

Alain Gagnon ehugune seminar Bizkaia Aretoa (Azkue) 2018-11-27

Alain Gagnon est Titulaire de la Chaire de recherche du Canada en études québécoises et canadiennes à l'Université du Québec à Montréal, President of the Academy of Social Sciences, Royal Society of Canada

Presentation by Joxerramon Bengoetxea, ehuGune

It is an honour to have Alain Gagnon with us. Thank you Alain for sharing your time with us.

I would like to start by bringing a quote from a text of yours, in your prologue to the book "Les nationalismes majoritaires contemporains: identité, mémoire, pouvoir", edited by Gagnon, Lecours and Nootens, 2007, in the prologue, Avant-propos, you say:

"Les protagonistes du nationalisme majoritaire se drapent le plus souvent dans un discours empreint de patriotisme pour défendre les États-nations déjà constitués et pour s'opposer à toutes les autres expressions nationales. Les défenseurs du nationalisme minoritaire remettent en question l'existence même des États établis en ce que ces derniers ne les reconnaissent pas comme des nations culturelles et sociologiques pleinement constituées. Les uns et les autres s'alimentent mutuellement, tout en cherchant à penser leurs projets de construction nationale sur des bases universelles, inspirées par les valeurs humanistes héritées de la période des Lumières."

I find this thought very revealing. The new panorama in Europe (populist nationalism, illiberal democracies, anti-European positions), and perhaps also in America (USA), is the emergence of a new form of majority nationalism, not in the sense suggested by your quote, but rather in versions that no longer appeal to universal, liberal and Enlightenment values, but rather full-blown national interest, bigotry and exclusion. *America first* type of discourse of national preference. When President Macron spoke at the 100th anniversary ceremony of WWI to the leaders assembled in Paris ten days ago, he made a distinction between patriotism (good) and nationalism (bad). Interestingly, President Trump replied that they were pretty much the same thing, but what I find interesting is the new attempt to present majority patriotism as opposed to one of its possible versions, ie the nationalism of the established states, and as no longer challenged by minority nationalism, which we could then also call minority patriotism. Europe is thus a new reference in the positioning of these patriotism and nationalism. Majority and minority patriotism would then share the claim to universal, liberal values, whereas nationalism would insist on national preference and absolute values of blood, land and feud. Liberal, democratic, Federal multinational Europe would then be the cure to nationalism.

Secondly I would also like to bring another quote, this time in relation to the Catalan referendum of October 1st, last year, which you published in LE DEVOIR, LES SAMEDI 23 ET DIMANCHE 24 SEPTEMBRE 2017, IDEES,

"Aujourd'hui, au nom de la Constitution, le gouvernement espagnol cherche à imposer sa seule autorité sur le peuple catalan. Or, on le sait, le principe démocratique s'exerce à différentes échelles (municipale, régionale, nationale,

étatique, supraétatique, etc.). Chercher à s'arroger tous les pouvoirs constitue non seulement un déni de démocratie, mais un geste politique condamnable.”

This very well summarises much of the problem with the self-perception of Spain as a unitary state, lately developing authoritarian traits. The application of Article 155 of the Constitution, the intervention of Catalan finances, the repressive use of the criminal justice system to respond to a democratic claim, are all part of the new discourse of Spanish nationalism, which has become proactive. Your seminar today will give us interesting analytical distinctions and ideas to understand the conditions for a truly democratic multinational federalism.

Alain Gagnon lecture

resume prepared by ehuGune (see audio for the talk)

Indeed, the conditions for a Multinational federalism to be possible are four:

1. There needs to be a *Commonality of purpose*,
2. There needs to be or develop an *Overarching identity* that can be shared while respecting the national identity of the component entities,
3. The type of trust necessary is not blind or absolute, but *Conditional Trust*
4. And then there needs to be some idea of Attachment, loyalty with top down recognition (this will take us to the compact, the Covenant, le Pacte, los fueros)

Multinational federalism is a *process* of advancing democracy at different scales or levels.

This will produce the conditions for an ongoing Constitutional conversation by removing the procedural obstacles, the objections to discuss any Project or idea. The Constitution thus needs to be maleable, it cannot be a straight jacket. Of course, No state is neutral; but we need to reduce as much as possible the spaces of domination.

It is important to distinguish *de facto* and *de jure* multinational federations. The normal way would be to have a development, a recognition of social-political reality, a given scenario of multinational polity, and then this can be reflected in the Constitution, first *de facto* and then *de jure*. When you only have *de jure* recognition, even in the Constitution, the political culture might not follow.

The Multinational Federalism succeeds to the extent that is promoted and protects its constituent parts. It cannot be in zero-sum competition with its component parts, nor should the parts be in such a framework either. The ideal situation would be one where the centre, Ottawa, steps up to defend francophone rights within Quebec and within Canada and Quebec protects the rights of anglophone minorities within Quebec. All nations: Aboriginal Arcadian Quebecers anglophones. And there would be No such thing as a majority culture but the equality principle (equality, not uniformity, in order to ensure equality you need to accommodate differences).

These positions are sometimes difficult for majority nationalism: the Central Government and the national majority will counters arguments like the Slippery slope objection, or the instability objections (and this would call for a politics of containment of the difference claims, rather than a politics of contentment).

Instead, the majority nation has to be part of the solution, and this can be done through differential mechanisms

- Asymmetry.
- Different scales but similar services.
- Decentralized power but in exchange for coordination, cooperative governance; consultations and trust.
- Proportionality and quotas in appointing civil service (diversity and proportionality based on merit) Sc judges, cabinet committees.
- Veto power for some issues, or Luxembourg agreement compromises, Ioannina.

Ultimately, what is needed is More federal thinking. Think more ambitiously: recognise special constitutional status to minority nations, as constitutive communities (demos). But in order to analyse whether these attitudes and culture are gaining ground, it is wise to practice a politics of suspicion: Is the central state engaged in a nation building project; what is underway? Assimilation? Is it resorting to Equality as a means of imposing uniform identity?

The dynamics of reciprocal recognition are essential. They need to be recovered, and this lead to the Politics of **compact** (covenant, pacte, fuero). There are three features of compact politics:

1. Each and every nation is represented at the center (eg Catalan in the Cortes)
2. Self-government without intrusion from the center
3. Recognize the component nations as full demos, constitutionally and foundationally

If these conditions are met there is a true liberal democracy (Representative popular sovereign elections Plus the right of the peoples to initiatives bottom up). This was one of the principles identified in the 1998 Canada Supreme Court judgment in Re Quebec . The four principles have to be taken at face value, although some are clearly more ambitious:

1. Federalism was essential in the make up through values of balancing but aboriginal, Commission of Truth and Reconciliation
1. Democracy; Civil Society Processes of negotiation reflecting people's opinions
1. Constitutionalism and rule of law balancing each other (James Tully identifies 3 elements: historic continuity or identity through time; consent of the constitutive nations; reciprocity and conditional trust) In this sense the Clarity bill is on the legality or rule of law side; but we need more constitutionalism and legitimacy
1. Protection of minority's rights were secession to occur

Quebec is free to enter into a process of negotiation or secession if the question is clear and if the answer is clear. This lead Dion to insist on the clarity law; but the result was an unclear clarity law; Not clear what the majority needs to be: 50%+1 is Quebec's position, ie no blockage depending on percentages of participation and abstention. Therefore all sides have to be willing to engage in the negotiation process or else they lose democratic credibility