Re-Bel initiative *Rethinking Belgium's institutions in the European context*

Multi-level Nationalism ?
The Catalan question
and its lessons for Belgium and for Europe

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The Re-Bel initiative aims to rethink in depth, in an open, rigorous, non-partisan way, what the institutions of the Belgian federal state - or of whatever else this part of the world needs to become - can and must look like in the longer term, taking full account of the evolving European context.

The Re-Bel initiative does not aim to produce one programme or manifesto to which everyone involved could subscribe. Its ambition is rather to provide a fertile intellectual environment in which new ideas and promising initiatives of all sorts can germinate and develop, with a concern for their relevance to a thorough reform of Belgium's institutions, but also to the institutional design of other complex polities, most obviously the European Union.

The Re-Bel initiative involves scholars from all Belgian universities, runs a web site, publishes e-books and organizes workshops and public events. It intends to associate to its activities both foreign colleagues and the Brussels-based international community. The working language will usually be English.

The Re-Be initiative is supported by the University Foundation, which will host all its activities. The University Foundation was founded in Brussels in 1920 at the initiative of Herbert Hoover and Emile Francqui. One of its missions, also central in the Re-Bel initiative, is to foster fruitful contacts and collaboration between academics of all Belgian universities.

Each contribution to a Re-Bel e-book is written under the sole responsibility of its author. The views expressed in it cannot be assumed to be shared by either the Re-Bel initiative as such or the University Foundation.

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Appendix: Immigration and the nation state

Prologue

On the 14th of December 2017, the Re-Bel initiative invited the participants in its 15th public event to reflect on the following questions: "Are nationalism and/or patriotism tolerable? Are they legitimate? Might they even be indispensable to the smooth functioning of a democratic polity? If so, at what level(s) and under what conditions? And what follows as regards the drawing of borders and the allocation of sovereignty?"

We were then in the immediate aftermath of the Catalan independence referendum, and half of the event focused on the clash between Catalan nationalism and Spanish nationalism, with the active participation of one member of the Catalan government in exile, Professor Clara Ponsati. But the purview of the event was broader. The questions listed above are no less present in the Brexit process and throughout the debate on European integration. And they are of course at the core of many discussions about the future of Belgium.

The present e-book collects a written version, sometimes significantly expanded, of most of the presentations at the public event. Louis VOS offers an historical introduction to the concepts of nation and nationalism. The contributions by Eric STORM (University of Leiden) and Clara PONSATI (University of St Andrews, formerly education minister in the Catalan government) highlight a number of features of the historical background of today's Catalan situation that help understand the sharp differences between the respective narratives of Catalan and Spanish nationalists. Vincent SCHELTIENS (University of Antwerp) and Bart MADDENS (University of Leuven) each present their own analysis of the Catalan conflict and spell out what they see as the main similarities and differences with the Belgian situation. In a (particularly popular) piece previously published on his blog, Paul DE GRAUWE (London School of Economics) draws a parallel between the motivation and consequences of Catalan independence and Brexit. Finally, Sophie HEINE (University of Oxford) argues for a sovereign European Union that does not rely on nationalism on any level.

Within the framework of our public event, we had hoped to host a conversation between Bart DE WEVER and Paul MAGNETTE about the role they each assign to patriotism/nationalism, from the level of the cities of which they are mayors — as it happens, the largest cities in Flanders and Wallonia, respectively — to that of the European Union — to which both profess critical support. Paul Magnette could accept our invitation, but Bart De Wever, in the end, could not. At about the same time, however, they had an interesting public exchange in the daily newspapers *De Morgen* and *Le Soir*, in connection with the refugee crisis, about the role to be given to nation states and their borders. Though not

directly related to the secession issue raised by the Catalan crisis, this exchange is centrally concerned with the question of what it means to be a (rich) nation and what follows from it, in particular as regards the undeniable tension between maximal solidarity among a nation's insiders and maximal hospitality to outsiders keen to move in. We therefore decided to include an English version of this exchange as an appendix to this e-book.

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Contributions

Nations & nationalism: concepts
Louis Vos, Historian, KU Leuven

National identity

National identity emerges as an interaction between identity-formation on an individual and a collective level. Time (history), space (territory as a place of living and as a transcendental symbol), and generation all play a role. An identity manifests itself mainly through action, but is also represented in symbols. Not so much the core, which has to be reinterpreted continuously, but the boundaries wit the outer world serve as markers of the we-feeling of the national community. We argue that a nation is both voluntary and organic, that it can also exist in pre-modern times, and that, although imagined, it is also a social reality.

National identity is not the product of a process of biological descent of genetic and genealogical selection. It is a continuous process of "a conscious reproduction and reinterpretation of the pattern of values, symbols, memories, myths and traditions that compose the distinctive heritage of nations, and the identification of individuals with that pattern and heritage and with its cultural components" (A.D. Smith). Belonging to a nation is, on the one hand, something that is given. It is an heritage for those who are born within that nation. But, on the other hand, it also implies a choice to maintain, reproduce and consolidate that heritage, or on the contrary to give it up, and join another nation. Each immigrant has to make this choice, when starting a new life in a new country. Whereas his ethnic descent refers to his original nation, he may choose to become a fully-fledged member of his 'new nation', sometimes with maintaining and nurturing some elements of his own ethnic identity, mainly in the private cultural sphere. The nation as personal choice implies that over time national identities can emerge, flourish, but also disappear. The slogan 'a nation never perishes' is false. It can wither and give way to a new one. The emergence and shifting of national identities since the 19the century, for example in Belgium, are examples of that process.

It must be noticed that there are levels of identity. Individuals experience multiple identities at the same time, but a national identity of a community is not simply an aggregation of individual identities. It is embedded in the culture of the community and is therefore more stable than other collective identities, such as class of religion. The common culture is the field in which the socialisation and reinterpretation of the national value system by each generation takes place. Therefore a national identity is not static, not fixed. The 'fresh contacts' of each upcoming generation (K. Mannheim), affect the 'reinterpretation' of the cultural heritage transmitted by the previous one. Also, the continuously changing historical context has an impact upon the 'daily plebiscite' of the members confirming and reinventing the national identity. Because this process of forming and transforming identity is a concern of all the members of the national community, one can say that people's sovereignty is an essential element of the nation.

Nation

A nation can be defined, according to Anthony D. Smith, as: "a named human community, occupying a homeland, having common myths and a shared history, a common public culture, a single economy and common rights and duties for all members". The nation is a substantial enduring community. It is built on two components: an objective and a subjective one. All its characteristics are essentially subjective, i.e. existing mainly in the mind of its members, but most of them also refer to a visible 'objective' reality.

A national homeland, or a national state, is needed as a life-sustaining shell. It protects the physical security and the wellbeing of the nation's members. The 'national state' or the 'nation-state', in which the sovereignty of the people is essential, is a state legitimised by the principles of nationalism. It emerged only at a specific moment in history, whereas states existed already before. Therefore, a conceptual conflation of 'nation' and 'state' has to be avoided. A 'state' is referring merely to an institution, but a 'nation' focuses on the community of people. Whereas empires and states date back to the ancient times, it was only in early modern history, that 'national states' emerged. In some of them a leading elite came to the fore, emphasizing specific ethnic elements of the state's history as typical hallmarks for a national identity. That elite served as a 'lateral ethnie', forming the core of a national state in the making. Usually that group was limited to the upper layer of the society. Later, under the influence of the modernisation of the state, in which war, but also economic development and industrialisation played their role, the middle and lower classes were gradually included into the nation. So, those ancien regime-states transformed themselves gradually into modern nation-states, in which, for example, 'peasants' were transformed into 'Frenchmen' (E. Weber). This process of existing states, transforming themselves eventually into nation-states, by including ethnic cultural elements in the existing polity, followed a 'state-to-nation route'. It gradually included more and more social layers of the population of the state into the nation. Examples are England, Spain and France.

Of course, especially during the 19th century, there also emerged nation-states following an 'ethnie-to-nation', and later a 'nation to state' route. They started from an ethnic community living in a specific region, comprising different social layers, transforming itself into a nation, at first a 'nation without a state', later a fully-fledged national state. They were based upon a 'vertical demotic ethnie', that developed a collective identity and a common culture, and eventually formed a nation-state of their own, wherein the ethnicity was reflected in the political culture. Examples are Germany; the successor-states to the Habsburg empire, Belgium and Flanders.

Nationalism

Nationalism is "an ideological movement for attaining identity, unity and autonomy for a population which some of its members deem to constitute an actual or potential 'nation'" (A.

D. Smith). It aims at the creation, the preservation and the reinforcement of the national identity. As movement and concept it is concerned with the historical cultural basis and the collective character of the nation. It aims at the realisation of its territorial, social and cultural unity and autonomy. Unity implies that the members should feel the bond and act unanimously in national matters. Autonomy implies a total or partial self-determination for and by the members of the nation. These fundamental ideals need to be supported by others like authenticity, national dignity and self-respect, awareness of a common destiny, and attachment to and love of the nation.

Early in the study of nationalism a dichotomy was made between two different forms of nationalism, labelled 'Western' versus 'Eastern'-European, 'voluntarist' versus 'organic'. or 'civic' versus 'ethnic'. Theoretical and historical studies in the last three decades made it clear, that in historical reality this distinction doesn't exist in its pure form. Even the most 'civic' nation cannot escape the need to fill out its national identity in a cultural way, be it only by setting up a system of public education which is unavoidably using the language of the country. To create an imagined (but at the same time also real) 'community of citizens', each nation – also those with a prevalent 'civic' component – uses elements of its ethnic past and history, which are elevated to the rank of national symbol. In reality, both aspects – 'civic' and 'ethnic' – are both present and active in each nation and nation-state.

The 'civic' and 'ethnic' dimensions can be considered as two ends of a continuum. At the one side the 'civic-territorial' component, referring mainly to the polity and the constitutional rights of the citizens, and at the other end the 'ethnic-cultural' component, referring to national identity as collectively experienced, with its cultural content of symbols, tradition, history and descent. The balance between both is varying according to the geographical setting and the historical period under concern. Upon that continuum, each nationalism has a specific place: both the one propagated by the establishment as the one of an oppositional movement. It will be more on the left when the 'civic' component is more prevalent, and more on the right when the 'ethnic 'component is paramount. All 'types' of nations and national movements have illiberal aspects, and the balance, between them and the democratic ones, can easily change over time, according to the historical evolution.

Cultural nationalists were concerned first and foremost with a 'moral regeneration' of their historical community. For them, especially in the previous centuries, the core of their national commitment lay in the discovery, development and furthering of their own national culture, history and fatherland. They considered the nation as an organic and living entity, contributing in its specific way to the development of the world's civilisation. They tried to link the actual nation with an ethnic past. In search for that past, their 'modus operandi' resembled that of an archaeologist with a threefold mission: rediscovery of authentic pieces of ethno-history, reinterpretation of that material in order to reconcile it with modernity, and contribute in that way to a revival of the contemporary national community. Cultural nationalists have a strong interest in education – in schools, youth movements, social associationbs and cultural periodicals – aiming to inspire the community and its youth for the cause of the national regeneration.

Not all nationalists valued the cultural tracks of nationalism to the same extent. The social and political nationalist know that the nation is 'not living from the word alone'. Since Miroslav Hroch's seminal study of the 'Social preconditions of national movements in Europe', we know that the social and material situation of the nation and its members is as important as the cultural one. Already at the end of the 1960's Hroch concluded from a comparative study of national movements in 19th century Europe, that the leadership of those movements always was to be found among the intelligentsia of the non-dominant cultural group, who tried to elaborate a national identity for their community, as an alternative for the dominant state culture. But he noticed that an important reason for their commitment was to be found in the upward social mobility of those intellectuals being blocked, as a result of their belonging to the non-dominant cultural community. A condition that later has been documented convincingly for Ireland by John Hutchinson.

Hroch also concluded that the choice for a commitment to the national cause of the non-dominant community depended on the presence of a material social-economic conflict, that could be interpreted and presented in terms of a national antagonism. The national cause of the non-hegemonic community could in that case easily be linked to the social emancipation of specific social groups, like the middle-class, the peasantry or the working class. National movements into which the nationalists were unable to incorporate the struggle for the daily bread and material interests of specific classes or groups in their nationalist discourse were in general unable to gain mass support, and as a result remained unsuccessful.

So, we learned that for a mass mobilisation of the non-dominant group as a an anti-hegemonic national community – i.e. Hroch's phase C – it was important for their promoters not to limit the program of nationalist action to cultural matters alone. National movements were successful only if they included all sorts of social issues related to everyday life and the material situation of the members of the non-dominant national community. In many cases an external group, be it a neighbouring community or the culturally and socially very different immigrants, served here as the scapegoat. It could be presented as a threat to the material and social position of the members of the non-dominant national community. This external enemy was then also presented as a danger for the preservation and development of the cultural identity of the non-dominant national community.

Democracy and patriotism

The history of national movements also leads to the conclusion that it is possible to link nationalism not only with different classes, but also with different ideologies. In principle nationalism is a neutral phenomenon in terms of class and ideology, or – as the Welsh sociologist David Adamson labelled it – it is a "free floating ideological element". Nationalism can be appropriated both by the counter-hegemonic opposition, and by the established order and the dominant culture. In the first case it can be linked with the social emancipation of the lower social groups. In the second case it is often presented as

'patriotism', a euphemistic term for official nationalism, but theoretically not different from it. In most cases this 'patriotic nationalism' is then leading an almost unnoticed existence, but is omnipresent in daily life as a 'banal nationalism' (Michael Billig), visible in the national flag on official buildings, the licence plates of the cars driving around in the country, or the presentation of the weather forecast on television, with in the background the shape of the national state, all reminding continuously the inhabitants of their 'national identity'.

The implication of this finding- is that nationalism and democracy are not incompatible principles. At first sight even more surprising is that there are no examples of existing democracies that are not based upon the substratum of a nation-state. But at second thought this is not surprising at all. To build a real democratic system, there is a need for a pre-existing community. That community must not be fabricated out of the blue, because it is already existing as a result of historical evolution. It is in the national community that the members are born, and it is therefore in the nation-state that citizens feel 'at home'. What is more self-evident than that the nation would form the basis of a democratic polity?

Of course, there is always tension between the universal principles of freedom, equality and solidarity on the one hand, and the craving of a national community to preserve its own identity. That tension is inescapable, concluded political scientist Margaret Canovan: "We need to be aware of the inescapably conflicting demands made upon us, on the one hand by the humane ideals of universal rights, justice and democracy, and on the other by the stability and preservations of those nation-states that have in some imperfect degree given civilized politics an earthly home". A democracy without a really existing community is unthinkable. Therefore a nation – including its nationalism- is a precondition for a working democracy.

Some literature

While the earliest scientific studies on nationalism were written by historians and focused upon the European experience particularly in the eighteenth and nineteenth centuries, the more recent scholarship is being produced far more by sociologists, political scientists, linguists, anthropologists, and philosophers interested in other parts of the world besides Europe and North America, and aiming mainly to provide solutions for coping in practice with the nationalist tensions of today. This may benefit everyone interested in the field of widening the concept, but it may also contribute to some confusion of concepts and typology. Therefore a careful use of terminology and awareness of disciplinary points of view is essential in order to avoid a further confusion of tongues

For an orientation in the debates on nationalism it is most useful to browse through (recent and older) issues of scientific journals devoted to the study of nationalism, ethnicity or identity. Especially three titles are important: *Ethnic and Racial Studies* (University of Surrey, UK), published since 1978; *Nations and Nationalism. Journal of the Association for*

the study of ethnicity and²nationalism (Asen, London School of Economics) published since 1995, and *National Identities* (Routledge, London) published since 1999.

A helpful guide through the older - already immense - scholarly literature - up to 1973 - is the publication by Anthony D. Smith, a professor of sociology at the London School of Economic and Political Science, 'Nationalism: A Trend Report and Bibliography' forming a special issue *of Current Sociology, 21 (1973) 3*. It is the best of the extended earlier critical bibliographies. A systematic guide to study the different approaches to the phenomenon of nationalism is his book *Nationalism and Modernism. A critical survey of recent theories of nations and nationalism* (London, Routledge 1998).

A. D. Smith has published several other books and many articles dealing with theories and concepts of nationalism. The most important are: *Theories of Nationalism*, London (Duckworth), 1971 (second edition in 1983); *Nationalism in the Twentieth Century*, Oxford (Martin Robertson) and New York (New York University Press), 1979; *The Ethnic Revival*, Cambridge (Cambridge University Press), 1981; *The Ethnic Origins of Nations*, Oxford (Basil Blackwell), 1986; *National Identity*, London (Penguin Books), 1991, and *Nations and Nationalism in a Global Era* (Polity Press), 1996; *Myths and Memories of the Nation* (Oxford University Press) 1999; and *The Nation in History. Historiographical Debates about Ethnicity and Nationalism* (Oxford, Polity Press) 2000. His emphasis on the links between modern nationalism and older ethnic identities owes much to the work of John A. Armstrong, professor at the University of Wisconsin, Madison, USA: *Nations before Nationalism*, Chapel Hill (University of North Carolina Press), 1982.

