolution simply because they feared it would provide pressure to reopen constitutional negotiations again, a possibility that they wished to avoid (McEwen and Lecours, 2008, p. 240). Partly in reaction to these concerns, certain federal politicians attempted to “downplay” the significance of the resolution among English-speaking Canadians (Graefe and Laforest, 2007, p. 55). Lawrence Cannon for one – a minister in the Harper government as well as a Quebec MP – assured the media that the resolution had no “juridical consequences” and would not lead to constitutional reform (Buzzetti, 2006). Accordingly, some English-speaking observers treated the entire affair as purely symbolic, or as the product of political opportunism and “tactical manoeuvres” between the Bloc and the federalist parties, (Macdonald, 2008). These commentators noted how the resolution recognized the “Québécois” rather than the Province of Quebec, and that it was therefore only a symbolic statement of group recognition extended strictly to Quebec francophones (Legault, 2007). This view was echoed by the Premier of British

³⁰ Such sentiments were expressed by numerous columnists and political commentators throughout English-speaking Canada, who attacked the resolution as a “divisive” measure or as “dangerous pandering”, that threatened the country’s unity and emboldened Quebec separatism (see Behiels, 2006; *National Post*, 2006; *Toronto Star*, 2006).

Columbia, Gordon Campbell, and the (then) Premier of Alberta, Ralph Klein, who characterized the resolution as politically expedient and strictly symbolic with no constitutional consequences for Quebec or for Canada as a whole (Cernetig, 2006; CBC News, 2006a). From this perspective, many English-speaking Canadians saw the resolution on Québécois nationhood as a one-time product of particular political circumstances, addressed definitively through a brief and inconsequential statement.

The response to the resolution in Quebec was all-together more positive. In contrast to the “ethnic” interpretation of the resolution in English-speaking Canada, polling data from Quebec revealed that a large majority believed parliament had recognized all Quebecers as a nation, not simply francophones (Bauch, 2006, Brun, 2006). Further, rather than regarding the resolution as inconsequential symbolism, commentators in the Quebec media characterized it as an encouraging, if somewhat limited, statement that could eventually lead to substantial changes in the Quebec-Canada relationship (Brun, 2006; Descôteaux, 2006; Pratte, 2006). Both federalists and sovereignists found reasons to be optimistic about the resolution. For the former, recognition of Québécois nationhood could serve as a mandate for renewed federalism (Pratte, 2006), while for the latter, national recognition was an important step in the eventual achievement of a “sovereign Quebec nation” (Monière and de Bellefeuille, 2006). Cameron and Krikorian (2008), therefore, argue that for many Quebec nationalists the Harper resolution “was viewed as an ‘opening gesture’ rather than as a full response to the historical grievances of the province” (p. 396). They note the comments by Liberal (formerly Bloc Québécois) MP, Jean Lapierre, who stated,

“although the motion is ‘symbolic,’ it is only a ‘small step’” and that in his view ‘[r]econciliation with Quebeckers and Quebec’s acceptance of the Constitution will require a great deal more work’ (quoted in Cameron and Krikorian, 2008, p. 396).

With this perspective in mind, following the resolution, various Quebec political figures have proposed specific actions for the federal government to undertake in order to build upon its recognition of Québécois nationhood. The Bloc Québécois have demanded “concrete gestures” from Ottawa, arguing that, as a reflection of its national status, Quebec should be granted greater jurisdictional autonomy and powers (Bloc Québécois, 2010), and during the 2008 election called upon the Conservatives to enshrine the wording of the nationhood resolution in the constitution (CBC News, 2008). The ADQ have similarly argued that the recognition of Québécois nationhood should be constitutionally entrenched, in order to provide it juridical power and legal protection (Action démocratique du Québec, 2009).

Academic analysis of the resolution, meanwhile, has been somewhat divided over its significance. Some have noted the resolution’s importance as “a departure from the Trudeau and Chrétien line of refusing formal recognition of the Quebec national fact” and that therefore the resolution “(broke) a seeming taboo” in Canadian politics (Graefe and Laforest, 2007, p. 55). McEwen and Lecours (2008) argue that “the politics of recognition” has now “(become) part of the federal government’s approach to countering the secessionist movement in Québec” and that the resolution “suggested that the Trudeau vision of Canada is no longer dominant” (p. 232). Cameron and Krikorian similarly assert that the “broad political support” among the federal and Quebec political

parties over the idea of national recognition was a considerable and noteworthy change in Canadian politics (p. 396). Caron and Laforest (2009), however, caution against overstating the resolution's significance, arguing that it is a "symbolic" rather than "consequential" form of national recognition, in that it still maintains the mononational vision of Canada and therefore it does not "imply a negation" of the "logic of the nation-state" (p. 45-46, 48).

These scholars do generally agree, however, that the Harper resolution has not ended the question of national recognition for Quebec, and that to address the Quebec-Canada relationship in a more substantial fashion would require constitutional negotiations. Cameron and Krikorian, for instance, feel that bilateral amendments to the constitution by the federal and Quebec governments could be a relatively simple way of recognizing Quebec's national character – such as amendments that recognized Quebec's linguistic and cultural distinctiveness within Canada (p. 396). Caron and Laforest, however, argue that officially recognizing Canada as a multinational state and Quebec as an internal nation would require significant constitutional reform involving "consequentialist multinationalism." This approach would "imply a direct asymmetry of intent and a clear recognition that national minorities deserve to have special treatment and be treated as partners and not only as region-based units equal to non-national units," thereby providing them the powers and status required for "their self-determination and their nation-building project" (Caron and Laforest, 2009, p. 48). They accordingly call for '(a) "pluralist federalism" that presupposes the superposition, the interaction, and the negotiation between different national identities' and that fosters unity and connection to

the larger multinational society through continual agonistic dialogues (Caron and Laforest, 2009, p. 51).

