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COLLOQUIUM ON *IDENTITY AND TERRITORIAL AUTONOMY IN PLURAL SOCIETIES*

IPSA RESEARCH COMMITTEE ON POLITICS AND ETHNICITY

University of Santiago de Compostela, Spain, July 17-18, 1998

NATIONALISM, FEDERALISM AND DEMOCRACY IN MULTINATIONAL STATES

Ramón Máiz

University of Santiago de Compostela

Facultad de Ciencias Politicas

 e-mail:cppiolla@usc.es

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The nineties have turned out to be extraordinarily rich for the study of nationalism, both in the area of political experience as well as in the realm of theoretical elaboration. The logic of democracy and the logic of nationalism have on occasion shown themselves to be in open conflict, while in other cases they are at the very least not completely in agreement, demonstrating significant imbalances in Eastern Europe and in some Western European states as well as Canada. At times this gap between the two political logics has derived from internal nationalist problems that question the traditional centralism of the Nation-state. On other occasions it arises from the increasingly multiethnic nature of societies due to the presence of immigrant minorities that demand a political statute of recognition of their differences. The case to be examined here is of special relevance: *multinational states*, that is, states that contain one or more national minorities coexisting with a national majority that has historically been the backbone of the state. The nation/state equation, inherited from the Nineteenth century, has become problematic due to crises in traditionally unitary nation-states (Spain, England, Italy), in federal or quasi-federal ones (Canada, Belgium), and the rise of new independent states that implement compulsive policies of nationalization after their authoritarian regimes broke down (ex-Yugoslavia and ex-USSR). This has forced a re-examination of the conditions that could make possible the harmonious and democratic coexistence of several nationalities within one same state.

All of these events have given rise to rich and complex institutional and regulatory experiences, manifesting the limits to traditional policies of assimilation, ethnic regulation and accommodation. New inroads have also been made into reformulating the classical structures of federalism and consociationalism, giving flexibility to the solutions and classical models of political decentralization and self-government. In addition, this laboratory of experiences has resulted in more elaborate reasoning, both of empirical or comparative tendency and normative, strongly influenced by the pressing political problems of all these countries. Thus, when considering national problems from the perspective of encouraging democracy, we have again found that it makes little sense to separate the analysis of what is and its causal explanations from the analysis of what should be and its philosophical-political and moral fundamentals.

Given the new experiences and theoretical developments, we are at an excellent juncture to proceed with a reevaluation of the set of problems posed by self-government, political decentralization and the production/recognition of collective political identities. Taken from the perspective that here concerns us - multinational states – it would demand a point of departure that overcomes the mutual misunderstanding that has until now been characteristic of the various fields of study directly involved in this question. First of all then, it will be necessary to closely interconnect three fields of analysis that have so far been foreign to each other, developing themselves in compartmentalized fashion, working on separate tables. We are referring to the political theory of democracy, the comparative institutional studies of federalism and the analysis of nationalist mobilization. But in second place, it will be no less important to place alongside each other *positive* analyses and empirically oriented theories, and the most novel contributions that have taken place within *normative* theory in the fields of federalism, nationalism and democracy. As they develop their research programs, hypotheses and questions, normative theories have need of the analysis that sociology and political science offer of nationalist mobilization and the constructive efficacy of institutions, while the empiric theories cannot ignore the normative world of recognized values, free choice agreements and democracy.

In effect, the three fields cited have experienced recent novel and interesting developments, both in the empirical-positive realm and in the normative one, allowing

for a much deeper and unprejudiced discussion of the problems that contemporary multinational states pose. Something has taken place in this field of study, which seems to indicate that we are moving slowly towards a perspective finally capable of overcoming the limited traditional duality of nationalism and statism, heads and tales of the same obsolete and reductionist vision of the problem.

Thus the theory of democracy has pointed out the insufficiencies of both the self-satisfied polyarchic minimums, as well as the participative euphoria of the seventies. It has generated a revision, which parting from processes of deliberation and the moral resources and constitutive efficacy of institutions, points towards a viewpoint that is not merely "expressive" of democratic politics, but is also constructive or, so to speak, "performative" concerning preferences, interests and identities. Studies of federalism in turn have gone beyond the classical model of legal-formal and taxonomic analyses, in order to examine the dynamic and open processes of flexible self-regulation, centering on the interaction between cooperation and competition, actors and institutions. Finally, recent nationalism studies have overcome the traditional primordial and organic model of the nation - which defined it objectively based on a series of diacritical features of race, culture, language or religion - in order to present it as the open and indeterminate result of a process of national construction which is politically generated from the very ethnicity itself by organizational, discursive and institutional mobilization.

In the following pages we will examine briefly certain arguments derived from these theoretical contributions and from contemporary political experiences, with the reasonable conviction that they may contribute to the renewal of normative and institutional analysis of multinational states, thus in turn facilitating their complex democratic viability.

I. - DEMOCRATIC VALUES AND MULTINATIONAL STATES.

The very existence of multinational states brings into the foreground an issue that had been prematurely considered as resolved by considering them as "nation-states": the prior definition of the *demos*, the agreement on the territorial basis for the legitimacy of political power. In effect, if the criteria for the democratic process presuppose the legitimacy of the unit upon which it develops, the justification for

identifying the "people" with the "nation" logically precedes the procedural requirements for a democracy (1). A democracy cannot exist without a prior agreement on the area of territorial validity of the political power: "the very definition of a democracy involves agreement by the citizens of a territory, however specified, on the procedures to be used to generate a government that can make legitimate claims on their obedience" (2). The democratic rationale itself is ultimately founded on a factual element, not a rational one (3). And the *popular sovereignty* that dictates the constituent power ("*We the people...*") points us to *national sovereignty*, by which the people must see themselves as the nation ("une et indivisible") which surrounds itself with a state, in turn reinforcing its substantive unity and homogeneity (4). The purportedly self-evident national state implies that the nation, which is taken as an underlying assumption of democracy, becomes intellectually opaque (5). This opacity however disappears in multinational states, where the *demos* turns out to be composed of various *demoi*, who do not accept as legitimate a political power which they challenge as foreign and imposed. This occurs because the state, in spite of possessing overall democratic legitimacy for its institutions, does not recognize the right of *demoi* to develop their own culture, to protect their own economic interests, or in sum to develop some degree of self-government. The issue of which territorial unit is the appropriate one for making certain decisions, to infuse them with a double level of procedural and territorial legitimacy, is an area that is traditionally left unexamined in the political theory of democracy.

However, there are two relevant contemporary issues in the normative debate concerning multinational states. Not only are the *people* presented as forming several nations, but in addition these nations redefine the people as the particularity of its citizens. That is, the concept of *citizenship* is reformulated in a drastic manner, since the singular individual is now within the "decisionmaking context" that his or her specific nationality provides. This context of a shared culture and language, of a political will to coexist and a common project, favors citizen trust, participation and autonomy at "regional" level. It thus constitutes a central dimension of the complex, plural citizenship of multinational states.

Now this redefinition of the territorial legitimacy of political power and citizenship within multinational states implies, in turn, a reformulation of the

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traditional principals and values that rule democratic nation-states, as elaborated by the liberal tradition as self-evident mononational. We will examine this briefly.

