

# The Ties that Bind: Kymlicka and the Problem of Political Unity in Multination States

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## Abstract:

*As asserted by Will Kymlicka, the recognition and accommodation of national minorities leads to a dilemma. Indeed, if denying them these rights can contribute to their willingness to secede, allowing them to self-govern can also ultimately lead to the weakening of their ties with the state in which they are integrated. This tension well described in Kymlicka's *Multicultural Citizenship* and in his later works remains nonetheless without an explicit solution. This text addresses this question by suggesting that the dialogical dynamic behind the recognition and accommodation of national minorities hides a purely political patriotism stemming from the neo-republican tradition that is complementary to the nationalist sense of attachment that members of national minorities will inevitably come to feel toward their societal culture.*

## Keywords:

**Will Kymlicka, political stability, multinational states, sense of attachment.**

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## **Introduction: Kymlicka, Liberalism and the Recognition of Minority Rights**

Written more than 25 years ago, Will Kymlicka's *Multicultural Citizenship* has become since then an influential work in the intellectual odyssey of many scholars interested in how Liberal societies ought to treat their ethno-cultural minorities<sup>2</sup> and/or national minorities<sup>3</sup>. In his first book, *Liberalism, Community and Culture* (1989), Kymlicka had already argued that it was possible to overcome what was one of the main debates of the time in Political Theory, namely the

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2 Which is arising from individual and family immigration.

3 That he is defining as “historical communities, more or less institutionally complete, occupying a given territory or homeland, sharing a distinct language and culture” (1995: 11) and who were incorporated within a broader state either voluntarily or involuntarily. He is referring in this regard to American Indians, the Québécois, the Catalans or the Flemish nations.

Liberal/Communitarian divide by explaining how and why Liberals ought to view cultural membership as an important good. As he argued, Communitarians held an incorrect view that Liberalism was inherently opposed to the granting of groups rights to ethnocultural minorities and that Liberals who were defending such rights were simply deviating from the Liberal theory that is exclusively focusing on the individual as the sole entity worthy of being the bearer of rights. Kymlicka is rather of the opinion that Liberalism has always been a benevolent ideology for minorities searching for recognition and accommodation.

Through which intellectual acrobatics did the primacy of individual rights from the 1960s “rights revolution” turn into the consolidation of religious or cultural beliefs by granting minorities group-differentiated rights<sup>4</sup>? Indeed, this seems highly paradoxical, as these beliefs have always been seen as dogmas that have prevented people from exercising their own free will and from pursuing their own conception of what constitutes a good life. Justifying the recognition and accommodation of minority groups within Liberalism has, on the contrary, always been an important component of Liberal thinking, which considers the granting of group rights to primarily be a matter of individual rights and a way to complement the inherent shortcomings of the “rights revolution”.

Indeed, by granting universal and equal individual rights, the “rights revolution” has given the false impression that the politics of equal dignity allows every individual an equal chance to fulfil his or her own conception of happiness. This is not the case, however, as social norms are not culturally neutral and may thus prevent individuals belonging to minority groups from enjoying the same rights as those who belong to the dominant ethnocultural group. For instance, the requirement to have specific, mandatory uniforms for the police or armed forces, include a photo on one’s driving license, and refrain from bringing weapons to school are all rules that have been considered discriminatory by members of religious or cultural minorities who have argued that such rules prevent them from enjoying their right to religious freedom. In attempting to prevent this situation from occurring, philosopher Charles Taylor has defended the necessity of implementing a “politics of difference” in liberal societies, which entails granting derogations from common rules (Taylor 1994). This differentiated treatment is

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4 As Will Kymlicka writes, “To many people, the idea of group-differentiated rights seems to rest on a philosophy or world-view opposite to that of liberalism. It seems more concerned with the status of groups than with that of individuals. Moreover, it seems to treat individuals as the mere carriers of group identities and objectives, rather than as autonomous personalities capable of defining their own identity and goals in life. Group-differentiated rights, in short, seem to reflect a collectivist or communitarian outlook, rather than the liberal belief in individual freedom and equality” (1995: 34).

considered to be a way for those affected by the discrimination caused by the false neutrality of public norms to have an equal right to religious freedom. In such cases, this treatment is not meant to offer special privileges to ethnocultural and religious minorities. It is rather a tool of equalization that makes the enjoyment of rights a practical reality rather than a symbolic fiction. This is why Sikhs are allowed to wear their ceremonial kirpan in some public places or to wear their turban instead of the traditional headwear dictated by their profession—whether that is a conventional police hat, military beret or wig worn by lawyers, barristers and judges in some countries.

Such differentiated treatment is not being granted only to ethnocultural or religious minorities. Indeed, it has also been given to individuals who, because of their socio-economic situation, also see the exercising of some of their fundamental rights being impaired. This is why court-appointed lawyers are often provided for free to individuals whose income falls below a certain level. Indeed, without such treatment, the right of individuals,—namely, poor individuals—to a fair and equal trial would remain entirely theoretical, as they would not otherwise have the resources to hire a competent lawyer to defend their cause, unlike individuals who have greater financial assets. Since economic disparities between individuals can cause discrimination and the incapacity of some to enjoy equal rights, such differentiated treatment is necessary and should be seen solely as a tool for equalizing rights. A genuine understanding of liberalism will therefore require accepting these exceptions.