All these various proposals for further action are, however, unlikely to take place in the near future, as neither the Harper government nor the Charest government have shown any serious commitment to building upon the resolution through specific legislation or through constitutional reform. At the time of the resolution, Charest mused about Quebec's constitutional status within Canada, but also argued that "(t)he country at this point is not ready to reopen a whole new round of constitutional negotiations" (quoted in CBC News, 2006a).³¹ Harper made a similar statement in late 2007, when he argued that the resolution had contributed to national unity and that it should therefore be enshrined in the constitution at some point, but cautioned that such a constitutional amendment should only take place "when the ground is fertile for it" (quoted in Bellavance, 2007; Legault, 2007).³² He repeated this message during the 2008 election, following the calls by the BQ and ADQ to entrench the recognition of Québécois nationhood in the constitution. At the time, Harper stated that conditions were not right for a new round of constitutional discussions, and instead argued that his government

³¹ Recently, however, Charest's intergovernmental affairs minister argued that the Quebec government should launch bilateral constitutional negotiations with Ottawa to entrench the act of national recognition, as well as gain exclusive jurisdictional powers for Quebec in the areas of culture and communications (Dutrisac, 2010).

³² Harper also added in this interview that: "I want to assure Quebecers and others, that (the federal government) has not forgotten this motion. We recognize that more must be done if we are truly to continue down this positive path" (quoted in Bellavance, 2007).

should “continue efforts to respond to Quebec’s demands, as well as renewing the Canadian federation, through various non-constitutional means” (Castonguay, 2008).

Accordingly, rather than take further action on the question of Quebec nationhood, over the past three-and-a-half years the political focus of the Harper Conservatives shifted towards other matters, particularly inter-party competition in the minority parliament and the global economic downturn. The resolution has since become a fine talking point for the Harper government among the Quebec electorate, as one columnist noted during the 2008 election: “(t)wo years later, wherever Harper goes in Quebec, his strongest applause line is always his reference to the Québécois nation resolution” (Macdonald, 2008). Other than that, however, the issue appears closed for him – at least “until the ground is fertile” – and appears closed to many in English-speaking Canada as well. Within Quebec, the long-term impact of the act is uncertain, with McEwen and Lecours (2008) arguing that “(i)t remains to be seen whether the Conservative government’s initiative of giving symbolic recognition to Québec’s status as a nation within Canada can help in the long term nurture Quebecers’ loyalty towards Canada” (p. 241).

Catalonia-Spain after the statute reform: Backlash and cynicism

Mixed sentiments have also characterized the aftermath of the Catalan statute reform process. After the referendum vote, Prime Minister Zapatero congratulated the Catalans and argued that their new statute would bring “greater recognition of

(Catalonia's) identity" (quoted in BBC News, 2006a). Some in the Catalan press similarly noted, "a new historical phase begins today" and that the new statute could be "the key to (Catalonia's) future" (quoted in BBC News, 2006b). Many nationalists were equally cheerful about achieving "a new step in the direction of sovereignty" (Colino, 2009, p. 284).

The low voter turnout, however, raised questions about the new statute and its wider acceptance among the Catalan public. Keating and Wilson attribute the low voter turnout to the sheer length of the statute reform process, the inter-party domination of the negotiations and the lack of public participation (p. 555). They point to Catalan surveys which "show that voter interest and knowledge of statute reform was low" by mid-2006, which "suggest(ed) that statute reform was perceived more as an objective of parties than a key issue for regional voters" (Keating and Wilson, 2009, p. 155). Further, many in the media argued that the amendments made to the statute by the Spanish parliament had deflated the initial enthusiasm shown by the Catalan public. In an interview, Montserrat Guibernau argued that the Socialists and CiU had "let down the Catalans ... (e)xpectations were raised and people have been disappointed" (quoted in Sturcke, 2006). A Catalan newspaper similarly cautioned that "(t)he abstention by half of Catalonia in the referendum gives the parties cause for reflection, as they did not succeed in mobilising citizens" (quoted in BBC News, 2006b).

There also continued to be extensive criticism from some in Spain towards the statute reform and its ambiguous Catalan nationhood references, something which Keating and Wilson believe reflects the ongoing struggle between the "competing visions

of Spain as a plurinational or mononational state” (p. 549). One extreme example of mononational pan-Spanish criticism came while the Catalan parties were still negotiating the statute in 2005. At this time, a prominent Spanish general warned that the military might have to intervene to preserve the territorial integrity of Spain if the new Catalan statute were to “breach ‘the impassable limits’ of the Constitution” (Casanova, 2005, p. 203). These comments, which raised memories of past Francoist repression, prompted the Zapatero government to discipline the general, although numerous Spanish military figures would afterwards protest on his behalf and publicly endorse his views about the need to preserve the integrity of the Spanish state and the constitution (Casanova, 2005, p. 203).