First of all, it becomes clear that the traditional concept of *freedom* is insufficient, since in its liberal formulation it is postulated unilaterally as "individual freedom", which resists or completely opposes the recognition of collective or group rights. In effect, freedom was translated above all as *freedom of choice*, by which every individual citizen chooses how to live his or her life, following criteria and beliefs that are irreducibly personal in regards to their conception of what is "good". But freedom also implies *autonomy*, that is, the capacity to revise and criticize one's own prior preferences, ends and beliefs, in order to change one's idea of the good life in the light of new information, experiences or deliberation (6).

We cannot ignore the fact that both dimensions of liberty - choice and revision of one's own ends and beliefs - require not only freedom of information, but also tolerant education that respects other lifestyles. They also require the availability, in a real sense within anyone's grasp, of other values and cultures that are different from one's own. It demands, in sum, a plural environment that is as rich as possible, facilitating contrast, comparison and the possibility of choice and revision of one's own lifestyle.

In addition, if freedom implies choice and autonomy, liberal society should provide not only the availability of options, but also attend to the sources that give meaning to individual's options. The cultural environment of one's own language, traditions, history, etc. often provides citizens with "meaningful ways of life" (7) in all human activities: economic, social, educational, etc. In fact the *national identity* is built upon a set of "myths, memories, values and symbols" (8). Citizens choose based on preinterpretations of the value of certain practices, values and attitudes. They do this from a context of choice that gives them a prior horizon of meaning, given in turn by one's own culture, language, historical tradition, and mythical-symbolical complex, a shared vocabulary of tradition and convention. This is precisely what nationality provides: a cultural context for preinterpretation of reality.

Access to autonomy is thus a culturally mediated access. The choices and criteria for selection take place, not from the abstract rational view of a supposed "radical chooser", but from the specific standpoint provided by the original national culture. The citizen is always a "contextual individual" (9), a "strong evaluator" (10).

People combine individuality and sociability, choice/revision of one's own ends along with a contextually and culturally given preunderstanding. Choices, and in turn freedom, become contingent upon one's own set of socially acquired evaluations that serve as the initial criterion for personal evaluation.

However, contextualized choices and autonomy do not imply a strictly *communitarian* reading of these cultural and national contexts of decisionmaking. That is, the nation as a decisionmaking context does not presuppose a substantive agreement on a collective idea of the good life or of goodness, nor does it require a collective consensus on "shared understandings" or "shared values". Rather, "the roots of unity in national communities are outside the normative sphere" (11).

In this way, the right to one's own culture becomes inseparable from the value of liberty, since it can only be realized in its double aspect of choice and autonomy from a context that provides an initial and revisable reading of the available options and of the citizen's previous criteria for selection. The problem lies in the fact that liberals have traditionally theorized this level following the assumption that cultural and political borders essentially coincide. Thus within a state considered by definition as self-evident mononational, there would only be one culture that provides individuals with a social context for choices and so, not quite unespectedlly: most liberals are "banal" nationalists (12). If this is problematic in national states due to surviving elements of some differentiated culture or large numbers of immigrants, it becomes entirely unsustainable in the case of multinational states. In effect, in the latter case the various nationalities constitute different contexts of choice and thus of freedom for the citizens, and as such ought to be recognized and respected. Otherwise, universalistic citizenship - the undeniable carrier of equality and justice - will also bring with it a partial democratic deficit.

From a strictly liberal viewpoint one's own national culture cannot be renounced, but at the same time political and cultural limits do not coincide (as the latter are territorially delimited within the multinational states). It thus becomes necessary to substitute the traditional policies of "eliminating differences" by integration and assimilation, with regulations that are more in tune with liberal principles themselves, "managing differences" by federalization or consociationalism, or other forms of self-government and national rights (13).

Now then, this redefinition of freedom also determines certain substantive effects on the value of *participation* in multinational states. Since citizens want to be governed by institutions that function within a culture that they can understand and make sense of - as transparent as possible in their meaning - self-government of a national area favors increased involvement and participation of citizens. Constant's dilemma of the "liberté des modernes", apathy and closed privacy, abstaining from voting, etc. all constitute serious problems of motivation within the concepts of citizenship, of state neutrality and of Rawls' "overlapping consensus". Yet in relations that provide mutual recognition and a sense of purpose lie one of the key elements for generating confidence in institutions (14). In a complex universe where face to face relationships have disappeared, democratic *trust* in other citizens and in institutions - essential to democratic life - is powerfully strengthened by the presence of these "imagined communities" we call nations (15).

From the perspective of a quantitative and qualitative increase in participation, multinational states with democratic institutions provide a dual aspect to citizen participation. Most importantly, self-government allows political decentralization which then locates the seat of power closer to the *demoi*, so that territorially specific problems can be taken care of with greater efficacy, while increasing the opportunities for those in government to be controlled and for the people to participate politically. But there is also a second arena of national import, which allows for shared responsibility and participation in the overall governing of the state. Peaceful coexistence, pluralist diversity, collaboration and solidarity are all strengthened in the political realm through the existence of a second representative chamber set up territorially, along with institutions for coordination and cooperative federalism, participation in international politics, etc.

Thus the reconsideration of freedom in a multinational setting in turn yields reasonably significant results in the area of *equality*, and first of all in legal equality of all citizens before the law and the institutions. The unitary classical perspective implied understanding equality as non-discrimination and equality of opportunities, thus over-universalizing citizenship along certain majoritarian criteria which made it impossible to allow for group rights of national minorities. In this sense, from a homogenizing and unitary model of equality, which also generated beneficial effects

such as the correction of inequalities, the recognition of group or minority rights was perceived as creating unacceptable inequalities for a liberal mindset.

But as we have said, the national cultural context becomes essential to freedom, so that equality needs to be reformulated in order to recognize and accommodate differences, even though this might cause a certain asymmetry in citizen's rights. To treat in a like fashion those who are not alike is, in fact, to maintain inequality. Authentic equality would allow an accommodation of differences and protection of the precarious cultural-national contexts of the minorities, since the majority culture/nation does not have serious problems in surviving and developing in a multinational state. The members of internal nationalities are - from a strictly democratic perspective - in a situation of clear disadvantage. The outcome of "benign neglect" policies, that permit the market's "invisible hand" to determine the fate of differences, will be the definite erosion or even loss of the cultural heritage that constitutes their specific context of choice, say, the collective explanation of their freedom. From the standpoint of equality, the pertinence of cultural rights and self-government for national minorities is justified by its fairness from a liberal point of view. It protects both the decisionmaking context that freedom depends upon and the unchosen inequality of belonging to a cultural minority which is threatened by extinction due to the hegemonic culture of the state.

But this democratic inclusion of cultural equality implies, in turn, strict limits on national and cultural rights, and on the policies for positive regulation of the difference. From the liberal standpoint equality generally requires, as a broad principle, "external protections" but should not imply "internal restrictions", to use Kymlicka's terminology (16). That is, equality justifies measures that tend to defend the group's culture vis-a-vis the negative impact caused by external decisions by the state's dominant majority. But it cannot allow measures that tend to dissuade internal dissension or the free re-evaluation of myths, values and symbols, which would ban pluralism from the midst of the national minority's culture, forcing instead a dogmatic interpretation, which might require sacrificing "autonomy" for "authenticity" (17).