Second, having a common culture has always been instrumental for the state to achieve its essential functions. Indeed, sharing a language and history generates a strong bond between millions of unknown individuals, and this sense of a common identity and common membership generates among such individuals the willingness to make sacrifices for each other. This common culture also facilitates the integration of individuals through the same “shared vocabulary of tradition and convention” (1995: 77). Historically, immigrants have been expected to assimilate into their new culture—a process that has been encouraged through various means, such as the high bureaucratization of all aspects of people’s lives that has forced newcomers to abide by the official state language and public schooling, which facilitates the full integration of the children of immigrants. Deprived of such institutional tools, a culture is doomed to disappear. Because of the pervasiveness of the new culture they are surrounded by, immigrants often quickly realize that assimilating themselves into their new culture is a valuable way to avoid social ostracism and poverty for themselves and their children.

Today, that situation has changed. Liberalism assumes—correctly, I believe—that we cannot understand freedom without culture and that caring about the former means respecting and recognizing the latter. Indeed, the capacity to make choices and evaluate their value is seen through the lens of culture. Without that filter, individuals would not have the tools needed to value certain practices over others. Taking this perspective, Kymlicka states the following:

Whether or not a course of action has any significance for us depends on whether, and how, our language renders vivid to us the point of that activity. And the way in which language renders vivid these activities is shaped by our history, our traditions and conventions. Understanding these cultural narratives is a precondition of making intelligent judgements about how to lead our lives. In this sense, our culture not only provides options, it also provides the spectacle through which we identify experiences as valuable (1995: 77).

As a result of this belief, liberalism cannot be distinguished from the necessary respect for culture, and there is, accordingly, a need to not cut off immigrants from their cultural heritage. This is why the “rights revolution” has led to a valorization of minority cultures and the expression of this valorization through various means, namely, anti-racist policies, affirmative action programs and efforts to portray immigrants in a positive way in official documents—such as school textbooks. The previously discussed solutions of derogation from clothing regulations or public norms have also been implemented in this regard. The overall objective of these polyethnic rights is not to allow immigrant groups to re-create their own societal culture by granting them their own institutional tools but rather to symbolically recognize and accommodate their differences as a way to show that the host culture is hospitable and willing to adapt itself, which is why these forms of recognition and accommodation have largely been seen as fundamentally inclusive<sup>5</sup>.

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5 Kymlicka writes the following in this regard: “Most polyethnic demands are evidence that members of minority groups want to participate within the mainstream of society. Consider the case of Sikhs who wanted to join the Royal Canadian Mounted Police, but, because of their religious requirements to wear a turban, could not do so unless they were exempted from the usual requirements regarding ceremonial headgear. Or the case of Orthodox Jews who wanted to join the US military, but who needed an exemption from the usual regulations so they could wear their yarmulka. Such exemptions are opposed by many people, who view them as a sign of disrespect for one of our ‘national symbols.’ But the fact that these men wanted to be a part of the national police force or the national military is ample evidence of their desire to participate in and contribute to the larger community. The special right they were requesting could only be seen as promoting not discouraging their integration” (1995: 177).

However, as Kymlicka makes it clear in his book, this is not the case with the accommodation of national minorities that encompasses their right to self-govern freely (1995: Chapter 2). As such, contrary to polyethnic rights, those granted to national minorities can threaten the unity of states affected by this form of multiculturalism (Caron, Laforest 2009). As Kymlicka reminds his readers, while the demands for recognition from ethnic, religious, and disadvantaged groups are fundamentally inclusive, those of national minorities reflect for their part “a desire to weaken the bonds with the larger political community (...)” (1995: 181). By claiming a right to self-govern through federalism<sup>6</sup> and other types of devolution of powers (that Kymlicka fully supports as adequate forms of recognition), these groups are acquiring the required tools for nation-building: a process that inevitably leads to the strengthening of national minorities’ identity and, consequently, a weakening of the ties that bind people together. This watering down of a strong and cohesive national identity can lead to negative social consequences that Kymlicka is fully aware of. Indeed, for many liberal nationalists, a shared identity is an essential tool that serves many fundamental political purposes. For David Miller, a common identity allows the state to legitimize its decisions (Miller 1995) and allows people to integrate within the same economical space, according to Ernest Gellner (1983). Kymlicka is conscient about the value of a common identity because it ensures that citizens share essential virtues for their collective life. He writes in this regard:

(...) [T]he health and stability of a modern democracy depends, not only on the justice of its basic institutions, but also on the qualities and attitudes of its citizens: e.g. their sense of identity, and how they view potentially competing forms of national, regional, ethnic, or religious identities; their ability to tolerate and work together with others who are different from themselves; their desire to participate in the political process to promote the public good and hold political authorities accountable; their willingness to show self-restraint and exercise personal responsibility in their economic demands, and in personal choices which affect their health and the environment; and their sense of justice and commitment to a fair distribution of resources (1995: 175).

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6 As he writes in *Finding our Way*: “Federalism seems the ideal mechanism for accommodating territorially defined national minorities within a multinational state. Where such a minority is regionally concentrated, the boundaries of federal subunits can be drawn so that it forms a majority in one of the subunits. (...) Quebec is the paradigmatic example. Under the federal division of powers, the province of Quebec has control over issues that are crucial to the survival of the francophone society, including education, language and culture, as well as significant input into immigration policy” (1998: 135).