While such extreme comments have been rare, there has been a general backlash among pan-Spanish nationalists towards the Catalan statute reform. At the popular level, Spaniards have boycotted Catalan products as a way of protesting the passage of the new statute (Sturcke, 2006). More significantly, the Popular Party, the Spanish Ombudsman, and several AC governments have launched appeals to the Constitutional Court regarding the legal validity of the Catalan statute (Requejo, 2010, 162). In response, Catalan politicians have criticized these appeals and threatened to organize protests should the court challenge the content of the statute.

Just as with the Québécois nationhood resolution, critics have portrayed the entire statute reform process as an example of tactical or opportunistic manoeuvring on the part of political parties, rather than a reflection of Catalonia’s interests or its national character. One Spanish newspaper argued that “(f)ar from being a demand from

Catalans” the statute was nothing more than “an undertaking by the political class in the region” (quoted in BBC News, 2006b). Another Spanish paper attacked the weakness of the Zapatero government for agreeing to the Catalan statute, arguing that the Socialists “have reaped the greatest failure of their term in office... (t)hey have weakened the state at a time when the nationalists’ insatiable ambitions ... required a strong and cohesive institutional system” (quoted in BBC News, 2006b).

Academic assessment of the recognition achieved through the statute reform is also varied. Keating and Wilson (2009) argue that in certain respects, the Catalan statute reform was a significant success and an important “exercise in nation-building”. In regards to the recognition achieved, they feel that through “creative ambiguity and some tortuous language” the statute “neither recognises plurinationality nor denies it”. In this respect, the new statute of autonomy is similar to the Spanish constitution, “a compromise solution to an age-old problem of competing nationalities within a single state” (p. 554). Colino (2009), meanwhile, credits the Catalans for achieving many of their reform goals and states that their example of sub-constitutional reform may be an avenue for other nationalist movements to emulate in order to achieve greater recognition and autonomy when constitutional paths to reform are blocked. He cautions, however, that the Catalan case also shows that “(t)he subnational capacity to initiate reforms ... clearly produces incentives for regional elites to expand their power and demand continuous changes in the system” (p. 284).

Among the more critical assessments, Martinez-Herrera and Miley (2010) argue that the Catalan statute (even in its amended form) has upset the 1978 constitutional

consensus by challenging the mononational vision of Spain, and has therefore “precipitated a crisis of constitutional legitimacy of unprecedented proportions”. They also assert that the reform has been in violation of the carefully crafted terminology and agreement over the original terms of the constitution. Specifically, they criticize the division between the Spanish Socialists and the Popular Party over the statute reform, and argue that both parties should put forward a common front on any future questions of decentralization and national identity, one that stresses Spanish unity and the existing constitutional order (p. 23 and 27). Requejo (2010), however, argues the exact opposite, and states that the new statute does not provide proper recognition of Catalonia’s national character and therefore leaves the mononational vision of the Spanish state intact. He further asserts that the reforms do not alter Spain’s constitutional status as “a monist *demos*” nor do they recognize the “plurality of *demos* present in Spanish society” (p. 163-164).

As in the case with Quebec, several of these scholars argue that the question of national recognition remains unresolved for Catalan nationalists, and that constitutional reform is necessary to address Spain’s multinational character. Gagnon (2010) argues that the recent experiences of both Spain and Canada demonstrate that “these two countries are facing huge challenges” regarding national pluralism “that they will only be able to surmount if the majority nations demonstrate openness to the minority nations” (p. 123). Accordingly, he feels that the democratic legitimacy of Spain and Canada is dependent upon constitutional rules that are open to challenge and amendment by the internal national groups (p. 24). Requejo (2010) similarly cautions that “(t)he lack of

recognition and political accommodation of minority nations within the Spanish state” demonstrate a continued bias towards the monist constitutional status quo and make it likely that struggles for recognition will continue (p. 165). Finally, Keating and Wilson argue that for Spain to operate under a truly multinational framework will require some type of asymmetrical arrangement “developing a clearer distinction between the three historic nationalities and other regions” (p. 556). They note though that, much like in Canada, “a new ‘constitutional moment’ is not likely to happen soon in Spain, since this would require simultaneous agreement on a range of issues and an unlikely set of favourable alignments at both centre and periphery” (p. 556).

Accordingly, discussion of Catalonia’s national status within Spain appears closed again – at least, for the time being. The Zapatero government’s focus, like that of the Harper government, shifted to other matters: mostly the global economic downturn, which has been particularly crippling for Spain. What exactly Catalonia gained through its sub-constitutional reform process is still uncertain. Other AC governments have concluded their own statute reforms with Madrid, often emulating the new Catalan statute and trying to match the powers gained by the Catalan Generalitat, thereby restoring a sense of symmetry between Catalonia and the other autonomous communities in Spain (Keating and Wilson, 2009, p. 554). Further, in June 2010, the Constitutional Court finally ruled on the Catalan statute, leaving it largely intact but decreeing that several articles were unconstitutional. Significantly, the court ruled that the “nation” reference in the preamble is strictly a “rhetorical declaration” with only symbolic importance and no

juridical standing, stressing that Catalonia is still officially considered a “nationality” within Spain (Lázaro, 2010).

The media has recently reported that a sense of frustration has set in within Catalonia, expressed partly in a non-binding grassroots-led referendum on Catalan independence in December 2009 – the first such referendum in Catalonia’s history (BBC News, 2009). The turnout to this referendum was poor, but it nonetheless demonstrated a significant degree of public disaffection towards the status quo, as well as the frustration that many Catalans felt from their recent experience of seeking greater autonomy and national recognition within Spain. The appeal process against the statute has also radicalized the views of many political actors in Catalonia. Catalanist and nationalist parties have proposed developing a “united Catalan front” to fight further Spanish efforts to rein in the new statute (Sen, 2010). More radical nationalists are instead arguing that Catalonia should demand constitutional negotiations with Madrid in order to achieve explicit asymmetrical status and powers within Spain, while members of the ERC have recently proposed that the Generalitat should hold an official referendum on independence in the near future (Noguer & Blanchar, 2009; *La Vanguardia*, 2010).