Smith's former student John Hutchinson, later professor at the European Institute of the London School of Economics, contributed largely to the elaboration of the concept of cultural nationalism in his book: *The Dynamics of Cultural Nationalism. The Gaelic Revival and the Creation of the Irish Nation State*, London (Allen & Unwin), 1987. Both Smith and Hutchinson are the co-editors of the *Oxford Reader on nationalism*. Armstrong, Smith and Hutchinson are the protagonists of an ethno-symbolic approach in the study of nations and nationalism.

There exists a large literature on the relationship between nation, class and social emancipation. Especially useful for the building of a theoretical framework in this respect are the publications of the Czech historian Miroslav Hroch, professor at the Charles University of Prague: *Social Preconditions of National Revival in Europe. A comparative Analysis of the Social Composition of Patriotic Groups among the Smaller European Nations*, Cambridge (Cambridge University Press) 1985; New York (Columbia University Press) 2000 (first German edition already in 1968 entitled *Die Vorkämpfer der nationalen Bewegung bei den kleinen Völker Europas*). His most recent book is: *Das Europa der Nationen. Die moderne Nationsbildung im europäischen Vergleich*, Göttingen (Vandenhoeck & Ruprecht) 2005.

Other publications that were inspiring for this chapter are:

Adamson, David L. *Class, Ideology & the Nation. A theory of Welsh Nationalism.* Cardiff (University of Wales Press) 1991.

Anderson, Benedict. *Imagined Communities: Reflections on the Origin and Spread of Nations.* London (Verso/NLB), 1983.

Beiner, Ronald (ed.). *Theorizing Citizenship.* New York (State University of New York Press) 1995.

Billig, Michael. *Banal Nationalism,* London (Sage). 1995.

Birch, Anthony H. *Nationalism and National Integration.*, London (Unwin Hyman) 1989.

Breuilly, John *Nationalism and the State*, Manchester (Manchester University Press), 1982.

Calhoun, Craig. *Nationalism.* Buckingham (Open University Press) 1997.

Canovan, Margaret .*Nationhood and Political Theory.* Cheltenham (Edward Elgar) 1996.

Clark, Desmond M. & Charles Jones. *The Rights of nations. Nations and Nationalism in a Changing World.* Cork (University Press) 1999.

Deutsch, Karl W. *Nationalism and Social Communication: An inquiry into the Foundations of Nationality.* Cambridge Massachusetts (MIT Press) 1953 (1966²).

Gellner, Ernest. *Nations and Nationalism*, Oxford (Blackwell) 1983.

Gellner, Ernest. *Nationalism.* London (Weidenfeld & Nicolson) 1997.

Guibernau, Montserrat. *Nations without States. Political Communities in a Global Age.* London/Oxford (Polity Press) 1999.

Guibernau, Montserrat and John Hutchinson (eds.). *Understanding Nationalism.* Oxford (Blackwell & Polity Press), 2001.

Grosby, Steven. 'Territoriality: the transcendental, primordial feature of modern societies' – in: *Nations and nationalism*, 1 (1995) p. 143-162.

Edwards, John. *Language, Society and Identity,* Oxford (Blackwell) 1985.

John A. Hall (ed.), *The state of the nation. Ernest Gellner and the Theory of Nationalism*, Cambridge (Cambridge University Press) 1998

Hobsbawm, Eric and Terence Ranger (eds.), *The Invention of Tradition*, Cambridge (Cambridge University Press), 1983

Hobsbawm, Eric. *Nations and Nationalism since 1780. Programme, Myth, Reality.* Cambridge (Cambridge University Press), 1990.

Keating, Michael. *Nations against the State. The new politics of nationalism in Quebec, Catalonia and Scotland*, Houndmils, Basingstoke (Palgrave) 2001.

Kedourie, Elie. *Nationalism,* Oxford (Blackwell) 1960, fourth expanded edition 1993.

Kohn, Hans. *Nationalism. Its meaning and history*, Malabar, Florida, 1965 (revised edition 1982).

Mannheim, Karl. 'Das Problem der Generationen' – in: *Kölner Vierteljahresgefte für Soziologie*, VII, 1928-29, p. 157-185, 309-330. English translation as: 'The problem of generations' – in: P. Kecskemeti (ed.), *Essays on the sociology of knowledge*, London, 1952, p. 276-322.

Mayall, James. *Nationalism and international society*, Cambridge (Cambridge University Press). 1990.

Nairn, Tom. *Faces of Nationalism. Janus Revisited*, London (Verso) 1997.

Periwal, Sukumar (ed.). *Notions of Nationalism*, Budapest (Central European University Press) 1995.

Poole, Ross. *Nation and identity*, London (Routledge) 1999.

Weber, Eugen. *Peasants into Frenchmen*: *the modernization of rural France. 1870-1914.* Stanford (University Press), 1976.

Catalan Nationalism and the Failed Secession from Spain: Historical Background and Consequences for Europe

Eric Storm, Political Scientist, University of Leiden

Introduction

Catalonia has never been an independent state and it has been a part of Spain since the unification of the crowns of Aragon and Castile more than five hundred years ago. However, with about 7,5 million inhabitants, its own language and culture, and a gross domestic product of almost 30.000 euros per capita, Catalonia would be a feasible nation-state. In fact, it would be a moderately-sized European state similar to Austria or Finland. Nonetheless, because there has been no window of opportunity to become independent, it still is a region. Most new states in Europe, such as Ireland, Estonia, Slovakia, Croatia or Georgia, were created in the aftermath of the First World War or after the fall of the Berlin Wall in 1989.[1] Since Spain did not participate in the Great War and was never communist, there was no obvious opportunity for Catalonia to secede from Spain.

Map 1. Catalonia/Cataluña and the other autonomous communities of Spain (source: Wikipedia: Organización territorial de España).

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[1] This is one of the main arguments in Andreas Wimmer, Waves of War: Nationalism, State Formation, and Ethnic Exclusion in the Modern World (Cambridge: Cambridge University Press, 2013)

This means that many smaller European nation-states, such as Slovenia, Lithuania, Luxemburg, Cyprus and Malta, participate in numerous international institutions, while Catalonia is excluded. They also sit at the negotiation table in Brussels, where many crucial decisions regarding the European Union are made, while Catalonia is not invited. By organizing a binding – but illegal – referendum on independence on 1 October 2017, the Catalan regional government, consisting of the separatist coalition of Junts pel Sí (Together for Yes), apparently thought that the financial crisis and Brexit would create a new window of opportunity. By now it has become clear that this has been a mistake. In this paper I will give a short historical overview of the rise and consolidation of Catalan nationalism and reflect on the wider implications of the failed attempt to secede from Spain.

Historical background

Before turning to the rise of the Catalan movement in the nineteenth century, we must first consider what the Catalan nation actually is. Normally nations are identified as a group of people with their own language and culture. In the Catalan case this leads to awkward conclusions. The region in which Catalan is spoken, in fact, stretches from Perpignan to Alicante and from Andorra to Menorca. Thus, it is much larger than Catalonia and includes the Roussillon in France, the independent principality of Andorra and three Spanish autonomous communities: Catalonia, Valencia and the Balearic Islands (see map 2).
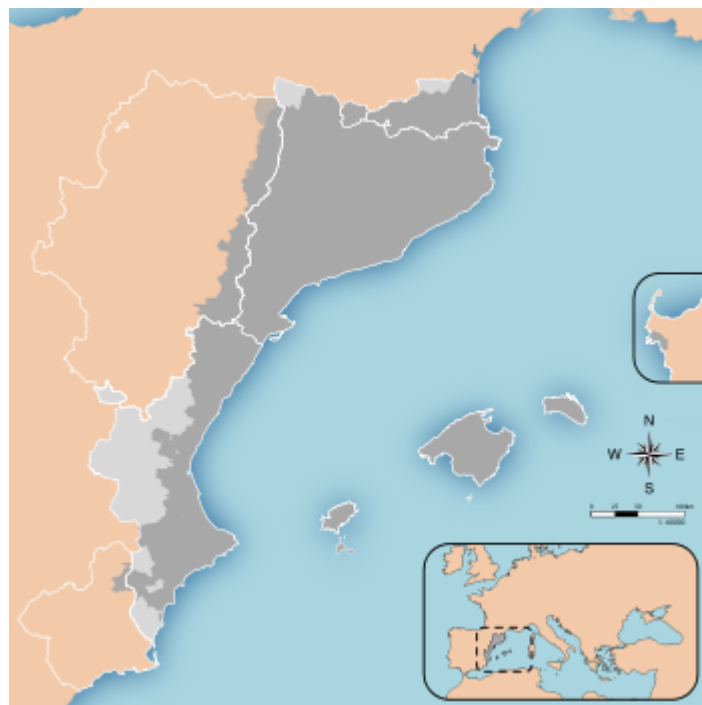
Map 2. In dark grey are the traditionally Catalan speaking areas (source: Wikipedia: Catalan language).

Consequently, Catalan nationalism is not the logical and almost automatic outcome of the existence of a Catalan nation that wants its own state. The Catalan movement in Southern France is limited to a form of cultural regionalism that cherishes its folklore and regional traditions, while making no political claims.[2] On the Balearic Islands, there are a few small regionalist/nationalist parties, but they generally do not have more than 10-15 % of the votes.[3] In Valencia, regionalist parties are even more marginal, and hesitate to call themselves national, since that would mean that they could presumably be part of a larger Catalan nation and thus become subordinate to Barcelona. In fact, anti-Catalan feelings in the region are strong and many people therefore prefer to call their language Valencian instead of Catalan.[4]

Paradoxically, we thus can conclude that Catalan nationalism only arose in the four province that currently form the autonomous community of Catalonia and in fact it was largely created in Barcelona. In the other Catalan-speaking areas, regional identities were reinforced during the late nineteenth and early twentieth century, but this was not incompatible with the French and Spanish nation-building process. On the contrary, they even seemed to strengthen it.[5]

Like elsewhere, the Catalan movement started with a literary revival during the nineteenth century, the so-called *Renaixença*. Poets and writers rediscovered the literary heritage of the later Middle Ages when Catalan culture had flourished. Many of them also began to use the language for their own literary productions. However, this was a rather marginal phenomenon that was restricted to a small cultural elite in Barcelona.[6] It only became a mass phenomenon towards the end of the nineteenth century and as a result showed many parallels with similar movements in Ireland, Finland, Bohemia and Flanders.

A major turning point came in 1898 with the loss of the last traces of the vast Spanish Empire as a consequence of the defeat in the Spanish-American War. Particularly Cuba had been a very profitable colony and Catalan businessmen had significant economic interests on the island. The loss of the last major colonies weakened the bonds that tied the Catalan economic and political elites to Madrid. Why should they put their fate in the hand of a state that was clearly lagging in the international arena? The local elites thus quickly switched

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[2] Peter Sahlins, Boundaries: The Making of France and Spain in the Pyrenees (Berkeley: University of California Press, 1991); Francesca Zantedeschi, The antiquarians of the Nation: Archaeologists and Philologists in Nineteenth-Century Roussillon (Doctoral Dissertation, Universitat Pompeu Fabra Barcelona, 2016).

[3] Pedro Riera, 'Nationalist Parties and Voting in the Balearic Islands', unpublished paper retrieved at http://www.aecpa.es/uploads/files/modules/congress/12/papers/1373.pdf.

[4] Ferran Archilés and Manuel Martí, 'Ethnicity, Region and Nation: Valencian Identity and the Spanish Nation-State', Ethnic and Racial Studies 24-5 (2001) 779-797 and Xavier Coller, 'La nación española en Valencia' in: Antonio Morales Moya, Juan Pablo Fusi Aizpurúa and Andrés de Blas Guerrero (eds.), Historia de la nación y del nacionalismo español (Barcelona, Galaxia Gutenberg, 2013) 1013-1031.

[5] See for regional identity construction also: Eric Storm, The Culture of Regionalism: Art, Architecture and International Exhibtions in France, Germany and Spain, 1890-1939 (Manchester: Manchester University Press, 2010) and Xosé M. Núñez Seixas and Eric Storm (eds.), Regionalism and Modern Europe: Identity Construction and Movements from 1890 to the Present Day (London: Bloomsbury, forthcoming).

[6] Joan-Lluís Marfany, La cultura del catalanisme. El nacionalisme catalá en els seus inicis (Barcelona; Empúries, 1995)

over to regionalism and began to demand home rule. In 1901 the new conservative-Catholic Lliga Regionalista de Catalunya, led by Francesc Cambó, won its first electoral victory. It rapidly gained headway, first in Barcelona, then in the other major Catalan cities.[7]

The Lliga's main source of inspiration was the powerful Irish Parliamentary Party with its demand for devolution. In 1914, both Catalonia and Ireland received regional autonomy. However, the Irish Home Rule was suspended because of the First World War. As a result, Irish nationalism radicalized during subsequent years, and after a bloody civil war succeeded in creating the Irish Free State in 1922. The Catalan *Mancomunitat* (Commonwealth) on the other hand, which took over the competences of the four Catalan provinces, functioned well while dedicating itself primarily to cultural affairs because its powers were limited. It developed a new standardized grammar and orthography for the Catalan language, thus in a way unifying various dialects in a new Catalan language, and created various cultural and scientific institutions.[8]

After the First World War (and the Russian Revolution), the left-right divide deepened, leading to frequent anarchist terrorist acts and white counterterror, which particularly affected the city of Barcelona. In 1923 many leaders of the Lliga Regionalista thus supported and welcomed the military coup that was executed in Barcelona by General Miguel Primo de Rivera. He restored order, installed a military dictatorship, dissolved the parliamentary system and abolished Catalan autonomy.

The regime lasted until April 1931, when new elections brought the fall of the dictatorship and the end of the monarchy. The Second Republic was widely welcomed in Catalonia. The more progressive Esquerra Republicana de Catalunya now replaced the Lliga Regionalista as the main Catalanist political party. Esquerra was more radical and can be labelled nationalist, since it openly strove towards a Catalan state. Catalonia once again received regional autonomy, now called the *Generalitat*, which was more significant than in the first phase.

This regional autonomy was undone by General Francisco Franco at the end of the Spanish Civil War. In July 1936, Franco participated in a coup d'état against the left-wing Popular Front Government. However, the coup failed in half of the country, plunging Spain into a bloody Civil War, which only ended in April 1939. Franco's victory was largely due to the massive support he received from Fascist Italy and Nazi Germany.

After the failed coup d'état, Catalonia remained loyal to the Second Republic and the region was only conquered by the Francoist army during the last months of the war. Catalan nationalists today often present the Civil War as a conflict between Catalonia and Spain, but it was a civil war between left and right that also deeply divided Catalan society. The Lliga Regionalista and its leader Cambó openly sided with Franco and thousands of conservative

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[7] Sebastian Balfour, The End of the Spanish Empire, 1898-1923 (Oxford: Clarendon, 1997) 132-164.
[8] Overviews of the rise of the Catalan movement in all its stages can be found in Albert Balcells, Catalan Nationalism: Past and Present (Basingstoke: Palgrave, 1996) and woven into a brilliant history of Barcelona in Robert Hughes, Barcelona (New York: Knopf, 1992).

Catalans – particularly priests and monks – were killed in the rear-guard by left-wing militias.[9]

The dictatorship of Franco was harsh for all republicans, not only in Catalonia. But all advances made in the preceding decades, such as the growing role of Catalan in education, cultural life and the public sphere, were undone. It was possible to speak Catalan at home, even to publish books or to stage plays in Catalan. However, the advertisements for them had to be in Spanish.[10] The ruthless imposition of Spanish nationalism from above undermined its attractiveness for many of the country's inhabitants, while in the long run strengthening the so-called peripheral nationalisms in Catalonia and the Basque Country.

The democratic era

The transition to a parliamentary democracy between 1975 and 1977 turned Spain into a strongly decentralized state (see map 1). This was not only a reaction to the call for devolution from Catalonia, the Basque Country and Galicia, but also a logical response to wider developments related to the process of European unification and the new wave of globalization. Thus, the European Regional Development Fund – which was set up in 1975 and which after Spain's entry into the European Economic Community in 1986 would prove to be very beneficial to the country's economic progress – requires competent and powerful regional administrations. Around this time the liberalization of markets also reinforced the role of regional administrations in a global competition for capital, talent and tourists.[11]

Within Europe, currently only the German Länder and the Swiss cantons have more power than the new autonomous regions in Spain, because they also have a direct influence in national politics through an Upper Chamber that directly represents the regions.[12] This is not the case with the Spanish Senate. Nevertheless, all seventeen Spanish regions have extensive powers. Catalonia, for instance, has its own parliament, government and police and is responsible for most areas of government such as education, culture, tourism, agriculture and healthcare.

The conservative Convergència i Unió – essentially the successor of the Lliga Regionalista – became the new hegemonic party within the Catalan movement and also of Catalonia as a whole. Led by Jordi Pujol it governed Catalonia from 1980   until 2003, mostly with an absolute majority in the regional parliament. On the national level, it supported prime

[9] Borja de Riquer i Permanyer, 'Francesc Cambó: una biografía necesaria y compleja', Cahiers de Civilization espagnole contemporaine 8 (2012) http://journals.openedition.org/ccec/3769; Anthony Beevor, The Battle for Spain: The Spanish Civil War 1936-1939 (London: Phoenix, 2006) 90-98; Jordi Albertí, La Iglesia en llamas. La persecución religiosa en España durante la Guerra Civil (Barcelona: Destino, 2008).