It is precisely what federalism and other forms of devolution of powers to national minorities are threatening and why Kymlicka is aware that accommodation of these groups in such a manner cannot serve an integrative function. It is for him the Gordian knot of the debate: if we believe that recognizing and accommodating national minorities is a matter of justice, we must also be conscious that this might potentially lead to the disintegration of multinational states. Although Kymlicka is not fundamentally opposed to the idea of allowing nations to secede, he nonetheless points out the feasibility of such an idea<sup>7</sup>. This is why he feels the need to find solutions that allow multinational states to remain united while allowing their minority nations to enjoy the capacity to enjoy self-government.

Kymlicka's solution in this regard is very sound, although not original. Similarly to many other scholars before him, he believes that the overall goal is to find a way to generate on the part of individuals belonging to national minorities a form of federal patriotism that complements their national sense of attachment. This solution is in line with scholars such as Carl Friedrich, who wrote in 1968 that the survival of multinational states depends on the presence of a "federal spirit" that will be sufficiently strong to engender a sense of loyalty from all its citizens (1968: 175); Daniel Elazar, who argued that a federal state cannot survive without a form of political culture that relies on its citizens' willingness to work together (1987: 192-197); Samuel LaSelva, who speaks of federalism "as a way of life" (1996); or Jeremy Webber, who refers to the necessity of having a "federal conversation" (1994: 185-193). The relevance of this solution can hardly be challenged because it has been proven through the analysis of electoral behaviors of members of national minorities that the supporters of secessionist parties were those who did not identify themselves as Canadian, British, Belgian, or a Spaniards (see in this regards Keating 1997 and Caron, 2012, 2016). Therefore, unsurprisingly, separatist leaders often emphasize the incongruity of people having more than one sense of attachment (Mendelsohn, 2002).

The originality of Kymlicka's proposal lies, however, in his understanding of what ought to be the foundations of this federal spirit. If on the one hand national minorities ought to be allowed the capacity to develop their identity by providing them with the required tools for a nation-building process, he believes that on the other hand, the federal spirit that should serve as the common identity

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7 He writes, "However, secession is not always possible or desirable. Some national minorities, particularly indigenous peoples, would have trouble forming viable independent states. In other cases, competing claims over land and resources would make peaceful secession virtually impossible. In general, there are more nations in the world than possible states, and since we cannot simply wish national consciousness away, we need to find some way to keep multinational states together" (1995: 186).

for all the members of the state should rest upon different elements than the former sense of attachment. In other words, while their primary sense of attachment will derive from their language, history, and culture which will be in this sense be a truly “nationalist sense of attachment”, the federal spirit he is contemplating as being a “patriotic sense of attachment” needs to have different basis than the previous one (1995: 13). Although Kymlicka is not providing a full conceptualization of this latter sense of attachment, it is nonetheless possible to conclude based from his analysis of the Swiss case that this sense of attachment is derived only from political notions<sup>8</sup>.

This returns Kymlicka to his initial interrogation: what ought to be the non-nationalist elements upon which this patriotism should be derived? This is where Kymlicka shows his humble scientific ignorance by discussing what appears to be good solutions, before highlighting their shortcomings. The common suggestion would consist in building a sense of patriotism based on the idea that people share the same political values despite belonging to different national groups (1995: 187-188). However, although a convergence between Quebecers and the rest of Canadians has occurred regarding having the same political values since the 1960s, Kymlicka notes that the secessionist option has gradually gained support in Quebec over the same period of time. Him and others have also observed a similar pattern in Belgium between the Walloons and Flemish (see also Taylor 1991: 53, Norman 1995: 141-142; Kymlicka 2003). However, Kymlicka does not mention another problem that can derive from that strategy, namely the risk of transforming such an identity into an exclusive sense of belonging akin to ethnic nationalism (Caron 2013). If this latter form of nationalism is exclusive because its conception of nationhood relies on immutable ethnic characteristics inherited and not chosen, defining a patriotic identity based on political values could create the same problem, such as the case in Quebec since the turn of the Millenium. Seeking to revive the sovereigntist flame after the defeat of the 1995 referendum, secessionist parties, namely, the Bloc Québécois and the Parti Québécois, used new rhetoric which consisted of presenting the rest of Canada (ROC) as making political choices based on values totally incompatible with Quebec’s collective choices. More specifically, they presented the ROC as being conservative in its social and economic choices while the Quebec society, was for its part, was social-democratic and more socially progressist. This rhetoric reached its climax during the 2012 provincial election, when the leader of the Parti Québécois, Pauline Marois, openly invited right-wing sovereigntists to not vote for her party. As a

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8 For him, this dual sense of belonging allows the Swiss people to enjoy a strong national consciousness and a patriotic commitment to their country simultaneously (1995: 187).

result, many people have criticized this new nationalist rhetoric who have come to realize that, as a result, it excluded from the Quebec national psyche individuals who did not share left-wing political values.