Chapter Four: Comparative analysis

As the previous chapter shows these two recent dialogues of national recognition were, in many ways, quite different in both their scope and effect. Firstly, the political debate surrounding the Québécois nation resolution largely took place over the course of a few days in late 2006, while the reformed Catalan statute of autonomy involved ongoing inter-party debate and negotiations that lasted for close to a year. Further, the tone of the debate differed significantly between the two cases, as the Québécois nation resolution prompted relatively subdued support or criticism compared to the politically divisive and acrimonious debate over the reform of the Catalan statute. Both of these differences largely relate to how the 2006 Catalan Statute of Autonomy had direct juridical and political implications, unlike the resolution on Québécois nationhood. This important distinction likely made actors in the Catalonia-Spain case much more forceful and entrenched in their positions, as more was politically at stake.

In spite of these differences, however, in analyzing these two recent dialogues and the acts of national recognition that they produced, I contend there are four important commonalities between the two cases that relate to the theoretical writings discussed in the first chapter, as well as reflect some of the historical commonalities discussed in the second chapter. Commonalities 1) and 2) relate to the character of these dialogues, the participants involved, and the wider reaction to them. They include: 1) how both dialogues of national recognition were short-term and dominated by political actors and, 2) how both dialogues appear to have reinforced existing public perceptions regarding the legitimacy of the Québécois and Catalan struggles for national recognition.

Commonalities 3) and 4) instead reflect the historical dichotomy of the Quebec-Canada and Catalonia-Spain relationships of rigid monism at the constitutional level and periodic openness to Québécois and Catalan specificity at the sub-constitutional level.

Specifically, they include: 3) how both acts of recognition stress monism, territorial symmetry, national unity, and the constitutional status quo; but also 4) how the dialogues surrounding these acts of national recognition have, nonetheless, problematized the monistic constitutional status quo and could in the future have significant ramifications for the Quebec-Canada and Catalonia-Spain relationships.

Short-term and political dialogues

The first commonality is that both dialogues were short-term, as well as determined by particular political conditions and the actions of political parties. Firstly, important changes at the political centre in Canada and Spain, created “windows of opportunity” that allowed for limited dialogues on national recognition to take place. The passing of the Chrétien and Aznar eras, followed by the election of the Harper Conservatives and their policy of “open federalism”, as well as the Zapatero Socialists with their promises for a “plural” and “accommodative Spain” indicated to Quebec and Catalan nationalists that some form of recognition might now be possible. Further, the fact that both the Conservatives and the Socialists controlled minority governments meant that they were susceptible to pressure in parliament from nationalist parties, in the form of the BQ as well as the ERC and CiU. These two factors created an opening for

Québécois and Catalan nationalists to launch a sub-constitutional dialogue, and eventually, to achieve a measure of national recognition through the House of Commons resolution and the reformed Catalan Statute of Autonomy. The dialogues were short-term, however, and attention soon shifted away from the topic of national recognition in both Ottawa and Madrid to other issues, such as the global economic downturn. In this regard, the windows of opportunity that allowed these dialogues of national recognition to take place appear to have closed.

Secondly, political actors dominated both dialogues of national recognition and offered little opportunity for direct public participation. In the Quebec-Canada case, the political parties in the House of Commons dominated the brief debate over the Québécois nationhood resolution in November 2006, while the public in Quebec and the rest of Canada simply reacted to it afterwards. Similarly, in the case of Catalonia-Spain, both the content of the original Catalan statute and the amended version were the products of intense – and often secretive – inter-party negotiation, while the Catalan public only had a direct input at the end of the debate through the June 2006 referendum. The sense of public disconnect from both acts is significant, and I would argue delegitimized the acts among sections of the public. Indeed, many pan-Canadian and pan-Spanish nationalists were able to dismiss the acts as the products of electoral and political motivation. In the Quebec-Canada case, critics characterized the original Bloc Québécois resolution on national recognition as simply a “mischievous” tactic designed to embarrass the federalist parties. Meanwhile, Spanish political commentators – voicing concerns similar to those of Breuilly and Meadwell – regarded the Catalan statute reform as removed from the

concerns and needs of the Catalan people, and argued that the new statute was simply a power-grab by the established Catalan nationalist elite. Further, both sets of critics attacked Harper and Zapatero for “pandering” or “selling-out” to Québécois and Catalan nationalist concerns, for the sake of political or electoral expediency.³³

Dialogues reinforce existing perceptions

The second commonality is that both national recognition dialogues appear to have reinforced certain public and political perceptions regarding the legitimacy of the Québécois or Catalan struggles for national recognition. On one hand, the dialogues demonstrated the ongoing commitment among many Quebecers and Catalans to the idea of a distinct Québécois or Catalan nation, as well as emphasized the importance that Quebecers and Catalans place upon the wider recognition of their respective nations. This sentiment is evident in the positive reaction among the majority of Quebecers to the 2006 Québécois nation resolution, as well as from the high support shown by Catalans to the original statute reform passed by the Catalan parliament in 2005 and to its direct and unequivocal references to Catalan nationhood.