[10] Xosé M. Núñez Seixas, 'La región y lo local en el primer franquismo' in: Stéphane Michonneau and Xosé M. Núñez Seixas (eds.), Imaginarios y representaciones de España durante el Franquismo (Madrid: Casa de Velázquez, 2014) 127-155.

[11] Michael Keating, The New Regionalism in Western Europe: Territorial Restructuring and Political Change (Northampton: Edgar Elgar, 1998).

[12] Sandra León, '¿Cuánto autogobierno tiene Cataluña?' eldiario.es (30 Oct. 2017) http://www.eldiario.es/piedrasdepapel/autogobierno-Catalunya_6_702789750.html

minister Adolfo Suarez in turning Spain into a democracy, it collaborated in the drafting of the Spanish Constitution, and until 2011 its representatives in the Spanish Cortes supported four minority governments in Madrid, both of the social-democratic PSOE and the conservative Partido Popular, mostly in turn for devolving more power to Catalonia.[13]

However, within Catalonia, Convergència i Unió took a clear nationalist course, making Catalan into the dominant language of education, regional television and radio. In most bilingual regions parents can opt to educate their children primarily in Spanish, but in Catalonia, Catalan is given preference to the extent that it is almost impossible to receive education in Spanish. The Spanish language is taught during two or three hours a week, as if it were a foreign language. However, since both languages are proximate, the overwhelming majority of the population is perfectly bilingual.[14]

In public discourse Catalonia and Spain are generally identified as two separate entities, whereas the former is often presented as more democratic, progressive and openminded.[15] Most academic historians also participate in this 'national consensus' by focusing on the long and honourable history of the Catalan nation.[16] This sometimes also leads to excesses. In many textbooks, for instance, Catalonia is presented as a full-blown country that only lacks independence because of the oppression from Madrid (particularly at the end of the War of Spanish Succession in 1714 and the Civil War in 1939).[17]

We can thus conclude that Catalan nationalism is the product of regional autonomy. Catalan culture flourished thanks to the new regional institutions created by the Mancomunitat and the Generalitat of the Second Republic. This became particularly evident during the democratic period, in which education and mass media were used to diffuse the Catalan language and the identification with the Catalan nation.

The bid for independence

Although Catalan nationalism has been strong in Catalonia since the transition to democracy in the late 1970s, support for secession was quite weak. This only changed very recently. Negotiations between a PSOE cabinet in Madrid and a regional coalition government in Barcelona, led by the Catalan branch of the same party, produced a new autonomy statute, which was approved in 2006 by both the Spanish and the Catalan parliament.

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[13] Montserrat Guibernau, Catalan Nationalism: Francoism, Transition and Democracy (London: Routledge, 2004).

[14] Idescat, Enquesta d'usos lingüístics de la població (Barcelona: Generalitat de Catalunya, 2015).

[15] Ángel Duarte, 'España desde Cataluña. Cepas de una apreciación de largo alcance' in: Antonio Morales Moya, Juan Pablo Fusi Aizpurúa and Andrés de Blas Guerrero (eds.), Historia de la nación y del nacionalismo español (Barcelona, Galaxia Gutenberg, 2013), 951-972. Kathryn Crameri, 'Goodbye Spain?': The Question of Independence for Catalonia (Eastbourne: Sussex Academic Press, 2014).

[16] Fernando Molina Aparicio, 'Rescatar la historia de la nación. Una historia de la historiografía del nacionalismo en España', Studia Historica. Historia Contemporánea 35 (2017) 43-79.

[17] This is denounced for example by: Rosalina Montero, 'Así adoctrinan en Cataluña a los alumnos de la ESO', La Gaceta (7-1-2018) https://gaceta.es/espana/asi-adoctrinan-los-alumnos-la-cataluna-20180107-0930. Jesús Ruiz Mantilla, '"Catalans have been exposed to a falsified version of history for years": John Elliott', El País (27-10-2017).

However, the Partido Popular, which generally defends the indivisible unity of Spain, did not agree with many of its clauses and handed in an appeal at the Constitutional Court. In June 2010 the judges decided to partially turn down the autonomy statute for being incompatible with the constitution. The profound disappointment of many Catalan nationalists was expressed publicly in a massive demonstration in the streets of Barcelona. After Convergència i Unió, under its new leader Artur Mas, won the elections in Catalonia and the Partido Popular, led by Mariano Rajoy, in Spain, a compromise seemed more remote than ever. After another mass demonstration in September 2012 in favour of 'Catalonia, a new state in Europe', Artur Mas decided to switch over to separatism.[18]

Some critical voices argue that both Mas and Rajoy had a clear interest in playing the identity card. Both benefitted by distracting attention from the unpopular austerity measures they had to take because of the severe economic crisis and from the many corruption scandals in which their parties had been involved and which now came to the surface. Anyhow, the Catalan Generalitat and the Spanish government did not sincerely try to find common ground and arrive at practical solutions, which most probably would also have been opposed by the rank and file of Convergència i Unió and the Partido Popular.

The roadmap towards a new Catalan nation-state passed through a consultative – and illegal – referendum in November 2014, regional elections in September 2015, the formation of the Junts pel Sí government led by Carles Puigdemont, the binding – and illegal – referendum of 1 October 2017, an unsuccessful declaration of independence on 27 October 2017, a suspension of regional autonomy on the following day, and new regional elections in December 2017. And although the referenda were clearly won by those in favour of secession, it was also obvious that those who opposed it would for the most part stay at home. As a result, the turnout on both occasions remained under 43 %. The regional elections of 2015 and 2017 led to a narrow victory of the pro-independence parties. Although they received a tiny majority of the seats in the Catalan parliament, it should be mentioned that in both elections they polled less than 48% of the votes.[19] Thus, the secessionist parties cannot count on the support of a majority of the electorate.

Why did it fail?

The declaration of independence of 27 October amounted to nothing because the Catalan government lacked the means to make it effective. The Generalitat did not have a tax authority, a customs office, an independent judicial system, nor an army, all of which was clear beforehand. Moreover, not a single foreign country recognized the new Catalan republic. And this could also have been foreseen. No national government would recognize a region that without official approval organizes a referendum for secession, since this would set a dangerous precedent for the existing international order. Finally, the lack of confidence

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[18] Raphael Minder, The Struggle for Catalonia: Rebel Politics in Spain (London: Hurst, 2017); Xosé Manoel Núñez Seixas, 'La tormenta perfecta. Hipótesis sobre la radicalización del catalanismo político, 2010-2017', La maleta de Portbou 27 (Jan-Febr 2018) 20-26.
[19] See for more details on these events the article of Vincent Scheltiens in this e-book.

in the business community was another development that seriously undermined the position of the Catalan separatists.

In the weeks after the illegal referendum of October 1st, when a unilateral declaration of independence became a realistic option, each day about one hundred companies transferred their main seat to other parts of Spain (ironically the favourite destination was Madrid). The large corporations, among which six out of seven Catalan companies from the IBEX 35, the Spanish stock market index, were the first to leave. Within three months about three thousand enterprises left the region.[20]

These companies represent about 30 percent of the Catalan GDP and employ a substantial share of the region's work force. Basically, this transfer was a mere formality; they simply opened a new registered office. However, at least a thousand of these companies have also already decided to pay their taxes in their new place of residence and in many cases the head office also follows. Thus, the economic damage for Catalonia is already considerable.[21]

The main reason for the transfer is the need to stay within the European Union. Many people feared that a declaration of independence would lead to a chaotic exit of Catalonia from the Union. Obviously, banks and insurance companies need to stay under the umbrella of the European Central Bank. During the first week of October deposits amounting to ten billion euros were hastily withdrawn from Catalan banks and a bank run was only avoided because they quickly transferred their registered office to other parts of Spain.[22]

However, Europe is also crucial for many other branches of industry. Thus, pharmaceutical corporations such as Oryzon should fall under the European Medicines Agency, while internet companies, like Lleida.net, need European web certificates. So, for many businesses it has become almost impossible to operate outside of the European legal framework.

Secession and European Union

But what is the role of the European Union in the Catalan bid for independence? First of all, through many of its policies, such as the regional development funds, the European Union in fact strengthens the position of regional administrations.[23] Together with NATO, the European Union also has created a safe geopolitical environment in which sub-state nationalist movements can prosper, even to the extent that Catalan secessionists take for granted that this would continue after independence is reached. Thus, members of the regional administration led by Puigdemont repeatedly argued that the Catalans, as European

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[20] These numbers were published on a regular basis by the official Colegio de Registradores de la Propiedad y Mercantiles de España and widely commented in the press. In February 2018 more than 2500 companies had finished all the official paperwork needed for the transfer: M.L. Verbo and I García, "Sigue la fuga de empresas: la matriz de Goldcar traslada su sede a Alicante", Expansión (21-2-2018).

[21] See for instance "El exodo de empresas de Cataluña no se frena y roza ya las 2.000", Intereconomía.com (2-11-2017).

[22] S. Alecelay and M.J. Pérez, 'La banca catalana recupera los más de 10.000 millones perdidos tras el 1-O', ABC (17-12-2017).

[23] Cristina Fasone, 'Secession and the Ambiguous Place of Regions under EU Law' in: Carlos Closa ed., Secession from a Member State and Withdrawal from the European Union: Troubled Membership (Cambridge: Cambridge University Press, 2017) 48-69.

citizens, could not be expelled from the European Union. Furthermore, in the months before and after the binding referendum, they frequently requested the European Commission to intermediate between Spain and Catalonia in order to facilitate negotiations on independence.[24]

Obviously, the European Commission did not accept this invitation, since it cannot interfere in the domestic affairs of one of its member states. Not even after Puigdemont and six of his ministers 'fled' to Brussels on 30 October 2017, to avoid being interrogated and detained by a Spanish judge, was he received by any of the European institutions.

Many foreign observers argue that the Spanish government should have offered a way out of the current deadlock by giving the Catalans the opportunity to decide on their own future in an official referendum. However, this would not have fundamentally changed anything. Even in this case an independent Catalonia would end up outside the European Union. Contrary to what Catalan secessionists argue, Europe is not a union of citizens, but of states. Moreover, the Prodi doctrine, proclaimed in 2004, explicitly confirms that new states must request accession to the European Union through the usual procedures.[25]

Therefore, secession implies a temporary stay outside the European Union, or even permanently if the admission is vetoed by a member state. Exit entails the introduction of border controls and import duties, the disruption of cross-border production chains and financial insecurity. This would be committing economic suicide. For Catalonia, companies would not only move their headquarters, but also (large) parts of their production facilities, which would have major consequences for the entire economy and cause a massive rise in unemployment figures.

One could argue that there is an alternative for an independent Catalonia. It could become part of the European Free Trade Association, thus ensuring that European rules remain in place and that access to the internal market is guaranteed. However, admission is only possible with the consent of all members – including all member states of the European Union – and it is not logical that a region can enter negotiations with the Free Trade Association before actually being independent.

Given the current situation, secession within the European Union is not a feasible option. All major decisions within the European Union are made by the heads of the existing member states in the European Council. Of course, they feel no urge to stimulate regions to become independent, so I foresee no change in the Prodi doctrine in the near future.[26] This

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[24] See for instance Georgi Gotev, "Catalonia's Chief Communicator: We will be Independent and an EU Member', Euractiv.com (5-10-2017).

[25] Diego Muro, 'Strategies of Secession and Counter-Secession' in: Diego Muro and Eckart Woertz eds., Secession and Counter-Secession: An International Relations Perspective (Barcelona: CIDOB, 2018) 19-27;

[26] Eric Storm, 'Het Catalaanse voorbeeld laat zien dat het verlaten van de Europese Unie economische zelfmoord is', De Volkskrant (9-11-2017); Eric Storm, 'Catalonië leert ons dat ook Vlaanderen in de Europese Unie nooit onafhankelijk zal worden', Knack (22-11-2017).

also means that implicitly the European Union freezes the existing borders and that a major adjustment is virtually impossible.

An alternative – and a kind of solution for other unhappy regions – would be to give regions a more direct say in the daily affairs of the European Union. Since 1994 there exists a European Committee of the Regions. However, it does not have much influence. Perhaps it could be upgraded to a regionally organized Upper Chamber of the European Parliament with real powers. However, since the decision-making process in Europe is already extremely complex, this is not a realistic option either.

Epilogue: the role of Barcelona and the issue of identity politics

I would like to conclude this paper on Catalan independence with a few reflections on two more general issues that have not yet received much attention. First, the crucial role of big cities in the rise of national movements, which in the Catalan case is Barcelona. Secondly, more general lessons can be learned from the use of identity politics in this conflict; particularly because identity politics is on the rise throughout the world. In many cases – such as the 'America first' of Trump, 'Taking back control' of the Brexit campaign, and many European populist movements – identity politics is used to mobilize the majority of the population (often against minorities or foreigners). In the Catalan case we have seen a frontal clash between two fiercely nationalist movements with all the negative consequences for interpersonal relations both within and outside Catalonia.

The rivalry between Barcelona and Madrid seems to be crucial to explain the rise, consolidation and failure of the independence movement. First of all, at the start during the nineteenth century, the Catalan movement clearly was an urban phenomenon. At the moment that Madrid lost its prominent international position after the loss of the last major colonies in 1898, Barcelona's economic elites reinforced the ranks of the Catalan movement, which thus rapidly gained momentum. With Barcelona, the movement had a clear focal point, which resembled the role of Bilbao for the rise of the Basque movement, but which was lacking, for instance, in the case of the Galicia or Brittany. But unlike Bilbao, the Catalan capital was similar in size to Madrid and – until recently – economically more dynamic. This situation strongly discourages feelings of inferiority or subordination. This probably is best symbolized by the longstanding rivalry between Real Madrid and FC Barcelona, which are the hegemonic powers in the Spanish soccer league.[27]

Whereas the role of Barcelona was crucial for the rise of the Catalan movement, nowadays it forms a major obstacle for the secessionists. As a dynamic metropole, Barcelona is a pole of attraction for young enterprising people from elsewhere, which in general are not in favour of putting up new borders. In 2017, in the wider metropolitan region – containing two thirds of the total Catalan population – more than 19% of the inhabitants were born in other parts

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[27] Hunter Shobe, 'Football and the Politics of Place: Football Club Barcelona and Catalonia, 1975-2000', Journal of Cultural Geography (2008) 87-105.

of Spain.[28] Unlike foreigners these migrants immediately have the right to participate in elections and most of them are not inclined to vote in favour of the secession of Catalonia from Spain (which does not apply to the second generation, which at present is thoroughly socialized by the Catalan education system). This has major effects on the electoral outcomes, structurally weakening the position of the secessionists.

If Catalonia would become independent, and especially if Spanish would not be recognized anymore as an official language, the city would probably lose much of its allure. And it remains to be seen whether Barcelona could remain a flourishing cosmopolitan metropole. FC Barcelona's all-time top scorer Lionel Messi, one of the city's best-known talents from abroad, has already included a clause in his contract that he is free to leave the club if it has to abandon the Spanish league and is condemned to enter a competition with only Catalan clubs.[29]

The other issue with wider implications is the impact of identity politics. The clash between the Spanish nationalist cabinet of Rajoy and the regional secessionist government led by Puigdemont has shown that it is extremely difficult to find a compromise solution when both sides focus on identity. Since the issue at stake supposedly touches upon the question of 'who we are', pragmatic negotiations based on an honest give-and-take are almost impossible. When your own identity is concerned compromises are out of the question.

As a consequence, the deadlock continues. After the heavy-handed intervention by the Spanish police forces could not impede the celebration of the illegal referendum on Catalonian independence, Rajoy outsourced the solution of the Catalan question primarily to the Spanish courts, who take the attempt to abolish the monarchy and to secede a part of the country's territory very seriously. At the end of October 2017 the Spanish prime minster also promised to convene a parliamentary commission to discuss a revision of both the system of regional autonomy and the constitution. Nonetheless, this has been primarily a response to a pressing request from the PSOE, the main Spanish opposition party, rather than to the claims of the secessionist parties in Catalonia.[30] It is doubtful whether it will satisfy any of their demands. Many voters of the Partido Popular will consider any major concession a defeat.

In the secessionist camp, meanwhile, nearly everyone realizes that the attempt to become independent has been a failure. And although many leading politicians have already declared in front of the Spanish Supreme Court that the declaration of independence of October 27th was a 'symbolic act' or a political declaration without any legal implications, it is hard for them to backtrack in front of their electorate. Anyone who openly argues that the two main pro-independence parties should resume the task of governing their autonomous region, instead of preparing the way for an independent republic, faces accusations of defeatism or treason by more fanatical separatists. Thus, a 'normalization' of the situation is not yet in sight. The main victims of the prominent use of identity politics on both sides are

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[28] https://www.idescat.cat/tema/xifpo
[29] Richard Martin, 'Messi agreed to no-fee Barca exit clause in case of Catalan independence', Reuters (5-1-2018).
[30] See for instance Lucía Méndez, 'Reforma constitucional sí, pero…', El Mundo (3-12-2017).

the inhabitants of Catalonia. Unfortunately, the tense political atmosphere makes it almost impossible to maintain good relations with those neighbours, colleagues, friends and family members who belong to the opposite camp.