I posit that Kymlicka's suggestion to dissociate national minorities' primary sense of belonging, which is fundamentally nationalist, from the federal spirit, which ought to solely rely upon political principles, is clearly the correct path to follow, because attempting to build the latter sense of attachment on the commonality of the different nations' history, language, or religion is clearly a Pandora's box. Indeed, as he asserts, these elements are sources of division rather than unity in many multination states. For example, obviously, the 20th century is for many Catalans who experienced the Franco era a source of resentment toward Madrid, just as the history of the Belgian state is seen by Flemish nationalists as a humiliating experience during which their language and culture were not ridiculed by the Francophones. However, and unfortunately, Kymlicka did not discuss this patriotism further in *Multicultural Citizenship* and in his later works. This text attempts to provide a more thorough conceptual framework of this federal patriotism by explaining how it can result from the process of recognition and accommodation inherent in Kymlicka's theory that can lead to a form of collective identity akin to the neo-republican tradition of freedom (Caron 2006). Even if Kymlicka does not mention the essence of the federal spirit he has in mind, it is clear in this author's mind that he is implicitly referring to the idea of republican freedom.

### **The Idea of Republican Freedom**

As Kymlicka rightfully reminds us in his book, patriotism should not be confused with nationalism. This willingness not to confuse these two notions was a core element of ancient philosophers and republican authors and was derived from an understanding of freedom that can be applied within multination states. However, to clearly understand what this means, it is first important to discuss political freedom as it was understood during the Renaissance era, and more specifically for Machiavelli and his *Discourses on the First Ten Books of Titus Livius*. In this historical study, Machiavelli praises the government of the Roman republic and its capacity to guarantee individual freedom, which he defined as being an individual's capacity to protect their property and the power pursued for their purposes without having to fear the interference of others (Skinner 1992: 134).

This interpretation of Machiavelli extends to England during the 17th century, and many authors adopted the idea of the Florentine thinker, according to



which “the purpose of any government should be the well-being and affluence of the people, in an assured enjoyment of their rights, without pressure or oppression from fellow citizens or rulers” (Nedham 1767: 11). That case is the case of thinkers such as Marchamont Nedham, John Milton, James Harrington, Algernon Sidney, or Richard Price, who remain associated with this conceptualization of freedom, which they also liken to an individual’s capacity to be able to fully enjoy certain private rights, namely, the freedom of movement, expression, and contract and over their goods and property (Harris 1990: 217-241). To do this, the latter started to believe that protecting these individual liberties could only occur within the republican regime, in other words, a political association where the laws are applied with the explicit consent of all citizens. For Sidney, Nedham, or Milton, the metaphor of the free political body clearly involved the possibility for each citizen to exercise an equal right of participation in determining social laws as the one and only means to ensure that these are truly a reflection of the will of all members of a political association. Nedham asserts in this regard that “if the people are to have true freedom, they must be endowed with the power to apply and repeal the laws and they should duly receive supreme authority” (Nedham 1767: xv, 23), and Milton maintained that “to be recognized as free people, we should only submit ourselves to laws that we choose ourselves” (Milton 1962: 519) Sidney wrote that “when we talk about nations that have enjoyed freedom, what we understand by that is nations that were, or which had to be, governed only by the laws that they made themselves” (Sidney 1990).

For the latter, a monarchical regime was perceived as incompatible with maintaining individual freedoms, to the extent that it aims to place the exercise of discretionary powers in the hands of a single person. Of course, Machiavelli admits the possibility that a State would be rather spoiled to be headed by a sufficiently virtuous legislator who would could act in the general interest of the political association (Caron 2019, 2020). By contrast, for English authors, regarding the actions of King Charles, I demonstrated that the exercise of discretionary powers by one man could lead to tyranny and the deprivation of personal freedoms. In this regard, Milton asserts that a political body whose decisions could at any time be rejected by one man could not claim to live freely, which was similar to the analysis of Titus Livius, for who “no community living under the authority of a king has the right to be considered a free State” (quoted in Skinner 2000: 38-39). In similar circumstances, the citizens of such State should be considered no more and no less than enslaved people, that is, individuals at the mercy of one person’s will.

Clearly, the main virtue of republicanism and the metaphor of the free political body very clearly remains its capacity to stimulate a feeling among its

members of political belonging. Thus, for Maurizio Viroli, living in such a political community promotes the emergence of a type of patriotism from the citizens. In the words of the latter, this feeling was first and foremost based on the love of shared freedom assured by the principles of republican governance. This is how Cicero began to confuse patriotism with liberty and social laws while Sallust contrasted patriotism and freedom with oligarchic or tyrannical governments and Quintilian understood patriotism as linked to the laws and institutions of a free city (Viroli 1995: 19). For the latter, the patriotism citizens display toward their society was clearly based on their ability to fully enjoy their freedom therein.

From this perspective, it is easy to understand the fundamental difference between republican patriotism and nationalism. Although the former is described as a rational love of the laws of a political association, the patriotism associated with the latter is based on cultural and historical premises. Furthermore, the Antiquity authors established a clear distinction between the homeland (*patria*) and the pre-political community bonds that could be associated with nationalism (*natio*). This was the case with Cicero and Quintilian who both used these terms to express these two different realities (Quintilian, Book 5, Chapter 10). In this regard, Cicero did not hesitate to write that the civil bonds associated with patriotism were a lot nobler than those related to *natio* (Cicero 1965: 132). The same distinction can be found among English authors of the 17th century who defended a republican concept of freedom. The most eloquent, in this regard, is Richard Price, who also asserts the need to dissociate *natio* and *patria*. On this topic, he wrote:

Love for our country has always been a controversial topic which raised noble passions (...). By our country, I am not thinking of the land on which I was born, but rather the community to which I belong, of which I am a member and my compatriots are those with whom I have ties under the authority of the same constitution and protected by the same laws [translation] (Price 1992: 178).