Pan-Canadian and pan-Spanish nationalists, on the other hand, have regarded the Québécois nation resolution and the Catalan statute as divisive measures that threatened to lead to the “balkanization” of Canada or to the “liquidation” of the Spanish State of

³³ Please note, these concerns about political motivations do have some basis, as the Harper Conservatives and Zapatero Socialists as well as the various nationalist parties have used these two acts as a means of rallying popular support among the Québécois and Catalan electorates.

Autonomies. The low-level hostility to the Harper resolution among many English-speaking Canadians and the vocal backlash among many Spaniards to the Catalan Statute of Autonomy revealed significant discomfort among sections of the Canadian and Spanish publics towards recognizing Québécois or Catalan nationhood. It also demonstrated their continued adherence to a monistic conception of national identity, where the term “nation” can only apply to the Canadian or Spanish state itself. Accordingly, many Canadian and Spanish political figures have sought to delegitimize the national recognition extended to Quebec and Catalonia, either through dismissing it as meaningless symbolism, as in Canada, or actively challenging its legitimacy through the courts, as in Spain.

Acts of recognition reveal historic Canadian and Spanish concerns

The third commonality is that both acts of national recognition, and the dialogues surrounding them, demonstrate continued resistance on the part of the Canadian and Spanish states to extending full and unconditional recognition to their internal nations. Indeed, the three traditional sources of this resistance identified at the end of the second chapter – monism, territorial symmetry, and concern for national unity – were all evident in the dialogues surrounding the Québécois nation resolution and the Catalan statute reform. In the Quebec-Canada case, the Harper government’s resolution is notable in two ways. Firstly, the Harper government recognized the “Québécois” and not the

Province of Quebec itself as a nation, thereby recognizing a group of people³⁴ – rather than a self-governing territorial unit – as a nation within Canada. This is significant, as to have instead recognized the Province of Quebec as a nation, in effect, would be a symbolic abandonment of the symmetry of territorial federalism in that Quebec would not be a province like the others, but a nation in itself, with the Quebec government recognized by Ottawa as a national rather than a provincial government. Secondly, the resolution demonstrated the continued association of minority nationalism with separatism. The government’s alteration of the original wording of the BQ resolution to Quebec is “a nation within a *united Canada*” (emphasis added), in addition to their repeated assurances that the resolution was not an endorsement of Quebec independence, demonstrated an over-riding concern on the part of the Harper government that they not appear to be questioning Canadian national unity.

In the Catalonia-Spain case, the Spanish government’s amendments to the Catalan statute are similarly significant in two ways. Firstly, the amendments maintained the 1978 constitutional terminology regarding Spain as an “indissoluble nation” and Catalonia as a “nationality”³⁵ within Spain, thereby reinforcing both monism and Spanish

³⁴ As shown above, certain interpretations of the resolution suggest that it specifically recognized the French-speaking inhabitants of Quebec rather than the whole population. If this was indeed the intention of the Harper government, then their resolution represents an ethnic and historic interpretation of Quebec’s national distinctiveness, and is more an act of recognition of the traditional French-Canadian national identity than the modern Québécois one.

³⁵ The Zapatero government’s removal of any references to Catalan nationhood from the articles of the statute and their replacement with references to Catalan history and cultural symbolism are also interesting to note. As with the recognition of the Québécois, the references to Catalan specificity in the reformed statute now appear to fit a more ethnic and historic conception of Catalan distinctiveness, which is not reflective of the modern, plural Catalan nation.

national unity. The recent Constitutional Court ruling only reiterates this rigid distinction by stressing that the “nation” reference in the preamble in regards to Catalonia is strictly “symbolic” or “rhetorical”. Secondly, the amended statute maintains the *café para todos* vision of Spain, whereby officially Catalonia remains a symmetrical unit, no different from the other autonomous communities. The willingness of the Zapatero government to grant similar statute reforms to other ACs, further demonstrates Madrid’s traditional concern for maintaining “symmetrical devolution” between the various autonomous communities, and their resistance to granting any explicitly asymmetrical powers to Catalonia.

Finally, the dialogues surrounding the Québécois nation resolution and the 2006 Catalan Statute of Autonomy reveal that a monological/finality orientation to the constitutional terms of recognition and citizenship continue to predominate in both Ottawa and Madrid. In both cases, the over-riding concern of the Canadian and Spanish governments was on maintaining the constitutional status quo. Ottawa, and various provincial governments, have all stressed that the resolution does not affect the existing constitutional order, nor will it lead to new negotiations. Despite Harper’s suggestions that the wording of the resolution may be constitutionally enshrined at some point – “when the ground is fertile” – he nonetheless has emphasized that conditions and public attitudes are not conducive to any constitutional negotiations related to Quebec in the near future. In Spain, partly because a statute of autonomy has greater juridical significance than a symbolic parliamentary resolution, the focus has been on ensuring that the new Catalan statute remained within the bounds of the constitution, as well as

precluding the possibility of future constitutional negotiations. The extensive amendments by the Zapatero government, the Popular Party court challenge, and the recent ruling by the Constitutional Court all demonstrate this commitment by various Spanish political and judicial actors to maintaining the constitutional status quo and ensuring that the new Catalan statute not infringe upon it.