This implies a difficult equilibrium within multinational states, full of hard cases where conflicts arise between collective or nationally based group rights and the generic rights of individually-based citizenship, between majorities and minorities, both in the state and within the internal nationalities. Democracy theory must never

allow a substantive erosion of citizen's individual or group rights, even if hypothetically justified as the protection of the rights of a majority collective in its own territorial context. If the protection of national minorities' group rights is justified as the defense of a decision-making context that provides autonomy, it would make no sense to allow a measure that restricted an individual's free exercise of autonomy.

But from the perspective of equality that here concerns us, it is necessary to introduce a second and decisive dimension which affects those consequences derived from it, either by strengthening or weakening them: material equality. In other words, the protection of national rights within a multinational state must be congruent with individual and collective political rights and guarantees, but also with "real freedom for all", avoiding any sort of exclusion from political or cultural life due to a lack of economic resources. This is realized by the right of access to some form of culture provided through participation in an egalitarian public educational system, the right to a minimum wage or "basic income" (18), to social security, public education and to health care guaranteed by the Welfare State. If multinational states with democratic institutions must recognize the right to self-government and carry out accommodation policies based on the reasons cited, this must also be compatible with a defense of the Welfare State for the whole spectrum of citizens, seeking "non-dominated diversity" while fighting unequal development and territorial dependency (19). This in turn leads us to two key dimensions of solidarity: the so-called interclass one built on a progressive tax system, and the *interterritorial* one, set up as compensation mechanisms that correct economic inequality, along with the integrative function of the social rights of citizenship. By extension this requires an additional dimension, the reinforcing of the value of intercommunity *solidarity* within multinational states.

In effect, the recognition of the existence of nations within the state itself and the guarantee of self-government for them through decentralized structures of a federal or consociational sort, bring to the foreground the nature of the links between the different territorial units - the ties that bind. The nation-state tended to solve these problems by tight identity links, equating the political borders with the cultural ones and generating a sort of nation-state "ethnic community" that was the basis for a special package of moral obligations for the entire group of nationals (20). However, the existence of various national contexts within one same state is the foundation for

the decisive identity links that legitimate the self-government of these nationalities, but does not resolve the question of the links between them, the ties that bind them together.

The mere existence of a territorially legitimate multinational state - a decentralized political structure that attends to demands for cultural differentiation and self-government - along with certain rules of the game accepted by all the communities through overlapping consensus ("Verfassungspatriotismus") remains in itself insufficient to produce substantive solidarity, necessary for interterritorial equality and correction of unequal development. In order to cement the transfer of income and territorial equilibrium something additional is necessary. But on the one hand it should not go against the requirements of the liberal theory of democracy (i.e. which does not require a substantive consensus of values but instead is compatible with pluralism), and on the other hand it should not go against a multinational state's democratic institutions by implying an oppressive concept of a the nation-state hegemonized by a national majority. So far there has been little progress in answering the dilemma of what reasons there are for several nations to remain within one same state, conciliating their differences and maintaining solidarity. The solution to this decisive problem constitutes, no doubt, a task to be carried out by the contemporary multinational states, and everything points towards proceeding in the construction of a shared political identity. This must be an identity composed of non-antagonistic identities, weaving together a moral, political and mythical-symbolic narrative of tolerance built upon the explicit basis of "deep diversity" (21). It would link the national differences with a variety of manners of belonging to the multinational state. This collective identity must be built beyond that which is merely cultural, involving explicit political and democratic structures, as an open, multicultural and participative project for the citizens within each nationality, generating simultaneously a liking for and trust in a common, egalitarian and just project for the future of the entire state. In sum, it would be a project for overlapping and non-antagonistic identities, mutually bound together starting from the irrevocable richness of diversity and concluding in the configuration of a multinational state.

This deep diversity leads us nonetheless to a reevaluation of *pluralism*. That is to say, beyond merely recognizing the fact that a society is plural, it requires defending the postulate that diversity constitutes a fundamental democratic value for

the citizenship of each nationality and for the entire multinational state (22). In contrast with the individualist nature of the nation-state, the pluralism of a multinational state constitutes a complex sort that introduces an additional level that is collective and nationality based. This type of pluralism is built upon the recognition and accommodation of a plurality of nations within the state. In the multinational state "the fact of pluralism" (23) becomes a value as the comprehensive doctrines that citizens assume result from their freedom of choice and revision of ends and preferences. But an additional value would be the political pluralism of the various territorially-based national communities that seek or possess their own self-government and political will, and whose laws are on a par with state laws in areas of its own jurisdiction (since self-government and political decentralization imply the existence of the power to legislate).

At the same time, from their unique vantage point these communities would participate in the broader common political project of solidarity and cooperation, guaranteed by the democratic institutions of the multinational state in permanent negotiation between actors and institutions. This richness of political diversity is lost when nationalist policies are implemented, whether policies of assimilation by the nation-state or of isolation or secession by the internal nationalities becoming "nationalizing states" (24). The substitution of multiple and overlapping identities by mutually exclusive and non-negotiable identities is a less than optimal solution, constituting an irreparable loss from the perspective of pluralist coexistence. Furthermore, in no way does this constitute the natural and inevitable expression of all multinationality. Instead it is the outcome of a political process and discourse based on dichotomizing strategies, creating tension and polarization, forcing the citizens to choose or exclude, even though complementary and overlapping identities are feasible (25).

But the pluralism of a multinational state should also extend to reach within the national communities that form it. This is so, most of all, because individualist pluralism - the free adoption by each citizen of an idea of good, justice, religion, values to adhere to - must be guaranteed within any democratic community. Thus the external protection of a national culture must never be extended to internal restrictions on the individual freedom of thought, expression, culture, or lifestyle of its citizens, since the contextual and cultural definition of the nation implies, as we noted, that it

remains outside the normative sphere. In addition, pluralism within the nationalities acquires another dimension as well, since nations, as we shall see, are not objective and natural phenomena. They do not exist in and for themselves, but instead constitute the outcome of complex processes of national construction. In consequence the cultural definition of a nation must be completed by a *political* dimension that is concerned with the very process that gives life to it, that of debate, participation and mobilization. In this sense, from the perspective of the legitimate participants in the process of nation building, the nation is composed of both its national majority culture and also its minority or minorities, as well as by the irreducible plurality of singular individuals. Pluralism thus constitutes an internal cultural and political aspect of both the multinational state and the nations that exist within it. The multicultural plurality (the majority and the national minorities) and the political citizenry, in both individual and a group dimensions, constitute two essential components of the nation from a democratic perspective.

Finally, multinational states place as a central value *constitutionalism*, although it is often ignored when considering these issues. The democratic institutions of the multinational state are characterized by values such as freedom, equality, participation, solidarity, pluralism, making obsolete the classical concept of *sovereignty* as the unlimited power of a people or nation, from or against the State.