Political conflict in Catalonia and the limits of Spanish democracy

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1 – Introduction

The present political conflict between Catalonia and Spain has long and deep historical roots.[31] After 40 years of dictatorship and fierce Spanish nationalism under Franco, the constitution approved in 1978 established the legal and political basis for a regime of regional self-government whereby Catalonia was one among 17 autonomous regions. This arrangement has come to an end after the Spanish Senate suspended the Catalan Parliament and sacked the regional government following the self-determination referendum of October 1, 2017. This referendum - approved by the majority of the Catalan Parliament - was called after all attempts to organize a referendum with the agreement of the Spanish authorities had utterly failed.

Over the past 5 years, following the Spanish Constitutional Court dismissal of the reformed Catalan Charter in 2010, demands to democratically reconsider the political status of Catalonia vis-à-vis the Spanish State have been systematically ignored by the Spanish establishment. The adamant refusal by the Popular Party to consider any Catalan proposal has always enjoyed the support of the Socialist Party and Ciudadanos, the new party of the right.

In the eve of the referendum, thousands of anti-riot Spanish Police forces were brought from outside Catalonia to prevent it. On October 1st, they were unleashed with orders to violently attack and terrorize voters. It was the worse episode of violence against peaceful civilians ever recorded in Western Europe since 1945, but they could not prevent the referendum. Over two million people went to vote and had to defend the ballot boxes from the Spanish police. The result was clear: more than ninety percent in favor of independence and more than nine hundred people injured. Repression continues. At present, 9 former members of the regional government and political leaders are held in prison without trial, and 6 are in exile pending extradition trials. Hundreds of others, including hundreds of mayors from towns and villages all over Catalonia, are being prosecuted for collaborating or participating in the October 1st referendum.

An election to the Catalan parliament was held on December 21st and the results revalidated the pro-independence majority. However, Spanish authorities refuse to accept this result. Catalonia remains under the control of the Spanish government of the Popular Party (that holds 4 out of 135 seats in the Catalan Parliament).

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[31] An insightful review is Boix, C. (2017) "Catalonia in search of political guarantees" https://lisd.princeton.edu/sites/lisd/files/Boix_Catalonia_October2017_1.pdf.

The arguments used by Spanish authorities to persuade Catalan citizens to give up independence demands are fear and force. The Spanish government has tight control of the State apparatus (especially the high levels of the judiciary and the police) and exerts its power harshly against the independence movement. This has inflicted substantial pain to the Catalan side, but it has still not delivered political results. The incapacity of the Spanish leaders and institutions to manage the present conflict politically rather than repressively is undermining Spain's credibility as a democracy.

What is at stake in this dispute is Spain's ability to address a fundamental dilemma about the legitimacy of modern democratic institutions, a dilemma essentially framed by the tensions between the power of the majority and the rights minorities have in democratic states, how to ensure them, and how to protect them.

The Spanish majority bloc frames this constitutional conflict in terms of Catalan (lack of) respect for the 'rules of the game' set by the constitution of 1978. According to this discourse, there is a unique, indivisible Spanish nation that is the sole subject of sovereignty; hence recognizing other political subjects (i.e. the Catalan nation) is impossible. The constraints imposed by this interpretation of the constitution are so tight that they render any negotiation for a political solution impossible, for two reasons. First, as long as the majority controls the rules of the game without restraint any change in the rules of the game is out of bounds. Second, without recognizing the minority as a political subject, Spain is not capable of attaining a solution other than surrender by the minority.

Understanding the Catalan conflict demands critical scrutiny of the validity of the present Spanish "constitutional" narrative. It is important to recall the conditions under which the constitution was drafted and approved in 1978, and keep in mind how these initial conditions have shaped the evolution of Spanish democracy and its institutions. In particular, awareness of the soundness and reliability of the judicial system and of the unusual role given to the Constitutional Court is needed to realize that the checks and balances essential in a democracy have collapsed. We discuss each of these in turn next.

2 - The genesis and legitimacy of the 1978 Constitution

The conditions under which Spain became a formal democracy Western style and under which the Spanish constitution was approved are little known. The political situation in Spain after Franco's death in 1975 was so complex, and the danger for the country to fall into chaos was so obvious, that it was considered an unqualified success that first, some form of democracy was provided by the constitution approved in 1978; and second, that it could be developed and implemented in the following years. However, the authoritarian context in which that Constitution was drawn and then voted must be recalled and highlighted to explain why Spain and Catalonia are now stuck in a major constitutional crisis.

Political theorists and constitutional law experts generally agree that constitutions must be drawn from an assembly with an explicit mandate to do so. People must know that they are voting to elect representatives whose function it is to draw a constitution. This is crucial to ensure fairness. This was not the case for the Spanish assembly elected in June

1977. Furthermore, important political parties were not authorized to run in the election (Esquerra Republicana de Catalunya, a major player in the present Catalan parliament was still illegal). While the constitution was being discussed, violence (including deaths and bombings) was a regular feature in the streets. The Army was in the background: its top officers were Franco's appointees and the laws that entitled them to intervene in political life were in force. All the police forces, including its top commanders, were those of the Franco regime. The dictatorship had been a one-party political system. The only legal, fascist party had its own propaganda apparatus, including radio stations and newspapers in the most important provincial towns. Public radio stations and both public TV channels (no private channels then) were under governmental control. Such were the conditions under which the constitution of 1978 was drafted, discussed, and voted.

Furthermore, as it is now publicly acknowledged by surviving members of the committee who prepared the constitution draft, several crucial articles were "dictated from above" (i.e. by the Crown and the Army). Their wording was literally incorporated into the final text of the constitution *as ordered*. These were the fundamental articles concerning the political structure of the state. The most prominent ones were: 1) Spain had to be a monarchy; 2) The only sovereignty was that of the Spanish nation; Catalonia and the Basque Country had to be explicitly subordinated to one and only nation, Spain; 3) the military was ultimately responsible to preserve the unity of Spain. Hence, the authoritarian conditions that in 1977 and 1978 shaped and constrained the writing and approval of the Spanish constitution invalidate to a large extent the constitution's legitimacy as a democratic framework. It is a constitution whose limits were previously drawn by an authoritarian regime.

3-The undemocratic roots of the Judicial system

The Francoist judicial system was never depurated or reformed. The top justices of the dictatorship were chosen for their fidelity to the regime, and it was difficult (but not impossible) to hold a judicial post without a "clean" political background. Most of them, including those in charge of political repression, stayed active as justices under the new constitutional system after 1978.

Even the notoriously cruel Tribunal de Orden Público, the special court that prosecuted political dissidence, was not eliminated. It remained active after Franco's death, and in 1977 changed its name to Audiencia Nacional, preserved as a special court for cases of particular "national interest", in the very same building, with the same people. This was five months before the first elections and almost two years before the approval of the constitution, the Audiencia Nacional is not a product of democracy. It has mostly focused on trials related to terrorism, international financial crimes and drug-trafficking, but has now spearheaded the persecution of pro-independence activists and politicians. A special penal court with no territorial ground is an odd judicial scheme, its existence is unique in Western Europe.

Out of the 16 justices that made up the Tribunal de Orden Público in 1977, 10 ended up in the Audiencia Nacional or the Supreme Court of the new constitutional state. Members of

the Audiencia Nacional, like members of the Supreme Court, are appointed by the General Council of the Judiciary – a collegiate government of judges that is notoriously politically controlled. The GRECO, the Group of State against corruption at the Council of Europe has issued recurrent reports assessing the poor performance of Spain's judiciary, demanding legislative reform with regard to the appointment of prosecutors and judges, and emphasizing the need for an "evaluation of the legislative governing of the General Council of the Judiciary and its effect on the real and perceived independence of this body from any undue influence, with a view to remedying any shortcomings identified." However, GRECO's last report in January 2018 concludes that none of its eleven recommendations contained in the previous report has been implemented satisfactorily.[32]

4 - On the Constitutional Court

Because the Francoist judiciary system, including the Supreme Court was left as it was, with Franco, "Spain, which needed to confirm the fundamental character of its new democratic constitution, could not leave the Constitutional Court in the hands of the judicial authorities because many members of the judiciary had been educated in the legal dogmas of Franco's regime." [33]. Hence, a Constitutional Court separate from the judiciary was established, as in the German and Italian constitutions. It was supposed to be an arbitral body, to resolve constitutional disputes, and a chamber of last appeal above the Supreme Court in cases related to fundamental rights. Members are not required to be judges, only respected specialists in law and political science. They are selected as follows: 4 are appointed by a 60% majority vote of the Spanish Parliament, 4 are appointed by a 60% majority vote of the Senate, 2 are appointed by a 60% majority vote of the General Council of the Judiciary, and 2 are appointed by the Spanish government. Regional autonomous governments or parliaments have no deciding voice or veto power.

Initially the Constitutional Court was composed mostly of distinguished eminent individuals, and the Court was reasonably independent and immune to political pressure, but over time this has proved unsustainable. The two main political parties have the ability to control the necessary 60% majorities. For many years now they have exercised their power to reach agreements for splitting the appointment of magistrates, without regard to their excellence, seniority or reputation for independence and fairness. You can imagine the outcome, when two political parties may decide who is going to be at the top of the judicial system.[34] The Constitutional Court has evolved into a highly partisan body, each member

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[32] https://rm.coe.int/fourth-evaluation-round-corruption-prevention-in-respect-of-members-of/1680779c4d

[33] E. Guillen Lopez (2008) "Judicial Review in Spain: The Constitutional Court", 41, Loy. L.A. L Rev 529

[34] Just one illustrative example: Francisco Pérez de los Cobos was a member of the Constitutional Court from 2011 until 2017, and its President between 2013 and 2017. Judge Perez was a member of the Popular Party, had but had failed to disclose this fact. He was recently proposed by Spain for the ECHR, but his candidacy was turned down: he had submitted a cv declaring proficiency in English and French but could not answer the questions of the appointments committee in either of these languages. As President of the Court, Pérez issued the ruling declaring the Catalan referendum process illegal. Pérez comes from old pro-Franco stock and is well connected. In the 1977 Spanish general election, his father ran as a candidate for the ultra-Francoist Fuerza Nueva (FN) a party aiming to 'keep alive the ideals of July 18th 1936'. His brother, Diego Pérez de los Cobos, is the Colonel of the Guardia Civil who was in charge of crushing the Catalan Referendum. In February 23, 1981 he dressed in blue (the colours of fascist Falange) and had volunteered support to the military coup at the local Guardia Civil.

owing allegiance either to the Socialist or to the Popular Party, and all unanimously alienated from the Catalan minority. Under these circumstances, and especially after the Constitutional Court ruling dismissing the Catalan Charter in 2010, the Constitutional Court has lost its legitimacy as a neutral constitutional referee.

In addition to the political control of the Constitutional Court exercised via the process of appointment of its members, the Popular Party took additional measures to crucially denaturalize the Court. In 2015, under their absolute majority in the Parliament, the Law regulating the role and powers of the Constitutional Court was changed. This reform has given the Constitutional Court major executive powers, turning it de facto into a penal jury, the top of the ordinary judiciary system. The Court is now endowed with the power to implement its own rulings, demand obedience, and punish whoever does not obey them, without proper trial. No chamber of appeal exists for its decisions now. To summarize, "For the Constitutional Court to have powers to enforce its own judgments is exceptional in Europe. It is problematical in so far as it involves the Court in executive as well as judicial functions, and moreover, as shown here, potentially engages the Court in a legislative function." [35]

That is the trick that turns the organization of a referendum into a crime. Something illegal is not by any means something criminal. As a matter of fact, to organize a referendum is not a crime under Spanish penal law (how could it be!). However, if you disobey the Constitutional Court (no matter on what) you are a criminal—and there is no court to appeal to.

5 - Conclusion

Catalonia is a national minority, but it is not acknowledged as such by the Spanish constitution. In fact the Spanish Constitution explicitly makes it impossible to acknowledge Catalonia's national status. How can a national minority change a constitution if the demographic majority is intent on not allowing the minority to change its status? In these conditions, "democracy" allows the state to nullify the rights of the national minority, and this is what is happening in Spain. This is why the Catalan government has tried to organize a democratic and peaceful political manifestation to demonstrate to international public opinion the will of a majority of Catalonia's population to exert its right to self-determination. Spanish authorities are responding with police and judicial violence, refusing to accept Catalans as a political subject. However, repression of political dissidence and ignorance of the democratic rights of a minority cannot be justified in a democracy.

The essence of the present political conflict is the incapacity of the dominant bloc of Spanish nationalism, political parties, media outlets[36], police forces, and judicial authorities,

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[35] Costa, J. P., F. Tulkens, W. Kalek and J. Simor (2017) "Catalonian Human Rights Review: Judicial Controls in the Context of the 1 October Referendum", legal opinion mimeo.

[36] Spanish newspapers have played a major role, see https://www.cjr.org/business_of_news/catalonia-independence-el-pais-spain.php .

to restrain themselves so as to guarantee that Catalan self-government can be respected. Therefore, the main reason and the more democratic argument in support of Catalan independence are precisely the incapacity of the Spanish establishment to moderate themselves. There are two opposed political *demoi* in this conflict. Both are undergoing a major crisis and will need to be reconstructed. Whichever side has more democratic reason, that is, greater ability for self-restraint and accommodation, will eventually prevail.

Spanish and Catalan nationalism and their relevance for Flanders

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The present conflict between the Catalan government of Carles Puigdemont and the Spanish central government headed by Mariano Rajoy can be considered in a broader perspective as a clash between two kinds of nationalism. On the one hand, Spanish state nationalism. On the other hand, the nationalism of a sub-state, or as Montserrat Guibernau would describe it, the nationalism of a nation without state.[37] Each of these nationalisms strengthens itself and tries to overcome its internal divisions and contradictions by alterity discourses, representing the other as a 'critical' one, menacing directly the own identity and project.[38]

The present Spanish-Catalan conflict and the nature of both nationalisms can only be fully understood if one takes into consideration the whole historical track and more specifically Spain's 20th century history, the experience of civil war and four decades of Francoist dictatorship. No wonder that one of the main issues at stake is and will be in the nearby future the Spanish constitution of 1978, a product of the uncomfortable balance of power, once described by Manuel Vázquez Montalbán as a 'balance of weakness'. According to the scrupulous observer of Spanish politics, the dictatorship was too weak to continue its enterprise facing an opposition too weak to impose a clear break. The outcome of this situation was not only the Amnesty Law of 1977 – the so-called 'Pact of forgetting' - and in the economic field the Pacts of Moncloa of 1977-1978, but also this constitution that formalized the violent destruction of the Second Republic and reintroduced a monarchy as the dictator foresaw and meticulously prepared. This long dictatorship and the transition to democracy give a special character to the present conflict and to both nationalisms as they are expressed today.

Españolismo

With the push of the Catalan nationalist parties for a separate state in the Spring of 2017, Spanish nationalism has been revived. This nationalism always existed in a very outspoken form of what Michael Billig called 'banal nationalism', ready to be cranked up each time it

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[37] Montserrat Guibernau, 'Nations Without States: Political Communities in the Global Age', Michigan Journal of International Law, Vol. 25, 4, 2004, pp. 1251-1282. Montserrat Guibernau, 'Catalonia: Nationalism and Intellectuals in Nations without States', in: Montserrat Guibernau & John Rex (eds.), The Ethnicity Reader: Nationalism, Multiculturalism, and Migration, Cambridge, Polity, 2010, pp. 138-155.

[38] For the concept of 'critical other', see: Anna Triandafyllidou, "National identity and the 'other'", Ethnic and Racial Studies, Vol. 21, N° 4, 1988, 593-612. For the process of alterity discourses on the case of the Flemish and Walloon national movements, see: Vincent Scheltiens, Met dank aan de overkant. Een politieke Geschiedenis van België, Antwerpen, Polis, 2017.

seemed convenient to the ruling powers in Madrid.[39] A very peculiar and almost forgotten example of this move from 'banal' to 'hot nationalism' happened in July 2002 when Spanish Legion troops launched a military attempt to take over the tiny unhabited Perejil Island, located at barely two hundred meters of the mainland coast of Morocco. This so called Romeo-Sierra Operation boosted a wave of Spanish nationalism and anti-Moroccan racism linked to the presence of Moroccan immigrants in the peninsula.

This Spanish nationalism - 'españolismo' - is a strong right-wing state nationalism that fundamentally does not accept the development of regional identities and languages that are treated with disregard. This disdaining attitude can be compared with the attitude of the Francophonie in the young Belgian nation state when for the first time an embryonic Flemish 'movement' formulated some linguistic demands.

Facing the Catalanist claim that their region is a nation, this Spanish nationalism states that there is only one nation, Spain. Its epicentre is Castile and its tendencies are centralism and unity. Both in the Spanish as in the Catalan nationalist narrative this viewpoint was imposed in 1714 with the end of the SuccessionWar and the victory of the Bourbon monarchy. This monarchy – still ruling today with Felipe VI – replaced the House of Habsburg and banned the local traditionalist institutions, especially those in what today is Catalonia. It was the sour price Aragonese leaders had to pay for being on the losing side in the SuccessionWar.

Basically, it prolongs Franco's adage, 'España, una, grande y libre' and finds today its best political defenders in Ciudadanos and, of course, the Partido Popular, fighting each other today for hegemony in this right-wing, nationalist Spain. By the way, this does not mean that the latter should be categorized as Francoist, despite the fact that the PP managed to retain the support of the far right and to avoid – which is unusual in contemporary Europe – the creation of a significant autonomous far right political party, and despite a uninterrupted direct link from late Francoism over the Alianza Popular (AP). The AP was created in 1976 by seven people out of whom six had held cabinet-offices during the dictatorship and experience a second start in 1989 as the present-day PP, but still with ex-Francoist ministers among its leaders, such as Manuel Fraga Irribarne,.