Accordingly, the acts of recognition produced from these dialogues were limited to the sub-constitutional realm, and therefore – as Requejo, Caron and Laforest note – had limited direct effect on the norms and operations of the Canadian and Spanish states. Further, both governments took particular care to reduce some of the possible implications of extending recognition towards Quebec and Catalonia. To this end, they designed what they characterized as “strictly symbolic” acts of recognition, which both maintain the constitutional status quo as well as emphasize Canadian and Spanish state unity rather than Québécois and Catalan national self-determination.

The significance of symbolism and the sub-constitutional realm

The final commonality between these two cases stands in dichotomous relationship with the third commonality. Specifically, in spite of the efforts of the Canadian and Spanish governments to keep these acts of recognition “strictly symbolic” they have nonetheless proven consequential in a number of ways. Firstly, the dialogues surrounding both acts represent a notable shift on the part of both the Canadian and Spanish governments, which for so long had avoided any discussion of the national

specificity of Quebec and Catalonia. In this regard – as McEwen and Lecours, Cameron and Krikorian, as well as Keating and Wilson note – the dialogues redefined aspects of the Quebec-Canada and Catalonia-Spain relationships.

For Quebec-Canada, the dialogue ended a decade-long silence in Ottawa over the issue of Quebec’s distinct character. It also produced an act of recognition that invariably challenges the monist “Trudeau vision of Canada” – to use McEwen and Lecours’ term – by bestowing a “special status” upon the Québécois. Further, as Cameron and Krikorian noted, the final resolution on Québécois nationhood was a unique moment of unity among all the political parties in Ottawa and Quebec City regarding the Quebec-Canada relationship, a unity that would have been unthinkable a few years ago, particularly in the aftermath of Meech Lake or the 1995 sovereignty referendum. For Catalonia-Spain, it was the first opportunity for the Catalans to redefine their status within the Spanish state since the 1978 constitutional negotiations. Unlike the relative unity that characterized the dialogue over the Québécois resolution, however, the Catalan statute is notable for the divisions it created in Spanish politics. As Martínez-Herrera and Miley noted, the statute reform marked an important break between the Spanish Socialists and the Popular Party, which previously had both resisted greater devolution to the “nationalities” of Spain. Further, the Catalan statute created a new standard of regional devolution within the Spanish state, which in turn, has prompted autonomous communities across Spain to try to emulate the gains made by Catalonia through their own statute reforms.

These events demonstrate that though “only” symbolic acts; they have both affected the political status quo in Canada and Spain. This reflects Tully’s observation

that an act of national recognition is never entirely symbolic, but can alter in significant ways the relationship between a recognized group and its larger state. Further, as shown in the second chapter, sub-constitutional dialogues, like the ones that characterized the Québécois nation resolution and the Catalan statute reform, have continually shaped and redefined the Quebec-Canada and Catalonia-Spain relationships. The sub-constitutional arena has allowed Quebec and Catalonia to develop a degree of implicitly recognized distinctiveness within the Canadian and Spanish states, something that these recent acts of national recognition only reaffirm and make more explicit.

Finally, as noted above, Catalans and Quebecers both perceived these acts as significant statements of recognition, as well as a stage in an on-going process of national self-determination. In this respect, the acts were an important “opening gesture” or “a new step in the direction of sovereignty”, but not the end of the struggle for national recognition. In Quebec, federalists have regarded the nation resolution as a sign of greater openness towards Québécois nationalism on the part of Ottawa, and possibly the beginning of a renewed federalism. Sovereignists have instead seen the resolution as an important concession on the part of the Canadian state that could assist in the establishment of an independent Quebec nation. In Catalonia, while the public reaction to the final amended version of the statute was somewhat lacklustre, the ongoing judicial and political challenges to the statute by Spanish officials have acted as a rallying point for Catalan nationalism. As was shown above, some Catalans have focused on defending the existing terms of the statute, while others, out of increasing frustration with Spanish interference, are considering pushing for constitutional reform or even independence.

Accordingly, the efforts by the Canadian and Spanish governments to downplay the acts as “strictly symbolic” and their unwillingness to consider full and unconditional national recognition, may be forcing nationalists into more radical postures – something that is already evident in Catalonia.

Conclusion

In closing, I would like to provide some observations that I have developed from the above comparative analysis. I will begin by discussing how the 2006 Québécois nation resolution and the 2006 Catalan Statute of Autonomy ultimately relate to the wider struggles for national recognition that have characterized the Quebec-Canada and Catalonia-Spain cases. Some predictions then follow regarding how these national recognition struggles may develop in the near future. Finally, based upon these predictions, I conclude that the Canadian and Spanish states could benefit from re-conceptualizing national recognition struggles as an ongoing and necessary feature of a free and democratic multinational society.

Tension between rigidity and openness

Based upon the commonalities demonstrated in the above comparative analysis sections, I contend that both Quebec-Canada and Catalonia-Spain operate in an ongoing tension between multinational and mononational visions of the Canadian and Spanish states, whereby Canada and Spain are *de facto* multinational democracies, but are *de jure* mononational. Specifically, they are *de facto* multinational in that Quebec and Catalonia assert themselves – both politically and socially – as internal nations within the Canadian and Spanish states, and have sub-constitutionally been able to achieve a degree of implicit distinctiveness that stands in contrast to the other provinces and autonomous communities. Nonetheless, Canada and Spain are *de jure* mononational in that

constitutionally, and in the eyes of many Canadians and Spaniards, the Canadian and Spanish states comprise the only official “nations”, while Quebec is simply a province and Catalonia an autonomous community or “nationality”.