In effect, there is no room for a sovereign in the democratic institutions of the multicultural state, since all powers are shared, guaranteed and limited. Self-government and shared government, the separation of powers *vertically* between legislative, judicial and executive powers, or *horizontally* between the diverse communities and the state, all exclude by definition the existence of an absolute, original and non-negotiable power. The central thesis that power resides in the people as *demos* and at the same time as *demoi* is not appropriately addressed in the unitary, vertical and non-negotiable nature of the concept of "sovereignty". This clearly converges with the very idea of the Constitution as a limit to and ground for political power: if a constitutional democracy is a state without a sovereign, a democratically institutionalized multinational state is one even more so. The Constitution is seen as the guarantor of the rights of individuals as singular citizens and as members of a nationality. But it also rises as the guarantee of self-government for the various nationalities and of shared government in the broader context of the state. In this

fashion the constitutional *precommitment* becomes a fundamental factor for protection against both the centralizing and oppressive nation-state, as well as the hypernationalism that may arise within the minority nationalities – seeking to limit the individual rights of its citizens and the collective rights of minorities within it. *Verfassungstreue* is insufficient to establish the necessary links that create shared coexistence in a multinational state. But does constitute a necessary and sine qua non element: they become the legal framework for individual and collective rights to *self rule* and *shared rule*, (26) for the equality of nationalities from a position of difference, as well as for interterritorial solidarity between them.

The superior formal rank of the Constitution, as a supreme norm that overrides ordinary legislation, constitutes a central element guaranteeing multinational coexistence. But this requires that the composition of the organ in charge of controlling the constitutionality of the laws and the protection of individual and collective rights also include participation by the national communities. This is essential in order to allow them representation in and interpretation of the Constitution and the resolution of conflicts between the state and the nationalities. Without becoming an obstacle to the flexible resolution and negotiation of differences, the Constitution thus becomes in democratic multinational states a guarantee of territorial distribution of power and solidarity within a common project open to the choices of the participants and legitimated by them.

The normative re-definition of the democratic values in a multinational state becomes a powerful democratic argument against problematic, in so far as antipluralistic, nationalist tendencies toward sovereignty and a nationalizing state. However, from its very postulates this argument demands a revision of the terms that the classical discourse of nationalism uses: nation, culture, secession, mononational state, etc.

II. THE LOGIC OF MONOCULTURALISM AND NATIONALIZING STATES

Often apparently insurmountable difficulties arise for the peaceful coexistence of several nationalities in a multinational state. They are the result of a multitude of factors that vary from country to country: specific historical traditions and

experiences of grievance, social cleavages generating polarized party systems and electoral alignments, political cultures of hatred, inadequate constitutional frameworks, assimilationist regulatory policies, etc. It is worthwhile however to center our attention on one of them which has shown itself to be especially influential, unaffected by the passage of time or by differences in political experiences or systems. We are referring to the intellectual conditions and political discourse of what Brubaker has labeled "nationalizing states" or "policies" (27). In spite of substantial differences in the nationalisms that compete within a multinational state, we can detect a similar logic of nationalist discourse, whether by the nation-state and its majority nationality, or by internal nationalities with greater or lesser self-government powers - centered on targeting the nation-state from below. This underlying logic may be labeled both as *expressive nationalism* and *exogenous ethnicity* (28). It generates numerous difficulties and problems for voicing national demands within the context of democratic processes. It is also surprising to discover that this logic, which is ever present in nationalist discourses, becomes acritically incorporated by certain researchers of nationalism, who thus contribute to the establishment of one of the most negative factors for accommodating democracy within multinational states.

We may summarize the argument of this underlying "organic fallacy" logic as follows:

1. A prior *ethnicity*, which is objectively different based on a series of diacritical features (race, language, culture, traditions, territory, economy, symbols, etc.) sets the specific difference of the nation and generates an "us" - "them" dualism.

2. This objective and given ethnicity produces a prepolitical set of *national interests*, which the community becomes progressively conscious of as its elites or intellectuals carry out a process of "discovery" or "rediscovery".

3. The extension and diffusion of this conscience of one's interests and differences determines a *collective political identity*, which is polarized and exclusive, creating the incentive to clarify the identity of the citizens, that is, to locate them on one side or the other of the us/them political-cultural limits.

4. This collective and conscious national subject is sooner or later carried into politics by one or more parties as a *nationalist movement*. By means of a complex formula of organizations such as cultural and educational associations, it attempts

to broaden the national conscience and to voice the demands of the entire nation, in order be perceived as constituting this national majority.

5. The resulting demands for self-government may include a broad range of decentralization formulas: autonomy, federalism, confederation. These tend however to be seen as mere intermediate steps - *faute de mieux* - of self-determination as a process leading to *secession*, in order to gain one's own independent state, thus fulfilling the classical principle of "one nation, one state" ("every nation should become a state, every state should strive to become a nation-state").

This logic is based upon the assumption that the nation is an *exogenous* and *objective* fact, generated by each case's specific differential characteristics of ethnicity (language, culture, history...). The nationalist movement or parties *express*, that is, externalize and manifest this previous difference - the specific national interests - while extending its conception of these interests to the whole population. Finally, the institutions of self-government and especially the state center their focus on reinforcing ethnic differences, along with extending the national conscience and defending these interests.

Overshadowing other significant differences, this logic of discourse becomes applicable both to the internal nationalities of a multinational state, and to the nation-state. It only requires changing the sequence to 1-2-5-3-4 in order for the national state, understood as the institutionalization of a preexisting ethnicity, to reinforce from above the cultural, economic and administrative territoriality of the nation, lending support and incentive to nationalism in the party system. It is important to highlight that the logic of the argument is the same in both narratives: the nation is a fundamentally objective prior fact, a collective identity set around given differences, that *expresses* its interests through the demands of the nationalist parties. And is reinforced institutionally in its ethnicity by the state that one seeks to achieve or that already exists.

This *objective* concept of nation, however, implies that politics as a dual process of mobilization and institutionalization becomes entirely dependent on a supposed previously sutured identity, which in its basic features is already a social given. This derived and external nature of politics cannot be resolved, by simply eliminating from

among the objective elements that constitute a nation those factors which are most xenophobic or aggressive such as race or "lebensraum". Yet this is the proposed "solution" adopted by many contemporary nationalist movements, as well as by plenty of the positive or normative analyses of nationalism. In fact, even when the central element of the nation is redefined as the national language and culture, thus avoiding racial biology or geographical determinism of a territory and vital space, the effects derived from it continue to be extremely problematic from the perspective of democracy and accommodation. Let us examine some of them.

If the nation is conceived as a *cultural nation*, it is essentially articulated around the language and culture of the majority, which then become hegemonic and expansionist, hand in hand with a strictly *monocultural* project that attempts to include the whole nation through "normalization" policies. In consequence, it becomes very difficult or even impossible to guarantee that the key values of a democratic citizenry will be upheld if it has any substantial self-government powers. Most difficult to protect are the rights of individual citizens to critically assume - or not assume at all - the hegemonic, official version of the national culture. At the same time the rights of any internal minority group - whatever their origin - will become precarious since they will be treated as a residual element to be assimilated by the dominant national culture. Even more decisive is the fact that when the nation is defined objectively as monocultural, it becomes difficult to conceive it as a democratic *political community*. That is, as a collective composed of singular individuals and members of the internal majority and minorities, who freely participate in a plural fashion in the definition of their own community, in recreating the set of myths, stories and symbols, and in voicing the internal and external political demands for self-government.