Keystones of this Spanish nationalism are the monarchy, the army and the Roman Catholic Church. All three of these openly conservative institutions have to supervise Spain's unity and the integrity of its territory. This explains their antipathy towards every proposal to discuss the constitution of 1978, whether it is coming from moderate nationalists or from the left opposition, which, in Spain, is overwhelmingly republican. Undoubtedly it plays a role in the categorical refusal of 'Madrid' to negotiate with a democratically elected and thus legitimate regional government that represents minimally fifty percent of the residents of Catalonia entitled to vote. It can also explain the harsh treatment of members of this regional government and leaders of social movements, including locking them up.

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[39] Michael Billig, Banal Nationalism. Michael Billig, Banal nationalism, London, Sage, 2010 [1995]. The taking of Perejil Island and its consequences in boosting nationalism could be compared with Margareth Thatcher's assault on the Malvinas in 1982.

This treatment not only questions the degree of penetration of the concept of separation of powers. The degree of entanglement between king, army, church and political elites also questions the existence of the separation between church and state. During the Holy Week, Spain's government – through its Minister of Defence – ordered to fly the flags half-mast on every barrack in the country… to mark the death of Jesus Christ. During the same week members of the PP government, catholic leaders and high rank military sung together the unofficial anthem of the Spanish Legion called 'The Fiancé of Death', adapted for processions during the Francoist epoch.

Catalanism

In opposition to this nationalism, Catalan nationalism has a very popular and politically left-of-centre dimension with a strong mobilizing capacity and with outspoken republican convictions. Differently from Spanish nationalism it covers a political spectrum from centre-right to extreme-left, but counts no far-right segment.

In its identity construction victimhood during democratic setbacks in general and above all during the Francoist dictatorship plays a central role, although historically this victimhood cannot be considered a persistent, continuous positioning. At least it is counterbalanced by the idea of superiority towards Spain, which it regards as backward. Thus, Enric Prat de la Riba, leader of the first Catalanist party, the conservative Lliga Regionalista, introduced, in *La nacionalitat catalana* (1906), the notion of imperialism as a positive concept that distinguished the high culture of the natural nation that Catalonia was supposed to be from the lower culture of Spain.[40]

Nonetheless, the 20th century shows a sequence of mostly violent abolishment of Catalan autonomy, with persecution of its leaders, each time democracy was replaced by authoritarian regimes in Spain. In 1914 the same Prat de la Riba became leader of the first type of self-government, the Mancomunitat, dissolved when in 1923 Alfonso XIII installed a 'dictatorship with a king' led by general Primo de Rivera. The second Spanish Republic reintroduced Catalan autonomy (1932) but when a year later the right wing won the elections this autonomy was abolished. Lluis Companys, leader of the autonomous Catalan government, had proclaimed independence – as a defensive reaction against the right-wing take-over – and would be later executed. After obtaining their autonomy again in 1936 when the left won the elections, they lost it dramatically by losing the Civil War. Then followed almost four decennia of uninterrupted repression, including the prohibition of speaking the Catalan language.

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[40] Enric Prat de la Riba, La nacionalitat catalana,, Barcelona, Biblioteca Popular, 1906, E. Ucelay-Da Cal, El imperialismo catalán. Prat de la Riba, Cambó, D'Ors y la conquista moral de España, Barcelona, 2003.

As in earlier episodes the actual Catalanist push towards independence was triggered from 2010 onwards when the central government of Madrid rewrote the Statute of autonomy of Catalonia from 2006, and rejected – among many other articles - the definition of Catalonia as a nation. In the Catalanist representation, this attitude joined up with the earlier repressive interventions.

Of course, Catalonia has its variant of 'selfish nationalism' characterised by the aiming of more prosperous sub-states at independence from the nation state in an attempt to put an end to the solidarity with poorer regions inside that nation state. In this discourse, solidarity is seen as unilateral, uneven, unfair and something that must be 'limited'. It is the kind of nationalism that appeared in the 1980's in Northern Italy with the Lega Nord and that also can be recognised in Flanders in the discourse of the New-Flemish Alliance (N-VA) and - in an extremist, distorted view – the Vlaams Belang (VB). In both discourses – the North-Italian and the Flemish one - the North has been systematically contrasted with the South as a healthy northern society facing a corrupted 'southern' state.[41] In the Flemish variant, a discursive association is made between the South and poverty, prodigality, profiteering, Latin mentality, socialism. On the Catalan political level, it is clear that the discourse of the centre-right nationalists (PDeCAT, see below) contains elements of this so-called 'selfish' nationalism.

On the other hand, the ranks of Catalan nationalists have been reinforced by common people, victims of the harsh austerity policies adopted by the central governments – especially since the financial crisis of 2007-2008 and its fallout. The 'specificity' of Spanish austerity politics is that it goes along with a quasi endless string of corruption affairs in which high rank figures and administrations of the alternating leading parties (social-democratic PSOE and PP) are involved.

A jump into the abyss. Two fatal Catalanist miscalculations

On October 10th, presenting in the Catalan parliament the results of the independence referendum of October 1st, Carles Puigdemont declared "the independence of Catalonia in the form of a republic" and announced - exactly eight seconds later - the suspension of this unilateral declaration of independence (DUI).

In the afternoon of October 27th, Catalan parliament voted for independence with 70 votes in favour, ten against and two neither of these. Twenty-four minutes later the Spanish government announced the application of article 155 of the constitution, dissolving Catalan autonomy and taking over control of the entire Catalan administration, a radical measure confirmed almost immediately by the Spanish Senate.

With its unilateral declaration of independence (DUI), the government of Mr. Puigdemont, was forced into a path going much further than he and his colleagues – politically described

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[41] Michel Huysseune (ed.), Contemporary Centrifugal Regionalism: Comparing Flanders and Northern Italy, Brussels, KVAB, 2012. Michel Huysseune, Modernity and Secession. The Social Sciences and the Political Discourse of the Lega Nord in Italy, New York / Oxford, Berghahn Books, 2006.

as *pujolists* - ever wished. This current, embodied by Jordi Pujol who managed to lead the Catalan government during 23 years, never had a fully independentist project in mind. Instead it aimed at a federalization of Spain with as many competences and as much financial autonomy as possible for Catalonia. It built its dominant position in Catalan politics through a practice of bargaining with the successive central governments in post-Francoist Spain, regardless of their conservative or social-democrat composition. The strong and muddy entanglement between pujolism and Catalan business sectors (real estate development, tourism…) and capital flight ended in a judicial conviction of Mr. Pujol and some of his family members. This crisis of pujolism and the debate on the Statute of Autonomy drove this current into a disastrous flight forward.

By the standards of two fundamental criteria – and because of two errors on the part of the Catalanists - this political project can be said to have capsized.

First miscalculation: Europe

The accomplishment of the Catalan nationalist project was always considered as a uppermost 'European' undertaking. This is no exception. In many sub-nations, nationalist movements, for instance the Flemish one, represented their situation as being imprisoned by the 'obsolete' nation state, longing for the promising supra national entity Europe, where in a 'Europe of the people' freedom and prosperity would be reached. In that sense, one could consider Europe as what Pelle Petersoo in her typology of 'otherness' called the 'positive external other'.[42]

In their discourse Catalan nationalists presented themselves as 'more European' than Spain, expressed in the metaphorical image of a nation sitting with its back towards Spain and with its face towards Europe. Implicitly, this discourse connects with the contemptuous phrase, falsely attributed to Alexandre Dumas, that 'Africa begins at the Pyrenees'. This point of view was in the 20th century internalised by Spanish reactionaries who were opposed to the spread of liberal ideas from Europe and more specifically France (against the 'afrancesados'), but also – in a sarcastic if not cynical way – by progressives criticizing the backwardness of Francoist Spain, comparing its economic and cultural situation with what were then called 'underdeveloped countries'. The quite early industrialization of Catalonia and its corresponding share in Spain's gross domestic product provided this Catalan self-image with a material foundation.

Unfortunately for the Puigdemont-cabinet (composed by his PDeCAT, the former CDC following the CiU created by Mr. Pujol, and the centre-left nationalist ERC) the European institutions as well as each of the member states refused even to consider any form of recognition of the would-be independent nation state. Scarcely one hour after the independence vote, on October 27th 2017, the president of the European Council, Donald

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[42] Pille Petersoo, 'Reconsidering otherness: constructing Estonian identity', Nations and Nationalism, 13, 1, 2007, pp. 117-133.

Tusk, stated on Twitter that '*for the EU nothing changes. Spain remains our only interlocutor. I hope the Spanish government favours force of argument, not argument of force*'.

Like the reaction of the EU against the attempt by Alexis Tsipras's government to renegotiate Greece's debts and to obtain some oxygen for a more neo-Keynesian economic approach, also this time the reaction was unanimously negative. In this contemporary supra-national Europe not a single breach is permitted in the wall cemented by a neoliberalism with increasing authoritarian features, leaving no sovereignty in key questions.

Here, it looks like the leading actors of the Catalan 'process' underestimated the changes in the European context of the last two decades. With the disintegration of former Yugoslavia and the implosion of the USSR, the Europe of the beginning of the 1990's was eager to welcome and recognize new states. It then symbolized the definite and total victory over a long standing enemy during a war, even if it was the Cold War. Europe's weather forecast was in those days sunnier than today, after the financial crisis, its unilateral monetarist construction, its neoliberal austerity measures and – especially among large parts of the population of its member states in the South – its loss of credibility following the social and democratic deficit that these policies engendered. Nowadays this European construction is facing major problems affecting seriously the EU's self-image as guarantor of peace and prosperity with its harsh approach to refugees, the threat of terrorism, the reintroduction of internal borders, the rise of far-right and racist political entities participating in and even controlling government in countries like Poland, Hungary, Austria…

In this inauspicious context, the approval of a nationalist project and its admission to the EU would trigger other nationalisms. It would destabilize the member states involved and indirectly the European project, since the latter is fundamentally based on and led by those member states.

Second miscalculation: economic anchorage

The second miscalculation of the leading actors of Catalonia's roadmap to independence is indissolubly linked with the first one. Even before the independence vote in the Catalan parliament, hundreds of firms announced they would move their administrative headquarters to cities outside Catalonia or threatened the government with this intention. Of course, this does not lead immediately to a loss of employment and it is quite difficult to move vineyards or bank agencies, but symbolically the signal is crystal-clear. Large parts of the Catalan business world are not prepared to follow the independentists in their DUI, jeopardising trade and turnover positions as well with Spain as with the European Union, facing in a worst case scenario import duties and other avoidable barriers and obstacles. Few sectors of society are as internationalist as members of boards of directors and shareholders…

This intention or threat to move outside Catalonia shows in a clear way the absolute failure of an old idea in nationalist discourse: the necessity and possibility of 'economic anchorage'.

In this way, the recent Catalan experience teaches other nationalist project very wise lessons about do's and don'ts.

Justicialization and two legalist logics

It was the deliberate choice of the Rajoy-cabinet and its allies, Ciudadanos and PSOE, to justicialize a political conflict. Indeed, Spain's legalistic logic tells us that the Catalan government violated the constitution with its DUI. This legitimized the implementation of the famous article 155 of that same constitution that allowed Spain to take over control of Catalonia and dismantle its elected institutions (parliament and government). Even the imprisonment of members of government can be legitimized on the base of this rectilinear logic.

But on the other hand, utilizing exactly the same legalistic logic, the Catalan government can legitimize its roadmap to independence. It obtained a majority in the 2015 regional elections (although not in votes, obtained an overwhelming majority in the independence referendum of October 1st 2017 (although not a participation of a majority of people entitled to vote) and, finally, it obtained a new electoral majority… precisely in elections held under the so-called '155-regime' and ordered by… 'Madrid'.

Following the legalistic logics in both camps, each accuses the other of having organized (or at least attempted to organize) a coup d'état.

Right to self-determination and secession

This brings me to the following problem: the right to self-determination. On the one hand this right is recognized by the United Nations: people have the right to choose their sovereign and international political status with no interference. After the First World War this right was advocated as being inalienable by politicians as different as the US president Woodrow Wilson (in his 14-points proposal) and the first Soviet-leader, Vladimir Lenin.

But practically, except for the recent case of Ethiopia, not one single constitution in the world authorises any form of secession, e.g. unilateral declaration of independence. Weaker forms as greater autonomy, federalisation, etc. depend mostly of majority rule, which means that in the Catalan case the whole of Spain should decide on independence for Catalonia, an idea that is not at all acceptable for the Catalan nationalists… precisely because it fails to respect the right of *self*-determination.

Between those two positions, Spain's absolute right of say and Catalonia's DUI, the left opposition (Podemos, En Comù Podem, the Mayor of Barcelona, Ada Colau…) defends the proposal of a 'negotiated referendum'. However, this position is – also in the international media – largely neglected as a consequence of the harsh polarisation. And in the meantime, any move towards any kind of secession decided inside the sub-nation will be judged by the ruling state – and its legalistic logic – as an illegal act, if not a criminal one.

Belgium and Flemish nationalists

It is interesting to compare both nationalisms with other processes in Europe, such as Belgium-Flanders, and to unfold the many common features but also some important objective and subjective differences. Without aiming at completeness, it is interesting to stress some important differences.

First, Flemish people are no minority in Belgium, they are numerically a majority, living in a territory and an economic area that is more prosperous then the rest of Belgium. This is why the strategy of the main forces inside the Flemish movement advocated the seizing of power inside the Belgian state in order to satisfy their demands. This strategy 'in three stages' started in the 19th century when it was banking on a more positive demographic evolution. Rhythmed by the gradual democratisation (suffrage), it would guarantee Flemish political power inside Belgium and the fulfilling of Flemish demands. Today, the strongest party in Belgium's federal government is the Flemish nationalist N-VA, leading among others the departments of the Interior (Home Affairs, the police forces), Defence (the armed forces), Finance. Can anyone imagine Mr. Puigdemont on behalf of the PDeCAT controlling Spanish armed forces or Mr. Junqueras on behalf of the ERC controlling the Guardia Civil or determining the penitentiary policy of the Spanish kingdom?

Secondly, historically Catalan and Flemish nationalism occupied completely opposite positions. During the Interbellum Catalanism went left and defended the Republic against its right and far-right enemies. Flemish nationalism embraced corporatism and far right ideology and practices. Concretely, on April 1st 1939, when Franco officially proclaimed himself as victor of the Civil War, tens of thousands of Catalans disappeared in exile or in Francoist prisons, while the Flemish nationalist press celebrated Franco's triumph. While large parts of Flemish nationalism collaborated actively with the Nazi-German occupier, Mr. Companys was extradited by the French puppet regime of marshal Pétain and Nazi-Germany to the Franco-dictatorship. Many were the republican Catalan people fighting in the French resistance or trying to survive in the concentration camps.

Partly as a consequence of this essential mistake of Flemish nationalism, the Left ended up as Belgian patriotic. The improper episode during wartime strengthened an already existing identification of Flemish nationalism with right wing political positions and the rise of N-VA, for example, stimulated a kind of Belgian patriotic feeling, known as 'Belgitude', characterized by its emphasis on ethnic diversity, solidarity, optimism, peaceful celebration. Considered as 'anti-nationalist', this expression of soft-nationalism, is almost the opposite of the Spanish nationalism as described above.

Another consequence of these positions is that many actors of the Flemish Left – inside the social-democracy, the green party and the very pro-Belgian former Maoist party - read the Spanish-Catalan conflict through Flemish glasses. Especially, since it is clear that the Catalan politicians in exile are logistically supported by members of the N-VA, those left wingers tend to condemn the Catalan nationalist aspirations and to agree with the legalist

discourse and practice of the Rajoy-government. With this tunnel vision they lose from sight and – unintentionally? – approve a government that chooses the judicialization of a political problem, that favours intimidation and repression instead of dialogue, that tends to use the conflict to distract attention from the many corruption affairs, that tends to strengthen its position while its social-economic policy is the opposite of what every Left government should be doing.

Incompatibilities

In today's Belgium – with the N-VA giving priority to social-economic issues – metaphorically explained as the Flemish demands put away 'in the fridge' – there is no significant political force working in the direction of Flemish independence. Unlike Catalan nationalism, elections are not turned into a plebiscite for independence as there are no gplans to organize a referendum on that matter. This can be explained as a pragmatic conclusion of the fact that not even a quarter of the Flemish population would be in favour of independence of the sub-state. To this pragmatic attitude we have to add today the 'Catalan lessons': the EU will not welcome a Flemish state and the Flemish entrepreneurs will not be eager to leave Belgium and to jump into the abyss.

By the way and in connection with the above-mentioned political pragmatism, it is noteworthy that the N-VA, as strongest party in the Belgian government and controlling the Flemish government, does not force the recognition of independent Catalonia. Instead of using its positioin of power and taking an exemplary stance in Europe, this solidarity with Catalanism remains logistical and mostly symbolic, but apparently effective enough to protect the party from existing internal and external critics.