The result of this ongoing tension is that the present terms of recognition in the Quebec-Canada and Catalonia-Spain cases are “closed at a frontier” at the constitutional level, but periodically open to negotiation at the sub-constitutional level. I therefore believe that the national recognition dialogues surrounding the 2006 Québécois nation resolution and the 2006 Catalan Statute of Autonomy were products of this tension. In certain respects, they were just another instance of the periodic process of sub-constitutional negotiations that in the past have continually redefined the Quebec-Canada and Catalonia-Spain relationships.

I also assert that the above analysis demonstrates that the Zapatero and Harper governments were both willing and compelled to engage in these recent dialogues of national recognition. They were willing to engage both out of a desire to address the impasse that had characterized Quebec-Canada and Catalonia-Spain relations in recent years, as well as out of electoral motivations to court Québécois and Catalan voters. They were also compelled to engage in these dialogues due to a combination of political vulnerability in parliament and political pressure applied by Québécois and Catalan nationalists. Neither government could go too far in these dialogues, however, partly due to the threat of a pan-Canadian or pan-Spanish nationalist backlash, and partly due to their own unwillingness to question the constitutional status quo. Both the Harper and

Zapatero governments, therefore, attempted to strike a balance or compromise³⁶ between these various concerns.

These attempts resulted in significant – but short-term and politically dominated – national recognition dialogues, which in turn, led to ambiguous acts of recognition for Quebec and Catalonia. They were ambiguous in terms of their importance, where supporters of the acts characterized them as significant statements of recognition, while critics attacked them as politically motivated or as inconsequential symbolism. The acts were also ambiguous in their intention and long-term effects and, in many ways, reflected the ongoing tension between rigidity and openness over the question of national recognition, in that they both reinforced the monism and symmetry of the existing constitutional status quo, but at the same time problematized it, and provided a justification for future Québécois and Catalan recognition struggles.

Future recognition struggles

In terms of these future struggles, I have conceptualized three routes that the Quebec-Canada and Catalonia-Spain cases might follow in the forthcoming years

³⁶ In this respect, both the Québécois nation resolution and the Catalan statute were characteristic of Wayne Norman's argument that the sheer complexity of multinational societies necessitates delicate compromises as a way of accommodating both the interests of various internal constituencies and the wider unity of the larger polity.

regarding the question of national recognition.³⁷ The first I call the “status-quo route”, where both Quebec-Canada and Catalonia-Spain maintain the same ongoing tension between rigidity and openness over the question of national recognition. In this scenario, the Canadian and Spanish governments uphold their monological/finality orientation and attempt to keep the recent acts of recognition “strictly symbolic”. Ottawa and Madrid would accordingly keep the Canadian and Spanish constitutions closed to negotiation and would continue to regard their societies as officially mononational, while in day-to-day practice, there would continue to be implicit recognition of Quebec and Catalan distinctiveness and periodic sub-constitutional dialogues.

This route is the most likely to be adopted as it reflects the desire for constitutional stability and national unity that is held by numerous political figures in Ottawa and Madrid, as well as by large sections of the population in the English-speaking provinces and the Castilian-speaking ACs. If successful, such a policy of avoidance and rigidity has the potential to keep the issue of national recognition relatively quiet, at least for the short-term. However, it will burden the Canadian and Spanish polities with the various problems that Tully associates with the monological/finality orientation, including restrictive and sedimented terms of recognition, as well as imposed instead of self-imposed identities. Accordingly, the rigidity of the status quo could radicalize the nationalist sentiments of Quebecers and Catalans, a development that in turn, may make

³⁷ Please note that these are not firm predictions about what will take place, but instead represent three general scenarios that may take place due to the recent dialogues over the Québécois nation resolution and the Catalan stature.

the rest of Canadian and Spanish society increasingly suspicious and intolerant of Québécois and Catalan nationalism.

The second route arises out of the first – specifically, from the tensions produced by the status quo route – which I call the “confrontational/crisis route”. In this scenario, a more assertive Québécois or Catalan nationalist government would decide to challenge the monological/finality orientation of the Canadian and Spanish governments by using the Québécois nation resolution and the Catalan statute as precedents for reform. Such a scenario is likely to take place at some point, for as shown above, both Québécois nationalists and Catalan nationalists have regarded the recent acts as merely a step in an ongoing process of self-determination. In the case of Quebec, the ADQ, PQ and BQ have all regarded the Québécois nation resolution as a justification for substantial reforms to the Quebec-Canada relationship, including Canadian constitutional recognition of Québécois nationhood, greater devolution of powers from Ottawa to the Quebec government, or even the eventual declaration of a sovereign Quebec nation. In the case of Catalonia-Spain, the attempts by Spanish political and judicial figures to restrain the new Catalan statute have convinced many nationalists that radical measures are now necessary, such as constitutional reforms or a referendum on independence.

Such aspirations for sweeping reforms – or even for secession – will inevitably come into direct conflict with the monological/finality orientation in Ottawa and Madrid, as well as with the continued belief among many pan-Canadian and pan-Spanish nationalists that Québécois and Catalan nationalism should be confronted and not accommodated. This in turn may lead to a “national unity crisis” if a particularly

inflexible Canadian or Spanish central government refused or attempted to avoid constitutional negotiations with the Quebec Government or the Catalan Generalitat. In such a scenario, the monological/finality orientation may prove detrimental to the political unity of Canada and Spain, as it could force Québécois and Catalan nationalists to push for a radical alteration to the Quebec-Canada and Catalonia-Spain relationships, including secession for Quebec or Catalonia.