Several features of the objective monocultural definition of nation are problematic, both from the perspective of democratization and of multinational accommodation. First, the compartmentalization of politics into a merely vicarious status, dedicated to externally voicing demands, debilitates the constituent nature of the element of national will and conscience as expressed democratically, which then opens the door for a nationalist elite to "represent" the "true" interests of the nation. Second, the depolitization of the core of the nation weakens the democratic conception of it as an open, deliberative and participative process in which

individuals protected by both individual and group guarantees may decide the cultural, social and political configuration of their community, their project for future coexistence. Third, the democratic deficit of the objective monocultural definition of nation tends to encourage a dual identity that is polarized, excluding multiple or overlapping identities. Thus, a dichotomous us/them tension develops, which may even be transformed into friend/enemy between one's own community and other neighboring nations or the multinational state. This creates obstacles to the negotiation and accommodation of an identity, and tends to predetermine that the final outcome and only possible solution is to doubt the principle of a multinational state and thus pursue secession and an independent state.

Even when secession is justifiable in cases where coexistence and mutual recognition have failed repeatedly, from a pluralist perspective it is still a shame to lose the cultural, social, political and economic richness, and in sum, the quality of democracy. In addition, processes of secession generally do not follow a self-evident natural logic of national demands for one's own state. Instead they follow a concrete dynamic that generates and broadly reproduces a scenario that denies any possibility for negotiation or accommodation of differences. Thus, for example, it has been shown that agreements deriving from negotiable positions encouraging coexistence are hard to defend strategically. The incentives that leaders experience in nationalist parties tend towards extreme demands that give them greater grass-roots popularity, thus generating a spiral or radicalization and intransigence that feeds on itself (29).

We should look more closely at this last consequence of the monocultural definition of nation. In fact, the underlying logic of this view not only predetermines a single normative solution (eventually softened for tactical purposes) which a priori writes off multinational democratic coexistence, seeking secession and an independent state. It also announces the arrival and constitutes the basis for a state that ends up being "ethnocratic" or "nationalizing"(30). If a nation is defined as monocultural, this implies that the state or self-government (autonomic, federal, confederal or independent) will constitute a state for and at the service of only one ethnic group, which must further the language, culture, demographic position, economic welfare and political domination of its institutions and public policies.

The characteristics of ethnocratic or nationalizing self-government or "majoritarian nationalizing policies" may be listed briefly. Some are fully present,

others partially, in the contemporary experiences of the independent states of Eastern Europe, but also in other unthinkable places within the Western democracies, albeit to a lesser degree. They are:

1. The self-evident understanding that self-government is intended to serve the nationalizing policies that strengthen and deepen the differential features of a monocultural nation. Thus, for example, this leads to *de facto* or *de jure* monolinguistic policies, diffusion of mythical-symbolical narratives that exclude outsiders, etc. In sum, this implies cultural policies of "external protection" and also "internal restriction", excluding pluralism and internal multiculturalism.

2. An explicit or implicit distinction between "authentic" national citizens and mere "permanent residents", whose culture is seen as an anomaly or residual in nature, thus determining either negative or positive incentives to abandon it or reduce it to the private realm, through policies of assimilation, normalization or acculturation.

3. Educational and media policies for reinforcing the identity: mythical-historical narratives and literature of exclusion in textbooks, a monolinguistic territory through homogeneity, research incentives that encourage differentiation, etc.

4. Reforming the administration or the judicial power in order to encourage use of the official language, and even the original culture etc.

In the contemporary analyses of nationalism two interesting types of substantive arguments have appeared contrary to this extended monocultural and nationalizing logic. On a *normative* grounds it has been argued that national identities "are not cast in stone" (31). Morover they are generated through an open process of debate and participation. The national culture, in turn, is as much recreated as it is received, so that the logic of authenticity must leave way for a "polycentric nationalism" (32) that is plural and democratic, allowing participative inclusion and accommodation.

On a *sociopolitical* plane it has been argued that nations tend to be open processes, influenced by national mobilization, by interaction between actors and institutions which are not merely expressions of it but even directly conform it. Nationalist movements and the entire citizenry (of the majority and minority, individuals from any position or origin) are who create the nations as social and political communities; not the monocultural nations who generate a movement to express itself in purported unity and homogeneity. Thus a *constructivist* analysis that explains the political genesis of the nation becomes entirely necessary (33). If

institutions have a pivotal role in processes of national construction as they determine interests, forms of life and identities, if the political identities are always to some extent in the making, the best argument against the logic of the nationalizing nation-state is the development of flexible and performative institutions for democratic accommodation.   In this perspective *multinational federalism* becomes a clearly plausible alternative.

III.DEMOCRATICALLY INSTITUTIONALIZE MULTINATIONALITY AND ASYMMETRICAL FEDERALISM

As a model for territorial distribution of political power, federalism historically has provided a solution to the hobbesian problem of order without requiring a sovereign, but instead relying on a *self-reinforcing* pact (*foedus*) of vertical-functional and horizontal-territorial division of powers. Now, the federalism that is appropriate for a multinational state as discussed here, destined to "hold together" (34) several nations within a democratically and territorially legitimate state, cannot be the federalism of mononational states. In fact, the expression "asymmetrical federalism" was forged to express principally the heterogeneity and dynamism of the processes and negotiations that link various nationalities and a central state, from a relational perspective of actors and institutions (35).

In order to understand the implications of federalism in the sense expressed here, we must abandon the analysis of federal states as specific systems defined exclusively according to their exogenous effects, and also examine their endogenous political fundamentals. However, these fundamentals can hardly be discovered at present either in the philosophical field of generic federal principles ("autonomy", "sovereignty", and "the state") or in Nineteenth century nationalism ("self-determination", "sovereignism"…). Instead, a new examination of its *structure* needs to occur along "neoinstitutionalist" lines, paying attention to the most *dynamic* aspects of the arena of actors, their interests and their strategies, as well as the dimension of institutions of self-government and their efficacy in conforming and constituting national interests and identities.

In this sense, the contemporary debate on federalism is characterized by progress in three areas, although the three clearly converge with what has been stated in the last pages. We shall proceed to examine them for purposes of argumentation:

a) The surrender of any theoretical presumption that a canonical and closed "model" of the federal state is possible, substituted instead by a more modest perspective of institutional minimums that allow a structure to earn the federal label.

b) A distinction between ideological *federalism* (the federalist principle) and *federation* (the federal principle), as a political system that responds less to a

predetermined abstract institutional design, and more to the challenges and answers to various specific social, political and economic problems of a country.

c) Finally, the very terms of debate have moved away from the *structure* of the federation considered in a *static* perspective, and toward federation as a *process*, to be analyzed thus from an essentially dynamic standpoint, focussed on negotiations and agreements.

Concerning the first aspect, defining institutional minimums for a federal structure, two debates have recently been abandoned over the great concepts of "state" and "sovereignty": the confrontation since Calhoun over "state rights" and "national federalism" in the USA, and the disquisitions from Kelsen to Naviawsky between *Staatenbund oder Bundesstaates* in Germany and Austria.