Finally, not everything differs between Catalan and Flemish nationalism. The N-VA continues to stress the idea of Belgium as two conflicting, incompatible democracies, increasingly separated economically, culturally and politically… The same discourse was built up in Catalonia over the years (except that in Catalonia not everyone was prepared to represent Spain as a 'democracy'). One day, the commonsensualisation of this representation could be in Flanders the starting point for a leap forward… or backward.

Good and bad nationalism, in Flanders and Catalonia

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"Are nationalism and/or patriotism tolerable? Are they legitimate? Might they even be indispensable to the smooth functioning of a democratic polity?" The academically and politically correct answer to this question is : "No we do not want nationalism. Nationalism is bad. But yes we need a bit of patriotism, because citizens have to identify with the political system."

This is reminiscent of the way the nineteenth century bourgeois viewed pornography. They detested it as something obscene. It was bad, they wanted to have nothing to do with it. But on the other hand, they secretly liked it and felt a need for it. So they invented a new word for it and called it 'eroticism'. That was good, acceptable pornography. In the same way, we detest nationalism. But we secretly like it, and feel a need for it. Therefore, to solve this cognitive dissonance, we have invented a new word : 'patriotism'.

The literature abounds with distinctions between good and bad forms nationalism : nationalism is bad, patriotism is good, ethnic nationalism or cultural nationalism is bad, civic nationalism is good, etcetera. But is there really a fundamental difference between bad nationalism and good nationalism or patriotism ? Or do we call nationalism 'civic' when we like it and 'ethnic' when we do not ? Flemish nationalism is not very popular amongst academics, so we call it ethnic. Belgian nationalism is better liked, so we call it civic or simply patriotism. To quote Michael Billig (1995 : 55): "Our patriotism is their nationalism", and vice versa.

What are some of the alleged differences between good and bad nationalism (e.g. Brown, 1999; 2000). Bad nationalism is said to be ascriptive, while good nationalism is voluntary. Bad nationalism is defined as reactive, good nationalism is interactive. And thirdly, bad nationalism is exclusive while good is inclusive. Let me briefly deal with each of these distinctions.

Bad nationalism is allegedly based on ascriptive membership of the national or ethnic in-group. You belong to this group by birth. Good nationalism on the other hand is based on a voluntary contract between an individual and the state. It appears that we need to go quite far back in history to find a form nationalism that is really ascriptive, in the sense that it is based on the identification with a clearly defined impermeable cultural group, closed to the entry of new members. But more importantly, good nationalism or patriotism also involves an important element of ascriptiveness. I did not choose to become a Belgian, yet it appears that I am. I happen to have a Belgian identity card. This is probably not the nationality which I would have chosen, if I had had the choice. True, I could go abroad and acquire another, more palatable nationality. But it is not a step that is easily taken, as it involves all kinds of major practical problems.

Bad nationalism is also considered reactive : it is based on an outgroup/ingroup dynamic, on the contra-identification with an outgroup. Particularly for this reason, the word 'nationalism' is generally accompanied by a fixed epitheton: such as 'extreme', 'fanatical', 'insane' (Billig, 1995 : 48) and now of course the container word of the day 'populist'. Good nationalism/patriotism on the contrary is benign and welcoming to outsiders, on condition that they accept and respect the civic contract.

But how benign is patriotism really ? It cannot be denied that patriotism is infinitely more dangerous and lethal than 'extreme' nationalism. Patriotism has created institutions possessing vast armaments that can potentially destroy the world, as again pointed out by Michael Billig (1995 : 7). The number of casualties in the name of patriotism vastly outnumbers the casualties caused by 'extreme' nationalism.

In addition, good nationalism is just as reactive as bad nationalism. It also inherently requires demarcating 'us' from 'them'. Patriotism also needs a threatening other. This can be an outside enemy i.e. hostile foreign states. But perhaps more importantly, the notion of patriotism also involves a contra-identification with the enemy within : the part of the population which does not conform to the ideal of a good patriot.

Some time ago, I have illustrated this on the basis of a discourse analysis of speeches by king Boudewijn and king Albert, together with a colleague from the University of Namur (Maddens and Vanden Berghe, 2003). Who are the threatening others for the Belgian fatherland ? The separatists, the nationalists and the racists. "We have to remain vigilant, and to reject any form of open or hidden separatism unambiguously" said king Baldwin in his 1992 national holiday address. The implication is that proponents of 'open or hidden separatism' exclude themselves from the national in-group and in a sense become foreigners.

Let me give a more recent example. It is a speech by somebody who can be considered as perhaps one of the most important iconic figures worldwide of enlightened liberal anti-nationalism : Nobel prize winner Mario Vargas Llosa. On October 8 2017 in Barcelona, he spoke at the first big rally of *españolistas* or Spanish patriots. This rally took place precisely one week after the Spanish police had used brutal violence against peaceful voters participating in the 'illegal' independence referendum.

Before a huge crowd singing *Eviva España* and waving Spanish flags (some of which so-called *banderas preconstitucionalistas,* which is the Spanish euphemism for fascist flags), Vargas Llosa denounced 'nationalism'. It does not require a sophisticated analysis to find out who constitutes the relevant outgroup for Spanish patriotism as articulated by Vargas Llosa : they are the Catalan nationalists (even though, incidentally, these 'nationalists' do not want to be called nationalists). Throughout his speech these 'nationalists' or bad Catalans/Spaniards are contrasted with the good Catalans/Spaniards, who want to remain in Spain. These Spanish patriots are associated with liberty, democracy, rule of law, multiculturalism, peace, modernity. Bad Catalans are associated quite literally with damage, violence, vandalism, destructiveness, coup d'état, conspiracy, lawlessness, third-world-like backwardness and even the pest epidemic in the middle-ages.

It is really a terribly antagonistic discourse, which fully qualifies as hate speech. Quite frankly, had it not been for the evidence on YouTube[43], I would have doubted that this great novelist had actually spoken these nauseating words. Of course, nobody expects Vargas Llosa to favor Catalan secession. But what is so striking is that, precisely because of this ingroup/outgroup dynamic in which this good Spanish patriot is trapped, there is not even a tiny bit of empathy with the Catalan 'nationalist' concerns, nor the vaguest hint that perhaps Madrid also bears at least some responsibility for the political crisis.

Bad nationalism is not only reactive, it is also exclusive, in the sense that it extolls the identification with the nation at the expense of other identities. Good nationalism on the other hand is allegedly perfectly compatible with other identities. The idyllic metaphor of the lasagna is sometimes used in this context : each identity is a layer and each layer is just as tasty as the others.

One might wonder whether the extent to which 'bad nationalism' – such as Flemish nationalism - excludes or wants to erase other identities has not been exaggerated. But still, there appears to be some truth in the 'exclusiveness'-argument. It cannot be denied that Flemish 'bad' nationalists tend to be adverse to citizens who feel Belgian first and foremost. This will probably be less the case with Belgian 'good' nationalists, who might probably be more relaxed or tolerant towards citizens identifying with Flanders in the first place.

If this is true, how come ? I would argue that it is paradoxically related to the intrinsically exclusive nature of patriotism. Obviously, the concept of patriotism is by definition exclusive: you can only have one fatherland, as you can only have one father. If there is a distinction to be made between the concepts of 'nationalism' and 'patriotism', it is that patriotism is inherently linked to the current state-centered world order. Whether we like it or not, we live in a world consisting of 193 mutually exclusive fatherlands. In spite of all the rhetoric about globalism, international interdependence, global networks etc… we still live in a world based on sovereign states, which are the main international actors, with borders between states which have lately become more instead of less important.

Either you are a member of this exclusive club, or you are not. Belgium is a member, Flanders is not. Spain is a member, Catalonia is not. The game of trying to become a member of this club is not only a zero sum game, it is also a winner-takes-all game. Those who want Belgium to be a member have won a 100%, those who want Flanders to be a member have lost a 100%, up to now. This game, by the way, is also a very unequal game, as the Catalan case has shown. This is so because the member of the club has the monopoly of violence and can therefore easily prevail.

In this sense, Belgian 'good' nationalists speak from a vastly superior position : they are the winners, they just have to defend the status quo, involving Belgian statehood. They know perfectly well that it will be next to impossible to change this status quo, so they can just relax and lean back in their easy chair and be tolerant towards those citizens who prioritize the Flemish identity.

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[43] https://www.youtube.com/watch?v=uCMQCJ-FflQ&feature=youtu.be

By the way, this winner-takes-all nature of the statehood game has also played an important role in the Catalan crisis. Of course a substantial part of the Catalans, maybe a majority (but we do not know for lack of a real referendum), wants to remain in the Spanish state, These Spanish-Catalans would have been the total losers if the secessionists had prevailed. They would have had to live in a state which they do not want and in some cases would have abhorred.

Interestingly, the Catalan separatists have tried to mitigate this rather cruel winner-takes-all nature of the statehood game. If you read the "transitional law for the foundation of the Catalan Republic" (which is actually quite painful to read in the light of what happened in the months after the October 1 referendum), you will find in Title I, an article 9 titled "double nationality".[44] It says that requiring the Catalan nationality – which applies to all citizens living on Catalan territory – does not mean the renunciation of the Spanish nationality. This implies that, had the Catalan Republic materialized, Catalan citizens would have had the option of keeping their Spanish nationality. So they would have remained half in the Spanish state, and would not have lost everything.

In that case, the Catalan Republic might have consisted for approximately one third of Spanish nationals. That would have been two à three million Catalan citizens with voting rights and probably all kinds of other rights in a foreign state. Conversely, up to eight percent of the Spanish nationals would have lived outside Spain, in the Catalan Republic. When I asked my Catalan friends about the far-reaching implications of this article 9, I never got a clear answer. Nevertheless, it lends credit to the *independentistas* that they were so generous as to give a consolation prize to the Spanish losers. However, it is the separatists who turned out to be the losers of the game. Sadly, the Spanish winners have not thought of a similar consolation prize, quite on the contrary.

These kind of painful and even tragic conflicts are unavoidable in a state-centered world, buttressed by patriotism. Particularly because the manner in which the world is divided into states is highly arbitrary and in many ways absurd. There is no logical or rational reason why Portugal is a separate state on the Iberian peninsula and Catalonia is not. It is unavoidable and normal that this division is constantly challenged by counter-patriotic or secessionist movements, which will sometimes win and sometimes lose.

References

Billig, M. (1995), *Banal nationalism*. London, Sage.

Brown, D. (1999), Are there good and bad nationalisms ? In : *Nations and Nationalism*, 5, 2, pp.281-302.

Brown, D. (2000), *Contemporary nationalism. Civic, ethnocultural and multicultural politics*. London, Routledge.

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[44] http://portaljuridic.gencat.cat/ca?documentId=796643&action=fitxa

Maddens, B. and K.Vanden Berghe (2003), The identity politics of multicultural nationalism. A comparison between the regular public addresses of the Belgian and the Spanish monarchs (1990-2000), in : *European Journal of Political Research*, 42,5, pp.601-627.

Catalonia and Brexit: the same nationalism

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The British Prime Minister, David Cameron, will not enter the history books as an enlightened leader. However, when in 2014 he had to decide to allow the Scottish referendum, he used his brain and opened the door for the referendum. It took place on October 14, 2014. Only 45% of the Scotts voted for independence.

The contrast with the referendum in Catalonia could not be greater. The Spanish Prime Minister Rajoy stupidly decided to use violence to prevent a referendum in Catalonia, despite the fact that a peaceful referendum would most probably have led to a similar outcome as in Scotland. Spain and Catalonia are now on collision course; a situation that could have been avoided if the Spanish Prime Minister had not suffered from dogmatism and a degree of nationalism equaling in intensity the Catalan version.

The Catalan nationalists now have been given a fantastic boost thanks to Rajoy's stupidity. The TV images of Spanish robotic police officers hitting old and young to prevent them from voting create a perception of an oppressed people fighting for their freedom.

Nothing could be further from reality. The Catalans are not an oppressed people. They have a high degree of autonomy. They can organize their own education in their own language. No obstacles exist for the cultural development of Catalonia. It is the most prosperous region of Spain. Barcelona is a bustling city like no other in Spain. The Catalans are heard at the regional, national and European level. The image of an oppressed people is ludicrous.

Catalan nationalism is of the same kind as British nationalism that led to Brexit. It is based on a number of myths.

The first myth is that there is an external enemy. For the Brexiteers these are the European authorities (the European Commission, the European Court, etc.), which impose their arbitrary will on Britain. For the Catalan nationalists the enemy is the Spanish government oppressing the Catalan people.

The second myth is that the people who fight for their independence have a clearly defined identity. The task of national politicians is to listen to the will of the people. There can be only one voice. There is no room for different and opposing voices. The British government is now calling for patriotism. The opponents of Brexit are not true patriots.

The third myth is that independence will generate unsuspected economic prosperity. When the people "take back control" they will have the tools to achieve maximum economic prosperity. That is today the argument of Brexiteers like Boris Johnson. When Brexit will be realized (preferably as soon as possible), Britain will have achieved its true destiny. "Global Britain" will take over from the protectionist EU. Great Britain will merrily conclude free trade agreements with the rest of the world, which will lead to unprecedented prosperity. A

similar argument of more prosperity for an independent Catalonia is heard from Catalan nationalists today.

The reality is that globalization undermines national sovereignty. This happens in many ways. One example. Large multinationals blackmail national governments in Europe, with the result that corporate taxes decline almost everywhere. In no country, however, is there a will of the people in favour of reducing these taxes. Yet this is the outcome because governments act as national entities. Were they to decide jointly on corporate taxes in Europe, multinationals would be unable to blackmail these governments and there would be no creeping decline in corporate taxes.

Another example. International trade today is not influenced so much by tariffs but by non-tariff barriers. Large countries decide about standards and the regulatory environment that will govern trade. There are now essentially three countries, the US, the EU and China that can aspire to decide about the nature of these standards and rules. The other countries play no role in this game. Thus when Great Britain exits from the EU so as to gain more sovereignty ("to take back control"), this gain is only formal. In fact its real sovereignty declines. Obviously the same holds for Catalonia.

We arrive at the following paradox in a globalized world: when nationalists pursue more *formal* sovereignty they achieve less *real* sovereignty of the people. They want to take back control and they end up with less control. That's what Great Britain will end up with. That's also what the Catalan nationalists will achieve if they pursue their nationalistic dreams.

This paradox has a corollary: when countries in Europe renounce *formal* sovereignty this leads to more *real* sovereignty of the peoples of Europe.

Sovereignty without Identity

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Appeals to ground political legitimacy in identity are growing, at regional, national and European levels. Yet we will show that this communitarian argument can be harmful to individual freedoms, is not necessary for the functioning of political institutions and relies on an unrealistic view of human behaviour. Critically discussing the existing alternative conceptions will then give us the opportunity to outline a streamlined understanding of cosmopolitanism compatible with a proper European sovereignty.

All nationalisms are communitarianisms

Those who push for effective sovereignty often use identity as a justification for political action. In this communitarian line of thought developed by nationalists, regionalists and euro-nationalists alike, political institutions cannot function without a clearly defined identity. Even if they disagree on the level at which politics should be deployed, these currents share similar conceptual underpinnings.

One of the main communitarian postulates is that no political community can function properly if it does not overlap with a moral or cultural community. Most communitarians also abide by the idea that some form of patriotism is necessary to sustain political institutions[45]. But when the national sentiment is linked to politics, nationalism seems to be a more accurate term than patriotism, which is not inherently political. Yet, nationalism – in its variant forms – relies on a broader communitarian apprehension of politics.

So-called "civic" nationalism affirms that citizens are united merely by universal, rational and political principles and values. In this supposedly inclusive and progressive perspective, the nation is a democratic construct whose composition changes with the cultural and sociological evolutions undergone by the citizenry[46]. On the other hand, ethnic or ethno-cultural nationalism is traditionally associated with more conservative and right-wing movements. In this perspective, it is not the state that creates the nation but the nation that creates the state[47]. Nationhood is a legacy received by ancestors and is defined by pre-existing language, religion, customs, traditions or ethnic features[48]. This common identity, presented

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45 See, for instance, the famous article written by the communitarian philosopher Alasdair Macintyre, « Is Patriotism a Virtue ? », The Lindley Lecture, The University of Kansas, 1984.
46 Ernest Renan, Qu'est-ce qu'une nation?, Mille et une nuits, 1997 (1st Ed. 1882)
47 Abizadeh Arash, "Was Fichte an ethnic nationalist? On cultural nationalist and its double", History of political Thought, Vol 26 (2), 2005
48 Michael Ignatieff, Blood and Belonging: Journeys into the new Nationalism, 1994, Vintage. Penguin Books, London.

as pre-existing, ancient and even eternal, is therefore narrower and less malleable than in its civic definition. In its extreme form, this approach leads to restrictive immigration and citizenship policies, contrary to the civic viewpoint, potentially more open and flexible. In its strict variant, ethnic nationalism is nowadays expressed only by a very radical extreme right but does pervade certain conservative groups in a milder form. Despite their differences, both approaches actually share the main communitarian assumption of a necessary overlap between identity and politics.

This outlook on identity is not restricted to the nation-state level: it is present at regional levels and also pervades pro-European discourses. And it is likely that the euro-nationalist trends which already exist at an inchoate stage among pro-Europeans would be reinforced if support was to rise for a sovereign European government. But basing a European federal entity on a common identity would simply amount to transposing traditional nationalist arguments to another level. Following the divide just presented, European communitarianism could appear in diverse configurations: the community could be defined in cultural, ethnic, religious and exclusive terms or with more political, inclusive and progressive features.