This distinction continued throughout Modernity and until the age of Enlightenment, when philosophers continued to interpret the homeland as a concept different from nation. For example, Diderot defined patriotism in his *Encyclopédie* as “the love of laws” (Diderot 1967: 178). Greatly inspired by Montesquieu, Diderot wrote that “Those who live under oriental tyranny, where no other law is known than the will of the sovereign, no other maxim than the adoration of his whims, no other principles of governance than terror, where no fortune and no head is safe; those have no patriotism and do not even know the

word, which is a true expression of happiness” (Diderot 1967: 180). Jean-Jacques Rousseau also made that essential distinction. Thus, in a letter sent to Lieutenant-Colonel Charles Pichet in March 1764, Rousseau maintained that “It is neither the walls nor the people that make up the homeland; it is the laws, morals, customs, Government, constitution, the way of being that follows from all of that. Patriotism is in the relationship between the State with its members; when this relationship changes or is destroyed, patriotism disappears” (Rousseau 1965: 190). Following the same reasoning, he indicated in his *Discours sur l'économie politique* that “the homeland is thus seen as the shared mother of the citizens, that the benefits that they enjoy in their country makes it dear to them, that the government leaves them out of public administration enough for them to feel at home, and that the laws are in their eyes only the guarantors of shared freedom” (Rousseau 1990: 76). Thus, the patriotic sentiment related to republicanism is, contrary to national patriotism, an artificial and rational feeling based on a love of laws for a political community and on a free government. As maintained by Viroli in this regard, “republican patriotism bears a cultural meaning: it involves a political passion that places no value on belonging to an ethnic group, on the fact of speaking a shared language, on sharing the same customs or even believing in the same god(s)” (Viroli 2002: 87).

In accordance with this ideal, I posit that this individual feeling also contains a collective dimension. This is possible when minority nations part of a broader State have the ability to enjoy political autonomy that allows them to live according to the norms that they determined themselves without having to suffer outside interferences, which can generate a patriotic attachment toward this State. For members of a minority nation, this State could be perceived as a political structure able to guarantee their sacred right of political self-determination.

### **The Idea of Republican Freedom in Multinational States**

Guaranteeing a national group's inherent right for self-determination is possible thanks to the establishment of a federal system or other forms of power devolution that although not officially referred to as federal options are essentially the similar to that constitutional arrangement<sup>9</sup>. However, the collective freedom of a minority nation also depends on another notable factor, namely, the ability of this group to change the governance practices of this State. For the philosopher James Tully, the possibility that these groups must challenge these governance practices is an essential component of citizenship, which contrary to popular belief, is not

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9 As it is the case in Great Britain with the powers given to Northern Ireland, Scotland and Wales following the 1997 victory of Tony Blair and the Labour party that had promised to do so in its electoral platform if the people concerned would support it through referendums.

restricted to having a passport and participating in electoral votes. Citizenship also contains a discursive dimension by virtue of which an individual may be considered a citizen if she or he can be heard by others and is able to question the relevance of certain principles of governance.

In the case of ethno-cultural groups, Tully considers that the inability to act such that it can lead to an impression among them that the society at large in which they live does not consider their demands as legitimate conveys the message that they are second-class citizens. In this regard, it suffices to think of a demand aimed at changing a public policy or another norm that the minority group might consider harmful to their right of self-determination. A federal society would show proof of a lack of openness toward these demands, and the latter would then be perceived as being an illegitimate social structure restrictive for minority groups, which faced with the closure of the dominant ethno-cultural group, would risk diverting from this political association deemed harmful to their community autonomy. He also says that in such a situation, minority groups should have the legitimate right to enter a situation of dissidence.

Conversely, when a process of openness and listening exists (an *audi alteram partem* process), the individuals belonging to these minority national communities might eventually identify themselves with the society that demonstrates this attitude. This identity is based on the following: their political association is constantly open to challenges and a dominant structure does not oppress them. Having “the right to express an opinion” as part of these dialogues is aimed at creating a feeling of belonging to the political association that demonstrates openness in this regard (Tully 2001: 127-128). For national minorities, this ability to enter into dialogue with the dominant ethno-cultural group makes it possible to generate such a feeling but allows believing that this will be even more developed when this dialogue is used to satisfactorily respond to the demands to change the political order in view of increasing their autonomy.

For Andrew Mason, this feeling is based on a rational identification by individuals with the institutions and social practices of a political community. To realize this feeling, the individual must be able to perceive the latter as valid and must have the conviction that their demand can be accommodated, which implies that they must evidently not be excluded, but that they can to the contrary have the possibility of expressing themselves and being heard by the “Other.” Thus, Mason maintains that

In principle, individuals can identify with the institutions and governance practices of their State and can feel happy with it without for all that having deep

and significant reasons to feel connected with it: reasons that could be explained by the fact of sharing with another the same history, religion, ethnicity, language, culture or a shared conception of the good life (Mason 1999: 272).