It is significant that there is a convergence of opinions between Europe and America concerning the minimum requirements for a federal structure or *federal matrix* (36). This last concept relinquishes any pyramidal representation, with no loci of power, and is arranged as a horizontal distribution of *decisionmaking* and policy implementation arenas in matters of exclusive or concurrent jurisdiction. This infuses federalism with great flexibility and political adaptability, in contrast with the traditional jurist's perspective of rigid and hierarchical divisions of power. Thus, for Weber in his well-known *Kriterien des Bundesstaates*, the minimum institutional criteria are: 1. A state composed of territorially based units with administrative, legislative and political leadership powers; 2. Financial resources to carry out these commitments; 3. Participation of the federated units in federal policies through a second chamber and local execution of federal laws; 4. A rigid constitution as a strong guarantee in contrast to ordinary law; and 5. A principally judicial mechanism for the resolution of conflicts (37).

In turn Lijphart identifies five basic features: 1. A written constitution that regulates the territorial distribution of powers; 2. A bicameral parliament, with the second chamber representing the federated units; 3. Overrepresentation in this second chamber of the smallest units of the federation vis-à-vis the most populated ones; 4. Participation of the federated units in amending the federal Constitution; and 5. Political decentralization that is not merely administrative (38).

The axis of minimum institutional requirements for federalism is limited by most scholars to (39):

a) *political decentralization*, which includes not only legislative power in certain areas along with the corresponding economic resources, but also the capacity for differentiated political leadership of the federated community vis-à-vis other communities and the whole federal state.

b) *constitutional guarantee*, safeguarded by a judicial organ, so that in Ostrom's words a federal structure is presented principally as a "constitutional choice reiterated to apply to many units of government where each is bound by enforceable rules of constitutional law" (40).

c) *multiplicity of constituencies* enabling the formation of different majorities at central and regional level with the possibility of different political choices (41).

Multinational federalism is more a response to new demands for political decentralization of the state ("to hold together"), than to unification of dispersed elements ("To come together") (42). It implies a will to maintain a dynamic equilibrium around two poles, self-government and shared government, which is agreed upon and guaranteed by the constitutional process. This brings out the centrality of the constitutional moment, so that as Riker has stated, "if we ignore the constitutional factor…we lose the fundamental aspect of federalism" (43). In sum, the political key to federalism is manifest in two aspects that must not be forgotten: *self- rule* and *shared rule*. They determine its usefulness as an alternative to the emerging nationalizing logic of multinational states.

However, the centrality of the written Constitution as a guarantee, it cannot be a cause for ignoring the dynamic dimension of federalism as an *open process*. In his classical response to Wheare's thesis, and to the jurists in general, Friedrich insisted on the need to abandon the traditional categories of "state" and "sovereignty", employed repeatedly until that time to explain the federal political reality. Instead he proposed an unlikely conceptual distinction between state formations and those that do not enjoy that status, postulating the alternative of paying peremptory attention to the most lively and dynamic dimension of the *federalizing process* (44). A federation is thus built upon the assumption that political institutions are more favorably established upon stable and guaranteed but open pacts and consensus, setting the rules of the game (*constitutional bargain*), than upon organic developments or positivism of generic principles. The diverse variants of rational choice and public choice, as analytical approaches to the study of federalism, have all placed an emphasis on the

agreements between actors as a result of the political and economic conditions of the environment.

Initial economic and fiscal studies of federalism, while principally applying a normative dimension to their analysis, were able to highlight the degree to which political decentralization encourages the appearance of competitive conditions in the supply of public goods and services. This gives credence to the idea that federalism is ahead of the centralized state in being able to satisfy the citizen's preferences, which in these initial models are considered given, complete and transitive (45). Thus, the federal state is able to satisfy the preferences of a greater number of citizens precisely because it encourages different solutions from one state to another, assuming that these preferences are not distributed evenly among the population. This grants the federal system an ultimate superiority over the majoritarian democratic model (46).

Its subsequent development followed especially through the research program of *constitutional political economy*, which principally dedicated itself to the analysis of the effects of federalism. It focussed on providing, through a lens that was broader than just politics - reaching beyond normative to "positive", a vision of federalism as a mechanism for controlling the interventionist discretion of the state, dissolving this monopoly. The traditional model of Tiebout emphasizes the possibility of *exit* because of its low cost in a federal state, which encourages "voting with the feet". In contrast, Buchanan's argument is based on a different motivational assumption of the federal implementation of efficacy criteria, referring instead to the position of the Leviathan interested in maximizing taxes. Thus, Brennan and Buchanan carry out a cost/benefit analysis that conceives of federalism as the dispersal of fiscal authority between several federal levels in competition with each other, thus limiting the taxation potential (47). Federalism thus decreases the high mobility costs characteristic of a centralist state, thus blocking bureaucratization since it provides disincentives to fiscal pressure. In this fashion, interstate competition in search of greater fiscal resources and mobility between diverse federated units constitute two substantial axes of the federal model. In sum, greater efficiency is achieved by a plurality of federated units committed to competing with each other, which strengthens the cultural, political and economic wealth of federal multinationalism.

Riker would eventually be the one to address the decisive question of the reproduction of federalism and its stability as a structure, using arguments that are

of interest to us. In contrast with the behavioralism of the pluralist political theory, Riker will outline the stability of the US political system using purely institutional factors, in such a manner that central to his analysis will be the issue of federalism. This researcher (48) highlighted four decisive elements concerning the analysis of the *self-perpetuating* character of federal institutions: a) the requirement that political representatives reside in the state they represent; b) the variety of manners of electing a representative at the national level; c) the absence of power to dissolve the legislature; d) the existence of strongly decentralized parties.

In fact, the constitutionally-guaranteed territorial separation of powers is strengthened by the organizational decentralization of the parties, which avoids the establishment of a stable national leadership, thus blocking the formation of menacing majorities that might threaten the constitutional separation of powers. Since the legislators are elected according to rules established by their respective states, in electoral campaigns organized at a local level by the parties, and the president is unable to significantly influence the electoral outcome, there are few incentives to form centralized organizations at a federal level. As a result, the legislature defends the interests of the federated states against the "national" state.

On the other hand, the desire to win the presidency puts the breaks on local fragmentation, creating incentives for party coalitions at a federal level in order to compete in the election of the president. This decentralization/centralization equilibrium is spurred on by the rules of the game, bringing us back to the central status of the constitution as the outcome of an agreement that provides advantages to those who enter into it. Although never expressly stated, the underlying argument in Riker's work is that the conforming capacity of institutions leads us in one sense or another to question the basic assumption of the rational choice model, not only regarding federalism but also towards politics in general: the notion that preferences are given and complete. Both Arrow, and Riker himself, pointed out that from the same preferences it is possible to arrive at different outcomes depending on the aggregation procedures and decision making mechanisms used. In addition, analyses of institutions derived from economic theory will insist upon the fact that the success of collective decisions does not depend only on revealed preferences, but also on the capacity of the institutions to "wash", purify and even produce preferences. Institutions do matter, not so much in their capacity to restrict the actor's possible

course of action in pursuing his or her interests, but most of all because institutions are able to directly determine the interests and actors present .