The third and final route draws upon the theoretical writings of Tully, Maclure, Gagnon and Requejo, and is what I call the “public/non-finality route”. In this scenario, rather than seeking definitive terms of citizenship and recognition, Quebec-Canada and Catalonia-Spain would allow for the re-negotiation of these terms through “a complex and non-ideal framework of agonistic public deliberation” – to use Maclure’s term. Further, unlike the rigidity that characterizes the present constitutional order in Canada and Spain, this third route would require a flexible and open framework where citizens can re-negotiate the terms of recognition and citizenship – at both the sub-constitutional and constitutional levels – involving, as Tully argues, “negotiations in which *audi alteram partem* is the immanent rule of reciprocity”.

This third route may be the least likely one for the Quebec-Canada and Catalonia-Spain cases to follow, as it requires the Canadian and Spanish states to abandon their overriding concern with political unity – as well as finality over the terms of recognition – and to embrace a more unpredictable future. Nonetheless, it is in many ways preferable to the other two routes as it has greater potential to both accommodate the right of self-determination of internal nations like Quebec and Catalonia, while at the

same time, foster unity among the multinational Canadian and Spanish populations. In this regard, the public/non-finality route would not necessarily guarantee the integrity of either Canada or Spain, but neither would it necessarily encourage Quebec or Catalonia's secession. Instead, it might help avoid the worst effects of the two monological/finality routes, such as imposed identities, resentment among internal nations towards a rigid constitutional status quo, resentment among the majority society towards the recognition demands of internal nations, and politically charged national unity crises.

Firstly, the public/non-finality route would expand dialogues of recognition beyond political actors to the wider citizenry. The lack of public participation in the dialogues surrounding the Québécois nation resolution and the Catalan statute was a notable shortcoming that delegitimized the acts in the eyes of many Canadians and Spaniards. The third route, however, would allow the public to participate³⁸ in the establishment of these terms of citizenship and recognition thereby making these terms self-imposed rather than imposed, and hopefully granting them a greater sense of legitimacy among members of the internal nations as well as the majority society.

Further, such open-ended dialogues might encourage greater public reflection over alternative conceptions of national identity, and discourage the sort of rigid monistic conceptions of the "nation" that frequently have characterized recognition debates in Quebec-Canada and Catalonia-Spain. As Maclure notes, the benefit of such a non-

³⁸ This public participation could take place through Gagnon's suggestions for commissions of inquiry, constituent assemblies or referenda, all with mandates to address or define various issues related to the Quebec-Canada and Catalonia-Spain relationships and the terms of the multinational union.

finality/public approach and its “democratic process of exchanging reasons and visions with others” is that it “spurs the capacity to develop a reflexive stance toward our own judgments and to see the association from a plurality of perspectives”. Accordingly, open public deliberation might encourage more careful consideration of demands for recognition than has been evident in the past in the Quebec-Canada and Catalonia-Spain cases.

The public/non-finality route would also allow Quebec and Catalonia greater freedom to exercise their national right of self-determination than currently exists within the rigid constitutional framework of the Canadian and Spanish states. An open-ended and agonistic perspective to identity and recognition would allow Quebecers and Catalans – as well as other Canadians and Spaniards – to continually renegotiate and alter the terms of recognition as their identities evolve and shift over time. What's more, these dialogues have the potential to produce stronger connections between the Québécois and Catalan nations with their respective multinational democracies. As Maclure argues, a public/non-finality approach has the benefit of fostering “a thin or second-order form of belonging” among a multinational citizenry to both their shared political association as well as to each other. This sense of belonging, in turn, “can withstand punctual disagreement on substantive or procedural matters”, particularly as the open-ended nature of these dialogues, means no agreement is ever completely “closed at a frontier”. In this regard, the public/non-finality route may be a much more effective means of fostering unity between the Québécois and Catalan nations with the larger Canadian and Spanish states. It would allow for the continual exchange of reasons among both political figures

and the public over the terms of recognition within their shared multinational society, thereby preventing the type of growing frustration and subsequent crises that is characteristic of the two alternative routes discussed above.

Final Comments

In many ways, the 2006 Québécois nation resolution and the 2006 Catalan Statute of Autonomy demonstrate Canada and Spain's ongoing complexity as multinational societies, and how national identities and allegiances in both countries continue to be fluid, multiple, overlapping, and expressed in a plurivocal fashion. The presence of assertive internal nations like Quebec and Catalonia within Canada and Spain helps drive this complexity, where – as these two cases demonstrate – demands for national recognition invariably problematize and challenge fixed and monistic conceptions of the pan-Canadian or the pan-Spanish “nation” and therefore provide an impetus for reform towards a more explicitly multinational framework. Finally, the dialogues surrounding the Québécois nation resolution and the Catalan statute demonstrate that struggles for national recognition are likely to continue well into the future, as both the Québécois and Catalan nations continue to express dissatisfaction with the monistic constitutional status quo in Canada and Spain.

Rather than avoiding or attempting to contain these future national recognition struggles, I contend that the Spanish and Canadian states should reconceptualise them as important and necessary dialogues over the terms of citizenship and identity. They

should accept what Requejo characterizes as the “unavoidable tensions” present in multinational societies due to a plurality of national allegiances and identities, and allow recognition dialogues to take place through ongoing, public and agonistic processes.

Though it would create challenges, and may not guarantee the unity of the Canadian and Spanish states, it is still in many ways a preferable route to take than continued adherence to constitutional rigidity and a monistic conception of national identity.

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