He adds that

When individuals do not identify with the institutions and governance practices of their society and if they are rather excluded from it, there is much less chance that they would want to ensure its stability and will be much more swift to cooperate with those who wish for its destruction. But, when they identify with their institutions and its practices, then there is no reason to believe that the latter would be unstable or vulnerable even if there is no national identity that unites its citizens. In this sense, state patriotism can develop simply on this basis, namely the love of the institutions and practices of a political community (Mason 2000: 133-134).

Once again, the distinction between a conventional national identity from a feeling of belonging to an association based on a process of *audi alteram partem* is clear. In the case of the former, the psychological dimension of citizenship depends on cultural premises that have the objective of unifying the members of the group within a same imagined community. This dimension of citizenship aims to create what liberal nationalists and Ludwig Wittgenstein have called a “family resemblance” (Wittgenstein 1953) between members of the same nation. In the case of the second feeling of belonging, sharing mutual cultural references is not important; by contrast, it involves a strictly political identity, the foundations of which are based on an open dialogical dynamic toward the demands of minority groups.

This conception of intercultural relationships clearly strays from the idea according to which conflicting logic centered on the compromise of national minorities leads to the political instability and threat of political unity of a State (Noël 2006: 431). By contrast, political agonism is driven by a civic ideal of utmost importance, and I posit that openness toward the political demands of minority ethno-cultural groups contributes, by contrast, to reducing the relevance of the secessionist option. This is explained as follows: federal governance will be perceived by the national minorities as a space favorable to their collective freedom. They will then have the profound conviction that the federal community is “theirs” and not a state structure that prevents the expansion of their community autonomy.

From this perspective, this capacity to enjoy freedom and engage into a dialogue with the “Other” in order to further increase that freedom aims to invalidate the theory that asserts that the collective liberty of a people is only conceivable with the Nation-State model and that, as a result, every nation must have its own State. These “extreme” voices thus lose their importance to the benefit of the image of a fair federal community. From this perspective, the “Other” is perceived as a partner, not as a threat to the integrity of the identity of the people against which they must protect themselves. In the Canadian context, Claude Ryan defended a similar theory by indicating that a federal structure favorable to the freedom of national minorities aimed to reduce the value of more extreme options (Ryan 2000: 11-12). According to Ryan, openness and compromise have the consequence of creating the desire to sincerely negotiate with the “Other,” who will no longer be considered a potential enemy, but rather a partner with whom it is possible to be heard and respected. Of course, this requires that the constitution of the state in which the national minority is integrated is not a straitjacket closed to all demands of revision. The 1998 Reference from the Supreme Court of Canada on the secession of Quebec is a good example of a constitutional change that ought to be made in multination states. I posit that Kymlicka would agree that this ruling is a good means to understand how national minorities ought to claim an accommodation in a free and liberal society<sup>10</sup>. Indeed, political institutions must to constantly attempt to accommodate their members when they no longer recognize themselves in the existing practices of governance and to allow them the capacity to initiate change with the expectation that others will agree to enter into a discussion with them to satisfies their request when they are worthy of respect (Reference Re Secession of Quebec, 1998).

This political patriotism can therefore generate the same political virtues as those usually associated with liberal nationalism. Indeed, such a process of *audi alteram partem* can generate inter-communautarian trust, tolerance, respect, empathy, and the idea of sharing and uphold something important with the “Other” as well as the idea of sharing fraternal bounds with another national group: all of this despite differentiated citizenship. In other words, the capacity for people to have a shared experience, a common status, and a sense of community does not solely derive from sharing the same national identity. A “family resemblance” can also emerge from political practices that guarantee freedom and self-determination. As

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10 This process is also similar to how Canadian jurisprudence has determined how minority ethnocultural groups ought to claim polyethnic rights: a process that has shown its potential for integration (Caron 2014). The Reference on Quebec Secession is the formal legal process that Kymlicka refers to in the conclusion of *On Being Canadian* as the determinant factor of Canada’s success with multiculturalism (2003: 82-385).

Kymlicka pointed out in 1995, the stability of liberal democracies in an age of deep diversity must rely upon “some level of civic virtue and public-spiritedness” (1995: 176), which is what this type of federal patriotism offers. In this sense, it would be a mistake to conclude that group-differentiated rights for national minorities are automatically a source of political division. By contrast, when these groups are properly accommodated in a manner that benefits their collective freedom, they can develop a sense of attachment to the larger state in which they are integrated that will be as significant to them as their sense of belonging to their national community. But of course, this presupposes that the federal state is understood as a community of conversation (Kymlicka 1998: 171-177). When this fails, the sense of attachment to the broader federal community tends to erode.

### **When Dialogue Fails: The Cases of Belgium and Spain**

Recent cases of multinational states where the process of *audi alteram partem* has failed have been able to highlight the political consequences for the state’s stability, as they have shown the correlation between a closed dialogue and the decline in members of national minorities’ sense of attachment to their federal community. This has been the case in Belgium during the 2007-2011 crisis that led to tense communal relations between the Flemish and the Francophones/Walloons and political instability as well as in Catalonia from 2006 until 2010 that contributed to plant the seed for the crisis that later reached its climax in 2017 and 2018 when the Catalan authorities unilaterally organized a referendum on the region’s independence.