The analytical axis that traditional studies majored on (federated states-federal state, dual federalism, national federalism, etc.) is now complicated by an additional level: the relationship between the federated states themselves, as a key level of the federal structure and processes. The substitution of hierarchy by competition, leaving aside the obsolete concepts of "sovereignty" and "state", implies an equal and non-hierarchical distribution of political power as a series of relations between equals, especially between the federated states themselves as a decisive level of analysis. All this highlights the usefulness of federalism in leading a multinational state to achieve solidarity through institutional arrangements.

For Breton federalism illustrates, or should illustrate if correctly formulated, the benefits of competition between institutions as such. This Canadian economist defends *competitive* federalism against the *cooperative* federalism of mononational states such as Germany, where "collusion, conspiracy and conniving between administrators and those administered" occurs and in the end joint decisionmaking is done inefficiently, negating the political decentralization characteristic of federalism. Shared powers, whether vertically between different levels of government (federal state, federated states) or horizontally between similar levels of government (federated states), both give life to the federal process (48). Among the mechanisms that stimulate efficiency, Breton first of all lists the Senate, as long as it is not constituted by proportional representation according to population. The federal Senate would thus carry out three functions in a federal system: 1) in a vertical competition sense, it introduces a confrontation between center/periphery which highlights peripheral demands; 2) in the horizontal competition sense it strengthens political equality, which creates pressure for economic equality, which is sine qua non for beneficial competition, requiring transfers that equalize the federated units; finally, 3) the federal Senate provides an arena for competition, avoiding restrictions to or lack of competition.

The ability of a second territorial chamber to function correctly would be determined by factors such as the index of representation of the federated units or the structure of the party system. Even more decisive than this institutional presence is the requirement that the federated states carry the weight of their own financial

decisions, with the subsequent citizen accountability, and not be able to unload the costs of their own decisions on other states. Territorial solidarity must not imply irresponsibility, creating non-competitive parasites, dependent on handouts.

This would be an extremely pernicious effect, as Brosio and others underwrite: a federated state that with a permissive policy would increase its level of wellbeing through, say, industry and banking expansion in its territory, would then find part of its wealth transferred outside its territory as aid to other areas. Nonetheless, the allocation of resources would be ideal, as the companies would be located in the most adaptable areas. There would be a need for framework agreements in the federal arena to avoid externalities (a weakening of environmental protection measures, worsening in the level of underdevelopment, etc.), and to avoid the *fiscal illusion* trap - an economy that parasitically depends upon handouts and circumvents making its citizens fiscally responsible - or the *race to the bottom*, deteriorating non-competitive conditions for the installation of industry and services. This need not imply a process of regulation at a higher level by the federal state, but rather might be implemented through *cooperative* federalism techniques (49). Examining the actors realistically, Salmon has insisted that citizens do evaluate the services provided by diverse federated states, comparing services and using this evaluation when it comes time to vote. The dimension of experimentation and innovation that is linked to territorial distribution of power would also derive from the *incentive scheme* of the federal competition logic(50).

Similarly, but from a neo-institutional standpoint of positivist constitutional theory, Weingast adds a third to Riker's two structural characteristics of federalism. Along with Riker's two levels of governmental organs - political decentralization with distribution of power between levels and a constitutional guarantee of this process, would be the dispersal of the loci of economic regulatory authority. Thus, the so-called *market-preserving federalism* would be built upon Tiebout's ideas, implying along with political decentralization and constitutional guarantees, two additional conditions: that the capacity for regulating the economy not be monopolized by the federal state and that the federated states not be able to create barriers to the goods and services offered by other states (federal or federated) (51). There are clear advantages: no monopolization of the global power to intervene in the economy, and competition between the federated units. In this way: a) only the economic

restrictions which citizens are willing to pay for will survive in the mid-range; b) the states will compete for residents and economic activity using their respective public policies instruments; c) shared fiscal responsibility would imply financial controls: citizens, politicians and investors would be vigilant of how taxes are spent. In this manner federalism considerably decreases the danger of income-seeking in the public sector, avoiding the formation of the classical "distribution coalitions", a parasite economy that is dependent upon subsidies and clientelist practices, such as exchanging votes for resources flowing from an external tax source.

If we empty these analyses of their neoliberal flavor, and retain the plausibility of their arguments, it is possible to postulate that *competitive* federalism may become, not a substitute as Weingast demands, but rather a complementary factor to *cooperative* federalism. In effect, cooperative federalism (52) owes its existence to policies directed toward the public interest, and developed in close linkage with the Welfare State. Social policies involving scarce resources require cooperation, through joint decisionmaking and not merely coordination between different levels of federated and federal governments. Oates has pointed out the pertinence of cooperative techniques that limit fiscal autonomy, which tends to create a lack of solidarity between rich and poor states, encouraging unequal development. But the price to pay, the dark side of the undeniable efficacy and social sense of extreme cooperative federalism, has also been a part of historical experience. There are four problems which scholars point out: 1) deparlamentarization of the political realm by a "federal state of governments", and along with a primacy of the executives a neocorporatist autonomy of the bureaucrats and technocrats - thus giving birth to a sort of "high civil servant oligarchy". 2) An exorbitant requirement for consensus through decisionmaking mechanisms that require unanimity or qualified majorities that become incentives for broad coalitions that diffuse political responsibility, weakening the possibilities of democratic control, and worst of all, grievously eroding political pluralism. 3) Generating *rent-seeking* in the public sector, with subsidy parasites and new forms of party clientelism, etc. 4) Centralization and erosion of the self-government of the federated states justified by the efficacy of global planning. In sum, the four critical arguments point toward a similar global problem - the deficit of political and economic power in cooperative neocentralism. Competitive federalism would thus provide an element of skepticism in politics, while also reminding us of

the need to avoid collusion of interests in the political class, unrestricted autonomy of the bureaucracies vis-a-vis the citizen's interests, or surrendering fiscal responsibility which links outflows to taxable income, etc.

Nevertheless, cooperative techniques are fundamentally important in the case of asymmetrical federalism, seen as an open and negotiable solution providing stability and harmonious coexistence in a multinational state, rather than a strategic prelude to secession. Asymmetrical or territorial federalism is that in which federal units coincide broadly with the territorial location of the diverse national or regional groups existing in a state. It is distinguished from non-territorial federalism basically in the heterogeneity of its federated state powers and the central nature of its linguistic and educational regimes. But asymmetrical federalism cannot in any fashion imply erosion of the interterritorial solidarity of the member states, which would then maintain or reinforce existing inequalities. The shared and cooperative dimension of federalism is central to the defense of the Welfare State, providing mechanisms for social equality, stabilization and legitimacy of the multinational state as a project to achieve egalitarian coexistence.

Asymmetry, cultural and political not economic, cooperation and competition would thus become principles of a federal and democratic multinational state, as a plausible institutional alternative to the logic of nationalism, secession and nationalizing states.