Now, how do communitarians justify the necessity of a shared identity to ground viable political institutions? In a republican approach, progressive communitarians firstly argue that citizens need to feel part of the same community in order to trust, support and take part in democratic procedures. Secondly, they maintain that particular moral dispositions have to be present for democratic participation to take place. In line with the classical republican argumentation, they consider that citizens need to learn or be taught some "virtuous" civic behaviour, to abstract from their particular views and interests and to adopt a stance that encompasses the whole community. So, if communitarians acknowledge that individual selfishness is a natural feature of human behaviour, they recommend surpassing it through a shared identity that creates virtuous citizens. Progressive communitarians also apply this argument to the popular support required for redistribution and progressive social policies in general [49] . And although many communitarians accept and defend a pluralism of communities shaping the individual selves, they are in favour of grounding political legitimacy in a common national identity[50].

We would now like to show that the basic communitarian postulates are potentially harmful for individual freedoms, unnecessary and unrealistic.

An identity-based legitimacy: undesirable, unnecessary and unrealistic

First of all, on the issue of desirability, a few points might be worth highlighting: the discourses that postulate that political institutions have to overlap with a cultural community usually present such a community as a relatively homogenous group. This comes down to

49 David Miller, "In what sense must Socialism be communitarian?", Social Philosophy and Policy, Vol 6 (2), 1989
50 For a definition of various forms of communitarianism, see: Amitai Etzioni, "Communitarianism", in Michael T. Gibbons, The Encyclopedia of Political Thought, 2015 (1st edition).

conveying a dangerous illusion. Indeed, the observation of European societies reveals deep divisions of interests, beliefs, opinions and preferences both within member states and within the European Union at large. It reminds us that national cultures are very much the product of social invention[51]. The shared common interest or vision suggested by communitarians rarely exists in practice but can easily be used, particularly in politics, to hide particular interests. Thus, communitarian views can help justify very unpopular policies by arguing that they are in the general interest of the nation, while, in reality, they only serve those of a small minority.

The illusion of homogeneity present in communitarian discourses can also give them the appearance of political projects, while, in practice, nationalism – and communitarian approaches in general – are usually associated to specific ideologies[52]. And a communitarian take on politics is more easily compatible with ideologies giving priority to the community over the individual, such as conservatism or most forms of socialism, and is more at odds with ideologies that attach importance to the individual such as liberalism. Another defect of communitarian approaches is that their holism can go against minority and individual rights, sometimes to an extreme extent. Inherent to communitarianism is indeed a stark division between "us" and "them", with the "us" easily valued and the "them" often devalued. Yet, once a particular group is considered as less worthy, it becomes easy for political leaders to justify all sorts of oppression, exclusion or discrimination against it. Again, patriotism, as a mere feeling of belonging to a particular community is not, as such, necessarily dangerous for individual rights and freedoms. It can even constitute an important individual drive for collective actions. It is only when it starts being linked with politics that patriotism turns into a potentially harmful nationalism. In that respect, the level at which nationalism is defended does not matter much: these exclusionary trends can be present in its regional, national and European manifestations. Finally, let us emphasise once more that the content on which nationalism rests does not make it more or less detrimental to individual freedoms. Even when nationalism mobilises the most progressive principles, it still assumes the peculiarity and, often, superiority, of one particular community, separated from less valuable "them" or "others". For all these reasons, national, regional or European forms of nationalism are not desirable.

But is nationalism necessary to guarantee the functioning of political institutions? First of all, from en empirical point of view, the cultural homogeneity postulated by nationalists does not seem to have been a necessary condition for the formation of sovereign states. Furthermore, cultural diversity is perfectly compatible with legitimate and functioning political institutions. As we noticed earlier, the homogeneity postulated by communitarians is a chimera contradicted by an honest observation of the societies in question. The reasons for secessions also go far beyond identity-related motives, involving conflicts of interests and

51 Eric Hobsbawm, The Invention of Traditions, Cambridge University Press, Cambridge, 1992, (1st Edition: 1983)
52 Michael Freeden, "Is Nationalism a distinct Ideology?", Political Studies, Vol 46 (4) 1998,

ideological contradictions reinforced by deeper and more structural evolutions[53]. However, divided societies can still be associated to functional institutions if other, more effective, sources of legitimacy are present.

Finally, communitarian approaches rest on an unrealistic interpretation of human behaviour. As we mentioned earlier, most communitarians believe that a shared identity can foster attitudes of solidarity and involvement in collective decision making. In a "perfectionist approach" [54], they often add that education, in a broad sense, is the indispensable tool to build those dispositions by connecting them to the shared identity. This can be done through teaching partial visions of the alleged history or promoting particular behaviours, such as that of the active and virtuous citizens, and can even lead to the banning of specific clothing or behaviour considered incompatible with the official vision of the common identity[55].

The brand of cosmopolitanism we defend would not only avoid these biases and dangers but would also be based on a much more realistic apprehension of human behaviour.

Sovereignty without identity: a renewed cosmopolitanism

Post-national and cosmopolitan thinkers have been prominent in the critical debate and literature on nationalism. Among the strengths of the post-national literature are the following aspects. Jürgen Habermas, one of the founders of this school of thought, showed very convincingly in his early writings that the nation-state is two-faced: on the one hand, the universalistic dimensions of democracy and human rights it has been associated with; on the other, the particularistic dimension of nationalism. While the former has facilitated the extending and deepening of citizenship rights, the latter is responsible for some of the worst deeds perpetrated by States in European history. Habermas reminded us that the association between national identity and citizenship that took place at the nation-state level was contingent rather than inevitable and necessary. Along with other post-national writers, he then emphasised the disjunction between these two terms, owing, inter alia, to European integration[56].

But we are more sceptical about Habermas's proposition of constitutional patriotism, supposed to refer to a new form of belonging, based on the universal principles of democracy

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53 In the case of the EU, for instance, it is much too simplistic to account for the rise of anti-European tendencies by purely cultural drives: Sophie Heine, Eurosceptic or eurocritical? Oppositions to the European Union in the French and German Left, LAP Lambert Academic Publishing, 2010.

54 In the language of political philosophy, perfectionism is an approach according to which one particular vision of the good life is considered objectively better and superior to others. Sometimes perfectionist thinkers add that such a conception of the good should then be imposed to the whole society: "Perfectionism in moral and political Philosophy", Stanford Encyclopedia of Philosophy, http://plato.stanford.edu

55 Cecile Laborde, "State aternalism and Religious Dress Code", International Journal of Constitutional Law, Vol 10)2), 2012; Sophie Heine, "The Hijab Controversy and French Republicanism: critical Analysis and normative Propositions", French Politics, Vol 7(2), 2009

56 Sophie Heine, "Les réquisits démocratiques et sociaux du patriotisme constitutionnel", Politique européenne, 19, Printemps, 2006 ; Sophie Heine, « Jürgen Habermas et le patriotisme constitutionnel », Politique. Revue belge d'analyse et de Débats, 2011, http://www.revuepolitique.be

and human rights enshrined in a constitution[57]. For Habermas and his followers, this sort of belonging is immune to the dangers of traditional nationalism and can easily suit multicultural societies and the European Union. Nevertheless, rather than constituting a genuinely new form of belonging, it is actually a transposition of civic nationalism to a supranational level and is therefore not free from communitarian overtones[58]. Like civic nationalism, it subscribes to the belief that, as long as it is based on progressive and universal principles, this identity can legitimise political institutions without turning against individual freedoms or leading to exclusion, oppression or war. But, as we have already argued before, this is largely an illusion that honest analysis of past and contemporary history disproves. Whether it is called constitutional patriotism, civic, political or ethno-cultural nationalism, the same justification of politics through identity can lead to similar dangers. Therefore, while retaining the analytical and critical dimension of post-nationalism, we reject its proposal of constitutional patriotism.

Another school of thought that has expressed intense criticism against nationalism is the cosmopolitan one. Nowadays, Habermas himself refers more clearly to this approach. While we do share the universalistic and liberal intuition that founded this school of thought, we disagree with some of its other assumptions. First of all, a lot of contemporary cosmopolitan authors tend to ground their vision in a demanding moral position that is not compatible with a radically liberal approach to politics. They argue that cosmopolitanism is mainly based on a set of fundamental moral standards that should be defensible from a broad human standpoint rather than influenced by particular personal, religious, ideological or cultural beliefs and particularities[59]. In his recent writings on cosmopolitan democracy, Habermas even argues that a strong moral basis can replace more political aspects of legitimacy[60].

This moral approach was already present in Immanuel Kant's writings: progress towards a cosmopolitan order characterised by the building of a "federation of peoples" was not only, in a teleological perspective, the purpose assigned to the human species by nature in order to put an end to wars and create justice; It was also a moral achievement that would enable human beings, both individually and collectively, to fully develop their capacities[61]. Even if he insisted on the importance of conflicting interests – between individuals and between States – in the unfolding of the overall purpose of nature towards peace and justice, he also displayed a very strong cognitive and axiological idealism: ideas were understood as analytical

57 Ibid
58 Justine Lacroix, "Does Europe need common values?, Habernas vs Habermas", European Journal of Political Theory, 8(2), 2009.
59 David Held, "Principles of cosmopolitan Order", in Garrett W. Brown and David Held, The Cosmopolitanism Reader, Polity Press, Cambridge, 2010, pp 236-237. See also other current cosmopolitan authors, such as Ulrich Beck, Simon Caney, Seyla Benhabib or Garrett W. Brown.
60 Jürgen Habermas, The Crisis of the European Union. A response, Polity Press, Cambridge, 2012, p 65.
61 Immanuel Kant, "Idea for a Universal History with a cosmopolitan Purpose", in Garrett Wallace Brown and David Held, The Cosmopolitan reader, Polity Press, London, 2012 (1st Ed. 2010), p 23.

tools and as guiding moral values; and they were both the means and the end.[62] While contemporary cosmopolitan thinkers have departed from the teleological twist adopted by enlightenment philosophers such as Kant, they have kept their idealist faith in the role played by analysis, norms and values in order to bring about the new cosmopolitan order.

The idealism imbuing most cosmopolitans' visions accounts for the link they draw between values and concrete policies and institutions: the general moral framework they propose leads them to voicing practical guidelines regarding political institutions and policies. Thus, David Held derives very specific institutional and policy recommendations from the cosmopolitan values and principles resulting from the "impartial" position [63], such as, among others, the proposal of a global democracy composed of different layers and redistributive policies to avoid "serious harm". While they vary a lot in their policy and institutional recommendations, most cosmopolitan authors also advocate a deepening and democratising of the supra-national and global institutions that already exist.[64] The issue at hand here is not whether these proposals can be justified by a general cosmopolitan framework. Mainstream cosmopolitan thought therefore displays an idealistic perspective on social change[65]: most of these authors consider that the means to reach their goal is the development of the right ideas – norms, principles, values, beliefs or analytical ideas. They thereby fall into a very common idealist trap that tends to attribute an inherent power of social and historical change to ideas. Beside the importance they grant to morality as a basis both for action and for legitimacy, their idealism is also cognitive: they believe in the power of analysis and in deliberation between actors holding various opinions and values in order to bring about the desired changes[66].

We disagree with this approach for the following reasons: first of all, apart from not giving the right importance to interests and structures both in their analysis and recommendations, it grounds a particular political project in moral values and principles. Yet, in our radical interpretation of liberalism, both dimensions should be more clearly separated. The legitimacy of political actions should be measured by how far they conform to individual interests rather than to a moral framework. As we have already said before, it is perfectly understandable for individuals to feel strong particular attachments (religious beliefs, moral convictions, patriotism, attachment to their family, town, etc) and these might constitute important individual resources to trigger collective actions. What we firmly oppose is the contention that these attachments should be the basis for political legitimacy.

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62 Immanuel Kant, Projet de paix perpétuel, Nathan, coll. Les intégrales de philo, Paris, 1991 (1st Ed.:1795), p 24
63 Equal worth and dignity, active agency, personal responsibility and accountability, consent, collective decision-making about matters through voting procedures; inclusiveness and subsidiarity, avoidance of serious harm and sustainability : Held, op. cit., pp 230-235
64 Habermas, op. cit, pp 3-5
65 For a critical discussion of idealism as an approach to social change: Sophie Heine, "Social Change in Progressive Political Thought: Analysis and Propositions", Journal of Political Ideologies, Vol 17, 2012
66 Habermas, op. cit. p 45; p 70.

Secondly, those authors tend to derive a specific political project from their general cosmopolitan standpoint, while there is no inherent link between the two dimensions. In theory and in practice, cosmopolitanism can go hand in hand with very diverse political projects and ideologies. It is only because most of these authors have a specific interpretation of liberalism that they derive certain policy and institutional recommendations from their cosmopolitan stance. A more modest form of cosmopolitanism would separate those two dimensions. The cosmopolitanism we propose, mainly a critical perspective on the link between identity and politics, suggests that politics should not be based on identity. If it is associated with a particular ideology, we should then clearly define it and make it clear that our position on democracy, human rights, equality, freedom, coercion and all issues related to justice are distinct from this general cosmopolitan stance. In other words, it is perfectly possible to promote a socialist form of cosmopolitanism, a liberal or a conservative one. Like nationalism, cosmopolitanism is not a fully-fledged ideology but a perspective that can act as an adjunct to proper ideologies.

Thirdly, we disagree with the mainstream cosmopolitans' disdain for sovereignty in a classical sense. Most of these authors consider – as many post-national and pro-European thinkers do – that sovereignty needs to be tamed and complemented with other layers of power. They welcome the so-called "multilevel governance" in which sovereignty is divided and shared among various levels of government. Thereby these authors often end up justifying the status quo, even when they present themselves as progressive or radical. Yet accepting or prolonging the current state of affairs comes down to discarding a stronger and more demanding vision of sovereignty as a power effectively held by a unitary government.[67] This timid approach to sovereignty also goes hand in hand with a rejection of the notion of borders as being a unilaterally problematic concept[68].

This perspective also justifies the current shared sovereignty engendered by European integration. While those authors rightly underline the fact that democracy was only contingently kept within the confines of the nation-state and should be extended beyond national borders, they accept much too easily the hybrid EU system as being a first step in the direction of a cosmopolitan democracy. They therefore miss the fact that this "federation beyond the nation state" generates a dramatic loss of legitimacy and agency[69]. In this line of argument, the fact that the EU is not sovereign does not impede its effectiveness: even if it lacks the backing of the monopoly on the legitimate use of force and final decision-making process, it is sufficient that the European Union law is formally binding[70].

In that respect as well, current cosmopolitans prolong Kant's approach: for the Enlightenment philosopher, cosmopolitan law was only to supplement existing national and

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67 Sophie Heine, "European Sovereignty and Federalism: a necessary Alliance to rescue political Agency", in Sophie Heine (Ed.), "Various Shades of Federalism: Which Responses to the Rise of Populism and Euroscepticism?", in Studia Diplomatica, VolLXVII, 4 (2014).
68 Held, op. cit., p 240.
69 Habermas, op. cit, pp 13-14
70 Ibid., p 25, p 28, p 57; See also the typically legalist argument made by: Michel Troper, "The Survival of Sovereignty", in Hent Kalmo and Quentin Skinner: Sovereignty in Fragments: The Past, Present and Future of a Contested Concept (Cambridge University Press, 2010, Cambridge)

international laws. National sovereignties were neither to be overcome nor replaced by a supranational form of sovereignty, whether at the regional or world level. The cosmopolitan order advocated by Kant had to start with a "federation of peoples" supposed to civilise and tame the bad sides of national sovereignty and foster its good sides – through the advance of citizens' rights and participation in public decision-making processes – as well as create peace among states[71]. Nevertheless, the difference between Kant's time and ours is that, nowadays, the realm touched by supranational and global norms and institutions is much broader. This has, in practice, led to a radical weakening of the effectiveness of state sovereignties. In the absence of a sovereign government at a supranational level, this explains the dramatic decrease in political agency rightly felt by citizens and so dangerously instrumentalised by populist movements.

The "overlapping cosmopolitan polity" characterised by "multiple citizenships" advocated by cosmopolitans is vulnerable to accusations of excessive idealism, abstraction and wishful thinking. And indeed, it is hard to see how the progressive policies and institutional arrangements they promote could ever come about without the establishment of a sovereign government ruling over a defined territory. The focus on the global level displayed by most mainstream cosmopolitans is also problematic. If one believes that sovereignty needs to be rebuilt and strengthened, it is more likely to happen at a level where common institutions and social and economic interactions already exist, such as at the European level. As for the world stage, a project envisaging several equal sovereign regions sounds much more realistic than the one of a global cosmopolitan democracy.