Having been established as a unitary state in 1831, Belgian’s constitutional architecture remained the same until the end of the Second World War when Flemish nationalists began to ask for a state reform that ultimately led to 4 major reforms that transformed the country into a federal system. If this nationalist awakening initially led to a growing support for the *Volksunie*, a catch-all nationalist party that went from 5 members of Parliament elected in 1961, to 12 in 1965 and then 20 in 1968, the granting of autonomy to the Flemish people throughout the federalization process of the Belgian state gradually led to the erosion of the party’s support and, ultimately to its implosion in 2001 between two parties: *Spirit* (a left-wing party supporting federalism) and the *Nieuw-Vlaamse Alliantie* (N-VA) that was defending the independence of Flanders and which only managed to gain marginal success in its early days. Because of an open dialogue and mutual concessions between the country’s two main communities, Belgium’s unity appeared to be saved. However, as Marc Uyttendaele wrote:

[After the last state reform of 1993], the French-speakers had nothing more to obtain from further devolution contrary to the political formations of the north of the country that intended to continue the process of state reform in order to further increase the competences of the Flemish Community. This situation led to a dialogue of the deaf. Each time demands were expressed in the North of the country, they began to be ignored by the French-speaking community (...) (2011: 60-61).

With the Flemish demands falling on deaf ears and being ignored by the Francophones, the Flemish public opinion radicalized which prompted the N-VA and its political option to become the major political force it is today. While the openness of the Francophones to Flemish demands greatly contributed to weaken the support for the *Volkswijde* to the point of leading to its political marginalization and dissolution, the intransigence of the Francophones following the fourth state reform had the opposite effect. As long as the intercommunal dialogue remained open, the N-VA remained a marginal political formation in the political landscape until the Flemish were confronted with an institutional blockage on the part of the Francophones. This period contributed to the deterioration of community relations and led to a growing support for the N-VA (Destexhe 2011). For Jean-Luc Dehaene, a former Prime Minister of the country who had been appointed by the King to find a solution to the community dispute, the reasons behind this Flemish radicalism were obvious. As he stated in April 2010:

I have rarely experienced a clearer illustration of the basic philosophy that was taught to me by my father who (...) was a psychiatrist, namely that to understand the logic of his discussion partners, we must accept their premises. (...) A compromise is only possible if each party is willing to part with part of its logic, to integrate elements of the logic of the discussion partner and vice versa. (...) Belgian politicians since 1970 have had the great merit of having succeeded (...) in carrying out the necessary institutional reforms on the basis of negotiated political compromise agreements. (...) These agreements have been evaluated at regular intervals and other actions have been taken, not without occasionally triggering political turbulence (sometimes violent), but always on the basis of agreements. During the successive phases of the reform of the Belgian State, the basis of the 1970 compromise has always been respected: the [Flemish] majority cannot impose its will on the [Walloon] minority, but the minority accepts that it is necessary to negotiate. The process may fail if the minority refuses to negotiate (*L'Echo*, April 20, 2010).



Under these circumstances, this inability of an ethnocultural group to enter into an *audi alteram partem* process with a claimant nation cannot be overlooked as a factor contributing to the fragmentation of multinational corporations and the crumbling of federal patriotism. It is indeed interesting to note that the feeling of belonging of the Flemish people towards Belgium had been more significant than their belonging to their region between 1986 and 1992, that is to say at the time when the federalization so desired by the Flemish nationalists was about to be finalized (44% compared to 33%). In addition, a survey carried out in 1995 showed that the predominance of Belgian affiliation continued to prevail over their nationalist sense of attachment, when 39% of the individuals questioned considered themselves Belgians against 24% who considered themselves primarily Flemish (Van Dam, Nizet 2002: 23). However, in the midst of the 007-2011 political crisis, it was estimated that the number of Flemish people who first identified with their region had increased to 45%, while the feeling of belonging to the Belgium had decreased radically (Jacquemain): results which correspond moreover to an IPSOS Belgium survey carried out a year earlier (La Libre Belgique).

A similar pattern occurred in Catalonia in 2006 and has been affecting the Spanish political arena ever since. With the death of dictator Franco in 1975, Spain quickly began its democratic transition which culminated 3 years later in the establishment of a new democratic constitution. The Catalan nationalists then took advantage of the death of the *Caudillo* to forcefully demand a new statute of autonomy for their region which came into force in 1979 through which they were able to obtain the reestablishment of their regional Parliament (the *Generalitat*), the recognition of Catalan as the region's "own language" as well as a large degree of autonomy in the cultural field (Guiberneau 2004). This autonomy statute initially made it possible to satisfy the Catalan nationalists who were satisfied with the openness of the rest of Spain in favor of their autonomy and the satisfaction of their right to political self-determination.