NOTES

(1) " Like the majority principle, the democratic process presupposes a unit. The criteria of the democratic process presuppose the rigthfulness of the unit itself" Dahl, R. *Democracy and its critics* (New Haven: Yale U. Press, 1989), p. 207

(2) Linz, J. & Stepan, A. *Problems of democractic Transition and Consolidation* (Baltimore: John Hopkins, 1996) p. 26

(3) Nodia, G. "Nationalism and Democracy" in Diamond, L. And Plattner *Nationalism, Ethnic conflict and Democracy* (Baltimore: John Hopkins, 1994) p.9

(4) Máiz, R. "Los dos cuerpos del soberano: el debate siobre la soberanía popular y la soberanía nacional en la revolución Francesa" in *Fundamentos* Vol I, n°1 pp. 176-214

(5) "These obscurities not only enable nationhood to generate powerful political communities... they make those communities seem natural" Canovan, M. *Nationhood and Political Theory* (Chetelnham: E. Elgar, 1996) p. 2

(6) See Warren, M. "Deliberative Democracy and Authority" *American Political Science Review,* Vol. 90, N°1 March 1996, pp. 46-60; and Máiz, R. "On Deliberation: Rethinking Democracy as Politics Itself" in E. Gellner (ed.) *Liberalism in Modern Times* (London: CEU, 1996) pp. 145-171

(7) Kymlicka, W. *Multicultural Citizenship* (Oxford: Oxford U. Press, 1995) p. 76

(8) Smith, A.D. *The Ethnic Origin of Nations* (Cambridge: CUP, 1986) p.15

(9) Tamir, Y. *Liberal Nationalism*, (Princeton: Princeton U. Press, 1993) p. 33

(10) Taylor, Ch. *Philosophy and the Human Sciences* (Cambridge: CUP, 1985) p. 25

(11) Tamir. Y. Op. Cit p. 90

(12) "Our nationalism is not presented as nationalism, which is dangerously irrational, surplus and alien...our nationalism appears as "patriotism" Billig, M. *Banal Nationalism* (London: Sage, 1995) p. 55

(13) See McGarry, J. and O'Leary, B. *The Politics of Ethnic Conflict Regulation* (London: Routledge, 1993) pp. 1-41

(14) Miller, D. *On Nationality* (Oxford: Oxford U. Press, 1995) pp. 49-73

(15) Anderson, B. *Imagined Communities* (London: NLR, 1983) p. 13

(16) Kymlicka, W. Op. Cit. P. 35

(17) Taylor;Ch. *Multiculturalism and "The Politics of Recognition"* (Princeton: Princeton U. Press, 1992) p.47.

(18) Van Parijs, Ph. *Real Freedom For All* (Oxford: Clarendon Press, 1996)

(19) Huber, Ragin & Stephens "Democracy, Constitutional Structure and The Welfare State" *American Journal of Sociology,* 99-3, pp. 668-674

(20) Miller, D. Op. Cit p. 23

(21) Taylor op. Cit p. 23

(22) Raz, J. "Multiculturalism: a liberal perspective" *Dissent* winter 1994 pp. 67- 78; Sartori, G. "Pluralismo, multiculturalismio e estranei" *Rivista Italiana di Scienza Politica,* XXVII, n°3 1997 pp. 477-493

(23) Rawls, J. *Political Liberalism* (New York: Columbia U. Press, 1993) p. 65

(24) Brubaker, R. *Nationalism Reframed* (Cambridge: CUP, 1996), pp. 79-98

(25) Linz, J. "Plurinazionalismo e Democrazia" *Rivista Italiana di Scienza Politica,* XXV, n°1, 1995 pp. 21-50

(26) Dahl, R. *Democracy, Liberty and Equality* (Norwegian U. Press, 1986) pp. 114-126

(27) Brubaker, R. *Nationalism Reframed* cit. p. 43

(28) Máiz, R. "Nacionalismo y Movilizacion Política" *Zona Abierta*, Madrid, 1997, Nº79, pp: 167-217

(29) Meadwell, H. "Transitions to independence and ethnic nationalist mobilization" in Booth, James and Meadwell *Politics and Rationality* (Cambridge: CUP, 1993)

(30) Stavenhagen, R. *Ethnic Conflicts and The nation State* (London: MacMillan, 1996) p. 47

(31) Miller, D. *On Nationality* cit. pp: 43,70

(32) Tamir, Y. *Liberal Nationalism* cit. pp:32,48

(33) Máiz, R. "Dilemas del nacionalismo democrático" *Claves de Razón Práctica*, Madrid, 1997 pp. 32-38

(34) A. Stepan "Toward a New Comparative Analysis of Democracy and Federalism: Demos constraining and Demos enabling Federations" Paper for the Panel Comparative Questions, Meeting of the International Political Scvience Association, XVII World Congress, Seoul 1997; Juan Linz "Democracy, Multinationalism and federalism" Working Paper, CASS, Madrid, 1997

(35) Requejo, F. "Pluralismo, democracia y federalismo" en *Revista Internacional de Filosofía Política* Madrid, Mexico nº 7, 1996 pp. 93-120

(36) Elazar, D. *Exploring Federalism* (Tuscaloosa: University of Alabama Press, 1987) p. 37

(37) Weber, K. *Kriterien des Bundesstaates,* (Braumüller: Wien, 1980)

(38) Lijphart, A. *Democracies: Patterns of Majoritarian and Consensus Government in Twenty-one Countries*(New Haven: Yale U. Press, 1984)

(39) Riker, W. *Federalism* (Boston: Little Brown,1964); Watts, R. *Comparing Federal Systems in the 1990s* (Kingston: Queen's University, 1996)

(40) Ostrom , V. *The Political Theory of a Compound Republic* (Blacksburg: Va, 1971) p. 25

(41) Weingast, B. "Constitutions as Governance Structures: The Political Foundations of Secure Markets" *Journal of Institutional and Theoretical economics,*149,1, 1993 pp. 286-311

(42) Stepan, A. "Toward a New Comparative Analysisi..." cit. p. 4

(43) Riker, W. Op. Cit. p34. For Dahl federalism "is a system in which some matters are exlusively within tha competence of certain local units and are constitutionally beyond the scope of the autorithy of the national government; and where others natters are constitutionally outside the scope of the smaller units" in *Democracy, Identity and Equality* cit. p 114. But that national forces must be structurally restrained from infringing on the federal bargaining is only a necessary but not sufficient condition for durable federalism; regional temptations to renege on federal arrangements must be checked by the application of legal rules enforced by an independent judiciary. Bednar, Eskridge and Ferejohn "A Political theory of Federalism", Woerking Paper, Stanford, 1997

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(45) See Mueller, D.C. "Federalism" in *Constitutionnal Democracy* (Oxford: Oxford U. Press, 1996) pp 77-93

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(48) Breton, A. " Towards a Theory of Competitive Federalism" *Eurpean Journal of Political Economy* 3, 1987, 229-263

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(50) Salmon, P. "Decentralisation as an Incentive Scheme" *Oxford Review of Economic Policy*, 1987, III, 2, pp: 24-43

(51) Weingast, B. "Federalism chinese style" *World Politics* 48, 1995, pp. 50-81

(52) Kisker, G. *Kooperation in Bundesstaat* (Tübingen: Meiner, 1971)