Moreover, contrary to the idealistic perspective held by most of these authors, our approach to politics and to historical change in general is much more realistic[72]: we believe that ideas have the power to contribute to practical change only when they are deeply connected to the subjective and objective interests of the majority. We consequently need to defend ideas that correspond to the way interests are shaped by broader material factors. The latter do not act as structures which would strictly and mechanically generate interests and ideas but they do create an element of constraint that needs to be taken into account. In that respect, the objective europeanisation of a substantial amount of social, political and economic spheres analysed before has had an impact both on the interests of the majority and on the ideas most likely to adequately express these interests. Therefore, in attempting to mobilise citizens, movements have to voice projects that appeal to the individual interests of the people they are speaking to, within the particular context they live in. In that respect, a clear defence of sovereignty at the most relevant level seems much more fruitful than preaching for the deepening or building of hybrid political structures and shared sovereignty which, in the end, only end up reducing political agency. Furthermore, a realistic approach to politics supposes a more instrumental definition of democracy. Rather then being an end in itself, it is only a means to express and settle conflicts of interests. Politics, far from being the realm of a peaceful deliberation always leading to convergence or consensus, is an institutionalised

71 Kant, 1991, op.cit., p 22-23
72 Sophie Heine, *Pour un individualisme de gauche*, Lattes, Paris, 2013; Heine, 2012, op.cit.

expression of inevitable conflicts. When it is properly democratic, the result of this process is more likely to conform to the interests of the majority at one particular historical moment.

The European federalism we defend is grounded in democratic and liberal principles furthering individual freedoms. If it is essential to guarantee effective individual freedom, sovereignty is always potentially harmful. The liberal – philosophical, legal and political – tradition is rich enough to provide an effective sovereign power at the European level with the appropriate safeguards. First of all, this European set of institutions must correspond to the criteria of representative democracy as well as be fed by a lively civil society conveying the diverse and contradictory demands emanating from society. Secondly, all the principles of the rule of law would apply to this sovereign representative government. Finally, an "output" dimension to legitimacy is indispensable for this representative government to produce policies in line with the interests and preferences of its citizens. This requires an effective sovereign power enabling the government to transform social and economic relations to conform to these demands and guarantee the respect of all human rights enshrined in a fundamental text.

Conclusion

In this paper, we have critically explored the very frequent communitarian approach to political legitimacy, under the shape of various types of nationalism. We have argued that basing legitimacy on a common identity is at the same time unnecessary, undesirable and unrealistic. We then examined the existing post-national and cosmopolitan alternatives and stressed some of their limitations, before outlining our own proposal. The cosmopolitanism we abide by is mainly a critical view: resolutely disconnecting identity and politics, it refuses to ground the project of a European sovereign entity in a common identity, highlighting that this would be idealistic, not indispensable and risky for individual freedoms[73]. Such a perspective is not incompatibnle with various forms of patriotism – regional, national or European – as long as these do not turn into nationalistic justification of political legitimacy.

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73 This cosmopolitanism needs to be complemented by a broader philosophical and ideological framework: in our case, it is an original and radical form of liberalism: Heine, op. cit, 2013.

Appendix
Immigration and the nation-state

The Left must choose: open borders or the welfare state*

Bart De Wever, Mayor of Antwerp

The migration crisis has confronted Europe with its own moral nihilism. Citizens who form a human chain around the North Station or who put up transit migrants in transit to sleep at night tug at the heartstrings of each of us. Suddenly, we all wrestle with the centuries-old question: what does it mean to be a good person? What is required of us? And for whom? The Christian heritage from which we still draw inspiration, even after God has faded away, commands us that we must treat our neighbours as we would treat ourselves. But how near must these neighbours be?

A left-wing industry

An industry of left-wing lawyers, NGOs and activists has made this moral despair their stock-in-trade. According to them, this government is carrying out an inhumane, selfish and heartless policy. It is a subtle form of moral blackmail, as anyone who is not in agreement with them cannot be a good person. And who wants to be a bad person? On account of sincere moral compassion, we are all inclined to take part in this left-wing discourse.

But although the migration industry seems to be motivated by the will to do only good, motivations that are rather ideological lurk behind this moral façade. I cannot shake the impression that the left is cynically using the migration crisis in order to use legal battles and moral blackmail to make the concept of 'borders' so porous that the nation-state is hollowed out. For some cosmopolitans, this is a wish come true. But the consequences thereof are enormous, and whether they are equally advantageous for all citizens is doubtful.

A healthy *res publica*

Borders do not demarcate just our democracy and citizenship, but also our implicit solidarity. Today, we know who can make use of our social security, and why. A healthy *res publica* always creates an ethical community in which each citizen takes responsibility for the group, but also knows that he or she can count on the community if need be. In this context, those who pay more in taxes than they receive in benefits do not object to their contributions, even if they do not personally know the fellow citizens who benefit from them. The social security system which we have constructed on this basis is among the most generous and open in the whole world.

But if we say that there are no more borders and that everyone can count on our solidarity, we come to a situation in which there are no more fellow citizens with whom we can have

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solidarity, but only fellow human beings who are here today but could be anywhere tomorrow. However, human rights are not citizens' rights. Everyone is born with the inalienable right to life; that is a universal human right. But you are not born in Sudan with the universal and inalienable right of access to a West European social security system. That is a citizens' right, which you have by virtue of happening to be born in a West European nation-state, but which you can also acquire if you follow specific procedures and meet the necessary conditions.

If we universalize every citizens' right, we must put up with the consequences and accept that our current standard of living will become unsustainable, simply because we will no longer be able to afford it. Then you get a threadbare social system for paupers, which will no longer enjoy any support. It is always difficult to keep showing solidarity with people who do share in the benefits of social services but have never contributed to them and who in many cases will never contribute to them. The wealthiest will retreat into gated communities with private security, where their children go to private schools and the inhabitants pay for their own private pensions and medical care. Such a system is perfect if you manage to be successful. If you do not manage to do so, well, that's just how it is.

The North American Model

Europe would then evolve toward a more North American social model, though it would probably end up having even less social protection. The United States have the geographical advantage that they are surrounded by two oceans and a rich country with a very high standard of living to the north. Only to the south are there streams of migration that are hard to control, and the United States have been trying – even long before Trump's arrival on the scene – to hermetically seal the border. Europe, on the other hand, is a peninsula of the enormous Eurasian continent and only separated from Africa by an inland sea. Without enforced borders, one can easily walk into Europe. The choice is to allow that or not.

And the federal government has made this choice. Because of the clearing of the tent camps in Calais, the problem of transit migration has almost completely relocated to our country. The policy of the government is to prevent a second Calais at any cost. But there is a second Calais developing, hidden away. Through cooperation between left-wing NGOs and mayors and all kinds of actions designed to paint the government's policy in a negative light and to get it suspended, the left is now itself organizing transit migration *de facto*, even though it is forbidden *de jure*. It is very hypocritical that the moderate left still continues to claim that it is not advocating open borders; the extreme left is at least honest about it.

Don't we have the obligation to help people in need? Of course we do. But those who can help themselves are not in need. Anyone who can travel thousands of kilometres from West Africa in order to make it to a West European welfare state – not with the intention of asking for asylum there, but in order to travel further to another country – may be experiencing bitter poverty, but is not in a state of acute need. Need means a threat to one's life, not the desire to lead a pleasant life, as understandable as such a desire is. There are 37 million

Sudanese, who undoubtedly want a better life. Do we have the moral obligation to take in all 37 million? And what about the rest of Africa?

The left must one day dare to speak out about what they want. Must we take in everyone, and must that happen through immigration? Fair enough, but then we cannot maintain our social system at the current level. If we choose that path, there remain two options for us: a closed social security system that is only accessible to people who contribute to it, or the collapse of social security. In his absolute benevolence, our left-wing gutmensch will bring about the exact opposite of what he claims to want: the total demolition of the welfare state.

Absorbing Newcomers

I advocate a different policy. A policy with European efforts to support refugees in their regions of origin and with closed borders. A policy that imposes stringent controls on legal migration, while emancipating with Enlightenment values, if necessary, those whom we let in and while activating them as fast as possible so that they can contribute to our welfare state, and thus to our social security. This way we can absorb newcomers and benefit from their talents. This way our social security can stay open, freely accessible and generous for everyone. But first we must dare to make hard choices and to carry out the chosen policy. Politicians must give priority to the general interest over their personal conscience, however onerous that sometimes is.

Hannah Arendt concludes the second volume of her book *The Origins of Totalitarianism* with a chapter that remains controversial among the left up to the present day: 'The Decline of the Nation State and the End of the Rights of Man'. In it, she argues that we need the nation state and its borders. The nation state not only sets the boundaries of our democracy, shapes the contours of the rule of law and provides the basis on which we organize our solidarity, it is also the only working mechanism that can enforce human rights. The nation state is literally a vital need. Let us make sure that the dream of the gutmenschen does not end up as a nightmare for us all.

Democracy or Demagogy. The Right must decide*

Justine Lacroix and Paul Magnette, Université Libre de Bruxelles

No, Mr De Wever, there is not on one side a Right attached to the nation-state and citizenship, and on the other a naive, lax or "cosmopolitan" Left, pleading for the openness of all borders without concern for the preservation of social protection and collective self-determination. The very idea of "civic nation", from Sieyes to Clemenceau, via Mazzini, comes from the Left. A determined opponent of chauvinism in all its forms, Jean Jaurès saw nonetheless the nation as an arena necessary for individual flourishing. However, he added something that today's nationalists forget: that the national homeland was neither an "aim" nor a "supreme end" but rather an "instrument of liberty and justice" which "is and remains legitimate only in so far as it guarantees individual rights". [74]

As for our asylum and migration laws, they are the result of a long history. In the aftermath of the Second World War, bosses were the first to demand "the opening of the borders" in order to obtain abundant and minimally organized labour, and it is from the trade-unions that resistance came, out of fear that workers would be set against each other. Then a triple consensus slowly formed. First, an international consensus on the recognition of a right of asylum to any victim of persecution. Second, a European consensus on the recognition of a number of fundamental rights to all persons, irrespective of their nationality, under the European Convention on Human Rights. These rights, which would become the shared foundations of today's democratic states, went far beyond the "right to life" – which seems to be the only human right recognised by Bart De Wever. They have been crucial in outlawing inhumane or degrading treatment, forced labour and discrimination, and include the right to fair trial, respect for private life, freedom of expression and so on. Finally, there was a Belgian consensus on the need to organize economic migration and to conduct proactive policies in order to enable newcomers to integrate into society, by entering the world of work, paying taxes, educating their children, etc. Yes, the Left — both trade unions and political parties — played a central role in the formation of this triple consensus, as did many Christian Democrats and Liberals, who had the courage, in the 2000s, to defend the welcoming of refugees and the right to vote in local elections for foreign nationals.

To appropriate Hannah Arendt in order to justify the closure of the national state is to add indecency to a lack of culture. Nowhere in *The Origins of Totalitarianism* does Arendt write that we need the nation state and its borders. In this text, published in 1951, she returns to the plight of stateless people of the inter-war years in order to show — while deploring it — that *de facto* only the possession of a specific nationality makes it possible to benefit from human rights. It is, in her own words, the "conquest of the state by the nation", and thus the

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[74] Jean Jaurès, Socialisme et liberté (1898).

reduction of human rights to those of nationals, which proved catastrophic. Hence the necessity, she wrote, of finding for human dignity a "new guarantee (...) whose validity this time must include the whole of humanity"[75].

Arendt's cosmopolitanism is not to be confused - and nor is ours - with a world state that would replace the plurality of cultures and political identities. Her preference was for federal political formulas, based on the multiplication of counter-powers and a limitation of the power of nation-states through citizen initiatives and international jurisdictions. One of the recurring themes of her writings on Zionism is the catastrophic nature of the ambition to build a national state and the key need for some sort of Jewish-Arab federation. Her argument was not merely pragmatic but clearly also normative, since such cooperation would show the world that there are no differences between peoples that cannot be overcome. For Arendt, the imperative was to get away from the pathology of nationalism, and to invent new types of political association removed from mere national belonging. Beyond the philosophical misinterpretation, enlisting in the service of the N-VA a woman who was herself exiled and for a long time stateless and who constantly denounced the attacks on the rights of civilians, refugees, minorities and so on would be simply absurd if it were not outrageous.

To oppose the preservation of the welfare state and open borders typifies the sort of false problem that bears no relation to material reality. Firstly, no one except perhaps a handful of isolated academics actually advocates the abolition of borders. The boldest voices on the matter, such as former Italian prime minister Enrico Letta, merely advocate honouring the obligations that derive from the right of asylum and making room for a serious discussion about the organisation of labour migration, especially in order to meet the demographic and economic needs of the European continent. Secondly, current migration flows pose no serious threat to established social rights. To ask what we would do if 27 million Sudanese migrants decided to settle in Belgium is woolly speculation about as relevant as asking whether we would have a moral duty to usher Martians over our threshold if they came visiting.

Let us consider facts rather than fantasies.[76] International migrants account for 3.3% of the global population. This figure has not changed significantly for several decades and, above all, it is half of what it was in the second half of the nineteenth century. Less than half of these flows move from the south to the north: 40% are between countries in the global south, and 20% between countries in the global north. We are a long way from receiving all the wretched of the earth. The reason is simple: the poorer a country, the fewer people emigrate, because of the cost of moving. Those who reach Europe tend to be (relatively speaking) the better qualified and more privileged. Most importantly, OECD studies have shown that the impact of immigration on the public purse is either slightly positive or close to nil in all countries studied[77]. Disproportionately represented in the 25-64 age range, non-

[75] Hannah Arendt, The Origins of Totalitarianism (Preface to the First Edition), New-Yourk, Harcourt, 1985.
[76] See notably El Mouhoud Mouhoud, *L'immigration en France. Mythes et réalités*, Paris, Fayard, 2017 and François Héran, *Avec l'immigration. Mesurer, débattre, agir*, Paris, La Découverte, 2017.
[77] *"L'impact fiscal de l'immigration dans les pays de l'OCDE"*, Perspectives des migrations internationales, OCDE, 2013.

European migrants may receive more welfare help than their "native" counterparts, but in return they help to sustain the two pillars of social protection represented by pensions and public health care. To suggest that people without a residence permit benefit from "comfort care" at the expense of national solidarity is not only to disguise the facts but to play an unhealthy game with racist impulses. Integration of new arrivals certainly does come with a short-term cost, but this is an investment that will generate benefits in social, economic and fiscal terms in the medium term, particularly by reducing the tax burden created by Europe's ageing population.

Beyond integration policies in receiving countries, the other response to migration phenomena is multilateralism and co-development. Unlike unilateral interventions, European and global integration under the aegis of the United Nations must create conditions of peace so as to prevent exodus. The development of the poorest countries must enable their citizens to flourish. Financial aid must be provided to the countries of the South that receive the greatest number of refugees so that they can implement the social policies essential to a good life in common. All this can only be done within a European framework. But in the European Union we have been doing the opposite since 2014. Belgium has its share of responsibility. Especially since its own action worsens the problem. The gradual dismantling of our development policy, whose budgets are constantly being reduced, is laying the ground for the migration waves of tomorrow.

In terms of honouring the right of asylum, it is not NGOs that are today sustaining what De Wever calls the "migration industry". The profits of people traffickers are in fact directly fed by the European Union's policies, which are tantamount to a ban on legal means of implementing the right to flee persecution. The Dublin Convention, which compels asylum seekers to apply in the first EU country they arrive in, actually amounts to making such application nearly impossible. Italy and Greece can no longer handle all the applications that have been declared inadmissible in other countries. In two years these other countries have relocated only less than 15% of the 160,000 migrants that they had originally taken on. What do EU agreements with authoritarian states (Turkey, Libya, Sudan) achieve except preventing migrants from claiming asylum in a place where they have some chance of being heard? By refusing a visa on humanitarian grounds to a Syrian family, what does the Belgian state do but force that family back into the hands of traffickers?

Today, citizens organize day after day to prevent migrants from sleeping outside and local authorities host them in night shelters. They are the people who compensate for the negligence of the federal authorities. If there is not yet a new Calais in Belgium, it is not thanks to, but despite the action of the federal government. To claim, as Charles Michel has done, that the migrants who are staying in Parc Maximilien need only to demand asylum to be given shelter is just hot air: we know full well that many of them cannot demand asylum in Belgium because of the Dublin Convention.

Citizens and associations who are mobilizing to avoid humanitarian disasters do not ask the government to have a "heart". This is not a matter of feeling but of right. It is this

right that prohibits, in particular, the return of a person to a country where he or she risks inhumane and degrading treatment. It is those citizens and associations who save the honour of a country whose international image is being damaged by the cynicism of the Secretary of State.

Since the dawn of humanity, migration has been an issue as fundamental as it is sensitive. As stressed by François Crépeau, former UN rapporteur on the human rights of migrants, migration is "etched into humanity's DNA" and has always elicited tensions and prejudices: we need only think of the nineteenth-century rural exodus or of Italian migration in the twentieth century. The choice is therefore not between "closed" or "open" borders. For as long as there are different living standards, ecological dangers, wars and dictatorships, people will continue to put their lives in danger for the sake of migrating. This is why we so badly need a strategic, concerted European vision: not in order to abolish borders but the opposite – to make them more effective. We must open up legal asylum channels, organise labour migration on the basis of a realistic evaluation of our economic and demographic needs, and develop ambitious social and cultural integration projects in receiving countries. This is the only way we will regain our sovereignty and ability to govern, and not by giving in to panic and insularity.

Migration deserves better than caricatures, simplistic views, and rhetorical manipulations. When one substitutes demagogic slogans for democratic debate, when one plays with sad passions for political ends, one undermines the fragile foundations of the civic community. This is Hannah Arendt's real lesson.

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