However, at the turn of the century, Catalan nationalists demanded more autonomy and asked for the establishment of an asymmetric federalism that would have symbolically consecrate their national specificity, but also given them additional powers to express their national status. Thus, faced with the openness shown by the Spanish Prime Minister José Luis Rodríguez Zapatero during the 2004 election, the parties forming the Catalan government coalition came to an understanding and in September 2005 tabled a proposal to this effect - which also recognized Catalonia as a nation - before the *Generalitat* which was then approved by 120 votes against 15. After having been amended by the Spanish Parliament, the new statute was then approved by the Catalan population on the occasion of a referendum in June 2006 in a proportion of 73.9%.

Until that point, and in conformity with the thesis that has been developed in this text, only a marginal part of the Catalans wanted to part ways with Spain. In fact, between 1978 and 2010, the secessionist option only rallied a very small share of Catalan voters who rather chose to support nationalist political groups that did not question the membership of their region to the rest of the country. However, the emergence of a disruptive discourse emerged after the autonomy statute was successfully challenged in court by the Spanish People's Party (which still remains committed to the idea of a unitary Spanish state). In a judgment rendered in June 2010, the judges of the Constitutional Court invalidated important provisions of the statute, more particularly the reference to the existence of the Catalan nation and the preferential character of the Catalan language over Castilian. This inability to question the constitutional standards of the Spanish state, despite the fact that the request was clearly worthy of recognition due to the process with which the autonomy statute was adopted, provoked a reaction from the Catalan separatists who quickly saw their electoral support increase from that point forward. Moreover, many members of the traditional Catalan nationalist circles evolved from an autonomist position to a frankly secessionist discourse, including Artur Mas, the President of the *Generalitat* at the time.

These political events can hardly be ignored when one analyzes the evolution of the sense of attachment of the Catalans towards Spain. More precisely, if 74% of respondents said to have a sense of attachment to Spain (9% of individuals declared themselves more Spaniards than Catalans, 40% as much Spaniards as Catalans and 25% more Catalans than Spaniards (ICPS, Keating 2008: 321)), that proportion decreased to only 24.5% in 2012 (OECD: 48). A similar development was noted by the *Center d'Estudios d'Opinio* which noted that the percentage of individuals who identified themselves as having a dual sense of attachment decreased from 42% in 2006 to 33% in 2013 and, conversely, that the Catalan sense of attachment had increased from 14% to 31% during the same period (Bel 2015: 6).

In fact, the image of a Spanish state closed to Catalan demands had the effect of hindering Catalans' dual sense of attachment towards Spain and their national community, while at the same time increasing the desire for secession (which culminated in the illegal referendum of 2017). This situation illustrates, like that of Belgium mentioned above, that the inability of a minority nation to make itself heard by "the other" tends to favor the emergence of extreme political options and, in a correlative way, a decline of these individuals' federal spirit.

## Conclusion

As Dimitrios Karmis and Jocelyn Maclure (2001) have argued, a monistic conception of identity has dominated everywhere. Even in the United States, the first modern state that divided sovereignty, the emphasis was either solely on the federal sense of attachment (i.e., the idea of being part of «one nation» or being «one united people» as emphasized in the *Federalist Papers* or later in Alexis de Tocqueville's work) or to the specific states (e.g., the case of John Calhoun): a tension that ultimately led to the American Civil War. Thanks to the creation of the European Community, starting in the second half of the 20th Century, the idea of having a dual sense of attachment became normal and accepted. However, the precise understanding of what a federal spirit ought to be has remained vague. Kymlicka's discussion in Chapter 9 of *Multicultural Citizenship* provides insights into its nature, but it remains incomplete because he only describes what it should not be (i.e., a nationalist sense of attachment) and not the sources and essence of this federal patriotism.

I have argued in this text that the process of recognition and accommodation of national minorities so dear to Kymlicka could be the impetus of this federal patriotism because it values these groups' collective freedom and self-determination: a sense of belonging with roots in ancient republicanism. In accordance with what Kymlicka wrote, this latter identity is distinct from the one members of national minorities feel toward their community because it usually derives from their attachment to their culture, history, language, or religion. In this sense, this clearly shows how these two feelings are not mutually exclusive, but can rather operate in parallel with one another. This point is critical because these two identities should not be clashing with one another, as this would ultimately force people to make a choice between these two senses of attachment and, as a result, be harmful to the stability of the federal state (if members of national minorities were to favor the attachment to their community). Unfortunately, this clash has occurred in many multinational states. Indeed, an attitude of defiance toward the Spanish identity occurred in Catalonia in 2010, after the Constitutional Court invalidated the region status of autonomy initially adopted through a referendum in 2006. If prior to this event a majority of Catalans felt a dual sense of attachment to their country and region, things would have changed dramatically in favor of monism because an increasing number of them were said to only think of themselves as Catalans (Bel 2015: 6). Similarly, the political crisis that threatened the very existence of Belgium between 2007 to 2011 and that showed a growing support for secession in Flanders and, in parallel, a decline in the Flemish sense of attachment to Belgium can also be attributed to the unwillingness of the State to accommodate (in fact, simply to acknowledge) the demands of its Dutch-speaking community.

For Karmis and Maclure (2001), in a community that values dialogue and freedom, the federal citizen who belongs to a minority nation will feel attached to both her or his nation and her or his larger federal community and will care for both. Only extreme circumstances will force that person to make a choice between her or his allegiances. As recent experiences have demonstrated, this can be the case when the federal state starts impeding on the freedom of its sub-national entities.

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